

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 March 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 March 2019 .2
- 4.2 Minutes of the Bayside Local Planning Panel Meeting - 19 March
201910

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

- 6.1 S82-2018/6 - 241 O'Riordan Street, Mascot13
- 6.2 DA-2016/325/E - 16-20 Princess Street, Brighton Le Sands68
- 6.3 DA-2007/23/2/F - 30-32 Guess Avenue & 4 Lusty Street, Wolli
Creek.....128
- 6.4 SF19/471 - DA-2018/1177 - 1675 Botany Road, Botany.....183

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

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

Meredith Wallace
General Manager

Bayside Local Planning Panel

26/03/2019

Item No	4.1
Subject	Minutes of the Bayside Local Planning Panel Meeting - 12 March 2019
Report by	Michael McCabe, Acting General Manager
File	SF18/2994

Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 12 March 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Jan Murrell, Chairperson
Ross Bonthorne, Independent Expert Member
Stephen Moore, Independent Expert Member
Amber O'Connell, Community Representative

Also present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Christopher Mackay, Coordinator Development Assessment
Ben Latta, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
AnaTrifunovska, Development Assessment Planner
Julia Hunt, Development Assessment Planner
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.00 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 - 26 February 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 26 February 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

4.2 Minutes of the Bayside Local Planning Panel Meeting - 5 March 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 5 March 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2013/167/B - 2 Frederick Street, Rockdale

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

The following people spoke:

- Mr Jakir Anam, interested resident, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Mohamad Eldardiry, architect / applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Section 4.55(2) Modification Application seeking: to extend hours of operation to existing place of public worship and community facility to 11.00 pm, seven days a week; new front fence; internal alterations; and changes to facades at 2 Frederick Street, Rockdale is APPROVED subject to the following amended and additional conditions:

1. Condition 2 is to be amended to refer to the plans approved under this modification, with the exception of the front fence which will be subject to further detailed design.

2. Condition 2B is to read as follows:

A Building Information Certificate shall be lodged with Council no later than 12 August 2019 for external / internal building works that are inconsistent with the approved DA plans.

3. Condition 10 is to read:

The hours of operation for the place of public worship are restricted to between 5.30 am and 9.30 pm, seven days a week.

Notwithstanding the above approved hours for the place of public worship, a trial period of 12 months for the hours 5.30 am to 11.00 pm, seven days a week, is approved from the date of this approval.

Within the twelve months, if the extended hours are sought to be extended a new application shall be submitted to Bayside Council for extension of the extended hours. Such an application shall include details of a complaints register recording incidents received during the trial period. Council's consideration of proposed continuation of the extended hours will be based on, amongst other things, the performance and operation of the facility and compliance with the development consent conditions.

4. The following additional conditions be added in relation to the operation of the premises:

10A All windows and doors to be closed during all prayers and service.

[Amendment B – S4.55(2) inserted on 12 March 2019]

Reason for additional Condition 10A is:

- To ensure that the amenity of the neighbouring residential properties is maintained.

10B No noise from the interior of the Mosque shall be heard outside the Mosque at any time during the day, evening or night.

[Amendment B – S4.55(2) inserted on 12 March 2019]

Reason for additional condition 10B is:

- To ensure that the amenity of the neighbouring residential properties is maintained.

10C The Plan of Management (POM) titled '2 Frederick Street, Rockdale' prepared by Willana Associates dated August 2018 shall be adhered to.

[Amendment B – S4.55(2) inserted on 12 March 2019]

Reason for additional condition 10C is:

- To ensure that the premises operates in an orderly manner.

10D Congregating outside of the premises must not exceed beyond 30 minutes after an approved prayer service and must take place within the approved hours of operation.

[Amendment B – S4.55(2) inserted on 12 March 2019]

- To ensure that the amenity of the neighbouring residential properties is maintained.

10E A counter must be stationed at the main entry to the prayer hall to count the number of worshippers entering the prayer hall.

[Amendment B – S4.55(2) inserted on 12 March 2019]

- To ensure that that the maximum number of patrons as approved is not exceeded.

10F The installation of any toilet exhaust fans and/or air conditioning units, shall adhere to the following:

- Roof, window and wall mounted exhaust fans are not permitted;
- All exhaust fans shall be contained within the roof space or ceiling and shall be ducted to the exterior;
- The air conditioning unit is to be located at the eastern side of the site facing Railway Street.

[Amendment B – S4.55(2) inserted on 12 March 2019]

- To ensure that required plant is installed in a manner that minimises impact on the built environment.

5. Condition 16 to be amended to read:

Adopt and implement all recommendations contained in the acoustic report prepared by Acoustic Noise and Vibration Solutions dated 17 January 2019.

6. Condition 18 to be deleted as it is a duplicate of Condition 10B.

2 That the objectors be notified of the Bayside Local Planning Panel decision.

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

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

Reason for the Panel's Determination

The Panel is satisfied, with the conditions recommended and as amended, the modification warrants approval on the basis of a trial period of twelve months. This will allow any community concerns to be addressed and taken into consideration if a request for permanent extended hours is made.

By way of comment, the Panel notes that while the original approval was granted in 2013, an interim Occupation Certificate has only been issued and the applicant is urged to complete works within a reasonable timeframe for a final Occupation Certificate to ensure compliance with the BCA/NBC and occupational health and safety standards.

6.2 DA-18/1199 - 1/25 Dalley Avenue, Pagewood

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

The following person spoke:

- Mr James Chappell, town planner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- That the Development Application No. DA-2018/1199 for the proposed use of the premises as a liquor shop and associated internal fitout works at 1/25 Dalley Avenue, Pagewood 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.
- That the objector(s) be advised of the Bayside Planning Panel's decision.

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

Reason for the Panel's Determination

The Panel is satisfied that with the recommended conditions the impacts of the development will be minimised.

6.3 SF18/2444 - DA-2015/88/04 - 141 O'Riordan Street, Mascot

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

The following person spoke:

- Mr Walter Gordon, Head of Planning and Development, Meriton Group, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

That the Bayside Local Planning Panel approves Section 4.55(1A) Application to modify Development Consent No. 2015/88 to modify or delete Condition Nos. 119 and 125 which relates to public domain works and positive covenant occupation conditions at 141 O'Riordan Street, Mascot as follows:

- a delete Condition No. 119 which relates to registration of a positive covenant on the land relating to stormwater detention / infiltration system; and
- b delete Condition No. 125 which relates to completion and approval of associated works on Council land.

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

Reason for the Panel's Determination

This modification allows for the surrender of the consent for the construction of the basement. The Panel is satisfied that the more recent development approval for the residential flat building above the basement provides for a strengthening of Condition 119, and Condition 125 is no longer imposed by the Council on development consents.

6.4 SF19/386 - DA-2016/165/02 - 19-25 Robey Street, Mascot

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

The following person spoke:

- Mr John Chudleigh, Project Manager, Inca Property Group, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

That the Bayside Local Planning Panel APPROVES Section 4.55(1A) Application to modify Development Consent No. 2016/165 as follows:

- 1 that Condition No. 1 is modified to reflect the proposed plans that are subject to this application;
- 2 that Condition No. 33 is modified to read 'Prior to the issue of the Construction Certificate, details shall be provided certifying that all Ausgrid requirements have been satisfied.';
- 3 that Condition No. 95 b) is added to maintain safety for pedestrians due to the revised location of the travel path; and
- 4 that Condition No. 107 is amended to reflect Council's Development Engineers' requirements.

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

Reason for the Panel's Determination

The Panel is satisfied that the built form outcome is improved and the condition requires Ausgrid to be satisfied.

6.5 SF19/299 - DA-2018/1192 - 10 Garden Street, Eastlakes

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

The following person spoke:

- Mr Rodney Yannakis, Rodney Albert Yannakis & Associates, property development consultant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That this item be deferred to allow the applicant to submit an amended plan to address streetscape issues including: the possibility of a central driveway crossing of minimum width; the addition of canopy trees to the front setback areas; and shared entries on the driveways rather than individual pathways; clarification of the canopy trees in the rear yard, in particular the one to be retained; and the relocation of the bin storage within the garages.

The amended plans shall be submitted within fourteen days to allow Council officer's assessment and the matter referred back to a Panel in a timely way.

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

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

Reason for the Panel's Determination

The Panel considers it is important for development with five metre frontages to provide an appropriate streetscape presentation including soft landscaping. The applicant agreed to defer the matter to allow amended plans to be submitted to address the above.

The Chairperson closed the meeting at 8.00 pm.

Certified as true and correct.

Jan Murrell
Chairperson

Bayside Local Planning Panel

26/03/2019

Item No	4.2
Subject	Minutes of the Bayside Local Planning Panel Meeting - 19 March 2019
Report by	Michael McCabe, Acting General Manager
File	SF18/2994

Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 19 March 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Jan Murrell, Chairperson
Ross Bonthorne, Independent Expert Member
Stephen Moore, Independent Expert Member
Amber O'Connell, Community Representative

Also present

Michael McCabe, Director City Futures
Clare Harley, Manager Strategic Planning
Josh Ford, Coordinator Strategic Planning
Samantha Urquhart, Manager Property
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.08 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

Nil

5 Reports – Planning Proposals

5.1 Draft Planning Proposal - Reclassification of Public Land: Lot 3 DP1247416, Arncliffe

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

The following person spoke:

- Mr Michael Gheorghiu, town planner, Tudor Planning & Design, spoke for the officer's recommendation and responded to the Panel's questions.

Recommendation to Council

- 1 The Bayside Local Planning Panel recommends to Council that pursuant to section 3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), the draft Planning Proposal for land known as Lot 3 DP1247416, Arncliffe be submitted to the Department of Planning & Environment (DPE) for a Gateway Determination.
- 2 The Bayside Local Planning Panel recommends to Council that the matter be forwarded for a Gateway Determination by DPE to permit exhibition of the Planning Proposal, a public hearing take place in accordance with the provisions of the *NSW Local Government Act 1993* and the DPE's *Practice Note PN 16-001 Classification and Reclassification of Public Land through a Local Environmental Plan*.
- 3 The Bayside Local Planning Panel recommends to Council that, should a Gateway Determination be issued by DPE to permit exhibition of the Planning Proposal, a post-exhibition report be provided to the Bayside Local Planning Panel and Council, outlining any submissions received during the exhibition period, including any submissions made at the public hearing.
- 4 In recommending to the Council that this Planning Proposal proceeds the Panel, as a key consideration, is satisfied that the strategic merits are met and also the site specific merits. In this regard the Panel has considered the requirements of the Planning Circular PS 18-012 and the Practice Note 16-001 issued by the Department of Planning and Environment.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amber O'Connell



Reason for the Panel's Recommendations

The Panel supports the Council Officer's report and recommendation together with the independent consultant's report. It would appear that this Planning Proposal has a great deal of strategic merit and local site specific merit and the reclassification of the land from Community to Operational could have been carried out via land notification in accordance with the Local Government Act at the time of the land registration.

The Panel notes that significant strategic – structure planning has preceded the land swaps and the reclassification is the final step required to ensure a mutual community benefit occurs in accordance with the strategic planning work.

The Panel also notes the Rockdale DCP 2011 (Part 7.2 Bonar Street Precinct) illustrates the structure plan as the relevant strategic document (as attached). The DCP facilitated the land swap process in accordance with a previous Planning Proposal and Voluntary Planning Agreement (VPA) in 2015.

The previously legislated Planning Proposal and VPA required the residual land (the land the subject of this current Planning Proposal), located north of Bidjigal Road, to be transferred to the adjoining owner (the Martin Avenue site) free of cost and without any floor space ratio entitlements.

This planning proposal reclassifies the land and allows for the transfer to realise Part 7.2 of the DCP.

Attachments

- 1 Rockdale DCP 2011 (7.2 Bonar Street Precinct)
[Rockdale DCP 2011](#) (refer pages 182 and 183)

6 Reports – Development Applications

Nil

The Chairperson closed the meeting at 6.30 pm.

Certified as true and correct.

Jan Murrell
Chairperson

Bayside Local Planning Panel

26/03/2019

Item No	6.1
Application Type	S8.2 Review of Determination
Application No	S82-2018/6
Lodgement Date	12/12/2018
Property	241 O'Riordan Street, Mascot
Ward	Mascot
Owner	Stamford Sydney Airport (2000) Ltd
Applicant	Justin Hughes, EI Media
Proposal	Installation of two (2) digital advertising signs
No. of Submissions	Nil
Cost of Development	\$242,000.00
Report by	Michael McCabe, Acting General Manager

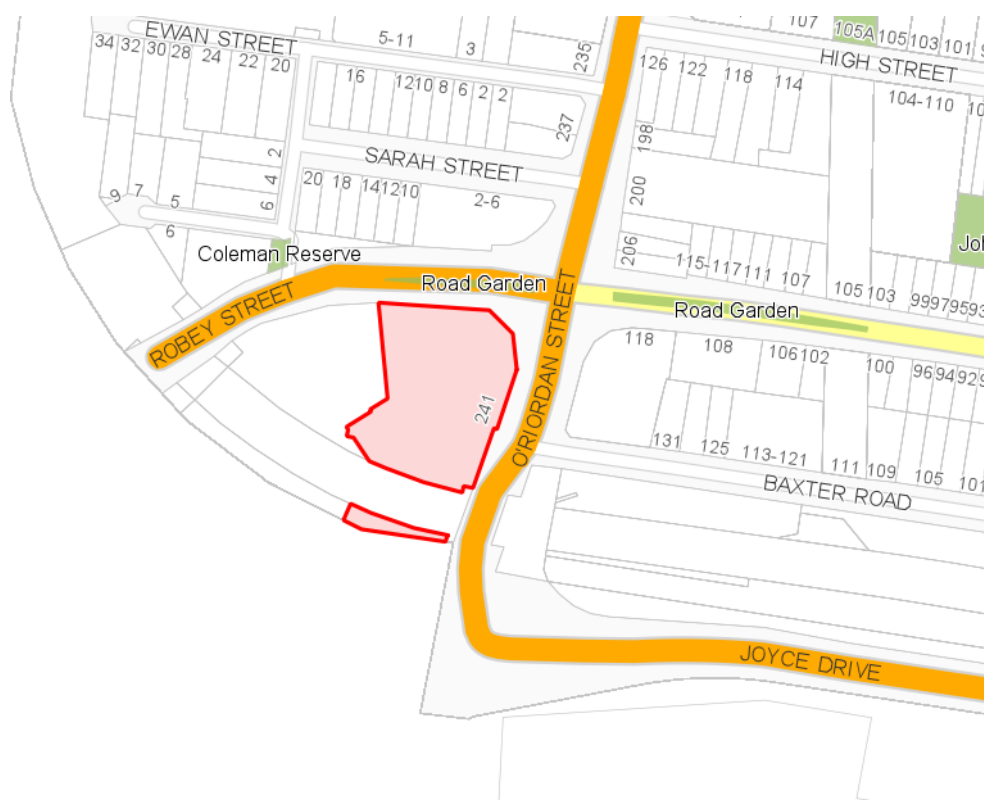
Officer Recommendation

- 1 That Review of Determination of Development Application (S82-2018/6) of DA-2018/1069 for the installation of two digital signs confirm the refusal of the development application with additional reasons for refusal.
 - 2 Pursuant to section 8.4 of the *Environmental Planning and Assessment Act 1979* the determination of DA-2018/1069 be refused for the following reasons:
 1. The proposed development, pursuant to the provisions of *Clause 3 of the State Environmental Planning Policy No 64 – Advertising and Signage*, is not consistent with the objectives of the SEPP as it is not compatible with the desired and future character of the precinct and results in visual advertising clutter and driver distraction.
 2. The proposed development, pursuant to the provisions of *Clause 17(3)(a) of the State Environmental Planning Policy No 64 – Advertising and Signage*, results in undesirable and unacceptable impacts on the streetscape.
 3. The proposed development is not consistent with the objectives of Sections 2 and 3 of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017, in that it results in unacceptable visual clutter, reducing sign spacing, adverse impacts on the streetscape, and contributes to driver distraction in the immediate locality.
 4. The proposed development is not consistent with the requirements of Section 4 of the Transport Outdoor Advertising Signage Guidelines 2017, in that it fails the public benefit test by offering no public benefit.
 5. Pursuant to the provisions of *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is not consistent with the objectives of the Botany Bay Development Control Plan 2013
-

in that it is not sympathetic to the surrounding built form, does not appropriately address the local streetscape of the precinct, has an unacceptable impact on the streetscape, adds to visual advertising clutter and is not compatible with the desired future character of the precinct.

6. 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) Adds to visual advertising clutter;
 - b) Unsympathetic to the desired and future character of the precinct;
 - c) Results in reduced sign spacing due to too many signs in a visible sequence; and
 - d) Contributes to driver distraction in the immediate locality.
 7. The proposed development, pursuant to the provision of *Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979*, is not considered suitable for the site in terms of the type of development as it is excessive in terms of size, results in undesirable and unacceptable impacts on the streetscape and adverse impact on the surrounding built environment.
 8. Having regard to the issues raised in the submission received by Council in opposition to the proposed development, pursuant to the provisions of *Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979*, the proposal results in unacceptable visual advertising clutter, streetscape appearance and sets an undesirable precedent within the area.
 9. 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.
-

Location Plan



Attachments

- 1 s8.2 Planning Assessment Report [↓](#)
- 2 Previous DA Assessment Report - Refusal - 241 O'Riordan Street Mascot DA-2018/1069 [↓](#)
- 3 Map of existing current signs in vicinity [↓](#)
- 4 RMS response [↓](#)
- 5 Supporting Documentation [↓](#)
- 6 Urban Street Scape Report Visual Part 1 [↓](#)
- 7 Urban Street Scape Report Visual Part 2 [↓](#)
- 8 Urban Street Scape Report text [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	S8.2-2018/6
Date of Receipt:	10 December 2018
Property:	241 O'Riordan Street, Mascot
Owner:	Ovenard Investments Pty Ltd
Applicant:	Price and Speed Clearances Pty Ltd
Proposal:	Installation of two (2) digital advertising signs
Recommendation:	Confirm determination with same reasons for refusal
No. of submissions:	One
Author:	Petra Blumkaitis – Council development assessment
Date of report:	1 March 2018

Key Issues

- Council received Development Application No. 2018/1069 on 30 May 2018 for the installation of two digital signs. One flush mounted onto the western wall of the hotel building and one pole-mounted sign within the landscape area on the corner of Robey Street and O'Riordan Street.
- Following an assessment, the development application was refused under delegated authority on 12 December 2018.
- The key issues with this application relate to visual advertising clutter and the overall number of signs within the immediate area, which has been determined to contribute to driver distraction in the immediate locality.
- The review of the determination agrees with the conclusions made in the assessment report and recommends confirming the determination.

Recommendation

- A. That Review of Determination of Development Application S82-2018/6 of DA-2018/1069 for the installation of two digital advertising signs confirm the refusal of the development application with additional reasons for refusal.
- B. Pursuant to section 8.4 of the *Environmental Planning and Assessment Act 1979* the determination of DA-2018/1069 be refused for the following reasons:
1. The proposed development, pursuant to the provisions of *Clause 3 of the State Environmental Planning Policy No 64 – Advertising and Signage*, is not consistent with the objectives of the SEPP as it is not compatible with the desired and future character of the precinct and results in visual advertising clutter and driver distraction.

2. The proposed development, pursuant to the provisions of *Clause 17(3)(a) of the State Environmental Planning Policy No 64 – Advertising and Signage*, results in undesirable and unacceptable impacts on the streetscape.
3. The proposed development is not consistent with the objectives of Sections 2 and 3 of the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*, in that it results in unacceptable visual clutter, reducing sign spacing, adverse impacts on the streetscape, and contributes to driver distraction in the immediate locality.
4. The proposed development is not consistent with the requirement of Section 4 of the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*, in that it fails the public benefit test by offering no public benefit.
5. Pursuant to the provisions of *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is not consistent with the objectives of the Botany Bay Development Control Plan 2013 in that it is not sympathetic to the surrounding built form, does not appropriately address the local streetscape of the precinct, has an unacceptable impact on the streetscape, adds to visual advertising clutter and is not compatible with the desired future character of the precinct.
6. 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) Adds to visual advertising clutter;
 - b) Unsympathetic to the desired and future character of the precinct;
 - c) Results in reduced sign spacing due to too many signs in a visible sequence; and
 - d) Contributes to driver distraction in the immediate locality.
7. The proposed development, pursuant to the provisions of *Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979*, is not considered suitable for the site in terms of the type of development as it is excessive in terms of size, results in undesirable and unacceptable impacts on the streetscape and adverse impact on the surrounding built environment.
8. Having regard to the issues raised in the submission received by Council in opposition to the proposed development, pursuant to the provisions of *Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979*, the proposal results in unacceptable visual advertising clutter, streetscape appearance and sets an undesirable precedent within the area.
9. 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.

Site Description

The site is legally known as Lot 1 in DP 1039806. The subject site is a corner allotment and is located at the intersection of O'Riordan Street and Robey Street, with O'Riordan Street to the east and Robey Street to the north. The site is located in the B5 Business Development zone with two street frontages facing O'Riordan and Robey Streets. The site contains the Stamford Plaza Hotel building and several other commercial uses.

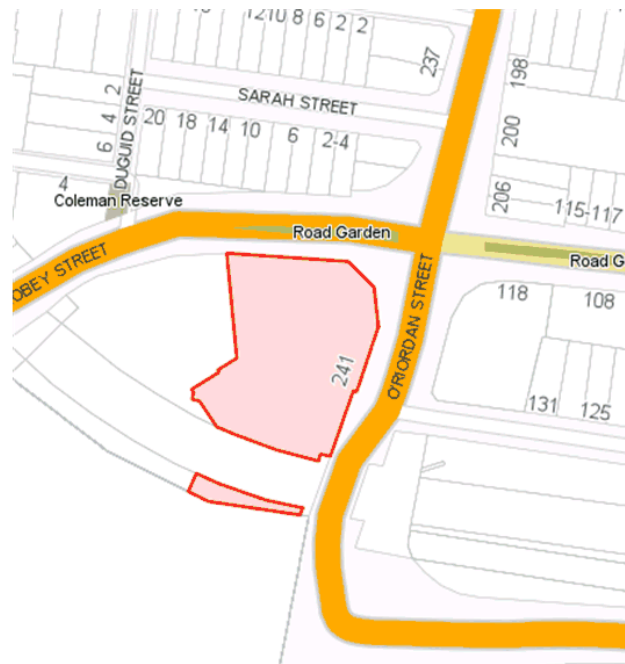


Figure 1. Locality Map



Figure 2. View of the building from intersection of Robey and O'Riordan Streets

Application History

- 2 May 2018 - DA-2018/1069 lodged with Council.
- 16 - 30 May 2018 - Public exhibition. One objection received.
- 27 June 2018 - Council advised the applicant that concurrence was not granted by RMS for the proposed signage due to road safety concerns. Under the provisions of Clause 18(2) of SEPP 64, Council must not grant consent to the display of an advertisement to which this clause applies without the concurrence of RMS. Numerous revisions were submitted and the application was referred back to the RMS for another assessment.
- 7 August 2018 - Meeting held between the applicant and RMS to discuss RMS concerns due to concurrence not being granted after the application was referred for a third time for another assessment. The RMS granted concurrence to the proposal subject to a trial period of 18 months and an increased dwell time.
- 24 August 2018 - Revised application following discussion with RMS, received by Council.
- 12 December 2018 - DA-2018/1069 refused under delegated authority.
- 10 December 2018 - s8.2 Review application lodged with Council.

Description of Development

The development application seeks Council consent for the erection of two (2) digital (LED) advertising signs with the following dimensions:

- 1) A 12m by 3.6m digital advertising sign fitted on a frame mounted to the wall of the building facing towards O'Riordan Street.
- 2) A 6m x 3.2m freestanding digital advertising sign elevated 2.6m from the ground facing towards Robey Street.

The applications also seeks consent for the demolition of the existing wall sign along O'Riordan Street and removal of three existing palm trees.

The proposed signs will display advertising content for national campaigns by various advertising companies. Both signs will display a series of static images and will not scroll, flash, flicker or include animation.

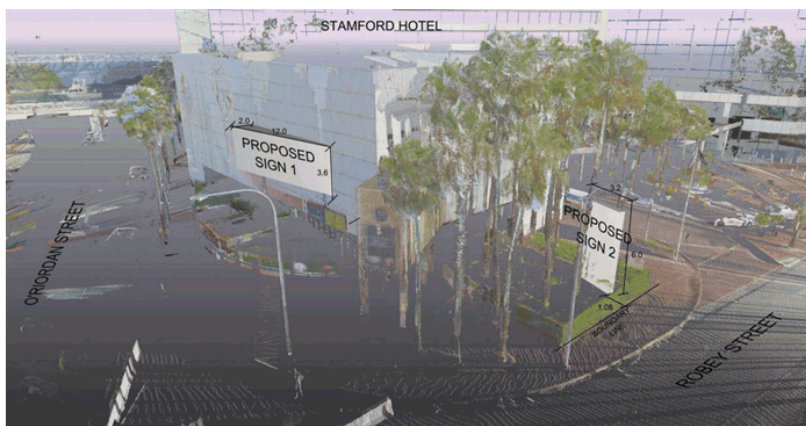


Figure 3. Proposed Location of Signage

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*.

Section 8.2 Determinations and decisions subject to review

Pursuant to Section 8.2(1)(a) of the EP&A Act, the determination of an application for development consent by a council can be subject to review under this Division. Since the application is not for complying development, designated development or Crown development, it can be reviewed under this Division.

This Review Application is lodged pursuant to Section 8.3(1) of the EP&A Act and it may amend the proposal but only if the consent authority is satisfied that it is substantially the same development (S8.3(3) of the EP&A Act). It is considered that the proposal as outlined in the Review Application is substantially the same development as the original application.

The time within which the review application must be made is six (6) months pursuant to Section 8.10 and 8.3(2)(a) of the EP&A Act. Since the development application was refused on 12 December 2018, the application can be determined by the Council/the Panel as it has been lodged in the required time frame.

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. 64 – Advertising and Signage

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

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

(a) that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Accordingly, the proposed signage has been assessed against Clauses 8 and 13 of SEPP 64 which requires Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the SEPP and to assess the proposed signage against the assessment criteria of Schedule 1.

The proposed development seeks consent for the erection of two signs (one projecting from the building wall facing O'Riordan Street and a freestanding one within the side setback landscaping area facing Robey Street). The proposed signs will display advertising content for national campaigns by various advertising companies. Accordingly the application is considered against Schedule 1 of SEPP 64 – Advertising and Signage.

The assessment criteria contained in Schedule 1 are addressed in detail below:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The subject site is situated within the B5 Business Development zone within the Mascot Business Development Precinct. The proposed signage is not consistent with the desired future character of the area as it creates negative impacts on the visual amenity of the area by way of visual advertising clutter. Further, visual impacts from the installation of the proposed signage prevents the area from positively achieving its gateway function.	No
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There are numerous signs within close proximity to the proposed signs which are of similar or larger size and scale, however the proposed signage will reduce the sign spacing and contribute to unacceptable visual advertising clutter. Therefore the signage will not result in a consistent theme for outdoor advertising within this precinct.	No
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas,	The proposed signage is located in a mixed use area and is not located in an environmentally sensitive area, heritage area, natural or other conservation area, open space area, waterway, rural landscape or other area.	No

Matters for Consideration	Comment	Complies
waterways, rural landscapes or residential areas?	The signage is however proposed to be installed within a highly visible space and is within an area which acts as a gateway to the Sydney Airport. The excessive size and scale of the proposed signage detracts from the amenity and visual quality of this area.	
3. Views and vistas Does the proposal obscure or compromise important views?	Both signs do not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs are of excessive size and scale and as a result reduces the quality of the streetscape. The proposed signs will not dominate the skyline as the area is densely developed and the signs would be located below the existing skyline.	No
Does the proposal respect the viewing rights of other advertisers?	The proposal will not hinder the viewing of other signs.	Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the proposed signage is similar to other signs within the area. However, acknowledging that the scale and proportion is similar to the other signs in the area, the proposed signs are not considered appropriate for the proposed location and result in visual clutter and driver distraction.	No
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs will have negative impacts on the streetscape amenity of the locality due to the large number of signs existing within locality.	No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is existing signage on the hotel building, and numerous larger signs located to the east and south of the proposed signs. The proposal will introduce two new large signs and will not reduce clutter.	No
Does the proposal screen unsightliness?	The proposed signage is being erected on the wall of an existing building and within an existing garden bed, and therefore does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Both signs do not protrude above the existing building or trees.	Yes
Does the proposal require ongoing vegetation management?	Proposed sign 2 is surrounded by existing vegetation. The owner would be required to ensure existing vegetation surrounding the sign is maintained.	Yes

Matters for Consideration	Comment	Complies
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The size and scale of the proposed signage is inappropriate for the existing site.	No
Does the proposal respect important features of the site or building, or both?	The proposed signage is not visually pleasing and is not compatible with the features of the building and site. The signage is considered to be of an inappropriate size for the site and building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are standard, digital advertising signs. No innovation or imagination is identified in the proposal.	No
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage and associated devices are designed in accordance with the relevant Australian Standards where necessary.	Yes
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	A light impact assessment was submitted with the application. The application was referred to RMS for assessment and in order to reduce illumination to an acceptable level, conditions were recommended by RMS to reduce the proposed dwell time to 60 seconds.	Yes
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	RMS provided a luminance level table attached to the concurrence issued for the DA. The luminance of the proposed signs is to comply with the table. The applicant has not indicated whether the proposed signs can comply with the luminance table supplied by RMS. The application proposes to operate the signs continuously for 24 hours, 7 days a week.	No
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	A Road Safety Assessment Report was submitted and referred to the RMS for assessment. The proposal is considered acceptable by RMS subject to an 18 months trial period to monitor impacts. Should the trial period determine non-compliance with RMS requirements, the display of advertisements would revert to a 24 hours static display with the display change to occur in the early hours of	No

Matters for Consideration	Comment	Complies
	the morning (prior to network peak hours). Notwithstanding the above comments and draft conditions received from NSW RMS, Council maintains that the proposed signage will contribute to the overall driver distraction at the immediate locality and as such is not supported.	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The location of the proposed signage does not impede any sightlines from any public area.	Yes

Clause 13:

Clause 13(2) applies to the proposed development because Clause 18 also applies to the case.

- Clause 13(2)(a) is addressed on page 6 of this report.
- Clause 13(2)(b)(i) and (ii) requiring the assessment of the design of the proposal and the road safety impacts is addressed throughout this report.
- Clause 13(2)(b)(iii) requires the assessment of the public benefit to be provided in connection with the display of the advertisement. A public benefit may take the form of fees paid to Council or in-kind contributions linked to improvements in local community services and facilities such as:
 - Improved traffic safety (road, rail, bicycle and pedestrian),
 - Improved public transport services,
 - Improved public amenity within, or adjacent to, the transport corridor,
 - Support for school safety infrastructure and programs, or
 - Other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, provide community information or broadcast emergency messages.

The provision of public benefit is addressed below:

The Statement of Environmental Effects (SEE) which accompanied the development application stated: *"The applicant will provide community contribution for major emergencies, advertising to NSW Government Emergency and Police Agencies, State and Federal Government advertising will take precedence over advertising to ensure safety of community for major emergency/ natural disaster."*

No formal arrangement to ensure State or Federal government use of the sign was presented to Council. Additionally, the SEE did not offer any use of the signs or other in-kind contribution to local government and communities.

Insufficient public benefit was ascertained in the assessment of the proposal, and no public benefit was identified during the review of the determination. As such the proposal fails the public benefit test detailed in Part 4, Clause 4.1 of the Transport Corridor Outdoor Advertising and Signage Guidelines.

Clause 17:

The proposed development has a display area of greater than 20m² and is higher than 8 metres above ground. Accordingly, the application is considered against Clause 17 of SEPP 64. Clause 17 (3) requires consent not be granted unless:

(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts; and

(b) the application has been advertised in accordance with section 79A of the Act; and

(c) the consent authority gave a copy of the application to RMS at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.

The applicant has supplied an impact statement however Council is not satisfied that the proposal is acceptable in terms of its impacts, see table above.

The Review application was notified in accordance with section 79A of the EP&A Act between 18 December 2018 and 15 January 2019.

A copy of the Review application was referred to RMS on 27 December 2018. RMS replied on 30 December 2018 with the same concurrence subject to conditions supplied to the original development application 2018/1069.

Clause 18:

As the proposed signage is greater than 20m² and within 250 metres of, and visible from, a classified road, consent must not be granted without the concurrence of RMS. The application was referred to the RMS and concurrence has been granted under this clause subject to conditions requiring a trial period of 18 months and a dwell time of 60 seconds, instead of 10 seconds as proposed, as well as other restrictions.

Council relies on the road safety expertise of RMS and acknowledges the granting of concurrence in this instance, with the restrictions imposed. Notwithstanding the above comments and draft conditions received from RMS, Council maintains that the proposed signage will contribute to the overall driver distraction at the immediate locality and as such is not supported.

Clause 22:

One sign is proposed to be mounted on the eastern wall of the existing hotel building. The proposed wall sign does not comply with subclause (2)(c) of this clause, which stipulates advertisements are not to protrude more than 300mm from the wall, unless occupational health and safety standards require a greater protrusion. The proposed wall sign is flushed to one side and protrudes 2m from the other side. This protrusion is considered unacceptable and detracts from the streetscape.

Clause 23:

The proposal includes a freestanding sign to be constructed within an existing garden bed surrounded by mature palm trees. The sign does not protrude above the existing palm trees or buildings.

Transport Corridor Outdoor Advertising and Signage Guidelines 2017

The relevant provisions of the guidelines have been considered as part of the assessment.

The proposal has been assessed under each relevant provision of SEPP 64 (above), and has taken into consideration design issues, illumination impacts and road safety, public benefit and RMS requirements. In addition to the matters addressed in the table above (Schedule 1 SEPP 64) the Guidelines raise the following matters:

Section 2: Design Issues

The siting, size and scale of the proposed signage is considered to be unacceptable and is inappropriate for the site and surroundings as discussed within Schedule 1 of SEPP 64 assessment above. The proposed size and siting of the signage, combined within the existing number of signs within the locality, degrades the streetscape and is not in keeping with the desired future character of the precinct. Due to the existing large number of signs within the area, the proposal further adds to the existing signage clutter and driver distraction in the immediate locality. On this basis, the proposed signage does not comply with this section.

Section 3: Advertisements and road safety

The purpose of this section is to outline the road safety assessment criteria which must be applied in the design and assessment of all advertising and signage proposals on or visible from transport corridors. The application was referred to RMS for assessment on three occasions and the proposal was modified in order to meet the road safety requirements of the RMS. The RMS granted concurrence for the proposed signage subject to limitations.

However Council concerns remain regarding the existing visually cluttered field which would be further cluttered as a result of the additional two signs being installed. A tally of advertising signs in the locality revealed 54 existing printed and digital advertising signs within close proximity to the site of the proposed signs. In addition a plethora of road signs (not counted) exist along the roads approaching and surrounding the subject site.

The siting and size of the proposed signs will result in reduced sign spacing due to there being too many signs in a visible sequence which contribute to driver distraction and road safety concerns in the immediate locality. Therefore, the proposal does not comply with this section.

Guidelines Conclusion

The proposal fails to demonstrate that the signage will be of benefit to the community as it results in adverse streetscape impacts by contributing to visual clutter, and decreases road user safety. Therefore the proposal is not compliant with the requirements of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017.

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone Is the proposed use/works permitted with development consent?	Yes	The site is zoned B5 Business Development under the provisions of the BBLEP 2013. The proposed development is for signage (advertising) is listed as a use permitted with consent.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	No additional permitted uses apply.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
If so what additional uses are permitted on the site?		
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A	Council's maps indicate a portion of the land along the Robey Street frontage is reserved for future road widening by RMS. The proposed signs are located outside of the area and are wholly within the site boundaries.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is located in close proximity to the state heritage listed Commonwealth Water Pumping Station and Sewage Pumping Station and local heritage listed former Botany Pumping Station and Sydney Airport group. The proposed signs are not facing towards these items and are screened by the building on the site and existing vegetation. The proposed works do not breach any of the objectives of Clause 5.10 of the BBLEP 2013.
The following provisions in Part 6 of the LEP apply to the development– • 6.8 – Airspace Operations	N/A	The application was referred to Sydney Airport for assessment as the site it is affected by OLS. Sydney Airport raised no concerns with the proposal.

The objectives and provisions of the BBLEP 2013 have been considered in relation to the subject development application.

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

There are no current Draft EPIs applicable to this development

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013

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

Part 3D- Signage

Control	Proposed	Complies
3D.2 General Requirements for All Signage		
C1 Signage is to be consistent with the 'Desired Future Character' of the area in which the development site is located within (refer to Part 5 - Business Centres, Part 6 – Employment Zones and Part 8 - Character Precincts).	The subject site is situated within the B5 Business Development zone within the Mascot Business Development Precinct. The proposed signage is not consistent with the desired future character of the area as it creates negative impacts on the visual amenity of the area by way of visual advertising clutter. Further, visual impacts from the installation of the proposed signage prevents the area from positively achieving its gateway function.	No
C2 All signage is to be designed to: (i) Consider the architectural design of the building that the sign will be erected upon; (ii) Be in scale with the building; (iii) Not obscure architectural elements of the building or adjoining buildings; (iv) Consider the effect on neighbouring buildings, streets and existing signs to ensure they do not create or add to undesirable visual clutter; (v) Require that any proposed logos, graphics or corporate colours to be part of the sign are sympathetic to the design, architecture, colours, finishes and materials of the building and the surrounding streetscape; (vi) Ensure that the front façades of the building between the first floor and the parapet of the upmost level remains free from signage; (vii) Minimise the visibility of the signage structures, and any associated cabling, conduit or aerials; (viii) Give consideration to the visual impact of the signage on the skyline and surrounding buildings; (ix) Minimise the projection of the structure from the built form of the building; and (x) Not be attached to other advertising structures or signage.	The proposed signage is of inappropriate scale and size and is not sympathetic to the design, architecture, colours, finishes and materials of the building on the site and the surrounding streetscape. The addition of the signs will create visual clutter due the large number of existing signs within the immediate area. The siting and size of the proposed signs will result in reduced sign spacing due to there being too many signs in a visible sequence.	No

<p>C3 The following are generally discouraged:</p> <ul style="list-style-type: none"> (i) Advertising signage involving flashing or moving signs; (ii) Any signage not permanently fixed to the premises; (iii) Any signage which would adversely affect traffic or obstruct motorists' vision or attention; (iv) Signage extending over street boundaries, other than those permitted in conjunction with a shop; (v) Signage at a level less than 2600mm above the footpath; (vi) Advertising signage on garbage bins, telegraph posts and other surfaces of a public nature, except by prior contractual arrangement with Council; and (vii) A-Board (sandwich boards) on public footpaths or roadways where the placement of such signs would impede pedestrian or vehicular traffic. 	<p>The proposed signs satisfy (i), (ii), (iv), (v), (vi) and (vii) of this clause. The proposed signs do not satisfy (iii) of this clause as they are assessed as likely to adversely affect traffic through driver distraction.</p>	<p>Partial</p>
<p>C4 Creating separate lots for signage via stratum or strata subdivision is not permitted.</p>	<p>None proposed.</p>	<p>N/A</p>
<p>C5 Signage is not permitted on the roof of buildings.</p>	<p>No such signage is proposed.</p>	<p>N/A</p>
<p>C6 Signage in the vicinity of the airport are required to address management of habitat and food sources on or associated with signage to minimise the potential for bird hazards impacting aviation operations.</p>	<p>The proposed signage is within close proximity to the airport. The application does not address whether the signage may provide habitat or food forage for birds, thereby potentially increasing the likelihood of bird hazards impacting on aviation operations.</p>	<p>No</p>
<p>3D.3.1 Illuminated and Animated Signage</p>		
<p>C1 The lighting intensity must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.</p> <p>C2 All illuminated signage, larger than 1m² that is adjacent or in the vicinity to residential dwellings must be switched off between 10pm and 6am daily.</p> <p>C5 Illuminated signage must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.</p> <p>C6 Illumination of a sign (with the exception of floodlit signs) must not be external to the sign i.e. surrounding the sign. Illumination must be part of the sign.</p>	<p>The subject site is situated within the B5 Business Development zone and does not adjoin a residential zone. Residential development in the form of detached dwellings are present on Robey Street approximately 170m to the west of the subject site. The separation between the dwellings and the subject site is sufficient to cause no adverse spill effects to residents of the dwellings.</p> <p>The siting and size of the proposed signs will result in reduced sign spacing as there would be many signs in a visible sequence, and therefore produce large amounts of</p>	<p>Partial</p>

	lighting within a limited space which can compromise the safety of road users.	
3D.3.4 Wall Signage		
C1 Projecting flush wall signage, including flags, banners, placards, posters, permanent or temporary will not be permitted between the footpath and awning of any building.	The proposed wall sign is not proposed to be located between the footpath and an awning of any building.	Yes
C5 Painted wall signs are only permitted on side elevations where Council considers it to improve the public domain.	No painted wall sign proposed.	N/A
3D.8 Advertising Structures and Advertisement		
C1 Third party advertising on public infrastructure is not permitted.	No advertising on public infrastructure is proposed.	Yes
C2 Advertising or advertising structures: (i) Must be integrated into new building forms and designed in a manner that complements the architectural quality of the building; (ii) Are to sit flush with the building façade; (iii) Are to be of a scale that complements the size of the building; and (iv) Are not to project above the predominant parapet line of the building.	The advertising structure is proposed to be located within the landscape area fronting the Robey and O'Riordan Streets intersection. The proposed signs do not complement the architectural quality of the building, do not sit flush with the building façade and are too large in scale and size to complement the building they are proposed to be mount on and near.	No
C3 No more than one (1) advertisement is permitted per building.	The subject building already supports eight (8) signs, including two business identification signs, two large digital signs just below the roof on the east and west facades of the north-west portion of the building, and four signs advertising the La Boca Bar and Grill restaurant.	No
C4 Landscaping additional to the landscaping required for the building use is required to screen the building and enhance the site when advertising or advertising structures are added to the building.	No additional landscaping has been provided, however there are existing palm trees within the landscape area.	Yes
C5 A Landscape Plan shall be submitted.	A landscape plan has been submitted with the application.	Yes
C8 Existing trees and landscaping are not to be removed or significantly pruned to allow the erection of or visibility to an advertising structure or advertising.	The proposal requires the removal of three palm trees. One within the landscape area at the intersection of Robey and O'Riordan Streets and two along the O'Riordan Street frontage. The removal of these trees is not recommended as they positively contribute to the	No

	streetscape and soften the existing building.	
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S.4.15(1)(a)(iv) - Provisions of the Regulations

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

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

Potential impacts related to the proposal have been considered in response to the relevant SEPP, LEP and DCP controls. The proposal is found to have negative impacts on the locality due to the unacceptable size and siting of the signs, contributing to visual clutter, and reducing road user safety.

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

The subject site is located in a highly prominent location at the intersection of two major roads – Robey and O’Riordan Streets, and contributes to the gateway to Sydney Domestic Airport. As discussed throughout this report, the size and siting of the proposed signage is excessive and not suitable for the subject site, and is not in keeping with the desired and future character of the precinct.

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 16 May 2018 to 30 May 2018. One submission was received during this time within which the following concerns were raised:

Issue 1: Signage clutter

Concerns were raised that the proposed signs will result in an excessive number of signage within the area. This matter has been addressed within this report under the SEPP 64, Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and BBDCP 2013 sections of this report.

Issue 2: Light spill and compatibility with the character of the area

Concerns regarding light spill and compatibility with the desired amenity and visual character of the area have been raised. These matters have been addressed within this report.

Issue 3: Removal of trees

Concerns were raised regarding the proposed removal of palm trees. This matter is addressed within Section 3D.8 C8 of the BBDCP 2013 assessment section of this report.

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

The proposed development does not meet the principles of SEPP No. 64, the Transport Corridor Outdoor Advertising and Signage Guidelines 2017, and is considered to be unsatisfactory having regard to the objectives and requirements of Botany Local Environmental Plan 2013 and Botany Development Control Plan 2013. Impacts from the proposed signage have been considered and addressed throughout this report. It is considered that the proposed development is not in the public interest.

Other Matters:**External Referrals**

The application was referred to Roads and Maritime Services (RMS) and Sydney Airport Corporation Limited (SACL). No objections were raised by SACL. Concurrence was granted by RMS following three submissions, subject to conditions and a trial period.

Conclusion

Development Application No. 2018/1069 for the installation of two (2) digital advertising signs 241 O'Riordan Street, Mascot has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal.

This section 8.2 Review 2018/6 of DA-2018/1069 concludes the determination should be upheld in accordance with Clause 8.4 of the *Environmental Planning and Assessment Act 1979*.

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Application Details

Application Number:	DA-2018/1069
Date of Receipt:	30 May 2018
Property:	241 O'Riordan Street, Mascot
Lot & DP/SP No:	Lot 1 in DP 1039806
Owner:	Ovenard Investments Pty Ltd
Applicant:	Price and Speed Clearances Pty Ltd
Proposal:	Installation of two (2) digital advertising signs
Property Location:	The site is a corner allotment and is located on the western side of O'Riordan Street between Qantas Drive and Robey Street.
Value:	\$242,000.00
Zoning:	Botany Bay Local Environmental Plan 2013 B5 – Business Development
Author:	Sumeet Badhesha Development Assessment Planner
Date of Report:	11 December 2018
Classification of Building:	Class 10b – Signage
Present Use:	Mixed use development
No. of submissions:	One (1)
Author's initials on clearance	Under delegated authority, the abovementioned application is hereby refused in accordance with the Coordinator's recommendation.

checked
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12/12/18



Luis Melim

MANAGER DEVELOPMENT ASSESSMENT

Key Issues

Council received Development Application No. 2018/1069 on 30 May 2018 for the installation of two digital signs (one flushed onto the western wall of the hotel building and one freestanding sign within the landscape area on the corner of Robey Street and O'Riordan Street).

The development application was placed on notification in accordance with Part 2 of the BBDCP for a fourteen (14) day period. One submission was received and the matters raised within the submission are addressed within this report.

The key issues with this application relate to visual advertising clutter and the overall number of signs within the immediate area, which creates a driver distraction in the immediate locality.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal, subject to conditions of consent.

Recommendation

That this Development Application be REFUSED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the reasons of refusal attached to this report.

Site Description

The site is legally known as Lot 1 in DP 1039806. The subject site is a corner allotment and is located at the intersection of O'Riordan Street and Robey Street, with O'Riordan Street to the east and Robey Street to the north. The site is located in the B5 Business Development zone with two street frontages facing O'Riordan Street and Robey Street. The site contains the Stamford Plaza Hotel building and several other commercial uses.

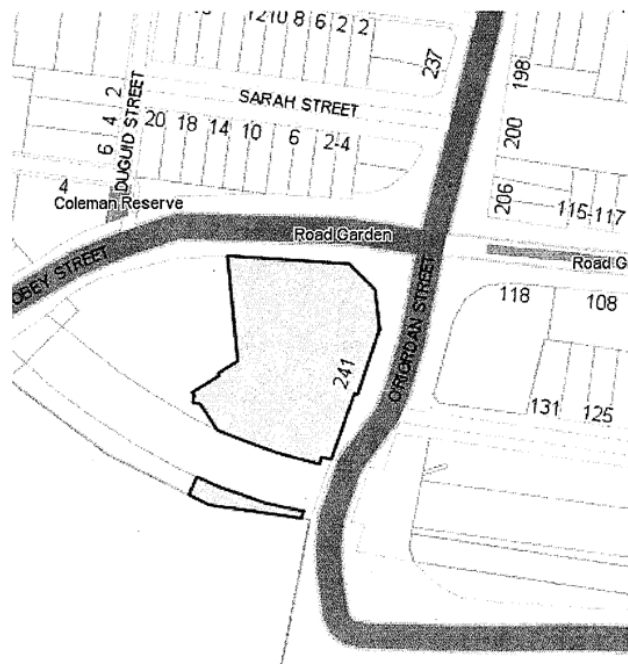


Figure 1. Locality Map



Figure 2. View of the building from s

Application History

The application was placed on public exhibition for a fourteen (14) day period from 16 May to 30 May 2018. One objection was received.

On 27 June 2018, Council advised the applicant that concurrence was not granted by RMS for the proposed signage due to road safety concerns. Under the provisions of Clause 18(2) of SEPP 64, Council must not grant consent to the display of an advertisement to which this clause applies without the concurrence of RMS. Numerous revisions were submitted and the application was referred back to the RMS for another assessment.

On 7 August 2018 a meeting was held between the applicant and RMS to discuss RMS concerns due to concurrence not being granted after the application was referred for a third time for another assessment. The RMS granted concurrence to the proposal subject to a trial period of 18 months and an increased dwell time.

The applicant submitted revised documentation on 24 August 2018 which addressed the above mentioned changes.

Council's concerns regarding visual advertising clutter and the overall number of signs within the immediate area still remain unaddressed.

Description of Development

The development application seeks Council consent for the erection of two (2) digital (LED) advertising signs with the following dimensions:

- 1) A 12m by 3.6m digital advertising sign fitted on the wall of the building facing towards O'Riordan Street
- 2) A 6m x 3.2m freestanding digital advertising sign elevated 2.6m from the ground facing towards Robey Street.

The applications also seeks consent for the demolition of the existing wall sign along O'Riordan Street and removal of three existing palm trees.

The proposed signs will display advertising content for national campaigns by various advertising companies. Both signs will display a series of static images and will not scroll, flash, flicker or animate.



Figure 3. Proposed Location of Signage

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. 64 – Advertising and Signage

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

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

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

Accordingly, the proposed signage has been assessed against Clauses 8 and 13 of SEPP 64 which requires Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the SEPP and to assess the proposed signage against the assessment criteria of Schedule 1.

The proposed development seeks consent for the erection of two signs (one projecting from the building wall facing O'Riordan Street and a freestanding one within the side setback landscaping area facing Robey Street). The proposed signs will display advertising content for national campaigns by various advertising companies. Accordingly the application is considered against Schedule 1 of SEPP 64 – Advertising and Signage.

The assessment criteria contained in Schedule 1 are addressed in detail below:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The subject site is situated within the B5 Business Development zone within the Mascot Business Development Precinct. The proposed signage is not consistent with the desired future character of the area as it creates negative impacts on the visual amenity of the area by way of visual advertising clutter. Further, visual impacts from the installation of the proposed signage prevents the area from positively achieving its gateway function.	No
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There are other numerous signs within close proximity to the proposed signs which are of similar or larger size and scale, however the proposed signage will reduce the sign spacing and contribute to unacceptable visual advertising clutter. Therefore the signage will not result in a consistent theme for outdoor advertising within this precinct.	No
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is located in a mixed use area and is not located in an environmentally sensitive area, heritage area, natural or other conservation area, open space area, waterway, rural landscape or other area. The signage is however proposed to be installed within a highly visible space and is within an area which acts as a gateway to the Sydney Airport. The excessive size and scale of the proposed signage detracts from the amenity and visual quality of this area.	No
3. Views and vistas Does the proposal obscure or compromise important views?	Both signs do not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is of excessive size and scale and as a result reduces the quality of the streetscape.	No

Matters for Consideration	Comment	Complies
Does the proposal respect the viewing rights of other advertisers?	The proposal will not hinder the viewing of other signs.	Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the proposed signage is similar to other signs within the area. However, acknowledging that the scale and proportion is similar to the other signs in the area, the proposed signs are not considered appropriate for the proposed location and result in visual clutter and driver distraction.	No
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will have negative impacts on the streetscape amenity of the locality due to the large number of signs existing within locality.	No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is existing signage on the hotel building, and numerous larger signs located to the east and south of the proposed signs. The proposal will introduce two new large signs and will not reduce clutter.	No
Does the proposal screen unsightliness?	The proposed signage is being erected on the wall of an existing building and within an existing garden bed, and therefore does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Both signs do not protrude above the existing building or trees.	Yes
Does the proposal require ongoing vegetation management?	Proposed sign 2 is surrounded by existing vegetation. The owner will be required to ensure existing vegetation surrounding the sign is maintained.	Yes
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The size and scale of the proposed signage is inappropriate for the existing site.	No
Does the proposal respect important features of the site or building, or both?	The proposed signage is not visually pleasing and is not compatible with the features of the building and site. The signage is considered to be of an inappropriate size for the site and building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage utilises LED digital technology. This is a form of innovative technology.	Yes

Matters for Consideration	Comment	Complies
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage and associated devices are designed in accordance with the relevant Australian Standards where necessary.	Yes
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	A light impact assessment was submitted with the application. The application referred to RMS for assessment and in order to reduce illumination to an acceptable level, conditions recommended by RMS regarding reducing dwell time to 60 seconds have been included in the development consent.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The intensity will be managed by conditions regarding flashing lights, animated display, method of illumination, and display of appropriate shapes, colours and text. The proposal is also conditioned to comply with acceptable luminance levels. Further, the illumination can be adjusted and altered.	Yes
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	A Road Safety Assessment Report was submitted and was referred to the RMS for assessment. The proposal is considered acceptable by RMS subject to an 18 months trial period to monitor impacts. Should the trial period determine non-compliance with RMS requirements, the display of the signage will need to be in a completely static manner without any motion for a dwell time of 24 hours. Notwithstanding the above comments and draft conditions received from NSW RMS, Council maintains that the proposed signage will contribute to the overall driver distraction at the immediate locality and as such is not supported.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The location of the proposed signage does not impede any sightlines from any public area.	Yes

Clause 17:

The proposed development has a display area of greater than 20m² and is higher than 8 metres above ground. Accordingly, the application is considered against Clause 17 of SEPP 64. Clause 17 (3) requires consent not be granted unless:

- (a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts; and*
- (b) the application has been advertised in accordance with section 79A of the Act; and*
- (c) the consent authority gave a copy of the application to RMS at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.*

The applicant has supplied an impact statement however Council is not satisfied that the proposal is acceptable in terms of its impacts, see table above. The application has been advertised and a copy supplied to RMS in accordance with section 79A of the Act.

Clause 18:

As the proposed signage is greater than 20 square metres and within 250 metres of, and visible from, a classified road, consent must not be granted without the concurrence of RMS. The application was referred to the RMS and concurrence has been granted under this clause subject to conditions requiring a trial period of 18 months and a dwell time of 60 seconds, instead of 10 seconds as proposed, as well as other restrictions.

Council relies on the road safety expertise of RMS and acknowledges the granting of concurrence in this instance, with the restrictions imposed. Notwithstanding the above comments and draft conditions received from NSW RMS, Council maintains that the proposed signage will contribute to the overall driver distraction at the immediate locality and as such is not supported.

Clause 22:

There will be one sign on the eastern wall of the hotel building. The proposed wall sign does not comply with subclause (2)(c) of this clause, which stipulates advertisements are not to protrude more than 300mm from the wall, unless occupational health and safety standards require a greater protrusion. The proposed wall sign is flushed to one side and protrudes 2m from the other side. This protrusion is considered unacceptable and detracts from the streetscape.

Clause 23:

The proposal includes a freestanding sign to be constructed within an existing garden bed surrounded by mature palm trees. The sign does not protrude above the existing palm trees or buildings.

Transport Corridor Outdoor Advertising and Signage Guidelines 2017

The relevant provisions of the guidelines have been considered as part of the assessment.

The proposal has been assessed under each relevant provision of SEPP 64 (above), and has taken into consideration design issues, illumination impacts and road safety, public benefit and RMS requirements. In addition to the matters addressed in the table above (Schedule 1 SEPP 64) the Guidelines raise the following matters:

Section 2: Design Issues

The siting, size and scale of the proposed signage is considered to be unacceptable and is inappropriate for the 'site and surroundings' as discussed within Schedule 1 of SEPP 64 assessment above. The

proposed size and siting of the signage, combined within the existing number of signs within the locality, degrades the streetscape and is not in keeping with the desired future character of the precinct. Due to the existing large number of signs within the area, the proposal further adds to the existing signage clutter and driver distraction in the immediate locality. On this basis, the proposed signage does not comply with this section.

Section 3: Advertisements and road safety

The purpose of this section is to outline the road safety assessment criteria which must be applied in the design and assessment of all advertising and signage proposals on or visible from transport corridors. The application was referred to RMS for assessment on three occasions and the proposal was modified in order to meet the road safety requirements of the RMS. The RMS granted concurrence for the proposed signage subject to limitations.

Council however has concerns regarding the existing visual cluttered field which would be further cluttered as a result of the additional two signs being installed. The siting and size of the proposed signs will result in reduced sign spacing due to there being too many signs in a visible sequence which contributed to driver distraction and road safety concerns in the immediate locality. Therefore, the proposal does not comply with this section.

The proposal fails to demonstrate that the signage will be of benefit to the community as it results in adverse streetscape impacts by contributing to visual clutter. Therefore the proposal is not compliant with the requirements of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017.

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone Is the proposed use/works permitted with development consent?	Yes	The site is zoned B5 Business Development under the provisions of the BBLEP 2013. The proposed development is for signage which is listed as a use permitted with consent.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A	No additional permitted uses apply.
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A	Council's maps indicate a portion of the land along the Robey Street frontage is reserved for future road widening by RMS. The proposed signs are located outside of the area and are wholly within the site boundaries.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is located in close proximity to the state heritage listed Commonwealth Water Pumping Station and Sewage Pumping Station and local heritage listed former Botany Pumping Station and Sydney Airport group. The proposed signs are not facing towards any of these items and are well screened by the building on the site and existing vegetation. The proposed works do not breach any of the objectives of Clause 5.10 of the BBLEP 2013.
The following provisions in Part 6 of the LEP apply to the development– • 6.8 – Airspace Operations	N/A	The application was referred to Sydney Airport for assessment as the site it is affected by OLS. Sydney Airport raised no concerns with the proposal.

The objectives and provisions of the BBLEP 2013 have been considered in relation to the subject development application.

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

There are no current Draft EPIs applicable to this development

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013

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

Part 3D- Signage

Control	Proposed	Complies
3D.2 General Requirements for All Signage		
C1 Signage is to be consistent with the 'Desired Future Character' of the area in which the development site is located within (refer to Part 5 - Business Centres, Part 6 – Employment Zones and Part 8 - Character Precincts).	The subject site is situated within the B5 Business Development zone within the Mascot Business Development Precinct. The proposed signage is not consistent with the desired future character of the area as it creates negative impacts on the visual amenity of the	No

	area by way of visual advertising clutter. Further, visual impacts from the installation of the proposed signage prevents the area from positively achieving its gateway function.	
<p>C2 All signage is to be designed to:</p> <ul style="list-style-type: none"> (i) Consider the architectural design of the building that the sign will be erected upon; (ii) Be in scale with the building; (iii) Not obscure architectural elements of the building or adjoining buildings; (iv) Consider the effect on neighbouring buildings, streets and existing signs to ensure they do not create or add to undesirable visual clutter; (v) Require that any proposed logos, graphics or corporate colours to be part of the sign are sympathetic to the design, architecture, colours, finishes and materials of the building and the surrounding streetscape; (vi) Ensure that the front façades of the building between the first floor and the parapet of the upmost level remains free from signage; (vii) Minimise the visibility of the signage structures, and any associated cabling, conduit or aerials; (viii) Give consideration to the visual impact of the signage on the skyline and surrounding buildings; (ix) Minimise the projection of the structure from the built form of the building; and (x) Not be attached to other advertising structures or signage. 	<p>The proposed signage is of inappropriate scale and size and is not sympathetic to the design, architecture, colours, finishes and materials of the building on the site and the surrounding streetscape.</p> <p>The addition of these two signs will create visual clutter due the large number of existing signs within the immediate area. The siting and size of the proposed signs will result in reduced sign spacing due to there being too many signs in a visible sequence</p>	No
<p>C3 The following are generally discouraged:</p> <ul style="list-style-type: none"> (i) Advertising signage involving flashing or moving signs; (ii) Any signage not permanently fixed to the premises; (iii) Any signage which would adversely affect traffic or obstruct motorists' vision or attention; (iv) Signage extending over street boundaries, other than those permitted in conjunction with a shop; (v) Signage at a level less than 2600mm above the footpath; (vi) Advertising signage on garbage bins, telegraph posts and other surfaces of a public nature, except by prior contractual arrangement with Council; and (vii) A-Board (sandwich boards) on public footpaths or roadways where the placement of such signs would impede pedestrian or vehicular traffic. 	The proposed signage satisfy the requirements of this control.	Yes

C4 Creating separate lots for signage via stratum or strata subdivision is not permitted.	None proposed.	N/A
C5 Signage is not permitted on the roof of buildings.	No such signage is proposed.	N/A
C6 Signage in the vicinity of the airport are required to address management of habitat and food sources on or associated with signage to minimise the potential for bird hazards impacting aviation operations.	The proposed signage is within close proximity to the airport however it is not considered that the proposed signage will create any bird hazards.	Yes
3D.3.1 Illuminated and Animated Signage		
C1 The lighting intensity must not unreasonably impact on any residential properties adjoining the sign or that is within its locality. C2 All illuminated signage, larger than 1m ² that is adjacent or in the vicinity to residential dwellings must be switched off between 10pm and 6am daily. C5 Illuminated signage must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft. C6 Illumination of a sign (with the exception of floodlit signs) must not be external to the sign i.e. surrounding the sign. Illumination must be part of the sign.	<p>The subject site is situated within the B5 Business Development zone and not directly adjoining to residential zoning. There is residential development on Robey Street however the proposed signage is set a reasonable distance from the residential development. The windows of the dwellings face south and the signage is proposed west of the dwellings, therefore there are expected to be no adverse spill effects.</p> <p>Council however has concerns regarding the existing visual cluttered field which would be further cluttered as a result of the additional two signs being installed. The siting and size of the proposed signs will result in reduced sign spacing due to there being too many signs in a visible sequence, and therefore produce large amounts of lighting within a reasonably small space.</p>	No
3D.3.4 Wall Signage		
C1 Projecting flush wall signage, including flags, banners, placards, posters, permanent or temporary will not be permitted between the footpath and awning of any building.	Complies.	Yes
C5 Painted wall signs are only permitted on side elevations where Council considers it to improve the public domain.	No painted wall sign proposed	N/A
3D.8 Advertising Structures and Advertisement		
C1 Third party advertising on public infrastructure is not permitted.	No advertising on public infrastructure is proposed.	Yes
C2 Advertising or advertising structures: (i) Must be integrated into new building forms and designed in a manner that	The advertising structure is proposed to be located within the landscape area fronting the Robey	No

complements the architectural quality of the building; (ii) Are to sit flush with the building façade; (iii) Are to be of a scale that complements the size of the building; and (iv) Are not to project above the predominant parapet line of the building.	Street and O'Riordan Street intersection. The advertising structure is of inappropriate size and contributes to bulk and scale, visual clutter, and is not sympathetic to the surrounding streetscape.	
C3 No more than one (1) advertisement is permitted per building.	Only one advertising structure will be on the site	Yes
C4 Landscaping additional to the landscaping required for the building use is required to screen the building and enhance the site when advertising or advertising structures are added to the building.	No additional landscaping has been provided, however there are existing palm trees within the landscape area.	Yes
C5 A Landscape Plan shall be submitted	A landscape plan has been submitted with the application.	Yes
C8 Existing trees and landscaping are not to be removed or significantly pruned to allow the erection of or visibility to an advertising structure or advertising.	The proposal requires the removal of three palm trees. One within the landscape area at the intersection of Robey Street and O'Riordan Street and two along the O'Riordan Street frontage. The removal of these trees is not recommended as they positively contribute to the streetscape and soften the existing hotel building	No

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

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

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

Potential impacts related to the proposal have been considered in response to the relevant SEPP, LEP and DCP controls. The proposal is found to have negative impacts on the locality due to the unacceptable size and siting of the signs, and as a result contributing to visual clutter.

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

The subject site is located in a highly prominent location at the intersection of two major roads – Robey Street and O'Riordan Street, and provides a gateway function to the Sydney Airport. As discussed throughout this report, the size and siting of the proposed signage is excessive and not suitable for the subject site, and is not in keeping with the desired and future character of the precinct.

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 16 May 2018 to 30 May 2018. One submission was received during this time within which the following concerns were raised:

Issue 1: Signage clutter

Concerns were raised that the proposed signs will result in an excessive number of signage within the area. This matter has been addressed within this report under the SEPP 64, Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and BBDCP 2013 sections of this report.

Issue 2: Light spill and compatibility with the character of the area

Concerns regarding light spill and compatibility with the desired amenity and visual character of the area have been raised. These matters have been addressed within this report.

Issue 3: Removal of trees

Concerns were raised regarding the proposed removal of palm trees. This matter is addressed within Section 3D.8 C8 of the BBDCP 2013 assessment section of this report.

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

The proposed development does not meet the principles of SEPP No. 64, the Transport Corridor Outdoor Advertising and Signage Guidelines 2017, and is considered to be unsatisfactory having regard to the objectives and requirements of Botany Local Environmental Plan 2013 and Development Control Plan 2013. Impacts of the proposed signage have been considered and addressed throughout this report. As such it is considered that the proposed development is not in the public interest.

Other Matters:

External Referrals

The application was referred to RMS and SACL. No objections were raised.

Conclusion

Development Application No. 2018/1069 for the installation of two (2) digital advertising signs 241 O'Riordan Street, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.

Attachment

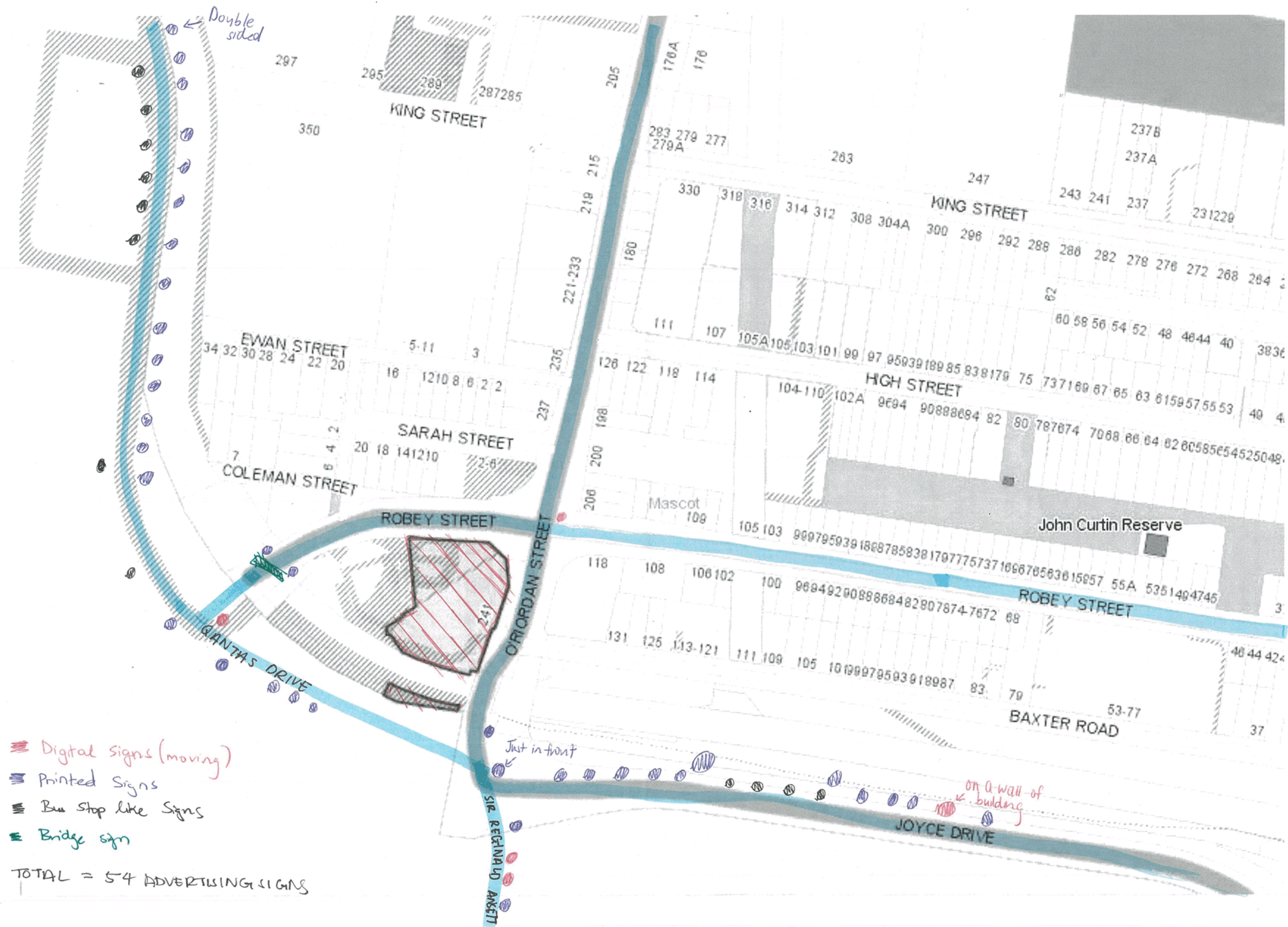
Schedule 1 – Reasons of Refusal

Premises: 241 O'Riordan Street, Mascot

DA No: 2018/1069

SCHEDULE OF REASONS OF REFUSAL

1. The proposed development, pursuant to the provisions of *Clause 3 of the State Environmental Planning Policy No 64 – Advertising and Signage*, is not consistent with the objectives of the SEPP as it is not compatible with the desired and future character of the precinct and results in visual advertising clutter and driver distraction.
2. The proposed development, pursuant to the provisions of *Clause 17(3)(a) of the State Environmental Planning Policy No 64 – Advertising and Signage*, results in undesirable and unacceptable impacts on the streetscape.
3. The proposed development is not consistent with the objectives of Sections 2 and 3 of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017, in that it results in unacceptable visual clutter, reducing sign spacing, adverse impacts on the streetscape and contributes to driver distraction in the immediate locality.
4. Pursuant to the provisions of *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is not consistent with the objectives of the Botany Bay Development Control Plan 2013 in that it is not sympathetic to the surrounding built form, does not appropriately address the local streetscape of the precinct, has an unacceptable impact on the streetscape, adds to visual advertising clutter and is not compatible with the desired future character of the precinct.
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) Adds to visual advertising clutter;
 - b) Unsympathetic to the desired and future character of the precinct;
 - c) Results in reduced sign spacing due to too many signs in a visible sequence; and
 - d) Contributes to driver distraction in the immediate locality.
6. The proposed development, pursuant to the provisions of *Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979*, is not considered suitable for the site in terms of the type of development as it is excessive in terms of size, results in undesirable and unacceptable impacts on the streetscape and adverse impact on the surrounding built environment.
7. Having regard to the issues raised in the submission received by Council in opposition to the proposed development, pursuant to the provisions of *Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979*, the proposal results in unacceptable visual advertising clutter, streetscape appearance and sets an undesirable precedent within the area.
8. 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.





21 August 2018

Our Reference: SYD18/00789 (A23621950)
Council Ref: DA-2018/1069

The General Manager
Bayside Council
444-446 Princes Highway
Rockdale NSW 2216

Attention: Sumeet Badhesha

Dear Ms Wallace

**DIGITAL ADVERTISING PROPOSAL
241 O'RIORDAN STREET, MASCOT**

Reference is made to your correspondence dated 8 August 2018 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with Clause 18 *State Environmental Planning Policy No.64* (SEPP 64).

Roads and Maritime has reviewed the additional information provided by the applicant and has given consideration to a trial period for the proposed sign. Roads and Maritime would raise no objection to the development application subject to the following conditions being included in any consent issued by Council:

1. Each advertisement shall be displayed in a completely static manner, without any motion, for a dwell time of 24 hours.
2. The display change shall occur in the early hours of the morning (prior to network peak hours).
3. Trial Period:
 - a. Notwithstanding conditions 1 and 2, the advertising sign is permitted to operate with a minimum dwell time of 60 seconds for a trial period of 18 continuous months (Trial Period).
 - b. Within 4 weeks of the trial period commencing, the applicant shall provide Roads and Maritime with a written notice of the date upon which the trial period commenced.
 - c. During the trial period, and any period thereafter, during which the dwell time operates at a duration of less than 24 hours as provided in condition 1, the applicant must comply with all other conditions (4-9) of this letter, and the following:
 - i. Message sequencing designed to make a driver anticipate the next message is prohibited;

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

- ii. The amount of text and information supplied on a sign should be kept to a minimum, for example no more than a driver can read at a short glance;
 - iii. Each sign should be restricted to 6 units of information calculated as follows:
 - Words of up to 8 letters, inclusive = 1 unit
 - Numbers up to 4 digits, inclusive = 0.5 unit
 - Numbers of 5-8 digits = 1 unit
 - Symbol, picture, logo or abbreviation = 0.5 unit; and
 - iv. All advertisements displayed must be in accordance with Table 5 of the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines, dated July 2007 and as amended;
 - v. An electronic log of the sign's activity must be maintained by the operator for the duration of the development consent and be available to Council and/or Roads and Maritime to allow a review of the sign's activity for any reason, including where a complaint has been made.
- d. Not less than 4 weeks before the conclusion of the trial period, the applicant may seek Roads and Maritime's written concurrence to continue to operate the advertising sign with a minimum dwell time of 60 seconds, or as otherwise agreed, and the conditions specified in condition 3(c) (i-v) above.
- e. When seeking Roads and Maritime concurrence in condition 3(d), the applicant must provide to Roads and Maritime a road safety audit report which considers the effects of the placement and operation of the sign during the trial period on road safety (the report). The report must:
- i. Be prepared in accordance with Part 3 of the Roads and Maritime Guidelines for Road Safety Audit Practices;
 - ii. Be prepared by an independent accredited road safety auditor; and
 - iii. Assess the operation of the advertising sign during the trial period for a continual period of at least 12 months.
- f. If Roads and Maritime:
- i. Issues its written concurrence in accordance with condition 3(d), the applicant is to notify the Council of the Roads and Maritime written concurrence and may continue to operate the advertising sign with a dwell time of 60 seconds, or as otherwise agreed, for the unexpired duration of the consent;
 - ii. Indicates in writing that it refuses to issue its written concurrence in accordance with condition 3(d), the operation of the advertising sign must revert to the requirements of conditions 1 and 2 of this letter;
 - iii. Indicates in writing that it refuses to issue a written concurrence because of recommendations made in the report for conditions or changes that address any road safety concerns, the applicant may lodge a modification application under Section 96 of the *Environmental Planning and Assessment Act 1979* for the operation of the sign in accordance with those recommendations and during the period from receipt of the Roads and Maritime refusal in writing in accordance with this paragraph until the

approval of such modification, if any, the operation of the advertising sign must revert to the requirements of conditions 1 and 2 of this letter.

- g. In considering whether or not to grant concurrence, Roads and Maritime will take into consideration any information provided by the applicant regarding the operation of the advertising sign during the trial period, as well as the relevant adopted signage guidelines and any other matter considered relevant to Roads and Maritime, including complaints received and changes in circumstances which has an impact on the operation of the road environment.

4. Advertisements displayed shall not contain/use:

- a. Flashing lights.
- b. Animated display, moving parts or simulated movement.
- c. A method of illumination that unreasonably distracts or dazzles.
- d. Images that may imitate a prescribed traffic control device, for example red, amber or green circles, octagons or other shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.
- e. Text providing driving instructions to drivers.

5. Luminance levels for the sign must comply with the requirements at **Attachment A**.

6. The transition time between messages shall be no longer than 0.1 seconds.

7. Construction and maintenance activities shall be undertaken wholly within the private property.

8. All works associated with the proposed sign, including maintenance activities, shall be at no cost to Roads and Maritime.

9. All works and signage structures are to be wholly within the freehold property (unlimited in height or depth) along the O'Riordan Street boundary.

If you have any further inquiries in relation to the subject application, please contact Kerry Ryan on 8849 2008 or email Development.Sydney@rms.nsw.gov.au

Yours sincerely



Aleks Tancevski
A/Senior Manager, Land Use Assessment
South East Precinct, Sydney Division

Attachment A:**Table: LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS**

LUMINANCE LEVELS - Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/m²). Levels differ as digital signs will appear brighter when light levels in the area are low. Luminance levels should comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting which recommends the following levels:

Lighting Condition	Zone 1	Zones 2 and 3	Zone 4
Full Sun on face of Signage	No Limit	Maximum Output	Maximum Output
Day Time Luminance		6000 cd/m ²	6000 cd/m ²
Morning and Evening		700 cd/m ²	500 cd/m ²
Twilight and Inclement Weather			
Night Time		350 cd/m ²	

Zone 1 covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross, central city locations.

Zone 2 covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.

Zone 3 covers areas with generally Medium off-street ambient lighting e.g. small to medium shopping/commercial centres.

Zone 4 covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, many residential areas.

Review of Determination (S82A) for Development Application 2018/1069:**Supporting Documentation Statement:**

Site Meeting 28th November between Town Planning Bayside Council and Applicants. Verbal determination from Planning was an individual perspective for refusal based on State Environmental Planning Policy No 64 – Advertising and Signage (SEPP64) under the *Environmental Planning and Assessment Act 1979* perceived as signage clutter.

Under the Act, Bayside Council Planning referred development application to Roads and Maritime Services (RMS) (Advertisements greater than 20m² in area and within 250 metres of and visible from a Classified Road under the Roads Act 1993;).

Council planning in the form of DCP does not override the provisions of SEPP64; (RMS) have provided written concurrence with conditions to signage proposal based on all SEPP64 provisions; “3D. 1.2 SEPP64 – Advertising and Signage – DCP has been prepared with consideration of the provisions of SEPP64 and should be read in conjunction with it and its Guidelines. This DCP does not override the provisions of SEPP64”.

RMS and traffic engineers have assessed proposal development application signage proposal under Guidelines of SEPP64 in conjunction with Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) and provided concurrence with conditions too which all assessing parties from RMS have not classified proposal as signage clutter.

“2.4 Sign clutter controls

Advertising structures should not be placed in a location that will result in visual clutter. Clutter can be a distraction to drivers, particularly where other signage such as directional or road safety signs are located. Clutter can make a streetscape or landscape visually unattractive. The viewing rights of adjacent advertisers must also be considered when placing advertisements near existing signage.

What constitute, ‘clutter’, will differ depending on the location. For instance, in urban enterprise corridors and within entertainment districts, it is not uncommon to have multiple signs visible along a given sightline. When strategically placed, these signs can contribute to the urban fabric and promote city life in key areas. Clutter in this context may result however if there are too many signs or multiple messages placed on a single advertising site or location.

Multiple advertisement signs in rural or natural areas or along freeways or tollways adversely impacts on visual amenity and road safety. The overall number of signs placed along a transport corridor should be minimised preferably with only one advertising sign visible in a given view.

In assessing advertising proposals, the consent authority is to have regard to clutter:

- a. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter.
- b. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.
- c. In rural areas, and along freeways and tollways, no more than one advertising structure should be visible along a given sightline.” (2.4 Transport Corridor Outdoor Advertising and Signage Guidelines).

SEPP64 clause 17 3(C) - the consent authority gave a copy of the application to the RMS at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.

Applicant also provides detailed supporting Urban Streetscape Report addressing proposal with built form of streetscape. Proposal minimalist in the context of large size buildings and urban development, and not classified as signage clutter.

Please find RMS letter dated 21st of August;

Bayside Council DCP Part 3D Signage & Advertising;

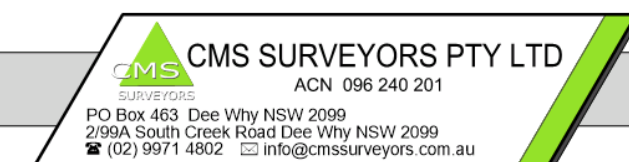
SEPP64 (Amendment No 3);

Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017)

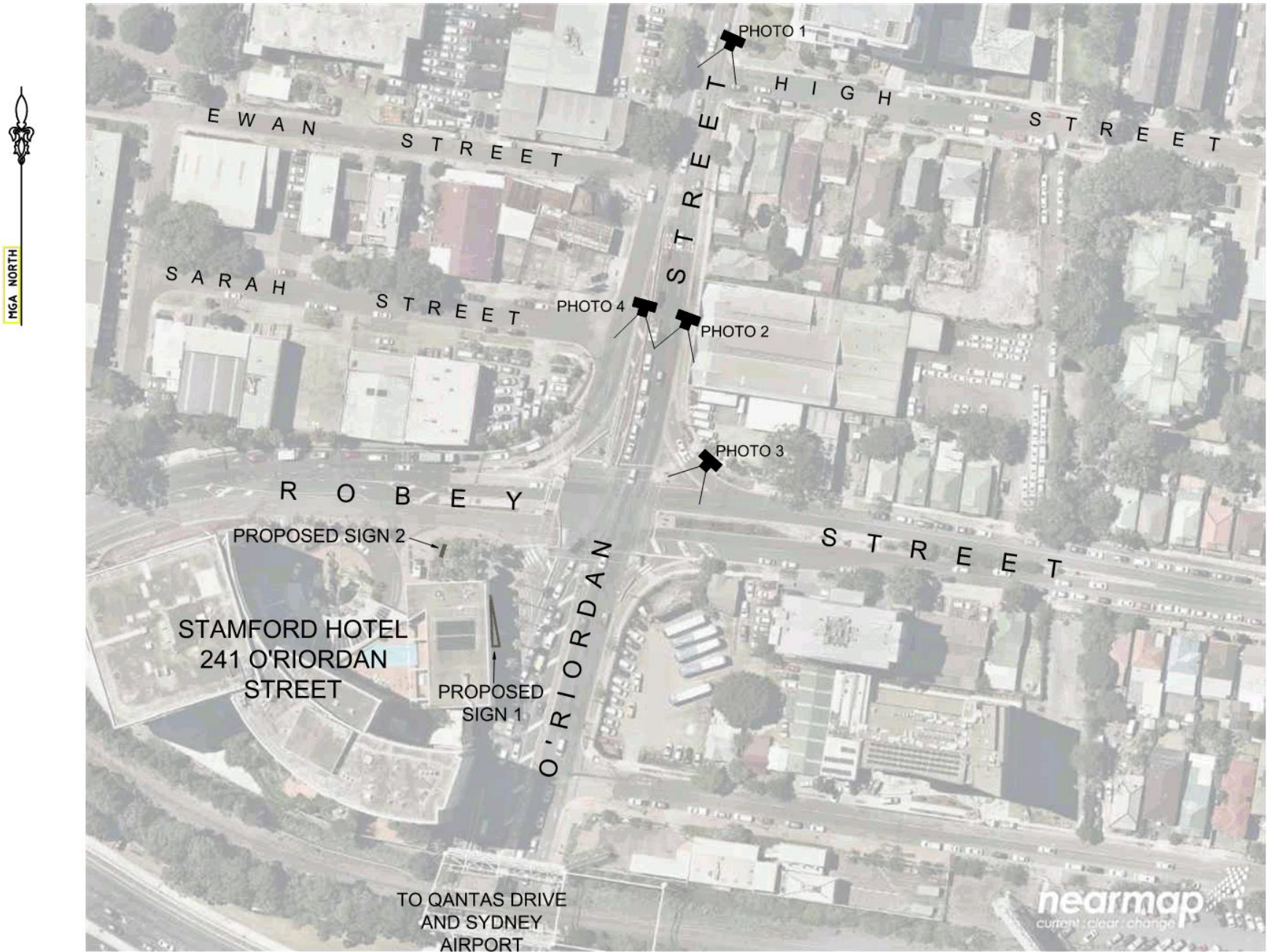
URBAN STREETSCAPE REPORT

STAMFORD HOTEL SIGNAGE PROPOSAL
241 O'RIORDAN STREET
MASCOT 2020

PREPARED FOR:
EI MEDIA
17 BAKER STREET
BANKSMEADOW 2019



LOCATION OF PROPOSED SIGNAGE

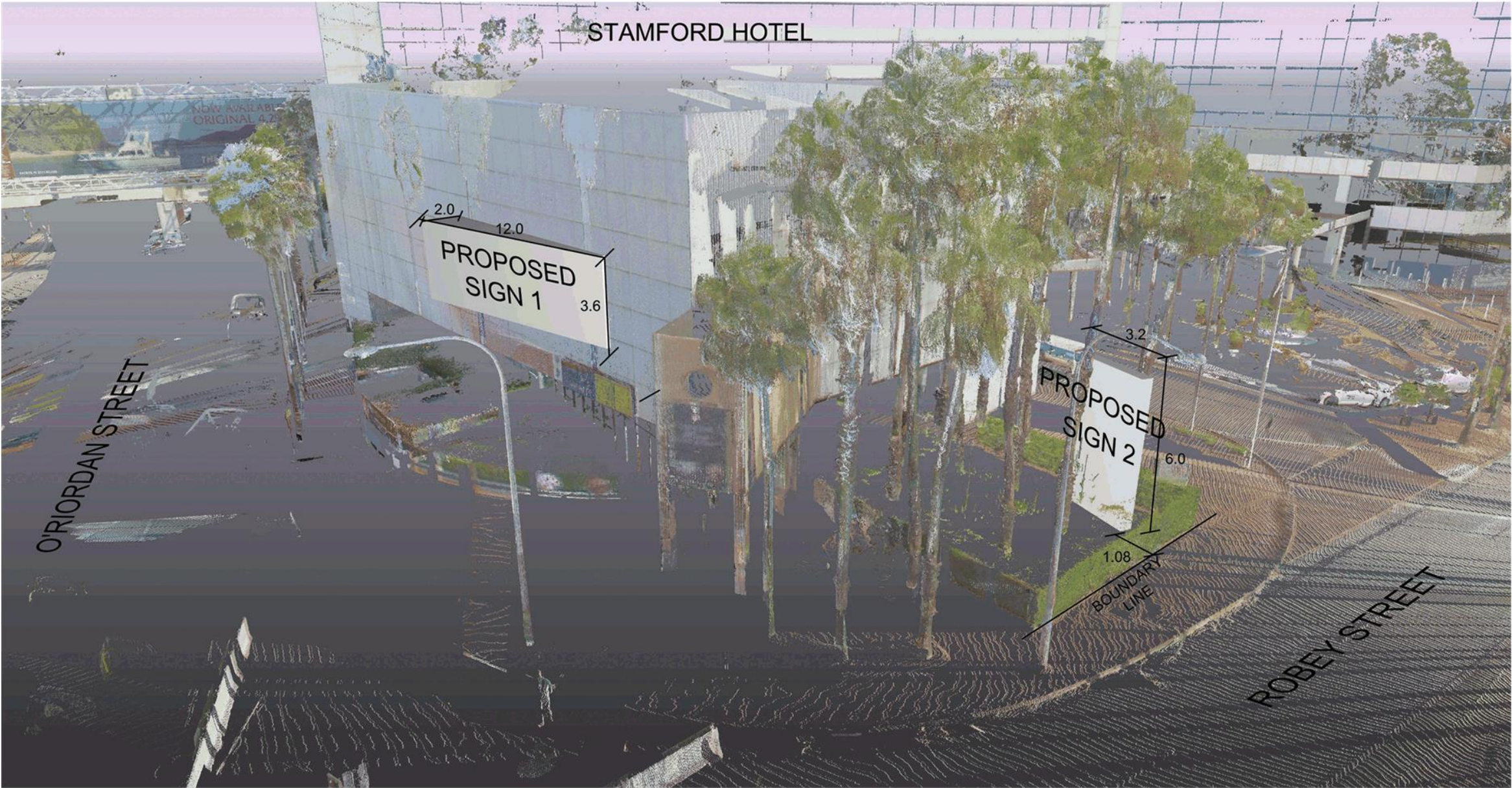


1	FIRST ISSUE	23/02/18
2	RE-ISSUE WITH AMENDMENTS	06/03/18
3	ADDITIONAL SHEET ADDED	08/03/18

CMS SURVEYORS PTY LTD
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SURVEYED CL	DRAWN CL	CHECKED CL	APPROVED DL	ISSUE 3
SURVEY INSTRUCTION 17550	DATE OF SURVEY 16/02/2018	SCALE VARIES		
DOCUMENT NAME 17550report1-2				
FILE 17550REPORT1-2.dwg				SHEET 2 / 7

PROPOSED SIGNAGE - LOCATION AND DIMENSIONS



1	FIRST ISSUE	23/02/18
2	RE-ISSUE WITH AMENDMENTS	06/03/18
3	ADDITIONAL SHEET ADDED	08/03/18

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DOCUMENT NAME 17550report1-2				
FILE 17550REPORT1-2.dwg				SHEET 3 / 7

PERSPECTIVE - VIEW LOOKING SOUTH

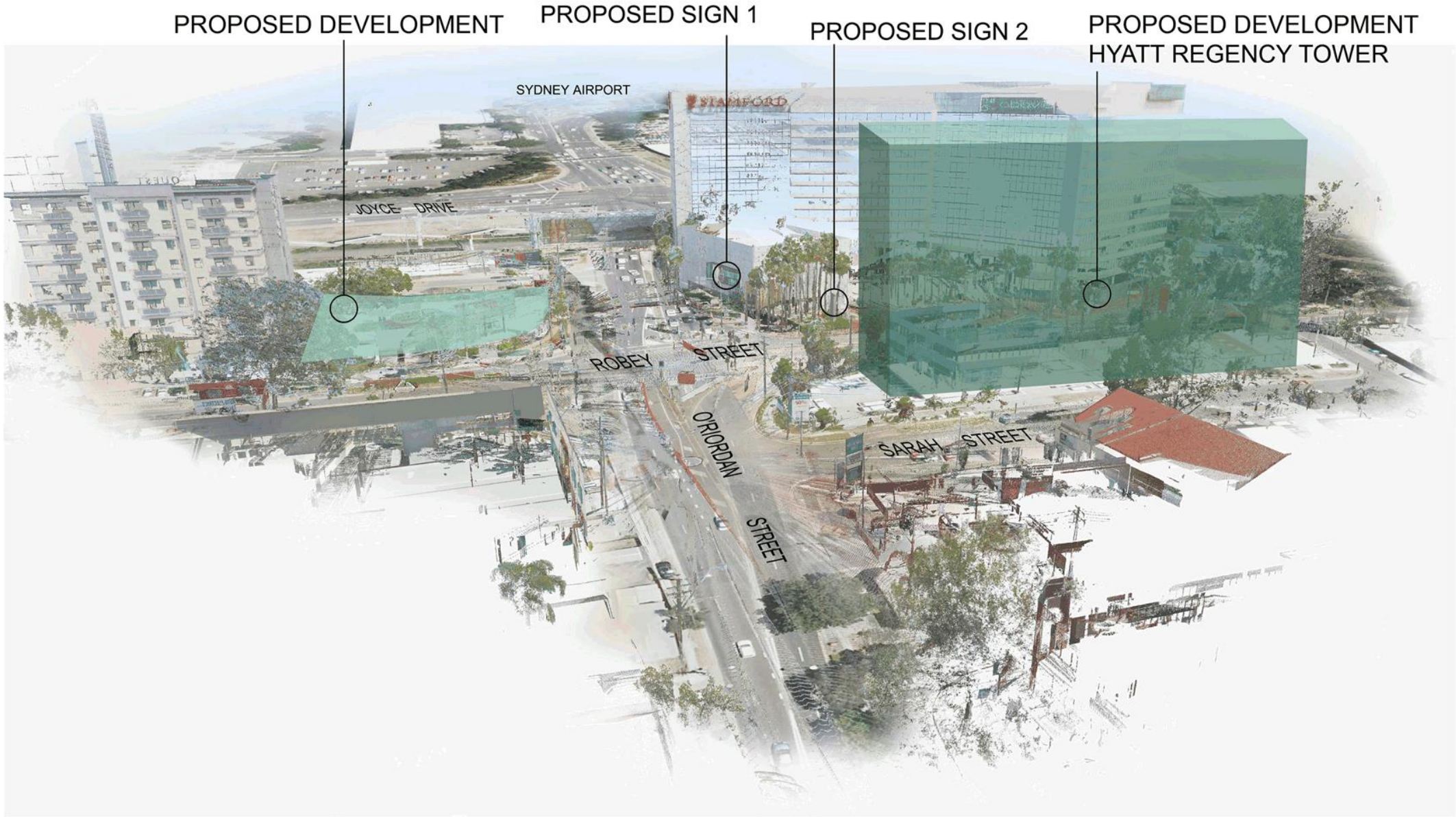


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SURVEY INSTRUCTION 17550	DATE OF SURVEY 16/02/2018	SCALE VARIES		
DOCUMENT NAME 17550report1-2				
FILE 17550REPORT1-2.dwg				SHEET 4 / 7

OVERALL STREETSCAPE/CONTEXT - VIEW LOOKING SOUTH



1	FIRST ISSUE	23/02/18
2	RE-ISSUE WITH AMENDMENTS	06/03/18
3	ADDITIONAL SHEET ADDED	08/03/18

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DOCUMENT NAME 17550report1-2				
FILE 17550REPORT1-2.dwg				SHEET 5 / 7

BEFORE

AFTER

PHOTO 1



PHOTO 2



1	FIRST ISSUE	23/02/18
2	RE-ISSUE WITH AMENDMENTS	06/03/18
3	ADDITIONAL SHEET ADDED	08/03/18



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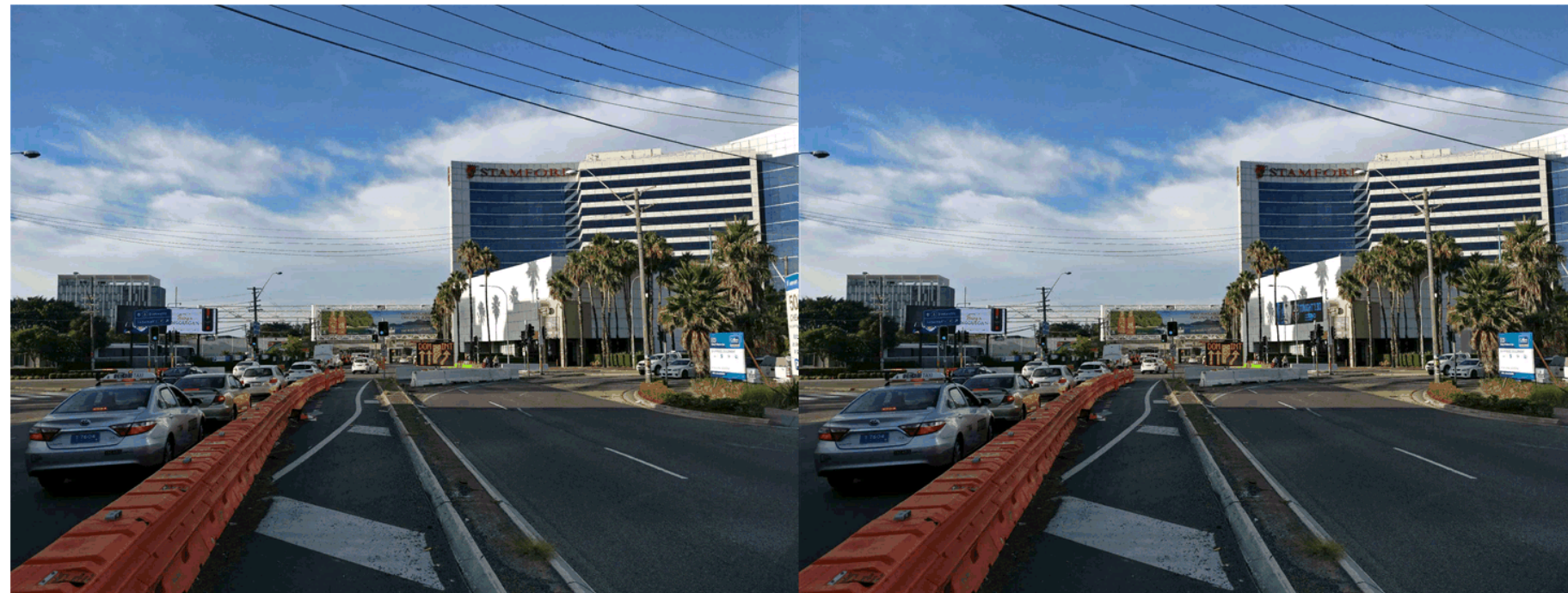
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SURVEYED CL	DRAWN CL	CHECKED CL	APPROVED CL	ISSUE 3
SURVEY INSTRUCTION 17550		DATE OF SURVEY 16/02/2018		SCALE VARIES
DOCUMENT NAME 17550report1-2				SHEET 6 / 7
FILE 17550REPORT1-2.dwg				

BEFORE

AFTER

PHOTO 3



SURVEYED CL	DRAWN CL	CHECKED CL	APPROVED DL	ISSUE 3
SURVEY INSTRUCTION 17550		DATE OF SURVEY 16/02/2018		SHEET 7 / 7
DOCUMENT NAME 17550report-1.2				
FILE 17550REPORT1-2.dwg				



Our Ref: 17550_PhotomontageReport
Date: 22.02.2018

Mr Justin Hughes
El Media
17 Baker Street
Banksmeadow 2019

Dear Mr Hughes

RE: SURVEY ACCURATE PHOTOMONTAGE
Location: Intersection Robey Street and O'Riordan Street Mascot

In accordance with your instructions we have produced a number of survey accurate photomontages for proposed additional signage to be erected on the wall of, and out the front of, the Stamford Plaza Hotel at 241 O'Riordan Street Mascot. In order to achieve photo-accurate positioning for the signage we have completed the following tasks:

- Attended site and found existing survey control to establish MGA coordinates and relate the work to the Australian Height Datum (AHD)
- Laser scanned the intersection to accurately capture the current environment in point cloud form.
- Captured photos at various locations per your instructions and determined the coordinates of these photos using RTK-GPS.
- Created 3D virtual models of the proposed signage and positioned these accurately within the surveyed point cloud.
- Setup virtual cameras in the same position and with the same camera parameters as the real photos in a virtual 3D environment.
- Checked we achieved a match by comparing the point cloud overlaid on the photos. The results of these matches have been included in this report.
- Rendered out the proposed signage in its correct spatial position.
- Overlaid and composited the proposed signs with the photos of the existing environment to produce before and after photos.

In addition, we have produced a plan showing the key details relating to the production of the photomontages. This plan, which shows the location of the photos and the dimensions and locations of the signs has been included at the end of this report.

We trust that the results of these survey accurate photomontages will better inform the visual impact study. Please do not hesitate to contact me at our office if you have any queries.

Yours faithfully,
CMS Surveyors Pty Limited

Christopher Larmour
Registered Land Surveyor 8786



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INCORPORATING
A.C.GILBERT & Co.
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90 Wallendoon St, COOTAMUNDRA NSW 2590
Ph: 02 6942 3395 Fax: 02 6942 4046
Email: coota@cmssurveyors.com.au



**Photomontage details**

- All coordinates are related to the Map Grid of Australia and the Australian Height Datum: SSM66002 is the origin of coordinates and the height datum origin.
- Location of photos (table):

Photo	Camera Location			Target Location			Focal Length(mm)
	E	N	H	E	N	H	
1	332419.55	6244173.68	8.26	332324.94	6244012.00	29.10	28
2	332407.13	6244095.64	8.14	332347.58	6244017.77	17.49	28
3	332395.06	6244099.07	8.42	332369.80	6244011.27	15.72	28

Photos overlaid with Scan data (Spatial reference check)

Photo 1:





Photo 2:



Photo 3:



Urban Streetscape Report**Page 2.**

An urban streetscape report was prepared by CMS Surveyors Pty Ltd for a Stamford Hotel Signage Proposal at 241 O'Riordan St, Mascot NSW 2020. The report examines the impacts of proposed signage on the proposed surrounding developments. The report also illustrates difference scenarios to show the photomontage of the proposed signage. It concludes that the site is considered suitable for the proposed signage and the proposal would not cause any significant impacts on the surrounding context or create visual clutter.

The site plan depicts the location of the proposed signage at the Stamford Hotel. The report has considered 4 different scenarios: by photos taken at different distances along O'Riordan Street southbound to evaluate the impacts of the proposed development.

Page 3.

The figure illustrates the view of the proposed signage and the Stamford Hotel from the intersection of Robey St and O'Riordan St. The proposed 'Signage 1' has a dimension of 3.6m x 12m, the total area of Signage 1 is 43.6m². The signage is positioned relatively high above street level - a minor 2m projection on the left side for 'Signage 1' is proposed and is considered to be acceptable for effective orientation. Work Health and Safety of approved maintenance crew is required.

'Signage 2' is located 1.08m from Robey Street on a freestanding structure above the garden bed. It has a dimension of 3.2m x 6m and a total area of 19.2m². Several palm trees are located near the proposed 'Signage 2', three existing palms on site are required to be removed as part of the proposed works. This will not have any adverse impact on the total landscaping and amenity on site as there are several hedges, palms, and gardens, which will be retained and protected during construction works.

Page 4.

The picture shows the existing and proposed development surrounding the proposed signage. There are currently two proposed developments located near the proposed signage. A Hyatt Regency branded hotel is proposed to the north of the subject site. The Development Application at 2-8 Sarah St, Mascot was approved by JRPP on the 22/07/2014 for demolition of existing structures and construction of an 8 to 9 storey hotel containing 162 rooms and 43 car parking spaces. The proposed hotel is located on the northern side of the subject site and currently been used as car parking.

A 12 storey hotel development was approved in late 2009 for the erection of a 195 room hotel with two level basement parking. The approved hotel is located on the eastern side of the proposed 'Signage 1'. The site remains vacant and is currently being used for on ground parking. The proposed signage would not cause any significant impacts to the proposed developments at present or in future, and is considered to be small relative to the future 8-9 and 12 storey developments.

Page 5.

The figure provides a distant view of O'Riordan Street looking towards Sydney Airport to the south. Given the largely developed and urban nature of the surrounds, it is considered that



the visual impacts of the proposed signage would be of minor nature to the surrounding buildings and locality. The proposed signage is not attached to any other advertising structures or signage. Given the separated nature of the proposed signage, it is unlikely to create clutter or unreasonably burden the surrounding streetscape.

Page 6.

This page provides the photomontages of the proposed signage in its current and proposed situation looking from O'Riordan Street towards the south. Photo 1 is taken approximately 150m from the intersection of O'Riordan Street and High Street. Photo 2 is taken approximately 85m from the intersection of O'Riordan Street and Sarah Street. Photos on the left of the page show the current situation of the site, where photos on the right provides the accurate photomontage of the proposed signage. It is concluded that the proposed signage fits in with the surrounding context and would not cause any significant impacts. It is also observed that there is an existing signage located on O'Riordan St near the rail line, the proposed signage would be considered small in size comparing to the existing signage above O'Riordan St. Considering Photo 4 and Photo 2 were taken at the same location, this report will only provide Photo 2 for reference.

Page 7.

Photo 3 is taken approximately 55m from the intersection of O'Riordan Street and Robey Street. It is observed that O'Riordan Street is currently undergoing construction work (RMS works). The proposed signage is consistent with the surrounding context and landscape. The signage is positioned relatively high above the street level, it will not reduce the safety for either pedestrians or cyclists (refer to Road Safety Assessment, prepared by ARRB Group Appendix 6). It is noted that existing signage is located near the proposal, however the proposed signage is considered relatively small in size compared to the neighbouring signage. Considering the diverse range of advertising within the Airport precinct, the proposal will be integrated with the urban context of the area.

Bayside Local Planning Panel

26/03/2019

Item No	6.2
Application Type	Modification Application
Application No	DA-2016/325/E
Lodgement Date	13/02/2019
Property	16-20 Princess Street, Brighton Le Sands
Ward	Botany Bay
Owner	Brighton International Pty Ltd
Applicant	Architecture & Building Works
Proposal	Modification to increase building height by 100mm, increase top of lift overrun by 500mm, and amend condition no. 83
No. of Submissions	Nil
Cost of Development	0
Report by	Michael McCabe, Acting General Manager

Officer Recommendation

That Development Application No DA-2016/325/E, being a Section 4.55(1A) application to amend Development Consent Number DA-2016/325, for the increase in height of the building by 100mm, the increase of the lift overrun by 500mm and modification of condition no. 83 at 16-20 Princess Street, Brighton Le Sands be APPROVED and the consent amended in the following manner:

A. By amending Condition Nos. 2 and 83 to read:

- 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
Material Samples, Drawing No. A-0000	Architecture and Building Works	November 2016	
Basement 03, Drawing No. A-007, Issue F	Architecture and Building Works	19/12/2016	20/12/2016
Basement 02, Drawing No. A-008, Issue F	Architecture and Building Works	19/12/2016	20/12/2016
Basement 01, Drawing No. A-009, Issue F	Architecture and Building Works	19/12/2016	20/12/2016
Ground Floor Plan, Drawing No. A-010, Issue J	Architecture and Building Works	13/07/2017	20/12/2016
First Floor Plan, Drawing No. A-011, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
Second Floor Plan, Drawing No. A-012, Issue H	Architecture and Building Works	13/07/2017	20/12/2016

Third Floor Plan, Drawing No. A-013, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
Fourth Floor Plan, Drawing No. A-014, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
Fifth Floor Plan, Drawing No. A-015, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
Sixth Floor Plan, Drawing No. A-016, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
Seventh Floor Plan, Drawing No. A-017, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
Eighth Floor Plan, Drawing No. A-018, Issue H	Architecture and Building Works	13/07/2017	20/12/2016
<i>Elevation North West , Dwg no. A-032, Issue J</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation North East, Dwg no. A-031, Issue I</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation South East, Dwg no. A-034, Issue I</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation South West, Dwg no. A-033, Issue I</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Roof/site plan, Dwg No. A-019, Issue J</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Section , Dwg no. A-030, Issue H</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>

83. 41 off street basement car spaces shall be provided in accordance with the submitted plan and shall be line marked. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 - guide to Residential Pavements.

B. The addition of conditions 25A and 25B:

- 25A. A structural engineer's certificate is required to be submitted stating that the extension to the lift overrun and the additional building height are structurally adequate.
- 25B. A Building Information Certificate for the lift overrun extension and also the excess building height is required to be obtained from Council.

Location Plan



Attachments

- 1 Planning Assessment Report - 16-20 Princess Street [↓](#)
- 2 Elevation North West - 16-20 Princess Street Brighton le Sands [↓](#)
- 3 Elevation South West - 16-20 Princess Street Brighton le Sands [↓](#)
- 4 Elevation South East - 16-20 Princess Street, Brighton le Sands [↓](#)
- 5 Elevation North East - 16-20 Princess Street Brighton le Sands [↓](#)
- 6 Section - 16-20 Princess Street Brighton le Sands [↓](#)
- 7 Roof / Site Plan - 16-20 Princess Street Brighton le Sands [↓](#)
- 8 Height Plane Diagram - 16-20 Princess Street Brighton le Sands [↓](#)
- 9 Statement of Environmental Effects - 16-20 Princess Street Brighton le Sands [↓](#)
- 10 SACL response letter 16-20 Princess St [↓](#)
- 11 Shadow Diagram 21 September 3pm - 16-20 Princess Street Brighton le Sands [↓](#)
- 12 Shadow Diagram 21 September 12noon - 16-20 Princess Street Brighton le Sands [↓](#)
- 13 Shadow Diagram 21 September 9am - 16-20 Princess Street Brighton le Sands [↓](#)
- 14 Shadow Diagram 21 June 3pm - 16-20 Princess Street Brighton le Sands [↓](#)
- 15 Shadow Diagram 21 June 12noon - 16-20 Princess Street Brighton le Sands [↓](#)
- 16 Shadow Diagram 21 June 9am - 16-20 Princess Street Brighton le Sands [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/325/E
Date of Receipt:	13 February 2019
Property:	16 Princess Street, BRIGHTON LE SANDS (Lot 5 DP 435253) 18 Princess Street, BRIGHTON LE SANDS (Lot 4 DP 435253) 20 Princess Street, BRIGHTON LE SANDS (Lot 3 DP 435253)
Owner:	Brighton International Pty Ltd
Applicant:	Architecture & Building Works Pty Ltd
Proposal:	16-20 Princess Street, Brighton Le Sands NSW 2216 - Modification to increase building height by 100mm, increase top of the lift overrun by 500mm, and amend Condition no. 83.
Recommendation:	Approved
No. of submissions:	The development has been notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions on this proposal.
Author:	Julia Hunt
Date of Report:	14 March 2019

Key Issues

The key issues related to this application are:

- Sydney Airports have no objection to the erection of this development to a maximum height of 36.2 metres AHD. The proposed lift overrun has a maximum height of 36.2 AHD and the building has a maximum height of 34.70 AHD.

Recommendation

That Development Application No DA-2016/325/E, being a Section 4.55(1A) application to amend Development Consent Number DA-2016/325, for the increase in height of the building by 100mm, the increase of the lift overrun by 500mm and modification of condition no. 83 at 16-20 Princess Street, Brighton Le Sands be APPROVED and the consent amended in the following manner:

A. By amending condition no. 2 and 83 to read:

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
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<i>Elevation North East, Dwg no. A-031, Issue I</i>	<i>Architecture and building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation South East, Dwg no. A-034, Issue I</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation South West, Dwg no. A-033, Issue I</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Roof/site plan, Dwg No. A-019, Issue J</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Section , Dwg no. A-030, Issue H</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>

83. Forty-one (41) off street basement car spaces shall be provided in accordance with the submitted plan and shall be line marked. The pavement of all car parking spaces, manoeuvring areas and internal

driveways shall comply with Australian Standard AS3727 - guide to Residential Pavements.

B. The addition of conditions 25A and 25B:

25A. A structural engineer's certificate is required to be submitted stating that the extension to the lift overrun and the additional building height are structurally adequate.

25B. A Building Information Certificate for the lift overrun extension and also the excess building height is required to be obtained from Council.

Background

History

The following applications have previously been considered by Council in relation to the subject site:

12 October 2016: Council approved DA-2016/325 for the construction of a Nine (9) Storey Residential Flat Building Comprising ThirtyOne (31) Residential Units, Basement Parking and Demolition of Existing Structures.

28 June 2017: Modification Application (DA-2013/325/A) was approved to reconfigure communal open space, addition of utilities and services and internal and external design modifications resulting in an increase to the number of units to 32 units.

6 September 2017: Modification Application (DA-2013/325/B) was approved to correct an error by deleting condition 94 of the Development Consent related to flood proofing the basement.

5 December 2017: Modification application (DA-2013/325/C) was approved to relocate the northwestern wall element from the ground floor to the eighth floor.

12 March 2018: Modification Application (DA-2013/325/D) was approved to correct the description of development to refer to 32 residential units.

Proposal

The proposed modification to the approved nine (9) storey residential flat building includes the following:

Increase height of roof level by 100mm due to the change in plan from the seventh floor to the eighth floor required a thicker concrete slab to allow for the transfer of loads. The thicker slab meant that the roof had to raise by 100mm to allow for a 2700mm ceiling.

Increase height of Lift overrun by 500mm as the information provided from the lift company during the DA stage showing the lift overrun height was either incorrect or not transferred properly to the architectural drawings. The lift overrun required an additional 500mm. It is noted that the lift overrun was already approved over the 28m height limit as part of the development application.

Modify Condition 83 which refers to line marking of car spaces in basement being to satisfaction of

Council, Council Certifier's confirmed this is an old wording in condition and does not apply as they do not require inspection of line marking of private parking spaces. Remove reference to "council's satisfaction".

The addition of conditions 25A and 25B to ensure the building works completed without prior DA approval are structurally adequate and a Building Information Certificate is obtained from Council.

Site location and context

The subject site is known as Lot 3,4 and 5 DP 435253, 16-20 Princess Street, Brighton Le Sands. The site is located on the southern side of Princess Street and is approximately 917.7sqm in area. The site has a primary frontage of 22.8m to Princess Street, and a rear lane frontage of 22.98m to Saywell Lane.

The subject site contains a near completed nine (9) storey residential flat building, comprising 32 units and basement parking. There is a mix of commercial and 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*.

S4.55 (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

The proposed modifications result in minimal environmental impact, involving a minor, 100mm and 500mm height increase to the top roof and lift overrun respectively. The modification of condition 83 relating to the wording of linemarking in the carpark results in no 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

The application is only for minor modifications to the development consent. The proposal remains as previously approved, namely a mixed use development. The proposed modifications will not change the land use or substantially alter the nature of the development. As such it is considered substantially the same development.

c) it has notified the application in accordance with:

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

The application has been notified in accordance with the provisions of Council's DCP 2011.

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

No submissions were received.

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.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

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 proposed modifications are not deleterious to the reasons given for the original approval.

The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

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

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy No 55—Remediation of Land

The property is not identified in Council's records as being contaminated. Therefore SEPP 55 does not apply.

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

The proposed modification is for a slight increase in overall building height by 100mm, and the lift overrun on the roof by 500mm. These minor modifications to the original approved Residential Flat Building, do not adversely alter the approved design in regards to the Apartment Design Guide and the SEPP 65. The SEPP is considered satisfied in this regard. As part of due process, this modification application is being determined by the Bayside Planning Panel who determined the original

Development Application under the SEPP 65.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes
4.3 Height of buildings	No - see discussion	No - see discussion
6.4 Airspace operations	Yes - see discussion	Yes - see discussion

4.3 Height of buildings

The maximum building height for the subject site is 28m. Part of the roof of the Residential Flat Building on the site has been constructed 100mm higher than the approved height at 28.1m, and the lift overrun is 500mm higher than on original approved DA plans at 28.25m. These modifications are minor and are not perceptible from the street or the broader context. Modification applications do not require a formal Clause 4.6 Variation for varying a development standard. Council considers that the modifications to the height are minor in nature and the objectives of the Height standard are still satisfied as the development still maintains satisfactory sky exposure and daylight to buildings, key areas and the public domain.

6.4 Airspace operations

The proposed development is affected by the 51m AHD Obstacle Limitation Surface (OLS) on the RLEP maps. The application was referred to Sydney Airports Corporation Ltd who raised no objection to the proposal, thereby satisfying the provisions of this Clause.

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
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes - see discussion	Yes - see discussion
4.6 Basement Parking - Residential Flat Buildings	Yes - see discussion	Yes - see discussion
5.2 RFB - Building Design	Yes	Yes

4.1.1 Views and Vista

The overall building height is increased by 100mm and the lift overrun by 500mm. These changes are minor and are not envisaged to cause any unreasonable loss of views across the top of the building from surrounding RFB apartments. Notably there are existing residential flat buildings surrounding the site which are higher than this proposal, particularly to the east between the bay and subject site. This clause is addressed and satisfied.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

Shadow diagrams submitted demonstrate that the proposed minor increase in the height of the building by 100mm has minimal impact on the level of solar access received by adjoining properties and within the development site as compared to the original approved building height under DA-2016/325. The solar access objectives and controls are satisfied.

4.6 Basement Parking - Residential Flat Buildings

This modification application proposes to modify Condition 83 which incorrectly refers to line marking of parking spaces being to satisfaction of Council. Council Certifier's confirmed this is an old wording in condition and does not apply as they do not require to inspect line marking of private parking spaces. Modifying Condition 83 as follows is recommended :

83. 41 off street basement car spaces shall be provided in accordance with the submitted plan and shall be line marked. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 - guide to Residential Pavements.

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. The proposed minor modifications are considered to have minimal environmental impact.

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

The relevant matters pertaining to the suitability of the site for the proposed modifications to the approved RFB development have been considered in the assessment of the proposal. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

S7.11 Contribution towards provision or improvement of amenities or services

The proposed modification to the roof and lift overrun do not change the original applicable Section 7.11 Contribution Payment under DA-2016/325.

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 subject site is affected by the 15.23m building height Civil Aviation Regulation. The proposed building height at 36.2m AHD (29.6m above existing ground) was referred to Sydney Airports for comment. Sydney Airports have no objection to the erection of this development to a maximum height of 36.2 metres AHD. Hence this clause is satisfied.

Schedule 1 - Draft Conditions of consent

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Material Samples, Drawing No. A-0000	Architecture and Building Works	November 2016	
Basement 03, Drawing No. A-007, Issue F	Architecture and Building Works	19/12/2016	20/12/2016
Basement 02, Drawing No. A-008, Issue F	Architecture and Building Works	19/12/2016	20/12/2016
Basement 01, Drawing No. A-009, Issue F	Architecture and Building Works	19/12/2016	20/12/2016
Ground Floor Plan, Drawing No. A-010, Issue J	Architecture and Building Works	13/07/2017	30/08/2017
First Floor Plan, Drawing No. A-011, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
Second Floor Plan, Drawing No. A-012, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
Third Floor Plan, Drawing No. A-013, Issue H	Architecture and Building Works	13/07/2017	30/08/2017

Fourth Floor Plan, Drawing No. A-014, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
Fifth Floor Plan, Drawing No. A-015, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
Sixth Floor Plan, Drawing No. A-016, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
Seventh Floor Plan, Drawing No. A-017, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
Eighth Floor Plan, Drawing No. A-018, Issue H	Architecture and Building Works	13/07/2017	30/08/2017
<i>Elevation North West, Dwg no. A- 032, Issue J</i>	<i>Architecture and Building Works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation North East, Dwg no. A-031, Issue I</i>	<i>Architecture and building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation South East, Dwg no. A-034, Issue I</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Elevation South West, Dwg no. A- 033, Issue I</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Roof/site plan, Dwg No. A-019, Issue J</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>
<i>Section, Dwg no. A- 030, Issue H</i>	<i>Architecture and Building works</i>	<i>11/2/2019</i>	<i>13/2/2019</i>

[Amendment E - S4.55(1A) amended on 14/3/19]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 688111M, dated Sunday 20 December 2015, other than superseded by any further amended consent and BASIX certificate.

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

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

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for

a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled." Note: For further information please see <http://www.basix.nsw.gov.au>.

6. The approved communal open space to Level 7 and approved rear terrace areas to Units located on Level 8 shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. Parking spaces shall be allocated to residential units in the following manner and this shall be reflected in any subsequent Strata Subdivision of the development:

Allocated Spaces

Studi; 1 and 2 bedroom Units 1 space per Unit
3 bedroom Units 2 spaces per Unit

Non-Allocated Spaces

Residential Visitor Spaces 1 space per 5 units
(incorporating 1 car wash bay)
1 loading/unloading bay (SRV) within secondary
frontage facing Saywell Lane

Parking calculations that are not whole numbers must be rounded up to the nearest whole number.

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site. Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81(1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development specific conditions

The following conditions are specific to the Development Application proposal.

1. A Building Information Certificate for the lift overrun extension and also the excess building height is required to be obtained from Council.
1. A structural engineer's certificate is required to be submitted stating that the extension to the lift overrun and the additional building height are structurally adequate.
11. 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.
12. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
 13. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
 - (i) permit stormwater to be retained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
 14. 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.
 15. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
 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. 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.
 19. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
 20. Internal height clearance shall be designed throughout the car park and access

driveway in accordance with AS2890.1 and AS2890.6.

21. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
22.
 - a) In order to ensure the design quality/excellence of the development is retained:
 - i Jim Apostolou of AB Works 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 Council prior to release of the Construction Certificate.
 - b) The design architect of the project is not to be changed without prior notice and approval of Council.
23. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called Report – Remedial Action Plan - 16 – 20 Princess Street Brighton Le Sand NSW – Doc Ref: 405-E1110-AB prepared by Compaction & Soil Testing Services Pty Ltd (C.S.T.S.) dated 1 September 2016.
24. 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.
25. Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW Environment Protection Authority's Environmental Guidelines: Waste Classification Guidelines (2009).
- 25A. *A structural engineer's certificate is required to be submitted stating that the extension to the lift overrun and the additional building height are structurally adequate*

[Amendment E - 4.55(1A) inserted on 14/3/19]

Reason for additional condition 25A is:

- *to ensure lift overrun and additional building height structurally adequate*

- 25B. *A Building Information Certificate for the lift overrun extension and also the excess building height is required to be obtained from Council.*

[Amendment E - S4.55(1A) inserted on 14/3/19]

Reason for additional condition 25B is:

- *To ensure a Building Information Certificate is obtained from Council for works*

Prior to issue of the construction certificate

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

26. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$18,472.04. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
27. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
28. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
29. A Section 94 contribution of \$207,138.69 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$165,932.17
Community Services & Facilities	\$13,965.36
Town Centre & Streetscape Improvements	\$5,278.69

Pollution Control	\$20,710.56
Plan Administration & Management	\$1,251.91

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.

30. 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 and neighbouring buildings, 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.

An engineering design certificate is required to be submitted for the design of the basement system including shoring wall.
31. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
32. A landscape plan, prepared by a qualified Landscape Architect shall be submitted to the satisfaction of Council's Landscape Officer prior to the issue of a Construction Certificate for the approved development. The plan shall be at a scale of 1:100 or 1:200 and comply with Rockdale Technical Specification Landscape and all other relevant conditions of this Consent.
33. The approved plans must be submitted to Sydney Water to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifying Authority must ensure that Sydney Water has approved the plans before issue of any Construction Certificate. For more information, visit www.sydneywater.com.au.
34. 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.
35. The subsurface structure shall be designed with a waterproof retention system (ie Structural 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.
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.

Note:

- a. All structures that are fully or 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. Permanent dewatering will not be permitted.
- c. Continuous monitoring of ground water levels may be required.

36. Geotechnical

As the basement floor is being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must;

- a. Implement all recommendations contained in the report prepared by Douglas Partners Pty Ltd., Consulting Engineers Ref: Project 85174.00, dated 8 December 2015.
- b. Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
- c. Confirm the proposed construction methodology, 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. Determine the soil absorption rate and satisfy the other requirements of Rockdale Technical Specification Stormwater Management relating to the water table, impact on footings, etc prior to design of the drainage system.
- 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.

37. Vibration monitoring

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

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

easily alerted to the event.

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

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

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

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

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

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

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

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

38. The applicant shall confer with Energy Australia to determine the following:
 - a. if satisfactory clearances to any existing overhead High Voltage mains will be affected;
 - b. if an electricity distribution substation is required; and/or
 - c. if installation of electricity conduits in the footway is required.
39. The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners which meet the NSW EPA Industrial Noise Policy and Protection Of Environment Operations Act 1997 noise emission criteria for residential air - conditioners as specified in DA Noise Impact Assessment for 16-20 Princess Street Brighton Le Sands by Acoustic Logic – Project Number 20140451.1, Document Reference 20140451.1/1503A/R2/BW dated the 15 March 2016 has been carried out.

The acoustic assessment / report shall include at least the following information:

- the name and qualifications or experience of the person(s) preparing the report
- the project description, including proposed or approved hours of operation
- relevant guideline or policy that has been applied
- results of background and any other noise measurements taken from most noise affected location at the boundary line
- meteorological conditions and other relevant details at the time of the measurements
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers
- noise criteria applied to the project
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- how compliance can be determined practically

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

40. The low level driveway must be designed to prevent inflow of water from the road reserve, and gutter flow - 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.
41. Any part of the proposed building within 3m of the proposed retention 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.
42. The driveway over the absorption trench shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
43. The visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
44. 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.

45. 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.

The emergency kerb discharge must be less than 50 l/s for the combined discharge of the site for the 50 year ARI event.

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.

46. The proposed SRV loading bay shall be fully contained within the site beyond the required 900mm footpath easement and designed in accordance with AS2890.2:2002. Prior to the issue of a Construction Certificate, for the approved development, the design of the loading bay shall be amended to accommodate a corner splay either side to accommodate vehicle manoeuvring in accordance with the relevant Australian Standard. In this regard, boundary walls shall be set back a minimum of 2.5 metres at the location of the car park and loading bay entries. The wall shall then return at a splay of 45 degrees to maintain adequate sight distances to pedestrians and vehicles.

The details should be in accordance with Council DCP, Rockdale Technical Specification - Traffic, Parking and Access and AS 2890.2 and the swept path analysis for the Single Rigid Vehicle (SRV) entering the loading bay shall be provided using a recognised computer software package such as Autoturn, complying with Section B3 of AS/NZS2890.1:2004.

Prior to commencement of works

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

47. 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.

48. 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.

49. 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.
50. 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.
51. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
52. 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.
53. 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.
54. 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.
55. 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.

56. 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.
57. 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.
58. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

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

59. 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.
60. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
61. 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. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - iv. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
62. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- i. preserve and protect the building from damage and
- ii. underpin and support the building in an approved manner, if necessary and
- iii. give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions allotment of land includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

63. 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.
64. 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.
65. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a

public road by means of a lift, hoist or tackle projecting over the footway.
Permits can be obtained from Council's Customer Service Centre.

- A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
66. 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.
67. 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.
- 68. 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.
- 69. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.

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.

- 70. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 71. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 72. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
- 73. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that

standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.

74. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
75. Lots 3; 4 and 5 DP 435253 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.
76. 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.
77. 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.
78. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
79. The width of the double driveway at the boundary shall be a maximum of 6 metres.
80. A convex mirror is to be installed at ramps to provide increased sight distance for vehicles.
81. The provision of a 0.9 metre wide right of footway in favour of Rockdale City Council along the boundary with Saywell Lane. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council.
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
82. Bollard(s) shall be installed at adaptable parking shared areas. Future maintenance will be the responsibility of the owner and/or occupier.
83. *Forty-one (41) off street basement car spaces shall be provided in accordance with the submitted plan and shall be line marked.
The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 - guide to Residential Pavements.*

[Amendment E - 4.55(1A) amended on 14/3/19]

84. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator.
Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

85. 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.
86. 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.
87. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'DA Noise Impact Assessment for 16-20 Princess Street Brighton Le Sands by Acoustic Logic – Project Number 20140451.1, Document Reference 20140451.1/1503A/R2/BW dated the 15 March 2016' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
88. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
89. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
90. 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.
91. 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.

92. All absorption trenches must be inspected, and a compliance certificate under Part 4A of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the principal certifying authority and be made available to Council officers upon request.
93. The underground garage shall be floodproofed to a minimum of 100mm above the 1% Annual Exceedance Probability Gutter flow level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
94. The underground garage shall be floodproofed- Gutter Flow to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
95. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater retention facility to provide for the maintenance of the retention facility.
96. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
97. 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.

98. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
 - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - The overflow from the rainwater tank shall be directed to the storm water system.
 - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
 - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

Integrated development/external authorities

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

99. Sydney Airport

- i) The crane **must not exceed** a maximum height of **65 metres AHD**.
- ii) The crane **must be obstacle marked** in alternating red and white bands of colour in accordance with subsection 8.10.2 of the Manual of Standards - Part 139 Aerodromes (Part 139 MOS) or lit with flashing white obstacle lighting during daylight hours.
- iii) The crane **must be obstacle lit** with medium intensity steady red lighting at night at the highest point of the structure. Obstacle lights are to be arranged to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of Part 139 MOS. Characteristics for medium intensity lights are stated in subsection 9.4.7 of Part 139 MOS.
- iv) The crane may engage in operations which will cause it to intrude into prescribed airspace **only as follows**:
 - * from 1 January 2017 to 10 October 2017
- v) The proponent **must provide SACL** with surveyed as installed details in writing including the height of the tower crane after it is erected.
- vi) The proponent **must give SACL** at least 48 hours notice before commencing operations which will result in intrusions into prescribed airspace (to allow SACL to raise the required Notices to Airmen (NOTAM)).
- vii) The proponent **must** ensure the obstacle lighting has a remote monitoring capability, or make a visual observation of the lighting each 24 hour period.
- viii) The obstacle lighting **must** be maintained in serviceable condition and any outage immediately reported to the aerodrome operator.
- ix) The proponent **must** advise Airservices at least three (3) business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting "SY-CA-332".
- x) At the end of the project the proponent **must** notify SACL of the dates and hours for the removal of the Tower Crane and give a minimum of 48 hours notice.

100. Department of Primary Industries - Water

General

An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of

issue and will be limited to the volume of groundwater take identified.

The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

- (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
- (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
- (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

The following shall be included in the initial report:

- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
- (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
- (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
- (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

A copy of a valid consent for the development shall be provided in the initial report.

The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During Excavation

Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of

pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:

- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
- (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

Roads Act

101. 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.

102. 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.
103. 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.
104. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
105. 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.
106. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
107. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

Development consent advice

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

b. *Telstra Advice – Dial Before You Dig*

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

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

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

d. 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. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- h. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- i. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- j. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.





Scale: 1:100 @A1 1:200 @A3

0 1 2 3 4 5 10m

h:\pn_0303_16-20 princess street brighton le sands\s 06-3\plot\A-

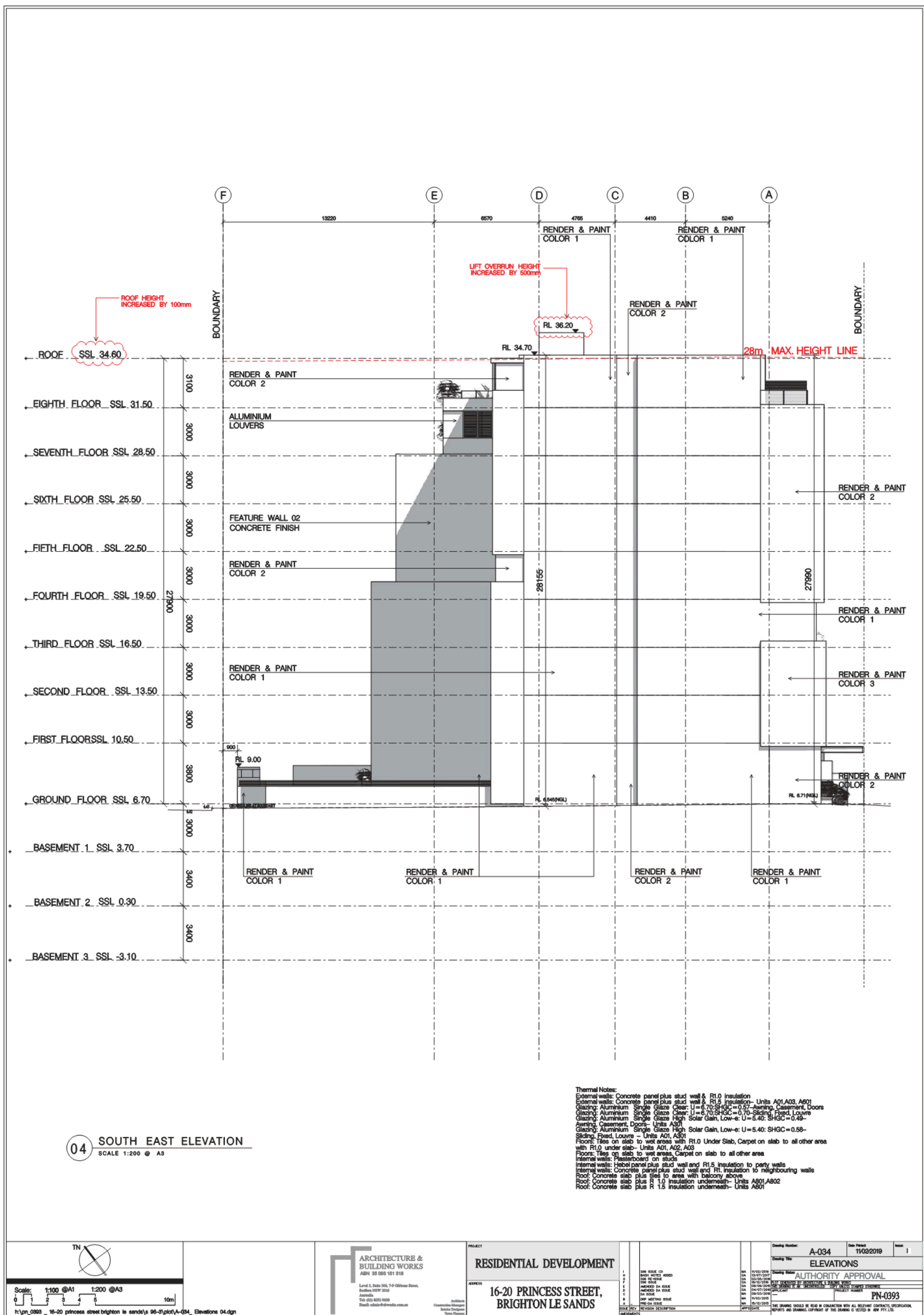
PROJECT	RESIDENTIAL DEVELOPMENT
ADDRESS	16-20 PRINCESS STREET, BRIGHTON LE SANDS

[illegible]



Thermal Notes:
 External wall: Concrete panel plus stud wall & R1.0 insulation
 External wall: Concrete panel plus stud wall & R1.5 insulation—Units A03, A801
 Glazing: Aluminum Single Glaze Clear—U=6.70; SHGC=0.57—Awnings, Casement, Doors
 Glazing: Aluminum Single Glaze Clear—U=6.70; SHGC=0.57—Units A01, A02, A03
 Glazing: Aluminum Single Glaze High Solar Gain, Low-E=U=5.40; SHGC=0.48—Units A01, A02, A03
 Glazing: Aluminum Single Glaze High Solar Gain, Low-E=U=5.40; SHGC=0.48—Sliding Fixed, Louvre—Units A01, A301
 Slabs: Tiles on slab w/astar, Carpet on R10 Under Slab, Carpet on slab at all other areas with R1.0 under slabs—Units A01, A02, A03
 Floors: Tiles on slab w/astar, Carpet on slab at all other areas
 Internal walls: Reinforced concrete
 Internal walls: Hebel panel plus stud wall and R1.5 insulation to party walls
 Internal walls: Hebel panel plus stud wall and R1.0 insulation to neighbouring walls
 Roof: Concrete slab plus tiles to area with balcony above
 Roof: Concrete slab plus R 1.0 insulation underneath—Units A801, A802
 Roof: Concrete slab plus tiles to area with balcony above







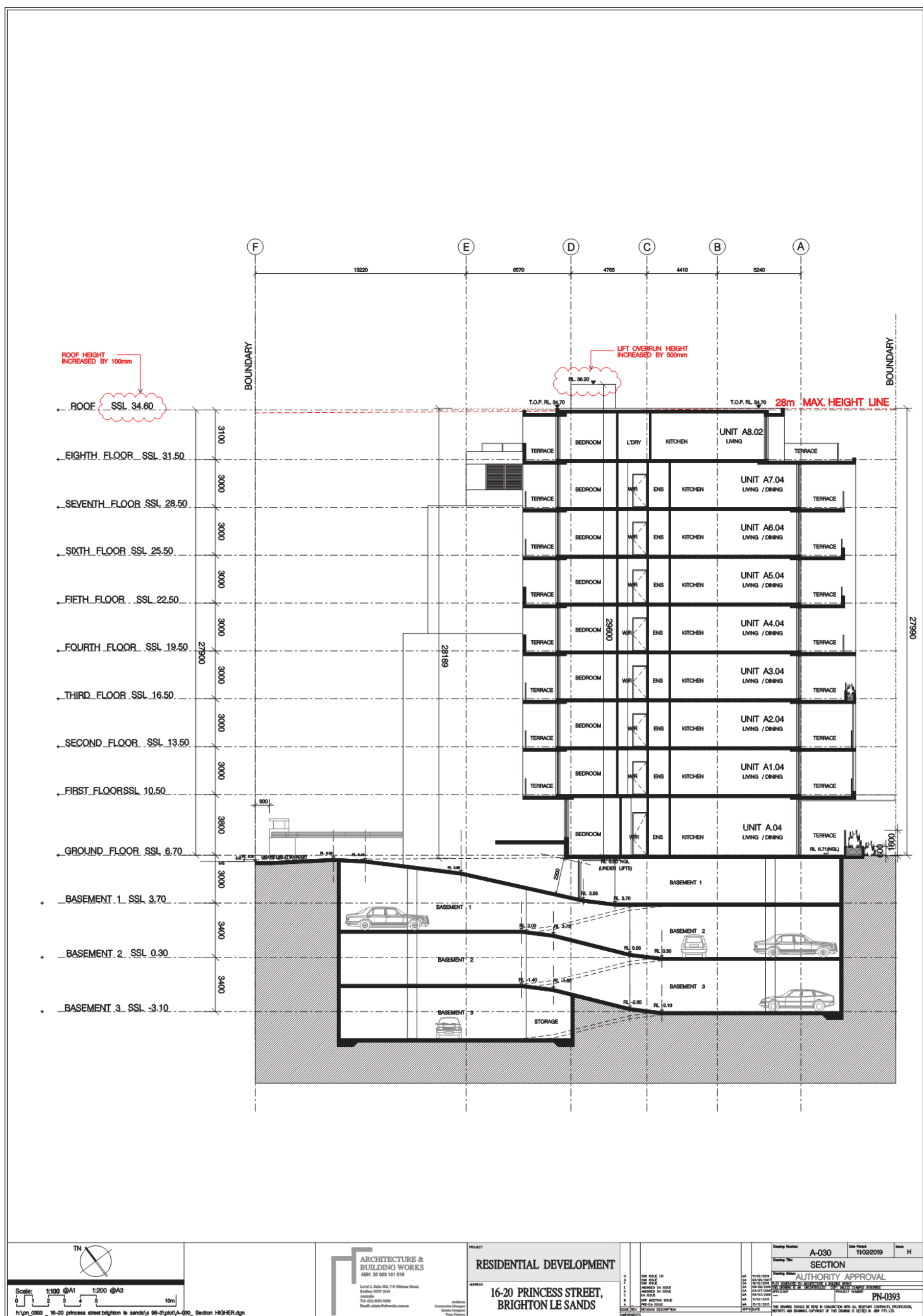
Thermal Notes:

External walls: Concrete panel plus stud wall & R1.0 insulation

External walls: Concrete panel plus stud wall & R1.5 insulation—Units A01/A02, A03

External walls: Concrete panel plus stud wall & R1.0 insulation—Units A04/A05, A06/A07, A08/A09, A10/A11, A12/A13, A14/A15, A16/A17, A18/A19, A20/A21, A22/A23, A24/A25, A26/A27, A28/A29, A30/A31, A32/A33, A34/A35, A36/A37, A38/A39, A40/A41, A42/A43, A44/A45, A46/A47, A48/A49, A50/A51, A52/A53, A54/A55, A56/A57, A58/A59, A60/A61, A62/A63, A64/A65, A66/A67, A68/A69, A70/A71, A72/A73, A74/A75, A76/A77, A78/A79, A80/A81, A82/A83, A84/A85, A86/A87, A88/A89, A90/A91, A92/A93, A94/A95, A96/A97, A98/A99, A100/A101, A102/A103, A104/A105, A106/A107, A108/A109, A110/A111, A112/A113, A114/A115, A116/A117, A118/A119, A120/A121, A122/A123, A124/A125, A126/A127, A128/A129, A130/A131, A132/A133, A134/A135, A136/A137, A138/A139, A140/A141, A142/A143, A144/A145, A146/A147, A148/A149, A150/A151, A152/A153, A154/A155, A156/A157, A158/A159, A160/A161, A162/A163, A164/A165, A166/A167, A168/A169, A170/A171, A172/A173, A174/A175, A176/A177, A178/A179, A180/A181, A182/A183, A184/A185, A186/A187, A188/A189, 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A9









01 HEIGHT PLANE DIAGRAM

Scale: 1:300 @A1 @A3

0

5

10

15

20m

ARCHITECTURE & BUILDING WORKS

ABIN 35 085 181 515

Level 3, Suite 304, 7-9 Gibsons Street,
Burlington NSW 2206

Australia

Tel: (02) 9453 9400

Email: info@abw.com.au

Architect

Construction Manager

Structural Engineer

Survey Engineer

PROJECT

RESIDENTIAL DEVELOPMENT

ADDRESS

16-20 PRINCESS STREET,
BRIGHTON LE SANDS

Drawing Number:

A-048

Date Printed:

12/02/2019

Sheet:

A

Drawing Title:

HEIGHT PLANE DIAGRAM

Drawing Status:

AUTHORITY APPROVAL

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SECTION 96 MODIFICATION STATEMENT

Construction of a Nine (9) Storey Residential Flat Building Comprising Thirty-Two (32) Residential Units,
Basement Parking and Demolition of Existing Structures

Development Consent No: 2016/325
16 – 20 Princess Street, Brighton Le Sands

12 February 2019

INTRODUCTION

This Statement is to accompany the Section 4.55(1A) Application to Bayside Council seeking approval to modify Development Consent No 2016/325 dated 12 October 2016 for the:

Construction of a Nine (9) Storey Residential Flat Building Comprising Thirty-Two (32) Residential Units, Basement Parking and Demolition of Existing Structures

The purpose of this statement is to address the planning issues associated with the proposed modifications having regard to the requirements of Sections 96 and 79C of the Environmental Planning and Assessment Act 1979.

BACKGROUND

On 12 October 2016, Council granted Development Consent No: 2016/325 for the construction of a Nine (9) Storey Residential Flat Building Comprising Thirty-One (31) Residential Units, Basement Parking and Demolition of Existing Structures.

Council approved a S96(1A) Application on 28 June 2017 to reconfigure communal open space, addition of utilities and services and internal and external design modifications resulting in an increase to the number of units to 32 units.

A S96(1) Application was lodged on 15 August 2017 to correct an error by deleting condition 94 of the Development Consent related to flood proofing the basement. This application was approved on 6 September 2017.

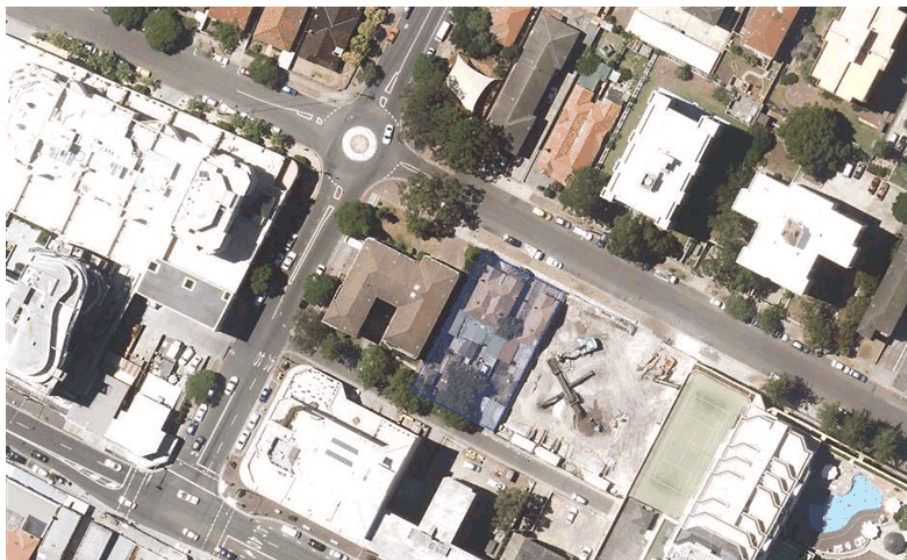
A Section 96 (1A) Modification application was lodged to relocate the northern western wall element from ground to eight floors. This application was approved on 5 December 2017.

A modification Application to correct the description of development to refer to 32 residential units. This application was approved on 12 March 2018.

THE SITE AND LOCALITY

The site is known as Nos 16 – 20 Princess Street, Brighton Le Sands and has a legal description of lots 3 – 5 DP 435253.

The site is a slightly irregular shape having an area of 917.7sqm and is located on the southern side of Princess Street, approximately 80m south east of the intersection between Princess Street and Moate Avenue. The site has a frontage of 22.805 metres to Princess Street and a secondary frontage of 22.98 metres to Saywell Lane.



Aerial photograph showing subject site and surrounds (Source: maps.six.nsw.gov.au)

The approved development is nearing completion and is within a locality that is surrounded by a mix of residential and commercial developments that is of a similar or greater scale than that proposed.

PROPOSED MODIFICATION

This application made pursuant to Section 4.55 (1A) of the Environmental Planning and Assessment Act seeks to modify Development Consent No.2016/325 dated 12 October 2016 involves the following modifications to the approved plans:

- a) Increase height of roof level by 100mm.
Reason: The change in plan from the seventh floor to the eighth floor required a thicker concrete slab to allow for the transfer of loads. The thicker slab meant that the roof had to raise by 100mm to allow for a 2700mm ceiling.
- b) Increase lift overrun level by 500mm.
Reason: The information provided from the lift company during the DA stage showing the lift overrun height was either incorrect or not transferred properly to the architectural drawings. The lift overrun required an additional 500mm. It is noted that the lift overrun was already approved over the 28m height limit as part of the development application.

SECTION 4.55 CONSIDERATIONS

Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 enables the consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

a) Is satisfied that the proposed modification is of minimal environmental impact?

Comment

The proposed modifications involve minor alterations to the height of the roof level and the lift overrun.

b) Is satisfied the proposed development as modified is substantially the same development for which consent was originally granted?

Comment

The proposed development as modified would represent substantially the same development for which consent was originally granted.

c) Has advertised and or notified the application in accordance with the regulations or a development control plan?

Comment

A matter for Council to determine if advertising or notification is required.

d) Has considered any submissions made concerning the proposed modification.

Comment

A matter for Council to consider following advertising or notification (if required) of the application.

ENVIRONMENTAL PLANNING ASSESSMENT

Section 4.55 (3) of the Environmental Planning and Assessment Act 1979 states that:

"In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application"

This section discusses the proposal's compliance with any relevant statutory and non-statutory policy and addresses the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979

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

The purpose of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is to ensure that land which is contaminated is identified and appropriately remediated so as to be suitable for the proposed development.

Given the nature of the modifications the provisions of the SEPP are not relevant.

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

The proposed development as modified is subject to the provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), which aims to improve the design quality of residential flat buildings in NSW.

The Policy identifies nine (9) design quality principles which must be considered in the assessment of the proposed development and used as a measure to evaluate whether good design is being achieved.

It is considered that the modifications do not alter the nine (9) design quality principles contained within SEPP 65 or the provisions of the ADG. An appropriate design verification statement has been prepared by a qualified designer and accompanies this application.

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

In accordance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 the modification has no effect on energy efficiency or water savings and the BASIX Certificate submitted with the previous application is still valid.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), which regulates and controls traffic generating development that occurs along or adjacent to classified roads and adjacent to railway corridors.

Given the nature of the modifications the provisions of the SEPP are not applicable.

Local Environmental Planning Instruments**Rockdale Local Environmental Plan 2011 (RLEP 2011)**

The site is zoned B4 – Mixed Use under the provision of RLEP 2011 and the proposed development is a permissible form of development with Council consent and the proposal as modified satisfies the objectives of the zone.

The following are the provisions of RLEP 2012 that are considered most relevant to the proposed modification:

Clause 4.3 – Height of Buildings

The “height of buildings map” associated with this clause specifies that the site is subject to a maximum height of 28m.

The proposed development as modified by this application alters the height of the roof from RL34.50 to RL34.60 resulting in an increase in 100mm. The lift overrun has also been altered to RL36.20 from RL35.70 resulting in an increase of 500mm.

Refer to the accompanying Clause 4.6 letter for justification of the increase.

Clause 4.4 - Floor space ratio

The “floor space ratio” associated with this clause specifies that the site is subject to a maximum FSR of 3:1.

The proposed modifications do not increase the FSR of the building.

Development Control Plans**Rockdale Development Control Plan 2011 (RDCP 2011)**

It is considered that the proposed development as modified does not conflict with objectives or controls contained within RDCP 2011.

Impacts on the Natural & Built Environment

The proposed development as modified will not have an impact on the natural and/or built environment of the locality.

Economic & Social Impacts

The proposed development as modified is not considered to have any adverse economic or social impacts.

The Suitability of the Site for the Development

The proposed development as modified is suitable for the site having regard to its size, shape, topography, vegetation and relationship to adjoining developments

The Public Interest

The proposed development as modified does not conflict with the public interest.

Conclusion

The proposal is a permissible form of development and the modification to the approved development will have minimal environmental impact. The development as modified will represent substantially the same development as approved and is considered acceptable and can be supported.



Monday, 18 February 2019
Reg No.: 16/0456a

TO: ARCHITECTURE & BUILDING WORKS

Notice to Proponent Property Development

Dear Sir/Madam

Application for approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996

Proposed Activity: PROPERTY DEVELOPMENT

Location: 16-20 PRINCESS STREET, BRIGHTON LE SANDS

Proponent: ROCKDALE CITY COUNCIL

Date: 21/07/2016

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 36.2 metres Australian Height Datum (AHD).

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 36.2 metres AHD. Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 51 metres above AHD.

Sydney Airport Corporation Limited, Central Terrace Building, 10 Arrivals Court, Locked Bag 5000, Sydney International Airport, NSW 2020 Australia
ABN 62 082 578 809 T +61 2 9667 9111 www.sydneyairport.com.au



Planning for Aircraft Noise and Public Safety Zones

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Yours Sincerely

A handwritten signature in black ink, appearing to read "PBleasdale".

Peter Bleasdale
Airfield Design Manager

NOTE:

1. a person who conducts a controlled activity otherwise than with or in accordance with an approval commits an offence against the Act.
- s. 183 and s. 185 Airports Act 1996.
- Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.



Attachment A

Application for Approval of Crane Operation

[Sections s.182, 183, Airports Act 1996]

[Airports (Protection of Airspace) Regulations 1996 – Reg 7]

TO: Sydney Airport Corporation Ltd

c/- Airport Design Services
Locked Bag 5000
Sydney International Airport
NSW 2020
Email: airspaceprotection@syd.com.au

APPLICATION PURSUANT TO AIRPORT (PROTECTION OF AIRSPACE) REGULATIONS REG 7:

- (a) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("*controlled activity*") set out in the **Schedule**.
- (b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- (c) The operation must not commence without approval, and must only proceed in compliance with any conditions imposed on such approval.
- (d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- (e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- (f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- (f) The "Important Notes" must be read and accepted.
- (g) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

CERTIFICATE BY PROPONENT:

I certify that the Application for approval is complete to the best of my knowledge.

Dated:

Signature of Proponent:

Title of signatory:



Schedule to Application for Approval of Crane Operation

Information required by the Airports (Protection of Airspace) Reg's – Reg 7:

APPLICANT::[Proponent]

Of:

Contact:

Phone:

Email:

1. Description of proposed crane operation:

-

2. Period of Operation:

- fromto

3. Days and hours of operation:

- days:
- hours:

4. Location:

- Address:
- Mapping Grid of Australia (MGA94) co-ordinates:
 -E
 -N

5. Details of crane height

- (i) maximum height: metres above ground
- (ii) maximum height: metres AHD
- (iii) resting crane height: metres AHD

6. Purpose of the crane operation:

-

7. Reference to relevant Development Application:

- Council and DA reference:

SAFETY CASE FOR ACTIVITY: The Proponent proposes the following safety case:

-



IMPORTANT NOTES TO APPLICATION FOR APPROVAL OF CRANE OPERATION WHICH IS A CONTROLLED ACTIVITY

[Airports Act 1996]

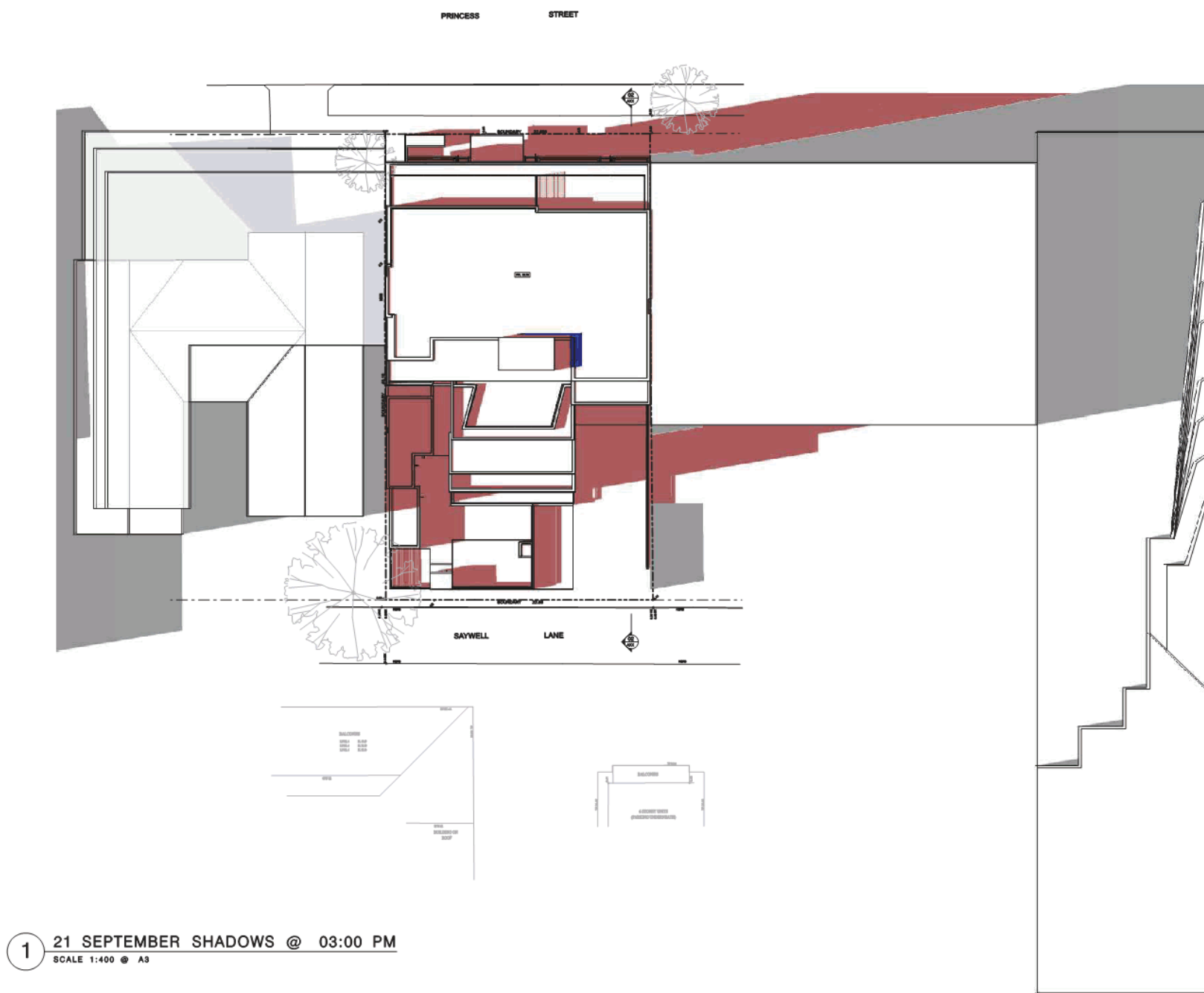
[Airports (Protection of Airspace) Regulations 1996]

1. Section 182: defines "*controlled activities*" – includes intrusions by cranes into prescribed airspace.
2. Section 187: if a controlled activity is carried out without approval, or is carried out otherwise than in accordance with an approval, the Federal Court may order a person to carry out remedial work on a building, structure or thing; to mark it or light it or both; to reduce its height.
3. Section 183: a person who carries out a controlled activity without the approval of the Secretary or Airport commits an offence against section 183 of the Act.

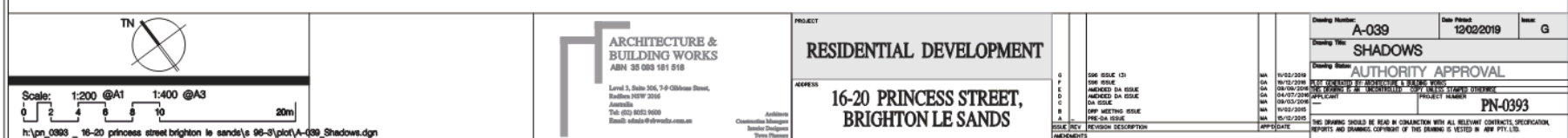
Penalty: 250 penalty units for each such offence.
4. Regulation 8: a building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport.

Penalty: 50 penalty units for each such offence.
5. If the activity is a short term activity (less than 3 months), the Airport will determine the application pursuant to delegated authority from the Secretary.
6. If the activity is a long term activity (greater than 3 months), the Secretary will determine the application.
7. If the activity is a long term intrusion into PANS-OPS, the application will not be approved. [Reg 9].
8. The Airport will give notice of the application to, and invite submissions from, the Civil Aviation Safety Authority of Australia (CASA) and Airservices Australia. [Reg 10].
9. Upon receipt of submissions from CASA and Airservices, the Airport will refer the application and any submissions from CASA and Airservices, as well as the Airport, to the Secretary, or will determine the application itself if it is a short term activity.

The Secretary or the Airport will notify you in writing of their decision.
10. Neither the Secretary or the Airport will approve any activity if CASA advises that carrying out the activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the Airport. [Reg14(6)].



	ARCHITECTURE & BUILDING WORKS Level 3, Suite 305, 59 Oldham Street, Brighton BN1 1UB Tel: 01273 595100 Email: info@abw.co.uk	PROJECT RESIDENTIAL DEVELOPMENT 16-20 PRINCESS STREET, BRIGHTON LE SANDS	Drawing Number: A-040 Date: 12/02/2019 Sheet: G																																																																																																																																																																																																																																																																																																																	
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Bayside Local Planning Panel

26/03/2019

Item No	6.3
Application Type	Modification Application
Application No	DA-2007/23/2/F
Lodgement Date	15/11/2018
Property	30-32 Guess Avenue & 4 Lusty Street, Wolli Creek
Ward	Mascot
Owner	30-32 Guess Avenue Wolli Creek Developments Pty Ltd
Applicant	Mr Eddy Haddad
Proposal	Modification to the volume of rainwater tanks - WSUD requirements, BASIX and Condition 99
No. of Submissions	Nil
Cost of Development	N/A
Report by	Michael McCabe, Acting General Manager

Officer Recommendation

- 1 That Application No. DA-2007/23/2/F, being a Section 4.55(1A) application to amend Development Consent Number 2007/23, for modifications to the volume of rainwater tanks - WSUD requirements, BASIX and Condition 99, at 30 - 32 Guess Avenue & 4 Lusty Street, WOLLI CREEK be **APPROVED** and the consent amended in the following manner:

A. By Amending conditions 2, 6, 99 and 105 to read as follows:

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

Plan / Dwg No.	Drawn by	Dated	Received by Council
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Level 2 Plan DA2.104	Jones Sonter	March 2008	6 February 2009
Level 3 - 6 Plan DA2.105	Jones Sonter	March 2008	6 February 2009

Level 7 Plan DA2.106	Jones Sonter	March 2008	6 February 2009
Sections A-A and B-B DA4.101	Jones Sonter	March 2008	6 February 2009
Section C-C DA4.102	Jones Sonter	March 2008	6 February 2009
North Elevation A1020-A Revision B	Level 33 Architectural Division	-	11/10/2018
East Elevation A1021-A Revision B	Level 33 Architectural Division	-	11/10/2018
South Elevation A1022-A Revision B	Level 33 Architectural Division	-	11/10/2018
West Elevation A1023-A Revision B	Level 33 Architectural Division	-	11/10/2018
North Elevation A2022-B Revision B	Level 33 Architectural Division	-	11/10/2018
East Elevation A2023-B Revision B	Level 33 Architectural Division	-	11/10/2018
South Elevation A2024-B Revision B	Level 33 Architectural Division	-	11/10/2018
West Elevation A2025-B Revision B	Level 33 Architectural Division	-	11/10/2018
Unit Layouts Building A & Unit Layouts Building A Penthouse Level DA3.101, DA3.105	Jones Sonter	January 2009	6 February 2009
Unit Layouts Building A & Unit Layouts Building A Penthouse Level DA3.101, DA3.105	Jones Sonter	January 2009	6 February 2009
Unit Layouts Building B - sheet 1-3 to sheet 3-3, DA3.102, DA3.103, DA3.104	Jones Sonter	January 2009	6 February 2009
Unit Layouts Building B penthouse level DA3.106	Jones Sonter	January 2009	6 February 2009
<i>Stormwater Management Plans Job No 17061, issue C, DWG no. D1, D2, D3, D4, D5, D6, D7, D8, D9, D10, D11, D12, D13</i>	<i>EZE Hydraulic Engineers</i>	<i>January 2019</i>	<i>7 January 2019</i>
<i>Concept drainage plans Job No 17061, issue B, DWG no. D1, D2, D3, D4, D5</i>	<i>EZE Hydraulic Engineers</i>	<i>November 2018</i>	<i>27 November 2018</i>
Landscape plans DA-LI	CAB Consulting Pty Ltd	5 February 2009	6 February 2009
Pedestrian & vehicle access plan (basement) Rev A	Dyldam	-	13/12/2013

Pedestrian & vehicle access plan (ground floor) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 1) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 2) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 3 - 6) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 7) Rev A	Dyldam	-	13/12/2013
Staged Landscape Works Plan	CAB Consulting Pty Ltd	September 2013	13/12/2013
Construction management plan phase 1 Rev A	Dyldam	-	27/09/2013
Construction management plan phase 2 Rev A	Dyldam	-	27/09/2013
Construction management plan phase 2 (basement) Rev A	Dyldam	-	27/09/2013
Subdivision staging and section plan Rev D	Dyldam	11/09/13	27/09/2013

[Amendment A— Section 96(1A) amended on 3 November 2009]

[Amendment B — Section 96(2) amended on 17 May 2012]

[Amendment D — Section 96(1A) amended on 8 January 2014]

[Amendment E — Section 4.55(1A) amended on 13 November 2018]

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

6. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 214652M_04 other than superseded by any further amended consent and BASIX certificate.*

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

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

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

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

[Amendment B — S96(2) amended on 17 May 2012]

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

99. *Details of proposed paving including levels and drainage pits are to be submitted to and approved by Council as part of a civil works approval, prior to the commencement of any associated civil works on site.*

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

105. *Prior to the issue of the Construction Certificate for each stage of construction, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. The detailed stormwater design plans shall be designed in accordance with Rockdale Technical Specification Stormwater Management (with attention drawn to section 2.6.2), reflect the stormwater management plans listed under condition 2 and include the provision for a minimum rainwater tank(s) capacity of 50000 Litres, with a catchment of the roof area of the development, connected for internal stormwater re-use within the development consisting of all toilets, clothes washers and any external taps/landscape irrigation.*

A WSUD Strategy report and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement shall meet or exceed the targets as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

Design certification, in the form specified in Council's Technical Specification — Stormwater Management and drainage design calculations are to be submitted with the plans. Council's Technical Specification — Stormwater Management sets out the minimum documentation requirements for detailed design plans.

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

B. Addition of the following conditions:

- 141A. *A positive covenant(s) pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater rainwater tanks and pump-out system facilities to provide for the maintenance of the stormwater rainwater tanks and pump-out system facilities.*

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

Reason for additional condition 141A is:

- *To reinforce detailed design requirements for stormwater management in accordance with Rockdale Technical Specification Stormwater Management.*
- 141B. *Prior to the issue of an Occupation Certificate, certification from a licenced plumber shall be provided certifying the installation of the required minimum capacity 50000L rainwater tank(s) in accordance with the requirements of Sydney Water and AS/NZS 3500 – National Plumbing and Drainage Code. The rainwater tanks shall be certified as servicing the toilets, clothes washers and any external taps/landscape irrigation on the site. Additionally, all pump systems, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or Principal Certifier.*

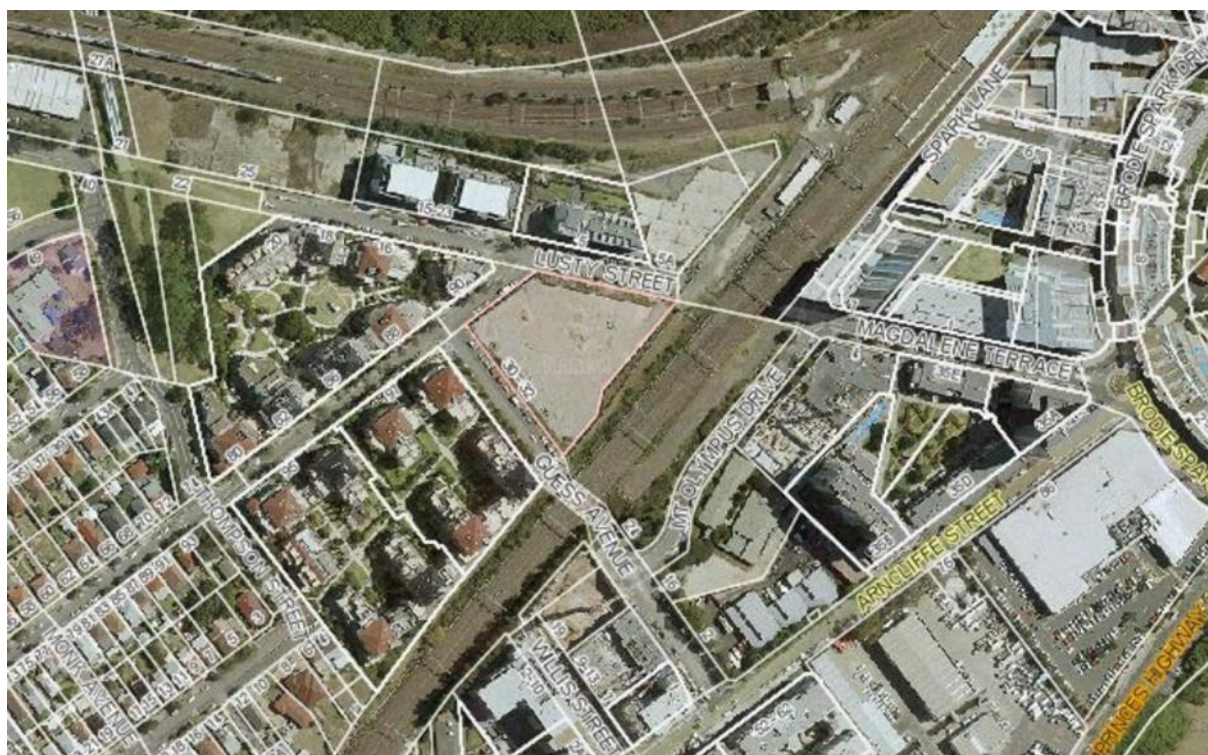
[Amendment F — Section 4.55(1A) amended on 26 March 2019]

Reason for additional condition 141B is:

- To ensure the internal stormwater re-use is appropriately installed in accordance with section 7.2.4 of the Rockdale Technical specification stormwater management and to ensure that ongoing maintenance is provided by the future owner's corporation for the stormwater systems.

C. That the objector be notified of the Bayside Local Planning Panel decision.

Location Plan



Attachments

- 1 Supplementary Planning Assessment Report [↓](#)
- 2 Original Planning Assessment Report [↓](#)
- 3 Applicants Engineer Letter [↓](#)
- 4 Stormwater Plans [↓](#)
- 5 WSUD Report [↓](#)
- 6 Trunk Drainage Plans [↓](#)

BAYSIDE COUNCIL

Supplementary Planning Assessment Report

APPLICATION DETAILS

Application Number:	DA-2007/23/2/F
Date of Receipt:	15/11/2018
Property:	30 - 32 Guess Avenue & 4 Lusty Street, WOLLI CREEK NSW 2205 Lot 2 DP 802148, Lot 1 DP 802148, Lot 1 DP 1007505
Owner:	NR Wolli Creek Pty Ltd
Applicant:	Mr Eddy Haddad (Level 33)
Proposal:	Modification to the volume of rainwater tanks - WSUD requirements, BASIX and Condition 99
Recommendation:	Approval
No. of submissions:	One (1)
Author:	Fiona Prodromou – Senior Assessment Planner
Date of Report:	29-Nov-2018

KEY ISSUES

The modification application was referred to the Bayside Local Planning Panel for Determination on 11 December 2018. The Panel resolved as follows;

1. *That the matter be deferred and the following information be submitted to Council for review and assessment:*
 - a) *Detailed design stormwater plans, demonstrating compliance with Rockdale Technical Specifications – Stormwater Management;*
 - b) *A Revised Water Sensitive Urban Design (WSUD) Report;*
 - c) *A Revised MUSIC Model, including information on the overland flow and development changes in the area since the original application was approved in 2007;*
 - d) *An analysis regarding rainwater harvesting and water recycling for the development, indicating that the minimum 50,000 litre capacity as proposed is sufficient for the site's development, and the applicant is to identify how and the quantity of water for the purposes of laundry, toilet flushing and landscaping.*
2. *That a supplementary assessment on the above is to be reported back to the Panel for determination.*
3. *That the objector be notified of the Bayside Local Planning Panel decision.*

The applicant submitted information as stated in (1) above to Council for assessment on 15 January 2019.

A supplementary assessment has been undertaken by Councils Development Engineer. This report is to be read in conjunction with the report considered by the Bayside Local Planning Panel on 11 December 2018.

RECOMMENDATION

That Development Application No 2007/23/2/F, being a Section 4.55(1A) application to amend Development Consent Number 2007/23, for modifications to the volume of rainwater tanks - WSUD requirements, BASIX and Condition 99, at 30 - 32 Guess Avenue & 4 Lusty Street, WOLLI CREEK NSW 2205 be **APPROVED** and the consent amended in the following manner:

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Pedestrian & vehicle access plan (level 2) Rev A	Dyldam	-	13/12/2013
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Construction management plan phase 1 Rev A	Dyldam	-	27/09/2013
Construction management plan phase 2 Rev A	Dyldam	-	27/09/2013
Construction management plan phase 2 (basement) Rev A	Dyldam	-	27/09/2013
Subdivision staging and section plan Rev D	Dyldam	11/09/13	27/09/2013

[Amendment A— Section 96(1A) amended on 3 November 2009]

[Amendment B — Section 96(2) amended on 17 May 2012]

[Amendment D — Section 96(1A) amended on 8 January 2014]

[Amendment E — Section 4.55(1A) amended on 13 November 2018]

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 214652M_04 other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

[Amendment B — S96(2) amended on 17 May 2012]

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

99. Details of proposed paving including levels and drainage pits are to be submitted to and approved by Council as part of a civil works approval, prior to the commencement of any associated civil works on site.

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

105. Prior to the issue of the Construction Certificate for each stage of construction, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. The detailed stormwater design plans shall be designed in accordance with Rockdale Technical Specification Stormwater Management (with attention drawn to section 2.6.2), reflect the stormwater management plans listed under condition 2 and include the provision for a minimum rainwater tank(s) capacity of 50000 Litres, with a catchment of the roof area of the development, connected for internal stormwater re-use within the development consisting of all toilets, clothes washers and any external taps/landscape irrigation.

A WSUD Strategy report and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement shall meet or exceed the targets as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

Design certification, in the form specified in Council's Technical Specification — Stormwater Management and drainage design calculations are to be submitted with the plans. Council's Technical Specification — Stormwater Management sets out the minimum documentation requirements for detailed design plans.

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

B. Addition of the following conditions:

- 141A. A positive covenant(s) pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater rainwater tanks and pump-out system facilities to provide for the maintenance of the stormwater rainwater tanks and pump-out system facilities.

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

Reason for additional condition 141A is:

- To reinforce detailed design requirements for stormwater management in accordance with Rockdale Technical Specification Stormwater Management.

141B. Prior to the issue of an Occupation Certificate, certification from a licenced plumber shall be provided certifying the installation of the required minimum capacity 50000L rainwater tank(s) in accordance with the requirements of Sydney Water and AS/NZS 3500 – National Plumbing and Drainage Code. The rainwater tanks shall be certified as servicing the toilets, clothes washers and any external taps/landscape irrigation on the site. Additionally, all pump systems, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or Principal Certifier.

[Amendment F — Section 4.55(1A) amended on 26 March 2019]

Reason for additional condition 141B is:

- To ensure the internal stormwater re-use is appropriately installed in accordance with section 7.2.4 of the Rockdale Technical specification stormwater management and to ensure that ongoing maintenance is provided by the future owner's corporation for the stormwater systems.

C. That the objector be notified of the Bayside Planning Panel decision.

BACKGROUND

Stage 1 DA – 2007/23/1 Approved 13/12/2006
Concept development proposal comprising 2 x 8 storey residential buildings containing 145 apartments, basement & part ground floor car parking with capacity for 185 vehicles

S.96(2) Application Approved 27/03/2009
Modifications to Stage 1 consent including changes to the proposed unit mix, modification to building footprints and configuration of the above ground and basement levels, increase the number of units from 145 to 176, deletion of the pool and other related changes.

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Internal modification to the layout of the units to create additional toilet.

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Modifications to conditions to enable staging of DA-2007/23/2 into two stages - Stage 1 – Car parking and Block A comprising 73 units and Stage 2 - Block B comprising 103 units

S4.55(1A) Approved 13/11/2018
Modification to change materials and finishes of external facades

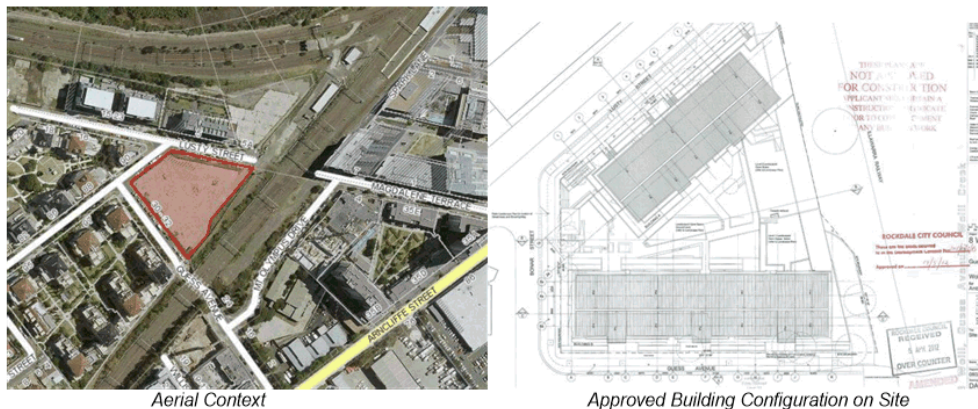
PROPOSAL

The proposal as modified seeks to modify the means of stormwater disposal and capacity on site, reducing the capacity of rainwater tanks from 120 000L to 50 000L. A revised BASIX accompanies the aforementioned.

The proposal further seeks to move the milestone of Condition 99, in relation to paving levels and drainage pits on site, from 'Prior to issue of CC' to prior to the commencement of any associated civil works on site. This is sought in order to enable the applicant to undertake the design of these items in conjunction with landscaping on site, as these matters are interrelated.

SITE LOCATION AND CONTEXT

The subject site is an irregularly shaped allotment with a frontage to three local streets, being Lusty & Bonar Streets and Guess Avenue. The site has a frontage of 76.8m to Lusty Street, 48m to Bonar Street, 89.5m to Guess Ave and combined irregular frontage of 104.5m to the Illawarra Railway Line. The property has a total site area of over 3255sq.m and is zoned R4 high density residential.



The property is located in a high density residential area, surrounded by residential flat buildings 7 – 9 storeys in overall height and the railway line to the east of the site.



Existing High Density Residential Streetscape & Context

Construction is currently underway to erect the previously approved development. The configuration of the development is illustrated within the approved site plan above, detailing two building forms. Building A fronting Lusty Street, Building B fronting Guess Avenue. The development incorporates landscaped communal podium areas along the railway line and centrally on site.

STATUTORY CONSIDERATIONS

Environmental Planning and Assessment Act, 1979

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

S4.55 (1A) Modification

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 states:

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

a) *It is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The proposal is minor in its overall nature and as discussed within this report is of minimal environmental impact.

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

Comment: In determining whether the proposal is 'substantially the same development' consideration has been given to the Land & Environment Court Case 'Moto Projects No.2 Pty Limited v North Sydney Council [1999] NSWLEC 280', which at paragraphs 55 and 56, Commissioner Bignold described the process for consideration of a proposed modification of development as follows:

"55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the approved development."

The proposal as modified proposes modifications to reflect a revised means of stormwater disposal for the site, reflect a revised BASIX demonstrating revised stormwater capacity and the shifting of the milestone of a condition in relation to paving and drainage pits.

Given the aforementioned the proposal as modified remains is essentially and materially the same as the approved development. As such, the proposal as modified is substantially the same development.

c) it has notified the application in accordance with:

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

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

Comment: The application did not require public notification, in accordance with the provisions of Council's DCP 2011.

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

Comment: 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(1A) as are of relevance to the development the subject of the application.

In the assessment of this modification, the assessing officer has considered the original reasons for granting consent and is satisfied that the proposal as modified is appropriate in regards to the provisions of this clause.

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(1A) of the Environmental and Planning Assessment Act.

S4.15 (1) Matters for Consideration General

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy – BASIX

As a result of additional information submitted, a further revised BASIX was provided. (214652M_04)

The certificate confirms the proposal as modified achieves the required water score and therefore the modified means of stormwater management on site is satisfactory. Given the aforementioned, condition 6 is to be modified to reflect the revised BASIX certificate.

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

The additional information submitted does not alter the previous conclusions in regard to this policy. The proposal as modified remains compliant.

Rockdale Local Environmental Plan 2011 (RLEP 2011)**2.3 Zone**

As stated in the previous report, the subject site is zoned R4 - High Density Residential. The proposal as modified is defined as a residential flat building which constitutes a permissible development only with development consent. The proposal as modified remains consistent with the objectives of the zone.

4.3 - Height of buildings

A maximum 28m height limit applies to the subject site. The proposal as modified does not alter the previously approved height of the development and remains consistent with the objectives of this clause.

4.4 - FSR

A maximum 2.2:1 FSR applies to the subject site. The proposal as modified does not alter the previously approved density of the development and remains consistent with the objectives of this clause.

6.7 – Stormwater

Councils Engineer reviewed the revised stormwater information and stated that the modification remains compliant with the objectives of the current stormwater specifications for the area, containing a significant volume of stormwater harvesting and re-use despite the reduction proposed which will still provide benefit to the quality of stormwater run-off in the vicinity and reduce the developments reliance on the drinking water supply network.

Additionally, the inclusion of multiple Stormwater Quality Improvement Devices helps achieve WSUD requirements in line with the "*Botany Bay & Catchment Water Quality Improvement Plan*". The relocation of the rainwater tank locations helps avoid issues with servicing the development as stated by the developer.

The proposed trunk drainage amendments are subject to a frontage works approval by Councils Public Domain Team and will not be approved as part of this DA, the developer will need to resolve public domain works separately.

The proposal as modified remains compliant with the provisions of this clause.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The proposal as modified remains consistent with the relevant provisions of Rockdale DCP 2011 and associated technical specifications including the Rockdale Technical Specification Stormwater Management and Botany Bay & Catchment Water Quality Improvement Plan.

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

The provisions of the regulations had been considered in the assessment of this development proposal where relevant to this S4.55 application.

4.15(1)(b) - Likely Impacts of DevelopmentCondition 99

As existing condition 99 states as follows;

99. *Details of proposed paving including levels and drainage pits are to be provided to Council and subject to approval by Council's landscape architect prior to the issue of the Construction Certificates for Block A and/or Block B.*

[Amendment D — S96(1A) amended on 8 January 2014]

The applicant seeks to modify the milestone of this condition 99, in relation to paving levels and drainage pits on site, from 'Prior to issue of CC' to prior to the commencement of any associated civil works on site.

This is sought in order to enable the applicant to undertake the design of these items in conjunction with landscaping on site, as these matters are interrelated. The aforementioned modification is not unreasonable and is supported given the interrelationship of landscape and stormwater works on site.

S4.15(1)(c) – Suitability of the site

The relevant matters pertaining to the suitability of the site for the development were considered in the assessment of the original proposal. The suitability of the site has not altered since the original assessment and there are no further matters or constraints which have been identified, that would otherwise render the site unsuitable for the proposal as modified. The site remains suitable for the proposal as modified.

S4.15(1)(d) – Public Submissions

The proposal as modified did not require public notification as per the provisions of Rockdale DCP 2011. Notwithstanding, one (1) submission was received in relation to the proposal. The following issue was raised;

Given the significant flooding issues in this area any changes to reduce the size of the tanks should be rejected.

Comment: The proposal results in the modification in the capacity of rainwater tanks on site from 120 000L to 50 000L. Councils Development Engineer has reviewed the proposal as modified and noted that the revised scheme complies with the objectives of the current storm water specifications for the area, containing a significant volume of storm water harvesting and reuse despite the proposed reduction, which will still provide benefit to the quality of storm water runoff in the vicinity and reduce the developments impact on the water supply network. The revised means of storm water management is satisfactory.

S4.15(1)(e) – Public Interest

The proposal as modified has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposal as modified, the revised proposal remains compliant with relevant planning instruments and does not create adverse impacts on site, nor to surrounding properties. The proposal as modified is deemed to be in the public interest.

S7.11 - Contribution towards provision or improvement of amenities or services

Nil additional Section 7.11 Contributions are payable as a result of the proposal as modified.

BAYSIDE COUNCIL

Section 4.55(1A) – Planning Assessment Report

APPLICATION DETAILS

Application Number: DA-2007/23/2/F
 Date of Receipt: 15/11/2018
 Property: 30 - 32 Guess Avenue & 4 Lusty Street, WOLLI CREEK NSW 2205
 Lot 2 DP 802148, Lot 1 DP 802148, Lot 1 DP 1007505
 Owner: NR Wolli Creek Pty Ltd
 Applicant: Mr Eddy Haddad (Level 33)
 Proposal: Modification to the volume of rainwater tanks - WSUD requirements, BASIX and Condition 99
 Recommendation: Approval
 No. of submissions: One (1)
 Author: Fiona Prodromou – Senior Assessment Planner
 Date of Report: 29-Nov-2018

KEY ISSUES

The proposal results in the modification in the capacity of rainwater tanks on site from 120 000L to 50 000L.

The proposal is accompanied by a revised BASIX certificate which correlates with modified stormwater works.

The applicant further seeks to move the milestone of Condition 99, in relation to paving levels and drainage pits on site, from 'Prior to issue of CC' to prior to the commencement of any associated civil works on site. This is sought in order to enable the applicant to undertake the design of these items in conjunction with landscaping on site, as these matters are interrelated.

RECOMMENDATION

That Development Application No 2007/23/2/F, being a Section 4.55(1A) application to amend Development Consent Number 2007/23, for modifications to the volume of rainwater tanks - WSUD requirements, BASIX and Condition 99, at 30 - 32 Guess Avenue & 4 Lusty Street, WOLLI CREEK NSW 2205 be **APPROVED** and the consent amended in the following manner:

A. By Amending conditions 2, 6, 99 and 105 to read as follows:

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

Plan / Dwg No.	Drawn by	Dated	Received by Council
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Site / Roof Plan DA1.01	Jones Sonter	July 2008	6 February 2009
Basement Plan DA2.101	Jones Sonter	March 2008	6 February 2009
Ground Floor Plan DA2.102	Jones Sonter	March 2008	6 February 2009
Level 1 Plan DA2.103	Jones Sonter	March 2008	6 February 2009
Level 2 Plan DA2.104	Jones Sonter	March 2008	6 February 2009
Level 3 - 6 Plan DA2.105	Jones Sonter	March 2008	6 February 2009
Level 7 Plan DA2.106	Jones Sonter	March 2008	6 February 2009
Sections A-A and B-B DA4.101	Jones Sonter	March 2008	6 February 2009
Section C-C DA4.102	Jones Sonter	March 2008	6 February 2009
North Elevation A1020-A Revision B	Level 33 Architectural Division	-	11/10/2018
East Elevation A1021-A Revision B	Level 33 Architectural Division	-	11/10/2018
South Elevation A1022-A Revision B	Level 33 Architectural Division	-	11/10/2018
West Elevation A1023-A Revision B	Level 33 Architectural Division	-	11/10/2018
North Elevation A2022-B Revision B	Level 33 Architectural Division	-	11/10/2018
East Elevation A2023-B Revision B	Level 33 Architectural Division	-	11/10/2018
South Elevation A2024-B Revision B	Level 33 Architectural Division	-	11/10/2018
West Elevation A2025-B Revision B	Level 33 Architectural Division	-	11/10/2018
Unit Layouts Building A & Unit Layouts Building A Penthouse Level DA3.101, DA3.105	Jones Sonter	January 2009	6 February 2009
Unit Layouts Building A & Unit Layouts Building A Penthouse Level DA3.101, DA3.105	Jones Sonter	January 2009	6 February 2009
Unit Layouts Building B - sheet 1-3 to sheet 3-3, DA3.102, DA3.103, DA3.104	Jones Sonter	January 2009	6 February 2009
Unit Layouts Building B penthouse level DA3.106	Jones Sonter	January 2009	6 February 2009
Drainage plans HDA01/P1, HDA04/P1, HDA05 / P1, HDA06 / P1, HDA07 / P1, HDA08 / P1, HDA09/P1	Whipps-Wood Consulting	August 2008	10 October 2008,
Concept drainage plans Job No 17061, issue B, DWG no. D1, D2, D3, D4, D5	EZE Hydraulic Engineers	November 2018	27 November 2018
Landscape plans DA-LI	CAB Consulting Pty Ltd	5 February 2009	6 February 2009

Pedestrian & vehicle access plan (basement) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (ground floor) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 1) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 2) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 3 - 6) Rev A	Dyldam	-	13/12/2013
Pedestrian & vehicle access plan (level 7) Rev A	Dyldam	-	13/12/2013
Staged Landscape Works Plan	CAB Consulting Pty Ltd	September 2013	13/12/2013
Construction management plan phase 1 Rev A	Dyldam	-	27/09/2013
Construction management plan phase 2 Rev A	Dyldam	-	27/09/2013
Construction management plan phase 2 (basement) Rev A	Dyldam	-	27/09/2013
Subdivision staging and section plan Rev D	Dyldam	11/09/13	27/09/2013

[Amendment A— Section 96(1A) amended on 3 November 2009]

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[Amendment D — Section 96(1A) amended on 8 January 2014]

[Amendment E — Section 4.55(1A) amended on 13 November 2018]

[Amendment F — Section 4.55(1A) amended on 11 December 2018]

6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 214652M_03 other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

[Amendment B — S96(2) amended on 17 May 2012]

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99. *Details of proposed paving including levels and drainage pits are to be submitted to and approved by Council as part of a civil works approval, prior to the commencement of any associated civil works on site.*

[Amendment F — Section 4.55(1A) amended on 11 December 2018]

105. *Prior to the issue of the Construction Certificate for each stage of construction, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. The detailed stormwater design plans must be designed in accordance with Rockdale Technical Specification Stormwater Management (with attention drawn to section 2.6.2), reflect the stormwater plans listed under condition 2 and include the provision for a minimum rainwater tank(s) capacity of 50000L, with a catchment of at least the entire roof area of the development, connected for internal stormwater re-use within the development consisting of at least all toilets, clothes washers and any external taps/landscape irrigation. The location of the rainwater tanks are to be located to ensure no negative impact to any proposed trees.*

A WSUD Strategy report and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement shall meet or exceed the targets as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

Design certification, in the form specified in Council's Technical Specification — Stormwater Management and drainage design calculations are to be submitted with the plans. Council's Technical Specification — Stormwater Management sets out the minimum documentation requirements for detailed design plans. No approval is granted for public domain works, all public domain works are subject to a frontage works approval which must be obtained from Council upon payment of the relevant fee and Council assessment.

[Amendment F — Section 4.55(1A) amended on 11 December 2018]

B. Addition of the following conditions:

- 141A. *A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater rainwater tank(s) and pump systems to provide for the maintenance of the rainwater tank(s) and pump systems.*

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Reason for additional condition 141A is:

- *To reinforce detailed design requirements for stormwater management in accordance with Rockdale Technical Specification Stormwater Management.*
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Reason for additional condition 141A is:

- To ensure internal stormwater re-use is appropriately installed and that ongoing maintenance is provided by the future owner's corporation for stormwater systems.

C. That the objector be notified of the Bayside Planning Panel decision.

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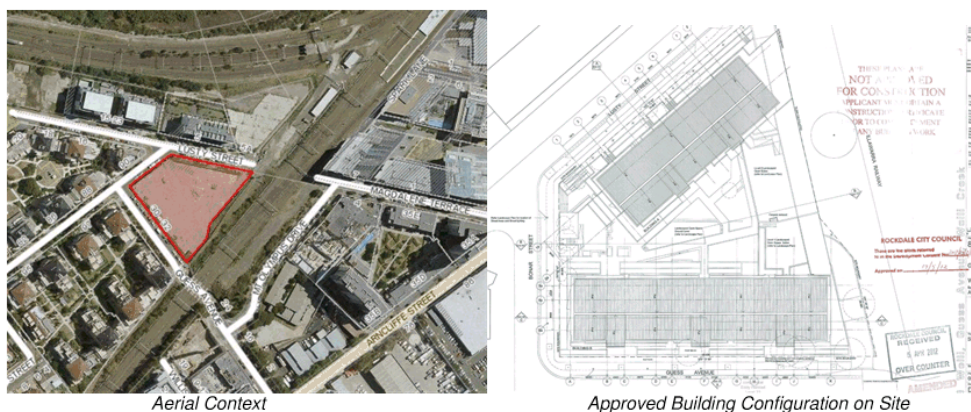
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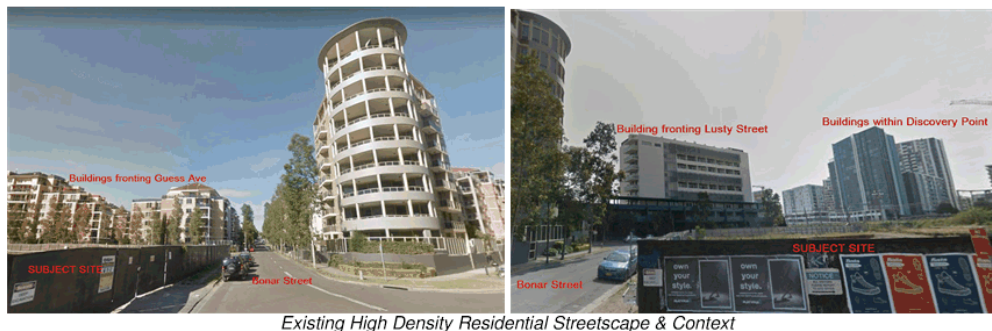
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The property is located in a high density residential area, surrounded by residential flat buildings 7 – 9 storeys in overall height and the railway line to the east of the site.



Construction is currently underway to erect the previously approved development. The configuration of the development is illustrated within the approved site plan above, detailing two building forms. Building A fronting Lusty Street, Building B fronting Guess Avenue. The development incorporates landscaped communal podium areas along the railway line and centrally on site.

STATUTORY CONSIDERATIONS

Environmental Planning and Assessment Act, 1979

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a) It is satisfied that the proposed modification is of minimal environmental impact, and

Comment: The proposal is minor in its overall nature and as discussed within this report is of minimal environmental impact.

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

Comment: In determining whether the proposal is 'substantially the same development' consideration has been given to the Land & Environment Court Case 'Moto Projects No.2 Pty Limited v North Sydney Council [1999] NSWLEC 280', which at paragraphs 55 and 56, Commissioner Bignold described the process for consideration of a proposed modification of development as follows:

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The proposal as modified proposes modifications to reflect a revised means of stormwater disposal for the site, reflect a revised BASIX demonstrating revised stormwater capacity and the shifting of the milestone of a condition in relation to paving and drainage pits.

Given the aforementioned the proposal as modified remains is essentially and materially the same as the approved development. As such, the proposal as modified is substantially the same development.

c) it has notified the application in accordance with:

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

Comment: The application did not require public notification, in accordance with the provisions of Council's DCP 2011.

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

Comment: 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(1A) 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(1A) of the Environmental and Planning Assessment Act.

S4.15 (1) Matters for Consideration General

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy – BASIX

As a result of proposed modifications to stormwater capacity on site, the application was accompanied by a revised BASIX Certificate, numbered 214652M_03.

The certificate confirms the proposal as modified achieves the required water score and therefore the modified means of stormwater management on site is satisfactory. Given the aforementioned, condition 6 is to be modified to reflect the revised BASIX certificate.

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

In accordance with clause 28(2) of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The proposal as modified was not referred to the Design Review Panel given the minor nature and scope of changes proposed. Notwithstanding, an assessment has been undertaken below of the proposal as modified in relation to the relevant principles of the SEPP.

b. The design quality of the residential flat building when evaluated in accordance with the design quality principles.

The design quality principles relevant to the proposal as modified have been considered below.

Principle 4 - Sustainability

The proposal as modified incorporates provision for a minimum rainwater tank(s) capacity of 50000L, with a catchment of at minimum the entire roof area of the development. This is to be connected for internal stormwater re-use to toilets, clothes washers and any external taps/landscape irrigation.

The location of the proposed rainwater tanks are to be located so as to ensure no negative impact to any proposed trees. The proposal as modified will ensure appropriate stormwater management on site. Water reuse on site is a positive environmental sustainability measure.

The proposal as modified is satisfactory in regards to this principle.

c. The Apartment Design Guide / Residential Flat Design Code

The original development was assessed against the Residential Flat Design Code.

The proposal as modified does not result in changes to the previously approved building envelope, height, mass or scale. Modifications as proposed ensure the modified proposal remains satisfactory with the overall aims and intentions of these guidelines.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

2.3 Zone

The subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal as modified is defined as a residential flat building which constitutes a permissible development only with development consent. The proposal as modified remains consistent with the objectives of the zone.

4.3 - Height of buildings

A maximum 28m height limit applies to the subject site. The proposal as modified does not alter the previously approved height of the development and remains consistent with the objectives of this clause.

4.4 - FSR

A maximum 2.2:1 FSR applies to the subject site. The proposal as modified does not alter the previously approved density of the development and remains consistent with the objectives of this clause.

6.7 – Stormwater

Councils Engineer reviewed the revised stormwater plans submitted and noted that the modification complies with the objectives of the current stormwater specifications for the area, containing a significant volume of stormwater harvesting and re-use despite the reduction which will still provide benefit to the quality of stormwater run-off in the vicinity and reduce the developments impact on the water supply network.

Additionally, the inclusion of multiple Stormwater Quality Improvement Devices helps achieve WSUD requirements in line with the "Botany Bay & Catchment Water Quality Improvement Plan". The relocation of the rainwater tank locations helps avoid issues with servicing the development.

The proposal as modified satisfies the requirements and objectives of this clause.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The proposal as modified remains consistent with the relevant provisions of Rockdale DCP 2011 and associated technical specifications including the Rockdale Technical Specification Stormwater Management and Botany Bay & Catchment Water Quality Improvement Plan.

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

The provisions of the regulations had been considered in the assessment of this development proposal where relevant to this S4.55 application.

4.15(1)(b) - Likely Impacts of DevelopmentCondition 99

As existing condition 99 states as follows;

99. *Details of proposed paving including levels and drainage pits are to be provided to Council and subject to approval by Council's landscape architect prior to the issue of the Construction Certificates for Block A and/or Block B.*

[Amendment D — S96(1A) amended on 8 January 2014]

The applicant seeks to modify the milestone of this condition 99, in relation to paving levels and drainage pits on site, from 'Prior to issue of CC' to prior to the commencement of any associated civil works on site.

This is sought in order to enable the applicant to undertake the design of these items in conjunction with landscaping on site, as these matters are interrelated. The aforementioned modification is not unreasonable and is supported given the interrelationship of landscape and stormwater works on site.

S4.15(1)(c) – Suitability of the site

The relevant matters pertaining to the suitability of the site for the development were considered in the assessment of the original proposal. The suitability of the site has not altered since the original assessment and there are no further matters or constraints which have been identified, that would otherwise render the site unsuitable for the proposal as modified. The site is suitable for the proposal as modified.

S4.15(1)(d) – Public Submissions

The proposal as modified did not require public notification as per the provisions of Rockdale DCP 2011. Notwithstanding, one (1) submission was received in relation to the proposal. The following issue was raised;

Given the significant flooding issues in this area any changes to reduce the size of the tanks should be rejected.

Comment: The proposal results in the modification in the capacity of rainwater tanks on site from 120 000L to 50 000L. Council's Development Engineer reviewed the proposal as modified and noted that the revised scheme complies with the objectives of the current storm water specifications for the area, containing a significant volume of storm water harvesting and reuse despite the proposed reduction, which will still provide benefit to the quality of storm water runoff in the vicinity and reduce the developments impact on the water supply network. The revised means of storm water management is satisfactory.

S4.15(1)(e) – Public Interest

The proposal as modified has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposal as modified, the revised proposal remains compliant with relevant planning

instruments and does not create adverse impacts on site, nor to surrounding properties. The proposal as modified is deemed to be in the public interest.

S7.11 - Contribution towards provision or improvement of amenities or services

Nil additional Section 7.11 Contributions are payable as a result of the proposal as modified.

EZE Hydraulic Engineers

Pty Ltd.

ACN 132 548 853 ABN: 57 132 548 853

CONSULTING ENGINEERS
CIVIL & STORMWATER MANAGEMENT

PO BOX 234

CONCORD NSW 2137

P: (02) 9706 7767

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E: info@ezeeng.com.au

edgard@ezeeng.com.au

Wednesday, January 16, 2019

Job No.17061C

Bayside Council

444-446 Princes Highway,
Rockdale NSW 2216

Attention: Christopher Thompson

Dear Christopher,

Re: **RAINWATER TANKS-WSUD REQUIREMENT & BASIX**
Proposed New High Rise Development
Property: No. 30-32 Guess Avenue, WOLLI CREEK NSW 2205

Further to your email dated 28 August 2018 whereby you state the following:

'Hi Edgard Zoghbi,

Apologies for the late reply, I have just received the old DA files for this subject development from our physical records storage and reviewed the BASIX approved for the development. The BASIX specifies the rainwater tank volume to be a total of 120000L (120m3) to be utilised for internal re-use for the development so it must be provided, I have seen the BASIX stipulate a similar rainwater tank volume on a more recent development so I suspected that was the case for this development. A section 4.55

modification will be required to vary the approved plans and BASIX certificate to change the required rainwater tank volume for the development.

Best regards,



Christopher Thompson Development Engineer

444-446 Princes Highway, Rockdale NSW 2216

T 02 9562 1605

E christopher.thompson@bayside.nsw.gov.au W www.bayside.nsw.gov.au

We have now adhered to your email advice and ensured that we comply with the requirements. Therefore Please find attached the following documentation in support of the Section 4.55 Modification. Furthermore further to our telephone conversation on the 13th December 2018, we have undertaken further amendments to incorporate additional design requirements which are detailed below:

- **Amended BASIX Certificate number: 214652m_04 dated 7 January 2019 with the provision of 50,000 litres of rainwater tank storage that collects 1600m² of roof area whilst meeting all the targets;**

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	50000.0	To collect run-off from at least: - 1600.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/lawn area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- Irrigation of 1070.0 square metres of common landscaped area on the site

- **Amended WSUD Report & MUSIC Model incorporating 1 x 20,000 litre & 1 x 30,000 litre rainwater tanks to ensure the water quality objectives are met;**
- **Amended Stormwater Management Plans sheets D1 to D4 issue B for construction certificate purposes which of the development proposal i.e. ground floor drainage incorporating the WSUD Requirements, and all levels including the roof drainage design; and**
- **Amended Trunk drainage extension incorporating a new sag gully pit within Guess Avenue but subject to minor variation once the Proposed Civil Works Design are approved by Council.**

In light of the above, we would like to indicate the following information to Council:

- Whilst we understand the previous stormwater management plans incorporated 120,000 litres of rainwater tank storage, the drainage design methodology wasn't practical with respect to the site constraints i.e. there were 8 rainwater tanks designed and located around the perimeters of the new buildings which had a maintenance and long term access issue. There were also issues with existing and new services within the site that would not permit these tanks to be constructed i.e. the proposed substation and associated underground cabling and communication services and therefore we have incorporated the proposed

rainwater tanks of 50,000 litres total storage to be within the centre courtyard area.

Please also note the following analysis with respect to reuse and rainfall patterns:

Building A Reuse (30 kL):

Daily: $0.125 \times 4 + 0.180 \times 3 = 1.04$ kL / day

Building B Reuse (20 kL):

Daily: $0.125 \times 5 + 0.180 \times 4 = 1.345$ kL / day

	Rural dwelling rainwater tank sole water supply				Urban dwelling reticulated water supply			
	Annual internal use in kilolitres (kL/yr/dwelling)							
No. of bedrooms ¹	1 to 2	3	4	5	1 to 2	3	4	5
Toilet (25%)	31	44	57	71	46	66	86	106
Toilet + laundry (50%)	60	88	115	142	91	131	172	212
Toilet + laundry + hot water (90%)	110	159	206	256	164	237	309	384
Toilet + laundry + hot water + other (100%)	122	175	230	283	183	263	343	424
	Daily internal use in kilolitres (kL/day/dwelling)							
No. of bedrooms ¹	1	2	3	4	1 to 2	3	4	5
Toilet (25%)	0.085	0.120	0.155	0.195	0.125	0.180	0.235	0.290
Toilet + laundry (50%)	0.165	0.240	0.315	0.390	0.250	0.360	0.470	0.580
Toilet + laundry + hot water (90%)	0.300	0.435	0.565	0.700	0.450	0.650	0.845	1.045
Toilet + laundry + hot water + other (100%)	0.335	0.480	0.630	0.775	0.500	0.720	0.940	1.160
	External and commercial / industrial use							
External residential use eg gardens	For a typical urban lot - 0.15 kL/day/dwelling or 55 kL/yr/dwelling							
Commercial / Industrial Use	Indicative 0.1 kL/day/1000 m ² of roof area (internal use) & 20 kL/yr/1000 m ² (external use) - Development-specific data may provide better reuse values							

- Therefore it is anticipated that there will be an average usage of 5kl per day (which includes toilets, laundry and outdoor landscaping) for Building A & Building B of rainwater re-use based on the above table and calculations;
- The tanks would empty out in approximately 10-12 days assuming every apartment is tenanted and in use and there is no rainfall events for that period;
- However based on the seasonal rainfall levels of the last several months recorded from the nearest rainfall station being [Sydney Airport AMO \[station 066037\]](#) the Appendix A provides the rainfall events for the last three (3) months;
- Therefore the tables clearly indicate that these tanks will constantly collect runoff from the seasonal rainfall events through the lifetime of the constructed development and the 50,000 litre capacity is considered sufficient enough based on the roof area and daily/yearly reuse. Please refer to the amended stormwater management plans sheets D1 to D10 issue B prepared by our office;

- There is also a dedicated overland flow path within the site and externally to ensure that the 1 in 100 year ARI storm event is conveyed in a suitable and sufficient manner;
- The proposed drainage design methodology has been undertaken strictly in accordance with Bayside Council's Stormwater Management Code (previously known as Rockdale Technical Specification Stormwater Management dated December 2011) and is of sufficient capacity to collect and convey the runoff created by the proposed development for all stormwater events ranging from minor to major storms and discharge to the existing and new trunk drainage system; and
- The subject site is located downstream of the catchment and therefore the proposed runoff created by the new roof areas will be collected via pits and pipes and discharged to the proposed rainwater tanks of 20,000 and 30,000 litre storage capacity before being discharged into the underground trunk drainage network as per the public domain requirements. Therefore there will be impact on surrounding properties or the likelihood of increased flooding.

We therefore believe we have met Council's requirements and wish to have the documentation reviewed and approved accordingly.

Should you have any further queries, please contact our office and we would be happy to discuss.

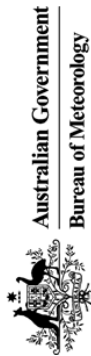
Yours faithfully,



EDGARD ZOGHBI
BE (CIVIL) DIP ENG PRAC
MIE Aust Peng #2840636
for EZE Hydraulic Engineers Pty Ltd

**APPENDIX A- NOVEMBER 2018, DECEMBER 2018
& JANUARY 2019 RAINFALL EVENTS**

Sydney Airport, New South Wales November 2018 Daily Weather Observations

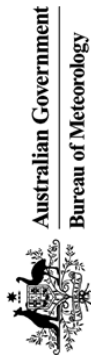


Date	Day	Temps		Rain	Evap	Sun	Max wind gust			9am			3pm		
		Min	Max	mm	mm	hours	Dirn	Spd	Time	Temp	RH	Cld	Dirn	Spd	MSLP
		°C	°C					km/h	local	°C	%	eighths		km/h	hPa
1	Th	18.2	31.0	0.2	6.0	10.2	NNF	46	17:20	22.5	70	7	S	7	1022.5
2	Fr	21.5	38.9	0	9.6	8.3	NNW	72	11:22	30.6	23	7	NW	31	1016.3
3	Sa	21.9	33.4	3.6	15.6	9.3	WNW	56	08:52	29.6	42	1	WNW	35	1011.4
4	Su	18.4	26.4	0	8.4	10.0	NNE	48	13:31	23.0	56	6	ENE	11	1015.9
5	Mo	18.3	27.0	0	8.0	2.6	NNE	26	23:06	21.1	77	7	W	9	1011.0
6	Tu	20.4	32.2	0	5.2	2.2	NNW	31	04:12	23.8	64	7	W	11	1008.1
7	We	20.2	22.1	1.0	5.0	0.0	SW	52	19:43	21.3	85	7	S	19	1005.7
8	Th	11.5	19.3	18.6	2.6	11.5	SSW	48	08:32	15.7	60	1	SSW	28	1015.6
9	Fr	12.5	23.5	0	7.4	11.8	ENE	50	15:20	18.7	47	7	WNW	9	1022.8
10	Sa	14.7	22.9	0	7.8	11.9	SSW	44	09:36	18.3	75	6	SSW	31	1018.8
11	Su	14.1	24.2	0	7.4	12.5	E	44	15:56	20.6	62	1	WNW	9	1021.7
12	Mo	15.5	24.5	0	7.4	11.3	ENE	35	14:16	19.5	81	4	S	9	1024.0
13	Tu	18.2	26.8	0	8.0	9.0	NNF	65	18:01	24.0	47	6	NNF	26	1019.8
14	We	19.5	24.3	0	9.0	0.0	NNF	37	02:32	21.0	70	8	ENF	2	1016.4
15	Th	17.8	21.9	0.2	3.6	4.9	S	56	10:39	20.6	81	3	S	33	1018.1
16	Fr	16.2	21.0	0.2	3.8	6.1	SSW	48	05:16	16.8	82	8	SSW	20	1021.4
17	Sa	14.7	22.2	0	4.0	8.3	S	52	13:02	19.8	72	5	S	20	1019.4
18	Su	15.3	23.2	3.8	7.8	9.7	SE	41	01:18	20.3	52	4	SE	20	1023.9
19	Mo	14.8	23.4	0	6.6	8.7	ENF	43	14:32	18.8	67	7	SW	9	1022.4
20	Tu	16.7	27.0	0	6.6	10.1	NF	57	16:07	23.0	54	4	NNF	17	1015.1
21	We	21.4	30.1	0	8.8	0.5	N	39	09:14	25.7	57	8	N	19	1001.4
22	Th	18.2	26.3	0.4	5.8	10.9	WNW	85	16:14	23.1	54	6	WNW	33	997.2
23	Fr	14.4	25.0	0	14.8	12.7	WNW	80	11:21	18.4	35	4	WNW	41	1000.1
24	Sa	15.1	23.8	0	12.0	8.6	W	76	00:18	20.2	39	1	WSW	35	1002.4
25	Su	13.8	24.4	0	6.0	11.5	S	56	21:16	20.3	47	7	W	17	1002.0
26	Mo	15.7	22.2	0	8.0	11.1	S	57	14:17	19.0	62	4	SSW	35	1004.9
27	Tu	17.2	25.8	0	6.8	4.5	ENE	44	13:07	21.7	62	7	N	9	1007.5
28	We	17.8	20.7	40.2	4.2	0.0	SE	80	14:25	19.4	96	7	ESE	33	998.9
29	Th	15.5	21.2	24.4	7.2	7.3	SSW	63	09:52	17.1	83	7	SSW	44	1008.6
30	Fr	15.8	24.4	0	4.0	12.8	E	31	14:43	20.5	65	2	SW	13	1012.4
Statistics for November 2018															
Mean		16.8	25.3		7.2	7.9				21.1	62	5		21	1012.9
Lowest		11.5	19.3		2.6	0.0				15.7	23	1	ENE	2	997.2
Highest		21.9	38.9	40.2	15.6	12.8	WNW	85		30.6	96	8	SSW	44	1024.0
Total				92.6	217.4	238.3									

Observations were drawn from Sydney Airport AMO (station 066037)

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Sydney Airport, New South Wales December 2018 Daily Weather Observations



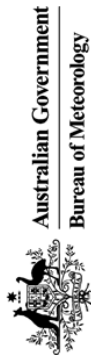
Date	Day	Temps		Rain	Evap	Sun	Max wind gust			9am			3pm		
		Min	Max	mm	mm	hours	Dirn	Spd	Time	Temp	RH	Cld	Dirn	Spd	MSLP
		°C	°C					km/h	local	°C	%	eighths		km/h	hPa
1	Sa	18.5	27.3	0	8.2	11.3	ENF	48	14:45	20.7	71	4	S	9	1012.5
2	Su	17.9	35.9	0	8.2	9.1	WNW	89	12:34	24.9	52	7	N	17	999.8
3	Mo	16.3	32.9	0	14.0	12.7	W	50	21:57	21.7	42	1	NW	15	1009.2
4	Tu	19.6	23.6	0	10.2	3.7	WSW	44	23:09	22.0	66	6	ESE	26	1014.7
5	We	16.4	22.3	1.0	6.8	0.0	E	30	14:50	20.3	64	8	ESE	17	1022.5
6	Th	17.7	26.9	1.8	3.6	4.7	NE	57	16:00	21.5	75	7	WNW	9	1024.3
7	Fr	18.4	27.5	0	10.6	12.4	NF	63	16:18	24.2	51	3	NNF	22	1023.7
8	Sa	19.1	28.2	0	11.8	12.3	NNF	59	15:28	22.8	53	1	NNF	17	1020.9
9	Su	19.7	28.2	0	9.8	12.0	ENE	48	14:28	23.9	63	1	N	15	1018.2
10	Mo	20.2	28.1	0	9.0	2.3	S	48	19:03	23.3	87	7	SSE	20	1016.7
11	Tu	19.8	22.4	0	7.4	1.7	S	33	08:14	21.1	69	7	S	19	1019.5
12	We	18.6	25.3	0	3.2	0.0	NNE	41	16:16	21.8	74	8	E	19	1016.6
13	Th	20.0	28.7	0.6	2.0	4.8	WSW	83	18:58	24.3	71	7	NNF	22	1004.0
14	Fr	18.7	26.1	23.8	8.2	0.9	S	35	15:49	21.3	91	7	S	13	1002.9
15	Sa	19.7	29.6	11.8	3.2	7.6	NNE	65	15:48	24.6	76	6	N	15	1007.4
16	Su	21.5	30.3	3.4	8.8	10.7	NNE	81	15:52	25.9	73	1	NNE	15	1007.8
17	Mo	20.4	30.6	0	9.4	13.2	S	39	21:18	23.7	82	1	SSE	15	1009.7
18	Tu	21.5	25.0	0	6.8	4.9	SSW	54	14:04	22.7	86	8	SSW	30	1014.1
19	We	20.2	24.6	1.6	5.6	0.0	NF	44	19:30	22.0	87	8	SE	15	1015.0
20	Th	19.7	31.6	4.6	6.6	10.3	S	63	21:59	24.5	79	4	NNW	6	1008.3
21	Fr	20.4	23.3	16.3	10.2	1.4	S	57	01:24	21.6	80	8	SSW	24	1008.6
22	Sa	16.5	21.1	2.6	5.8	5.8	S	76	03:51	18.7	77	7	SSW	31	1011.5
23	Su	15.3	23.4	2.2	5.0	12.6	SSW	48	09:18	19.4	77	3	SSW	26	1021.0
24	Mo	15.0	26.8	0	8.0	11.2	ENE	46	15:44	21.1	58	1	WNW	11	1022.2
25	Tu	19.0	30.1	0	10.2	13.3	NF	39	17:09	24.0	61	0	NNF	11	1018.3
26	We	19.8	31.8	0	10.6	13.0	NF	44	16:21	25.5	64	1	NF	9	1016.8
27	Th	21.0	32.4	0	9.2	13.0	NE	52	16:24	26.3	63	1	NNE	11	1014.7
28	Fr	21.7	33.9	0	11.0	12.5	NNE	59	17:01	26.8	61	7	NNE	13	1012.6
29	Sa	20.6	33.6	0	11.0	12.9	NE	52	16:27	26.1	63	1	N	15	1014.0
30	Su	20.0	34.5	0	10.2	10.1	E	33	12:03	26.7	61	2	NW	13	1013.4
31	Mo	21.1	32.9	0	8.0	4.1	S	54	17:09	27.2	62	5	WNW	11	1013.3
Statistics for December 2018															
Mean		19.2	28.4		8.1	7.9				23.2	69	4		16	1014.0
Lowest		15.0	21.1		2.0	0.0				18.7	42	0	NNW	6	999.8
Highest		21.7	35.9	23.8	14.0	13.3	WNW	89		27.2	91	8	SSW	31	1024.3
Total				70.2	252.6	244.5									

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Sydney Airport, New South Wales January 2019 Daily Weather Observations



Date	Day	Temps		Rain mm	Evap mm	Sun hours	Max wind gust			9am				3pm							
		Min °C	Max °C				Dirn	Spd km/h	Time local	Temp °C	RH %	Cld eighths	Dirn	Spd km/h	MSLP hPa	Temp °C	RH %	Cld eighths	Dirn	Spd km/h	MSLP hPa
1	Tu	21.8	34.2	5.4	0.8	12.6	NF	41	14:36	28.4	49	1	N	11	1011.4	33.2	29	1	ENF	24	1009.2
2	We	19.8	28.5	0	10.6	7.9	S	37	19:53	22.6	91	7	S	20	1012.2	27.7	63	4	E	22	1009.4
3	Th	21.3	28.9	0	7.4	6.0	NNE	48	16:44	22.7	88	7	S	17	1013.7	26.6	63	6	E	19	1012.5
4	Fr	20.6	33.0	0	6.8	12.5	NNE	52	17:54	25.7	70	4	NE	6	1013.5	29.3	51	1	NE	28	1010.2
5	Sa	22.2	40.3	0	9.8	7.4	S	69	11:08	32.5	42	1	NNW	13	1007.5	23.0	88	6	S	43	1007.0
6	Su	18.0	22.7	32.8	15.0	0.0	S	61	05:21	18.6	89	8	SSW	28	1016.9	20.8	79	8	S	26	1017.6
7	Mo	18.4	26.0	0	1.6	0.2	ESE	26	14:16	22.4	73	8	SE	15	1020.4	21.5	88	8	SE	13	1018.6
8	Tu	20.1	30.5	0.4	1.8	10.4	S	57	19:59	25.7	70	2	ENF	13	1014.6	29.4	57	1	NF	31	1010.0
9	We	20.5	30.0	5.6	12.0	11.1	SSE	59	11:03	24.7	75	3	WNW	17	1010.9	26.1	75	3	SSE	31	1011.7
10	Th	20.2	22.1	0.2	6.6	0.0	SSE	56	15:20	20.4	91	8	S	33	1017.9	20.6	90	8	S	31	1017.5
11	Fr	19.9	28.0	0	3.0	4.7	NE	48	15:51	22.0	90	8	SE	9	1019.3	24.8	78	7	ENE	24	1016.5
12	Sa	20.8	33.2	4.2	4.0	11.7	N	37	23:27	26.0	74	1	W	9	1016.6	31.5	53	1	E	24	1014.1
13	Su	21.4	24.6	0	9.4	8.5	S	59	05:27	22.5	82	6	S	41	1019.9	23.7	79	7	S	33	1020.1
14	Mo	20.8	30.7	0	6.2	8.9	NF	56	13:55	23.1	85	5	WSW	7	1019.1	29.5	49	1	NF	41	1015.1
15	Tu	22.8	32.4	0	10.6	12.1	NE	65	18:00	26.9	69	1	NE	24	1014.0	31.7	52	1	NE	39	1010.1
16	We	21.4		0	10.0					24.1	81	1	SSW	13	1010.7	29.5	55	1	E	15	1009.1
Statistics for the first 16 days of January 2019																					
Mean		20.6	29.7		7.2	7.6				24.3	76	4		17	1014.9	26.8	65	4		27	1013.0
Lowest		18.0	22.1		0.8	0.0				18.6	42	1	NF	6	1007.5	20.6	29	1	SE	13	1007.0
Highest		22.8	40.3	32.8	15.0	12.6	S	69		32.5	91	8	S	41	1020.4	33.2	90	8	S	43	1020.1
Total				48.6	115.6	114.0															















Observations were drawn from Sydney Airport AMO (station 066037)

IDC:JDW125.201901 Prepared at 05:36 UTC on 16 Jan 2019
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Users of this product are deemed to have read the information and accepted the conditions described in the notes at
<http://www.bom.gov.au/climate/dwo/IDCJDW0000.pdf>

STORMWATER MANAGEMENT PLANS

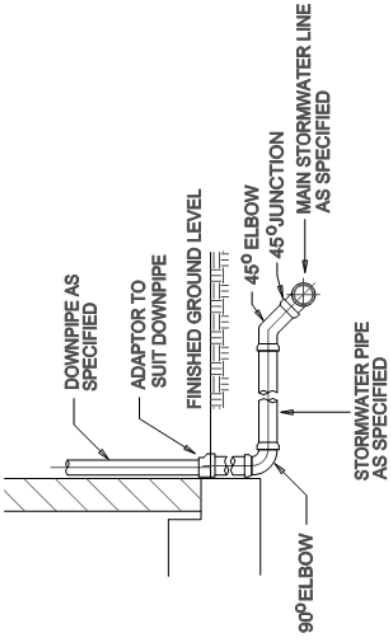
PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT

No. 30-32 GUESS AVENUE, WOLLI CREEK NSW 2205

LEGEND	
	GRATED INLET PIT
	450mm SQUARE INTERNAL
	GRATE LEVEL = RL 75.54
	INVERT LEVEL = RL 75.12
	INSPECTION OPENING CAP
	PROPOSED DOWNPIPE 150 DIA MIN UNO
	EXISTING TREE
	GRATED TRENCH DRAIN
	GRATED ROUND OUTLET 100mm DIAMETER
	PROPOSED DOWNPIPE SPREADER
	ROOF DRAINAGE ONLY - 150 DIA PIPE UNO
	STORMWATER DRAINAGE
	PROPOSED VERTICAL RISER 80mm CLASS 12 UNO
	PROPOSED 150 DIA VERTICAL PIPE

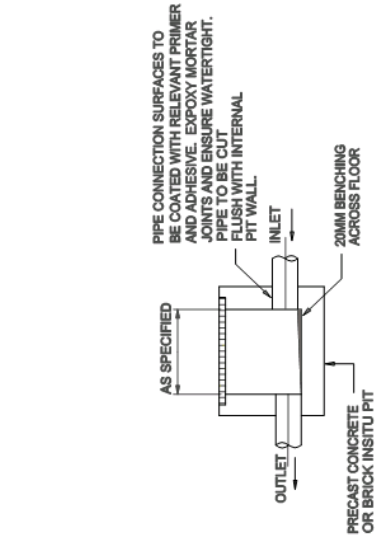
BAYSIDE COUNCIL'S STORMWATER MANAGEMENT REQUIREMENTS	
DESIGN CODE: ROCKDALE TECHNICAL SPECIFICATION STORMWATER MANAGEMENT ADOPTED 4 MAY 2011	
PROPOSED DEVELOPMENT: NEW RESIDENTIAL DEVELOPMENT	
SITE AREA= 5487m ²	
SUBJECT PROPERTY LOCATED FORMS PART OF THE WOLLI CREEK DCP NO.62 THEREFORE NO OSD REQUIRED.	
RUNOFF FROM THE MAJORITY OF THE NEW ROOF AREA WILL DRAIN TO TWO (2) X 20000 LITRE & 30000 LITRE RAINWATER TANKS LOCATED IN THE CENTRAL AREA OF THE SITE WITH THE OVERFLOW DRAINING VIA PITS & PIPES BY DISCHARGING TO THE EXISTING COUNCIL PIT ON BONAR STREET AND A NEW PIT ON GUESS AVENUE VIA A SPEL FILTRATION UNIT AS SHOWN.	
REFER TO WSUD REPORT & MUSIC MODEL PREPARED BY EZE HYDRAULIC ENGINEERS PTY LTD.	
DESIGN BASED ON AR & R AS3500 & ABOVE STORMWATER MANAGEMENT CODE.	

GENERAL NOTES	
1. FINAL LOCATION OF NEW DOWNPIPES TO BE DETERMINED BY BUILDER/ARCHITECT AT TIME OF CONSTRUCTION.	
2. THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTS AND OTHER CONSULTANTS DRAWINGS.	
3. ANY DISCREPANCIES TO BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH WORK.	
4. ALL MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH AS/NZS 3500.3:2003 STORMWATER DRAINAGE, BCA AND LOCAL COUNCIL POLICY/CONSENT REQUIREMENTS.	
5. ALL DIMENSIONS AND LEVELS TO BE VERIFIED BY BUILDER ON-SITE PRIOR TO COMMENCEMENT OF WORKS.	
6. THESE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS NOR TO BE USED FOR SETOUT PURPOSES.	
7. ALL SURVEY INFORMATION AND PROPOSED BUILDING AND FINISHED SURFACE LEVELS SHOWN IN THESE DRAWINGS ARE BASED ON LEVELS OBTAINED FROM DRAWINGS BY OTHERS.	
8. THESE DRAWINGS DEPICT THE DESIGN OF SURFACE STORMWATER RUNOFF DRAINAGE SYSTEMS ONLY AND DO NOT DEPICT ROOF DRAINAGE OR SUBSOIL DRAINAGE SYSTEMS UNLESS NOTED OTHERWISE. THE DESIGN OF ROOF AND SUBSOIL DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF OTHERS.	
9. ALL STORMWATER DRAINAGE PIPES ARE TO BE 100mm DIAMETER uPVC AT MINIMUM 1% GRADE UNLESS NOTED OTHERWISE.	
10. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND LEVEL ALL EXISTING SERVICES OR OTHER STRUCTURES WHICH MAY AFFECT/BE AFFECTED BY THIS DESIGN PRIOR TO COMMENCEMENT OF WORKS.	
11. ALL PITS WITHIN DRIVEWAYS TO BE 150mm THICK CONCRETE OR EQUAL.	
12. THIS PLAN IS THE PROPERTY OF EZE HYDRAULIC ENGINEERS AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM EZE HYDRAULIC ENGINEERS.	



TYPICAL DETAIL - DOWNPIPE CONNECTION

NOT TO SCALE



TYPICAL DETAIL - STANDARD PIT

NOT TO SCALE

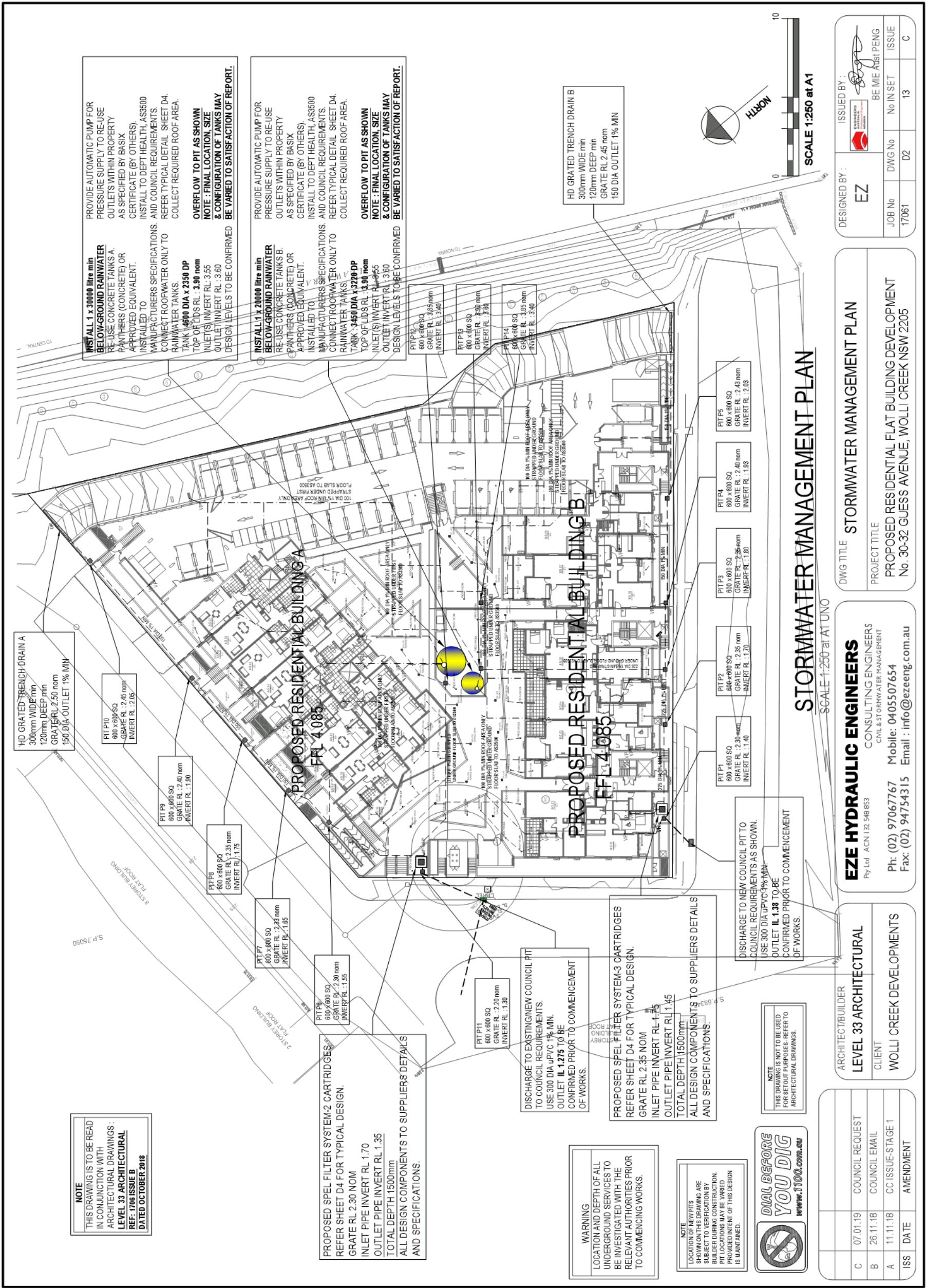
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B	26.11.18	COUNCIL EMAIL
A	11.11.18	CC ISSUE-STAGE 1

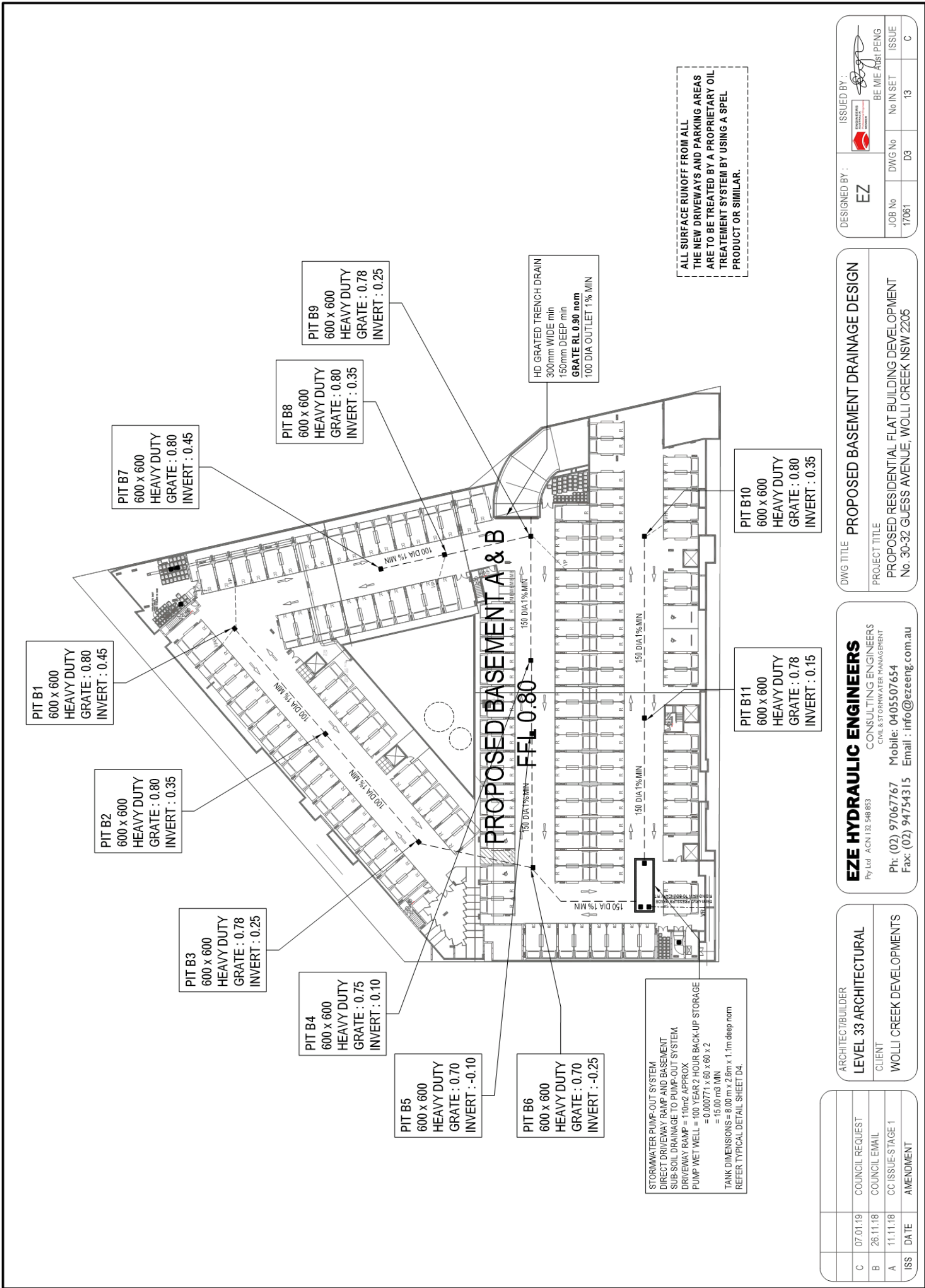
ARCHITECT/BUILDER	LEVEL 33 ARCHITECTURAL
CLIENT	WOLLI CREEK DEVELOPMENTS

EZE HYDRAULIC ENGINEERS Pty Ltd ACN 132 548 853 CONSULTING ENGINEERS CIVIL & STORMWATER MANAGEMENT Ph: (02) 97067767 Mobile: 0405507654 Fax: (02) 94754315 Email: info@ezeeng.com.au
--

DWG TITLE	COVER SHEET & CALCULATIONS
PROJECT TITLE	PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT No. 30-32 GUESS AVENUE, WOLLI CREEK NSW 2205

DESIGNED BY :	EZ	ISSUED BY :	BE MIE ASST PENG
JOB No	17061	DWG No	D1
No IN SET	13	ISSUE	C





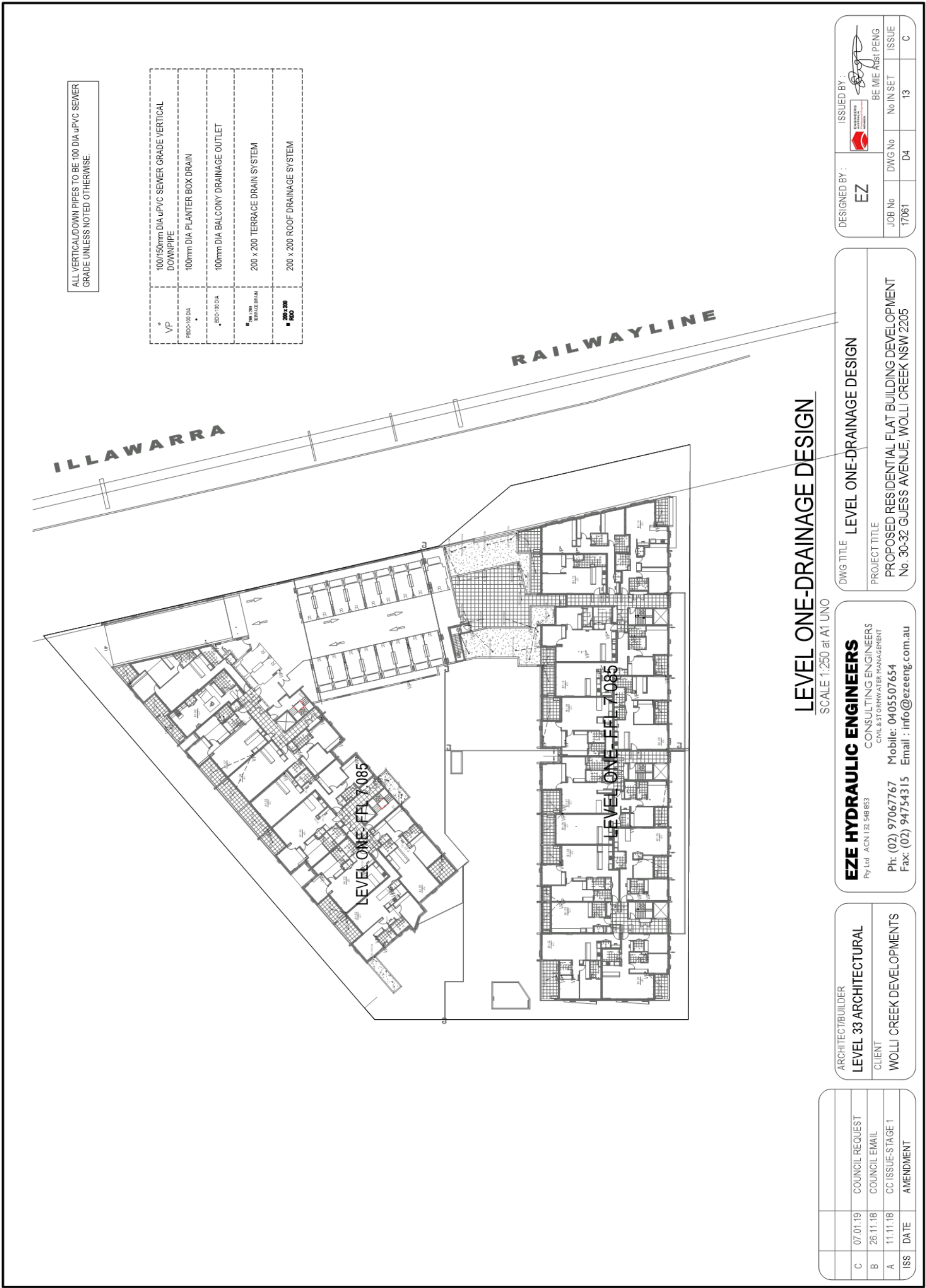
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B	26.11.18	COUNCIL EMAIL
A	11.11.18	CC ISSUE-STAGE 1

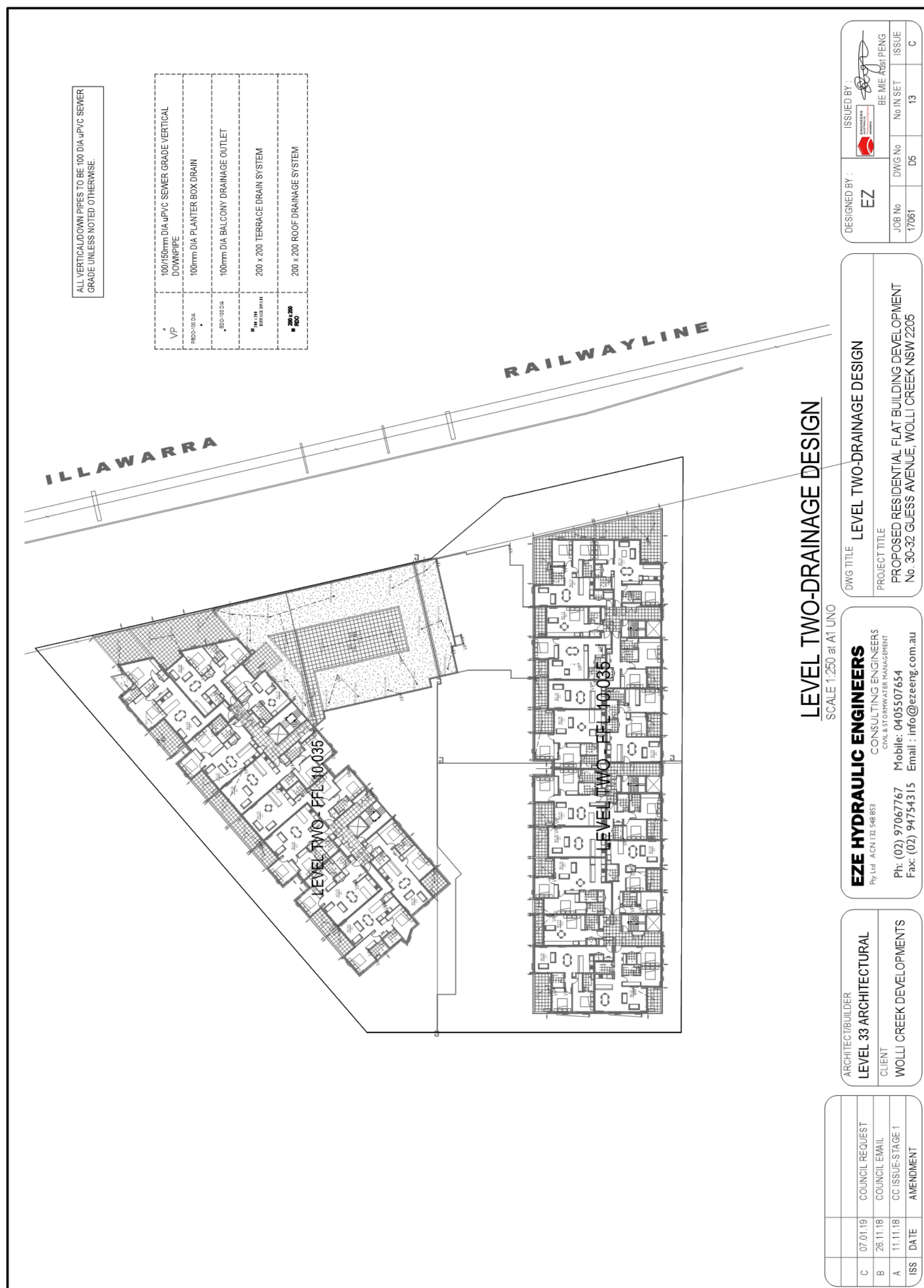
ARCHITECT/BUILDER	LEVEL 33 ARCHITECTURAL
CLIENT	WOLLI CREEK DEVELOPMENTS

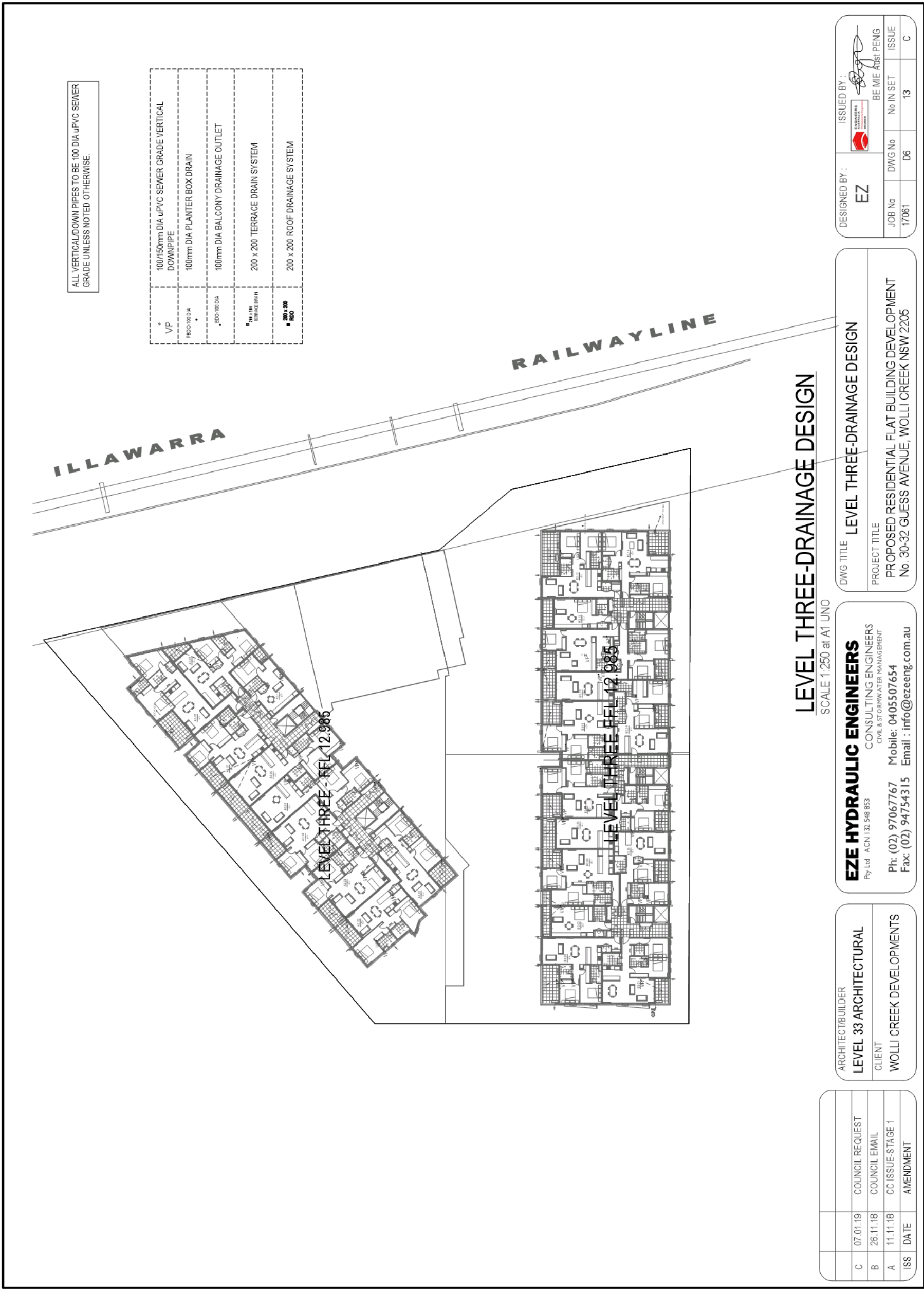
EZE HYDRAULIC ENGINEERS Pty Ltd ACN 132 548 853 CONSULTING ENGINEERS CIVIL & STORMWATER MANAGEMENT	Ph: (02) 97067767 Fax: (02) 94754315 Mobile: 0405507654 Email: info@ezeeng.com.au
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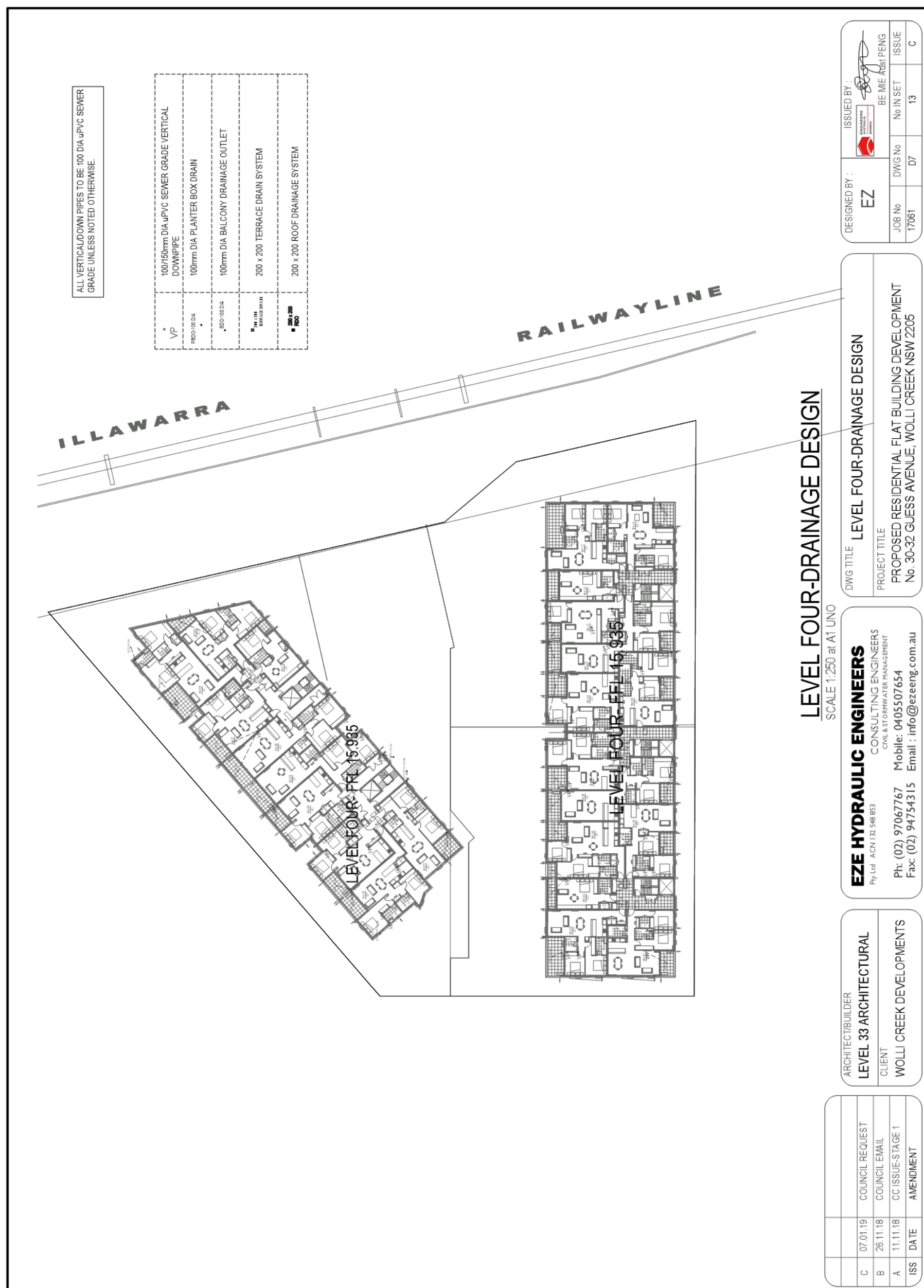
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PROJECT TITLE	PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT No. 30-32 GUESS AVENUE, WOLLI CREEK NSW 2205

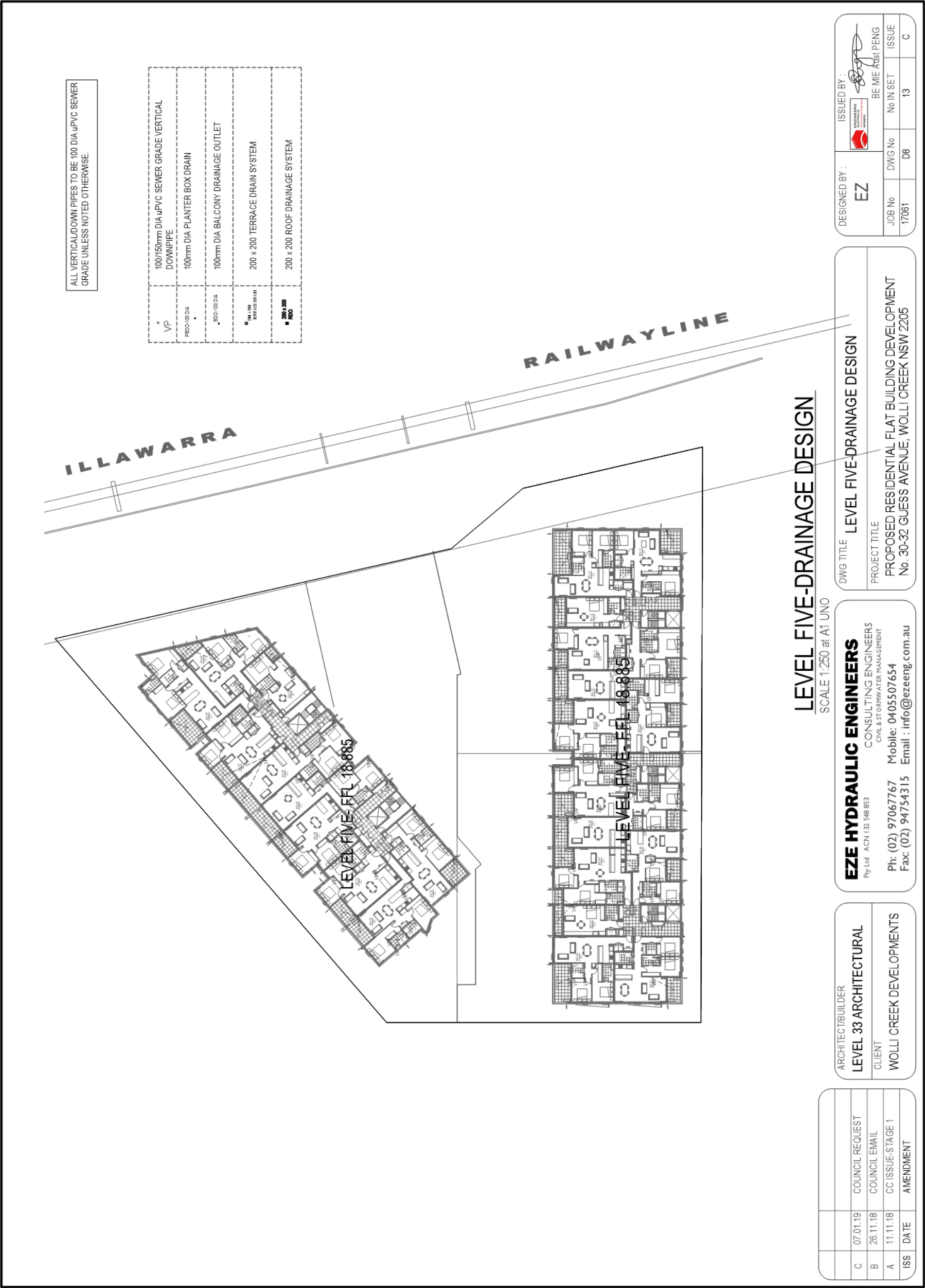
DESIGNED BY :	EZ	ISSUED BY :	BE MIE ABST PENG
JOB No	17061	DWG No	D3
No IN SET	13	ISSUE	C

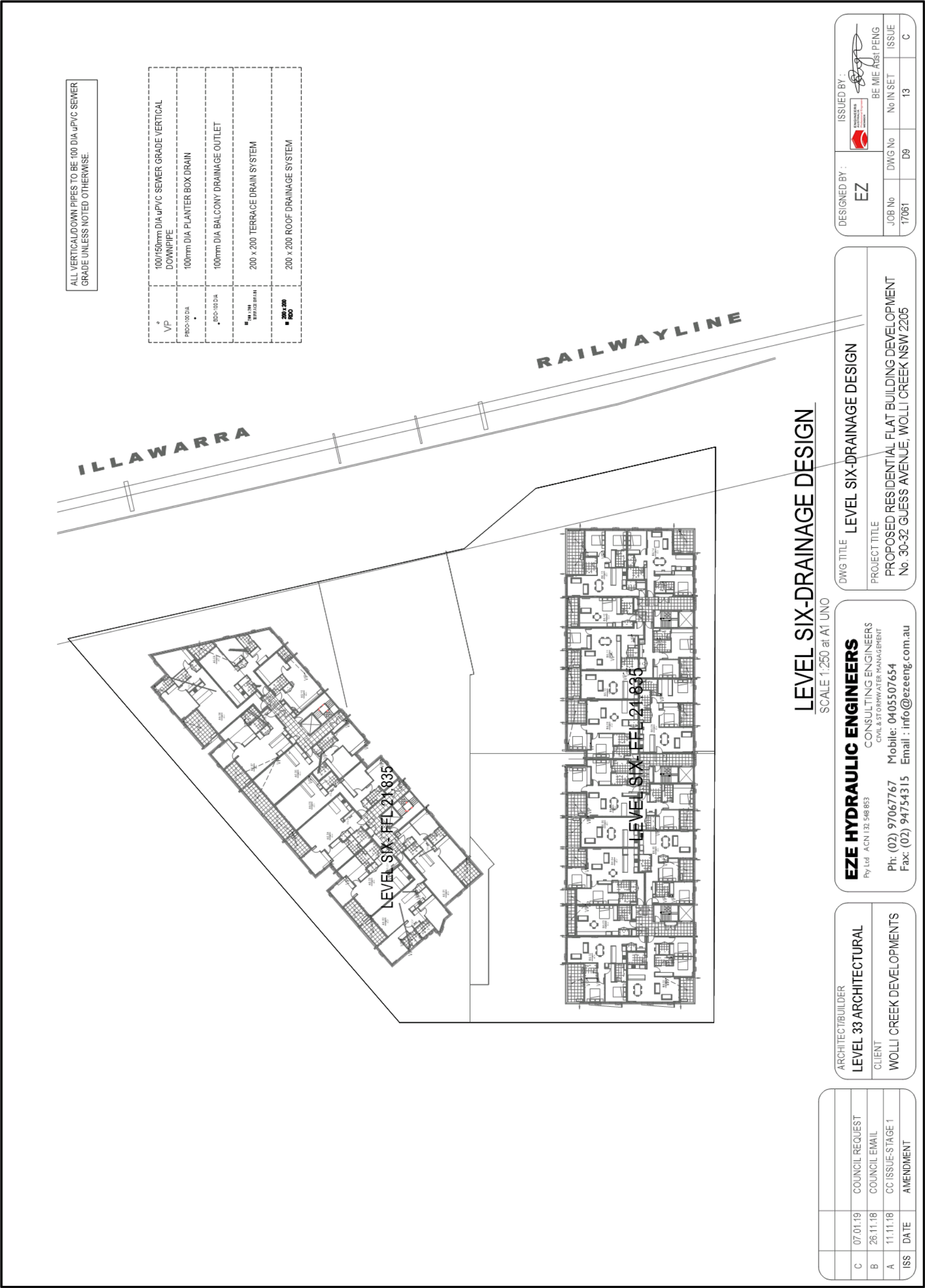




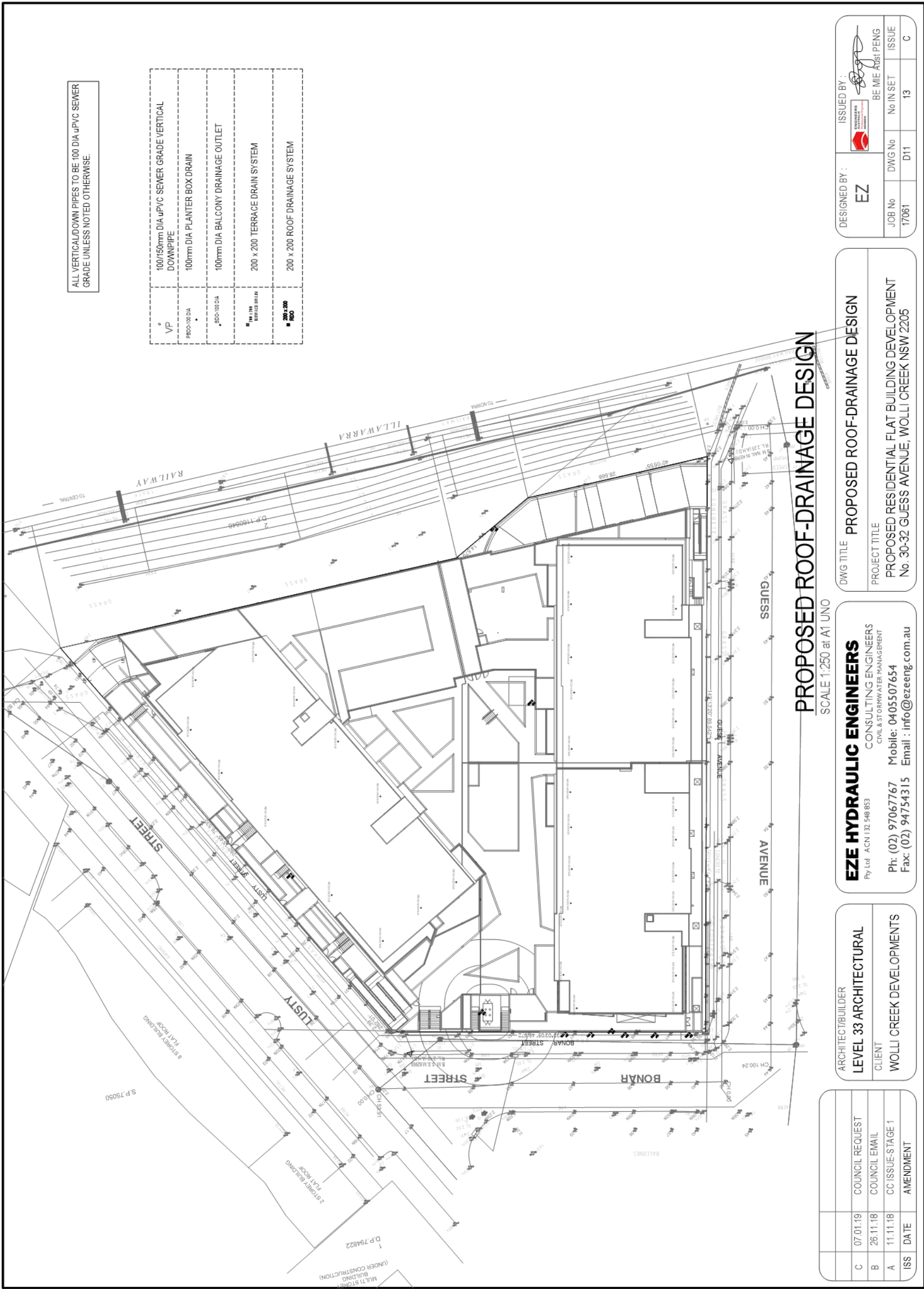


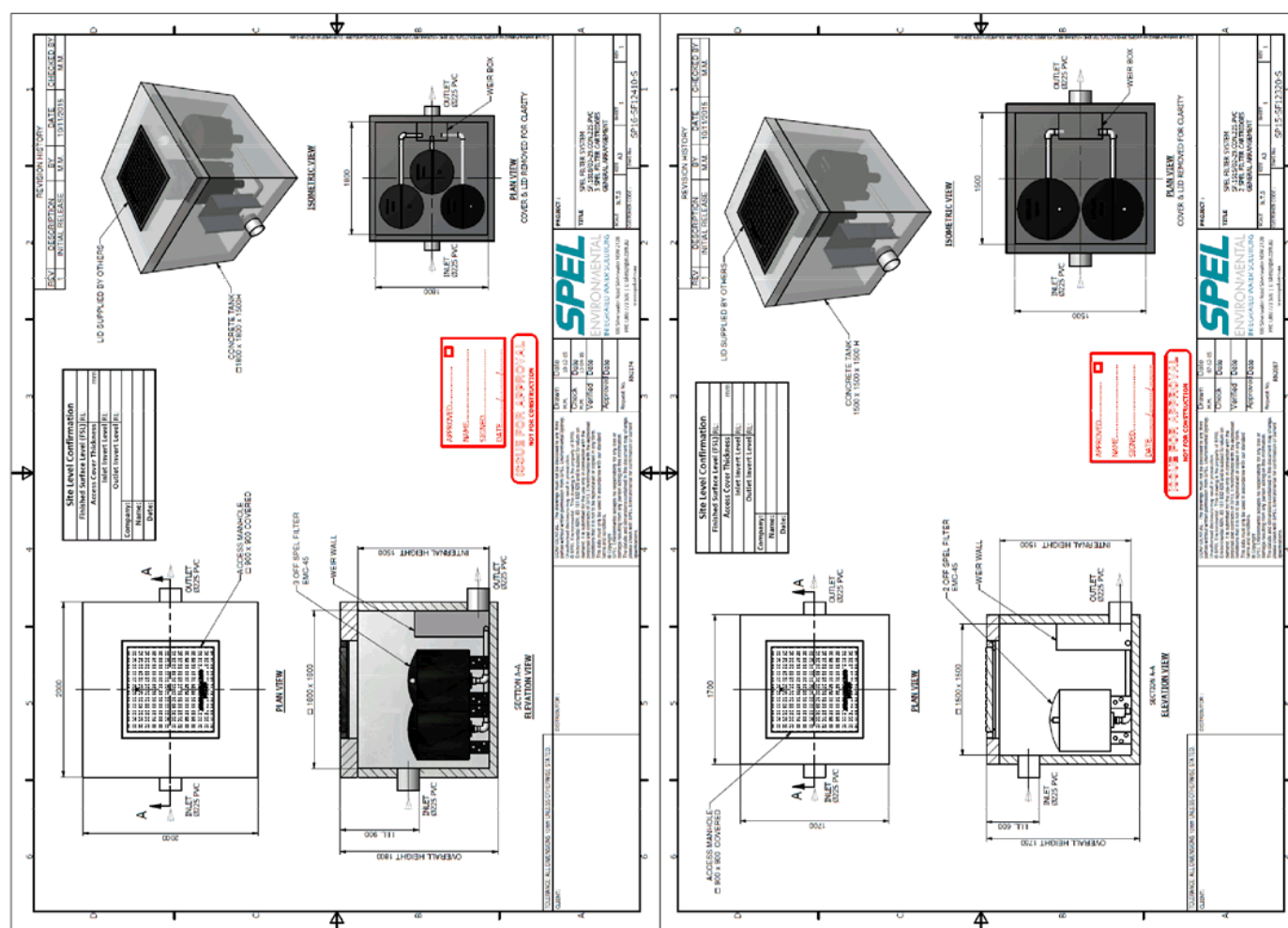












TYPICAL DETAIL - SPEL FILTER SYSTEMS

NOT TO SCALE

C	07.01.19	COUNCIL REQUEST	
B	26.11.18	COUNCIL EMAIL	
A	11.11.18	CC ISSUE-STAGE 1	
ISS	DATE	AMENDMENT	

ARCHITECT/BUILDER

LEVEL 33 ARCHITECTURAL

CLIENT
WOLLI CREEK DEVELOPMENTS

EEZE HYDRAULIC ENGINEERS

ENGINEERS

Ph: (02) 97067767 Mobile: 0405507654

Fax: (02) 94754315 Email : info@ezeeng.com.au

PROPOSED SPEL FILTER SYSTEMS

PROJECT TITLE

PROJECT TITLE
PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT
No. 30-32 GUESS AVENUE, WOLLI CREEK NSW 2205

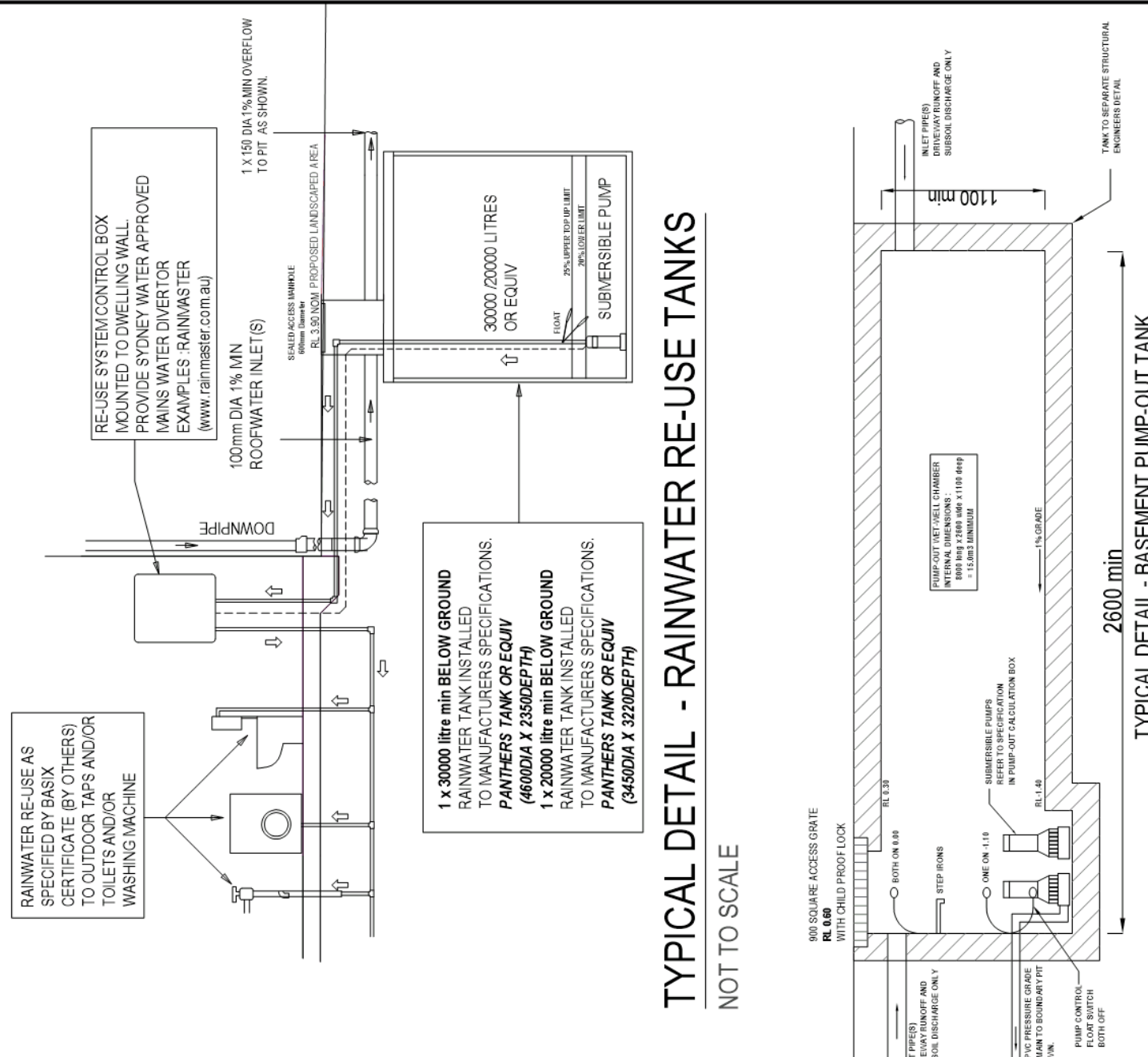
DESIGNED BY :	ISSUED BY :
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JOB No	DWG No	No IN SET	ISSUE
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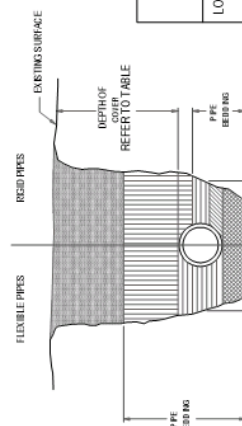
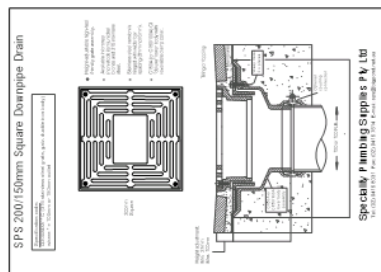
TYPICAL DETAIL - RAINWATER RE-USE TANKS

NOT TO SCALE

ALL VERTICAL/DOWN PIPES TO BE 100 DIA uPVC SEWER
GRADE UNLESS NOTED OTHERWISE.

VP	100/150mm DIA uPVC SEWER GRADE VERTICAL DOWNPIPE
P800-100 DIA	100mm DIA PLANTER BOX DRAIN
P800-100 DIA	100mm DIA BALCONY DRAINAGE OUTLET
■ 200 x 200 STAINLESS STEEL DRAIN	200 x 200 TERRACE DRAIN SYSTEM
■ 200 x 200 RCC	200 x 200 ROOF DRAINAGE SYSTEM

TYPICAL DETAIL - SQUARE DOWNPIPE DRAIN
NOT TO SCALE



MINIMUM PIPE COVER (FROM FINISHED SURFACE TO TOP OF PIPE)		MINIMUM COVER (mm)
LOCATION		CAST/DUCTILE IRON AUTHORISED GAL STEEL OTHER PRODUCTS (*)
1. NOT SUBJECT TO VEHICULAR LOADING:		
A. WITHOUT PAVEMENT:		
i. FOR SINGLE DWELLINGS -		0
ii. OTHER THAN SINGLE DWELLINGS -		0
B. WITH PAVEMENT OF BRICK UNREINFORCED CONCRETE -		0 (**)
2. SUBJECT TO VEHICULAR LOADING:		
A. WITHOUT ROADS:		
i. WITHOUT PAVEMENT -		300
ii. WITH PAVEMENT OF:		
- REINF. CONC. FOR HEAVY VEHICLES -		100 (***) (#)
- BRICK UNREINF. CONC LIGHT VEHICLES -		75 (***) (#)
B. ROADS		
i. SEALED		300
ii. UNSEALED		300
3. SUBJECT TO CONSTRUCTION VEHICLES OR IN PAVEMENT CONDITIONS		300
(*) INCLUDES OVERLAY ABOVE THE TOP OF THE PIPE OF NOT LESS THAN 50mm THICK		
(**) BELOW THE UNDERSIDE OF THE PAVEMENT		
(***) SUBJECT TO COMPLIANCE WITH AS1782, AS2033, AS/NZS 2566.1, AS3725 OR AS 4660		

(*) INCLUDES OVERLAY ABOVE THE TOP OF THE PIPE OF NOT LESS THAN 50mm THICK
 (**) BELOW THE UNDERSIDE OF THE PAVEMENT

LEGEND - TRENCH BACKFILL		PIPE OVERLAY			
STANDARD	REINFORCE PIPE	BACKFILL	SIDEWALK SUPPORT	HAUNCH ZONE	RED ZONE

TYPICAL DETAILS- PLANTER BOX, BALCONY & TERRACE GRATE



[illegible][illegible][illegible]

C	07.01.19	COUNCIL REQUEST
B	26.11.18	COUNCIL EMAIL
A	11.11.18	CC ISSUE-STAGE 1
ISS	DATE	AMENDMENT

ARCHITECT/BUILDER	LEVEL 33 ARCHITECTURAL
CLIENT	WOLLI CREEK DEVELOPMENTS

EZE HYDRAULIC ENGINEERS
 Pty Ltd ACN 132 548 853
 CONSULTING ENGINEERS
 CIVIL & STORMWATER MANAGEMENT
 Ph: (02) 97067767
 Fax: (02) 94754315
 Mobile: 0405507654
 Email : info@ezeeng.com.au

DWG TITLE	TYPICAL DETAILS
PROJECT TITLE	PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT No. 30-32 GUESS AVENUE, WOLLI CREEK NSW 2206

DESIGNED BY :	ISSUED BY :		
EZ	 BE MIE ANST PENG		
			
JOB No	DWG No	No IN SET	ISSUE
17061	D13	13	C

WSUD REPORT

REVISION B DATED 11TH JANUARY 2019.

SITE CHARACTERISTICS	
SITE LOCATION:	30-32 GUESS AVE, WOLLI CREEK NSW 2205
DRINKING WATER CATCHMENT:	NOT PROVIDED
RAINFALL ZONE:	NOT PROVIDED
PET ZONE:	NOT PROVIDED
TOTAL SITE AREA:	.5847 Ha (SURVEY PROVIDED)
EXISTING SITE GRADIENT:	0.5%
SOIL LANDSCAPE:	REFER TO GEOTECHNICAL REPORT PREPARED BY OTHERS
EXISTING WATERCOURSE THROUGH THE SITE?	NO
OVERLAND FLOW DRAINING ONTO THE SITE?	YES
PRE-DEVELOPMENT DETAILS	
EXISTING DEVELOPMENT CHARACTERISTICS:	INDUSTRIAL WAREHOUSE SITE
EXISTING LAND USES AND AREAS:	INDUSTRIAL WAREHOUSE (0.5847Ha)
POST DEVELOPMENT DETAILS	
PROPOSED DEVELOPMENT CHARACTERISTICS	HIGH DENSITY RESIDENTIAL DEVELOPMENT - 176 UNITS

INTRODUCTION

Bayside Council has requested that a Music Model Report be prepared for the proposed medium density residential flat building development. EZE Hydraulic Engineers has been commissioned to undertake the analysis and design and therefore our firm has undertaken the Water Sensitive Urban Design Modelling and analysis. Below is an outline of the subject site and the assumptions that were adopted as part of setting up the MUSIC Model. The site area was determined from the survey provided and found to be 5847m² =0.5847ha.

CATCHMENT DETAILS

Catchment areas have been defined primarily considering the drainage flowpaths, location of proposed treatment measures and surface type distribution. The site has been divided into one catchment for pre-development condition (A1) and one catchment for the post development condition (B1). Refer to the table below for the breakdown of the Catchments.

LAND USE/ SURFACE TYPE	TOTAL AREA (ha)	SUB-CATCHMENT AREAS (ha)	
PRE-DEVELOPMENT		A1	
WAREHOUSE & CONCRETE AREAS	0.5847	0.5847	
TOTAL		0.5847	
		B1	
POST DEVELOPMENT			
RESIDENTIAL ROOFS	0.5300	0.5300	
HARD/SOFT LANDSCAPING	0.0400	0.0400	
TOTAL		0.5847	

EZE Hydraulic Engineers Pty Ltd has been commissioned and has modeled the catchment in MUSIC in accordance with the following guidelines & parameters. These are;

- Music version 6.0.2
- Rainfall Station 066037 SYDNEY AIRPORT, 6 minute time step from 1979 to 1988
- Sydney CMA Source Node(s) utilizing modified % impervious area, rainfall threshold, soil properties & pollutant concentrations Blacktown City Council approved Spel Treatment Nodes.
- No drainage routing between nodes.

For stormwater treatment in MUSIC, we have used the Blacktown City Council approved set of treatment nodes for our products. We have modelled the systems to meet current Bayside Council Water Quality Objectives of:

- 80% TSS Reduction
- 55% TP Reduction
- 40% TN Reduction.

Treatment Systems Required

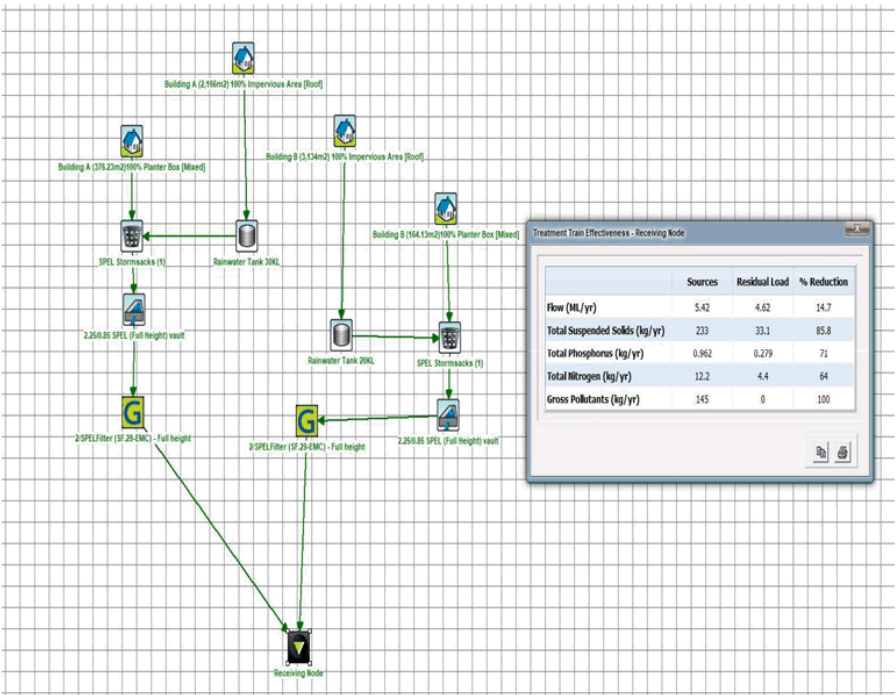
Building A:

- 30kL RWT including 1kL/day reuse;
- One SPEL StormSack (SPELFilter pre-treatment); and
- Two SPELFilters housed in a 2 square meter vault.

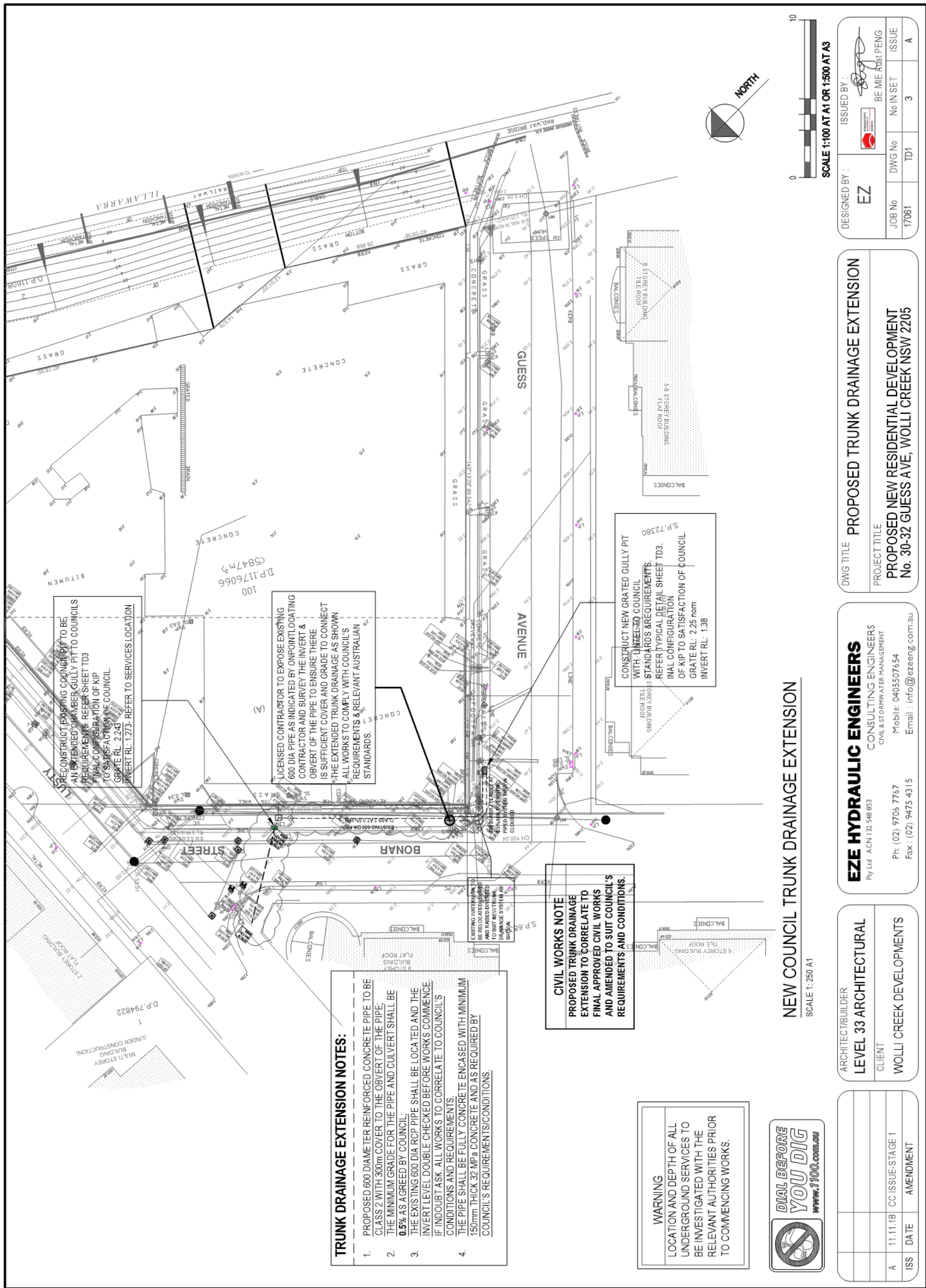
Building B:

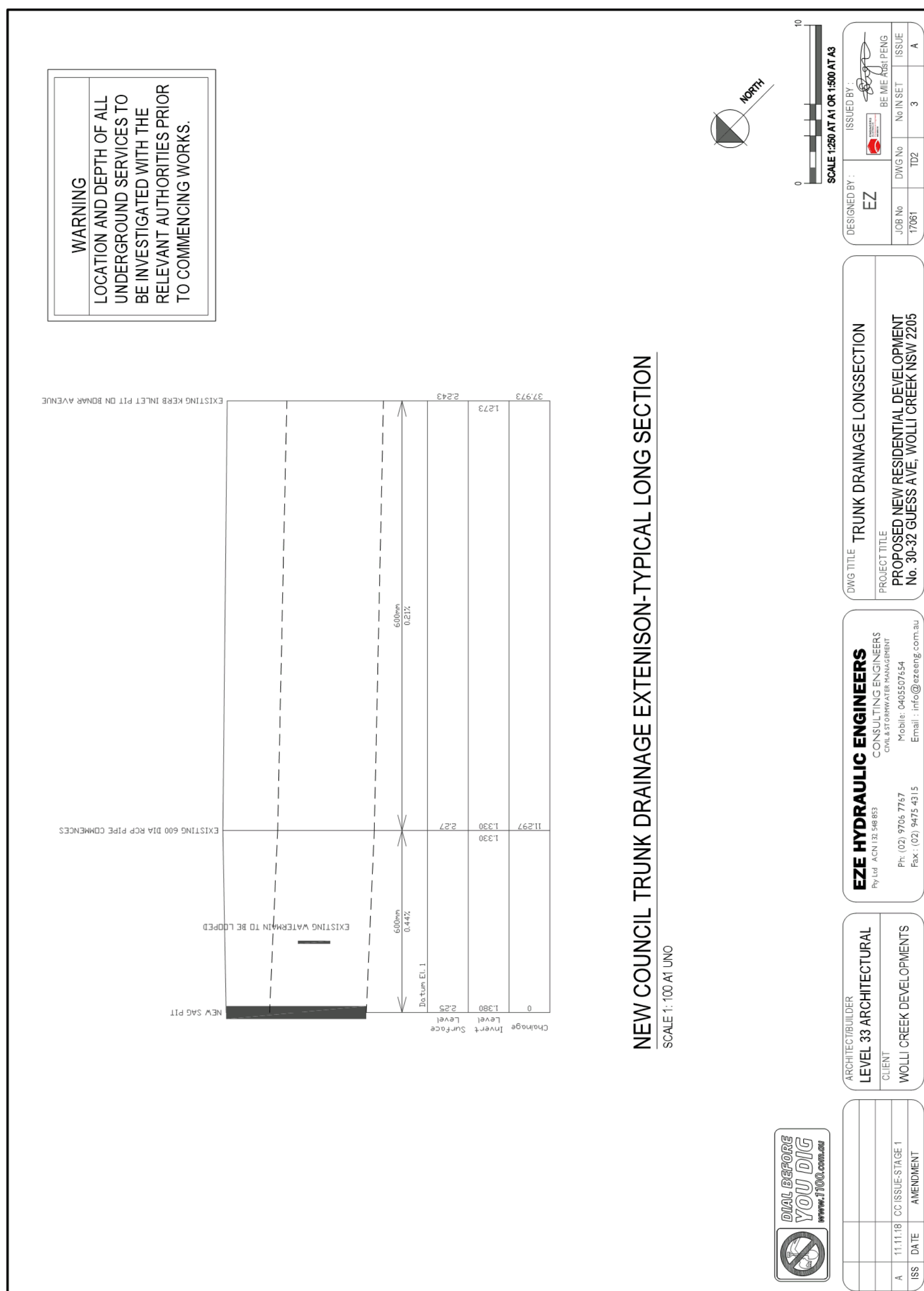
- 20kL RWT including 1kL/day reuse;
- One SPEL StormSack (SPELFilter pre-treatment); and
- Two SPELFilters housed in a 2 square meter vault.

FIGURE 1- Music Model Results

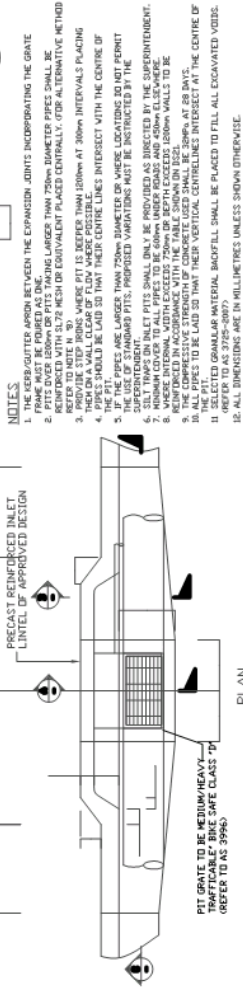
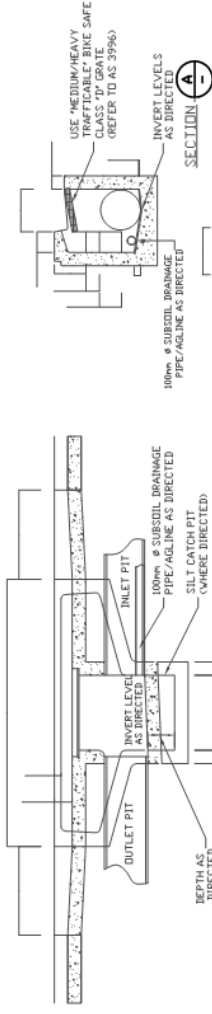


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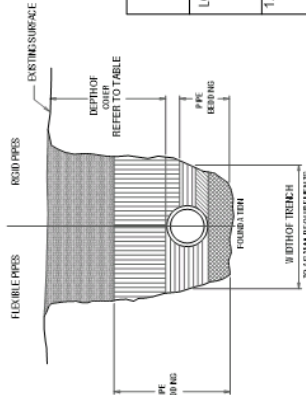


- NOTES**
1. ALL KERB INLET PITS (ON GRADES) SHALL BE PROVIDED WITH AN EXTENDED INLET 900mm ØNINO
 2. STEP IRONS TO BE PROVIDED AT 300mm CENTRES FOR PITS GREATER THAN 1200mm DEEP
 3. THE COMPRESSIVE STRENGTH OF ALL CONCRETE USED SHALL BE 30MPa AT 28 DAYS.
 4. MINIMUM COVER TO ALL PIPES TO BE 600mm UNDER ROADS AND 450 ELSEWHERE.
 5. WHERE INTERNAL WIDTH EXCEEDS 750mm OR DEPTH EXCEEDS 1200mm WALLS TO BE REINFORCED
 6. IN ACCORDANCE WITH THE TABLE SHOWN BELOW.
 7. SELECTED GRANULAR MATERIAL BACKFILL SHALL BE PLACED TO FILL ALL EXCAVATED VOIDS.
 8. ALL PIPES TO BE LAID SO THAT THEIR VERTICAL CENTRELINES INTERSECT AT THE CENTRE OF THE PIT.
 9. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE.



PROPOSED GULLY PIT (SAG) DETAILS

NOT TO SCALE



NOTE A
STORMWATER DRAINS CONTAINING OTHER THAN CAST IRON
PIPE SHALL BE COVERED WITH A MINIMUM OF 100mm
OF 100mm DIA. SUBSOIL DRAINAGE PIPE/LINE. THE
COVER SHALL BE COVERED WITH AT LEAST 100mm
OF 100mm DIA. SUBSOIL DRAINAGE PIPE/LINE.
(a) 100mm THICKNESS OF REINFORCED CONCRETE IS HERE SUBJECT
TO HEAVY TRUCK LOADS.

SYMBOL	FLEXIBLE PPES	R&B PPES

MINIMUM PIPE COVER (FROM FINISHED SURFACE TO TOP OF PIPE)	
LOCATION	MINIMUM COVER (mm)
	CAST/OUTLETT/IRON GAL. STEEL OTHER AUTHORISED PRODUCTS (*)
1. NOT SUBJECT TO VEHICULAR LOADING: A. WITHOUT PAVEMENT: I. FOR SINGLE DWELLINGS - II. OTHER THAN SINGLE DWELLINGS - B. WITH PAVEMENT OF BROKEN/REINFORCED CONCRETE - 2. SUBJECT TO VEHICULAR LOADING: A. OTHER THAN ROADS: I. WITHOUT PAVEMENT - II. WITH PAVEMENT OF: - REINFORCED CONCRETE FOR HEAVY VEHICLES - - BROKEN/REINFORCED CONCRETE FOR LIGHT VEHICLES - B. ROADS: I. SEALED II. UNSEALED 3. SUBJECT TO CONSTRUCTION VEHICLES OR INBANKMENT CONDITIONS	0 0 0 (*) 300 0 (*) 0 (*) 300 300 300
	100 300 50 (*) 450 100 (*) 75 (*) 500 (*) 500 (*) 500 (*)
(*) INCLUDES OVERLAY ABOVE THE TOP OF THE PIPE OF NOT LESS THAN 50mm THICK (**) BELOW THE UNDERSIDE OF THE PAVEMENT (#) SUBJECT TO COMPLIANCE WITH AS1162, AS2033, AS/NZS 2586.1, AS3725 OR AS 4060	

PIT SIZE	
INLET PIPE DIAMETER (mm)	MINIMUM PIT DIAMETER (mm)
225	600
300	600
375	600
450	600
525	600
600	600
675	600
750	600
825	600
900	600
1050	600
1200	600
1350	600
1500	600
1650	600
1800	600
1950	600
2100	600
2250	600
2400	600
2550	600
2700	600
2850	600
3000	600
3150	600
3300	600
3450	600
3600	600
3750	600
3900	600
4050	600
4200	600
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Bayside Local Planning Panel

26/03/2019

Item No	6.4
Application Type	Development Application
Application No	SF19/471
Lodgement Date	27/09/2018
Property	1675 Botany Road, Botany
Ward	Botany Bay
Owner	Lisda Surya
Applicant	Pinnacle Plus
Proposal	Demolition of existing structures, construction of new 2 x two storey semi-detached dwellings and associated Torrens Title subdivision
No. of Submissions	1 Petition (4 signatures)
Cost of Development	\$855,627.00
Report by	Michael McCabe, Acting General Manager

Officer Recommendation

- 1 That the Bayside Local Planning Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest as it is consistent with the objective of the FSR Standard and the objectives for the R2 Low Density Residential zone.
 - 2 That the Bayside Local Planning Panel approves the demolition of existing structures, construction of new 2 x two storey semi-detached dwellings and associated Torrens Title subdivision.
 - 3 That any objectors be notified of the determination made by the Bayside Local Planning Panel.
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- 1 Planning Assessment Report [↓](#)
- 2 Demolition Plan [↓](#)
- 3 East and West Elevations [↓](#)
- 4 Front and Rear Elevations [↓](#)
- 5 Landscape Plan [↓](#)
- 6 Subdivision Plan [↓](#)
- 7 Traffic Access Plan [↓](#)
- 8 Statement of Environmental Effects and CI 4.6 Variation [↓](#)

Key Issues

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.

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Recommendation

It is RECOMMENDED that the Bayside Planning Panel, resolve:

1. That the Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest as it is consistent with the objective of the FSR Standard and the objectives for the R2 Low Density Residential zone.
2. To approve the demolition of existing structures, construction of new 2 x two storey semi-detached dwellings and associated Torrens Title subdivision; and
3. That any objectors be notified of the determination made by the Planning Panel.

Background

History

DA-2017/1092 was lodged with Council on 6 June 2017 for the demolition of existing structures and construction of two x two storey semi-detached dwellings and associated Torrens Title Subdivision. The application was withdrawn by the applicant on 28 March 2018.

The site has a history of residential use.

Proposal

The development application seeks consent for the demolition of the existing dwelling and structures, construction of two semi-detached dwellings and associated Torrens Title Subdivision.

The specifics of the proposal are as follows:

- Demolition of all structures on the site;
- Construction of two x two storey semi-detached dwellings with each containing four bedrooms (one with ensuite), an open plan kitchen, combined living room and dining room, internal landscaped courtyard, laundry, two bathrooms, upstairs living room, balconies to the front and rear (all from bedrooms) and one car garage.

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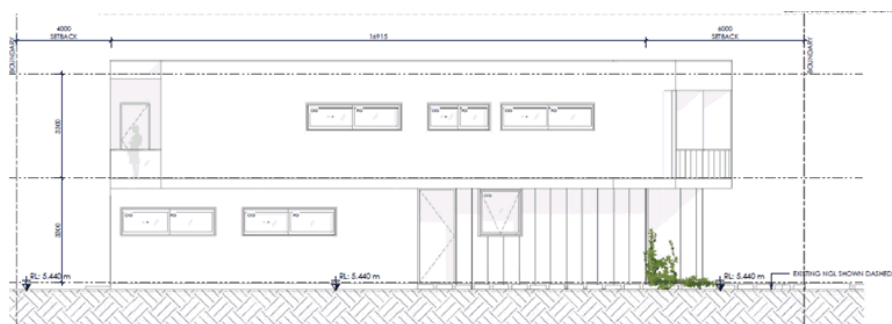


Figure 4. Proposed Southern Elevation (side)

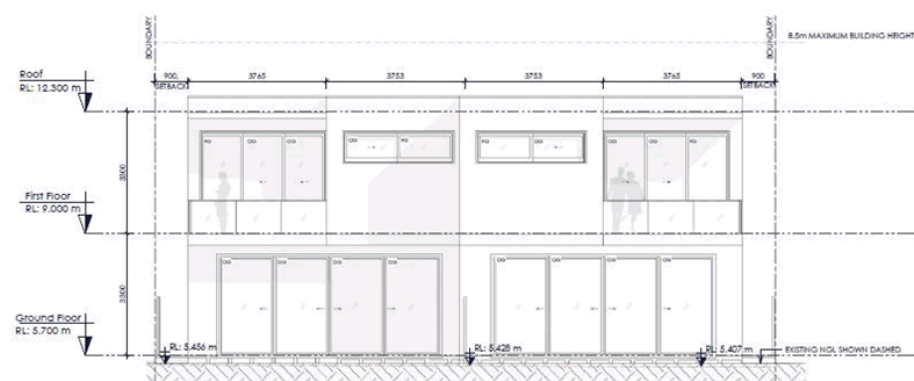


Figure 5. Proposed Eastern Elevation (rear)

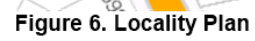
Site Description

The site is legally known as Lot 1 in DP 1168812. The subject site is located on the eastern side of Botany Road. The site has an east-west orientation with west being the street and east being the rear of the site. The site is located in the R2 Low Density Residential zone.

The subject site is irregular in shape, is relatively flat in topography and has a total site area of 507.40sqm. The site has a street frontage of 18.29m, rear boundary width of 17.88m, northern side boundary length of 29.51m and southern side boundary width of 30.795m.

Existing development on the site comprises of a two storey fibro and brick building with detached ancillary structures to the rear of the site. The adjoining property to the north at 1671 Botany Road comprises of a semi-detached dwelling and the property to the south comprises of a detached dwelling. The properties to the front and rear of the site comprise of semi-detached dwellings and detached dwellings. Development surrounding the site consists of predominantly single and two storey detached or semi-detached dwelling houses. The street consists of older housing stock which is currently undergoing re-development with numerous recently constructed developments.

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Figure 7. Aerial Plan of the subject site

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 (formerly s.79c)

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 BASIX Certificate No. 956649M dated 17 September 2018 and BASIX Certificate No. 956615M dated 17 September 2018 prepared by Certified Energy committing to environmental sustainable measures.

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

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Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

1. The site appears to have been continuously used for residential purposes;
2. The adjoining and adjacent properties are currently used for residential purposes;
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 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

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	N/A	The site is zoned R2 Low Density Residential under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use for semi-detached dwellings is permissible with Council's consent under the BBLEP 2013. The semi-detached dwellings are required to be on their own lot of land, which they will be once the lot is subdivided into two allotments.
Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the objectives in the BBLEP 2013.
Building Height	Yes	The maximum building height for the site is 8.5 metres. Proposed Height: 7.3 metres
Floor Space Ratio	No – Refer to Note 1 below	As the proposal is for a semi-detached development, the maximum FSR for the site is 0.50:1 under the provisions of Clause 4.4A. <u>Proposed GFA:</u> Dwelling 1: Ground floor – 92.80sqm First floor (excl. stairs) – 94.70sqm Total GFA – 187.50sqm FSR: 0.75:1 Dwelling 2: Basement – excluded from GFA as per LEP definition

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Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		<p>Ground floor – 80.70sqm First floor (excl. stairs) – 90.70sqm Total GFA – 171.40sqm FSR: 0.67:1</p> <p>The Floor Space Ratio for each site 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.</p>
<p>Is the site within land marked "Area 3" on the FSR Map?</p> <p>If so, does it comply with the sliding scale for FSR in Clause 4.4A?</p>	No – Refer to Note 1 below	<p>The site is within Area 3 on the FSR Map. However, as the proposal is for semi-detached dwellings, the maximum permitted FSR is 0.50:1.</p> <p>Please see note 1 below for comments.</p>
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)	N/A	The site is not impacted by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is not a heritage item and is not located within a heritage conservation area.
<p>The following provisions in Part 6 of the LEP apply to the development–</p> <p>6.1 – Acid Sulfate Soils</p> <p>6.2 – Excavation</p> <p>6.3 – stormwater management</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The subject site is affected by acid sulfate soils class 4. No excavation greater than 2m below natural ground level is proposed. Therefore there is no requirement for further investigation.</p> <p>The proposal does not involve significant excavation.</p> <p>The application was referred to Council's Development Engineer for assessment. Recommended conditions have been included in the development consent.</p>

Note 1 – Clause 4.6 variation relating to FSR variance

The development seeks an FSR of 0.75:1 for lot 1 and 0.67:1 for lot 2, which results in a GFA of 187.50sqm and 171.40sqm, respectively.

The site is located within 'Area 3' on the FSR map and therefore Clause 4.4A of the BBLEP 2013 applies to the proposal. The objectives of this clause are as follows:

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- a) *To ensure that the bulk and scale of development is compatible with the character of the locality; and*
- b) *To promote good residential amenity.*

Pursuant to Clause 4.4A(3)(d), the proposal is defined as a 'semi-detached dwelling' and not defined as a 'dwelling house' or 'multi-dwelling' housing, and as such would fall under the category of 'all other development for the purpose of residential accommodation'. Therefore the maximum permitted FSR is 0.5:1. The FSR for a detached dwelling house on the subdivided site is 0.75:1.

The proposal is for the demolition of the existing dwelling and construction of two x two storey semi-detached dwellings. The application also seeks consent for Torrens Title subdivision of the one lot into two lots (Lot 1 and Lot 2). The following table demonstrates the relevant lot sizes, the proposed gross floor area and floor space ratio of the two allotments:

Proposed	Lot 1	Lot 2
Site Area	251sqm	256.40sqm
GFA	187.50sqm	171.40sqm
FSR	0.75:1	0.67:1
Variation to Standard	62sqm (49.40% var.)	43.20sqm (33.70%)

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.

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013, which is considered below. The matters for consideration pursuant to Clause 4.6(4) and (5) are also considered below. Clause 4.6 (6), (7) and (8) are not relevant to the current proposal.

In *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:

- the objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 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;*
- 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

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contravening the development standards, as required by Clause 4.6(3)(b), or for the consent authority to be satisfied that the proposed development is consistent with the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, as required by Clause 4.6(4)(a)(ii). The Court outlines, that Clause 4.6 requires that in addition to the requirements listed above, the applicant must also establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as is required by Clause 4.6(3)(a). This may involve reference to reasons 2-5 outlined within *Wehbe*.

The requirements of 4.6(3)(a), 4.6(3)(b), and 4.6(4)(a)(ii) are each addressed separately below:

4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Applicant's justification:

- *"The visual bulk of the proposal will be compatible with the height, bulk and scale of nearby adjoining dwellings to the north and south.*
- *The proposed height is well below the 8.5m height limit for the subject site.*
- *The proposal has consistent front setbacks with those of the semi-detached development to the north-west and is setback further than the dwelling to the south. Such setbacks are considered compliant with the DCP requirements and combined with compliant side and rear setbacks, as well as being under the LEP height limit, produce a compliant building envelope despite the variation to the FSR standard. This is therefore considered to demonstrate that the proposed FSR is reasonable and appropriate for the subject site.*
- *The staggered setback of the two dwellings as well as the articulation to the Botany Road facades further minimise the apparent bulk and scale in the streetscape.*
- *As shown on the accompanying shadow diagrams, the additional FSR is able to be accommodated on the site whilst retaining solar access to the southern adjoining neighbour to a greater degree than anticipated by the DCP controls (i.e. more than 2 hours solar access retained to their primary living and outdoor areas)*
- *Compliance with site coverage and landscaped area, combined with the provision of a built form which is compatible with neighbouring properties demonstrates that the proposed bulk and scale (and associated FSR) is suitable on the subject site. "*

Officer's comments:

The applicant requested a floor space ratio exceedance in a Clause 4.6 variation and stated that the proposal will achieve a better outcome by providing a more effective built form outcome than if it were redeveloped with a dwelling house on each lot. Considering the narrowness of the lots width, construction of a suitably sized detached dwelling on each of the lots would not result in a good level of internal amenity. The proposed size and scale of the development is nevertheless compatible with the permitted bulk and scale of the area and the future desired character of the Botany locality having a low density residential nature. The proposed two storey semi-detached dwellings will maintain an appropriate visual character by complying with the height and scale of two storey dwelling houses along Botany Road and its vicinity, whilst providing an appropriate correlation of the extent of the development on the site with respect to minimising visual privacy and overshadowing impacts on the adjoining properties. Similarly approved semi-detached dwellings development at 1390A-1390D Botany Road

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under DA-2015/154 were permitted an FSR of 0.38:1 to 0.80:1, which was assessed and determined under the provisions of the BBLEP 2013.

Compliance with development standard relating FSR within this locality is unreasonable in this circumstance of the case to ensure a sustainable development and a good planning outcome, as it is consistent with the bulk and scale of the other residential dwellings along the street.

4.6(3)(a) Are there are environmental planning grounds to justify the contravention of the standard

Applicant's justification:

"The variation to the FSR standard allows for a better planning outcome as it facilitates the provision of two high quality dwellings on individual allotments that meet the housing needs of the community within a low density residential setting.

It is considered that the provision of additional floor space allows for a greater degree of high quality residential accommodation in a compliant form of development (as established by the compliant height, setbacks, site coverage, landscaping and private open space and thus the desired building envelope).

Furthermore, it is considered that the proposed FSR is associated with a more appropriate building density than if it were associated with a compliant FSR, given that the variation supports the provision of 2 high quality homes, each with 4 bedrooms and 3 bathrooms which results in a desirable form of development, that is highly sought after in this location.

The lack of adverse external impacts associated with the minor FSR non-compliance is considered to demonstrate that there are sufficient environmental grounds to permit the variation."

Officer's Comment:

Clause 4.4(a) of BBLEP 2013 stipulates a maximum FSR of 0.75:1 for dwelling houses on the subject land. Given subclause 4.4A(3)(a) refers only to dwelling houses, this clause could not apply to semi-detached dwellings, and therefore, subclause 4.4A(3)(d), relating to all forms of residential accommodation not listed elsewhere within clause 4.4A(3), is the clause which identifies the maximum FSR for the proposal. Subclause 4.4A(3)(d), requires a floor space ratio of 0.5:1, which is lower than what is permitted for dwelling houses, which is 0.75:1 for sites with an area of between 251m² and 300m². There is a substantial difference between the permitted FSR for the two forms of residential land use permissible within this locality. As the existing built form within this section of Botany Road already consists of two storeys dwellings, the proposed development is not of unreasonable bulk and scale, particularly as it does not exceed the maximum floor space for a dwelling house in Area 3 as stipulated by Clause 4.4A(3)(a) of BBLEP 2013. The numerical variation to the FSR will not materially change the streetscape as compared to if the development occurred as detached dwellings. The proposed development is consistent with the surrounding low density residential developments and provides greater than required side setbacks from all boundaries. The proposed height does not exceed the height of existing two storey dwellings on Botany Road, and is also compliant with Council's LEP height requirement.

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?

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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 a two x two storey semi-detached dwelling houses within the R2 Low Density Residential zone that meets the required desired future character of the Botany Precinct. The reasons outlined in the applicants Clause 4.6 variation are well founded and flexibility can be applied for as it achieves a better outcome for development in terms of improving internal amenity for the dwellings, ensuring site suitability, minimising the impact of the development on the adjoining properties and maintaining the suitable architectural design that is consistent with the surrounding development.

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 proposed FSR is consistent with the maximum FSR permissible for a dwelling house for sites with an area of between 251m² and 300m². The proposed semi-detached dwelling houses are of a similar bulk and scale of surrounding existing two storey dwelling houses and semi-detached dwellings on Botany Road. The proposal maintains an appropriate visual relationship with the neighbouring properties and the existing and future character of the area.

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The proposal is not considered to create adverse impacts on the privacy and views currently experienced by the adjoining sites and the size of the dwellings is similar to what is permitted for single detached dwellings on the existing allotments.

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 be 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 variation to the floor space ratio standard will be in the public interest as it will provide two new semi-detached dwellings on the subject site without adverse impacts on the streetscape and the locality. The proposal 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 BBLEP FSR control pursuant to Clause 4.6 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] NSW LEC 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 proposal will achieve a better design outcome than if it were redeveloped with a dwelling house on each individual lot.

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.

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

There are no current Draft EPIs applicable to this development

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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	C2 Semi-detached dwelling house = 1 space	Each site is capable of accommodating two car parking spaces each (one within the garage and one on the driveway)	Yes

Part 3E – Subdivision and Amalgamation

Part	Control	Proposed	Complies
3E.2.2. Residential Torrens Title	C1 Development applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area. Desired Future Character – Subdivision Retain and preserve the rectilinear grid pattern within the Precinct	Two allotments are proposed, both lots are an irregular shape due to the existing lot being irregular. All allotments surrounding the subject site are irregular shaped allotment. Both lots have a frontage to Botany Road. The subdivision pattern proposed is consistent with the subdivision pattern within the area. The subdivision of the land is consistent with the Desired Future Character of the area which is also discussed in Part 8 below.	Yes
	C2 – Proposed Subdivision 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 Torrens title subdivision will result in two lots measuring 251m ² (Lot 1) and 256.40m ² (Lot 2). Both allotments will retain a western orientation and frontage to Botany Road. The sizes of the proposed allotments are similar to the average allotment size in the area, which range from 161m ² to 539.39m ² . Both lots have front dimensions of 9.14m, with the average front dimension ranging between 4.99m and 18.29m. Both lots are of irregular shape due to the existing lot also being an irregular shape. The proposed allotment shapes are considered acceptable as they are in keeping with the character	Yes

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		and shape of surrounding allotments.	
	C3 – Development application which proposes the creation of new allotments must be accompanied by a conceptual building plan that demonstrates compliance with relevant building controls.	The development application seeks approval for Torrens title subdivision and construction of semi-detached dwellings. Architectural plans for the semi-detached dwelling have been submitted with the application and are satisfactory.	Yes
	C5 –Proposed lots must be of a size and have dimensions to enable the siting and construction of a dwelling and ancillary structures that: i) Acknowledge site constraints ii) Address the street iii) Minimize impacts on adjoining properties including access to sunlight, daylight, privacy and views iv) Provide usable private open space v) Protect existing vegetation vi) Mitigate potential flood affectation and stormwater management requirements vii) Acknowledge contamination of the land viii) Protect heritage items	The proposed allotments can accommodate dwelling houses that acknowledge site constraints, street frontages, solar access, private open space and vegetation. The site is not affected by flooding, contamination and does not contain any heritage items.	Yes
	C7 All lots created shall have at least one (1) frontage to the street.	Both proposed allotments have frontages to Botany Road.	Yes

Prevailing Subdivision Pattern

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Council generally considers the prevailing subdivision pattern to be the typical characteristic of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site. It is noted that the DCP does not provide any exclusions to how this subdivision pattern should be calculated in terms of zoning or subdivided developments approved prior to the gazettal of the BBLEP 2013. There is a mixture of various allotment sizes within the area which range from 161m² to 539.39m² in area, and 4.99m to 18.29m.

The site is located in the Botany Character Precinct which encourages the preservation of the rectilinear subdivision grid pattern within the precinct. The site has a total site area of 507.40sqm. The site also has a street frontage width of 18.28m. The application proposes to create two lots with the following areas and dimensions:

Lot 1

Proposed lot size: 251m²
 Frontage: 9.14m
 Northern boundary: 29.51m
 Southern boundary: 30.10m
 Rear: 8.9m

Lot 2

Proposed lot size: 256.40m²
 Frontage: 9.14m
 Northern boundary: 30.10m
 Southern boundary: 39.79m
 Rear: 8.9m

An assessment of the lot sizes and street frontage widths of the properties on either side of the subject site as well as the properties opposite the site has been carried out as per the table below.

Address	Lot Size (approx. in sqm)	Lot size variation in sqm from the smallest lot proposed (m ²)	Lot widths (approx. in m)	Lot width variation in m from the smallest lot proposed (m)
1675 Botany Road (Subject site)	Lot 1: 251m ² Lot 2: 256.40m ²	Lot 1: 251m ²	Lot 1: 9.14m Lot 2: 9.14m	9.14m
1677 Botany Road	537.40	286.40	18.29	9.15
1673 Botany Road	219.11	-31.89	11.97	2.83
1671 Botany Road	203.90	-47.10	8.14	-1
1669 Botany Road	239.05	-10.95	8.16	-0.98
1667 Botany Road	328.64	77.64	8.33	-0.81
1665 Botany Road	342.65	91.65	13.28	4.14
1663 Botany Road	423.70	172.70	4.99	-4.15
1663A Botany Road	278.20	27.20	15.91	6.77
1661 Botany Road	355.90	104.90	17.4	8.26
3 Geddes Street, Botany	382.90	131.90	17.5	8.36
1659 Botany Road	161	-90	7.3	-1.84
1378 Botany Road	442.60	191.60	12.72	3.58
1380 Botany Road	539.39	288.39	12.19	3.05
1382 Botany Road	331.99	80.99	12.19	3.05
1384 Botany Road	482.63	231.63	12.19	3.05

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1386 Botany Road	482.60	231.6	12.19	3.05
1388 Botany Road	496.09	245.09	12.19	3.05
1390A Botany Road	362.90	111.90	10.6	1.46
1390B Botany Road	285.20	34.20	8.41	-0.73
1390C Botany Road	285.30	34.30	8.40	-0.74
1390D Botany Road	265	14	9.18	0.04
Average	354.58m²	103.63m²	11.50m	2.36m

On its merits, the proposed subdivision is acceptable when taking into consideration the recent examples of similarly subdivided semi-detached dwelling developments within close proximity to the subject site. The subject also has a larger lot area compared to some of the adjoining sites. Additionally, as the site falls within a R2 zone, Torrens title subdivision is common in this area.

It is acknowledged that the lots are not rectilinear shaped, however the existing lot and surrounding lots are also irregular shaped. The proposed allotment shape is considered appropriate due to the following:

- Existing site conditions - the existing lot is irregular shaped therefore this prevents both lots from providing a rectilinear shape
- The proposed shape of both lots do not compromise on the quality of the design of a future dwelling on this lot. The application seeks consent for Torrens title subdivision and construction of semi-detached dwellings. The architectural plans submitted demonstrate both lots are capable of accommodating semi-detached dwellings which address the street frontage

The proposed subdivision is considered to be in keeping with the existing pattern and acceptable due to the following:

- The proposed FSR is considered to be appropriate for the sites, the development complies with all other relevant provisions of the BBLEP 2013 and BBDCP 2013 such as height, setbacks, private open space, landscaping, site coverage, car parking, solar access and privacy.
- There are lots on Botany Road in close proximity to the subject site with a lesser site area and which are narrower than proposed Lots 1 and 2. Therefore the resulting lots will be consistent with the shape and size of other allotments within area.
- It will not result in any amenity impacts on neighbouring properties such as solar access and privacy.

In addition to consistency with the subdivision pattern, it is also important to consider the other subdivision objectives including demonstration that future development for the site can comply with all Parts of the BBDCP 2013.

In this regard, the assessment within this report demonstrates the proposal complies with landscaped area, site coverage, car parking, setbacks and private open space as specified within the BBDCP 2013.

Given that the proposed subdivision is consistent with the existing and future subdivision pattern in the immediate vicinity of the subject site, the proposed subdivision is supported.

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Figure 2. Existing Subdivision Pattern in Surrounding Area.

Part 3G – Stormwater Management

The application was referred to Council’s Development Engineer who had no objections to the proposed development subject to appropriate conditions imposed in the consent.

Part 3K – Contamination

The relevant requirements and objectives have been considered in the assessment of the development application. The subject site has long been used for residential purposes and contamination is unlikely. Furthermore, the application has been assessed against SEPP 55 and is found to be satisfactory. Site investigation is not required in this instance.

Part 3L – Landscaping and Tree Management

Under the provisions of the BBDCP 2013 a minimum landscape area of 20% is required to be provided for each dwelling. Dwelling 1 provides a landscape area of 74.10m² or 29.52% and Dwelling 2 provides an area of 85.30m² or 33.27%. This complies.

Part 3N- Waste Minimisation and Management

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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		
C1 New dwellings must be designed to reflect the relevant Desired Future Character Statement in Part 8 - Character Precincts and are to reinforce the architectural features and identity which contributes to its character. Applicants must address the design principles outlined in the statement.	The proposal is in keeping with the desired future character of the area, and is compatible with the existing character of the streetscape, with respect to building siting and location, roof form, materials, design features, and streetscape presentation. The dwellings fit in within the R2 low density zone character.	Yes
C2 Development must be designed to reinforce and maintain the existing character of the streetscape.		
C3 Development must reflect dominant roof lines and patterns of the existing streetscape (refer to Figure 3).		
C5 Developments on sites with two or more frontages should address both frontages.	The entrance to both of the dwellings is located on the side elevations. It is noted the DCP requires the entrance to be readily apparent from the street, however the proposed layout is considered to be acceptable as it allows for an open form and usable internal layout (removes the need for long hallways) without compromising on the streetscape. The habitable room windows of both dwellings are readily apparent from the street.	Yes
C6 The entrance to a dwelling must be readily apparent from the street.		
C7 Dwelling houses are to have windows to the street from a habitable room to encourage passive surveillance.		
4A.2.7 Site Coverage		
C2 For sites with an area of between 250m ² and 350m ² , the maximum site coverage is 60% of the lot.	Proposed Lot A: 107.40m ² or 42.79%	Yes
	Proposed Lot B: 103m ² or 40.17%	Yes
4A.2.8 Building Setbacks		
C.1 Dwelling houses must comply with the following minimum setbacks as set out in Table 1.	Dwelling Lot 1:	

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<ul style="list-style-type: none"> Minimum front setback – comply with the prevailing street setback or 6 metres (min) Minimum side setback - merit Minimum rear setback – 4m 	<p>Front setback: Ground Floor: 5m-7.9m First Floor: 3.7m-6.10m</p> <p>North side setback: Ground floor: 0.9m-1.6m First Floor: 0.9m</p> <p>South side setback: Ground and First Floor: nil (party wall)</p> <p>Rear setback: Ground Floor: 5.3m First Floor: 5.3m</p> <p>Dwelling Lot 2: Front setback: Ground Floor: 6.10m-9m First Floor: 6.10m-8.4m</p> <p>North side setback: Ground and First Floor: nil (party wall)</p> <p>South side setback: Ground Floor: 0.9m-1.6m First Floor: 0.9m</p> <p>Rear setback: Ground Floor: 5.8m First Floor: 4.9mm</p> <p>The side setbacks proposed on both sides are at least 900mm, and are in keeping with the visual pattern of surrounding developments and streetscape. The setback allows for privacy and visual amenity where possible, given the site orientation for sites adjacent.</p> <p>Common boundary between the two dwellings.</p>	<p>Yes – consistent with existing</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – consistent with existing</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> Zero lot lines (with Council Discretion) – On merit based on building type and open space provisions Eaves – 450mm minimum setback 	<p>No eaves as flat roof proposed</p>	<p>Yes</p> <p>Yes</p>
C5 Side and rear setbacks should be modulated 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.	Modulation is provided in the proposal along the side elevations of both dwellings. A mix of colours and materials have also been incorporated to add interest.	Yes
4A.2.9 Landscape Area		
C2 Development shall comply with the following minimum landscaped area requirements, based on the area of the site in Table 2 .	Please refer to Part 3L assessment above.	Yes
4A.3.1 Materials and Finishes		

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C10 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 was provided. The materials, colours, architectural detail and finishes are sympathetic to the surrounding locality, and add interest to the façade.	Yes
4A.3.2 Roofs and Attics/Dormer		
C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch.	The proposed roof is a flat roof. While the majority of the residential dwellings along the street have a pitched roof, there are examples of development with flat roofs within the surrounding area. The proposed roof form adds interest and variety to the streetscape, whilst also limiting the building height to minimise overshadowing impacts on adjoining development.	Yes
4A.4.1 Visual Privacy		
C2 Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> ▪ using windows which are narrow or glazing ▪ Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings ▪ Screening opposing windows, balconies and courtyards; and ▪ Increasing sill heights to 1.5 metres above floor level. 	The window selection and location for each dwelling are considered appropriate in providing internal amenity to the proposal, whilst minimising privacy impacts to neighbouring properties. All windows on the first floor of both dwellings (along the side and rear elevations) have a minimum sill height of 1.5 metres. There are balconies proposed to the front and rear of both dwellings and are off bedrooms only. The size of the rear balconies limits the potential to be used for entertainment purposes.	Yes
C3 First floor balconies are only permitted when adjacent to a bedroom. C5 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. C7 Balconies are to be designed to minimise overlooking to other properties. 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	Balconies are proposed off the bedrooms on the first floor of both dwellings. The size of the rear balconies limits the potential to be used for entertainment purposes. To maintain privacy, a condition has been included in the development consent requiring privacy screens to a minimum height of 1.7m for the full width of the rear balconies.	Yes

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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.		
4A.4.3 Solar Access		
C1 Buildings (including alterations/ additions/ extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	<p>The applicant has submitted shadow diagrams with the application.</p> <p>Due to the orientation of the site and positioning of the subject dwellings and adjoining dwellings, the rear yards of the subject site and adjoining sites will receive sunlight during 21 June for majority of the day.</p> <p>As the site is oriented north east, overshadowing from the development does not impact upon the adjoining properties to the north or east. Some overshadowing upon the property to the south is unavoidable, particularly in a subdivision pattern oriented such as the subject site. The overshadowing impacts of the development are not unreasonable given the orientation of the site.</p> <p>Based on this assessment of the shadow diagrams against the BBDCP 2013 and with respect to the merit of the application, the proposal is considered acceptable.</p> <p>Please see note 2 below for detailed assessment.</p>	Yes
4A.4.4 Private Open Space		
C2 For sites with an area of greater than 250sqm, a minimum area of 36sqm applies. C3 For terraces and decks to be included, these must have minimum size of 10sqm.	Each dwelling has at least 36sqm of POS.	Yes
4A.4.7 Vehicle Access		
C1 Driveways within a property shall have a minimum width of 3 metres.	Both dwellings are accessed by a shared driveway which is to have a maximum width of 5 metres.	Yes
C6 The number of vehicle crossings is to be limited to one (1) per allotment.	The proposal will result in one vehicle crossing for both lots.	Yes
4A.4.8 Car Parking		

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C3 Car parking	Two car spaces are provided per dwelling (one within the garage and one on the driveway).	Yes
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Note 2 - Solar Access

The BBDCP 2013 states that the minimum amount of direct solar access to the dwelling's and adjoining dwellings primary open space area shall not be less than 2 hours between 9:00am and 3:00pm on the 21st June. In addition, Clause 6 states that where an existing development currently receives less than the required amount of sunlight (on 21st of June) the amount of sunlight available on the 21st of March or the 21st of September will be used as an alternative standard.

The subject allotment is north-east and south-west oriented, with north-east being the rear of the site and south-west being the front of the site.

Therefore any first/second floor addition or new two storey dwelling will cast a shadow on the site located to the south (No. 1677 Botany Road, Botany).

Shadow diagrams have been submitted which demonstrate that the proposal does comply with the solar access requirements of the BBDCP 2013. The proposed development is considered to be contemporary in design, within the height controls and appropriate setbacks as required within the BBLEP and the BBDCP 2013.

Due to the orientation of the site, the proposed development overshadows the front yard of the subject site during the morning, and from midday and onwards, overshadows No. 1677 Botany Road. Overshadowing to No. 1677 Botany Road occurs within the front yard, the side elevation and a small section of the rear yard.

Therefore No. 1677 Botany Road will enjoy solar access for greater than the minimum 2 hours in accordance with Council's solar access requirements. Therefore the overshadowing impacts are considered to be acceptable.

The proposal is not considered to be of poor design. The dwelling has incorporated a low pitched roof to reduce the overall height of the development which is well below the maximum height control.

The area is a low-density residential area and is undergoing change with single and two-storey developments and will remain so. Existing single storey dwellings within the area will be redeveloped either by demolition and rebuilding, first floor additions or new two storey dwellings.

Due to the configuration of the site and surrounding context, overshadowing from the proposed development does not unreasonably impact upon the adjoining properties.

Therefore, based on this assessment of the shadow diagrams against the BBDCP 2013 and with respect to the merit of the application, the proposal is considered acceptable.

Part 8- Botany Character Precinct

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Part 8.1.2 Desired Future Character of the Botany Precinct has been considered in the assessment of the application. This section provides rationale for determining the appropriateness and descriptive strategic direction for development in Botany.

The site is located within the R2 Low Density Residential zone of the Botany Precinct. It is considered the proposal is deemed to be compatible with the desired future character of the Botany Precinct.

The proposal maintains the existing setbacks along the street and is consistent with the form of surrounding development in the street and surrounding streets which are experiencing gradual redevelopment to newer style housing. The new dwellings are unlikely to significantly impact on the amenity of the adjacent properties. The proposed development will replace a dated building and is considered to enhance the public domain and streetscape within the Precinct.

The subject development application also maintains appropriate areas as soft landscaping, both at the rear and front and complies with the landscaping requirements under the BBDCP 2013. It is also compliant in height with a maximum of 7.3 metres which is well under the maximum height of 8.5 metres.

The facades of the development are articulated and provide a satisfactory presentation to the street. The ground floor on both dwellings is located behind the building setback of the first floor which comprises of balconies leading out from the master bedrooms. This design gives a clear articulation and distinction between the ground and first floor and does not contribute to a garage dominant streetscape. The bulk and scale is satisfactory and the buildings have been articulated to minimise bulk.

Accordingly, the proposal is considered suitable for the subject site and is considered compatible with the desired future character as described in the BBDCP 2013 for the Botany precinct.

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 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.

Accordingly, it is considered that the site is suitable to accommodate the development.

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

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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. One (1) petition was received with four (4) signatures, within which the following issue was raised:

Issue 1: Privacy concerns

Concerns were raised regarding privacy impacts from the proposed rear first floor balconies on the properties to the rear of the site. In order to maintain privacy between the subject site and properties to the rear, it is recommended that a condition be imposed on any consent granted to require deletion of the rear first floor balcony off two bedrooms and that the remaining bedroom windows are to be constructed with a sill height of 1.5 metres measured from finished floor level.

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

Granting approval to the proposed development will have no significant adverse impact on the public interest.

OTHER MATTERS

Section 7.11 Contributions (formerly s.94)

The City of Botany Bay's Section 7.11 Development Contributions Plan 2016 – Amendment 1 became effective on 19 June 2018. The below contribution applies to the proposed development:

Contribution Rates

1 x New 4 Bedroom dwellings: \$20,000.00
1 x New 4 Bedroom dwellings: \$20,000.00
1 x Existing dwelling: \$20,000.00

Credit

Since there is an existing dwelling house on the existing lot, the applicant is entitled to a credit. Therefore a credit applies to one dwelling.

Credit applicable: \$20,000.00

Subtotal: \$40,000.00- \$20,000.00= \$20,000.00

Total contribution

The total Section 7.11 Contribution applicable to the proposed development is **\$20,000.00**. In accordance with the Plan, the contribution is to be paid prior to the issue of a construction certificate.

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Conclusion

Development Application No. 2018/1177 for the demolition of existing structures, construction of new 2 x two storey semi-detached dwellings and associated Torrens Title subdivision at 1675 Botany Road, Botany has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The development is compliant in height, site coverage, setbacks, solar access, landscaping, car parking and private open space. The amenity of the neighbouring development will not be adversely impacted by the proposal and acceptable amenity is provided to the proposal. The development is not considered out of context in the area and in the street as it proposes similar dwelling bulk and scale and setbacks. Therefore, the proposal is recommended for approval subject to conditions of consent.

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Attachment

Schedule 1 – Conditions of Consent

Premises: 1675 Botany Road, Botany

Da No.: DA-2018/1177

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
Traffic Plan Dwg. No. DA-00.10	Pinnacle Plus	Dated: 9.11.2018 Received: 9.11.2018
Demolition Plan Dwg. No. DA-02.40		Dated: 14.09.2018 Received: 27.9.2018
Subdivision Plan Dwg. No. DA-03.10		Dated: 14.09.2018 Received: 27.9.2018
Ground Floor Plan Dwg. No. DA-04.10		Dated: 9.11.2018 Received: 9.11.2018
First Floor Plan Dwg. No. DA-04.20		Dated: 9.11.2018 Received: 9.11.2018
Section A Dwg. No. DA-05.00		Dated: 14.09.2018 Received: 27.9.2018
Front & Rear Elevation Dwg. No. DA-06.00		Dated: 9.11.2018 Received: 9.11.2018
West & East Elevation Dwg. No. DA-06.10		Dated: 9.11.2018 Received: 9.11.2018
Landscape Plan Dwg. No. DA-10.00		Dated: 14.09.2018 Received: 9.11.2018

Reference Document(s)	Author	Date Received
Waste Management Plan	M.H	Received 27 September 2018
Basix Certificate No. 956615M & 956649M	Certified Energy	Dated: 17 September 2018 Received: 27 September 2018

- This Consent relates to land in Lot 1 in DP 1168812 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- The following shall be complied with:
 - All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of

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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.
6. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.

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7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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

8. To maintain privacy between adjoining developments, the proposed first floor rear balconies are not approved and are to be deleted from the plans. The remaining bedroom windows are to have a sill height of 1.5 metres measured from finished floor level. Details are to be provided to Council indicating the deleted balconies on the Construction Certificate drawings.
9. Prior to the issue of a Construction Certificate, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.

Derivation and production of address data components are governed by the NSW Addressing User Manual to ensure consistency of application.

The manual is available for download at:

http://www.gnb.nsw.gov.au/__data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final.pdf

10. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
11. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
- | | |
|-------------------------------|-------------------------|
| a) Footpath Crossing Deposit | \$5,419.00 (See below) |
| b) Development Control | \$1,325.00 |
| c) Section 7.11 Contributions | \$20,000.00 (See below) |
12. The payment of the following monetary contributions in accordance with Council's Section 7.11 Contributions Plan 2016. This result is a total contribution of **\$20,000.00**, to be paid to Council prior to the issue of the Construction Certificate.

The contribution is broken down as follows:

- | | |
|-------------------------------|-------------|
| a) Community Facilities: | \$1,637.16 |
| b) Recreation and Open Space: | \$16,890.84 |
| c) Transport Facilities: | \$1,326.38 |
| d) Administration: | \$145.62 |

Note: The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay

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the contribution in a later financial year you will be required to pay the fee applicable at the time.

13. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$5,419.00 (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.
14. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
15. Prior to the issue of any 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.
16. Prior to the issue of any Construction Certificate, the calculation of stormwater management system for the backyard infiltration system for both lots must be revised to include the roof area in the calculation. If the calculation demonstrates that the proposed system is capable of taking the rainwater from the roof without overflow, the applicant will not have to change the proposed infiltration system at the rear of the property. Otherwise, the stormwater management plan must be amended to include connecting the overflow from the infiltration system at the rear to the proposed infiltration system at front yard of the property. All calculations shall be submitted for the Principal Certifying Authority for assessment and approval.
17. Prior to the issue of any Construction Certificate, detail design revised plans and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.
(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)
The plans shall incorporate measures such as:
 - a) The provisions made in the Stormwater Concept Plans by PAZ Engineering Dated 18/09/2018
 - b) the provision for an Onsite Stormwater Infiltration System designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards,

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Note: a Rainwater Tank may be used as an alternative, for which up to half of the capacity may contribute towards the onsite detention system / infiltration trench

18. Prior to the issue of any Construction Certificate, any part of the proposed building within 3m of the proposed modular drainage cell 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.
19. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM 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 inTM online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
20. Prior to the issue of the 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.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

21. Existing street trees within the public domain shall be preserved and protect prior and during construction. A qualified arborist (AQF level 5 or greater) shall be engaged to implement tree protection measures before and during construction to existing trees to be retained located five (5) meters or less from developed site, within the site and two street trees on the frontage of the site on Botany Road.
22. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.
A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
23. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through:
<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
24. 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: -

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- 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.
- 25. 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.
- 26. 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.
- 27. Prior to the issue of any Construction Certificate, 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.
- 28. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
- 29. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 30. 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.
- 31. 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.

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32. 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.
33. 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

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34. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy 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

35. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c) Formwork inspection of Council's footpath prior to laying of concrete,

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- d) Final inspection of driveway layback and adjacent kerb and gutter,
 - e) Final inspection of Council's kerb and gutter,
 - f) Final inspection of Council's footpath.
36. 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.
37. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
38. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
39. 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.
40. 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).

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41. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.
42. 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
43. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
44. No demolition materials shall be burnt or buried on the site.
45. 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.
46. 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.
47. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
48. 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.
49.
 - 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, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

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- 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.

50.

- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
 - i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
 - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - The additional load on the system; and
 - The relocation and/or adjustment of the services affected by the construction.
- b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

51. 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

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- 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.
- 52. 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.
- 53.
 - 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.
- 54. 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.
- 55. All modular drainage cell installations must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of principal Certifying Authority. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction.

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56. 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 ANY SUBDIVISION CERTIFICATE

57. For compliance with the conditions of consent, a separate application must be made for a Subdivision Certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent. Submission of a subdivision certificate application accompanied by a linen plan with six (6) copies and appropriate fees.
58. Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the linen plan or occupation of the development.

59. Prior to the issue of Subdivision Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the structures are wholly located within the property boundary.

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

60. In order to soften the impact of the development further tree planting shall be provided. A total of four (4) advanced form trees shall be included in the landscape proposal as follow:
- a) Tree planting-rear yard. A total of two (2) trees shall be planted in the back courtyards. One (1) Australian native or exotic tree with a minimum pot size supplied at 45 litre, to be planted in the rear garden of each proposed dwelling, to reach a minimum mature height of 5 meters in local conditions. Minimum height above container shall be 2 meters at the time of planting. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of an Occupation Certificate.
 - b) Tree planting-front yard. A total of two (2) trees shall be planted in the front yards. One (1) Australian native tree with a minimum pot size supplied at 45 litre, to be planted in the front garden of each proposed dwelling, between the footpath and boundary, to reach a minimum mature height of 8 meters in local conditions. Minimum height above container shall be 2 meters at the time of planting. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of an Occupation Certificate.

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61. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
62. Prior to the issue of an Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice. 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 plans shall be supplied to the Principle Certifying Authority. A copy shall be provided to Council if Council is not the Principle Certifying Authority.
63. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
64. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
65. Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
 - Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
66. Prior to the issue of any Occupation Certificate(s), A Reciprocal Rights of Way easements shall be created for both proposed lots to provide a legal right vehicular access to garages. Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
67. The Council nature strip in Botany Road 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.
68. 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.
69. All landscape works are to be carried out in accordance with the approved landscape plan 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.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

70. All vehicles are to enter and exit the property in a forward direction.
71. All vehicles are to be contained on site before being required to stop.

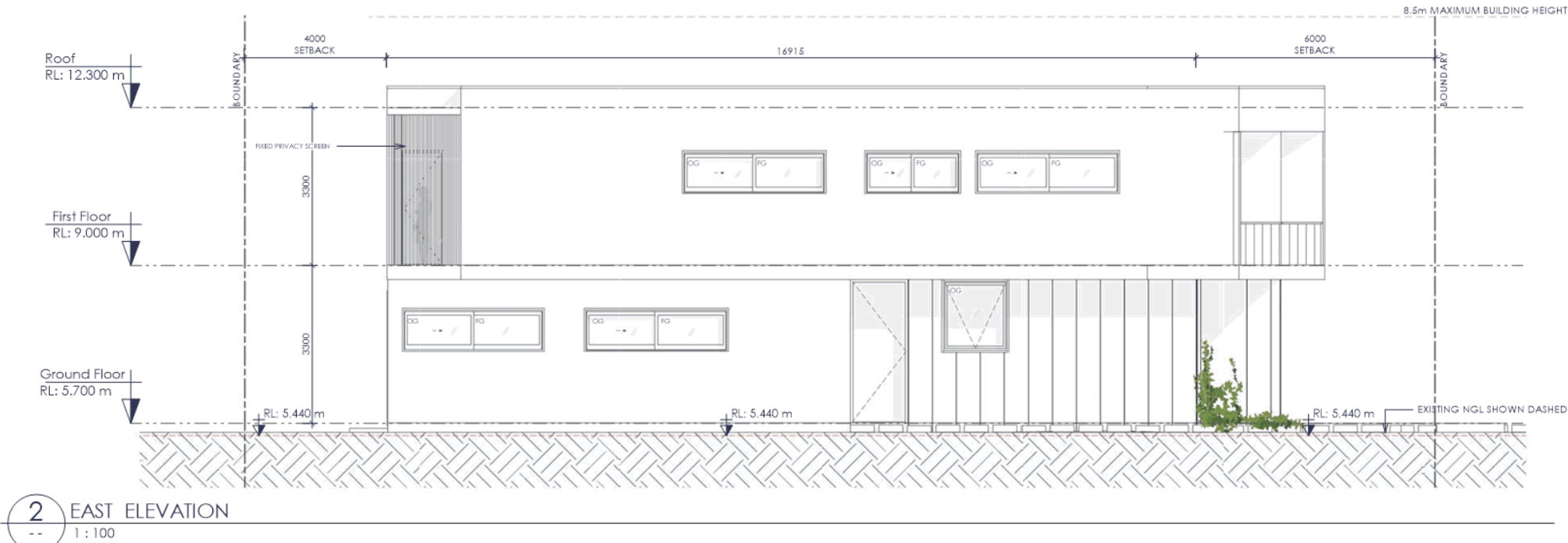
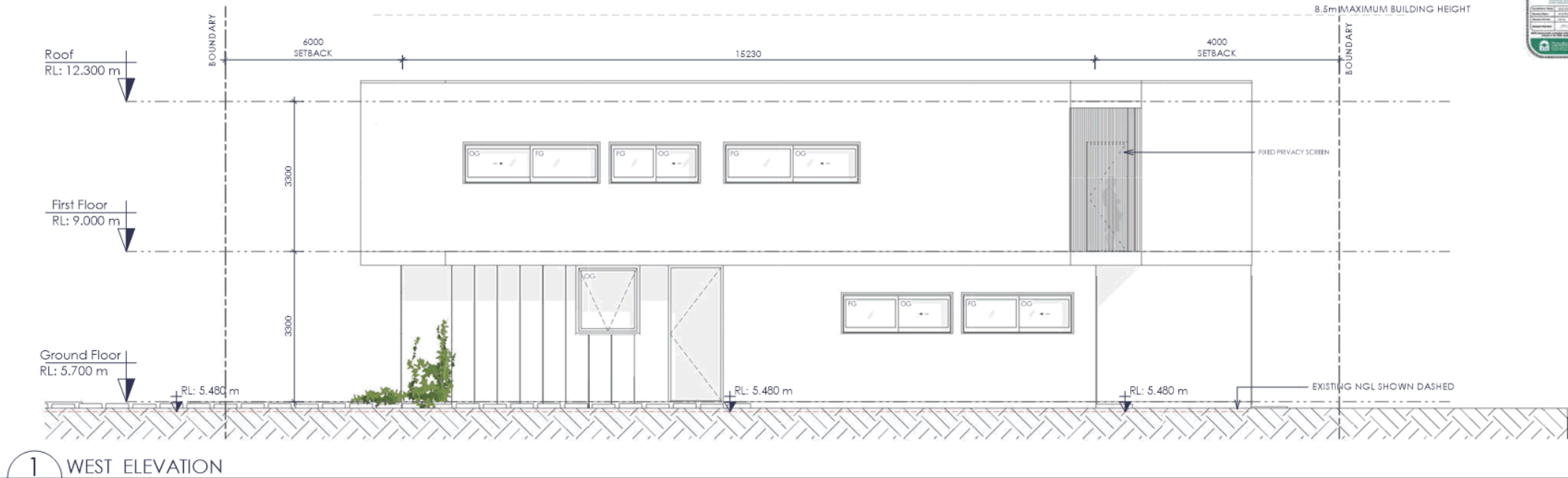
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72. Capture of rainwater for irrigation purposes as a sustainability measure shall be provided. Irrigation system shall be connected to rainwater tank as a WSUD principle.
73. Ongoing maintenance of the grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance **does not include** pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.
74. 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.
75. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
76.
 - 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.



DEVELOPMENT APPLICATION



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DARLINGHURST NSW 2010
1300 599 111
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PROJECT NUMBER: 1808- BOT
PROJECT TYPE: LOT 1, D.P. 1168812
PROJECT INFO: 1675 BOTANY RD, BOTANY NSW 2019

GA ELEVATIONS

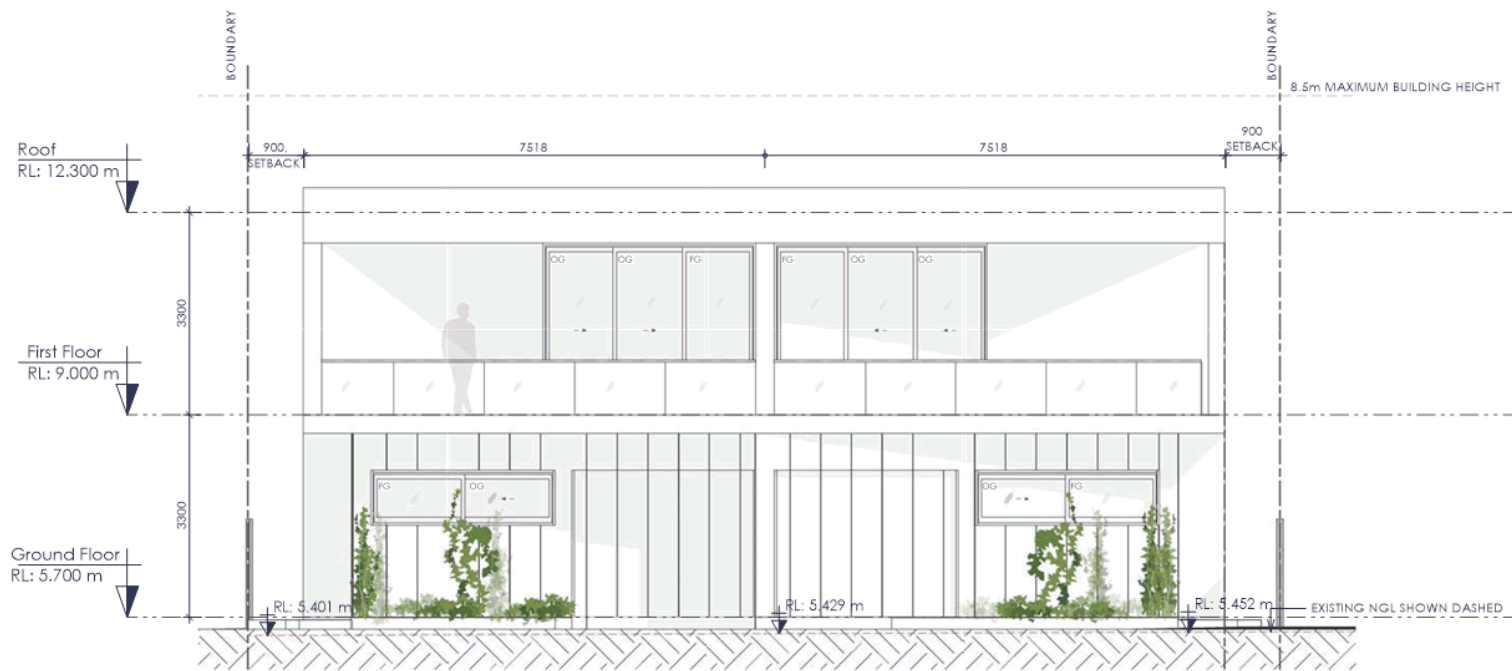
WEST & EAST ELEVATION

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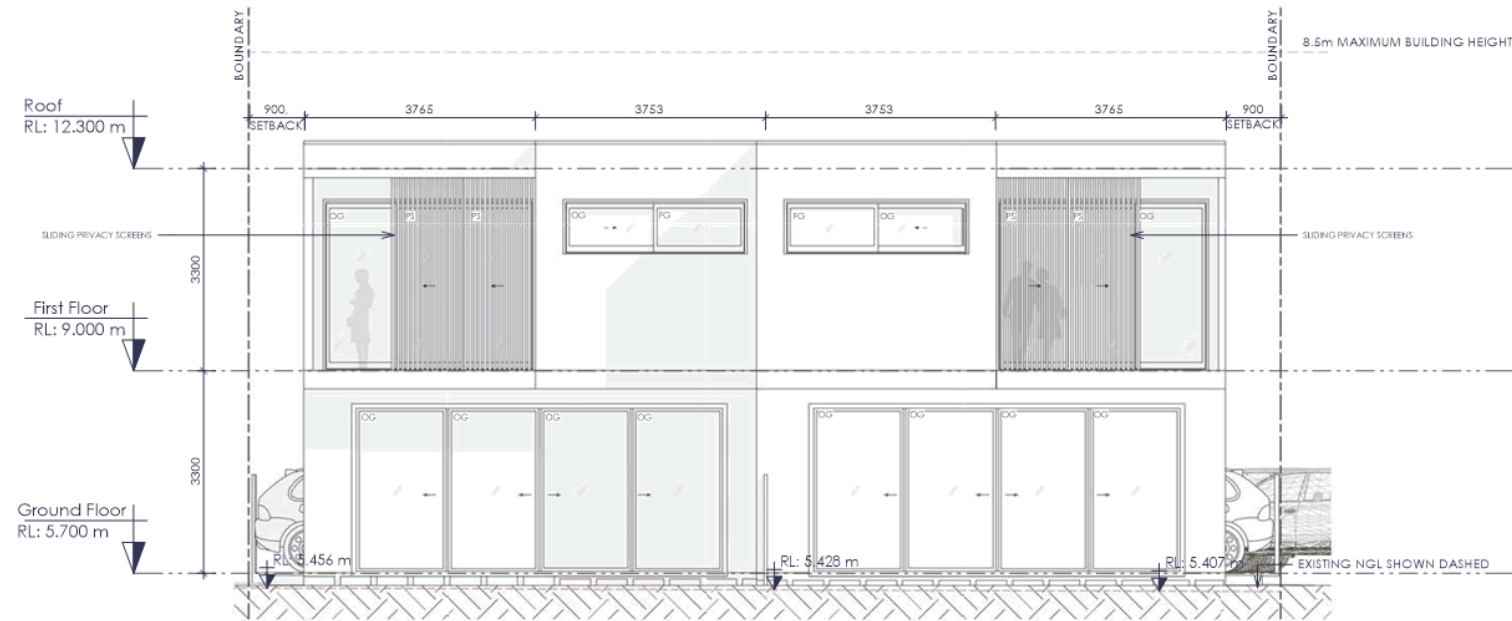
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DEVELOPMENT APPLICATION



1 FRONT ELEVATION
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2 REAR ELEVATION
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GA ELEVATIONS

FRONT & REAR ELEVATION

REVISION HISTORY			
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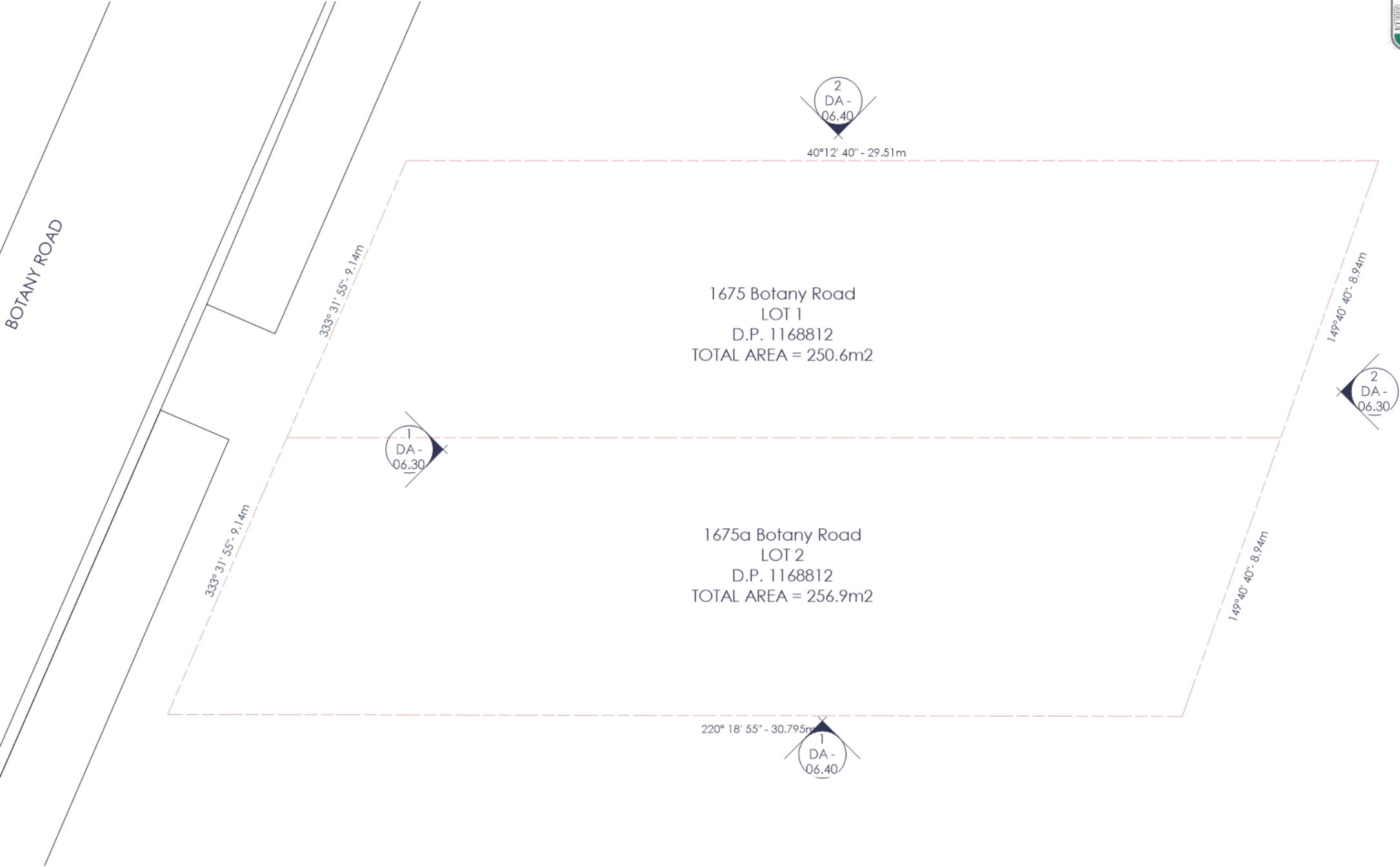
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DEVELOPMENT APPLICATION

229

DEVELOPMENT APPLICATION



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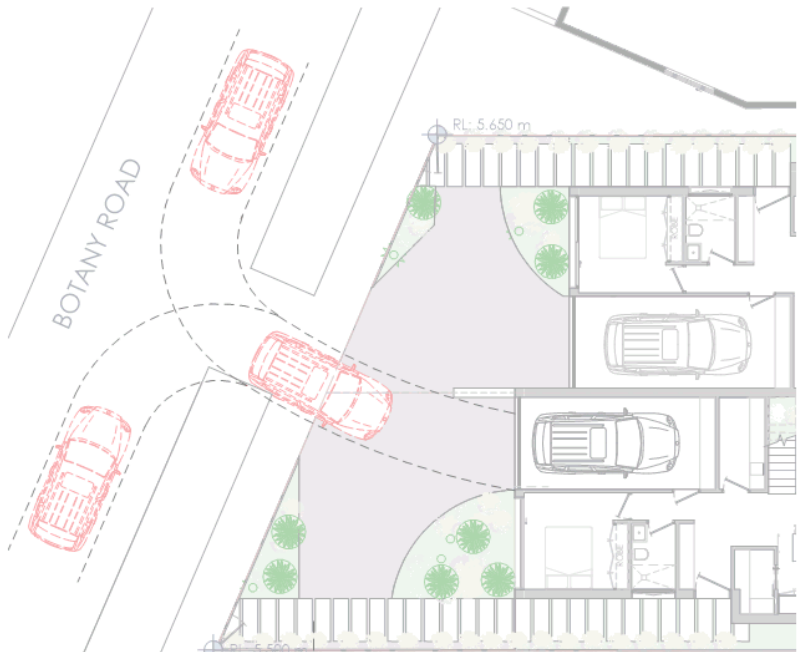
SITE CONTEXT
SUBDIVISION PLAN

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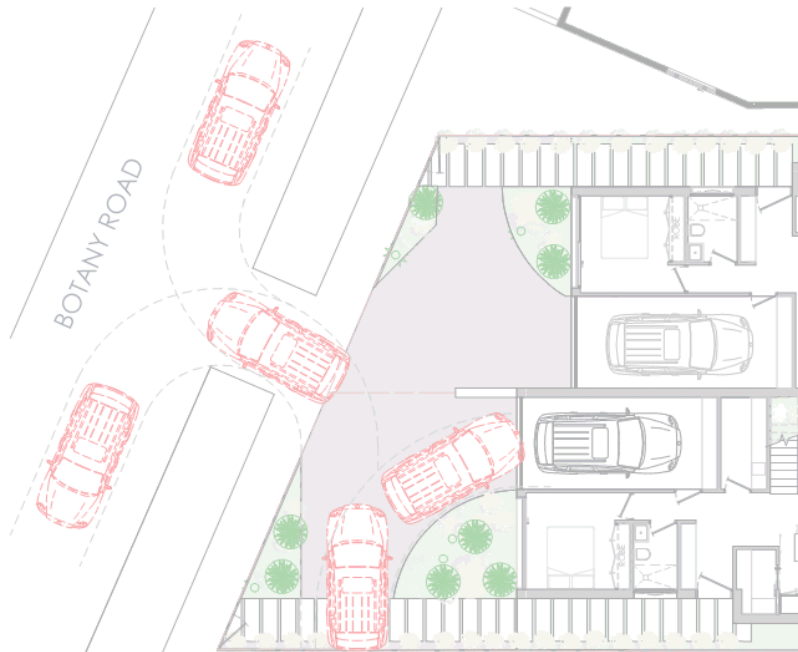
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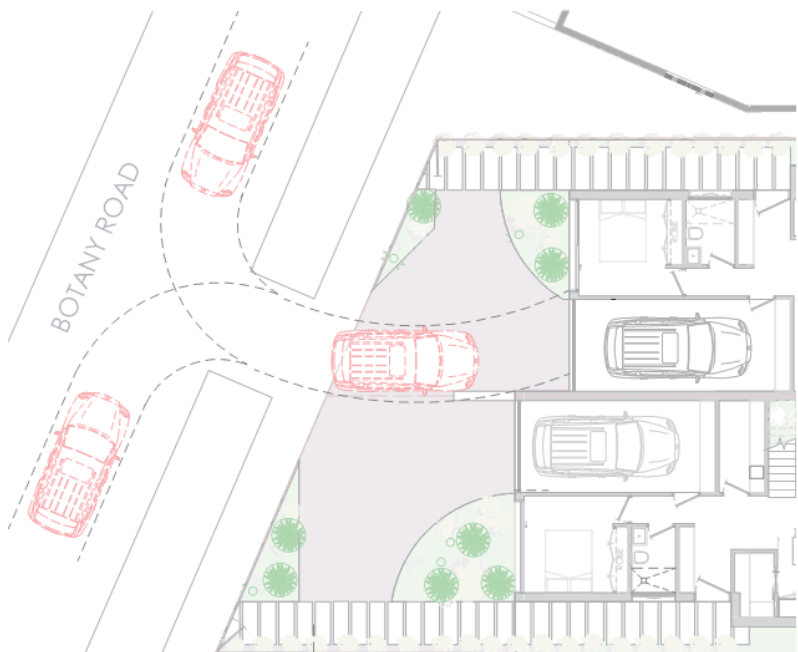
DEVELOPMENT APPLICATION



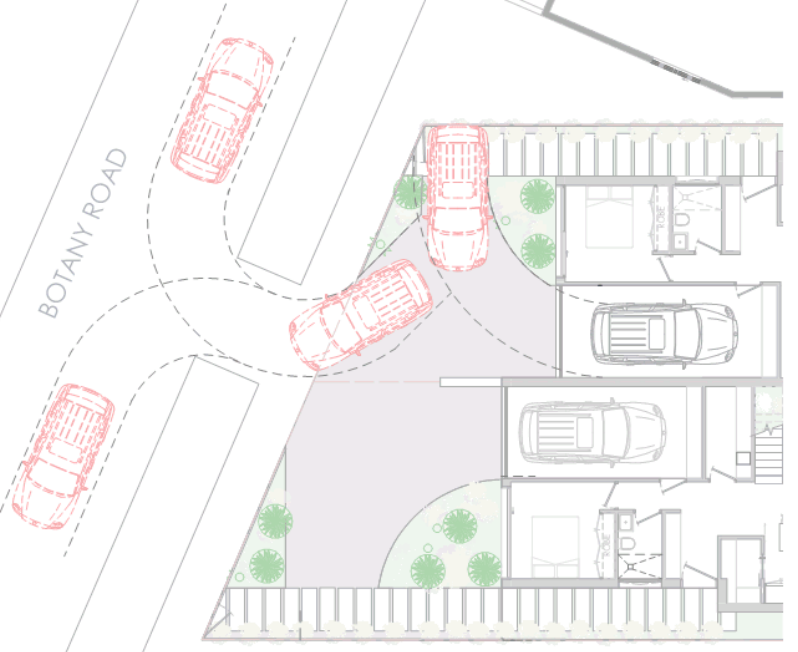
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3 Turning radius for car entrance
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4 Turning radius for car exit
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PROJECT INFO: 1675 BOTANY RD, BOTANY NSW 2019

GENERAL ARRANGEMENT
TRAFFIC

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STATEMENT OF ENVIRONMENTAL EFFECTS Amended – November 2018

1675 Botany Road, Botany



Demolition of the existing dwelling and construction of two semi-detached dwellings with Torrens title subdivision

Submitted to Bayside Council
On Behalf of Christian Liadinata

November 2018

p 02 9310 4979 ■ m 0412 622 643

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Shop 4, 500 Elizabeth Street, SURRY HILLS NSW 2010 ■ ABN 99 090 382 488

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*ABC Planning Pty Ltd**November 2018*

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1. INTRODUCTION

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the Development Application for the demolition of the existing dwelling and erection of 2 semi-detached dwellings with Torrens Title land subdivision from 1 lot into 2 lots at 1675 Botany Road, Botany.

This statement should be read in conjunction with the architectural plans prepared by Pinnacle Plus, dated 24th August 2018 and the amended set of plans dated 9th November 2018.

This statement provides an outline of the subject and surrounding sites, a description of the proposal and an assessment under the relevant Planning Controls, including the provisions of *Section 4.15 of the Environmental Planning and Assessment Act, 1979*.

The proposed semi-detached development includes 2 x 4 bedroom dwellings with garage and hardstand parking for each dwelling.

In accordance with the Botany LEP 2013, the subject site is located within the R2 Low Density Residential zone, has a maximum height limit of 8.5m and an allowable FSR of 0.5:1 for each lot.

The proposed semi-detached dwellings are permissible in the R2 Low Density Residential zone and provide for the housing needs of the community in a low density environment by converting a large single dwelling into two family homes. The proximity of the subject site to shops, restaurants, cafes and public transport options make the site ideal for the proposed increase in housing. It is therefore considered that the proposed development satisfies the zone objectives.

The proposed height of 7.1m is well below the LEP height standard for the site and will be compatible with other established dwellings in the locality. It is considered that the proposed height will therefore not be visually dominant in the streetscape whilst it also will preserve the amenity to neighbouring properties in terms of privacy, solar access and view loss. It is therefore considered that the proposed height is consistent with the desired future character of the area, as stipulated by the controls.

The proposed subdivided lots are afforded an FSR of 0.5:1 under Clause 4.4A of the LEP (being a residential accommodation type other than a dwelling house). The proposed FSR of 0.72:1 and 0.66:1 for Lot 1 and 2 respectively therefore varies the allowable FSR by 0.22:1 and 0.1:16. The variation to the LEP FSR standard is suitably justified in the accompanying clause 4.6 variation request within **Appendix 1**.

The variation is considered reasonable given that the additional FSR is contained within the allowable 8.5m height limit and intended building envelope as stipulated by the applicable DCP controls. This includes compliance or outperformance with the allowable site coverage, landscaped areas and private open space, whilst also complying with the front, rear and side setback controls.

The variation is also not responsible for any adverse streetscape, visual bulk or amenity impacts in regard to overshadowing, privacy and view loss. It is also noted that the non-compliance is only due to the "attached" nature of the two dwellings as the proposal would be below the FSR of 0.75:1 allowed for 2 separate dwellings. However, provision of 2 separate dwellings is not considered to be warranted given the presentation of 2 semi-detached dwellings is permissible and compatible with other forms of development along Botany Road.

The physical separation of the dwellings would also not generate any particular amenity benefits to either dwelling as they could have windows in close proximity to each other whilst it could also result in adverse visual and acoustic privacy impacts.

The 3-sided nature of the two dwellings, both of which enjoy a north-eastern orientation, also demonstrates that the provision of 2 x semi-detached dwellings provides for a high level of amenity in regard to layouts, solar access, daylight and ventilation. The relationship with the adjoining neighbours would also be the same as proposed.

The subject site comprises a total site area of 507.4m² and it is considered that the proposed subdivision of the site into 2 lots is suitable for the area of the site, creating individual lots of 251m² and 256.4m² for Lot 1 and 2 respectively. The proposed subdivision is also consistent with the pattern of a number of lots in the vicinity, noting however that this section of Botany Road is characterised by an irregular pattern of subdivision.

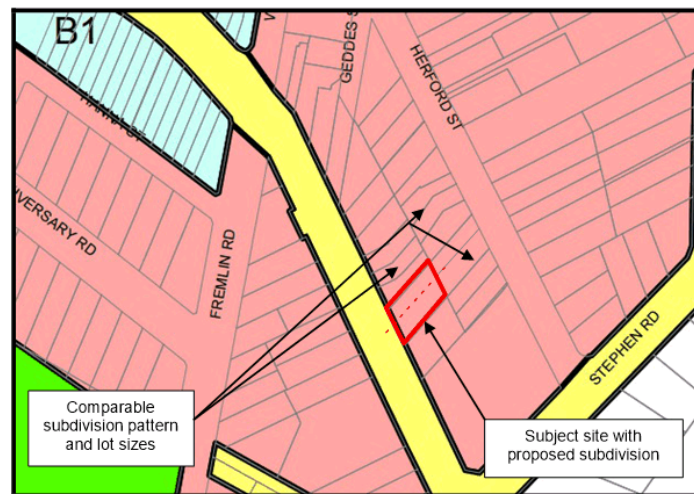


Figure 1: Proposed pattern of subdivision

The proposed development includes a garage and hardstand car space for each dwelling, allowing for 2 x car spaces for each dwelling. These rates comply with Part 3A (Car Parking) of Botany DCP 2013.

The proposed development includes a centralised vehicle cross-over to access both dwellings which minimises removal of on-street parking. A single wider vehicle cross-over represents a safer outcome for pedestrians and motorists than two separate cross-overs as the centralised cross-over is more visible from the Botany Road footway and road.

It is noted that a development application for a semi-detached development on the subject site was lodged in May 2017 (DA-10.2017.1092.1). RMS provided the following feedback on the application:

All vehicles must enter and leave the site in a forward direction. On road safety grounds, provision for vehicles to turn around must be accommodated within the site to allow vehicles to enter and exit onto Botany Road in a forward direction.

It is considered that this amended proposal suitably responds to the comments from RMS as it provides turning bays within each driveway to allow vehicles to enter and exit onto Botany Road in a forward direction.

Internally, it is considered that the proposal achieves a high level of design with each dwelling having an open plan kitchen, dining and living area with direct access to the rear patio and garden area. The open plan nature of the living and kitchen optimises solar access and cross ventilation.

The dwellings are staggered which contributes to an articulated façade presentation to Botany Road and a desirable streetscape presentation.

The proposal also exhibits a high degree of compliance with the Botany DCP 2013, particularly the provisions under part 4A Dwelling Houses. In this regard, the proposal is compliant with:

- Site coverage;
- Setbacks;
- Landscaping / deep soil;
- Car parking; and
- Internal and external solar access requirements

Furthermore, the proposal has been designed to have its primary aspect towards Botany Road to the south west and to the rear yards to the north-east, which avoids any adverse privacy impacts to the north or south. Side facing openings are minimised and upper level openings are limited to bedrooms and non-habitable spaces to avoid mutual overlooking.

Overall, it is considered that the proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape. The proposal provides for a high degree of amenity with no unreasonable shadow, view or privacy impacts.

Therefore, it is considered that the proposal is worthy of approval.

2. SITE ANALYSIS

This section provides a detailed description of the existing site and surrounding development.

2.1. Site Location and Context

The subject site is located on the eastern side of Botany Road, between Wilson Street to the north and Stephen Street to the south. The site is also identified as Lot 1 in DP 1168812.

The subject site is irregular in shape, having a depth of 29.51m on its northern boundary and 30.79m on the southern boundary. The site has a frontage to Botany Road of 18.29m and has a total site area of 507.4m².

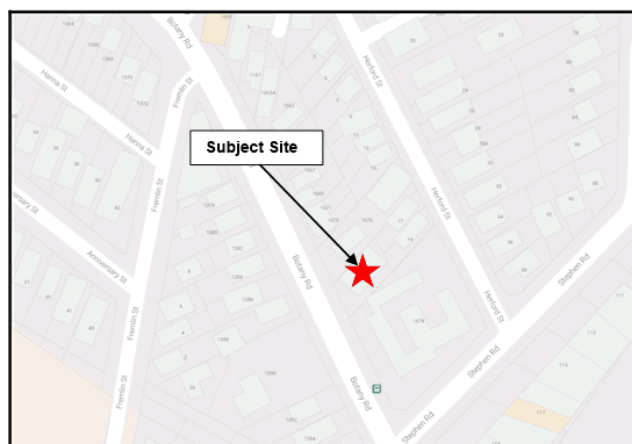


Figure 2: Site location and context

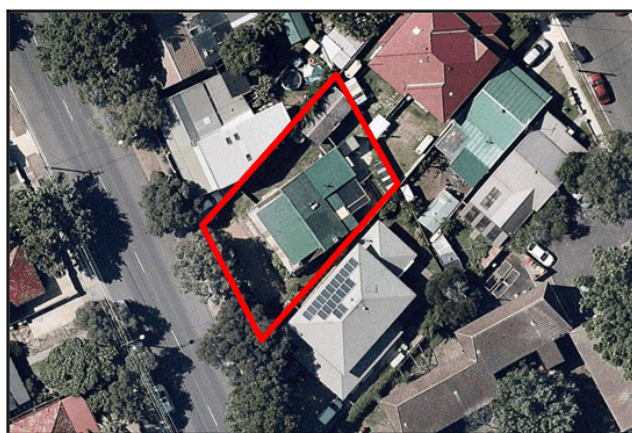


Figure 3: Aerial Photo showing subject site outlined in red



Figure 4: Aerial image demonstrating surrounding subdivision pattern

2.2. Existing Development

The subject site currently contains an outdated, 2-storey dwelling house. Parking is to the front of the dwelling. There are no significant trees on the subject site.



Figure 5: A single dwelling house currently occupies the subject site at 1675 Botany Road



Figure 6: Yard on the northern side of the subject site

3. SURROUNDING DEVELOPMENT

3.1. North-west

To the north of the subject site is a row of semi-detached dwellings.



Figure 7: Adjoining neighbour to the north at 1673 Botany Road



Figure 8: Semi-detached dwellings further north-west along Botany Road

3.1. North-east

The rear adjoining neighbour to the east of the subject site is a recently completed dual occupancy development with Torrens title subdivision addressed to Herford Street.



Figure 9: Dual Occupancy at the rear of the subject site addressed to 17 Herford Street

Further south-east on Herford Street are two single dwellings to the west of the subject site.



Figure 10: Dwellings to the west of the subject site addressed to Herford Street

3.2. South-east

Adjoining the subject site to the south-east is a two-storey dwelling house. Further south along Botany Road is a multi-unit development 2-storey development.



Figure 11: Dwelling adjoining the subject site to the south-east at 1677 Botany Road



Figure 12: Multi-unit development further south at 1679 Botany Road

3.3. South-west

To the south-west of the subject site across Botany Road are a row of dwelling houses directly opposite the subject site.



Figure 13: Residential dwellings directly opposite the subject site



Figure 14: Residential dwelling across Botany Road at 1388 Botany Road

South-west of the subject site is a recently approved development under construction at 1390 Botany Road. The approved development includes subdivision of the existing two lots into 8 Torrens title allotments and construction of 8 x 2 storey semi-detached dwelling houses.



Figure 15: New semi-detached dwelling development at 1390 Botany Road

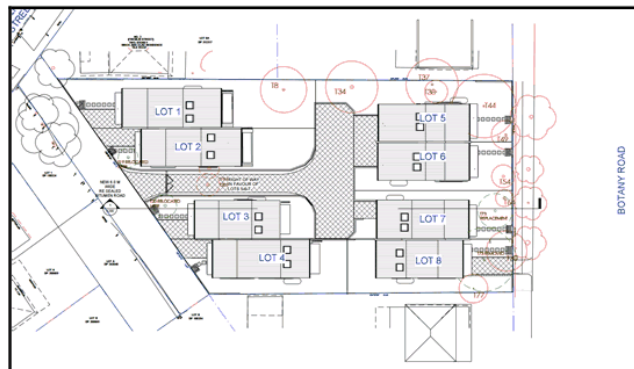


Figure 16: Site plan of approved residential development at 1390 Botany Road

4. PROPOSAL

The proposal seeks to demolish the existing dwelling house, subdivide the site into 2 lots and construct 2 x semi-detached dwellings.

Garage and hardstand parking is proposed for each dwelling for a total of 2 cars each. One driveway crossing is proposed for the development.

Each dwelling will consist of:

Ground Floor

- Open plan kitchen/dining/living room with direct access to garden at the rear of the dwelling
- 1 x bathroom
- 1 x laundry
- 1 x bedroom at the front of the dwelling
- Walk in pantry
- Storage within the garage

First Floor

- 1 x master bedroom with ensuite, walk-in-wardrobe and balcony
- 2 x double bedrooms
- 1 x shared bathroom
- 1 x balcony to the rear of the dwelling

5. ASSESSMENT UNDER RELEVANT CONTROLS

The following planning instruments are relevant to the proposed development:

- Botany LEP 2013; and
- Botany DCP 2013.

5.1. LEP AND DCP COMPLIANCE SUMMARY

Table 1 below provides a snapshot of compliance of the proposed semi-detached dwellings with the LEP and DCP controls.

Table 1: Botany Bay LEP and DCP Summary Compliance Table

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
BOTANY BAY LEP 2013			
Zone	R2 Low Density Residential	Semi-detached dwellings	✓
Height	8.5m	7.1m	✓
FSR	0.5:1	Lot 1: 0.72:1 Lot 2: 0.66:1	✗ See Appendix 1
BOTANY BAY DCP 2013			
Site Coverage	60%	Lot 1: 40.2% Lot 2: 35%	✓
Private Open Space	25m ²	Lot 1: 44 sqm Lot 2: 47 sqm	✓
Deep soil area	15% of the site area	Lot 1: 37.2% Lot 2: 42.7%	✓
Front setback	4m	6m average	✓
Side setbacks	Merit assessment Eaves minimum 450mm	Lot 1: 0.9m Lot 2: 0.9m	✓
Rear setback	4m	Lot 1: 5.7m Lot 2: 5.3m	✓
Solar access to development site	2 hours of direct sunlight to living areas + 50% private open space between 9am-3pm on 21 st June	Yes See Shadow Diagrams	✓
Solar access to neighbours	2 hours of sunlight to living areas + private open space between 9am – 3pm on 21 st	Yes See Shadow Diagrams	✓

*Amended Statement of Environmental Effects**1675 Botany Road, Botany*

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
	June		
Car parking	2 space per 2 bedroom + dwellings	1 garage space, 1 hardstand space per dwelling	✓

5.2. Botany Bay LEP 2013

5.2.1. Zoning

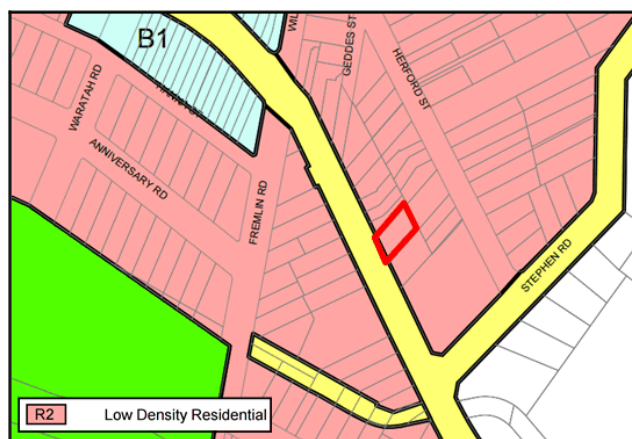


Figure 17: Zoning Map

Objectives of zone

- 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.

Permitted without consent

Home occupations

Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; **Semi-detached dwellings**

Prohibited

Any development not specified in item 2 or 3

Assessment: The proposed semi-detached dwellings are permissible in the R2 Low Density Residential zone and provide for the housing needs of the community in a low density environment by demolishing a large single dwelling to allow for the construction of two family homes.

The proximity of the subject site to shops, restaurants, cafes and public transport options make the site ideal for the proposed increase in housing.

It is therefore considered that the proposed development satisfies the zone objectives.

5.2.2. Height of Buildings



Figure 18: Building Height Map

The objectives of this clause are as follows:

- a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
- b) to ensure that taller buildings are appropriately located,
- c) to ensure that building height is consistent with the desired future character of an area,
- d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

Assessment: The proposed height of 7.1m is well below the LEP height standard for the site.

The proposed height of the semi-detached development is consistent with the height of the existing dwelling on the subject site.

It is considered that the proposed height will therefore not be visually dominant in the streetscape whilst it also will preserve the amenity to neighbouring properties in terms of privacy, solar access and view loss.

It is therefore considered that the proposed height is consistent with the desired future character of the area, as stipulated by the controls.

5.2.3. Floor Space Ratio

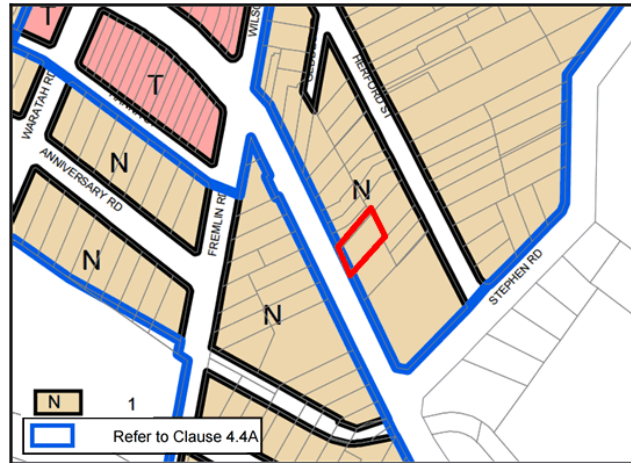


Figure 19: FSR Map

The objectives of this clause are as follows:

- 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.

4.4A Exceptions to floor space ratio for residential accommodation

The objectives of this clause are as follows:

- to ensure that the bulk and scale of development is compatible with the character of the locality,
 - to promote good residential amenity.
- 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:

- 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;
- (d) the maximum floor space ratio for all other development for the purpose of residential accommodation is 0.5:1.**

Assessment: In accordance with the provisions of Clause 4.4A, the proposed semi-detached dwellings (being a residential accommodation type other than a dwelling house) and subject lots as divided are each afforded a FSR of 0.5:1.

The proposed semi-detached dwelling development seeks Council support for an FSR of 0.72:1 (Lot 1) and 0.66:1 (Lot 2), exceeding the allowable FSR by 0.22:1 and 0.16:1 respectively.

It is noted that if proposed as detached single dwellings, an FSR of 0.75:1 would be permitted on each lot, which the subject proposal is below.

This variation is considered to be reasonable and appropriate given that the proposed development remains compatible with the bulk and scale of adjoining developments, whilst also being contained within a compliant building envelope, as stipulated by the height, site coverage, setbacks and landscaped open space controls contained within the DCP.

The proposed height of the development is well below the permissible 8.5m, and the dwellings have been designed to achieve a high level of internal amenity, as well as retaining amenity to the adjoining properties in regard to solar access and privacy.

The proposed semi-detached dwellings are well-articulated and visual bulk impacts have been minimised by staggering the two built forms. In this regard, it is considered that the proposal achieves the objectives of the FSR standard.

Nevertheless, a Clause 4.6 variation to the development standard is contained within **Appendix 1** which provides a comprehensive justification for the departure from the BBLEP FSR control.

5.2.4. Heritage Conservation



Figure 20: Heritage Map

Assessment: The subject site is not heritage listed, nor is it located in a heritage conservation area. The subject site is not located in the vicinity of any other heritage items, therefore the objectives of this Clause do not apply.

5.2.5. Acid Sulfate Soils

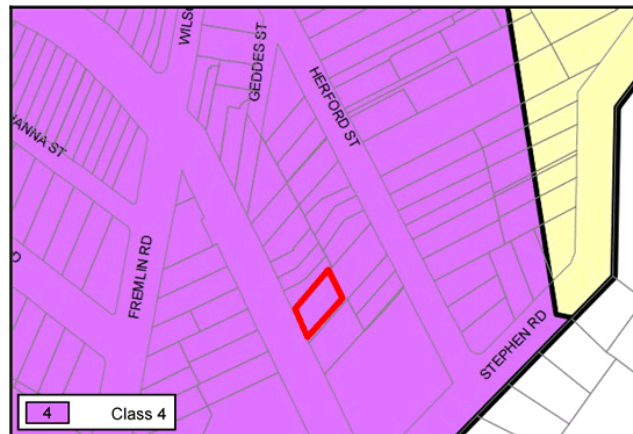


Figure 21: Acid Sulfate Soils Map

Assessment: No excavation is proposed.

5.1. Botany DCP 2013

5.1.1. Character Precincts – Botany

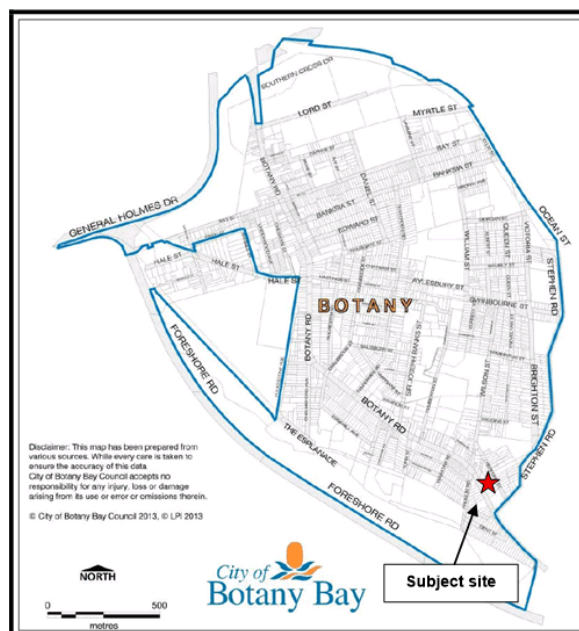


Figure 22: Character Precincts - Botany Locality

Assessment: In accordance with the Character Precinct under the Botany Bay DCP, and in particular section 8.4 – Botany Character Precinct, the proposed development aims to enhance the public domain and streetscape within the precinct through introducing a contemporary design, whilst also being of a built form, bulk and scale that is consistent with the desired future character of the area, as stipulated by the LEP and DCP controls.

The proposal is consistent with the precinct requirements for setbacks, landscaping, fencing, subdivision and solar access all of which are addressed within the relevant sections in this Statement of Environmental Effects.

The bulk and scale of the proposed work respects that of the existing neighbourhood, and the overall urban context of Botany

The proposed design seeks to improve the formal streetscape through the replacement of the existing unkempt and outdated dwelling house with two high quality four bedroom homes, in the form of a semi-detached dwelling development.

The proposed two-storey nature of the dwellings has been designed to retain the existing low density residential nature of this section of the Botany area.

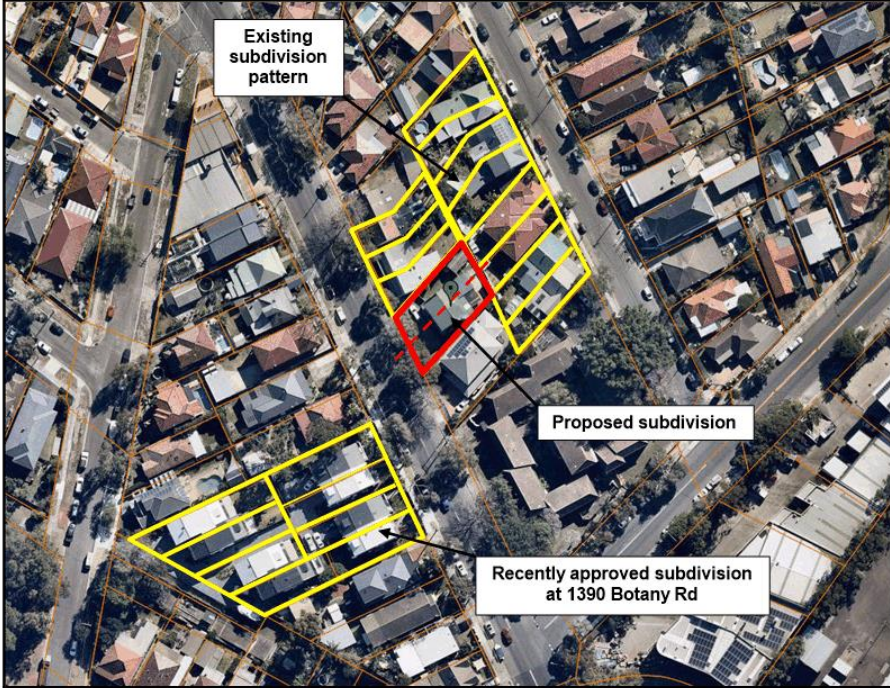
5.2. Botany Bay DCP 2013

5.2.1. General Provisions

The table below sets out the General Provisions of the Botany Bay DCP 2013 that apply to the subject site and proposed semi-detached dwellings.

Table 2: Botany Bay DCP 2013 Compliance Table – Part 2 General Provisions

Controls	Response
3A Parking & Access	<p>Complies</p> <p>The proposed development provides for 2 car spaces per dwelling.</p> <p>1 car space will be provided in the garage which is recessed behind the front alignment of the façade whilst the other will be a hard stand space in front of the garage. This parking arrangement is consistent with numerous developments along Botany Road. The recessed nature of the garages and the provision of landscaping in the front setback, along with appropriate fencing provides for a suitable streetscape outcome which is compatible with the character of Botany Road.</p> <p>In order to avoid reversing on to Botany Road, provision has been made in the front setback for two turning bays.</p> <p>One shared driveway crossing is proposed which is consistent with the existing dwelling and is consistent with the objectives of the controls.</p>
3B Heritage	<p>Not Applicable</p> <p>The subject site is not identified as a heritage item nor is it located within a heritage conservation area.</p>
3E Subdivision and Amalgamation	<p>Complies</p> <p>The proposed subdivision of the existing lot in to 2 lots is a positive outcome which provides for a more orderly use of the site.</p> <p>It is considered that the proposed subdivision results in a pattern that is consistent with the prevailing character of this section of Botany Road. As shown on the map below, the lots to the north of the subject site are similar in terms of lot sizes, frontages and development types (semi-detached). Approval was granted in 2015 for subdivision of the site at 1390 Botany Road in to 8 lots, also shown on the map below (DA-10.2014.157.1). The subject proposal results in lots that are bigger than those recently approved to the south.</p>

Controls	Response
	 <p data-bbox="667 1091 1713 1114">Figure 23: Aerial image demonstrating the proposed subdivision results in a consistent pattern with that in the immediate vicinity</p> <p data-bbox="622 1139 1756 1214">It is considered that the properties on Herford Street are also relevant as these adjoin the subject site to the north-east and have a consistent subdivision pattern with that proposed. As demonstrated on the map above, this section of Botany Road can also be characterised by an irregular pattern of subdivision, outside of the examples shown.</p>

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Controls	Response
	The proposal is considered to achieve the aims of the subdivision controls as it also provides for a development which is compliant with Council's controls for semi-detached dwellings. In this regard, the proposal complies with or outperforms key controls which contribute to neighbourhood character being front, side and rear setbacks as well as site coverage, private open space, overall height, FSR and landscaped area.
3G Stormwater Management	Complies The proposal is accompanied by a stormwater plan which demonstrates stormwater collection and disposal is in accordance with Council's requirements.
3H Sustainable Design	Complies The proposal is considered to be a sustainable use of the site by providing 2 dwellings on subdivided lots, which is a more efficient use of the large site. Both dwellings have 3 aspects which ensures that each will enjoy abundant access to sunlight, daylight and natural ventilation, thereby reducing reliance on artificial heating, lighting and cooling means. Water-saving devices are also incorporated into the accompanying BASIX Certificate.
3I Crime Prevention, Safety and Security	Complies The proposal significantly improves causal surveillance to the street through the use of openings and balconies. The ground floor bedroom and secondary bedrooms have sufficient glazing to provide an outlook to the street, whilst the 1 st floor balconies off the master bedroom also provide opportunities for an outlook to the street. Both properties will also be secured by fencing and secure entries.
3J Aircraft Noise & OLS	Complies The proposal is accompanied by an Acoustic Report which demonstrates that the proposed development can meet the indoor design sound levels to mitigate adverse aircraft noise affects.
3K Contamination	Not Applicable The site has a history of residential usage which ensures that there is no risk of contamination.
3L: Landscaping	Complies The proposal provides for abundant landscaping in both the front and rear yard and it is noted that the proposal replaces the unsightly sheds at the rear of the site with landscaping opportunities. The proposal also incorporates appropriate low level

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Controls	Response
and Tree Management	landscaping in the front setback which softens the appearance of the dwellings and garages whilst also allowing for outlook. It is reiterated that the proposal complies with the landscaped area requirements. The proposal includes the removal of existing trees on the front boundary of the subject site to allow for new car and pedestrian entry on to the site. These trees are not considered to be of significance and therefore can be removed with Council's consent.
3N Waste Minimisation and Management	Complies The existing dwelling will be demolished in an appropriate manner whilst there is scope for bin storage to be discreetly located in each garage or at the side of each dwelling.

5.2.2. Residential Provisions

The table below sets out the Residential Provisions of the Botany Bay DCP 2013 that apply to the subject site and proposed semi-detached dwellings.

Table 3: Botany Bay DCP 2012 Compliance Table - Part 4a Dwelling Houses

Controls	Proposed	Complies
4A.2 SITE DESIGN		
4A.2.1 Design Excellence	<p>Complies</p> <p>The proposal provides for significant improvement to the design and presentation of the built form on the subject site. The proposed semi-detached development is of a high quality contemporary design that is consistent with the desired future character of the area.</p> <p>The proposed semi-detached development sits comfortably in its context next to semi-detached developments to the north-west and at the rear of the subject site addressed to Herford Street.</p> <p>The compliant height and building envelope of the proposal further confirms its appropriateness for the subject site.</p> <p>The proposed semi-detached dwellings are sited in a staggered nature which responds well to the irregular shape of the subject site.</p> <p>The building design ensures that all windows are appropriately placed to maximise opportunities for natural light and limit opportunities for overlooking.</p> <p>The articulated facades enhance the eastern side of the Botany Road streetscape.</p>	✓
4A.2.2 Site Analysis	<p>Complies</p> <p>Please refer to the accompanying architectural plans prepared by Pinnacle Plus which include a site analysis plan demonstrating the siting and scale of the semi-detached dwelling houses and their relationship to the adjoining properties and the Botany Road streetscape.</p>	✓
4A.2.3 Local Character	<p>Complies</p> <p>The subject site is located in the Botany Character Precinct area, under Part 8.4 of the DCP.</p> <p>An assessment of the proposed development against the applicable controls of the Botany Character Precinct is</p>	✓

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Controls	Proposed	Complies
	contained within Section 5.3.1 of this SEE.	
4A.2.4 Streetscape Presentation	<p>Complies</p> <p>Development in the vicinity of the subject site is characterised by a mix of residential accommodation and therefore it is considered that there is not a prevailing streetscape character.</p> <p>Nevertheless, the proposed semi-detached dwellings sit comfortably in their context with regard to the existing semi-detached dwellings adjoining the subject site to the north-west and those to the rear of the subject site addressed to Herford Street.</p> <p>The proposal represents a significant upgrade to the existing streetscape presentation as it involves replacing the existing out-dated dwelling with 2 high-quality, contemporary semi-detached dwellings.</p> <p>The 2-storey nature of the built form is compatible with the character of the streetscape, as is the compliant height and building envelope of the proposal.</p> <p>The provision of a single driveway crossing in the centre of the site represents an orderly use of the site.</p> <p>The semi-detached dwellings have been designed to address the Botany Road streetscape in a staggered manner with their primary openings easily recognisable from the street. The siting of the dwellings responds well to the irregular shape of the subject site and also adds visual interest when viewed from the Botany Road footway.</p> <p>It is therefore considered that the proposed development provides for two high quality dwellings that have a height, bulk and scale that is consistent with the desired future character of the area. The replacement of the existing outdated dwelling house with the proposed modern and contemporary semi-detached dwellings is considered to represent a positive streetscape outcome.</p>	✓
4A.2.5 Height	<p>Complies</p> <p>The subject site has an allowable height limit of 8.5m, with the proposed semi-detached dwellings having a maximum height of 7.1m and 2 storeys. The proposed height is compliant with the LEP standard and is consistent with the height of the adjoining dwelling to the south.</p> <p>It is considered that the proposed height will therefore not be visually dominant in the streetscape whilst it will also preserve the amenity to neighbouring properties in terms of privacy, solar access and view loss.</p> <p>It is therefore considered that the proposed height is consistent with the desired future character of the area, as stipulated by the controls.</p>	✓

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Controls	Proposed	Complies
4A.2.6 FSR	<p>Complies</p> <p>The maximum permitted FSR on the subject site is 0.5:1, in accordance with the Botany Bay LEP 2013.</p> <p>The proposed lots have an FSR of 0.72:1 (Lot 1) and 0.66:1 (Lot 2), which seeks to vary the FSR standard by 0.22:1 and 0.16:1 respectively.</p> <p>A clause 4.6 variation to the development standard is attached in Appendix 1 of this Statement of Environmental Effects, which suitably justifies the departure from the control.</p>	✓
4A.2.7 Site Coverage	<p>The proposed subdivision result in lot sizes of 251 sqm (Lot 1) and 256.4 sqm (Lot 2). Therefore the maximum allowable site coverage for the proposed dwellings is 60% of the total site area.</p> <p>The proposed built form comprises a site coverage of 40.2% (Lot 1) and 35% (Lot 2) which is compliant with the DCP requirement. This further confirms the appropriateness of the proposed semi-detached dwellings on the subject site.</p>	✓
4A.2.8 Building and Setbacks	<p>Front</p> <p>The lots as subdivided result in lots widths of 9.14m each. Therefore, front setbacks must comply with the prevailing street setback. Due to the irregular nature of the site boundary, the front setbacks range from 5m (north-western side of Lot 1) to 8.5m (south-eastern side of Lot B).</p> <p>It is considered that the proposed setbacks are appropriate and are consistent with the prevailing setbacks of the streetscape.</p> <p>Side</p> <p>The proposed development incorporates side setbacks of 0.9m at the ground floor and first floor level. The proposed side setbacks are appropriate for the subject site and in the context of the irregular lots neighbouring the subject site to the north-west.</p> <p>Furthermore, it is considered that the proposed side setbacks allow for an adequate degree of sunlight and daylight to be retained to the southern neighbour whilst also increasing the degree of articulation and therefore</p>	✓

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Controls	Proposed	Complies
	<p>reducing the bulk and scale of the proposal, as viewed from the neighbouring properties to the north and south.</p> <p>Rear</p> <p>The subject site outperforms the requirement of a 4m rear setback, with the proposed semi-detached dwellings having a rear setback of 5.78m to 8.3m, due to the irregular shape of the site. This further confirms the appropriateness of the built form on the subject site.</p>	
4A.2.9 Landscaped Open Space	<p>Complies</p> <p>The proposed development outperforms the required landscaped open space, with 37.2% of Lot 1 and 42.7% of Lot 2 dedicated to deep soil landscaping.</p> <p>Furthermore, the proposed development retains two existing street trees which meet the requirements of the DCP.</p> <p>Please refer to the Landscaping Plan which demonstrates the proposed species and location of planting.</p>	✓
4A.3 BUILDING DESIGN		
4A.3.1 Materials and Finishes	<p>Complies</p> <p>An external finishes schedule accompanies the development application which demonstrates the appropriate and contemporary nature of the proposed materials and finishes which provide for an attractive outcome on the subject site.</p>	✓
4A.3.2 Roofs and Attics / Dormers	<p>Complies</p> <p>The proposed semi-detached dwellings will have a flat roof which is consistent with the semi-detached dwellings adjoining the subject site to the north-west.</p> <p>The proposed roof form appropriately relate to the contemporary style of the proposed dwellings.</p>	✓
4A.3.3 Fences	<p>Complies</p> <p>The proposed front fencing compliments the contemporary style of the proposed dwellings and is consistent with</p>	✓

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Controls	Proposed	Complies
	the colours and materials proposed for the dwellings.	
4A.4 SITE AND BUILDING AMENITY		
4A.4.1 Visual Privacy	<p>Complies</p> <p>The restriction of the primary living areas to the ground level avoids any unreasonable visual and or acoustic privacy impacts. The 1st floor is limited to passive bedroom and bathroom areas. The rear 1st floor balconies are accessible from bedrooms only and the depth of the balconies is appropriate as it minimises overlooking impacts. Side facing openings are limited in size and number which avoids mutual privacy impacts to existing and any potential future development to the north or south of the site.</p>	✓
4A.4.2 Acoustic Privacy	<p>Complies</p> <p>The limitation of living areas to the ground floor level, coupled with passive upper floor uses ensures that acoustic impacts associated with the proposed semi-detached dwellings are minimised. Upper level balconies are limited in size and dimension, also ensuring that acoustic impacts to neighbouring properties are minimised.</p>	✓
4A.4.3 Solar Access	<p>Due to the orientation of the site, a degree of overshadowing is inevitable and commonplace within the immediate area.</p> <p>As demonstrated on the accompanying shadow diagrams, the only property affected by overshadowing from the proposed development is the southern adjoining neighbour at 1677 Botany Road. Whilst some of the shadows are generated by the existing dwelling, there is a degree of additional overshadowing associated with the proposed development.</p> <p>However, the shadow diagrams demonstrate that the southern adjoining neighbour will still enjoy more than 2 hours solar access to their primary living spaces (to the front or rear of the ground floor level) and primary open spaces area to the rear between 9am and 3pm on June 21st. Therefore the proposal complies with the DCP provisions for solar access to neighbouring properties.</p>	✓
4A.4.4 Private Open Space	<p>Complies</p> <p>The proposed semi-detached dwellings each have abundant private open space to the front and the rear each lot, with each dwelling having more than 40 sqm of private open space. This outperforms Council's requirement</p>	✓

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Controls	Proposed	Complies
	for private open space and further confirms the appropriate nature of the built form on the subject site.	
4A.4.5 Safety and Security	Complies The proposal provides for secure vehicular entry. The primary openings facing the street facilitate casual surveillance of the Botany Road streetscape.	✓
4A.5.7 Vehicle Access	Complies The proposed development includes a centralised vehicle cross over to access both dwellings which minimises removal of on-street parking. A single wider vehicle cross-over represents a safer outcome for pedestrians and motorists than two separate cross-overs as the centralised cross-over is more visible from the Botany Road footway and road. The vehicle cross-over and associated driveways have a width of 3.5m per allotment which achieves the minimum requirements of 3m per dwelling.	✓
4A.5.8 Car Parking	Complies The proposed development provides for 2 car parking spaces per dwelling. 1 space will be contained within a garage, behind the front alignment of the façade whilst the other space will be a hard stand car space within the front setback. The provision of a hard stand space in the front setback is consistent with the southern adjoining neighbour at 1677 Botany Road.	✓

6. SECTION 4.15 CONSIDERATIONS

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This assessment has taken into account the following provisions:

STATUTORY POLICY AND COMPLIANCE – s.4.15 (1)(a)

The semi-detached development has been assessed in relation to all relevant LEPs and DCPs above in the *Statement of Environmental Effects*.

The LEP which is relevant to the proposal is:

Botany Bay LEP 2013

Comment: The proposed semi-detached dwelling and associated subdivision of the existing lot into 2 lots is permissible within the R2 Low Density Residential zone. The proposed development achieves the zone objectives and the intent of the zone. Furthermore, the proposal complies with the applicable height limit and associated objectives. A variation to the FSR control is sought, as comprehensively justified in the accompanying Clause 4.6 variation, contained in **Appendix 1** of this report.

The relevant development control plan is:

Botany Bay DCP 2013

Comment: The proposal has been assessed against the relevant components of the Botany DCP 2013. As demonstrated within this Statement of Environment Effects, the proposed development exhibits a high degree of compliance with the relevant objectives and provisions, particularly in regard to site coverage, landscaping, private open space, setbacks and parking. This confirms that the proposed development is of an appropriate built form and achieves the intent for development on the subject site.

NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - s.4.15(b)

Throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposed semi-detached dwellings, the day-to-day operations of the development are unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian / vehicular traffic flows.

The proposal will not result in the loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site while no endangered fauna have been identified on or around the site.

The proposal does not involve the removal of any significant trees or vegetation on the site.

The proposed semi-detached development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposed semi-detached development will not be detrimental to the social and economic environment in the locality.

SUITABILITY OF THE SITE FOR DEVELOPMENT – s.4.15(c)

The size and shape of the site is suitable for the proposed semi-detached development and the proposal does not create any adverse bulk or scale impacts. The proposal will not result in any loss of amenity to neighbouring properties.

SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT – s.4.15(d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

THE PUBLIC INTEREST – s.4.15(e)

Amenity impacts have been minimised and the proposal is considered to be a positive contribution to the built and natural environment within this section of Botany.

7. CONCLUSION

This Statement of Environmental Effects has provided an assessment of the proposed semi-detached dwellings and Torrens title subdivision at 1675 Botany Road, Botany.

The assessment demonstrates that the proposed dwelling exhibits a high degree of compliance with the relevant sections of the Botany LEP and DCP 2013.

The proposed semi-detached dwellings are permissible in the R2 Low Density Residential zone, and have a height bulk and scale that is consistent with that contemplated for the zone.

The proposal complies with the 8.5m height limit and is consistent with the 2-storey scale of development that is promoted by the zoning.

A variation to the FSR standard is sought, as justified in the accompanying Clause 4.6 variation, contained in Appendix 1.

The proposal demonstrates a high degree of compliance with Botany DCP, particularly in regard to site coverage, private open space, landscaping, setbacks and solar access.

The proposed development includes a garage and hardstand car space for each dwelling, allowing for 2 x car spaces for each dwelling. These rates comply with Part 3A (Car Parking) of Botany DCP 2013.

Internally, it is considered that the proposal achieves a high level of design with each dwelling having an open plan kitchen, dining and living area with direct access to the rear patio and garden area. The open plan nature of the living and kitchen optimises solar access and cross ventilation.

The dwellings are staggered which contributes to an articulated façade presentation to Botany Road and a desirable streetscape presentation.

Overall, it is considered that the proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape. The proposal provides for a high degree of amenity with no unreasonable shadow, view or privacy impacts.

Therefore, it is considered that the proposal is worthy of approval.

APPENDIX 1

CLAUSE 4.6 TO CLAUSE 4.4 OF BOTANY LEP 2013
EXCEPTIONS TO DEVELOPMENT STANDARDS - **FSR VARIATION**

Demolition of existing dwelling and erection of two semi-detached dwellings

1675 BOTANY ROAD, BOTANY

SUBMITTED TO
BAYSIDE COUNCIL

PREPARED BY
ABC PLANNING PTY LTD

NOVEMBER 2018 (AMENDED)

BOTANY LEP 2013 - CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 submission has been prepared to accompany the Statement of Environmental Effects submitted to Bayside Council by ABC Planning Pty Ltd for the demolition of the existing building and the erection of a semi-detached development at 1675 Botany Road, Botany.

The proposal seeks a variation to the development standard contained within clause 4.4a of the *Botany LEP 2013* - maximum FSR of 0:5:1.

The proposed FSR of 0.72:1 (Lot 1) and 0.66:1 (Lot 2) represents a variation of 0.22:1 (44%) and 0.16:1 (32%) respectively, from the numerical FSR standard in the LEP.

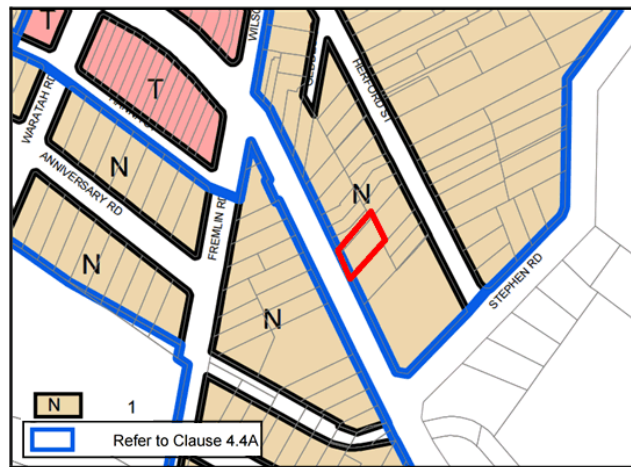


Figure 24: FSR Map

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

It is considered that the development standard for FSR on the site is **unreasonable and unnecessary** for the following reasons:

- The visual bulk of the proposal will be compatible with the height, bulk and scale of nearby adjoining dwellings to the north and south.
- The proposed height is well below the 8.5m height limit for the subject site.
- The proposal has consistent front setbacks with those of the semi-detached development to the north-west and is setback further than the dwelling to the south. Such setbacks are considered compliant with the DCP requirements and combined with compliant side and rear setbacks, as well as being under the LEP height limit, produce a compliant building envelope despite the variation to the FSR standard. This is therefore considered to demonstrate that the proposed FSR is reasonable and appropriate for the subject site.
- The staggered setback of the two dwellings as well as the articulation to the Botany Road facades further minimise the apparent bulk and scale in the streetscape.
- As shown on the accompanying shadow diagrams, the additional FSR is able to be accommodated on the site whilst retaining solar access to the southern adjoining neighbour to a greater degree than anticipated by the DCP controls (i.e. more than 2 hours solar access retained to their primary living and outdoor areas)
- Compliance with site coverage and landscaped area, combined with the provision of a built form which is compatible with neighbouring properties demonstrates that the proposed bulk and scale (and associated FSR) is suitable on the subject site.

The above factors demonstrate that the LEP FSR standard is unreasonable and unnecessary in this circumstance.

The following assessment addresses each of the relevant criteria under Clause 4.6:

1. Consistency with the objectives of the FSR standard in the LEP

Clause 4.4 FSR:

1. *The objectives of this clause are as follows:*

- a. *to establish standards for the maximum development density and intensity of land use,*

Assessment: As previously stated, the proposed development is contained within a compliant building envelope as informed by the LEP height limit and various DCP controls, including the site coverage, setbacks, private open space and landscaped areas.

Given that the proposal complies, and outperforms, the LEP height and applicable DCP controls that inform the siting, bulk and scale of the building, it is considered that the proposed FSR is contained within a built form that is reasonable whilst also being consistent with adjoining built forms on Botany Road.

This is further confirmation that the proposal retains the low density residential nature of the area and compatibility with the built form of the surrounding area. As such, the proposed development retains the intended density and intensity of the land use, as established by the various DCP controls.

Therefore, given that there are no unreasonable impacts that arise from the increased floor space ratio, there are no tangible benefits that would arise by the deletion of the additional floor space.

- b. *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*

Assessment: The proposed semi-detached development is well below the 8.5m height limit and complies with the front rear and side setback requirements for the site. The proposed bulk and scale is also consistent with adjoining neighbouring dwellings to the north-west and south.

As such, it is considered that the proposed bulk and scale compatible with the 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,*

Assessment: The proposed development is considered to maintain an appropriate visual relationship between new development and the existing character of the area.

It is considered that some of the surrounding area is undergoing transition, with the replacement of a number of outdated dwelling houses with modern contemporary dwellings. This is particularly evident across from the subject site on the western side of Botany Road where the site at 1390 Botany Road recently gained approval for the subdivision of two

existing lots into 8 Torrens title allotments and construction of 8 x 2 storey semi-detached dwelling houses.

The proposal is considered to contribute to the transitioning nature of the streetscape whilst being of a built form that remains compatible with the existing character of the area.

This further confirms that the proposed development maintains an appropriate visual relationship between existing and new developments within the area.

- 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,*

Assessment: The proposed development is not considered to adversely affect the streetscape, skyline or landscape when viewed from Botany Road. This is demonstrated by the compliant height and compatible nature of the proposed development with adjoining properties.

The proposed development will not be visible from any other adjoining roads or parks.

- e. to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Assessment: The proposed development is appropriately sited on the subject site to ensure that there are no adverse environmental effects on the residential use of the adjoining properties.

Compliant side and rear setbacks ensure that there will be no unreasonable or adverse overlooking impacts to neighbouring properties, whilst maintaining a degree of casual surveillance.

The limitation in size and number of side facing windows and the restriction of main living areas to the ground floor ensures that there are no adverse acoustic or visual privacy impacts as a result of the proposed development.

It is considered that the proposed FSR will allow for appropriate solar access to the primary living and outdoor areas of the southern adjoining neighbour.

It is therefore demonstrated that there are no adverse environmental effects on the use or enjoyment of adjoining properties.

- f. to provide an appropriate correlation between the size of a site and the extent of any development on that site,*

Assessment: The proposed size and scale of the development is considered to be reasonable and appropriate for the site given that the proposed development remains compatible with the bulk and scale of adjoining developments, whilst also being contained within a compliant building envelope, as dictated by the height, site coverage, setbacks and landscaped open space.

Furthermore, it is considered that the proposed development responds well to the irregular shape of the site by staggering the two attached built forms on the site.

g. to facilitate development that contributes to the economic growth of Botany Bay.

Assessment: The replacement of an outdated and unkempt dwelling house with 2 high-quality and contemporary semi-detached dwellings, with each containing 4 bedrooms, is considered to contribute to the economic growth of Botany Bay.

2. Consistency with the objectives of the R2 Low Density Residential Zone

Objectives of zone:

- *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.*

Assessment: The proposed FSR variation does not raise any inconsistency with the R2 Low Density Residential zone objectives. The additional FSR is associated with a built form which is compatible with the height, bulk and scale of dwellings in the vicinity of the site.

The provision of 2 high quality homes meets the objectives of the zone by providing for the housing needs of the community. The subject site is located close to bus stops and in walking distance to restaurants, cafes and shops further north along Botany Road which would encourage walking and cycling.

Therefore the proposed development achieves the objectives of the zone.

3. Consistency with State and Regional planning policies

Assessment: The proposed variation to the FSR does not raise any inconsistencies with State or Regional planning policies.

The proposed FSR variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*. The proposed FSR allows for achievement of a compliant building envelope without creating a development that has an overbearing bulk and scale and without compromising the desired future character of the area.

The proposed FSR is therefore consistent with the State and Regional Policies, particularly urban consolidation principles which seek to provide additional densities near transport and established services.

4. There are sufficient environmental grounds to permit the variation

Assessment: The variation to the FSR standard allows for a better planning outcome as it facilitates the provision of two high quality dwellings on individual allotments that meet the housing needs of the community within a low density residential setting.

It is considered that the provision of additional floor space allows for a greater degree of high quality residential accommodation in a compliant form of development (as established by the compliant height, setbacks, site coverage, landscaping and private open space and thus the desired building envelope).

Furthermore, it is considered that the proposed FSR is associated with a more appropriate building density than if it were associated with a compliant FSR, given that the variation supports the provision of 2 high quality homes, each with 4 bedrooms and 3 bathrooms which results in a desirable form of development, that is highly sought after in this location.

The lack of adverse external impacts associated with the minor FSR non-compliance is considered to demonstrate that there are sufficient environmental grounds to permit the variation.

5. The variation is in the public interest

Assessment: The above justification demonstrates that the proposed FSR satisfies the objectives of the standard and the zone and therefore confirms that the proposed FSR is in the public interest.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the FSR variation.

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the FSR control.

It is also noted that there is no public benefit in maintaining the FSR standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the development proposal at 1675 Botany Road, Botany and is requested to be looked upon favourably by Council.