

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 14 May 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 - 23 April 2019....2

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1	DA-2018/325 - 10 Rye Avenue, Bexley.....	10
6.2	DA-2018/222 - 152-200 & 206 Rocky Point Road, Kogarah.....	35
6.3	DA-2017/224/F - 152-200 & 206 Rocky Point Road, Kogarah	107
6.4	DA-2018/318 - 72 Banksia Street, Botany.	194
6.5	DA-2017/227/A - 6-8 Cecil Street, Monterey	293
6.6	DA-2018/63 - 1-2 Waines Crescent, Rockdale.....	342

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

14/05/2019

Item No	4.1
Subject	Minutes of the Bayside Local Planning Panel Meeting - 23 April 2019
Report by	Michael McCabe, Director City Futures
File	SF18/2997

Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 23 April 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Jan Murrell, Chairperson
Robert Montgomery, Independent Expert Member
Helen Deegan, Independent Expert Member
Jesse Hanna, Community Representative

Also Present

Luis Melim, Manager Development Services
Darcie Husiman, Acting Coordinator Governance & Risk
Michael Maloof, Senior Development Assessment Planner
Patrick Nash, Senior Development Assessment Planner
Adam Iskander, Senior Development Assessment Planner
Ana Trifunovska, Development Assessment Planner
Lauren Thomas, Governance Officer
Wolfgang Gill, IT Officer

The Chairperson opened the meeting in the Committee Room of Botany Town Hall at 6:02pm.

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 - 9 April 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 9 April 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-18/1164 - 16 Ramsgate Street, Botany

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

The following people spoke:

- Mrs Tanya Brabrook, affected neighbour, spoke against the officer's recommendation.
- Mr Paul Rappoport, interested citizen/resident, spoke against the officer's recommendation.
- Mr Jason Starkey, affected neighbour, spoke against the officer's recommendation.
- Mr David Mace, affected neighbour, spoke against the officer's recommendation.
- Mr Brad Humphries, affected neighbour, spoke against the officer's recommendation.
- Ms Ana De Oliveira, affected neighbour, spoke against the officer's recommendation.
- Mr Ben Broadbent, affected neighbour, spoke against the officer's recommendation.
- Mr Anthony Betros, town planner, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr John Baker, architect, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

1. That this Development Application be DEFERRED to give the applicant the opportunity to submit amended plans and accompanying documentation within one month to address issues raised in the council officer's report and in the submissions, together with the issues highlighted by the Panel, including: a revised plan of management to allow for community liaison and a register of complaints and how these are addressed which may be inspected by Council at any time; an acoustic report regarding the car stacking and access arrangements for vehicles; light spill management; the provision of privacy measures (fixed horizontal external louvres to windows east and west and privacy screens for balconies); and verified overshadowing diagrams.
2. The amended plans and documentation are to be notified in accordance with Council's policy.
3. The matter is to be assessed and referred back to the Panel in a timely manner.
4. That the objectors be advised of the Bayside Planning Panel's decision.

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

Reason for the Panel's Determination

- While the applicant prepared amended plans to address some of the issues raised, the Panel is not satisfied that all issues have been appropriately addressed. Furthermore, due process prevents the Panel accepting the late plans received by the Panel today.
- The Panel considered the plans and documentation for the 35-room boarding house do not warrant approval given the number of issues that must be addressed.

6.2 DA-2018/1164 - 10 Garden Street Eastlakes

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

The following people spoke:

- Mr Salah Shirajee, affected neighbour, spoke against the officer's recommendation.
- Rodney A Yannakis, building designer of the project, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 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 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 and therefore it is in the public interest.
- 2 That the Bayside Local Planning Panel APPROVES Development Application No. DA-2018/1164 for Demolition of existing structures and construction of two semi-detached dwellings and Torrens title subdivision into two (2) lots at 10 Garden Street, Eastlakes, subject to the conditions attached in this report.
- 3 That the objectors be advised of the determination made by the Bayside Local Planning Panel.

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

Reason for the Panel's Determination

- The Panel has carefully considered the issues raised by the objector in particular, the overshadowing of the solar panels and the rear extension at number 10A and has determined that the impact is not unreasonable and is consistent with Council's guidelines and controls.
- The Panel notes that the development is also consistent with the Planning Framework of the Council's controls and is in an area designated as H2 Zone that allows for zero lot boundaries and subdivision with a minimum width of 5 metres.

6.3 S82-2019/1 - 11 Gertrude Street, Wolli Creek

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

- Mario Mourad, planning consultant for the Development Application was unwell and unable to attend the meeting.

Determination

1. That the Division 8.2 Review (S82-2019/1) of Development Application No. DA-2017/555 for demolition of existing structures and construction of a nine (9)

storey boarding house comprising 59 boarding rooms including a manager's residence, partial basement and above ground parking, landscaping and associated site works at 11 Gertrude Street, Wolli Creek be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- a. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
- b. Insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development. In this regard, the application was not accompanied by a Plan of Management, shadow diagrams, the stormwater plans are inconsistent with the architectural plans, an updated landscape plan, acoustic assessment/BCA report and Access report were not submitted and the Geotechnical report is inadequate.
- c. The application has not had adequate regard to the NSW Land & Environment Court Planning Principles in respect of the isolation of the neighbouring property at 13 Gertrude Street.
- d. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the Rockdale Local Environmental Plan 2011, including:
 - i. Clause 6.2 - Earthworks: The submitted Geotechnical investigation is insufficient and does not adequately consider likely impacts on adjacent properties.
 - ii. Clause 6.6 - Flood Planning: The proposed platform lift at the front of the site on the ground floor plan is not supported as accessible access unless it can be adequately flood proofed.
 - iii. Clause 6.7 - Stormwater: The submitted stormwater plans are inconsistent with the architectural drawings and are therefore inadequate for assessment.
- e. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the Rockdale Development Control Plan 2011, including:

Part 4.1.3 - Flood Risk Management

Part 4.4.3 - Natural Lighting and Ventilation (insufficient ceiling heights)

Part 4.5.2 - Social Equity - Equitable Access

Part 4.6 - Car Park Location and Design
- f. The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, is unsatisfactory given the inadequate proposed means of access to and from the development site and the manoeuvring of vehicles.

- g. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the non-compliances with the planning controls, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

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

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

Reason for the Panel's Determination

- The Panel considers that the site is unsuitable for the scale of development as proposed.
- The provision of extensive mechanical car stacking is not practical and is unacceptable for the likely frequency and type of use
- The overall design and scale of the proposed development is not responsive to the restrictive width of the site and other constraints presented by the site.

6.4 DA-18/1182 - 24 Carinya Avenue, Mascot

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

Determination

- 1 That the Bayside Planning Panel has considered the Clause 4.6 request to vary the FSR standard contained in Clause 4.4 of the BBLEP 2013 and is not satisfied that the variation will result in consistency with the objectives of the FSR standard and the objectives of the R2 Low Density Residential zone and it is therefore not in the public interest to vary the control.
- 2 That Development Application DA-2018/1182 for demolition of the existing building and structures, Torrens Title subdivision into two (2) lots and construction of two x two (2) storey semi-detached dwellings at 24 Carinya Avenue Mascot be REFUSED for the following reasons:
 - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.4 of Botany Bay LEP 2013 relating to floor space ratio and the Clause 4.6 written variation request submitted by the applicant is not supported, and

- b. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Clause 3E of Botany Bay DCP 2013 which relates to the subdivision of land and integrity of the existing subdivision pattern within an existing street block. As such, the proposal will result in adverse impacts on the amenity of the surrounding precinct and will set an undesirable precedent, and
- c. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act, the proposed development is excessive in terms of bulk, size and density, and is inconsistent with the character of the area and streetscape, and would adversely impact upon the amenity of the locality, and
- d. The proposal is inconsistent with the objectives of the R2 Low Density Residential zone under Botany Bay Local Environmental Plan 2013 and as such fails to satisfy Section 4.15(1)(a)(i) & (ii) of the Environmental Planning & Assessment Act 1979, and
- e. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Clauses 2.4, 2.8, 3G, 4.1, 4A & 4.3 of Botany Bay DCP 2013 which relate to streetscape, stormwater management (stormwater drainage and flooding), privacy, car parking, and will result in impacts on the amenity of the surrounding precinct, and
- f. Having regard to the above and pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts, the proposed development will set an undesirable precedent and is not considered to be in the public interest.

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

Reason for the Panel's Determination

- The fundamental issue for the Panel is that the proposed development, if approved, would have an unacceptable impact on the existing subdivision pattern and streetscape character. This would set an undesirable precedent for the locality, especially those lots east of the subject site, which are shorter in depth. Compliance with the development standard would ensure development with less bulk and scale and less amenity impact.

- The Clause 4.6 written request is not supported as per the Council officer's report and in particular non compliance with the objectives of Clause 4.4 of the BBLEP 2013 FSR including:
 - Excessive density and intensity of use, resulting in an unacceptable impact on neighbours.
 - The bulk and scale of the proposed development will be inconsistent with the character of the street, especially to the east of the site.
 - The proposed development would not provide an appropriate visual relationship to the existing character.

As well as the objectives of the R2 Zone in particular, to provide for the housing needs of the community within a low density residential environment.

The Chairperson closed the meeting at 8:00 pm.

Certified as true and correct.

Jan Murrell
Chairperson

Bayside Local Planning Panel

14/05/2019

Item No	6.1
Application Type	Development Application
Application No	DA-2018/325
Lodgement Date	27/11/2018
Property	10 Rye Avenue, Bexley
Ward	Bexley
Owner	Bayside Council
Applicant	Bayside Council
Proposal	Construction of a Storage Shed within the Bayside Council Bexley Depot
No. of Submissions	Nil
Cost of Development	\$20,000.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That the development application DA-2018/325 for the construction of a storage shed within the Bayside Council Bexley Depot at 10 Rye Avenue, Bexley be **APPROVED** pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, subject to the conditions of consent attached to this report.

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Site Aerial Plan [↓](#)
- 3 Site Map [↓](#)
- 4 Floor Plans [↓](#)
- 5 Elevations [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/325
Lodgement Date:	27 November 2018
Report Date:	25 April 2019
Property:	10 Rye Avenue, Bexley – Lot 102 in DP 1042328
Owner:	Bayside Council
Applicant:	Bayside Council
Proposal:	Construction of a storage shed within the Bayside Council Bexley Depot
Submissions:	Nil
Recommendation:	Approval, subject to conditions
Author:	James Arnold – Principal at Arnold Urban

Key Issues

The key issues that arose during the assessment process were as follows:

- **Accuracy and detail of plans** – The plans submitted with the application show a general location for the shed, however following an inspection of the site, concerns were raised that the nearby site features including a stand of trees, drainage line, water tanks and shed, were not shown on the plans and the position of the proposed storage shed relative to those structures was unclear. In response to this issue, the applicant verified that the proposed shed would be positioned clear of the structures. A condition has been imposed to this effect.
- **Stormwater and flooding** – The proposal was referred to Council's Development Engineer who requested further information to confirm the proposed shed would not be built over a nearby drainage line and further information on the position of the shed relative to the high hazard flooding identified on the site. Following discussions with the applicant and further investigations, Council's Development Engineer was satisfied that the shed would be clear of the drainage line and would be built at an appropriate flood level, subject to conditions.
- **Independent Assessment** – The development application is referred to the Bayside Local Planning Panel under the 'conflict of interest' criteria of the ministerial directions for Local Planning Panels – Council is the land owner and the applicant. Given the potential conflict, an independent planning consultant was engaged to assess the application and prepare this report.

Recommendation

That the development application DA-2018/325 for the construction of a storage shed within the Bayside Council Bexley Depot at 10 Rye Avenue, Bexley be **APPROVED** pursuant to *Section 4.16(1) of the Environmental Planning and Assessment Act 1979*.

Background

- 27 November 2018 – Development Application Lodgement – The subject DA-2018/325 was lodged with Council. The application was referred to Council's Development Engineer and Tree Management Officer.
- 4 December 2018 to 20 December 2018 – Public Notification – The application was notified in accordance with the Rockdale Development Control Plan (RDCP) 2011. In response, no submissions were received.
- 15 January 2019 – Independent Assessor Engaged – As Council is both the land owner and applicant for the proposal, an independent planning consultant (James Arnold from Arnold Urban) was engaged to assess the application.
- 22 January 2019 – Request for Additional Information – The consultant assessment officer reviewed the application and raised the following issues:
 - Accuracy and detail of plans – The plans submitted with the application show a general location for the shed, however following an inspection of the site, concerns were raised that the nearby site features including a stand of trees, drainage line, water tanks and shed, were not shown on the plans and the position of the proposed storage shed relative to these structures was unclear. In response to this issue, the applicant verified that the proposed shed would be positioned clear of these structures. A condition has been imposed to this effect.
 - Stormwater and flooding – The proposal was referred to Council's Development Engineer who requested further information to confirm the proposed shed would not be built over the nearby drainage line and further information on the position of the shed relative to the high hazard flooding identified on the site. Following discussions with the applicant and further investigations, Council's Development Engineer was satisfied that the shed would be clear of the drainage line and would be built at an appropriate flood level, subject to condition.

Proposal

The proposal is for the construction of a storage shed within the Bayside Council Bexley Depot at 10 Rye Avenue, Bexley.

Details of the proposal are as follows:

- The shed is a rectangle with a pitched roof;
- The dimensions as shown on the elevation plans are 11.764m long, 6m wide, and 3.804m high with an internal floor area of 70.5m²;

- The shed is constructed of color bond steel on a new concrete slab base which will be poured on top of the existing asphalt surface. No excavation or soil disturbance is proposed;
- No tree removal or pruning is proposed; and,
- The shed will be used to store Council's assets and temporary events materials.

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



Figure 1. Plan showing the location of the proposed shed
Source: Bayside Council, 2018

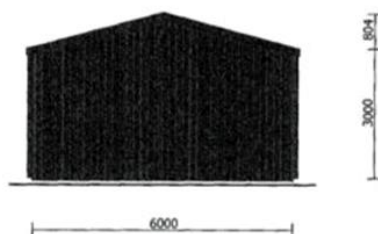


Figure 2 Front/Back Elevation
Source: Bayside Council, 2018

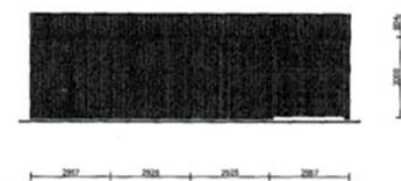


Figure 3. Side Elevation
Source: Bayside Council, 2018

Site and Locality Description

The subject site is the Bexley Council Depot which is addressed as 10 Rye Avenue, Bexley and is within the allotment legally described as Lot 102 in DP 1042328. The depot is bound to the south, east, and west by the rear of the residential properties that front to Stoney Creek Road, Rye Avenue, Preddys Road, and adjoins the Bexley Aquatic Centre to the north/west. The main access to the depot is from the length of street frontage to Rye Avenue.

The depot contains a part one/part two storey brick administration building fronting to Rye Avenue and a range of depot buildings and vehicular access and car parking at the rear. The site is mostly hard paved with areas of vegetation containing mature trees located around the boundaries.

The proposed storage shed is to be located towards the rear (west) of the site, adjacent to an access road that runs adjacent to the boundary with the Bexley Aquatic Centre and approximately 50m from the southern and western boundaries of the site. The shed is to be positioned between an existing shed to the east, the access road to the north, water tanks to the west, and a stand of mature trees to the south.

The site is shown in **Figures 4-6** below.

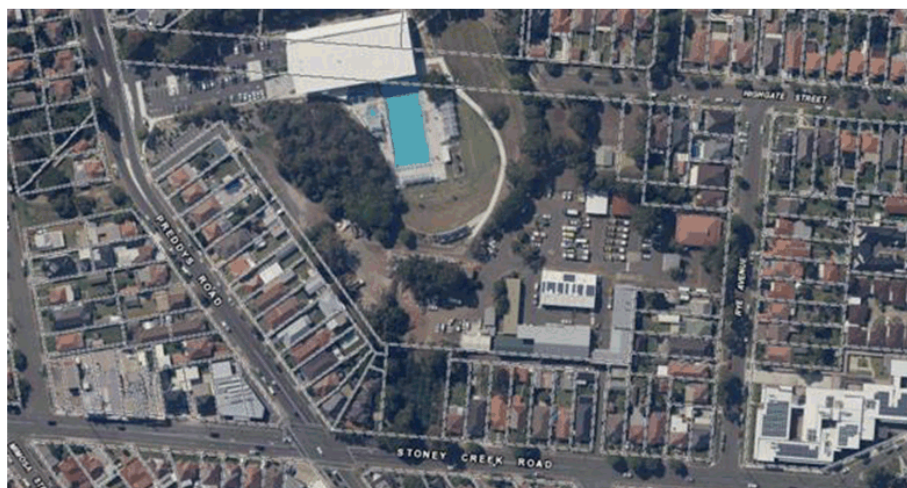


Figure 4. Aerial image of the Bexley Depot and surrounding site
Source: NSW government SIX maps



Figure 5. Close aerial image of the location of the proposed shed
Source: NSW government SIX maps



Figure 6. Location of the proposed shed with the existing shed on the left, stand of trees in the middle and water tanks on the right.
Source: Arnold Urban, January 2019

Referrals

Internal

The development application was referred to Council's Development Engineer and Tree Management Officer. Both officers were supportive of the proposal, subject to conditions.

External

No external referrals were required.

Statutory Considerations

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 requires the consent authority to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application. The proposed shed is to be built on top of the existing asphalt surface and no soil will be disturbed. As such, the site is considered suitable for the proposed storage purposes.

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

The Vegetation SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation.

The proposal does not seek consent for the removal or pruning of any trees, however given the position of the shed immediately adjacent to a stand of mature trees it is likely that some pruning would be required to the lower branches. Insufficient details have been provided to determine the exact extent of the pruning and as such no pruning works are to be approved under this application and a separate tree permit will be required. Council's Tree Management Officer has reviewed the proposal and provided the following comments:

- *Existing site trees must be retained and protected.*
- *It will be necessary to prune some of the trees on site, and in this regard a Tree Permit Application should be lodged prior to the construction phase. However the extent of the pruning required will not be known until such time as the actual dimensions of the shed is decided, once this has been decided a copy of the dimensions should be submitted with the Tree Permit Application.*
- *There is no requirement to plant replacement trees.*
- *Care should be taken to protect the root zones of the trees around the site when undertaking any excavations, and any stormwater lines should connect to existing drainage reticulation systems on site.*

Accordingly, subject to the recommended conditions, the proposal satisfies the provisions of Vegetation SEPP.

Rockdale Local Environmental Plan 2011

An assessment of the proposal against the relevant clauses of the RLEP 2011 is provided in the table below.

RLEP 2011 Clauses	Compliance
2.3 Zoning – SP2 Infrastructure – Depots	Yes – See below discussion
4.3 Height of buildings	N/A – No maximum building height
4.4 Floor space ratio	N/A – No maximum FSR
5.10 Heritage conservation	N/A – No heritage items on or near the site and not within a heritage conservation area.
6.1 Acid Sulfate Soils	Yes – Class 5 – See below discussion
6.2 Earthworks	N/A – No excavation or fill proposed.
6.3 Aircraft noise	N/A – Storage shed not sensitive to aircraft noise.
6.4 Airspace operations	Yes – The proposal does not penetrate the Limitations or Operations Surface of Sydney Airport.
6.6 Flood planning	Yes – The site is flood affected, see below discussion.
6.7 Stormwater	Yes – see below discussion.
6.8 Biodiversity protection	Yes – Works are near biodiversity area, see below discussion.
6.12 Essential services	Yes – The site has access to all essential services including water, electricity, sewerage, stormwater drainage, and road.

2.3 Permissibility and Zone objectives

The subject site is zoned SP2 Infrastructure – Depots pursuant to the RLEP 2011. The development is to be utilised for storage purposes associated with the existing 'depot' which is permitted with consent.

The proposal is considered to be consistent with the objectives of the SP2 zone as it provides additional storage space to assist the functioning of the depot.

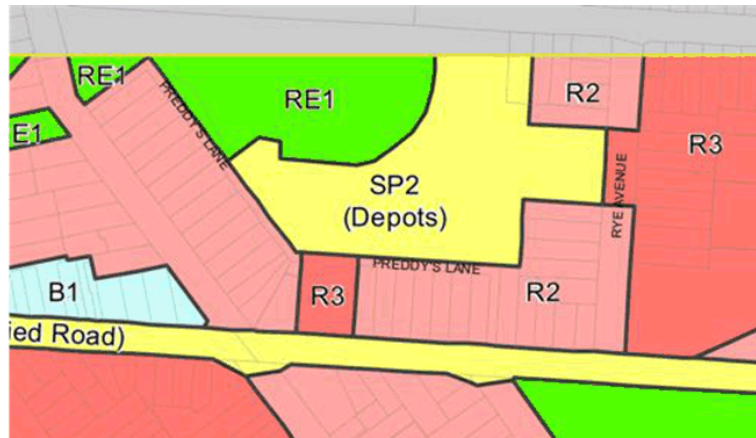


Figure 7. Zoning map extract
Source: NSW government legislation

6.1 Acid Sulfate Soils

The site is identified as Class 5 Acid Sulfate Soils and there are no higher classes within close proximity. The proposed shed is to be built on top of the existing asphalt surface and no soil will be disturbed. Accordingly, there is no need for Acid Sulfate Soils management.

6.6 Flood Planning

Council's Development Engineer reviewed the proposal in relation flooding and provided the following comments:

Original comment: *The subject site is affected by an overland flow path and high depth ponding flooding over the subject site, detailed in the flood assessment prepared for the site TRIM No: 14/24275 "Rockdale City Aquatic Centre, Hydrologic and Hydraulic Assessment (11 Mar 2014) by AECOM Australia Pty Ltd". This shed is proposed to be located in/close proximity to a severely flood affected section of the site. The proposal will need to be located away from flood affected areas however, there is insufficient details provided to confirm this currently. It appears the shed is located well above the significant ponding at the top of a hill however, the location may be near the overland flow path. Further info needed.*

Final comments: *UPDATE: New flood study indicates flood level to RL 35.69m AHD this level is to be relied upon. The shed generally appears to be located outside of the flood affected area, being located at higher RL on the site. Detailed design is to be conducted ensuring the shed is located above this level, to be conditioned.*

Accordingly, subject to the imposition of the recommended conditions, the proposal is considered to satisfy this clause.

6.7 Stormwater

Council's Development Engineer reviewed the proposal in relation stormwater management and provided the following comments:

There is no existing functional system on the site. A new stormwater system to be provided and designed as per engineering requirements at cc stage.

The stormwater pipe location is confirmed to be further west of the existing plant that is stored in this location. The shed will be located east of this plant and clear of the pipe.

Accordingly, subject to the imposition of the recommended conditions, the proposal is considered to satisfy this clause.

6.8 Biodiversity Protection

The works are proposed within the vicinity of land identified as 'biodiversity' and therefore the provisions of this clause have been taken into consideration. Following the site inspection and review of the biodiversity maps, the nearby biodiversity area was identified as the stand of bushland located approximately 30m north-west of the location of the proposed shed within the fenced off boundaries of the adjacent aquatic centre – see **Figure 8 and 9**. The proposed shed is sufficiently separated by a roadway and the boundary fencing which will ensure the works will not adversely affect the biodiversity area and as such this clause is considered to be satisfied.

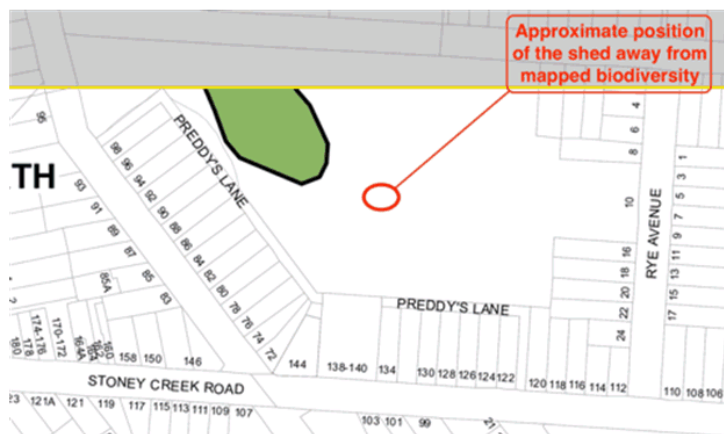


Figure 8. Terrestrial Biodiversity map extract showing the location of the proposed shed
Source: NSW legislation / Marked: Arnold Urban



Figure 9. Aerial image showing the location of the proposed shed separated from the biodiversity area
Source: NSW government SIX maps / Marked: Arnold Urban

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

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

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 has been assessed against the relevant provisions of the RDCP 2011 and a summary is provided below.

RDCP 2011 Provisions	Compliance
4.1 Site Planning	Yes – see discussion below
4.2 Streetscape and Site Context	Yes – see discussion below
4.3 Landscape Planning and Design	Yes – see discussion below
4.4 Sustainable Building Design	Yes – see discussion below
4.5 Social Equity – Equitable Access	Yes – see discussion below
4.6 Traffic and car Parking	Yes – see discussion below
4.7 Site facilities	Yes – see discussion below

RDCP 2011 Part 4 – General Principles for Development*Streetscape and Site Context*

Assessment: The proposed shed is located well into the rear of the Council depot and will not be visible from the street.

Landscape Planning and Design

Assessment: The proposed shed is located in an existing hard-stand area where there is no landscaping. The proposal may require some minor pruning of the adjacent trees, however these works are not approved in this application and a Tree Permit would be required – refer to Vegetation SEPP section for further discussion.

Sustainable Building Design

Assessment: The proposed shed will be constructed of metal cladding and will not utilise any mechanical heating or cooling systems.

Social Equity – Equitable Access

Assessment: The proposed shed is for storage purposes only and does not require equitable access arrangements.

Traffic and car parking

Assessment: The proposed shed is for storage purposes only which does not generate car parking demand.

Council's Development Engineer has reviewed the traffic implications of the proposal and raised no objection with the following comment:

The shed will not impact to the existing vehicular parking and access for the site. 6m will remain as the carriage way for council vehicles to continue to use the area adjacent to the proposed shed which will be sufficient. This area appears to be already in use by a significant amount of materials and so the provision of a shed in place of this excess materials will not have a significant impact.

Site Facilities

Assessment: The proposed shed will be an open space for the purposes of storage only.

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

The proposed development has been reviewed against the *Environmental Planning and Assessment Regulation 2000* (the Regulations) and there are no matters of relevance.

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

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

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

The site is considered suitable for the proposed storage shed as it will support the operations of the depot which is permissible in the zone, and is appropriately located for easy access adjacent to an access road and will not require the removal of any existing trees or vegetation.

S4.15C(1)(d) – Submissions

The application was notified in accordance with the RDCP 2011. No submissions were received.

S4.15C(1)(e) – Public Interest

The proposed development is considered to be in the public interest as it will support the operations of the Council Depot.

Conclusion

The proposal is for the construction of a metal storage shed within the Bayside Council Bexley Depot. The proposal is considered to be consistent with the key planning provisions contained within the RLEP 2011 and the RDCP 2011.

The development is to be utilised for storage purposes associated with the depot which is permitted with consent in the zone and is appropriately located for easy access adjacent to an access road and will not require the removal of any existing trees or vegetation.

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

Schedule 1 – Conditions of Consent**Address: 10 Rye Avenue, Bexley****DA No: 2018/325****SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

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

Plan	Author	Date Received by Council
Untitled set of plans showing the location of the proposed shed	Bayside Council	27/11/2018
Elevation plans	Total Span Steel Buildings	27/11/2018

Document	Author	Dated	Date Received by Council
Statement of Environmental Effects	Bayside Council – Kylie Gale	18/10/2018	27/11/2018

2. The location of the proposed shed is to be consistent with that shown on the various plans submitted to Council and approved in this consent. The shed is to be clear of the adjacent existing shed located to the east, the water tanks and drainage line to the west, the trees to the south, and the roadway to the north.
3. This Consent relates to land in Lot 102 in DP 1042328 and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

5. Building Materials Flood Resistant – Any internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
6. A flood management plan shall be prepared for the development. No part of the proposed shed structure is located below the 1% AEP flood level of RL 35.69m AHD.

Details indicating compliance with the above shall be provided to the satisfaction of the principal certifier prior to construction.

7. Sydney Water - Submit Council Approved Plans – 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 in TM online service is available at:

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

8. Submission of drainage details – Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to 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.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

9. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and

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

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

- 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.

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

11. Prior to the commencement of works, the applicant must inform Council, in writing, of:
 - a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work; or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
12. Where demolition is proposed, the following shall be provided to Council at least forty-eight (48) hours prior to the commencement of demolition:
 - a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.
13. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
14. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
15. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS49702009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected at least 1 metres from the trunks around each tree or group of trees which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted with the Tree Protection Zones at any time.
16. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
17. Soil & Sedimentation Controls in Place – 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.

18. 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.
19. 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.
20. The applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

CONDITIONS TO BE SATISFIED DURING WORKS

21. The trees located adjacent to the site shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
22. No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
23. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
24. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
25. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
26. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
27. During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
28. The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
29. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.

30. Road Reserve Permits – All contractors shall comply with the following during all stages of demolition and construction:
- a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - e) A 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.
31. Pollutants Not Washed Into Stormwater System – The following conditions are necessary to ensure minimal impacts during construction:
- a) 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.
 - b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 - d) 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.

- e) 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.
 - f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i) spraying water in dry windy weather;
 - ii) cover stockpiles;
 - iii) fabric fences;
 - g) 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.
 - h) 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.
 - i) 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.
32. 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.

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

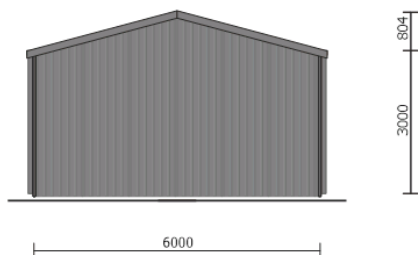
33. Council's Reserve Damaged During Construction – Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
34. Stormwater System Certified – New System – 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.

35. Storage of Materials Damaged by Flood – Materials which may be damaged by flood waters shall be stored, or able to be stored 500mm above the 1% Annual Exceedance Probability (AEP) Flood level.
36. Advisory Plaque of flooding – Prior to occupation, an advisory plaque shall be fixed to the side of the shed in such a way that it cannot be removed, containing the wording “The area may be subject to overland flows and flooding in heavy storms. Keep clear of the area when flows occur”. The owners shall preserve the plaque in good condition and keep it visible.



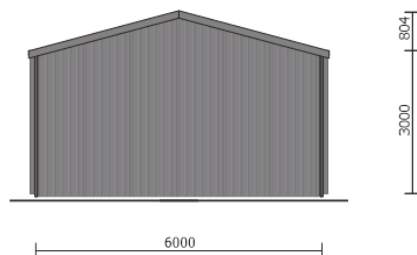






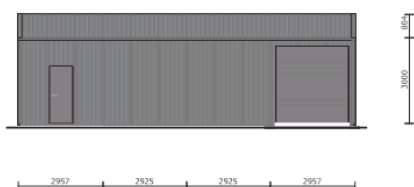
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* All Dimensions in mm. Colours shown are examples only. For exact colour samples see your local Totalspan AUS representative.



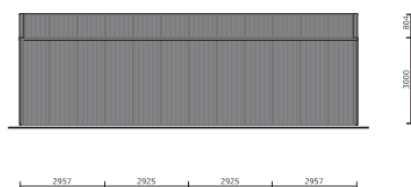
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Scale 1:200

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Portal Building
Project Number: 1963-19633931.1
DP Number:
18/10/2018
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Bayside Local Planning Panel

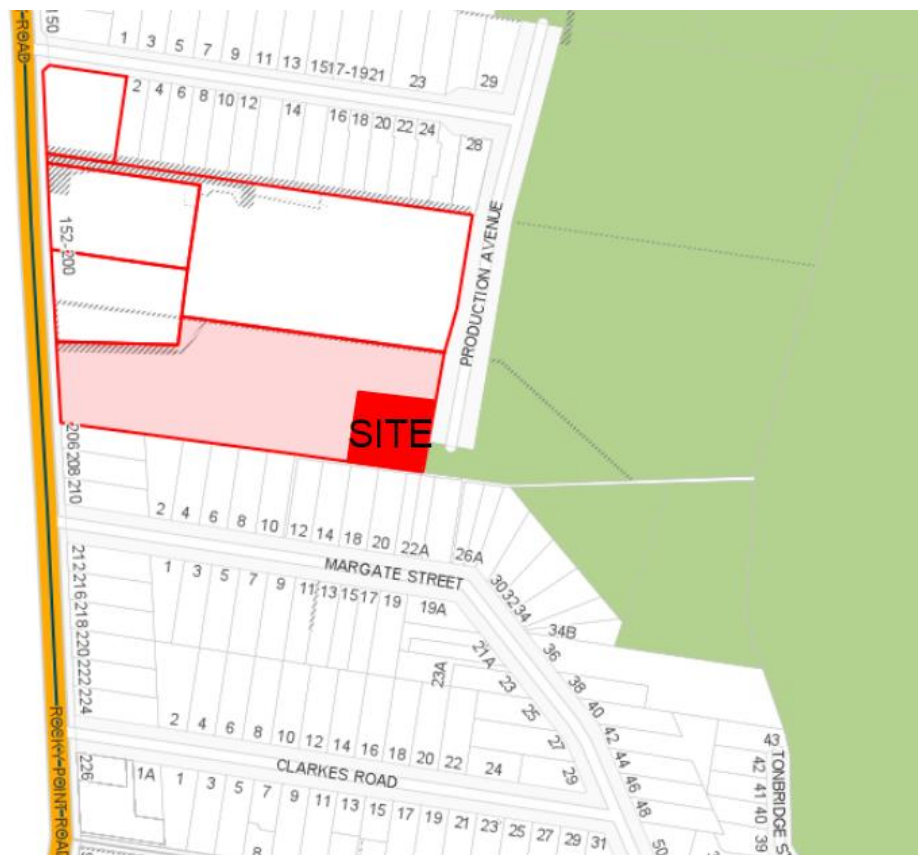
14/05/2019

Item No	6.2
Application Type	Development Application
Application No	DA-2018/222
Lodgement Date	30/08/2018
Property	152-200 & 206 Rocky Point Road, Kogarah
Ward	Bexley
Owner	Rocky Point Road Developments Pty Ltd
Applicant	Rocky Point Road Developments Pty Ltd C/O Ethos Urban Pty Ltd
Proposal	Stage 2 development application for the construction of a two (2) storey child care centre for 66 children, car parking, landscaping and signage
No. of Submissions	Two
Cost of Development	\$2,591,600.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Stage 2 development application DA-2018/222 for the construction of a two (2) storey child care centre for 66 children, car parking, landscaping and signage at 152-200 & 206 Rocky Point Road, Kogarah be **APPROVED** pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979.
 - 2 That the submitters be advised of the Bayside Local Planning Panel's decision.
-

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Draft Notice of Determination [↓](#)
- 3 Architectural Plans [↓](#)
- 4 Landscape Plans [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/222
Report Date:	18 April 2019
Lodgement Date:	Lodged: 30 August 2018 Amended Plans: 9 April 2019
Property:	152-200 & 206 Rocky Point Road, Kogarah South-east corner of Lot 22 in DP 620329
Owner:	JQZ Nine Pty Ltd
Applicant:	Rocky Point Road Development Pty Ltd C/O Ethos Urban Pty Ltd
Proposal:	Stage 2 development application for the construction of a two (2) storey child care centre for 66 children, car parking, landscaping and signage.
Submissions:	Two
Recommendation:	Approval
Author:	James Arnold – Principal at Arnold Urban

Key Issues

The key issues that arose during the assessment process, which have been satisfactorily resolved in the amended plans, were as follows:

- **Outdoor Play Spaces** – The proposal as originally submitted included a range of dense planting areas within the outdoor play spaces at the ground level and on the first floor balcony. These areas were considered 'encumbered' and not suitable to be included as part of the 'unencumbered' outdoor play area calculation and as such the proposal did not comply with the minimum 7m² per child. This issue was raised with the applicant and was satisfactorily resolved through a redesign of the landscaping scheme removing areas of dense plantings, replaced with sensory gardens.
- **Car parking** – The proposal as originally submitted provided nine car parking spaces which was a one space deficiency from the RDCP 2011 requirements for child care centres. Further, the car parking layout included three spaces at the end of the aisle and the proposed turning area was considered problematic. These issues have been resolved in the amended plans with a compliant 10 spaces provided in a single loaded aisle. The turning area has been removed and instead a car park full sign will be provided. The revised arrangements were found to be satisfactory by Council's Development Engineer.
- **Stage 1 consent** – The subject development application is a Stage 2 detailed proposal which was approved in concept under the Stage 1 development application no. DA-2017/244. Pursuant to S.4.24(2) of the Act, the subject application cannot be inconsistent

with the Stage 1 consent. The Stage 1 consent approved broad parameters for the child care centre including its location, land area, GFA, setbacks, storeys, and number of children. The proposal as amended has been reviewed against these requirements and is not inconsistent.

- **VPA Requirements** – A Planning Agreement dated 9 May 2016 (and subsequently varied on 1 March 2019) was entered into between the developer and Council. Among other requirements, the VPA stipulates that the developer is to construct a child care centre at the south-eastern corner of the site and subdivide the land for dedication of the centre to Council – the construction of the Child Care Centre is proposed under this application and the land subdivision and dedication was approved under the Stage 1 consent. Schedule 5 of the VPA provides a comprehensive set of detailed specifications for the Child Care Centre. As part of the amended proposal, the majority of key requirements of Schedule 5 have been shown on the plans and the more detailed construction related aspects will be required to be satisfied via condition.
- **Independent Assessment** – The development application is referred to the Bayside Local Planning Panel under the 'conflict of interest' criteria of the ministerial directions for Local Planning Panels – Council will be the future land owner of the child care centre site. Given the potential conflict, an independent planning consultant was engaged to assess the application and prepare this report.

Recommendation

1. That the Stage 2 development application DA-2018/222 for the construction of a two (2) storey child care centre for 66 children, car parking, landscaping and signage at 152-200 & 206 Rocky Point Road, Kogarah be **APPROVED** pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*.
2. That the submitters be advised of the Bayside Local Planning Panel's decision.

Background

- 2014 – Rezoning and VPA – The wider site was formerly zoned for industrial purposes and was occupied by Darrell Lea Chocolates. The site was the subject of a Planning Proposal in 2014 and was rezoned to both B6 Enterprise Corridor and R4 High Density Residential under *Rockdale Local Environmental Plan (RLEP) 2011*. As part of the Planning Proposal a Voluntary Planning Agreement (VPA) was entered into between the developer and Council. The VPA requires the developer to construct a child care centre at the south-eastern corner of the site and subdivide the land for dedication of the centre to Council. The specific requirements within the VPA relating to the child care centre have been considered in the assessment and are discussed under the S.4.15 assessment section of this report.
- 28 November 2017 – Stage 1 Consent – The Stage 1 consent DA-2017/244 was granted by the Sydney Eastern City Planning Panel. The consent covered the former Darrell Lea site and was for the construction of four (4) residential flat buildings comprising 513 units and twenty (20) townhouses; basement car parking; construction of a new access road connecting Rocky Point Road and Production Avenue, including the construction of a new signalised intersection at Rocky Point Road and road upgrade works to Production Avenue; landscaping works, including ground level landscaping for communal open space

and communal terraces to some rooftops of the residential flat buildings; land subdivision, land dedication and building envelope for a child care centre; retention of the existing commercial building at 168 Rocky Point Road; and tree removal and bulk earthworks.

The Stage 1 Consent approved the general parameters for a child care centre accommodating 65 children, on a 1,000m² area of land in the south-east corner of the site. The consent was only staged for the Child Care Centre component with all other works being approved for construction. The overall development was approved with an FSR variation at 2.03:1 (1.53% variation).

The Stage 1 application has been modified on four occasions, and two modification applications are currently under assessment. The proposal, as amended, is for construction of 513 residential units and 21 townhouses. A summary of each of the modification applications is provided below.

- DA-2017/224/A – This Section 4.55(1) Application is to correct minor errors with plan references, Section 94 Contributions and tree removal requirements. This application was approved on 20 April 2018.
 - DA-2017/224/B – Section 4.55(1A) Application to modify condition 19(a)(ii) to convert 3 bedroom units to 2 bedroom units on lower three levels in Building D rather than to 1 bedroom units. This application was approved by the Bayside Planning Panel on 11 September 2018.
 - DA-2017/224/C – Section 4.55(1A) Application to modify Condition 35 (b) to reduce the clearance height for the basement access ramp. This application was approved on 6 July 2018.
 - DA-2017/224/D – Section 4.55(1A) Application including provision of an additional townhouse to result in a total of twenty one (21) townhouses located along the southern side of the new road. This application was approved on 8 October 2018.
 - DA-2017/245 – Torrens Title Subdivision. This application was withdrawn on 29 October 2018.
 - DA-2017/224/E – Section 4.55(1A) Application to permit subdivision in two stages. This application is currently under assessment.
 - DA-2017/224/F – Section 4.55(1A) Application to modify Condition 19(h) regarding louvres along the western facades of Buildings B and D. This application is currently under assessment.
- 13 June 2018 – Pre-Development Application Meeting – A Pre-DA meeting was held and an advice letter issued by Council in relation to the subject child care centre. The key issues raised were the internal design and layout, quality of construction and materials selection.
 - 30 August 2018 – Development Application Lodgement – The subject DA-2018/222 was lodged with Council. The application was referred to various external agencies and internal Council officers.
 - 11 September 2018 to 3 October 2018 – Public Notification – The application was publicly notified and advertised in accordance with the Rockdale Development Control Plan (RDCP) 2011. In response, two submissions were received which raised objections to the proposal. These have been considered in the assessment as detailed in the submissions section of this report.
 - 30 October 2018 – Independent Assessor Engaged – Given Council would be the beneficiary and future owner of the child care centre, an independent planning consultant (James Arnold from Arnold Urban) was engaged to assess the application.

- 14 January 2019 – Request for Additional Information – Council's consultant assessment officer reviewed the application and raised the following key issues:
 - Outdoor play space – These areas were 'encumbered' with dense plantings around the edges and as such did not comply with the minimum 'unencumbered' outdoor area requirement of 7m² per child from the SEPP.
 - Overlooking – Windows were proposed on the western side at the first floor that would directly overlook the rear yards of the future terraces to the west.
 - Shade and solar access – Further information was requested to demonstrate compliance with the shade and solar access requirements of the SEPP / Design Guide. In particular, the requirement for at least 30% of the ground area to have year-round solar access was to be achieved.
 - Safety hazards – The balcony columns within the ground outdoor play space were obstructing some key areas.
 - Fencing details – Further information and fencing improvements were requested.
 - Other – Further details were requested on materials and finishes, hours of operation, mechanical ventilation, and the VPA Schedule 5 requirements.
 - Council's Community Services – Concerns raised relating to safety of bottle preparation area, insufficient nappy change tables, fire exits, heat on the balcony, access and security, and internal storage.
 - Development Engineer – Concerns raised relating to a shortfall in car parking by one space, swept paths in the car park, car park space widths, and stormwater management details.
 - Environmental Health Officer – Clarification sought on hours of operation and issues raised with the Acoustic Report which did not include noise logs/assessment at the most affected receivers in the dwellings to the rear.
 - Environmental Scientist – Issues raised that the contamination reporting submitted with the application did not include intrusive investigations of the portion of the site where the child care centre was proposed and that the incorrect exposure scenario was used. It was requested that a Stage 2 Detailed Site Assessment be submitted for the proposed child care centre use.
 - Landscape Officer – Insufficient deep soil area and insufficient natural turf.
 - Urban Designer – Issues raised with blank walls to the west and south, material and finishes, fence design, landscaping to the car park, and WSUD initiatives.
- 9 April 2019 – Amended Plans – These are the amended plans which are the subject of the assessment herein. The amended plans and associated documents satisfactorily resolved the issues raised in the RFI letter. The key amendments and additional information submitted were as follows:
 - Outdoor play space – Encumbered areas of dense planting replaced with sensory gardens to allow for children's play resulting in compliant outdoor play areas.
 - Overlooking – High level windows and angled hood windows provided at the first floor on the western elevation to prevent overlooking.
 - Shade and solar access – View from the sun solar perspectives and shadow analysis across the year provided that satisfactorily demonstrated that the outdoor play areas would receive sufficient solar access, consistent with the objectives of the Child Care SEPP.
 - Safety Hazards – The outdoor play areas were adjusted to ensure the balcony columns no longer obstructed movement zones.
 - Fencing details – Front fencing amended to angled metal slats and viewing holes in the masonry sections to allow for privacy and permeability. Fencing sections also provided.

- Other – Further information was provided regarding materials, hours, mechanical ventilation, and the VPA requirements.
- Community Services – Bottle prep area enclosed, additional nappy change provided at ground floor, fire exit gate provided to eastern fence, water fans provided for balcony cooling, access and security details provided on plans and internal storage increased at ground floor.
- Development Engineer – Additional car space provided and layout revised. Amended Stormwater Management Plans provided to the satisfaction of the engineer.
- EHO – Acoustic response to queries provided regarding hours, noise monitoring and assessment to the satisfaction of the EHO.
- Environmental Scientist – A new Detailed Site Investigation dated 22 March 2019 was submitted that found the site to be suitable for child care centre use.
- Landscape officer – Revised Landscape Plans submitted that included a compliant 20% of deep soil and plantings to the satisfaction of the Landscape officer.
- Urban Designer – Revised western elevation with added windows and visual interest and fencing design improved to the satisfaction of the Urban Designer.

Proposal

The proposal (as amended) is for the construction of a two (2) storey child care centre for 66 children, car parking, landscaping and signage at 152-200 & 206 Rocky Point Road, Kogarah.

Details of the proposal are as follows:

- Construction, fitout and use of a two storey child care centre;
- The ground floor contains an entrance lobby, reception, directors office, two play rooms, three cot rooms, and children's toilets;
- The first floor contains two play rooms, kitchen, staff facilities, children's toilets, and a multi-purpose room;
- The outdoor play areas comprise a naturally landscaped ground floor area in the eastern and northern setbacks and an artificially landscaped first floor balcony;
- An at-grade car park is proposed on the western side of the site. The car park contains a total of 10 car spaces comprising four visitor spaces (ie. parent spaces) and six staff spaces including one accessible space;
- A total of seven bicycle parking spaces are proposed with four on site and three in the public domain fronting the site;
- Signage zone 2.5m x 0.6m on the front elevation of the front boundary fence;
- A total of 66 child care place for children within the following age groups:
 - 0-2 years: 16 children
 - 2-3 years: 15 children
 - 3-4 years: 15 children
 - 4-5 years: 20 children
- A total of 11 staff comprising a director and 10 full time teaching staff. The centre will also be supported by a cook and cleaner as required; and,
- Hours of operation are 7:30am to 6:00pm Monday to Friday for 51 weeks per year.

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



Figure 1. Perspective of the north-western front corner of the child care centre from the new road (Source: PTW, 2019)



Figure 2. Perspective of the eastern side of the child care centre from Production Avenue (Source: PTW, 2019)

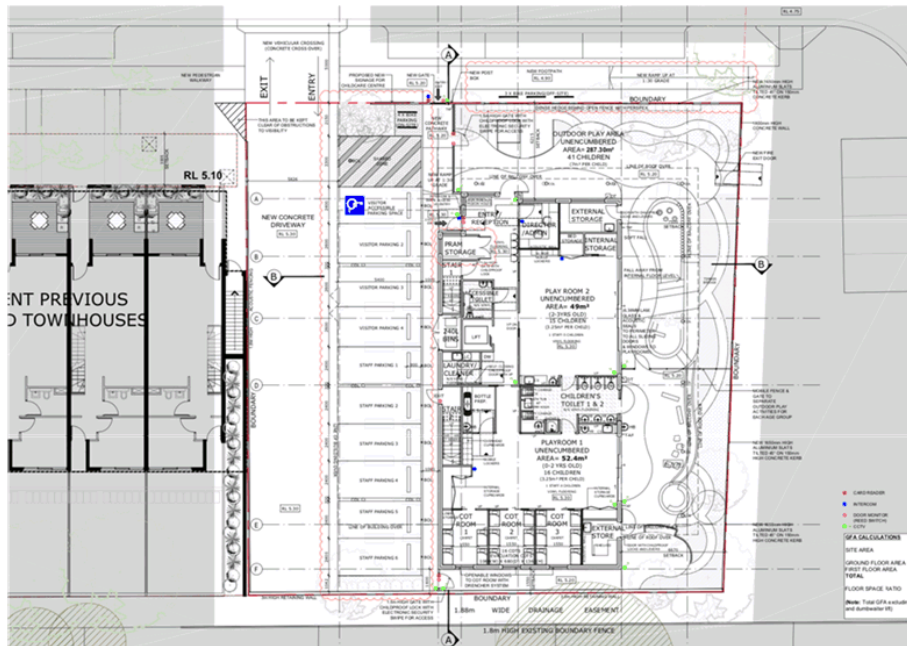


Figure 3. Ground Floor Plan (Source: PTW, 2019)

Site and Locality Description

The subject site is known as 152-200 & 206 Rocky Point Road, Kogarah, and comprises the south-eastern corner of one allotment legally described as Lot 22 in DP 620329. The site will be located on the southern side of a new road to be constructed as part of the Stage 1 consent which runs east-west from Rocky Point Road to Production Avenue. The site is square in shape with a 32m frontage to the new road, 31m length and an area of 1000m². The site is zoned R4 High Density Residential.

The site is currently vacant and is within the construction site for the ongoing stage 1 works. The site has been cleared of all vegetation and is generally flat with a rise at the rear to the dwellings along Margate Street which sit at a higher level. There are some small trees located to the east of the site and within the rear yards of the Margate Street properties to the south.

The adjoining properties are as follows:

- Western side – Future row of 21 x three storey terraces facing the new road;
- Eastern side – Production Lane (Incorrectly shown as Production Avenue on the plan below) to be renewed. Opposite Production Lane are Council sports fields / Scarborough Park.
- North, opposite side of new road – Directly opposite the site will be one of the four connected residential flat buildings as part of the Stage 1 consent. To the north-west of the site will be the communal open space for the residential development.

- South – There is a 1.88m wide strip of Council owned land (formerly used for drainage purposes) that adjoins the rear boundary of the site. Beyond the Council land are the rear of the dwelling house properties that front Margate Street.

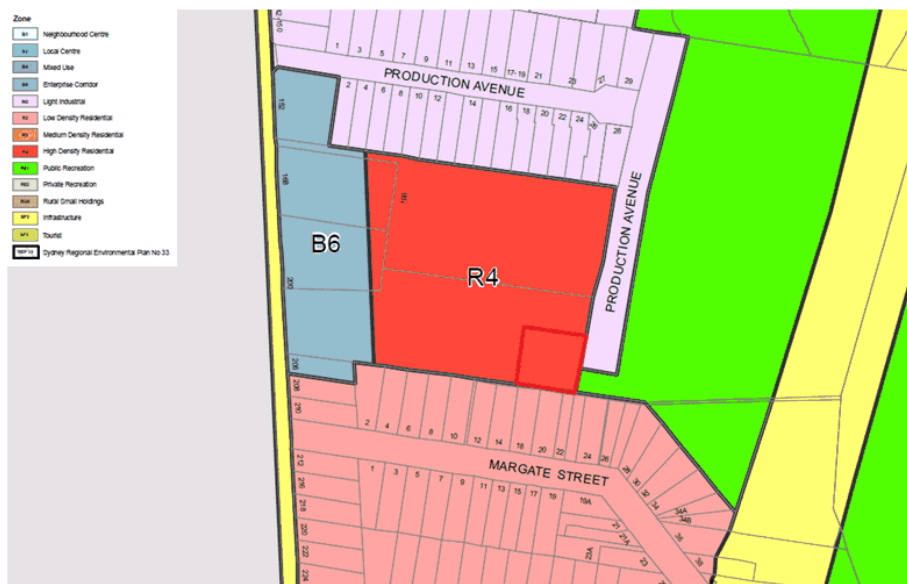


Figure 4. Extract of RLEP 2011 zoning map with the approximate position of the site outlined in red (Source: NSW Legislation / Marked: Arnold Urban, 2019)



Figure 5. Aerial image showing the overall development site outlined in orange and the site of the subject child care centre in red (Source: Six Maps / Marked: Arnold Urban, 2019)

Referrals

Internal

The development application was referred to Council's Development Engineer, Environmental Scientist, Landscape Officer, Environmental Health Officer, Urban Designer, Traffic Committee and Waste Officer. A number of referrals raised issues with the originally submitted proposal which are summarised under the background section of this report. The amended proposal was re-referred to those referral officers that raised issue and no objections were raised subject to conditions which have been imposed.

External

The development application was referred to the Roads and Maritime Services (RMS). RMS responded questioning the legislative requirement for the referral. Upon further review by Council's consultant assessment officer, it was deemed that an RMS referral was not required under the Child Care Centre SEPP and as such no further communications were had with RMS.

Statutory Considerations

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

Environmental Planning and Assessment Act 1979 – Part 4, Division 4.4 – Concept Development Applications

S.4.24 (2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

Assessment: The subject development application is a stage 2 detailed proposal for the construction of the child care centre which was approved in concept under the stage 1 development application no. DA-2017/244. Pursuant to S.4.24(2) of the Act, the subject application cannot be inconsistent with the stage 1 consent. The subject DA has been reviewed against the Stage 1 consent and is considered to be 'not inconsistent' with the stage 1 consent – comments are provided below.

Condition 1 contains the approved plans which show the child care centre location, land area, GFA and southern and eastern setbacks – a relevant extract of the plan is shown below. The proposal is considered to be 'not inconsistent' with these requirements being located in the south-eastern corner of the overall development site on a 1000m² parcel of land (to be subdivided).

The Stage 1 plans show an indicative southern and eastern setback of 3m. The proposal is setback a minimum of 6.5m to the east and 1.55m to the south. The reduced southern setback of 1.55m is only at the ground floor which is screened from the adjoining properties by a 3m rear boundary retaining wall. The first floor, which will be visible to the rear properties, has been setback 4.4m which is considered an appropriate setback and is 'not inconsistent' with the indicative setbacks.

In relation to GFA, the approved plans show 495m² and the amended proposal has a GFA of 500.9m². This slight variation is considered to be 'not inconsistent' with the indicative Stage 1 GFA and given that the overall development has reduced some residential GFA through modifications, the GFA for the overall development remains within the approved GFA. Therefore, there is no issue of any further variation to the FSR development standard. Refer to FSR discussion for further details.

Condition 4 specifies that the child care centre shall be of two storey construction, with a GFA and external play areas that will enable the centre to accommodate 65 children, and must accommodate all required car parking within the site. The proposed child care centre is consistent with these requirements being two storeys, has sufficient internal and external space for 66 children (one more than required), and has been amended to achieve compliance with on site car parking rates.

Condition 96(v) draws specific requirements from the terms of the VPA in relation to construction timing and subdivision/dedication requirements. These timing and subdivision requirements form part of the conditions of the Stage 1 consent.

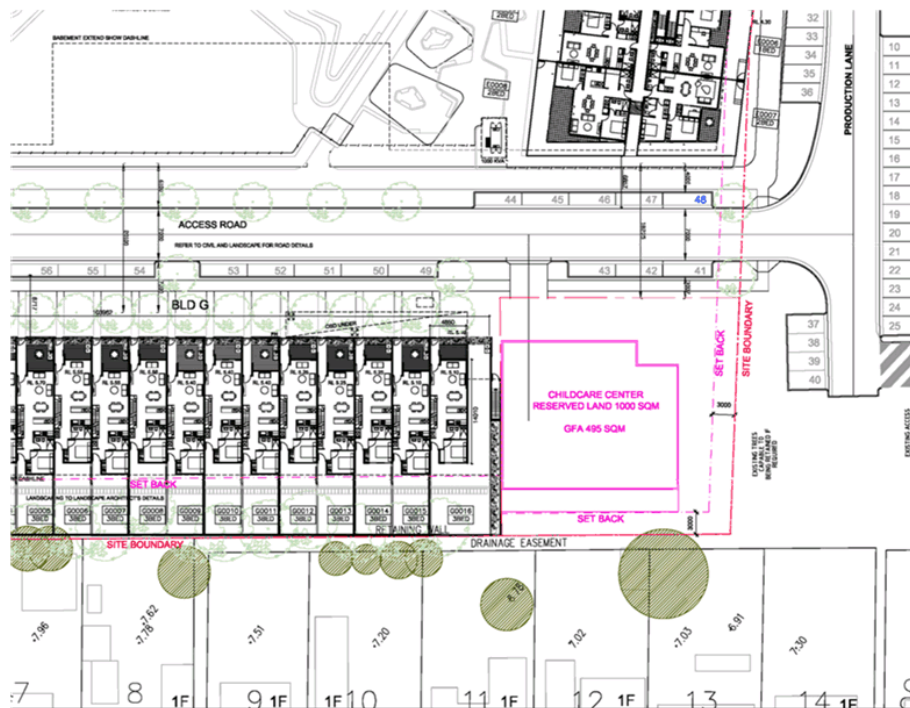


Figure 6. Stage 1 Ground Floor Plan Extract (Source: PTW)

S4.15(1) – Matters for Consideration – General**S4.15C(1)(a)(i) – Provisions of Environmental Planning Instruments****State Environmental Planning Policy No. 64 – Advertising and Signage**

The proposal includes a 2.5m x 0.6m signage space located on the front fence adjacent to the pedestrian entry. The Statement of Environmental Effects that accompanies the application states that details of the signage would be provided at the prior to Occupation Certificate stage of the development. Clause 8 of SEPP 64 stipulates that consent must not be granted for signage unless the signage is consistent with the objectives in clause 3 and satisfies the assessment criteria in schedule 1 which has been considered as discussed below.

The proposed signage is consistent with the objectives of the SEPP and the assessment criteria as it is of a size and scale that is in proportion to the front fence and the centre which will ensure it is compatible with the character of the area, and it is suitably located facing the new street and adjacent to the front pedestrian entrance. A condition has been imposed requiring the specific details of the signage to be submitted to and approved by Council prior to the issue of an Occupation Certificate.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 requires the consent authority to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application. The application as originally submitted included a Phase 2 Contamination Assessment that was associated with the Stage 1 DA-2017/244. Council's Environmental Scientist reviewed that report and raised objection as the health based investigation and screening levels used were for Residential B exposure scenario and not the A scenario required for Child Care Centres. Furthermore, the high groundwater levels and potential contaminants in the area of the site had not been assessed appropriately.

As part of the amended proposal, a Detail Site Investigation was submitted to Council prepared specifically for the child care centre site. Council's Environmental Scientist reviewed the report and raised no objection subject to conditions, making the following comments:

This assessment found that all soil and groundwater results were within the Site Assessment Criteria and do not pose a significant risk to sensitive receptors for the proposed child care centre. It concluded that the site is suitable for the proposed development and use as a childcare centre at grade. There is no remediation required. The groundwater level was noted at 2m bgl and will not be intercepted.

Given the above, the site is considered suitable in its present state for the proposed use and therefore the requirements of the SEPP have been satisfied.

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

The aim of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (herein referred to as the "Child Care SEPP"), is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The proposal is characterised as a 'centre-based child care centre facility' as it is for a building to be used for the education and care of children in a long day care format. The Child Care SEPP applies to the proposal and the relevant provisions have been taken into consideration in the table below.

Provision	Assessment of Proposal	Compliance
Part 3 – Early education and care facilities – specific development controls		
22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	This clause does not apply as the proposal complies with the indoor and outdoor space requirements as detailed below.	N/A
23 Centre-based child care facility—matters for consideration by consent authorities Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	The proposal has been assessed against the Guidelines and a compliance assessment is provided in the table below.	Yes
24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities	N/A – Subject site is not located on land zoned IN1 or IN2.	N/A
25 Centre-based child care facility—non-discretionary development standards (a) location —the development may be located at any distance from an existing or proposed early education and care facility, (b) indoor or outdoor space (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or	 Noted. The regulations require 3.25m ² of unencumbered indoor space per child and 7m ² of unencumbered outdoor space per child – the amended proposal has achieved these requirements. Required indoor area: 66 x 3.25 = 214.5m ² Proposed indoor space = 215.15m² Required outdoor area: 66 x 7 = 462m ² Proposed outdoor space = 462.3m² Note – The above calculations are as shown on the architectural plans which have been verified by the consultant assessment officer.	- Yes

Provision	Assessment of Proposal	Compliance
(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2011</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	N/A – The development complies with indoor space and useable outdoor space requirements as above.	N/A
(c) site area and site dimensions —the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Noted.	-
(d) colour of building materials or shade structures —the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Noted.	-
(3) To remove doubt, this clause does not prevent a consent authority from:	Noted.	-
(a) refusing a development application in relation to a matter not specified in subclause (2), or		
(b) granting development consent even though any standard specified in subclause (2) is not complied with.		
26 Centre-based child care facility—development control plans		
(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:	Noted – The RDCP 2011 Part 6.1 provides controls for Child Care Centres including requirements relating to children ages, ratios, location, hours etc. which in accordance with this clause do not apply. Further, there are provisions relating a range of areas such as building design and space requirements which are covered by the Guidelines and therefore do not apply.	-
(a) operational or management plans or arrangements (including hours of operation),	Given the above, the controls from the RDCP 2011 that do not apply have not been considered in this assessment report.	
(b) demonstrated need or demand for child care services,		
(c) proximity of facility to other early education and care facilities,		
(d) any matter relating to development for the purpose of a centre-based child care facility contained in:		

Provision	Assessment of Proposal	Compliance
(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). (2) This clause applies regardless of when the development control plan was made.		

Child Care Planning Guideline

In accordance with Clause 23 of the Child Care SEPP, a matter for consideration in the assessment of the proposed 'centre-based child care centre facility' is the *Child Care Planning Guideline* ("the Guidelines"). The Guidelines establish the assessment framework to deliver consistent planning outcomes and design quality for child care centres in NSW. The SEPP generally provides that a Development Control Plan seeking to regulate development for a child care centre will not apply, except for controls relating to building height, rear and side setbacks and car parking rates.

Part 2 – Design Quality Principles

Principle 1 – Context

Assessment: The site is at the south-eastern corner of the stage 1 development site and is surrounded by public green space to the east, existing low density residential areas to the south, future medium density terrace development to the west and higher density future residential flat buildings to the north. The proposed child care centre is sensitive to this context providing a two storey built form which is consistent with the scale of the future terraces adjoining and will sit within a landscaped curtilage providing a contribution to greening of the future streetscape.

Principle 2 – Built form

Assessment: The proposed built form of two storeys is consistent with the existing and future surrounding built form and generous setbacks are proposed on all sides to assist with buffering the development from those adjoining residences.

Principle 3 – Adaptive learning spaces

Assessment: The proposed learning spaces achieve compliance with the indoor and outdoor space requirements and provide a variety of age appropriate facilities.

Principle 4 – Sustainability

Assessment: The centre will naturally cross ventilate with large openings on all sides and achieves good levels of direct sunlight throughout the year. The internal play spaces are protected from harsh summer sun through the wrap around balcony. The amended proposal has incorporated water mist fans on the balcony to assist with heat regulation.

Principle 5 – Landscape

Assessment: The amended proposal has incorporated landscaping throughout the development to ensure the development is softened and screened and natural shading is provided to the outdoor play spaces.

Principle 6 – Amenity

Assessment: The proposal achieves good levels of amenity through natural cross ventilation in key internal spaces and will receive direct sunlight year-round. An appropriate balance between privacy and outlook has also been provided through semi-permeable fencing and orienting the play spaces to the surrounding streets.

Principle 7 – Safety

Assessment: The proposal is considered to provide for safety through 1.8m fencing and non-climbable balustrades. There are clear sightlines available throughout the play spaces and minimal concealed areas. Vision panels have been provided throughout the centre so that staff will have good levels of surveillance, and the Directors office has been relocated adjacent to the main entry. The amended proposal rearranged the outdoor play space to ensure that the balcony columns were not obstructing and creating a safety hazard within the key play spaces, and the applicant proposes to include a swipe security system for access control.

Provision	Assessment of Proposal	Compliance
Part 3 Matters for Consideration		
3.1 Site selection and location	The site location was approved under the Stage 1 consent. The location is considered appropriate being adjacent to public open space, minimising direct conflict with residential areas.	Yes
3.2 Local character, streetscape and the public domain interface	The proposed building is consistent with the future streetscape being of two storeys and aligning with the datum lines of the adjoining future townhouses. The development contributes to the streetscape with a setback aligned with the adjoining townhouses and landscaping. The front fence is proposed at 1.8m aluminium slats with concrete pillars. This fencing is sufficiently open to activate the streetscape whilst providing privacy for the children.	Yes
3.3 Building orientation, envelope and design Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade. Objective: To ensure that the scale of the child care facility is compatible with	The proposal is oriented to the north and east allowing for good levels of solar access and presentation to the primary and secondary streets. The building design is defensive to the adjoining dwellings to the west and south to minimise privacy and noise impacts on those properties.	Yes
	The proposal is within the height and FSR limits and is of a similar scale and proportion to the approved townhouses	Yes

Provision	Assessment of Proposal	Compliance
adjoining development and the impact on adjoining buildings is minimised.	to the west and dwellings to the south. Sufficient setbacks are proposed on all sides that will assist with minimising impacts on the adjoining dwellings.	Yes
C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The proposed front setback is a minimum of 6.215m to the building and 4.434m for the first floor balcony. The 6.2m building setback aligns with the approved townhouses to the west. The wrap around balcony element protruding slightly forward of the street setback is considered appropriate as the building is separated from the row of townhouses, the site is at a corner, and it will assist distinguishing the child care centre in this residential street.	
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The proposal is in a residential zone. The western side setback at 12m to the ground and 5.96m to the first floor is well in excess of dwelling house provisions. The eastern side / secondary street setback at 6.67m to the building and 2.5m to the verandah is consistent with the future Stage 1 building setbacks along Production Avenue. The rear setback at 1.55m to the ground floor and 4.467m to the first floor is 'not inconsistent' with the indicative 3m setback approved under the Stage 1 Consent. The proposed varied setback is considered a better planning outcome than a flush 3m setback given the ground floor will be screened from the rear neighbours by the 3m high rear boundary retaining wall and the increased first floor setback provides greater separation for the Margate Street residences.	Yes
3.4 Landscaping Objective: To provide landscape design that contributes to the streetscape and amenity.	The proposal includes landscaping throughout the street setbacks which are also the outdoor play spaces. The amended proposal has incorporated natural turf within all areas not covered by the balcony and includes tree plantings interspersed across the frontages. Additional plantings are also provided in the car parking area.	Yes
3.5 Visual and acoustic privacy Objective: To protect the privacy and security of children attending the facility.	Privacy is achieved with the provision of a 1.8m front fence which screens the outdoor play areas and the ground floor from the street. A balance of privacy and streetscape activation is achieved with the majority of the fence being 45 degree angled slats allowing for some visual	Yes

Provision	Assessment of Proposal	Compliance
Objective: To minimise impacts on privacy of adjoining properties.	<p>permeability. There are no adjoining properties that are near the site that would be able to overlook into the centre.</p> <p>The centre is designed to open out to the street frontages and minimise openings to the dwellings to the west and south. The amended proposal has incorporated only high level windows or angled hood style windows to the western and southern elevations which will ensure there will be no overlooking of adjoining residences. Further, the southern roof to the ground floor (which has an access door to the first floor play area) will be used for maintenance purposes only to ensure no overlooking to the southern neighbours – a condition has been imposed to this effect.</p>	Yes
<p>C23 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>There is a 3m high retaining wall along the rear boundary which will act as an acoustic fence. Further, there is a 1.88m drainage line that separates the site from the properties at the rear which will assist with noise mitigation.</p> <p>Along the western side boundary a 1.8m high acoustic fence is proposed.</p>	Yes
<p>C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>The Acoustic Report demonstrates that the proposal will comply with the relevant noise criteria to adjoining properties. Council's Environmental Health Officer originally raised objection to the acoustic report due to issues with noise monitor locations, however in response to the additional information that was provided as part of the amended proposal, now raises no objections, subject to conditions.</p>	Yes
<p>3.6 Noise and air pollution</p> <p>C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child</p>	<p>The site is not affected by any major external noise sources and the Acoustic Report demonstrates that the proposal will comply with the relevant internal noise criteria.</p>	Yes

Provision	Assessment of Proposal	Compliance
<p>care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. <p>C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p>	<p>The site is not within close proximity to any heavy industrial areas and an Air Quality Report was submitted that demonstrates the proposal can meet the relevant air quality standards.</p>	Yes
<p>3.7 Hours of operation</p> <p>C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>Proposed hours are 7.30am-6.00pm weekdays.</p> <p>N/A – not a mixed use area.</p>	<p>Yes</p> <p>N/A</p>
<p>3.8 Traffic, parking and pedestrian circulation</p> <p>C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p>	<p>The RDCP specifies the following rates for child care centres:</p> <p>1 space / 20 children</p> <p>1 space / 2 staff (full or part time) - Requirement:</p> <p>66 Children – 3.3 spaces rounded up to 4 spaces</p> <p>11 staff – 5.5 spaces rounded up to 6 spaces</p> <p>Total required – 10 spaces</p> <p>Proposed: 10 spaces (4 pick up/drop off and 6 staff)</p>	Yes

Provision	Assessment of Proposal	Compliance
<p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. <p>C32 In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p> <p>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.</p> <p>C34 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p>	<p>N/A – The RDCP specifies car parking rates.</p> <p>N/A – not commercial or industrial zone.</p> <p>A Traffic and Parking Report was submitted which supports the proposed car parking numbers and traffic impacts. Council's Traffic Engineer has reviewed the amended proposal and raised no objections.</p> <p>There is no issue with the proposed access which is to a low volume future road and near a corner where speeds will be low. Council's Traffic Engineer has raised no objection to the amended proposal.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

Provision	Assessment of Proposal	Compliance
<ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. <p>C35 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	N/A – The site is not adjacent to a cul-de-sac or narrow road.	N/A
Part 4 – Applying the National Regulations to development proposals		
<p>4.1 Indoor space requirements</p> <p>Minimum 3.25m² of unencumbered indoor space per child</p>	<p>Required indoor space: 66 children x 3.25m² = 214.5m²</p> <p>Proposed indoor space = 215.15m²</p> <p>Note – The indoor space calculations are based on the figures shown on the architectural plans which have been verified as correct by the consultant assessment officer. The calculation has appropriately excluded areas such as toilets, nappy change, storage, and other spaces not suitable for children.</p>	Yes
4.2 Laundry and hygiene facilities	A laundry is proposed on the ground floor which includes a large sink, bench space, space for a washer and dryer, and a laundry chute from the first floor.	Yes
4.3 Toilet and hygiene facilities	Toilets and washing facilities are provided for the children adjacent to the indoor play areas at the ground and first floor with internal and external access. The facilities are age appropriate and incorporate privacy partitions and visual panels for staff.	Yes
4.4 Ventilation and natural light	The centre is considered to have good levels of natural ventilation and light incorporating eastern facing glass sliding doors across the full length of the internal play areas and having openings on all sides to facilitate cross ventilation. 2.7m ceiling heights are proposed which are considered sufficient for adequate light penetration and a sense of space.	Yes
4.5 Administrative space	The proposal includes a range of administrative spaces including an entry reception with waiting area and adjacent directors office on the ground floor and a consultation room on the first floor. These rooms have been provided in accordance with the requirements of the VPA and are of appropriate size and location.	Yes

Provision	Assessment of Proposal	Compliance
4.6 Nappy change facilities	The amended proposal has provided an additional nappy change bench for a total of three – two are located in the ground floor toilet and one on the first floor toilet. The benches appropriately positioned adjacent to a benchtop bath tub, hand cleansing facilities and storage. Vision panels are provided adjacent to allow for continued staff supervision of the indoor play areas.	Yes
4.7 Premises designed to facilitate supervision	The centre has been designed to facilitate supervision utilising the following methods: <ul style="list-style-type: none"> • Directors office relocated to be adjacent to the main entry; • Clear open indoor play spaces with minimal hidden corners; • Glazing across the side elevations to enable views throughout the outdoor play space; • Viewing panels provided throughout the children areas to allow staff to maintain supervision when undertaking tasks such as toilet supervision, nappy change or administration; and, • Toilets cubicles avoided to ensure supervision, with partitions to maintain dignity. 	Yes
4.8 Emergency and evacuation procedures	The submitted amended Plan of Management indicates that an Emergency Evacuation Plan will be prepared by a certified fire engineer. This will be required to be provided to the regulatory body as part of the registration process. The centre has multiple egress points including two stairs from the first floor and two egress points from each of the indoor play areas. The two street frontages and adjacent public reserve provides ample areas for evacuation assembly. The amended proposal has also provided an additional fire egress gate on the eastern side leading directly to the adjacent public open space.	Yes
4.9 Outdoor space requirements Minimum 7m ² of unencumbered outdoor space per child Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play.	Required outdoor space: 66 children x 7m ² = 462m ² Proposed outdoor space = 462.3m² Note – The outdoor space calculations are based on the figures shown on the architectural plans which have been verified as correct by the consultant assessment officer. The originally submitted proposal included dense boundary plantings which were	Yes

Provision	Assessment of Proposal	Compliance
	considered to be encumbered and therefore not part of the area calculations. This issue was raised with the applicant and the amended proposal has resolved the issue by revising the landscaping scheme by replacing dense plantings with less dense, sensory gardens that children can utilise.	
4.10 Natural environment Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants.	The amended outdoor spaces incorporate a variety of spaces and experiences for children including natural seating, open turfed areas, sensory gardens, sand pits, and a bicycle track. The plant species have been reviewed by Council's Landscape Officer and no objections were raised.	Yes
4.11 Shade Solar access Outdoor play areas should: <ul style="list-style-type: none"> • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. 	<u>Solar Access to the proposed Child Care Centre</u> As part of the amended DA package, a comprehensive solar access analysis was prepared including shadow diagrams and 'view from the sun' solar perspectives at various times of the year. Whilst the control does not specify the times during the day between which the 30% solar access requirement is to be achieved, it is considered that the outdoor play areas will be most utilised between 9am and 3pm and therefore this time frame has been used in the assessment. The worst case shadow diagrams at June 21 show that 30% solar access is achieved to the outdoor areas at 9-12pm, then at 2-3pm for a total of 4 hours. Between the hours of 12-2pm, 25-29% is achieved. To demonstrate that this minor variation is limited to a short portion of the year, shadow diagrams were provided at May 25 and July 18 where 30% is achieved throughout 9am to 3pm. Accordingly, for the remaining 10 months of the year the 30% requirement will be exceeded. Overall, the proposed eastern and northern orientation of the outdoor play spaces optimises solar access as far as practical on this site and therefore compliance with the 30% requirement for 10 months of the year is considered adequate.	Yes – on merit

Provision	Assessment of Proposal	Compliance
<p>Natural shade</p> <p>Built shade structures</p>	<p><u>Solar Access to surrounding properties</u></p> <p>The proposed modest two storey built form with generous setbacks to the western and southern existing and future dwellings will ensure there will be little or no overshadowing of those properties. The 'view from sun' diagrams submitted as part of the amended DA package demonstrate that overshadowing of adjoining properties will be negligible on June 21.</p> <p>Trees are proposed to be planted around the boundaries of the site including at the edges of the outdoor play space and within the car parking area. The trees have mature heights of 5-10m which is considered appropriate for the scale of the development and will provide for natural shade. Council's Landscape Officer has reviewed the amended landscape scheme and raised no objections.</p>	<p>Yes</p>
	<p>The built shade is provided in the form of the first floor balcony which extends well over the ground floor play space and the roof over the balcony. The supporting balcony columns were previously a safety hazard and obstruction to some key movement areas of the ground floor play space. This issue has been resolved in the amended plans through a redesign of the play areas to ensure the columns no longer are obstructing key areas.</p>	<p>Yes</p>
	<p>4.12 Fencing</p> <p>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure. <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. 	<p>The proposed fencing to the outdoor play space at the ground level is 1.8m angled metal slats and concrete pillars. The angled slats provide an appropriate balance between privacy and permeability to ensure there is not a sense of enclosure.</p> <p>The fencing on the first floor balcony play space is 1.6m glass balustrades. These will allow for a sense of space, whilst the proposed plantings behind the balustrade will provide some privacy.</p> <p>Yes</p>
4.13 Soil assessment	<p>Appropriate soil assessments have been conducted and the site is considered</p>	<p>Yes</p>

Provision	Assessment of Proposal	Compliance
	suitable for the child care centre use. Refer to SEPP 55 assessment above.	

Rockdale Local Environmental Plan 2011

An assessment of the proposal against the relevant clauses of the RLEP 2011 is provided in the table below.

RLEP 2011 Clauses	Compliance
2.3 Zoning – R4 High Density Residential	Yes – See below discussion
4.3 Height of buildings	Yes – See below discussion
4.4 Floor space ratio	Yes – See below discussion
5.10 Heritage conservation	N/A – No heritage items on or near the site and not within a heritage conservation area.
6.1 Acid Sulfate Soils	Yes – See below discussion
6.2 Earthworks	Yes – No significant excavation or fill proposed.
6.3 Aircraft noise	N/A – The site is not affected by ANEF contour of 20 or greater.
6.4 Airspace operations	Yes – The proposal does not penetrate the Limitations or Operations Surface of Sydney Airport.
6.7 Stormwater	Yes – see below discussion.
6.12 Essential services	Yes – The site has access to all essential services including water, electricity, sewerage, stormwater drainage, and road.

2.3 Permissibility and Zone objectives

The subject site is zoned R4 High Density Residential pursuant to the RLEP 2011. The development is characterised as a 'centre-based child care facility' as it is for a building used for the education and care of children in a long day care format which is permitted with consent in the R4 zone.

The proposal is considered to be consistent with the objectives of the R4 zone as it will not impede the provision of high density housing and provides a necessary service to meet the day to day needs of residents.

4.3 Height of buildings

Clause 4.3 provides a maximum height of buildings on the subject site of 17.5 metres. Further, Clause 4.3A provides that a building may exceed the height limit provided it does not exceed the building height plane.

The maximum height of the building has been calculated at 6.45m (Parapet RL11.65 – EGL RL5.20) which complies with the 17.5m height limit and does not exceed the building height plane as demonstrated on the plans.

4.4 Floor space ratio

Clause 4.4 provides for a maximum floor space ratio of 2:1.

The proposal forms part of the staged development of the site – being a Stage 2 detailed application. The Stage 1 consent was approved with an FSR of 2.04:1 and GFA of 45,591m². This approved GFA included approximately 495m² of GFA for the child care centre.

Since the original approval, a condition of consent and two modifications have resulted in a net reduction of GFA to 45,547m² including the conceptual 495m² of GFA for the child care centre.

The proposal has a GFA of 500.9m² as stipulated on the architectural plans and verified by the consultant assessment officer. This is a 5.9m² increase in GFA to the conceptual GFA of 495m², however due to the net reductions that have occurred to the GFA of the Stage 1 development, it results in a total GFA of 45,552.9m² which is within the original approved clause 4.6 FSR variation.

6.1 Acid Sulfate Soils

The site is identified as Class 5 Acid Sulfate Soils and there is Class 2 and 3 land immediately to the east of the site within the public open space areas.

The Stage 1 consent included an Acid Sulfate Soils Management Plan (prepared by Coffey, dated 26 May 2015) for the overall site which includes the site of the proposed child care centre. The plan provides the approach and methodology for management of any encountered Acid Sulfate Soils and satisfies the requirements of this clause.

6.7 Stormwater

Stormwater plans prepared by C & M Consulting Engineers was submitted with the application. The amended stormwater plans have been reviewed by Council's Development Engineer who raised no objection.

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

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

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

The following development control plan is relevant to this application:

Rockdale Development Control Plan 2011

The proposal has been assessed against the relevant provisions of the RDCP 2011 and a summary is provided below.

RDCP 2011 Provisions	Compliance
4.1 Site Planning	Yes – see discussion below
4.2 Streetscape and Site Context	Yes – see discussion below
4.3 Landscape Planning and Design	Yes – see discussion below
4.4 Sustainable Building Design	Yes – see discussion below

4.5 Social Equity – Equitable Access	Yes – see discussion below
4.6 Car Parking	Yes – see discussion below
4.7 Site facilities	Yes – see discussion below
6.1 Child Care Centres	Yes – see discussion below.

RDCP 2011 Part 4 – General Principles for Development

Streetscape and Site Context

Assessment: The site is at the south-eastern corner of the stage 1 development site and is surrounded by public green space to the east, existing low density residential areas to the south, future medium density terrace development to the west and higher density future residential flat buildings to the north. The proposed child care centre is sensitive to this context providing a two storey built form which is consistent with the scale of the future terraces to the west and will sit within a landscaped curtilage providing a contribution to greening of the future streetscape.

Landscape Planning and Design

Assessment: The amended proposal has incorporated landscaping throughout the development including within the car parking area to ensure the development is softened and screened and natural shading is provided to the outdoor play spaces.

There are no existing trees located on the site, however it is noted that there are some small trees located to the east and to the south within the rear yards of the Margate Street properties. These trees are sufficiently separated from the proposed building and any excavation to ensure there will be no damage.

Sustainable Building Design

Assessment: The centre will naturally cross ventilate with large openings on all sides and achieves good levels of direct sunlight throughout the year. The internal play spaces are protected from harsh summer sun through the wrap around balcony. The amended proposal has incorporated water mist fans on the balcony to assist with heat regulation.

Social Equity – Equitable Access

Assessment: An Access Report was submitted with the application that indicates that the proposal has been designed and will be constructed to comply with the relevant access requirements of the Disability Discrimination Act and the Building Code of Australia.

Car parking

Assessment: The proposal has been amended to provide a total of 10 car spaces (four visitor and six staff) to achieve compliance with the applicable rates from the RDCP 2011. Refer to Child Care Centre Guidelines table for detailed calculations.

Site Facilities

Assessment: The proposal includes all necessary child care centre facilities as required under the VPA and the relevant legislation.

RDCP 2011 Part 6.1 – Child Care Centres

Part 6.1 of the RDCP 2011 provides controls for Child Care Centres. The controls relate to children ages, ratios, locations, building design, privacy, space requirements, parking, and hours of operation. In accordance with clause 26 of the Child Care SEPP and the provisions of the Guidelines, these provisions do not apply. The only provisions which remain applicable are controls relating to building height, rear and side setbacks and car parking rates. As discussed under the RLEP assessment, the building height complies with the overall height limit and the building height plane; the rear setback at 1.55m at the ground floor and 4.467m at the first floor is appropriate and 'not inconsistent' with the indicative 3m under the Stage 1 consent; the side setback to the townhouses at 12m to the ground and 5.8m to the first floor is well in excess of dwelling house provisions; and the proposed 10 car parking spaces complies with the RDCP requirement. Accordingly, the proposal satisfies the relevant provisions of Part 6.1.

S4.15(1)(a)(iia) – Planning Agreements

Section 4.15 of the Act requires a consent authority to take into consideration in the assessment of a development application any matters of relevance in a planning agreement. A Planning Agreement dated 9 May 2016 (and subsequently varied on 1 March 2019) was entered into between the developer and Council. The VPA stipulates that the developer is to construct a child care centre at the south-eastern corner of the site and subdivide the land for dedication of the centre to Council – the construction of the Child Care Centre is proposed under this application and the land subdivision and dedication was approved under the Stage 1 consent.

Schedule 5 of the VPA provides a comprehensive set of detailed specifications for the Child Care Centre. Some of the key requirements are the provisions of a lobby, managers office, consultation room, staff room, staff facilities, kitchen and storage. The remainder of the requirements relate to details of the fit-out, some of which are not able to be shown on DA level plans. The originally submitted plans were reviewed against Schedule 5 and it was found that there were some areas that did not achieve the requirements, such as the lack of provision of a separate consultation room and pram storage at the entrance. As part of the amended proposal, these issues were resolved and all required specifications provided. In addition, the applicant prepared a compliance table of the amended proposal against Schedule 5. A condition has been imposed that requires all matters of Schedule 5 to be achieved to Council's satisfaction prior to the issue of a Construction Certificate.

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

The proposed development has been reviewed against the *Environmental Planning and Assessment Regulation 2000* (the Regulations) and there are no matters of relevance.

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

The likely impacts of the development have been considered throughout the preceding assessment against the relevant Environmental Planning Instruments and Development Control Plans. No significant adverse impacts have been identified. Potential impacts during construction will be mitigated and managed through standard conditions of consent and relevant standards. The development will provide child care services to meet the needs of this future residential community and the design of the centre is considered to be high-quality and consistent with Council's requirements.

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

The site is considered suitable for the proposed child care centre as it is a permissible use in the zone, it is located at a corner allowing the design to open out to the streets and adjoining park areas and minimise impacts on adjacent residences, and there are no site constraints such as contamination that would make the site unsuitable for the use.

S4.15C(1)(d) – Submissions

The application was publicly notified in accordance with the RDCP 2011. In response, two submissions were received, which contained objections to the proposal. It is noted that amended plans were submitted which are the subject of this assessment. These plans were not re-notified as the amendments were assessed as being minor and would not result in any change to impacts on adjoining properties.

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

Issue 1: Adverse traffic impact on Rocky Point Road

Comment: The proposed child care centre was approved in concept under the Stage 1 consent and therefore the additional traffic generation caused by the centre on the surrounding road network has already been deemed satisfactory by the consent authority.

S4.15C(1)(e) – Public Interest

The proposed development is considered to be in the public interest as it will provide a service to meet the needs of the local community in a suitable location.

Conclusion

The proposal is a Stage 2 detailed proposal for the construction of a two storey child care centre for 66 children, car parking, landscaping and signage. The proposal is considered to be consistent with the key planning provisions contained within the Child Care SEPP, the Child Care Guidelines, RLEP 2011 and the RDCP 2011.

The development is characterised as a 'centre-based child care facility' which is permissible in the zone and consistent with the objectives as it will not impede the provision of high density housing and provides a necessary service to meet the day to day needs of residents. The design appropriately opens out to the street and parklands to the east, whilst minimising impacts on the future townhouses to the west and the existing residences to the south.

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

Attachment**Schedule 1 – Draft Conditions of Consent****Premises: 152-200 & 206 Rocky Point Road, Kogarah****DA No: 2018/222****DRAFT SCHEDULE OF CONSENT CONDITIONS****General Conditions**

1. The term of this consent is limited to a period of five (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development is to be carried in accordance with the following plans listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan	Reference	Author	Dated
Cover Sheet	DA-000 / Revision 3	PTW	09/04/19
Location & Site Plan	DA-001 / Revision 1	PTW	29/08/18
Site Analysis Plan	DA-002 / Revision 1	PTW	29/08/18
Ground Floor Plan	DA-003 / Revision 3	PTW	09/04/19
Level 1 Floor Plan	DA-004 / Revision 3	PTW	09/04/19
Roof Plan	DA-005 / Revision 3	PTW	09/04/19
Proposed Elevations	DA-006 / Revision 4	PTW	09/04/19
Proposed Streetscape Elevation View	DA-007 / Revision 3	PTW	09/04/19
Proposed Finishes & Materials Schedule	DA-008 / Revision 3	PTW	09/04/19
Proposed Sections	DA-009 / Revision 3	PTW	09/04/19
Fence Detail	DA-015 / Revision 2	PTW	01/04/19
Landscape Plans	Issue F	Arcadia	--/04/19

Reference Document	Author	Dated
Plan of Management	Fotoulla Lazaridis Architect	13/02/19
Statement of Environmental Effects	Ethos Urban	30/08/18
Response to Council's Request for Additional Information Letter	Ethos Urban	27 February 2019

Doc ID 603634163/v1

Reference Document	Author	Dated
VPA Schedule 5 Commitments	Ethos Urban	27/02/19
National Quality Framework Assessment Checklist	Fotoulla Lazaridis Architect	Unknown
Detailed Site Investigation	Martens Consulting Engineers	--/03/19
Amended Traffic Statement	TTPP	10/04/19
Acoustic Letter	Acouras	18/02/19
Mechanical Statement	Engineering Partners	14/02/19
Mechanical Services Statement	Engineering Partners	05/02/19
Stormwater Letter	C&M Consulting Engineers	07/02/19
Access Report	BCA Logic	24/08/18
Acid Sulfate Soil Management Plan	Coffey	26/05/15
Acoustic Report	Acouras	28/08/18
Air Quality Report	SLR	28/08/18
BCA Report	BCA Logic	17/08/18
Construction Management Plan	JQZ	29/08/18
Geotechnical Investigation	Coffey	17/05/17
Infiltration Test Report	Coffey	07/07/17
Quantity Surveyor Report	Newton Fisher Group	22/08/18
Traffic Report	TTPP	27/08/18
Waste Management Plan	Elephants Foot	29/08/18

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. Voluntary Planning Agreement (VPA) - Compliance
 - a) All requirements contained within the Voluntary Planning Agreement (VPA) (executed on 9 May 2016) and as varied by the Deed of Variation (executed on 1 March 2019) must be complied with prior to the relevant stage.
 - b) No Construction Certificate or Occupation Certificate can be issued until any corresponding obligation has been satisfied.

6. The outdoor areas shall not be enclosed at any future time without prior development consent.
7. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
8. 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 1991.
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.

DEVELOPMENT SPECIFIC CONDITIONS

10. The development shall comply with Part 4 of the Education & Care Services National Regulations.
11. The hours of operation of the approved use shall be restricted to between 7.30am and 6.00pm Mondays to Fridays. Operation or use of the facility beyond these hours is not permitted.
12. The childcare centre shall cater for a maximum of 66 children (16 x 0-2 years / 15 x 2-3 years / 15 x 3-4 years / 20 x 4-5 years).
13. The maximum number of staff employed on site shall be limited to 11 staff at any one time. The centre may also be supported by a cook and cleaner as required.
14. Business identification signage is not permitted to be illuminated.
15. Plan of Management:
 - a) Amendment – The Plan of Management is to be amended to include the requirement that the southern ground floor roof (which has an access door from the first floor play area) is to be used for maintenance purposes only.
 - b) The child care centre shall at all times be operated in accordance with the approved Plan of Management (PoM) (as amended above) which forms part of this consent, and
 - c) A copy of the PoM shall be made freely available to visitors who frequent the facility, as well as to neighbouring property owners and local residents, if requested, and

The PoM shall be reviewed annually by the operator of the child care centre. If the Plan of Management is updated following the annual review, the operator is required to ensure:

- d) That the amended PoM is consistent with all conditions of this consent, and

- e) A copy of the amended Plan of Management is provided to Council within 7 days of its completion; and
 - f) The PoM is updated, if required, to include comments and direction provided by Council.
16. Safer by Design:
- To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:
- a) Security / Sensor lighting that is illuminated at night is to be provided.
 - b) Monitored CCTV facilities.
 - c) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - d) Graffiti resistant materials shall be used to ground level external surfaces
17. Parking spaces shall not be enclosed without further approval of Council.
18. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
- a) permit stormwater to be temporarily detained by the system;
 - b) keep the system clean and free of silt, rubbish and debris;
 - c) 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;
 - d) carry out the matters referred to in paragraphs (a) and (b) at the proprietor's expense;
 - e) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - f) 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;

- g) 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.
- 19. Bicycle parking facilities shall be designed in accordance with AS2890.3:2015.
 - 20. The off-street parking areas (including internal height clearance) associated with the subject development shall be designed in accordance with AS2890.1 and AS2890.6, with the exception of the shared zone and bicycle parking area which shall be permeable paving and details are to be submitted, and approved by, Council's Director City Futures prior to the issue of a Construction Certificate.
 - 21. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
 - 22. 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.
 - 23. 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.
 - 24. The proposed warm water system shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012 and the current code of practice published by the NSW Health department.
 - 25. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
 - a) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 oC and no higher than 43 oC. The "fail safe" mixing valves shall be installed
 - b) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
 - c) The thermostatic mixing valve shall be registered with Council as a warm water system in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012.
 - 26. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 "Design, Construction and Fit out of Food Premises".
 - 27. The use of synthetic grass shall be limited to shaded areas. Only use synthetic grass that is not carcinogenic and free of lead and heavy metals.

28. Any proposed play equipment shall be in accordance with Australian Standards for Play Equipment and Surfacing, set out in AS 4422:2016 and AS 4685:2017.
29. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - d) Drainage cell must be supplied to the base of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to coordinate with the colour schemes and finishes of the building.
30. Podium landscaping and paved areas shall be drained into stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
31. A fully automated irrigation system, shall be installed and maintained to ensure adequate water is provided to the podium/roofing landscaping.
32. All proposed trees in approved landscape plan shall be supplied and planted at the minimum pot size specified, those that are within stormwater structures shall be relocated within the site to avoid conflict with stormwater structures.

Prior to the issue of a Construction Certificate

33. The development is to incorporate all of the Child Care Centre specifications detailed in Schedule 5 of the Voluntary Planning Agreement between Council and the Developer and as shown in the VPA Schedule 5 table prepared by Ethos Urban (dated 27 February 2019). Plans and details are to be submitted to, and approved by, Council's Director of City Futures prior to the issue of a Construction Certificate.
34. A Security Access System is to be provided in accordance with Schedule 5 of the VPA and details are to be submitted to, and approved by, Council's Director of City Futures.

35. Additional detailed design at a scale of 1:50 for the aluminum roof slats (including the ceilings for the areas at ground and first floor level below the slats) are to be submitted to, and approved by, Council's Director of City Futures prior to the issue of a Construction Certificate to retain the integrity of the design feature.

The detail design shall:

- a) Specify the spacing between slats (PC4); and
 - b) Include more information about the cladding material and construction methodology; and
 - c) Demonstrate that the wavy features shown in both east and north elevations will be achieved; and
 - d) Demonstrate that the two round cropped corners on the eastern side of the East Elevation will be achieved; and
 - e) Provide details of how to incorporate/construct lightings into the balcony ceiling (if any) at both ground and first floor levels; and
 - f) Ensure the PC4 slats carry down through to the ceilings at both ground level and first floor level; and
 - g) Ensure the glass on the roof be constructed that is easy to drain, clean and provide UV protection; and,
 - h) Demonstrate drainage of the roof.
36. Samples of the materials and finishes are to be submitted to, and approved by, Council's Director of City Futures prior to the issue of a Construction Certificate.
37. 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.
- a) The footpath crossing deposit paid for Stage 1 shall be retained until completion of works and issue of final Occupation Certificates for works associated with both Stage 1 and Stage 2.
 - b) An environmental enforcement fee of 0.25% of the cost of the works.
 - c) A Soil and Water Management Sign of \$19.00.
38. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

Details shall be submitted to Council for assessment pursuant to Section 138 of the Roads Act 1993 as part of the frontage works application in relation to the following:

- a) The provision of three (3) bicycle parking rails within the public domain as per approved plans shall be designed in accordance with AS2890.3:2015.
 - b) Driveway crossing layback shall be 6.0m in width.
 - c) A footpath is to be provided along the eastern frontage of the site, designed as per the public domain design for the precinct.
 - d) The frontage works design is to be generally in accordance with the approved masterplan design for the precinct.
39. Prior to the issue of the relevant Construction Certificate, detailed design plans/documentation for the proposed electronic sensors and electronic signage system (for implementation into the parking facility) shall be submitted to, and approved by, Bayside Council's Director of City Futures. This detailed design is to be generally in accordance with the approved documentation prepared by The Transport Planning Partnership, ref 18226 and dated 10 April 2019. Manufacturer's details, specifications and recommended maintenance schedule is to be provided. The electronic signage shall be placed in a location that provides for sufficient sightlines/visibility to vehicles travelling on the road approaching the development.
40. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
41. 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.
42. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- Sydney Water's Tap in™ online service is available at:
- <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>*
43. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
44. Prior to the issue of the relevant construction certificate, the following revisions shall be undertaken on the detailed design construction plans to the satisfaction of the Bayside Council's Director of City Futures:

- a) The location of the bollard within the shared zone for the accessible parking space is to be flipped to the opposite side. Specifically, it is to be located 800mm from the eastern end of the shared zone, and
 - b) The pavement proposed to be used for the shared zone and bicycle parking is to utilise the same permeable pavement design provided for the on-street parking spaces within the road reserve, and
 - c) Fencing along the western boundary of the site shall be extended 2.5m north, ending at the front property boundary, with a similar design treatment and height (at least 1.8m) as the rest of the approved boundary fencing fronting the development. All features within this fence extension shall be 50% transparent to preserve pedestrian sightlines, and
 - d) Driveway access width shall be 6.0m wide at the property boundary.
45. Prior to the issue of any Construction Certificate, any new retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer. Details shall be shown in the construction certificate documents to the satisfaction of the principal certifying authority prior to the issue of the construction certificate.
46. Protection of Council Land & Retaining Wall along Southern Boundary – The proposed works for the development shall not result in adverse impacts to the existing retaining wall(s) located within / adjacent to the small parcel of land Lot 72 in DP 6120 which adjoins the sites southern boundary. This lot is owned by Bayside Council. The existing retaining wall structures shall be secured / underpinned prior to excavation, during removal of the adjoining concrete slab, during construction of this development, and that the existing retaining wall structures shall be certified by a suitably qualified civil engineer prior to the issue of the Occupation Certificate.
47. The preliminary Geotechnical Investigation report prepared by SMEC Testing Services Pty Ltd, Report No: 17/2504A, Project No: 10530/2504A, dated June 2017 provides comments and recommendations for the proposed development. These recommendations shall be included in the detailed design of the development prior to the issue of the construction certificate and during the construction phases.
48. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
49. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater generally in accordance with the approved civil engineering design stormwater drainage plans prepared by C&M Consulting Engineers, project number PN01859, drawing numbers 01859_201, 01859_601, 01859_621, 01859_631, 01859_701, 01859_702, revision 3 are to be submitted to Principal Certifying Authority for assessment and approval. The detailed drainage design plans shall reflect the approved architectural plans. The rainwater tank is to be connected for internal stormwater re-use to all toilets and external landscape irrigation. 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.

50. Prior to the issue of the relevant Construction Certificate, a Workzone Traffic Management Plan (WZTMP) 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.

Copy of the WZTMP shall be submitted to Council.

51. 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. Copy of the CMP shall be submitted to Council.
52. Where required, a copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
53. Hand wash basins shall be located so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms.
54. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements;
- a) The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors

- b) The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements
 - c) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
 - d) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.
55. Contamination – Validation stockpile areas – Due to the continued use of the childcare centre site for soil and waste stockpiling for construction of the larger residential development and to ensure that the site is still suitable for the proposed childcare development, all waste soils shall be removed and validation of the surface soils remaining must be completed. This must be completed by an appropriately qualified and experienced environmental consultant and conclude that the soils meet appropriate childcare centre use criteria. Details of this must be provided prior to the release of the relevant Construction Certificate.

Prior to Commencement of Works

56. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to the retaining wall located along the sites southern boundary, 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.
57. 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.
58. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- a) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or

- b) where the erection of gates or fences has restricted access to metering equipment.
- 59. 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.
- 60. The site shall be secured by 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
- 61. 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.
- 62. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This condition does not apply to:

- c) building work carried out inside an existing building or
- d) 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.

During Demolition / Excavation / Construction

- 63. 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.
- 64. Hours of construction shall be confined to between 7.00 am and 6.30 pm Mondays to Fridays, inclusive, and between 8.00 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
- 65. 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.
- 66. Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

67. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
68. 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 structure an adjoining allotment of land, you shall: preserve and protect the building/structure from damage and underpin and support the building/structure in an approved manner, if necessary and give notice of intention to excavate below the level of the base of the footings of a building/structure 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.

69. When soil conditions require it:
- a) 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
 - b) adequate provision shall be made for drainage.
70. All contractors shall comply with the following during all stages of demolition and construction:
- a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - e) A 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.
71. The following conditions are necessary to ensure minimal impacts during construction:
- a) 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.
 - b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 - d) 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.
 - e) 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.
 - f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i) spraying water in dry windy weather
 - ii) cover stockpiles
 - iii) fabric fences

- g) 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.

- h) Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
- 72. Contamination – Cease work addition – Any new information that comes to light during demolition or construction, which has the potential to alter previous conclusions about site contamination and remediation, must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.
 - 73. Waste Classification – Excavated Materials – All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.
 - 74. Importation of Fill (General) – To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and shall be validated in accordance with the:
 - a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

75. Monitoring – Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements must be made available to Council Officers on request throughout the remediation and construction works.

Prior to the issue of an Occupation Certificate or Commencement of Use

76. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
77. Signage details – Details of the proposed business identification signage are to be submitted to, and approved by, Council's Director of City Futures prior to the issue of an Occupation Certificate.
78. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by the applicant at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
79. All works within the road reserve required for Stage 2 of the development, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be constructed to the satisfaction of council prior to issue of any Occupation Certificate for Stage 2.
80. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
81. Prior to the issue of the occupation certificate, the electronic signage and sensor system for the parking facility shall be installed within the development as per the approved construction details. The electronic signage and sensor system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person to the satisfaction of the principal certifier.
82. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place on the wall in front of the visitor parking spaces approved by the Principal Certifying Authority, stating the following: "Vehicles shall enter and exit the site in a forward direction at all times".
83. 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.

84. Driveway access width shall be 6.0m at the boundary.
85. Bollards must be installed along the proposed internal pedestrian pathway adjacent to the parking spaces as depicted on the plans in conjunction with wheel stops as per AS2890.1. Such bollard(s) are to be evenly spaced along the pedestrian aisle.

Bollard also to be installed within the shared area dedicated to the accessible parking space. The location of the bollard within the shared zone for the accessible parking space is to be flipped to the opposite side. Specifically, it is to be located 800mm from the eastern end of the shared zone

Bollards are to be constructed from steel pipe minimum 100mm diameter, domed at the top and filled with concrete. They are to be installed a minimum of 900mm into the ground and are to be 1100 mm out of the ground, painted white, with reflectors attached. Future maintenance will be the responsibility of the owner and/or occupier.

86. All off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed, linemarked and signposted/allocated to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements – with the exception of the shared area and bicycle parking which is to be permeable paving as shown on the plans. Accessible shared zone to be clear at all times. Clear/weatherproof signage to be installed.

87. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

88. 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.
89. 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.

90. 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.
91. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
92. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility and the electronic parking sensor/signage systems to provide for the maintenance of the detention facility and the electronic parking sensor/signage systems.
93. The developer of the premises is required to comply with the following requirements when installing the rainwater tank:
 - a) The overflow from the rainwater tank shall be directed to the storm water system.
 - b) A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
 - c) 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. Plumbing connections for internal stormwater reuse shall be installed for all toilets in and landscape irrigation in the development.

Certification of the above requirements being fulfilled within the development from a registered plumber shall be submitted to the satisfaction of the principal certifier prior to occupation.

94. Compliance with all requirements in Schedule 5 of the VPA prior to issue of any Occupation Certificate.
95. Trading shall not commence until a final fit out inspection has been carried out by Council's Environmental Health Officer and all conditions of consent have been complied with. Council's Environmental Health Officer shall be given 2 business days advance notice of an inspection.
96. The noise reduction measures specified in the noise report prepared by Acouras Consultancy titled 'JQZ Group at 152-206 Rocky Point Road, Kogarah - Childcare Centre Acoustic Assessment' dated 28 August 2018, and supporting

documentation prepared by Acouras Consultancy dated 18 February 2019, shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

97. The Air Conditioning Unit located on the southern ground floor roof is to comply with the relevant acoustic standards in the noise report prepared by Acouras Consultancy titled 'JQZ Group at 152-206 Rocky Point Road, Kogarah - Childcare Centre Acoustic Assessment' dated 28 August 2018, and supporting documentation prepared by Acouras Consultancy dated 18 February 2019. A supporting letter from the acoustic consultant is to verify if compliance is achieved and if any mitigation measures, such as an acoustic box, are to be required. These details are to be submitted to, and approved by, Council's Director of City Futures prior to the issue of a Occupation Certificate.
98. The premises shall be registered with Councils Environmental Health Unit by the proprietor of the food business by completing the registration form available from Council.
99. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.

Roads Act Conditions

100. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- a) construction of a concrete footpath along the frontage of the development site;
 - b) construction of a new fully constructed concrete vehicular entrance/s;
 - c) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - d) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - e) construction of paving between the boundary and the kerb;
 - f) removal of redundant paving;
 - g) construction of kerb and gutter.
101. 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.
102. 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.
103. 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.
104. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development Consent Advice

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

c. Dial Before You Dig

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

d. Telstra Advice - Telecommunications Act 1997 (Commonwealth)

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

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

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

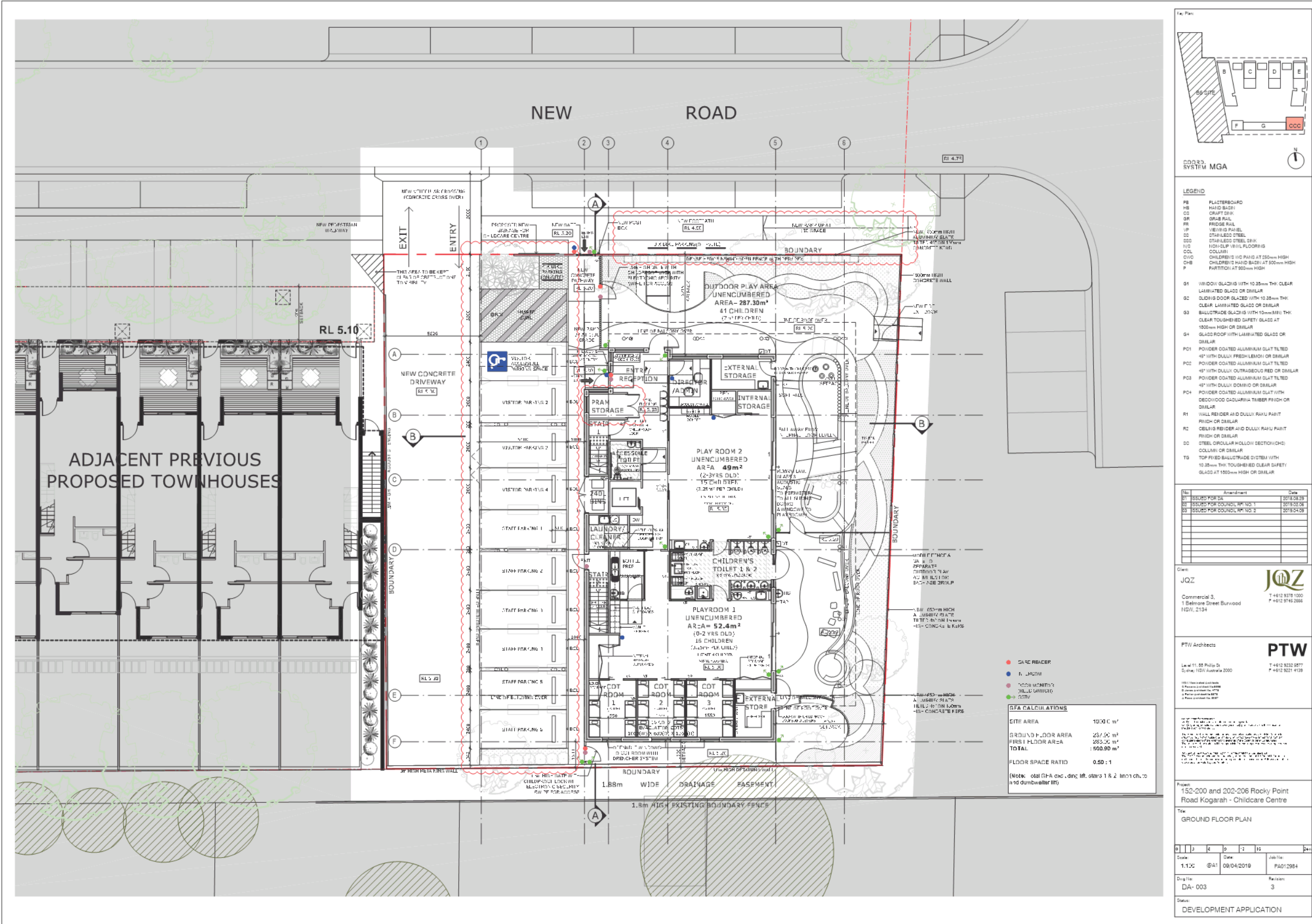
All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the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

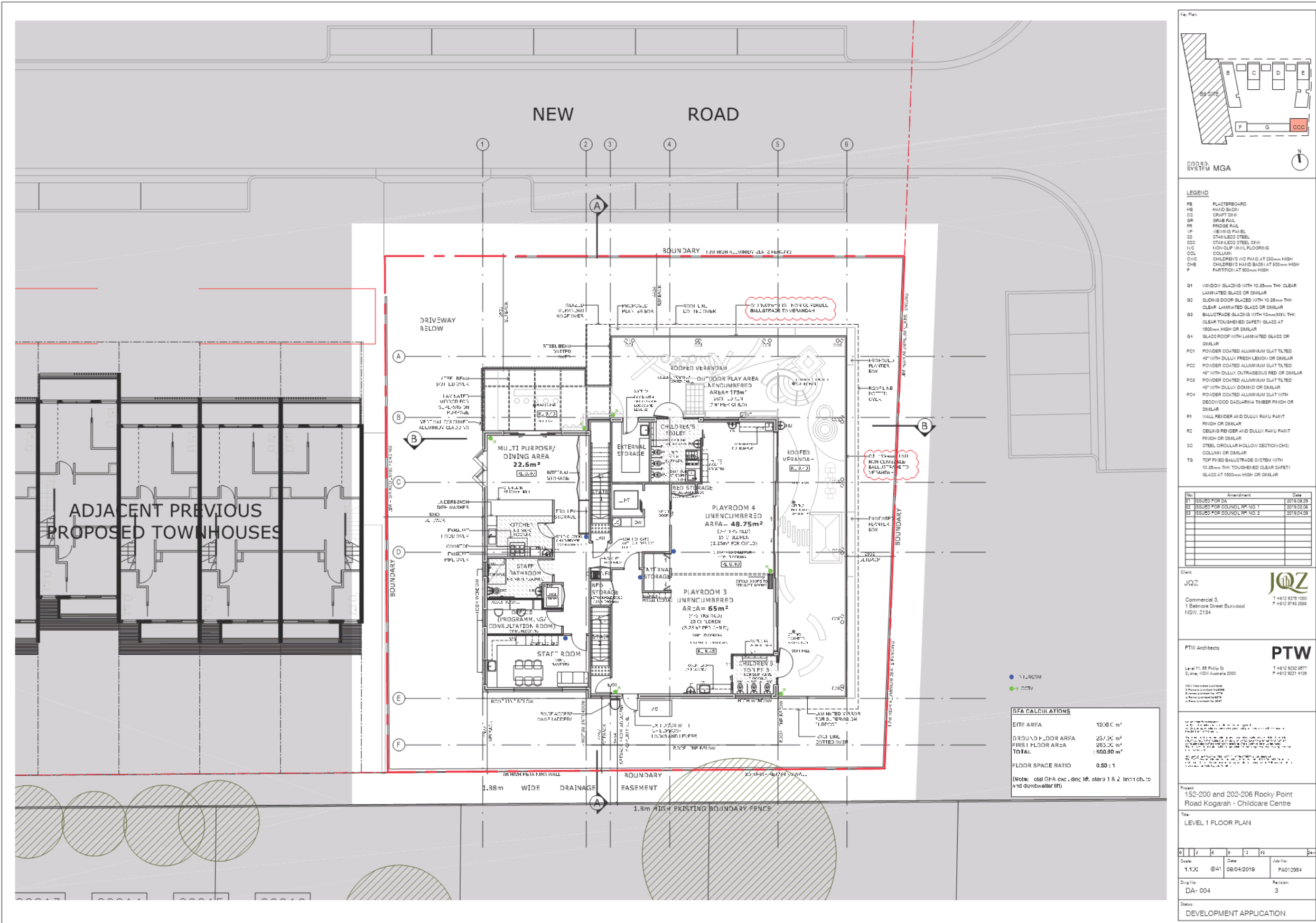
f. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

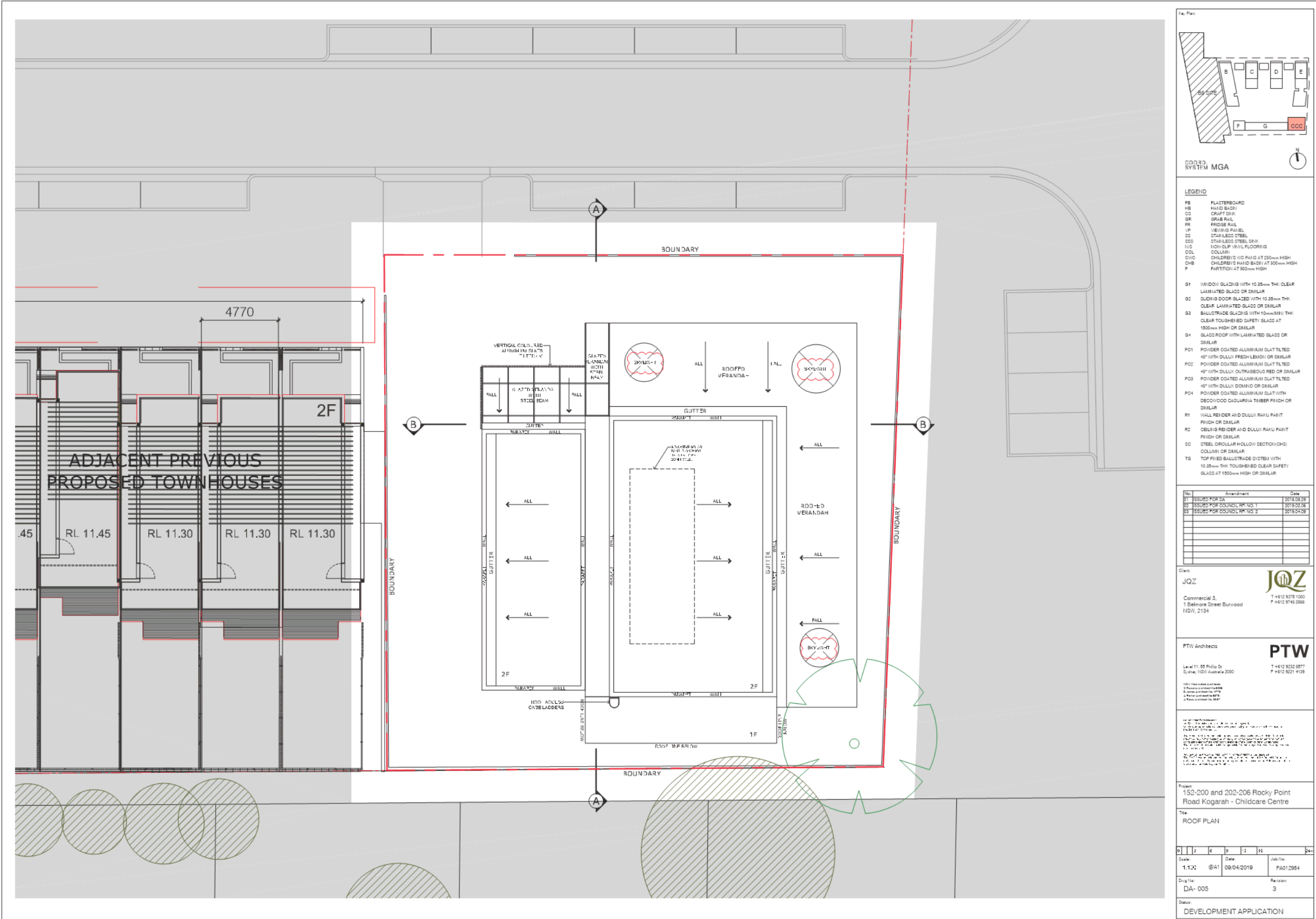
- o Work Health and Safety Act 2011

- Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- g. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially 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.
- h. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- i. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- j. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- k. Where Council is not engaged as the Principal Certifying Authority for the issue of the 88E Instrument which contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- l. 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.

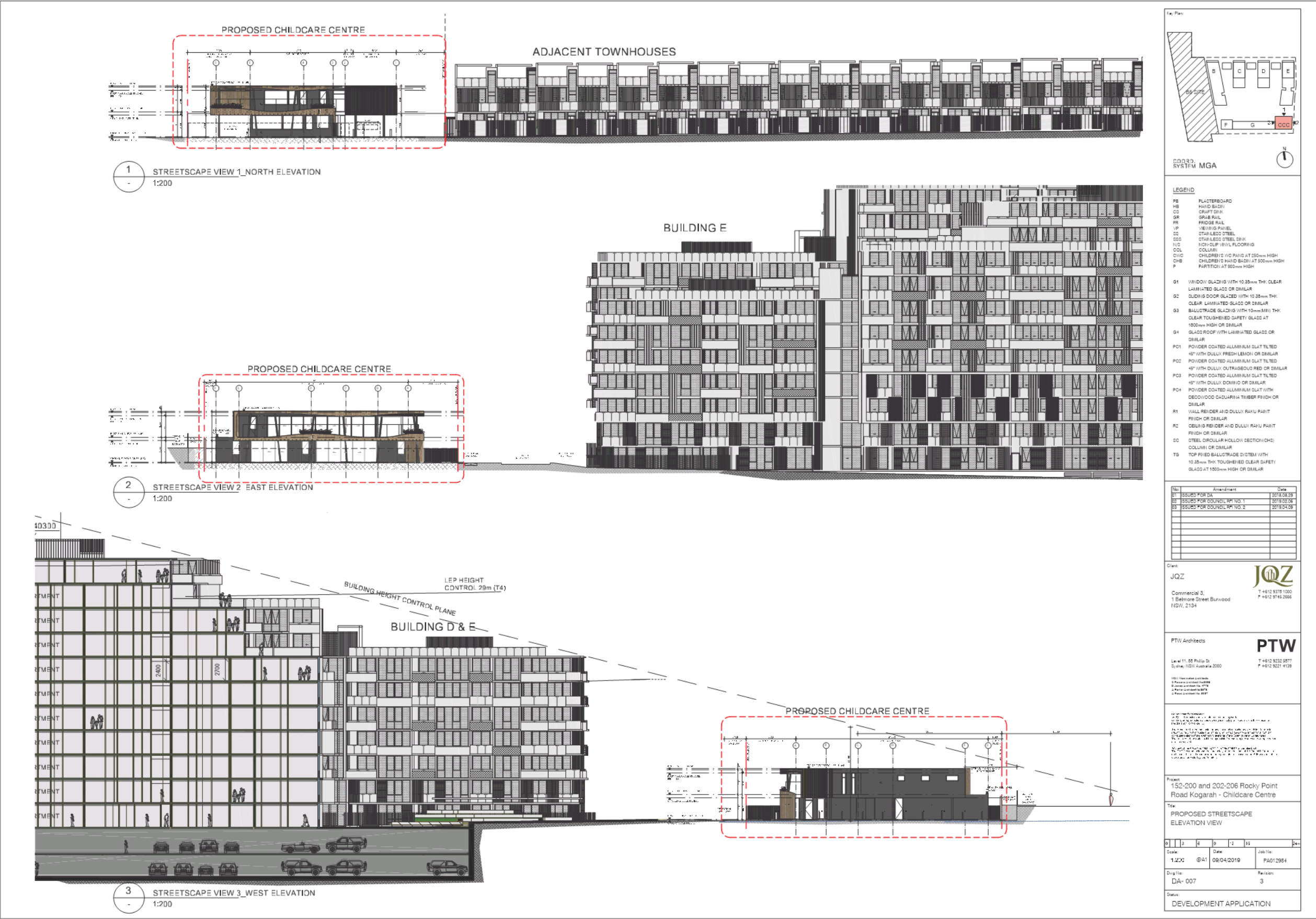




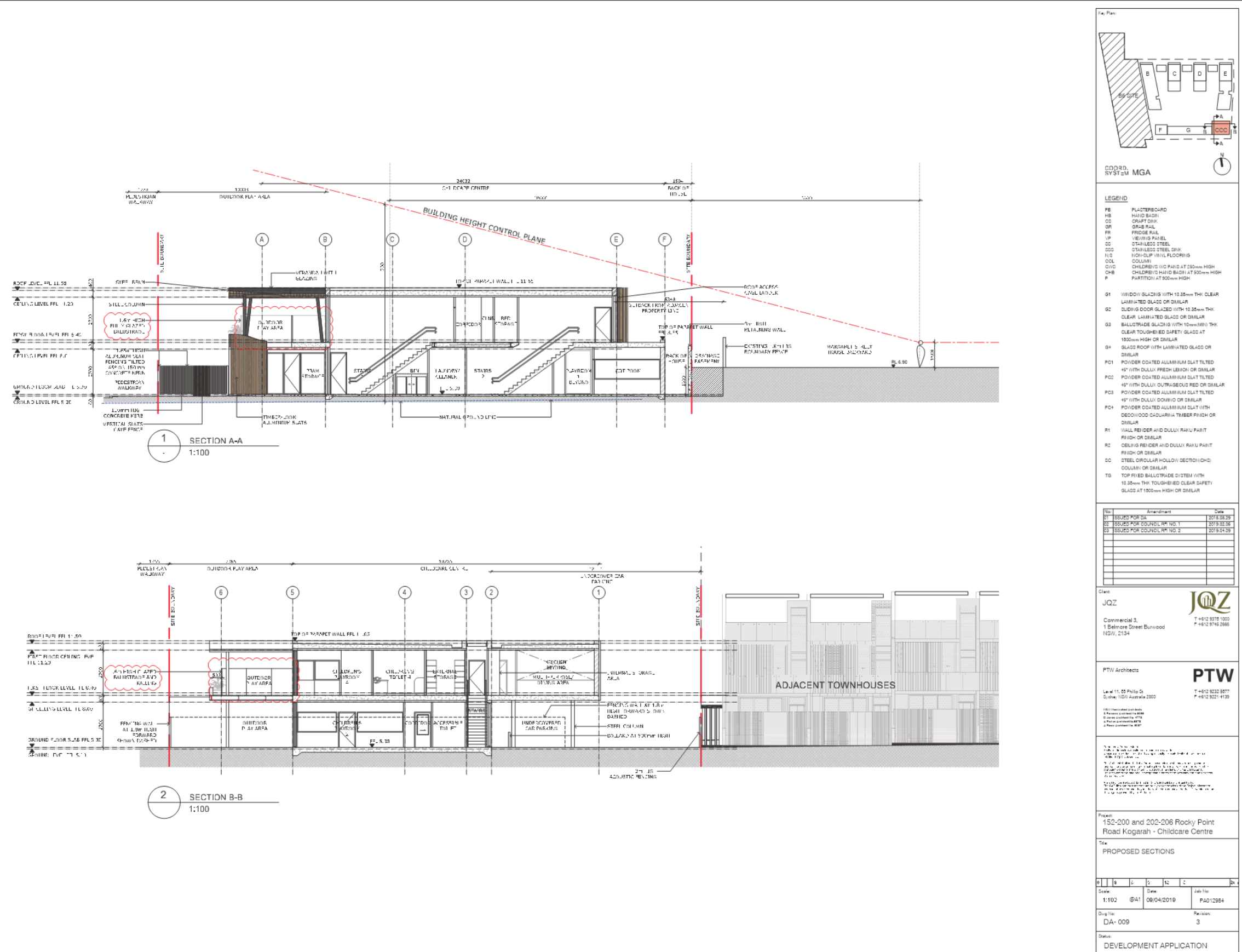








Item 6.2 – Attachment 3





LANDSCAPE PLAN GROUND FLOOR

102

LEGEND

01/ Mud Kitchen/ Digging Patch

02/ Open Play Area

03/ Vegetable Garden

04/ Bike Path

05/ Sand Pit

06/ Flush Deck

07/ Timber Bridge

08/ Timber Terraces

09/ Water wall + Wet play

10/ Sensory Garden

11/ Clambering play space

12/ Play House

13/ Quite Corner/ Dining Area

14/ Sensory Pathway

15/ Walk Through Tunnel

16/ Turfcell finish



ROCKY POINT RD CHILDCARE KOGARAH
DEVELOPMENT APPLICATION



PREPARED BY Arcadia Landscape Architecture

CLIENT JQZ

ARCHITECT PTW

DATE Apr 2019

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ISSUE F

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LANDSCAPE PLAN FIRST FLOOR

103

- LEGEND**
- 01 Outdoor Kitchen
 - 02 Seating Bench
 - 03 Sand Pit with Sandstone Blocks
 - 04 Pergola with Climbers
 - 05 Mound with Slide
 - 06 Viewing Deck
 - 07 Timber Deck
 - 08 Playhouse
 - 09 Open Programme Space
 - 10 Concrete drawing Floor
 - 11 Grasses planted to the perimeter



37
38
39
40

0 2 4 6 8 10M
SCALE 1:100 @ A1

ARCADIA
LANDSCAPE ARCHITECTURE

ROCKY POINT RD CHILDCARE KOGARAH
DEVELOPMENT APPLICATION

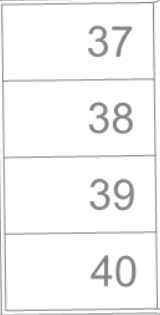


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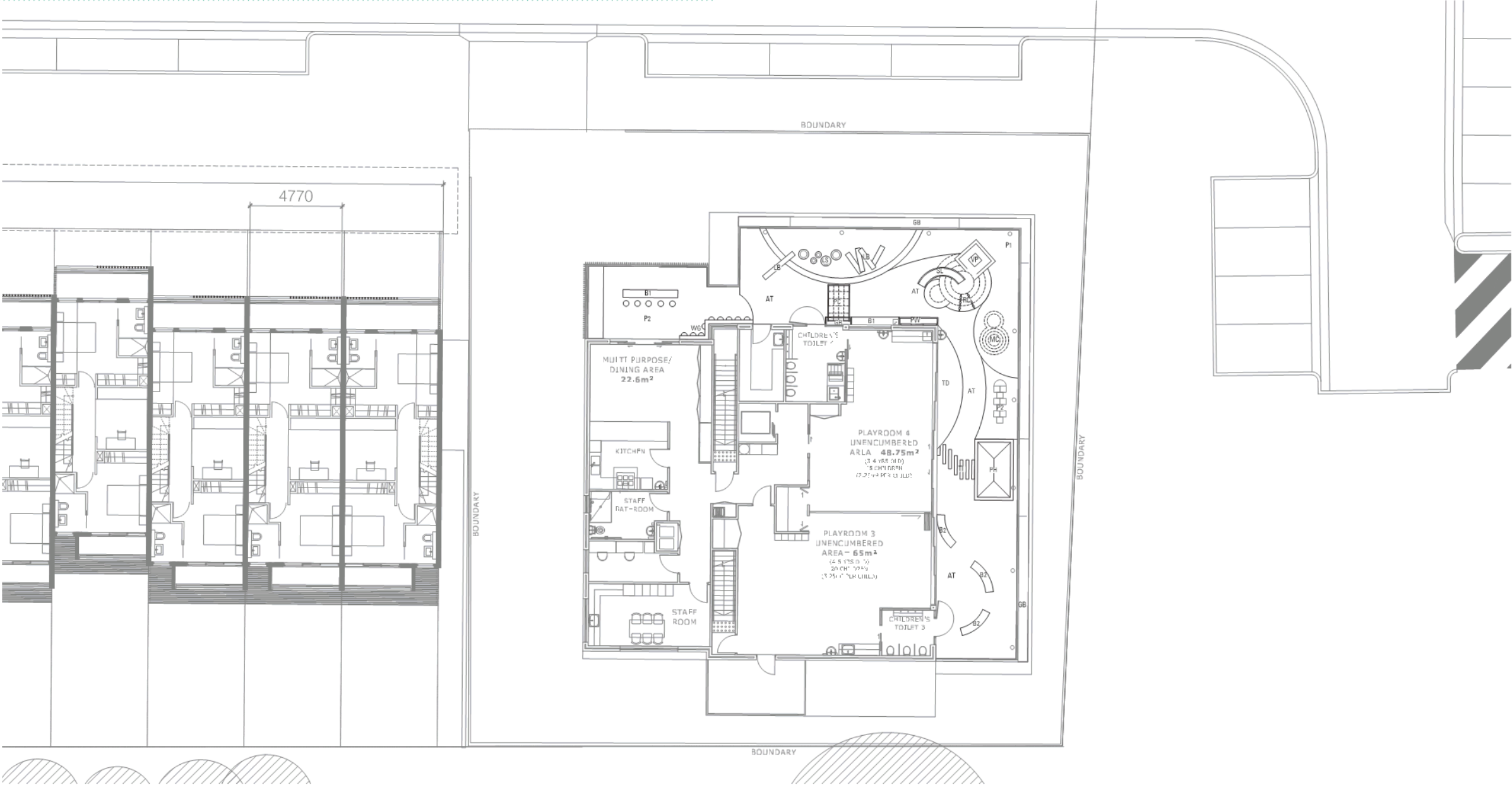


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LANDSCAPE PLAN - LEVEL 1

101



- | | | | | | | | | | |
|----|-----------------|----|--------------------------|----|---------------------------|----|------------------|----|------------------|
| AT | ARTIFICIAL TURF | LB | LOG BENCH/BRIDGE | P2 | CONCRETE WITH BLACK OXIDE | RC | ROPE CLIMB | TD | TIMBER DECKING |
| B1 | BENCH STRAIGHT | LS | LOG STUMPS | PC | PERGOLA WITH CLIMBERS | SL | SLIDE | VP | VIEWING PLATFORM |
| B2 | BENCH CURVED | MC | MOUND CLIMB | PH | PLAY HOUSE | SB | SANDSTONE BLOCKS | WG | WALL GARDEN |
| GB | GARDEN BED | P1 | COLOURED SOFTFALL RUBBER | RE | SOFTFALL RUBBER EDGE | TI | TIMBER INLAIS | WB | WALL BLACKBOARD |

1:100 @ A1

ARCADIA
LANDSCAPE ARCHITECTURE

ROCKY POINT ROAD CHILDCARE KOGARAH
DEVELOPMENT APPLICATION



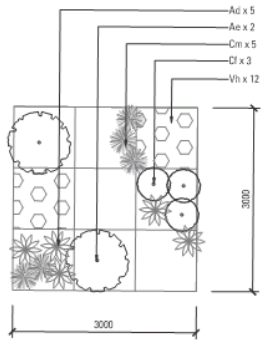
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PLANTING SCHEDULE

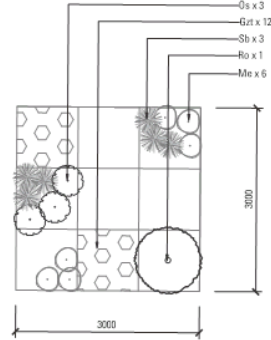
200

18-551 ROCKY POINT RD CHILDCARE PLANT SCHEDULE					
CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	PROPOSED POT SIZE	QUANTITY
TREES & PALMS					
Chr	<i>Callistemon viminalis</i> 'Hannah Ray'	Bottle Brush	4 x 5	75L	1
Cc	<i>Corymbia citriodora</i> 'Scentuous'	Lemon Scented Gum	10 x 8	300L	2
Er	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	8 x 4	200 L	3
Mg	<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem	5 x 2	200L	3
SHRUBS & ACCENTS					
Abr	<i>Anigozanthus</i> 'Big Red'	Kangaroo Paw	1.5 x 1.5	300mm	6
Dlj	<i>Dianella caerulea</i> 'Little Issa'	Flax Lily	0.4 x 0.4	300mm	177
Px	<i>Philodendron</i> 'Xanadu'	Xanadu	1 x 1	300mm	3
Shg	<i>Syzygium</i> 'Hinterland Gold'	Gold Lilly Pilly	4 x 1	45L	47
GROUNDCOVERS & CLIMBERS					
Ta	<i>Trachelospermum asiaticum</i>	Japanese Star Jasmine	0.25 x 1	150mm	9
Vh	<i>Viola hederacea</i>	Native Violet	0.2 x 0.5	150mm	12
SENSORY GARDEN MATRIX 1					
Ad	<i>Adiantum ostholicum</i>	Maidenhair Fern	0.5 x 0.5	300mm	8
Ae	<i>Aspidistra elatior</i>	Cast Iron Plant	0.5 x 1	300mm	4
Cm	<i>Clivia miniata</i>	Kaffir Lily	0.5 x 0.5	200mm	9
Vh	<i>Viola hederacea</i>	Native Violet	0.2 x 0.5	150mm	24
Cl	<i>Cordylone fruticosa</i>	Red Stater'	2 x 0.5	300mm	6
SENSORY GARDEN MATRIX 2					
Gzt	<i>Gazania rigens</i>	Gazania	0.2 x spreading	150mm	22
Pp	<i>Poa poliformis</i> 'Kingsdale'	Tussock Grass	0.5 x 0.5	150mm	7
PA	<i>Pelargonium</i> 'Applause'	Native Geranium	0.4 x 0.6	200mm	5
Os	<i>Ocimum sanctum</i>	Holy Basil	0.6 x 0.4	200mm	10
Sb	<i>Stachys byzantina</i>	Lamb's Ears	0.2 x 0.2	150mm	10
SENSORY GARDEN MATRIX 3					
Gr	<i>Gardenia radicans</i>	Dwarf Gardenia	0.5 x 0.5	200mm	13
Px	<i>Philodendron</i> 'Xanadu'	Xanadu	1 x 1	300mm	3
Pn	<i>Pennisetum</i> 'Nafray'	Swamp Foxtail	1 x 1	150mm	12
So	<i>Salvia officinalis</i>	Sage	0.6 x 0.5	200mm	21
Tj	<i>Trachelospermum jasminoides</i>	Star Jasmine	0.25 x 1	150mm	37



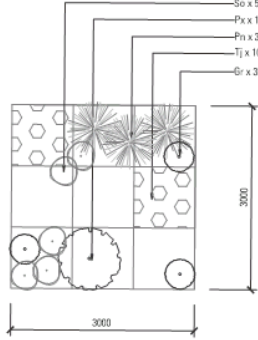
62 SENSORY GARDEN MATRIX 1 - 3m x 3m
SCALE 1:50

NOTE: DETAIL IS INDICATIVE ONLY.
PLANT ALL SPECIES RANDOMLY



63 SENSORY GARDEN MATRIX 2 - 3m x 3m
SCALE 1:50

NOTE: DETAIL IS INDICATIVE ONLY.
PLANT ALL SPECIES RANDOMLY



64 SENSORY GARDEN MATRIX 3 - 3m x 3m
SCALE 1:50

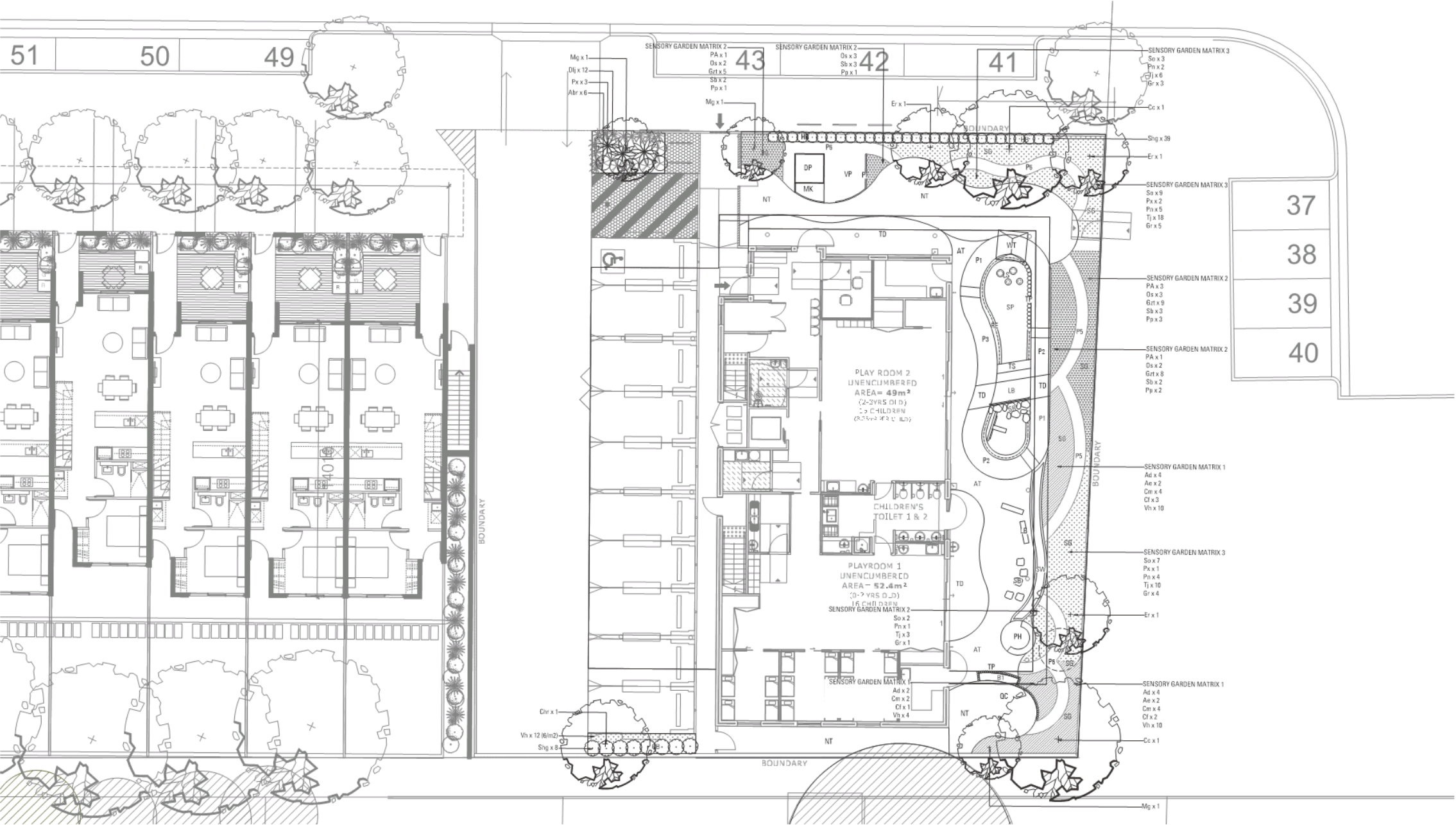
NOTE: DETAIL IS INDICATIVE ONLY.
PLANT ALL SPECIES RANDOMLY

18-551 ROCKY POINT RD CHILDCARE - LANDSCAPE MAINTENANCE SCHEDULE									
Table	ACTIVITY	FREQUENCY						ACTION	
		D	W	2W	3W	M	3or6M		
1	Plant replacement			+		+		Inspect and replace failed plants within 2 weeks of observation of failure. Match species, size (original) and location of new with old.	
2	Mulch			+		+		Inspect and replace mulch deficiencies within 2 weeks of observation. Prior to placing new mulch aerate the soil by fork turning to a depth of at least 100mm, roughly level the soil and then place mulch. Do not disturb major plant roots while aerating soil.	
3	Erosion control			+				Inspect every two weeks and repair ground, soil and mulch immediately. Maintain erosion control device as necessary.	
4	Stakes and ties			+				Inspect every two weeks, adjust and/or replace as necessary but remove as plants mature and are able to support themselves.	
5	Weed and rubbish removal			+				Inspect and remove immediately upon observation. Leave no waste on site. Dispose of waste material at a designated waste disposal site.	
6	Pruning			+				Inspect every 2 weeks and prune as necessary to remove dead wood, improve plant shape and promote healthy vigorous new growth.	
7	Spraying			+				Inspect every 2 weeks and action as necessary. Do not spray if other non-chemical methods will satisfy the need to remove insects. Spray for disease control only when absolutely necessary.	
8	Urgent works		+					Complete within 1 week (7 days) of notification. Inspect and clear drains.	
9	Planting and fertilising			+			3m+	Inspect every 2 weeks and remove spent flowers and dead stalks as they become apparent. Fertilise gardens every 3 months or other frequency in accordance with fertiliser manufacturer's directions.	
10	Watering	+		+				Water when and where necessary every day at site and at least every 2 weeks generally. Do not allow soil and plants to dehydrate. Allow for prolonged rain, windy and dry periods. Water in the early morning or late afternoon to avoid excessive evaporation during the heat of the day.	
11	Timber Maintenance						6-12m	Re-apply specified timber finishes to manufacturers specification	



SOFTWORKS PLAN - GROUND FLOOR

201



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ROCKY POINT ROAD CHILDCARE KOGARAH
DEVELOPMENT APPLICATION

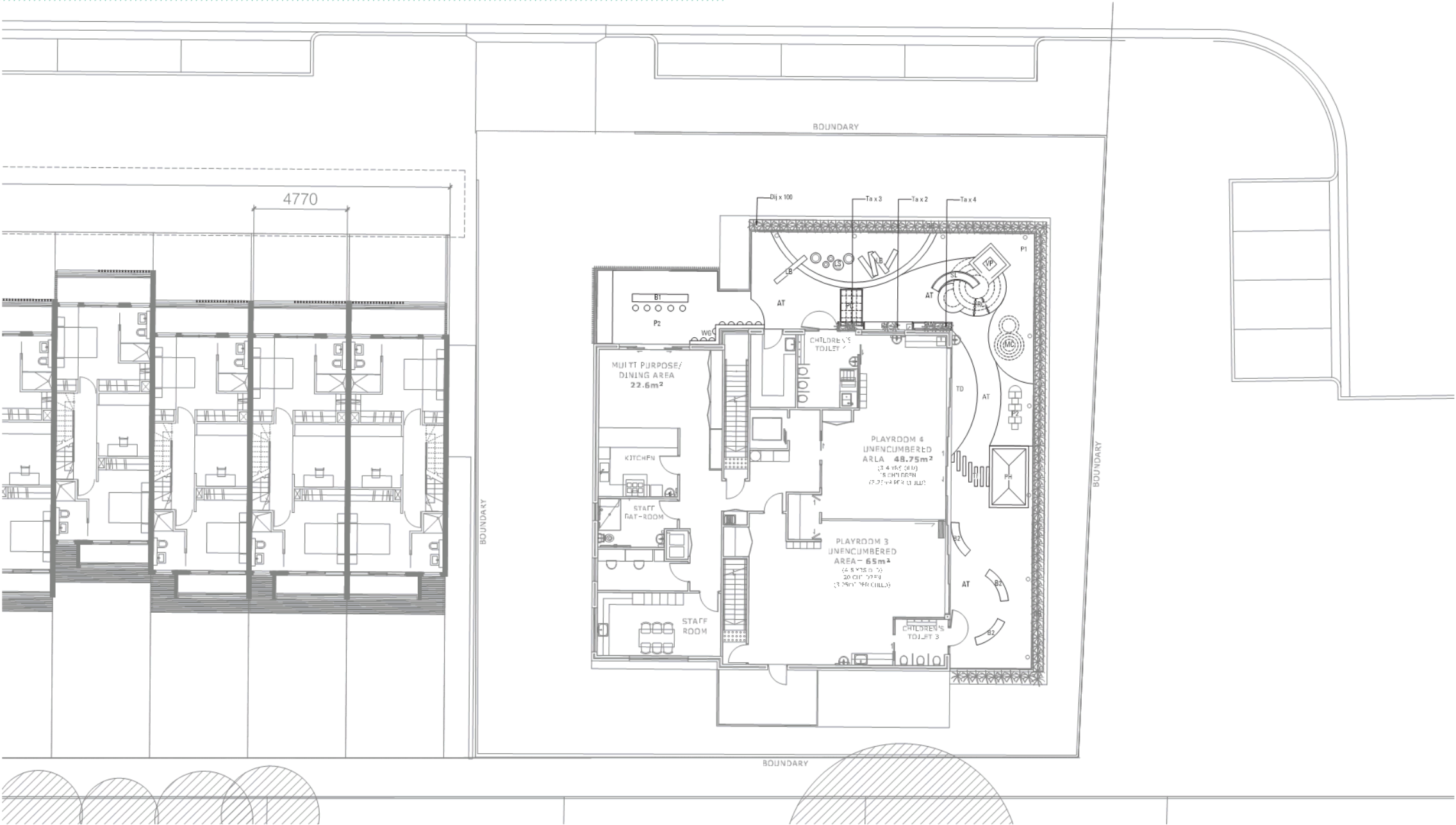


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ARCHITECT PTW
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SOFTWORKS PLAN - LEVEL 1

202



ROCKY POINT ROAD CHILDCARE KOGARAH
DEVELOPMENT APPLICATION

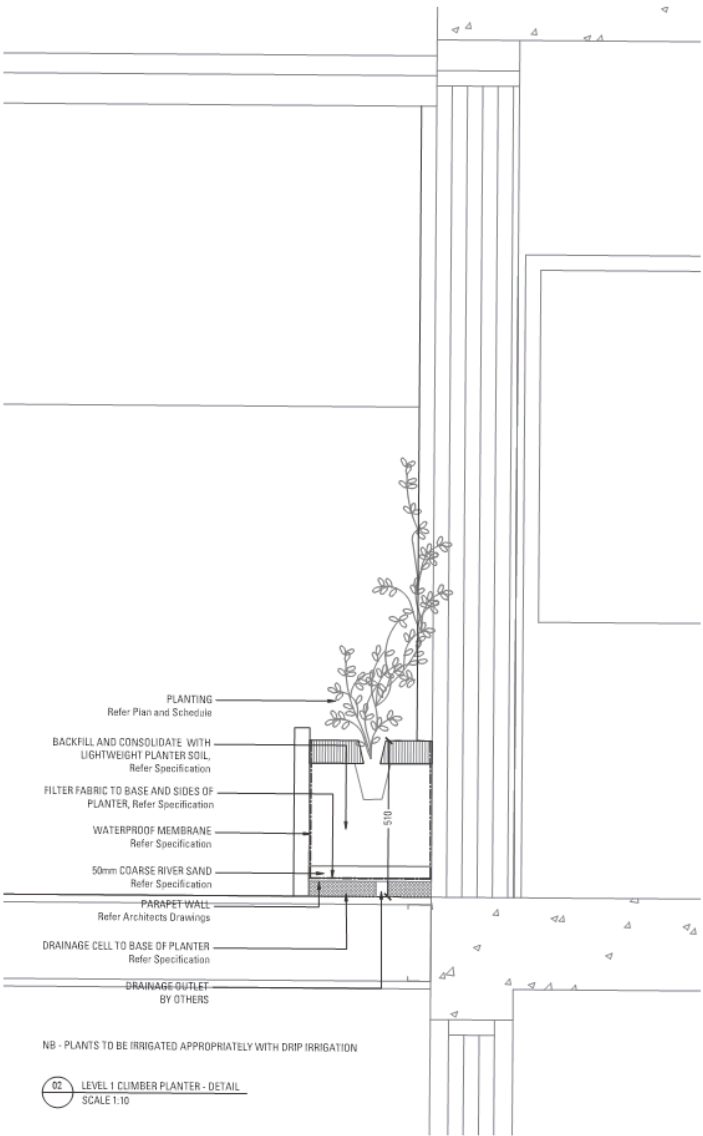
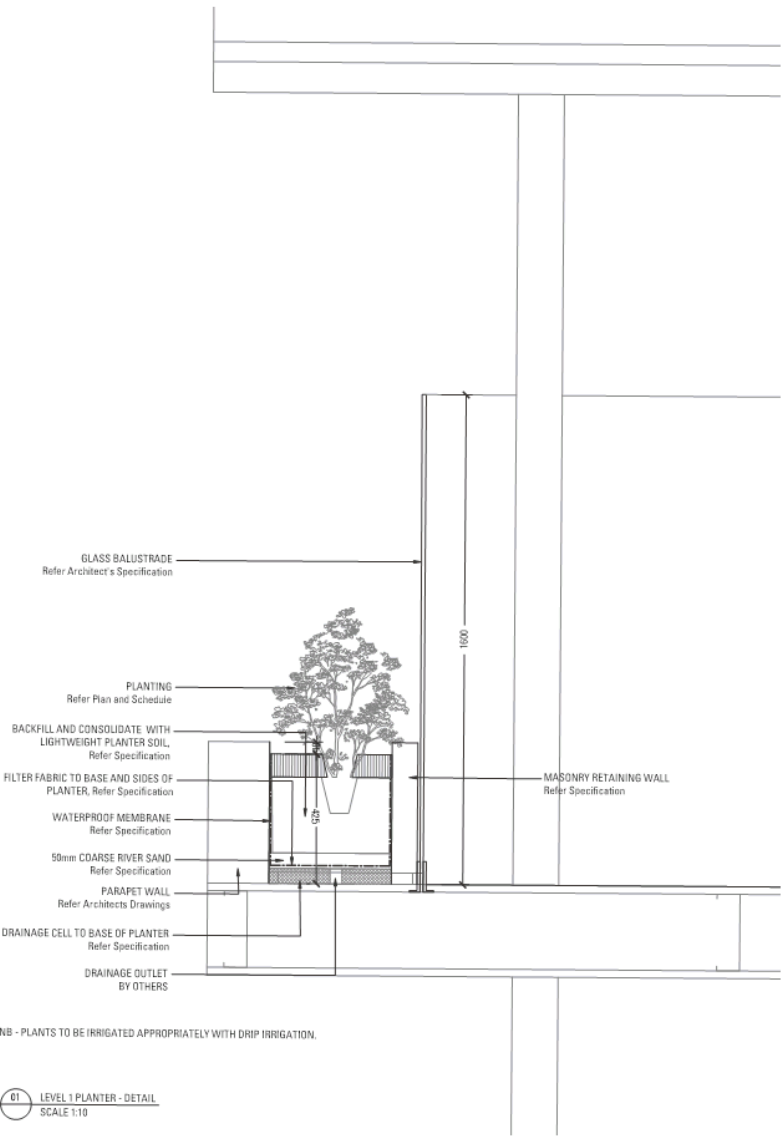


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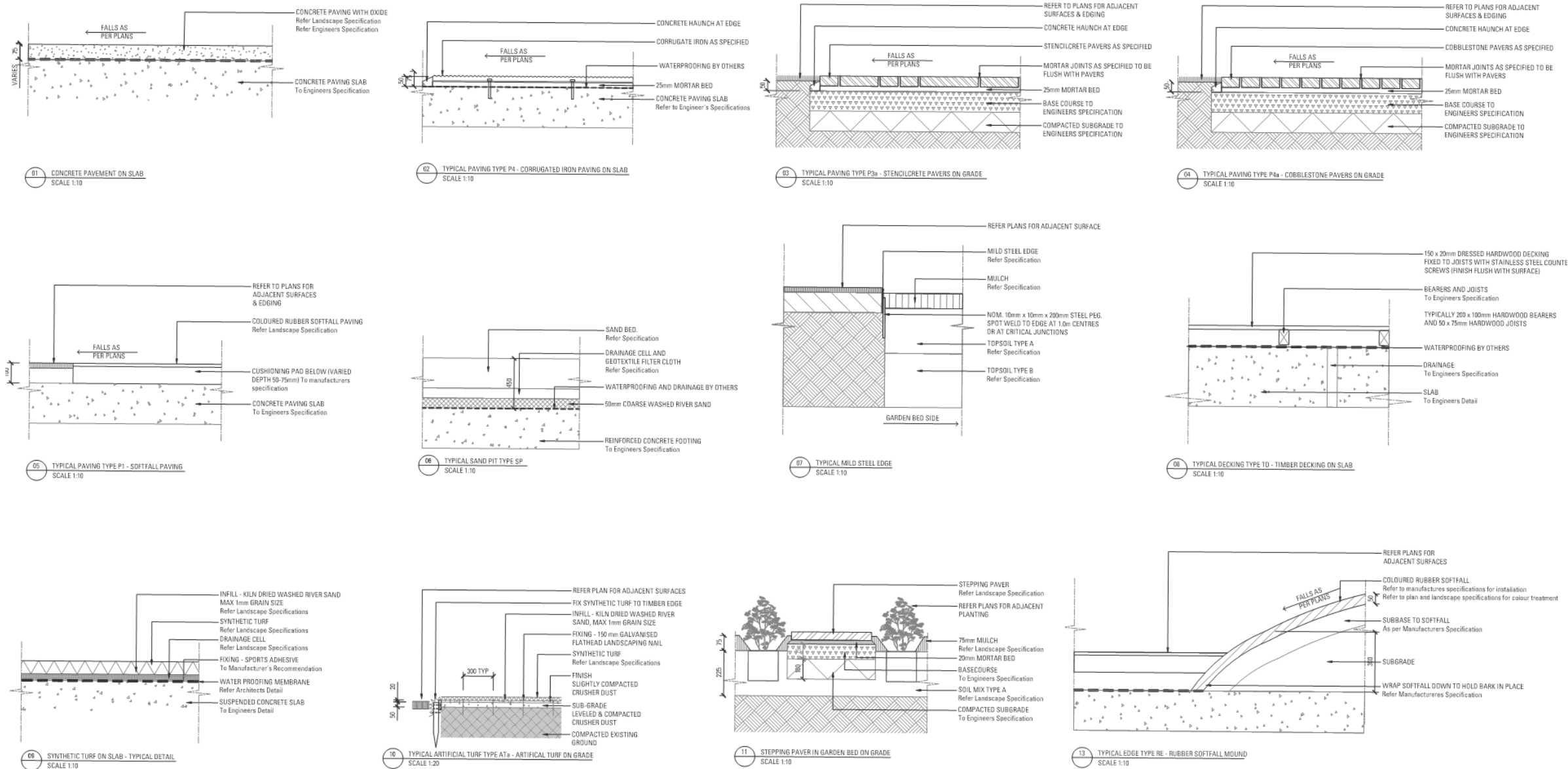
LEVEL 1 PLANTER DETAILS

203



TYPICAL LANDSCAPE DETAILS

204



LANDSCAPE SPECIFICATION

205

LANDSCAPE SPECIFICATION NOTES

SERVICES

BEFORE LANDSCAPE WORK IS COMMENCED THE LANDSCAPE CONTRACTOR IS TO ESTABLISH THE POSITION OF ALL SERVICE LINES AND ENSURE TREE PLANTING IS CARRIED OUT AT LEAST 3 METRES AWAY FROM THESE SERVICES. SERVICE LIDS, VENTS AND HYDRANTS SHALL BE LEFT EXPOSED AND NOT COVERED BY ANY LANDSCAPE FINISHES (TURFING, PAVING, GARDEN BEDS ETC.) FINISH ADJOINING SURFACES FLUSH WITH PIT LIDS.

ABORIST MANAGEMENT OF TREE PROTECTION

A QUALIFIED AND APPROVED ABORIST IS TO BE CONTRACTED TO UNDERTAKE OR MANAGE THE INSTALLATION OF PROTECTIVE FENCING, AND TO UNDERTAKE SUCH MEASURES AS HE DEEMS APPROPRIATE TO PRESERVE THE SUBJECT TREES TO BE RETAINED. THE ARBORIST IS TO BE RETAINED FOR THE ENTIRE CONTRACT PERIOD TO UNDERTAKE ONGOING MANAGEMENT AND REVIEW OF THE TREES.

DRAINAGE CELL AND FILTER FABRIC

FOR ON-SLAB AREAS INSTALL AN APPROVED 'DRAINAGE CELL' PRODUCT TO COMPREHENSIVELY COVER THE BOTTOM OF ALL PLANTERS. OVER DRAINAGE CELL TO ON-SLAB AREAS, A POLYFELT GEOTEXTILE LINING (AS SUPPLIED BY 'POLYFELT TS' OR APPROVED EQUIVALENT) IS TO BE INSTALLED TO COVER THE BOTTOM OF ALL PLANTERS, TURNED UP 300MM AND TAPED TO THE PLANTER SIDES TO ENSURE SOIL MIX DOES NOT ESCAPE INTO DRAINAGE OUTLETS/HOLES. INSTALL MIN. 50MM COARSE RIVER SAND OVER ALL GEOTEXTILE LINING PRIOR TO INSTALLATION OF SOIL MIX.

PLANTING MIXTURE

SHALL BE HOMOGENOUS BLEND OF SOIL AND ADDITIVES IN THE FOLLOWING PROPORTIONS:
EXISTING SITE SOIL IF SUITABLE OR
IMPORTED TOPSOIL 50%
COMPOST 30%
D/W SAND 20%
SOIL TESTING OF EXISTING SITE SOIL IS TO BE UNDERTAKEN TO ASSESS SUITABILITY OF USE AS PLANTING TOPSOIL AND COMPLIANCE WITH AUSTRALIAN STANDARDS.

MULCH APPLICATION

PLACE MULCH TO THE REQUIRED DEPTH, (REFER TO DRAWINGS) CLEAR OF PLANT STEMS, AND RAKE TO AN EVEN SURFACE FINISHING 25MM BELOW ADJOINING LEVELS. ENSURE MULCH IS WATERED IN AND TAMPED DOWN DURING INSTALLATION.

MULCH TYPE

PINE BARK: FROM MATURE TREES, GRADED IN SIZE FROM 15MM TO 30MM, FREE FROM WOOD SLIVERS. DARK BROWN IN COLOUR AND TEXTURE.

COMPOST

SHALL BE WELL ROTTED VEGETATIVE MATERIAL OR ANIMAL MANURE, OR OTHER APPROVED MATERIAL, FREE FROM HARMFUL CHEMICALS, GRASS AND WEED GROWTH AND WITH NEUTRAL PH. PROVIDE A CERTIFICATE OF PROOF OF PH UPON REQUEST.

PLANT MATERIAL

ALL PLANTS SUPPLIED ARE TO CONFORM WITH THOSE SPECIES LISTED IN THE PLANT SCHEDULE ON THE DRAWINGS. GENERALLY PLANTS SHALL BE VIGOROUS, WELL ESTABLISHED, HARDENED OFF, OF GOOD FORM CONSISTENT WITH SPECIES OR VARIETY, NOT SOFT OR FORCED, FREE FROM DISEASE OR INSECT PESTS WITH LARGE HEALTHY ROOT SYSTEMS AND NO EVIDENCE OF HAVING BEEN RESTRICTED OR DAMAGED. TREES SHALL HAVE A LEADING SHOOT. IMMEDIATELY REJECT DRIED OUT, DAMAGED OR UNHEALTHY PLANT MATERIAL BEFORE PLANTING. ALL STOCK IS TO BE CONTAINER GROWN FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO DELIVERY TO SITE

FERTILISER MASS PLANTING AREAS:

FERTILISER SHALL BE 'NUTRICOTE' OR APPROVED EQUIVALENT IN GRANULE FORM INTENDED FOR SLOW RELEASE OF PLANT NUTRIENTS OVER A PERIOD OF APPROXIMATELY NINE MONTHS. THOROUGHLY MIX FERTILISER WITH PLANTING MIXTURE AT THE RECOMMENDED RATE, PRIOR TO INSTALLING PLANTS.

STAKING AND TYING

STAKES SHALL BE STRAIGHT HARDWOOD, FREE FROM KNOTS AND TWISTS, POINTED AT ONE END AND SIZED ACCORDING TO SIZE OF PLANTS TO BE STAKED.
A. 5-15 LITRE SIZE PLANT 1X(1200X25X25MM)
B. 35-75 LITRE SIZE PLANT 2X(1500X38X38MM)
C. 100-GREATER THAN 200LITRE 3X(1800X50X50MM)
TIES SHALL BE 50MM WIDE HESSIAN WEBBING OR APPROVED EQUIVALENT NAILED OR STAPLED TO STAKE. DRIVE STAKES A MINIMUM ONE THIRD OF THEIR LENGTH, AVOIDING DAMAGE TO THE ROOT SYSTEM, ON THE WINDWARD SIDE OF THE PLANT.

IRRIGATION SYSTEM

SUPPLY AN AUTOMATIC WATERING SYSTEM USING 'TORO IRRIGATION SYSTEM' OR SIMILAR APPROVED, WITH MICRO-JET SPRINKLER HEADS AND LOW DENSITY, RUBBER MODIFIED POLYPROPYLENE RETICULATION, TO INCLUDE FILTERS, BENDS JUNCTIONS, ENDS AND OTHER ANCILLARY EQUIPMENT. THE LANDSCAPER SHALL NOMINATE HIS SOURCE OF SUPPLY FOR THE WATERING SYSTEM AND OBTAIN APPROVAL FROM THE SUPERINTENDENT BEFORE PLACING ORDERS FOR EQUIPMENT OR SUPPLY.

A SCHEMATIC PLAN OF THE PROPOSED IRRIGATION SYSTEM IS TO BE PREPARED BY THE CONTRACTOR, SHOWING SOLENOIDS, PIPE DIAMETERS, AND ALL NOZZLE AND TRICKLE ATTACHMENT TYPES (INCLUDING SPRAY/HEAD ANGLE), FOR REVIEW BY THE SUPERINTENDENT PRIOR TO INSTALLATION

THE CONTRACTOR IS TO LIASE WITH THE HYDRAULIC ENGINEER AND COUNCIL AS NECESSARY, TO ENSURE THE THE IRRIGATION SYSTEM CONFORMS WITH ALL THE COUNCIL AND WATER BOARD CODES AND REQUIREMENTS.

PROVIDE AN AUTOMATIC CONTROLLER THAT PROVIDES FOR TWO WEEK SCHEDULING AND HOURLY MULTI-CYCLE OPERATION. THE CONTROLLER SHALL MANUAL OVERRIDE. PROGRAMMING SHALL BE UNDERTAKEN BY THE CONTRACTOR WHO SHALL ADVISE ON THE OPERATION OF THE SYSTEM.

PROVISION OF SECURE HOUSING FOR THE AUTOMATIC IRRIGATION CONTROLLER TO BE LOCATED IN ASSOCIATION WITH THE LANDSCAPE CONTRACTOR AND LOCATION CONFIRMED BY THE SUPERINTENDENT. WIRING TO CONNECT REMOTE SOLENOID LOCATIONS IS TO BE PROVIDED. THE CONTROLLER SHALL BE LOCATED IN A DRY PLACE, PROTECTED FROM THE WEATHER, AND ALL CABLE CONNECTIONS SHALL BE MADE WITH WATERPROOF CONNECTORS.

WATER SUPPLY POINTS TO BE SUPPLIED BY BUILDER.

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

AFTER THE SYSTEM HAS BEEN INSTALLED TO THE SATISFACTION OF THE SUPERINTENDENT, THE INSTALLATION SHALL BE TESTED UNDER KNOWN WORKING CONDITIONS. ACCEPTANCE OF THE INSTALLED PLANT AND EQUIPMENT SHALL BE SUBJECT TO THESE BEING SATISFACTORY.

TREATED PINE TIMBER EDGING

TIMBER EDGE: 100 X 25MM CCA TREATED RADIATA PINE TIMBER STAKES: 50 X 50 X 500MM CCA TREATED RADIATA PINE-SHARPENED AT ONE END. INSTALL IN LOCATIONS SHOWN ON THE DRAWINGS FLUSH TO FINISHED SURFACE LEVELS.

LANDSCAPE MAINTENANCE PROGRAM

MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICE AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE LANDSCAPE WORKS UNDER NORMAL USE. THIS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, WATERING, MOWING, FERTILISING, RESEEDING, RETURFING, WEEDING, PEST AND DISEASE CONTROL, STAKING AND TYING, REPLANTING, CULTIVATION, PRUNING, AERATING, RENOVATING, TOP DRESSING, MAINTAINING THE SITE IN A NEAT AND TIDY CONDITION AS FOLLOWS:-

GENERAL

THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE WORKS FOR THE TERM OF THE MAINTENANCE (OR PLANT ESTABLISHMENT) PERIOD TO THE SATISFACTION OF THE COUNCIL. THE LANDSCAPE CONTRACTOR SHALL ATTEND TO THE SITE ON A WEEKLY BASIS. THE MAINTENANCE PERIOD SHALL COMMENCE AT PRACTICAL COMPLETION AND CONTINUE FOR A PERIOD OF TWENTY SIX (26) WEEKS.

WATERING

GRASS, TREES AND GARDEN AREAS SHALL BE WATERED REGULARLY SO AS TO ENSURE CONTINUOUS HEALTHY GROWTH.

RUBBISH REMOVAL

DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL REMOVE RUBBISH THAT MAY OCCUR AND REOCCUR THROUGHOUT THE MAINTENANCE PERIOD. THIS WORK SHALL BE CARRIED OUT REGULARLY SO THAT AT WEEKLY INTERVALS THE AREA MAY BE OBSERVED IN A COMPLETELY CLEAN AND TIDY CONDITION.

REPLACEMENTS

THE LANDSCAPE CONTRACTOR SHALL REPLACE ALL PLANTS THAT ARE MISSING, UNHEALTHY OR DEAD AT THE LANDSCAPE CONTRACTOR'S COST. REPLACEMENTS SHALL BE OF THE SAME SIZE, QUALITY AND SPECIES AS THE PLANT THAT HAS FAILED UNLESS OTHERWISE DIRECTED BY THE LANDSCAPE ARCHITECT. REPLACEMENTS SHALL BE MADE ON A CONTINUING BASIS NOT EXCEEDING TWO (2) WEEKS AFTER THE PLANT HAS DIED OR IS SEEN TO BE MISSING.

STAKES AND TIES

THE LANDSCAPE CONTRACTOR SHALL REPLACE OR ADJUST PLANT STAKES, AND TREE GUARDS AS NECESSARY OR AS DIRECTED BY THE LANDSCAPE ARCHITECT. REMOVE STAKES AND TIES AT THE END OF THE MAINTENANCE PERIOD IF SO DIRECTED.

PRUNING

TREES AND SHRUBS SHALL BE PRUNED AS DIRECTED BY THE LANDSCAPE ARCHITECT. PRUNING WILL BE DIRECTED AT THE MAINTENANCE OF THE DENSE FOLIAGE OR MISCELLANEOUS PRUNING AND BENEFICIAL TO THE CONDITION OF THE PLANTS. ANY DAMAGED GROWTH SHALL BE PRUNED. ALL PRUNED MATERIAL SHALL BE REMOVED FROM THE SITE.

MULCHED SURFACES

ALL MULCHED SURFACES SHALL BE MAINTAINED IN A CLEAN AND TIDY CONDITION AND BE REINSTATED IF NECESSARY TO ENSURE THAT A DEPTH OF 75MM IS MAINTAINED. ENSURE MULCH IS KEPT CLEAR OF PLANT STEMS AT ALL TIMES.

PEST AND DISEASED CONTROL

THE LANDSCAPE CONTRACTOR SHALL SPRAY AGAINST INSECT AND FUNGUS INFESTATION WITH ALL SPRAYING TO BE CARRIED OUT IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS. REPORT ALL INSTANCES OF PESTS AND DISEASES (IMMEDIATELY THAT THEY ARE DETECTED) TO THE LANDSCAPE ARCHITECT.

WEED ERADICATION

ERADICATE WEEDS BY ENVIRONMENTALLY ACCEPTABLE METHODS USING A NON-RESIDUAL GLYPHOSATE HERBICIDE (EG. 'ROUNDUP') IN ANY OF ITS REGISTERED FORMULAE, AT THE RECOMMENDED MAXIMUM RATE. REGULARLY REMOVE BY HAND, WEED GROWTH THAT MAY OCCUR OR RECUR THROUGHOUT GRASSED, PLANTED AND MULCHED AREAS. REMOVE WEED GROWTH FROM AN AREA 750MM DIAMETER AROUND THE BASE OF TREES IN GRASSED AREAS. CONTINUE ERADICATION THROUGHOUT THE COURSE OF THE WORKS AND DURING THE MAINTENANCE PERIOD.

SOIL SUBSIDENCE

ANY SOIL SUBSIDENCE OR EROSION WHICH MAY OCCUR AFTER THE SOIL FILLING AND PREPARATION OPERATIONS SHALL BE MADE GOOD BY THE LANDSCAPE CONTRACTOR AT NO COST TO THE CLIENT.

1:100 @ A1



ROCKY POINT ROAD CHILDCARE KOGARAH DEVELOPMENT APPLICATION



PREPARED BY
CLIENT
ARCHITECT
JQZ
PTW
Arcadia Landscape Architecture

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Bayside Local Planning Panel

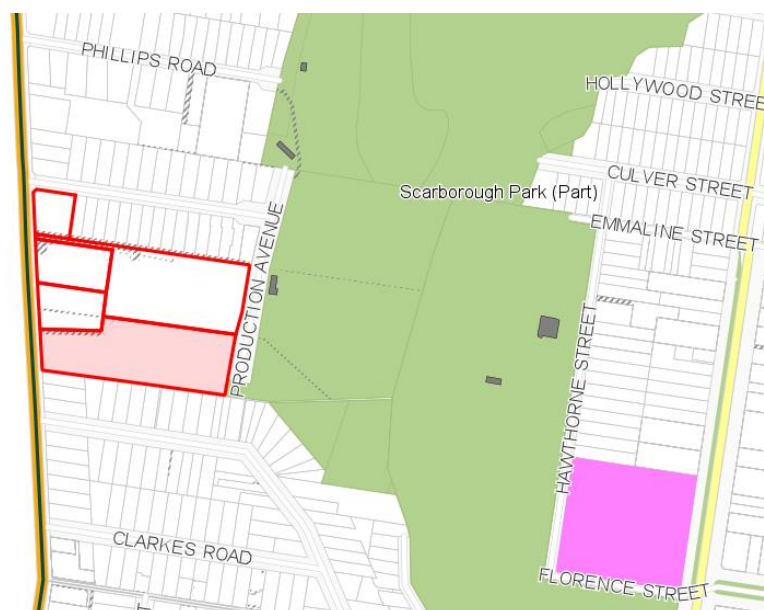
14/05/2019

Item No	6.3
Application Type	Section 4.55(1A) Application
Application No	DA-2017/224/F
Lodgement Date	01/03/2019
Property	152-200 & 206 Rocky Point Road, Kogarah
Ward	Rockdale
Owner	Rocky Point Road Development Pty Ltd
Applicant	Rocky Point Road Development Pty Ltd
Proposal	Modification to amend condition 19(h) regarding louvres along the western fascades of Buildings B & E
No. of Submissions	Nil
Cost of Development	\$0
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That Modification Application No. DA-2017/224/F, being a Section 4.55(1A) application to amend Development Consent No. DA-2017/224, to amend condition 19(h) relating to louvres within the western façades of Buildings B & E at 152-200 & 206 Rocky Point Road, Rockdale, be **APPROVED** pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the modifications of conditions of consent attached to this report.

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Amended East & West Elevations - Block E [↓](#)
- 3 Amended East & West Elevations - Block B [↓](#)
- 4 Typical Sections - Operable Louvres [↓](#)
- 5 Operable Louvre Elevation & Section [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/224/F
Date of Receipt:	1 March 2019
Property:	206 Rocky Point Road, KOGARAH (Lot 1 DP 666138) 152 - 200 Rocky Point Road, KOGARAH (Lot 2 DP 405531), (Lot 1 DP 599502), (Lot 22 DP 620329), (Lot 2 DP 838198), (Lot 1 DP 1144981)
Owner:	Rocky Point Road Developments Pty Ltd
Applicant:	Rocky Point Road Development Pty Ltd
Proposal:	152-200 & 206 Rocky Point Road, KOGARAH NSW 2217 - Modification to amend condition 19(h) regarding louvres along the western facade
Recommendation:	Approved
No. of submissions:	N/A - notification not required
Author:	Helen Lai
Date of Report:	24 April 2019

Key Issues

- Screening of sunlight to west facing windows of Buildings B and E.

Recommendation

That Development Application No. DA-2017/224/F, being a Section 4.55(1A) application to amend Development Consent Number DA-2017/224, for the modification of Condition 19(h) relating to provision of louvres within the western facades of Buildings B & E at 152-200 & 206 Rocky Point Road, Kogarah, be APPROVED and the consent amended in the following manner:

- Amend Condition 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.

ARCHITECTURAL PLANS—prepared by PTW			
DA-002 SITE ANALYSIS	6	14/07/2017	17/11/2017
DA-099 BASEMENT B3	2	13/11/2017	17/11/2017
DA-1007BASEMENT B2	7	13/11/2017	17/11/2017
DA-101 BASEMENT B1	8	31/01/2018	5/10/2018
DA-110 LEVEL GROUND	12	17/09/2018	5/10/2018
DA-111 LEVEL 1	8	23/03/2018	5/10/2018
DA-112 LEVEL 2	8	23/03/2018	5/10/2018
DA-113 LEVEL 3	8	28/09/2018	5/10/2018
DA-114 LEVEL 4-5	7	13/11/2017	17/11/2017
DA-116 LEVEL 6	7	13/11/2017	17/11/2017
DA-117 LEVEL 7	7	13/11/2017	17/11/2017
DA-118 LEVEL 8	7	13/11/2017	17/11/2017
DA-119 LEVEL 9	7	13/11/2017	17/11/2017
DA-120 LEVEL 10	7	13/11/2017	17/11/2017
DA-121 LEVEL 11-12	7	13/11/2017	17/11/2017
DA-123 ROOF PLAN	8	31/01/2018	10/08/2018
DA-200 STREET ELEVATIONS	5	14/07/2017	17/11/2017
DA-210 ELEVATIONS – BUILDING B	5	14/07/2017	17/11/2017
DA-211 ELEVATIONS – BUILDING C	5	14/07/2017	17/11/2017
DA-212 ELEVATIONS – BUILDING D	5	14/07/2017	17/11/2017
DA-213 ELEVATIONS – BUILDING E	6	13/11/2017	17/11/2017
DA-214 ELEVATIONS – BUILDING F&G	6	23/03/2018	5/10/2018
DA-300 SECTIONS – BUILDING B & C	5	14/07/2017	17/11/2017
DA-301 SECTIONS – BUILDING D & E	5	14/07/2017	17/11/2017
DA-302 SECTION PARK	5	14/07/2017	17/11/2017
DA-303 SECTIONS - ROCKY POINT ROAD TO PRODUCTION LANE	1	14/07/2017	17/11/2017
DA-304 SECTIONS – WESTERN & SOUTHERN BOUNDARY	1	14/07/2017	17/11/2017
DA-310 DRIVEWAY PROFILE RAMP 1 – MAIN ENTRY	6	13/11/2017	17/11/2017
DA-311 DRIVEWAY PROFILE RAMP 3	6	14/07/2017	17/11/2017

DA-312 DRIVEWAY PROFILE RAMP 4 – TOWNHOUSE ENTRY	7	23/03/2018	5/10/2018
DA-400 DA ADAPTABLE APARTMENT – TYPE PLAN	6	14/07/2017	17/11/2017
DA-401 DA LIVABLE SILVER TYPE PLAN	6	14/07/2017	17/11/2017
DA-511 LEVEL 1 STORAGE	2	13/11/2017	17/11/2017
DA-612 DA DEEP SOIL DIAGRAM	7	13/11/2017	17/11/2017
DA-710 FAÇADE ELEVATIONS (BUILDING B)	5	14/07/2017	17/11/2017
DA-711 FAÇADE ELEVATIONS (BUILDING C&D)	5	14/07/2017	17/11/2017
DA-712 FAÇADE ELEVATIONS BUILDING E)	5	14/07/2017	17/11/2017
DA-713 FAÇADE ELEVATIONS (LINK BUILDING & BUILDING F&G)	5	14/07/2017	17/11/2017
PROJECT SCHEDULE	6	14/11/2017	17/11/2017
MATERIALS & FINISHES			
DA-700 DA COLOUR SAMPLE BOARD	5	14/11/2017	17/11/2017
ARCHITECTURAL PLANS—prepared by mosca pserras architects			
<i>Operable Louvre Sections / OL1</i>	<i>A</i>	<i>12/02/2019</i>	<i>17/04/2019</i>
<i>Operable Louvre Elevations / OL2</i>	<i>C</i>	<i>15/04/2019</i>	<i>17/04/2019</i>
<i>Block B East & West Elevations / 802</i>	<i>K</i>	<i>17/12/2019</i>	<i>17/04/2019</i>
<i>Block E East & West Elevations / 804</i>	<i>K</i>	<i>17/12/2019</i>	<i>17/04/2019</i>
<i>Horizontal Operable Louvre Panel</i>	<i>A</i>	<i>13/12/2018</i>	<i>17/04/2019</i>
SUBDIVISION PLAN			
Sheets 1 & 2 Surveyor's Reference 118031505_12	N/A	No date	16/11/2017
LANDSCAPE PLANS – prepared by Arcadia Landscape Architecture			

Pages 1 – 34 200_Masterplan, 400_Plant Schedule, Softscape Plans No.'s 401 – 406 Landscape Details (2 pages)	Issue S	November 2017	16 Nov 2017
CIVIL & STORMWATER PLANS – Prepared by AT&L with Project No. 16-380			
SKC25_ACCESS ROAD LAYOUT OPTION 2	B	13-11-17	13/11/2017
SKC26_ACCESS ROAD CROSS SECTION OPTION 2	B	14-11-17	13/11/2017
SKC27_TOWNHOUSES RAMP	B	14-11-17	13/11/2017
SKC28_ACCESS ROAD AND PRODUCTION INTERSECTION	B	14-11-17	13/11/2017
DAC011 - SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 1	C	14-07-17	28/07/2017
DAC012 - SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 2	D	14-07-17	28/07/2017
DAC013 - SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 3	D	14-07-17	28/07/2017
DAC015 - STORMWATER DETAILS SHEET 1	B	19-12-16	28/07/2017
DAC016 - STORMWATER DETAILS SHEET 2	A	14-07-17	28/07/2017
DAC050 – STORMWATER DRAINAGE CATCHMENT PLAN	E	14-07-17	28/07/2017
DAC051 - OSD TANK 1 DETAILS	C	14-07-17	28/07/2017
DAC052 - OSD TANK 2 DETAILS	C	14-07-17	28/07/2017
DAC053 - OSD TANK 3 DETAILS	D	14-07-17	28/07/2017
DAC080 – EROSION AND SEDIMENTATION CONTROL PLAN	D	14-07-17	28/07/2017
DAC081 – EROSION AND SEDIMENTATION CONTROL DETAILS	B	19-12-16	28/07/2017

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.

[Amendment A - S4.55(1A) amended on 20 April 2018]

[Amendment B - S.455(1A) amended on 11 September 2018]

[Amendment D - S4.55(1A) amended on 8 October 2018]

[Amendment F – S4.55(1A) amended on **]***

- Amend condition 19

Plans to include the following matters prior to issue of the Construction Certificate

The following matters must be complied with in the plans submitted with the Construction Certificate, and must be satisfied prior to issue of the Occupation Certificate and during ongoing use of the site where relevant:

- (a) Setback of Building D to be increased:
 - (i) The northern setback for the three (3) lower levels of Building D (i.e. Ground Floor, Level 1 and Level 2) must be amended to have a minimum 9m setback from the sites northern boundary to ensure that a 6m deep soil setback is provided to the north of Building D. This condition is required to ensure that adequate amenity is afforded to future occupants. The condition is imposed due to the loss of 3m of deep soil planting due to the 3m wide 'Licenced Area' defined in the Deed of licence between JQZ Nine Pty Ltd as trustee for the JQZ Nine Unit Trust and Keven Manson Pty Limited.
 - (ii) The affected units shall be converted to ~~one (1)~~ two (2) bedroom units.
- (b) Northern landscape setback to be 'Common Property'
 - (i) the northern landscape setback shall be shown as 'common property' on all relevant plans for the following areas:
 - (1) 6m landscape deep soil zone located to to the north of Building B, Building C, Building D & Units L0001 - L0005.
 - (2) 3m landscape deep soil zone to the north of Dwellings L0006, L0007, L0008, L0009, L0010, L0011 and L0012.
 - (ii) Maintenance access must be provided to this space. This landscape area must be identified as 'Common Property' on any future Strata Subdivision of the site.
- (c) Western landscape Easement within B6 zone - A 6m wide deep soil landscape strip shall be provided within the B6 zoned land immediately adjacent to the R4 zone boundary for that section that is located between the internal access road and the northern site boundary. The 6m wide deep soil landscape strip must continue up to the proposed internal access road and must be shown on all plans submitted with the Construction Certificate. This must be reflected in any future Strata Subdivision of the site, and shall be covered by a Section 88B Instrument that must be signed by Council prior to issue of the Occupation Certificate. Council must be the only authority empowered to release, vary or modify the proposed easement.
- (d) Provision of a green roof above the driveway entrance which includes low lying landscaping with a 300mm soil depth as detailed in the amended landscape plans.
- (e) The proposed fence to the southern boundary of the "central park" must be deleted to allow unimpeded access to this principal area of communal open space. If access gates and fencing are proposed for Buildings B, C, D & E, they may be provided no further south than the southern edge of Buildings C and D (away from the access street).

- (f) Building G & F (Terraces) shall be amended as follows:
 - (i) Proposed screening to the southern end of the roof top level for all (20)-21 townhouses shall be relocated 2m further north. The screening shall be 1.8m in height for the full width of the roof terrace, shall be constructed of high quality materials, and shall be horizontal louvres facing in an upward or downward direction that will prevent any overlooking toward the rear yards of Margate Street residences.
 - (ii) A maximum size pergola structure of 24m² shall be provided to the roof terraces. Solid walls / elements shall not be permitted to the side elevations.
 - (iii) The first floor rear balconies shall be deleted from all (20)-21 townhouses.
- (g) Wind Report - Compliance with the recommendations in the Pedestrian Wind Environment Study report prepared by Windtech (dated 16 December 2016), including:
 - (i) Strategically placed densely foliating evergreen tree planting capable of growing to a height of 5m with a 5m wide canopy throughout the Central Park area, along Production Lane and along the western side of the residential component of the development.
 - (ii) 2m high densely foliating shrub planting in the planter beds currently proposed for the Level 7 and Level 8 communal terraces located on Buildings E and B respectively.
 - (iii) 1.5m to 2m high impermeable screening or hedge planting around the ground level southern corner private terraces of Buildings B, C, D and E.
 - (iv) Densely foliating planting for the Level 9 and 11 southern private terraces located on Buildings E and B respectively, similar to the proposed planting on the Building B and E communal terraces.
 - (v) Impermeable balustrades for all private balconies and terraces located at the corners of the various buildings of the development, and also the townhouse roof terraces.
- (h) Shading and Glare Control to Western Facades - ***Sliding and operable vertical Operable*** louvre screens shall be provided to the western facades of all units within Building B and Building E to provide shading from summer sun to living areas of units but that will permit winter sun to penetrate living areas in accordance with the Apartment Design Guide Part 4A.
- (i) Any hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed, as required by Control 19 of Part 4.7 of Rockdale DCP 2011.
- (j) Ceiling Heights
 - (i) Ceiling heights for all habitable areas shall be a minimum of 2.7 metres and ceiling heights as measured vertically from finished floor level to the underside of the ceiling.
 - (ii) Ceiling heights for all non-habitable areas shall be a minimum of 2.4 metres as measured vertically from finished floor level to the underside of the ceiling.
- (k) Natural light to be provided to the basement car parking levels as shown in the approved landscape plans.
- (l) Elevator size and requirements -
 - (i) All passenger lift cars are to have minimal internal dimensions of 2.1m x 1.5m, must be capable of carrying stretchers and have lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.
 - (ii) Elevators in the building must be of a quality and speed that will be able to handle a peak 5-minute traffic volume of 20% of the population and provide an Interval of 80 seconds or

less. The population of the building must be established using CIBSE (Chartered Institute of Building Services) population data.

- (m) Mechanical ventilation - Any mechanical ventilation system for the basement car park must comply in all respects with the requirements of Australian Standard 1668, Part 1 & 2. The vents for this system are proposed within the roof top level landscape area and must be appropriately designed and screened by landscape planting.
- (n) Mechanical ventilation for commercial / retail tenancies - all ground floor level commercial tenancies shall be provided with mechanical ventilation which complies with the relevant Australian Standards to permit future uses for food and drink premises. The systems must vent above the roof top level.
- (o) Basement & Lift Access - Each unit shall be provided with a buzzer / button that will allow them to open the door(s) to the residential lobby and to the basement levels. The residential townhouses (Building G) must be provided with buzzer access to the main basement to allow visitors to access these spaces. Visitors must be provided with lift access from the basement to Ground Floor Level.
- (p) The air-conditioning units required under SEPP BASIX shall not be fixed to the external walls of the balcony or building and must be located in a position that is not easily visible from the public domain.
- (q) The proposal shall include the use of rainwater harvesting for all landscape planting at roof top level, podium level and for the green gateway planting in accordance with the requirements of Part 7.5 of RDCP 2011.
- (r) All plumbing, shall be concealed within the brickwork / facade of the building.
- (s) Garbage Rooms - Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
- (t) The stormwater detention tank(s), basement parking, and all other structures associated with the residential development must be located outside of the boundary of the New Road and any public domain areas.
- (u) The following modifications must be made to mitigate acoustic impacts resulting from the entrances to the southern lobbies to Buildings B & E:
 - (i) The bedrooms with windows facing the building entry foyers in each of the Units B0012, B0013, E0004, E0005, E0010 and E0011 shall be deleted. These units must be reconfigured into one (1) bedroom units with no windows facing in toward the building entrance area.
 - (ii) A roof shall be provided in front of the Entrance lobby for Building Block B2 and for both entrance lobbies for Building E2 to minimise acoustic impacts to upper level bedroom windows which face in toward the entrance areas. The roofs shall extend a minimum of 2.5m from the entrance lobby for the full width of the entrance area.
- (v) Provide more direct access between the loading bay and the lift lobbies for Building B & C to ensure ease of access between the loading bay and the lifts for furniture removal.

[Amendment B - S4.55(1A) amended on 11 September 2018]

[Amendment D - S4.55(1A) amended on 8 October 2018]

[Amendment F - S4.55(1A) amended on ***]**

Background

History

The site was most recently zoned primarily for industrial purposes and was occupied by Darrell Lea Chocolates. The site was the subject of a Planning Proposal in 2014 and was rezoned to both B6 - Enterprise Corridor and R4 - High Density Residential under Rockdale Local Environmental Plan (RLEP 2011). This application relates to condition 19(h) regarding louvres along the western facade.

Demolition and construction works associated with DA-2017/224 have substantially commenced.

The following applications are of relevance to the subject site:

- DA-2017/224 Approved by the Sydney Eastern City Planning Panel (SECPP) on 28 November 2017 Staged Development Stage 1 included construction of four (4) residential flat buildings comprising 513 units and twenty (20) townhouses (total of 533 dwellings); basement car parking; construction of a new access road connecting Rocky Point Road and Production Avenue, including the construction of a new signalised intersection at Rocky Point Road and road upgrade works to Production Avenue; landscaping works, including ground level landscaping for communal open space and communal terraces to some rooftops of the residential flat buildings; land subdivision, land dedication and building envelope for a child care centre; retention of the existing commercial building at 168 Rocky Point Road; and tree removal and bulk earthworks at 152200 and 206 Rocky Point Road, Sans Souci.
- DA-2017/224/A - This Section 4.55(1) Application is to correct minor errors with plan references, Section 94 Contributions and tree removal requirements. This application was approved on 20 April 2018.
- DA-2017/224/B - Section 4.55(1A) Application to modify condition 19(a)(ii) to convert 3 bedroom units to 2 bedroom units on lower three levels in Building D rather than to 1 bedroom units. This application was approved by the Bayside Planning Panel on 11 September 2018.
- DA-2017/224/C - Section 4.55(1A) Application to modify Condition 35 (b) to reduce the clearance height for the basement access ramp. This application was approved on 6 July 2018.
- DA-2017/224/D - The subject of this report. Section 4.55(1A) Application including provision of an additional townhouse to result in a total of twenty one (21) townhouses located along the southern side of the new road. This application was approved on 8 October 2018.
- DA-2017/245 - Torrens Title Subdivision. This application was withdrawn on 29 October 2018. Subdivision proposed in this application has been included in modification application No. 2017/224/E.
- DA-2017/224/E - Section 4.55(1A) Application to permit subdivision in two stages. This application is currently under assessment.
- DA-2017/224/F - Section 4.55(1A) Application to amend condition 19(h) regarding louvres along the western facade. This application is the subject of this report.
- DA-2018/222 - Stage 2 development application for the construction of a two (2) storey child care centre for 66 children, car parking, landscaping and signage. This application is currently

under assessment.

Proposal

Council is in receipt of modification application DA-2017/224/F at 152-200 & 206 Rocky Point Road, Kogarah, which seeks to amend condition 19(h) relating to the required provision of '*sliding and vertical operable louvres*' to living room windows within the western facades of Buildings B & E. The condition was imposed in accordance with the Apartment Design Guide (ADG) to minimise cooling required within the significant number of single aspect west facing units within the approved development.

The applicant has requested that the words '*sliding and vertical*' be deleted from condition 19(h) to permit the erection of fixed louvre screens. The modification has been requested because awning windows restrict window openings to a maximum 125mm (for child safety requirements) and prevent future occupants from operating sliding and vertical louvres through the narrow window openings.

Proposed louvres will be constructed of powder-coated aluminium and will be fixed to the outside of the units within the building as shown in the section plan below:

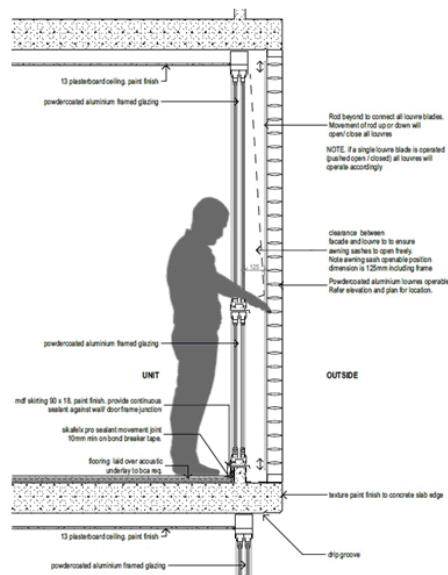


Figure 1 - Section showing proposed louvre system

Condition 19(h) as proposed to be amended is detailed below:

19. "Plans to include the following matters prior to issue of the Construction Certificate
The following matters must be complied with in the plans submitted with the Construction
Certificate, and must be satisfied prior to issue of the Occupation Certificate and during
ongoing use of the site where relevant:

...

- (h) Shading and Glare Control to Western Facades — ~~Sliding and vertical~~ Operable louvre

screens shall be provided to the western facades of all units within Building B and Building E to provide shading from summer sun to living areas of units but that will permit winter sun to penetrate living areas in accordance with the Apartment Design Guide Part 4A".

The applicant's rationale for the proposed amendments are provided below:

"During the design development stage, it was identified that in order to comply with the requirements of the Building Code of Australia (BCA), awning windows must be provided to all buildings, which are mandated to have restricted openings in the order of 125mm (for child safety requirements). For this reason, providing sliding louvres to the western facades of Buildings B and E, as required by Condition 19(h) of the consent cannot be practicably achieved given future occupants will not be able to move or operate the required shade screens provided to the external façade of the building.

It is understood however that the imposition of Condition 19(h) was to ensure that adequate shading is provided to the significant number of west facing apartments of Buildings B and E, which, because of the large western elevations of these buildings, will be subjected to afternoon sun in the warmer months. It is also understood that the intent for the louvres to be operable was to ensure the flexibility to allow winter sun to penetrate within the apartments in colder months".

In order to overcome the practical limitation which ensues from the BCA requirement of awning windows (and their minimal openings), it is proposed to modify Condition 19(h) to permit fixed, but operable, horizontal louvres to the western facades of all the units within Buildings B and E. These louvres will still ensure the objective of controlling direct solar access to within the apartment using an external building mechanism is achieved.

The horizontal louvres will be operable through the provision of a rod on the inside of the louver system, which is within reach of occupants through the opening provided by the awning window when opened".

Site location and context

The subject site is known as 152-200 and 206 Rocky Point Road, Kogarah. The site is generally rectangular in shape. The total site area is approximately 33,525m² comprising of six (6) allotments (refer to Table 1 and Figure 1 below). The site frontage to Rocky Point Road (a Classified Road) is approximately 204m. The eastern frontage is approximately 142m to Production Avenue (Lane), the northern side boundary is 232.4m to the rear of the properties with frontage to Production Avenue (located within the IN1 zone), and the southern boundary length is 197.4m primarily to the rear of properties fronting Margate Street.

TABLE 1 - Legal description and land area comprising the site

Address	Lot	Deposited Plan	Land Area
152 Rocky Point Road	2	405531	1,929.7m ²
160 Rocky Point Road	2	838198	11,704.7m ²
168 Rocky Point Road	1	1144981	3,750.5m ²

200 Rocky Point Road	22	620329	12,376m ²
	11	599502	3,124.5m ²
206 Rocky Point Road	1	666138	639.6m ²
Total Land Area			33,525m²

The proposal relates to modifications to the required louvres to Buildings B & E. Other than the erection of the louvres, no physical works, including tree removal, are proposed as part of this modification application.

The is split into zoning - R4 - High Density Residential and B6 - Enterprise Corridor (refer to Figure 5). The total site area is approximately 33,525m².

TABLE 2 - Area of land associated with each of the R4 & B6 zones

Land Use Zone	Land Area
B6 - Enterprise Corridor (including 152 and 206 Rocky Point Road)	11,151m ² (including the area to be dedicated for intersection and road widening purposes)
R4 - High Density Residential	22,374m ²



FIGURE 1 - Site Area



Legend
 Site Boundary
 Relevant Site Area

FIGURE 2 - 'Site Boundary' refers to areas subject to physical works under the approved development application, DA-2017/224 (and as subsequently modified). 'Relevant Site Area' refers to those parts of the site subject to the construction of residential dwellings and the child care centre under DA-2017/224.

The Land Area for the B6 Enterprise Corridor zone includes the area that is subject to future road widening for the proposed new intersection at Rocky Point Road.

Works at the site are substantially under way, including construction of the road and all buildings associated with the approved development.

Generally, the sites slope down from Rocky Point Road to the rear Production Lane. The difference in levels between Rocky Point Road and Production Lane varies between 6m and 10m, with a maximum difference in levels between the sites highest point (152 Rocky point Road RL12.5) and its lowest point at the northeastern corner of the site at Production Lane (RL 2.5). The site also contains a cross fall generally from southwest down to northeast. The rear southeastern portion of the site is relatively level and elevated approximately 2m - 2.5m above the sites northern rear side. There is also a difference in levels between the Margate Street properties and the subject site. Toward the rear southern boundary of the site, primarily at the rear southeastern corner where the proposed child care centre is located, the subject site is approximately 2 metres lower than the Margate Street properties.

A Deed has been entered into between the owner of the subject site and the adjoining owner of No. 2028 Production Avenue. This 'Deed' provides that owner with the right to use a 3m strip of land located immediately to the south of their property for fire egress and building maintenance purposes.

The site is identified as potentially contaminated, is affected by Acid Sulfate Soils Class 3 and 5, and a very small part of the sites northeastern fringe is affected by flooding.

Surrounding Context

The surrounding site context includes:

- North – the rear of an array of light industrial uses within the IN2 Light Industrial zone. These properties have frontage to Production Avenue and include car repair station, warehouses and a range of other light industrial uses.
- South - the rear yard of detached dwellings within the R2 Low Density Residential zone. These properties have frontage to Margate Street and Rocky Point Road. Ramsgate town centre located approximately 300m further the south contains a range of small scale commercial and retail business, and some more recent four and five storey mixed use developments.
- East - Production Lane, Leo Smith Reserve / Scarborough Park which include a selection of sport fields used for baseball, soccer, rugby and cricket among other areas of the park for alternate active recreational uses. The park interconnects with broader Scarborough Park to the North and Rotary Park and Tornbridge Street Reserve to its south, forming a local grid of functional open spaces for residents and the community within the wider area. Part of the park is zoned SThe reserve takes a more natural vegetated parkland form to its south west. The part of Production Lane that immediately adjoins the site includes public car parking that is primarily utilised by the sporting fields. Access to Production Lane is via an existing oneway system from Rocky Point Road with access using Production Avenue and egress using Philips Road to gain access to Rocky Point Road (a oneway road located to the north of Production Avenue).
- West - a new Aged Care Facility, low density detached dwellings and a series of four (4) storey apartment buildings are located on the opposite side of Rocky Point Road within the Georges River Council area.

The Kogarah Town Centre is located approximately 1.4km further north. Kogarah Town Centre contains a mix of local businesses and retail shops, St George Hospital and other health and medical related facilities.

The site is also located within approximately 1.8 kilometres south east from Kogarah Railway Station and 1.5 kilometres east of Carlton Railway Station. These stations are serviced by the T4 Eastern Suburbs and Illawarra Rail line, which connects Bondi Junction to Wolli Creek, Kogarah, Sutherland and Cronulla via Central Sydney stops.

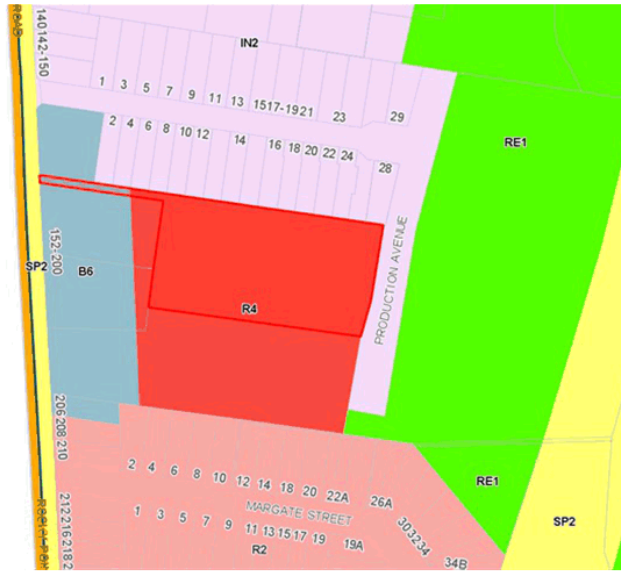
Local bus networks (Route 476 and Route 477) provide regular services in front of the site and connect the site to Kogarah and Carlton Station as well as service the local and surrounding suburbs of Rockdale, San Souci, Dolls Point, and Ramsgate.



FIGURE 3 - Local Context (Source: PTW Architects).



FIGURE 4 - Aerial view of site in broader context (Source: PTW Architects).



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

Comment: The application was not required to be 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.*

Comment: N/A - notification not required.

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

S7.4 - Planning Agreements

Council is required to detail any Voluntary Planning Agreement (VPA) and its relationship to the application under assessment in accordance with Section 4.15(1)(a)(iiia) of the EP&A Act.

In accordance with the provisions of Section 7.4 of the EP&A Act 1979, a Voluntary Planning Agreement (VPA) was entered into on the 9 May 2016 between Council, Land and Portfolio Pty Ltd (developer) and D.L.N (lot owner) in connection with the Planning Proposal for the site resulting in increased FSR and height. The VPA was novated to the new owner JQZ Nine Pty Ltd as trustee for the JQZ Nine Unit Trust on 15 December 2016.

The VPA includes the construction of a child care centre and dedication to Council of a parcel of land containing the new child care centre. A broad range of other works and monetary contributions are also included.

The VPA has since been amended by a Deed of Variation (dated 1 March 2019). For example, the original planning agreement required the child care centre to be delivered and handed over prior to the occupation certificate on the 350th residential dwelling. Due to a delay in the Development Application for the child care centre, the timeframe for delivery of the child care centre has been amended.

Relevant conditions contained in DA-2017/224 (as modified) are proposed to be updated to reflect the amended VPA as part of modification application No. DA-2017/224/E (which is still under assessment).

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 65—Design Quality of Residential Apartment Development

Consideration has been given to the relevant matters contained in SEPP 65. In this case, the application relates only to modifications to required louvres to living room windows in the western facades of Building B & E. The proposed modification is not required to be considered by the Design Review Panel, and the proposal remains satisfactory with regards to the nine (9) design quality principles contained in Schedule 1 of SEPP 65.

The table below includes an assessment of relevant matters from the Apartment Design Guide (ADG). It demonstrates that the proposal complies with the key objectives and design criteria of the ADG.

Clause	Objective	Design Guidance	Comments	Complies
Part 4 - Designing the Building				
4A – Solar Access	4A-3 Design incorporates shading and glare control, particularly for warmer months	<p>A number of the following design features are used:</p> <ul style="list-style-type: none"> • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) 	The proposal includes operable louvres fixed to the external facade of living rooms of west facing windows for both Building B & E to minimise heat transfer into the units during the warmer months but to permit passive heating in winter and cooler months.	Acceptable

4U - Energy Efficiency	4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> the use of smart glass or other technologies on north and west elevations thermal mass in the floors and walls of north facing rooms is maximised polished concrete floors, tiles or timber rather than carpet insulated roofs, walls and floors and seals on window and door openings overhangs and shading devices such as awnings, blinds and screens 	As above	Acceptable
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Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion

2.3 Zone R4 High Density Residential

The subject part of the site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is ancillary to the approved residential flat building which constitutes a permissible development only with development consent. The objectives of this zone are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with the relevant objectives of the zone.

4.3 Height of buildings

The proposed amendment to louvres does not modify the overall height of the building. The proposal is therefore acceptable in this regard.

4.4 Floor space ratio - Residential zones

The proposal does not alter the floor space ratio of the development. Accordingly, the proposal meets the objectives of Clause 4.4 in RLEP 2011.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
5.1 Building Design - General	Yes	Yes - see discussion

4.4.4 Glazing - General Controls

The proposal includes louvre screening of primarily floor to ceiling height west facing living room windows that are located at the western face of the Buildings B & E. Almost all of the units provided with screening are single aspect west facing units. The screening will therefore reduce the need for mechanical cooling, particularly during the warmer months, while permitting winter sun to penetrate the units to minimise mechanical heating requirements. The proposal satisfies the objectives of the controls of Part 4.4.4 of RDCP 2011.

5.1 Building Design - General

The proposed modification will not result in any material change to the built form and architectural design of the development. The proposal is therefore acceptable with regards to the 'Building Design' controls and objectives contained within Part 5.1 of RDCP 2011.

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

The provisions of the Regulations have been considered in the assessment of the original development application. This is for s4.55(1A) only relates to modifications to Condition 19(h) regarding the provision of louvre screening. All relevant provisions of the Regulations have been considered in the assessment of this proposal as modified.

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

The relevant matters pertaining to the likely impacts of the development have been assessed under the original proposal. The proposal (as modified) will continue to minimise the use of mechanical cooling and heating of west facing units as originally proposed. Consideration has been given to the potential impacts to views of future occupants resulting from the permanence of the louvre system as opposed to the sliding louvre system as originally required by Condition 19(h). Given the slim-line design of the powder-coated aluminium louvres, impacts to the outlook and views obtained from the living rooms of these units will be minimised. Louvres are not proposed to balconies, and overall the louvres are considered to provide a positive impact for the amenity of future occupants. There are no further matters raised in this application that would alter the conclusions reached in the original assessment.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been

considered in the assessment of the original proposal. The proposed modification does not alter the conclusions reached in the original assessment.

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

The proposed development did not require notification in accordance with the provisions of Rockdale DCP 2011.

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

The proposed modification is minor and is considered satisfactory having regard to the objectives and requirements of SEPP 65, Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. Impacts have been considered and addressed. As such it is considered that the proposed development as proposed to be modified is in the public interest.

Schedule 1 - Draft Conditions of consent

General Conditions

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

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

ARCHITECTURAL PLANS—prepared by PTW			
DA-002 SITE ANALYSIS	6	14/07/2017	17/11/2017
DA-099 BASEMENT B3	2	13/11/2017	17/11/2017
DA-100 BASEMENT B2	7	13/11/2017	17/11/2017
DA-101 BASEMENT B1	8	31/01/2018	5/10/2018
DA-110 LEVEL GROUND	12	17/09/2018	5/10/2018
DA-111 LEVEL 1	8	23/03/2018	5/10/2018
DA-112 LEVEL 2	8	23/03/2018	5/10/2018
DA-113 LEVEL 3	8	28/09/2018	5/10/2018
DA-114 LEVEL 4-5	7	13/11/2017	17/11/2017
DA-116 LEVEL 6	7	13/11/2017	17/11/2017
DA-117 LEVEL 7	7	13/11/2017	17/11/2017
DA-118 LEVEL 8	7	13/11/2017	17/11/2017
DA-119 LEVEL 9	7	13/11/2017	17/11/2017
DA-120 LEVEL 10	7	13/11/2017	17/11/2017
DA-121 LEVEL 11-12	7	13/11/2017	17/11/2017

DA-123 ROOF PLAN	8	31/01/2018	10/08/2018
DA-200 STREET ELEVATIONS	5	14/07/2017	17/11/2017
DA-210 ELEVATIONS – BUILDING B	5	14/07/2017	17/11/2017
DA-211 ELEVATIONS – BUILDING C	5	14/07/2017	17/11/2017
DA-212 ELEVATIONS – BUILDING D	5	14/07/2017	17/11/2017
DA-213 ELEVATIONS – BUILDING E	6	13/11/2017	17/11/2017
DA-214 ELEVATIONS – BUILDING F&G	6	23/03/2018	5/10/2018
DA-300 SECTIONS – BUILDING B & C	5	14/07/2017	17/11/2017
DA-301 SECTIONS – BUILDING D & E	5	14/07/2017	17/11/2017
DA-302 SECTION PARK	5	14/07/2017	17/11/2017
DA-303 SECTIONS - ROCKY POINT ROAD TO PRODUCTION LANE	1	14/07/2017	17/11/2017
DA-304 SECTIONS – WESTERN & SOUTHERN BOUNDARY	1	14/07/2017	17/11/2017
DA-310 DRIVEWAY PROFILE RAMP 1 – MAIN ENTRY	6	13/11/2017	17/11/2017
DA-311 DRIVEWAY PROFILE RAMP 3	6	14/07/2017	17/11/2017
DA-312 DRIVEWAY PROFILE RAMP 4 – TOWNHOUSE ENTRY	7	23/03/2018	5/10/2018
DA-400 DA ADAPTABLE APARTMENT – TYPE PLAN	6	14/07/2017	17/11/2017
DA-401 DA LIVABLE SILVER TYPE PLAN	6	14/07/2017	17/11/2017
DA-511 LEVEL 1 STORAGE	2	13/11/2017	17/11/2017
DA-612 DA DEEP SOIL DIAGRAM	7	13/11/2017	17/11/2017
DA-710 FAÇADE ELEVATIONS (BUILDING B)	5	14/07/2017	17/11/2017
DA-711 FAÇADE ELEVATIONS (BUILDING C&D)	5	14/07/2017	17/11/2017
DA-712 FAÇADE ELEVATIONS BUILDING E)	5	14/07/2017	17/11/2017

DA-713 FAÇADE ELEVATIONS (LINK BUILDING & BUILDING F&G)	5	14/07/2017	17/11/2017
PROJECT SCHEDULE	6	14/11/2017	17/11/2017
MATERIALS & FINISHES			
DA-700 DA COLOUR SAMPLE BOARD	5	14/11/2017	17/11/2017
ARCHITECTURAL PLANS—prepared by mosca pserras architects			
<i>Operable Louvre Sections / OL1</i>	<i>A</i>	<i>12/02/2019</i>	<i>17/04/2019</i>
<i>Operable Louvre Elevations / OL2</i>	<i>C</i>	<i>15/04/2019</i>	<i>17/04/2019</i>
<i>Block B East & West Elevations / 802</i>	<i>K</i>	<i>17/12/2019</i>	<i>17/04/2019</i>
<i>Block E East & West Elevations / 804</i>	<i>K</i>	<i>17/12/2019</i>	<i>17/04/2019</i>
<i>Horizontal Operable Louvre Panel</i>	<i>A</i>	<i>13/12/2018</i>	<i>17/04/2019</i>
SUBDIVISION PLAN			
Sheets 1 & 2 Surveyor's Reference 118031505_12	N/A	No date	16/11/2017
LANDSCAPE PLANS – prepared by Arcadia Landscape Architecture			
Pages 1 – 34 200_Masterplan, 400_Plant Schedule, Softscape Plans No.'s 401 – 406 Landscape Details (2 pages)	Issue S	November 2017	16 Nov 2017
CIVIL & STORMWATER PLANS – Prepared by AT&L with Project No. 16-380			
SKC25_ACCESS ROAD LAYOUT OPTION 2	B	13-11-17	13/11/2017
SKC26_ACCESS ROAD CROSS SECTION OPTION 2	B	14-11-17	13/11/2017
SKC27_TOWNHOUSES RAMP	B	14-11-17	13/11/2017
SKC28_ACCESS ROAD AND PRODUCTION INTERSECTION	B	14-11-17	13/11/2017

DAC011 - SITEWORKS AND STORMWATER DRIANAGE PLAN SHEET 1	C	14-07-17	28/07/2017
DAC012 - SITEWORKS AND STORMWATER DRIANAGE PLAN SHEET 2	D	14-07-17	28/07/2017
DAC013 - SITEWORKS AND STORMWATER DRIANAGE PLAN SHEET 3	D	14-07-17	28/07/2017
DAC015 - STORMWATER DETAILS SHEET 1	B	19-12-16	28/07/2017
DAC016 - STORMWATER DETAILS SHEET 2	A	14-07-17	28/07/2017
DAC050 – STORMWATER DRAINAGE CATCHMENT PLAN	E	14-07-17	28/07/2017
DAC051 - OSD TANK 1 DETAILS	C	14-07-17	28/07/2017
DAC052 - OSD TANK 2 DETAILS	C	14-07-17	28/07/2017
DAC053 - OSD TANK 3 DETAILS	D	14-07-17	28/07/2017
DAC080 – EROSION AND SEDIMENTATION CONTROL PLAN	D	14-07-17	28/07/2017
DAC081 – EROSION AND SEDIMENTATION CONTROL DETAILS	B	19-12-16	28/07/2017

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.

[Amendment A - S4.55(1A) amended on 20 April 2018]

[Amendment B - S.455(1A) amended on 11 September 2018]

[Amendment D - S4.55(1A) amended on 8 October 2018]

[Amendment F – S4.55(1A) amended on **]***

3. Voluntary Planning Agreement

A voluntary planning agreement (VPA) was entered into between Council, the Developer (Land and Portfolio Pty Ltd) and the Lot Owner (D.L.N. Pty Limited) on 9 May 2016 in connection with the making of the amendment to the Rockdale LEP to permit the carrying out of the development which is the subject of this consent.

The VPA was novated to the Developer (Land & Portfolio Pty Ltd) and Purchaser (JQZ Nine Pty Ltd as trustee for the JQZ Nine Unit Trust) on 15 December 2016.

The VPA requires that Development Contributions with Item No. A, B, C, D, E, F, G and H referred to in Column 1 of the Table provided in clause 1.1 of Schedule 3 of the VPA be made at a time referred to in Column 4 of the Table provided in clause 1.1 of Schedule 3 (Timing).

No occupation certificate or construction certificate as referred to in Column 4 of the table provided in clause 1.1. of Schedule 3 (Timing) can be issued until the corresponding Development Contributions referred to in Schedule 3 have been made.

For the purposes of the VPA, the approved Floor Space Ratio of the Development is 2:1 or higher (for Land within the 'R4 - High Density Residential' zone) and the maximum building height is in accordance with the building height plane defined by clause 4.3(3) of Rockdale LEP 2011.

4. Staged DA

This development consent relates to Stage 1 of the development only. A separate development application shall be submitted to Council for Stage 2 of the development - i.e. the Child Care Centre.

The Child Care centre shall be of two (2) storey construction and with a GFA and external play areas that will enable the centre to accommodate 65 children, generally in accordance with the plans submitted with pre-DA application No. PDA-2017/25. The centre must also accommodate all car parking within the site as required by the Bayside Traffic Development Advisory Committee and RDCP 2011.

5. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

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

7. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate

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other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

[Amendment D - S4.55(1A) amended on 8 October 2018]

8. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes modifications to the extent of the basement car parking areas (other than required by other conditions of consent), the fitting of any form of doors and/or walls, location of fire booster valves and proposed substations, etc.

9. A separate development application shall be submitted for the strata subdivision of the development. The entire residential development must be within a single Strata Plan unless separate approval is provided that will ensure access can be provided for all residents to and within all relevant parts of the site.

10. The pergolas and balconies shall not be enclosed at any future time without prior development consent.
11. 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.
12. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
13. 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.

Development specific conditions

The following conditions are specific to the Development Application proposal.

14. Roads and Maritime Services

The following conditions imposed by Roads and Maritime Services (RMS) in their letter dated 12 September 2017 must be complied with:

- (i) The proposed Traffic Control Signals (TCS) at the intersection of Rocky Point Road/Weeney Street and the "site access road" shall be designed to meet Roads and Maritime requirements. The TCS plan shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a Construction Certificate and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

- (ii) Roads and Maritime is prepared to extinguish the existing easement upon completion of the development and provision of the replacement drainage system as per the attached draft "Plan of Easement Affecting Lot 1 in DP 599502 and Lot 22 in DP 620329" referred to Roads and Maritime on 28 July 2017. The new system is to be protected by a new easement in favour of Roads and Maritime providing overland flow and not solely subsurface drainage.

Roads and Maritime will require a suitable notation on title, acceptable to Roads and Maritime, in relation to Roads and Maritime ongoing right to discharge stormwater into the development drainage system. All works and fees associated with the relocation of the easement and infrastructure are to be at no cost to Roads and Maritime. Furthermore, detailed design plans and hydraulic calculations of the proposed changes to Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for

approval, prior to the commencement of any works.

Details should be submitted to Suppiah Thillai: suppiah.thillai@nsw.gov.au

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

- (iii) The developer will be responsible for undertaking any community consultation required in relation to the impacts of proposed road works, including the impacts any loss of on street parking required to facilitate the works.
- (iv) Any realignment boundary/dedication of land to facilitate the works must be dedicated as road at no cost to Roads and Maritime.
- (v) A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- (vi) The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (vii) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of Construction and is to meet the full cost of the assessment by Roads and Maritime.

Details should be submitted to Suppiah Thillai: suppiah.thillai@nsw.gov.au

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

- (viii) All demolition and construction vehicles are to be wholly within the site as construction zone will not be permitted on Rocky Point Road.
- (ix) Road Occupancy Licence must be obtained from Transport Management Centre for any works that may impact on traffic flows on Rocky Point Road during construction activities.
- (x) All works and signposting associated with the subject development, including any public utility adjustment/relocation works, shall be at no cost to Roads and

Maritime.

15. Ausgrid

The following conditions imposed by Ausgrid by letter dated 31 January 2017 must be complied with:

- (a) Method of Electricity
The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 - 'Premise Connection Requirements'.
- (b) Supply of Electricity
It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.
An assessment will be carried out based on the enquiry which may include whether or not:
 - * The existing network can support the expected electrical load of the development
 - * A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - * Site conditions or other issues that may on the method of supply.
 Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.
- (c) Conduit Installation
The need for additional electricity in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- (d) Proximity to Existing Network Assets
 - (i) Overhead powerlines
There are existing overhead electricity network assets in Rocky Point Road, Production Avenue, and Production Lane.
Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/pols to structures within the development throughout the construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.
The 'as constructed' minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au.
Based on the design of the development provided, it is expected that the 'as constructed' minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site.
 - (ii) Underground Cables
There are existing underground electricity network assets in Rocky Point Road, and also within an existing easement on the subject property.

Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(iii) Substation

There are existing electricity substation assets in the subject property.

There have been preliminary investigations with Ausgrid to decommission the existing substations and install new substations onsite to suit load requirements. The proposed building structures are not to encroach on the existing substations easements until the substation decommissioning works have been completed and arrangement have been made for the easement to be relinquished.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields) 0 Hz - 3 kHz (ARPANSA, 2006)

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

Further details refer to Ausgrid's Network Standard 143.

(e) For Activities within or near to the Electricity Easement:

- (i) Purpose of Easement
This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers on the public, or reduce the security and reliability of Ausgrid's network.
- (ii) The Following Conditions Apply for any Activities Within the Electricity Easement:
 - 1. Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
 - 2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
 - 3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or wall and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
 - 4. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
 - 5. No buildings/structures or parts thereof constructed may encroach the easement.
 - 6. No machine excavation is permitted within the easement without Ausgrid's express permission.
 - 7. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
 - 8. Bulk solids (eg. sand and gravels) are not to be stored within the easement area.
 - 9. Any change to ground levels must be submitted to Ausgrid for approval.
 - 10. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
 - 11. Ausgrid is to be indemnified from all actions, suits, claims and demands of whatsoever nature, which Ausgrid may incur as a result of the encroachment/s.
 - 12. Ausgrid reserves the right, by written notice, to require the owner of the property, at the owner's expense, to implement further safety measures, removal or modification of any encroachments not specifically approved by Ausgrid should this be necessary in the future for the safe and continued operation

or upgrade of the network asset.

16. NSW Water

The following Integrated Development Conditions issued by NSW Water by letter dated 6 February 2017 must be complied with:

(A) General

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

(B) Prior to excavation

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

- (i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (iii) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (iv) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
- (b) 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.
- (c) 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.
- (d) Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- (e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
- (f) A copy of a valid consent for the development shall be provided in the initial report.

- (g) 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.
 - (h) 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.
- (C) During excavation
 - (a) 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.
 - (b) 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.
 - (c) Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
 - (d) 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.
 - (e) 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.
 - (f) 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.
 - (g) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.
- (D) Following excavation

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

17. Telstra Requirements

Prior to issue of the Construction Certificate and before commencement of any works, the Applicant must contact Telstra's Network Integrity Unit on 1800 810 443 regarding the development. Written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.

18. Compliance with Building Height Plane

Prior to issue of the relevant Construction Certificate a Registered Surveyor must certify that the height of the building shown in the plans submitted with the Construction Certificate do not exceed the height permitted by the 'building height plane' as defined in Clause 4.3A(4) of Rockdale Local Environmental Plan 2011, which reads as follows:

"building height plane means a continuous plane commencing at a height of 1.5 metres above ground level (existing) and at a distance of 13.6 metres south of the southern boundary of Lot 22, DP 620329 (Point A), projecting to a position at a height of 11.7 metres above ground level (existing) and at a distance of 31.6 metres north of Point A, and continuing at that projection over the land to which this clause applies".

19. Plans to include the following matters prior to issue of the Construction Certificate

The following matters must be complied with in the plans submitted with the Construction Certificate, and must be satisfied prior to issue of the Occupation Certificate and during ongoing use of the site where relevant:

- (a) Setback of Building D to be increased:
 - (i) The northern setback for the three (3) lower levels of Building D (i.e. Ground Floor, Level 1 and Level 2) must be amended to have a minimum 9m setback from the sites northern boundary to ensure that a 6m deep soil setback is provided to the north of Building D. This condition is required to ensure that adequate amenity is afforded to future occupants. The condition is imposed due to the loss of 3m of deep soil planting due to the 3m wide 'Licenced Area' defined in the Deed of licence between JQZ Nine Pty Ltd as trustee for the JQZ Nine

- Unit Trust and Keven Manson Pty Limited.
- (ii) The affected units shall be converted to ~~one (1)~~ two (2) bedroom units.
 - (b) Northern landscape setback to be 'Common Property'
 - (i) the northern landscape setback shall be shown as 'common property' on all relevant plans for the following areas:
 - (1) 6m landscape deep soil zone located to to the north of Building B, Building C, Building D & Units L0001 - L0005.
 - (2) 3m landscape deep soil zone to the north of Dwellings L0006, L0007, L0008, L0009, L0010, L0011 and L0012.
 - (ii) Maintenance access must be provided to this space. This landscape area must be identified as 'Common Property' on any future Strata Subdivision of the site.
 - (c) Western landscape Easement within B6 zone - A 6m wide deep soil landscape strip shall be provided within the B6 zoned land immediately adjacent to the R4 zone boundary for that section that is located between the internal access road and the northern site boundary. The 6m wide deep soil landscape strip must continue up to the proposed internal access road and must be shown on all plans submitted with the Construction Certificate. This must be reflected in any future Strata Subdivision of the site, and shall be covered by a Section 88B Instrument that must be signed by Council prior to issue of the Occupation Certificate. Council must be the only authority empowered to release, vary or modify the proposed easement.
 - (d) Provision of a green roof above the driveway entrance which includes low lying landscaping with a 300mm soil depth as detailed in the amended landscape plans.
 - (e) The proposed fence to the southern boundary of the "central park" must be deleted to allow unimpeded access to this principal area of communal open space. If access gates and fencing are proposed for Buildings B, C, D & E, they may be provided no further south than the southern edge of Buildings C and D (away from the access street).
 - (f) Building G & F (Terraces) shall be amended as follows:
 - (i) Proposed screening to the southern end of the roof top level for all ~~(20)~~-21 townhouses shall be relocated 2m further north. The screening shall be 1.8m in height for the full width of the roof terrace, shall be constructed of high quality materials, and shall be horizontal louvres facing in an upward or downward direction that will prevent any overlooking toward the rear yards of Margate Street residences.
 - (ii) A maximum size pergola structure of 24m² shall be provided to the roof terraces. Solid walls / elements shall not be permitted to the side elevations.
 - (iii) The first floor rear balconies shall be deleted from all ~~(20)~~-21 townhouses.
 - (g) Wind Report - Compliance with the recommendations in the Pedestrian Wind Environment Study report prepared by Windtech (dated 16 December 2016), including:
 - (i) Strategically placed densely foliating evergreen tree planting capable of growing to a height of 5m with a 5m wide canopy throughout the Central Park area, along Production Lane and along the western side of the residential component of the development.

- (ii) 2m high densely foliating shrub planting in the planter beds currently proposed for the Level 7 and Level 8 communal terraces located on Buildings E and B respectively.
 - (iii) 1.5m to 2m high impermeable screening or hedge planting around the ground level southern corner private terraces of Buildings B, C, D and E.
 - (iv) Densely foliating planting for the Level 9 and 11 southern private terraces located on Buildings E and B respectively, similar to the proposed planting on the Building B and E communal terraces.
 - (v) Impermeable balustrades for all private balconies and terraces located at the corners of the various buildings of the development, and also the townhouse roof terraces.
- (h) Shading and Glare Control to Western Facades - ***Sliding and operable vertical Operable*** louvre screens shall be provided to the western facades of all units within Building B and Building E to provide shading from summer sun to living areas of units but that will permit winter sun to penetrate living areas in accordance with the Apartment Design Guide Part 4A.
- (i) Any hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed, as required by Control 19 of Part 4.7 of Rockdale DCP 2011.
- (j) Ceiling Heights
 - (i) Ceiling heights for all habitable areas shall be a minimum of 2.7 metres and ceiling heights as measured vertically from finished floor level to the underside of the ceiling.
 - (ii) Ceiling heights for all non-habitable areas shall be a minimum of 2.4 metres as measured vertically from finished floor level to the underside of the ceiling.
- (k) Natural light to be provided to the basement car parking levels as shown in the approved landscape plans.
- (l) Elevator size and requirements -
 - (i) All passenger lift cars are to have minimal internal dimensions of 2.1m x 1.5m, must be capable of carrying stretchers and have lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.
 - (ii) Elevators in the building must be of a quality and speed that will be able to handle a peak 5-minute traffic volume of 20% of the population and provide an Interval of 80 seconds or less. The population of the building must be established using CIBSE (Chartered Institute of Building Services) population data.
- (m) Mechanical ventilation - Any mechanical ventilation system for the basement car park must comply in all respects with the requirements of Australian Standard 1668, Part 1 & 2. The vents for this system are proposed within the roof top level landscape area and must be appropriately designed and screened by landscape planting.
- (n) Mechanical ventilation for commercial / retail tenancies - all ground floor level commercial tenancies shall be provided with mechanical ventilation which complies with the relevant Australian Standards to permit future uses for food and drink premises. The systems must vent above the roof top level.

- (o) Basement & Lift Access - Each unit shall be provided with a buzzer / button that will allow them to open the door(s) to the residential lobby and to the basement levels. The residential townhouses (Building G) must be provided with buzzer access to the main basement to allow visitors to access these spaces. Visitors must be provided with lift access from the basement to Ground Floor Level.
- (p) The air-conditioning units required under SEPP BASIX shall not be fixed to the external walls of the balcony or building and must be located in a position that is not easily visible from the public domain.
- (q) The proposal shall include the use of rainwater harvesting for all landscape planting at roof top level, podium level and for the green gateway planting in accordance with the requirements of Part 7.5 of RDCP 2011.
- (r) All plumbing, shall be concealed within the brickwork / facade of the building.
- (s) Garbage Rooms - Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
- (t) The stormwater detention tank(s), basement parking, and all other structures associated with the residential development must be located outside of the boundary of the New Road and any public domain areas.
- (u) The following modifications must be made to mitigate acoustic impacts resulting from the entrances to the southern lobbies to Buildings B & E:
 - (i) The bedrooms with windows facing the building entry foyers in each of the Units B0012, B0013, E0004, E0005, E0010 and E0011 shall be deleted. These units must be reconfigured into one (1) bedroom units with no windows facing in toward the building entrance area.
 - (ii) A roof shall be provided in front of the Entrance lobby for Building Block B2 and for both entrance lobbies for Building E2 to minimise acoustic impacts to upper level bedroom windows which face in toward the entrance areas. The roofs shall extend a minimum of 2.5m from the entrance lobby for the full width of the entrance area.
- (v) Provide more direct access between the loading bay and the lift lobbies for Building B & C to ensure ease of access between the loading bay and the lifts for furniture removal.

[Amendment B - S4.55(1A) amended on 11 September 2018]

[Amendment D - S4.55(1A) amended on 8 October 2018]

[Amendment F - S4.55(1A) amended on ***]**

20. Parking Provision & Allocation - Residential Units

A total of 704 706 residential car parking spaces, a minimum of 48 motorcycle parking spaces, a minimum of 53 bicycle parking spaces and 3 dedicated car wash bays, must be provided within the development. The parking must be allocated in accordance with the Rockdale Development Control Plan (RDCP) 2011 requirements in accordance with the minimum rates provided in the table below. This parking must be reflected in any subsequent strata subdivision of the development.

Dwelling Size (Proposed No. of units)	Required
Studio / 1 / 2 bed dwellings (475units)	1 space / dwelling = 475 spaces

3 bedroom dwellings (58 units)	2 spaces / dwelling = 116 spaces
Total Car Parking Spaces for Residential Units	591 spaces (min.) (including 54 accessible spaces)
Visitor	1 space / 5 dwellings = 107 spaces (including 3 accessible space)
Bicycle (Res. + Com.)	1/10 units = 53 spaces (Min.)
Motorcycle (Res + Com.)	Motorcycle (Res + Com.) 1/15 units = 48 spaces (Min.)

Notes:

- *All residential visitor spaces, car wash bays and loading bays shall be labelled as a common property on the final strata plan for the site.*
- *Tandem parking spaces must only be allocated to a single residential unit. The car-wash bays must be connected to the Sydney Water sewer system in accordance with Sydney Water requirements.*
- *This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

[Amendment D - S4.55(1A) amended on 8 October 2018]

21. Protection of Council Land & Retaining Wall along Southern Boundary
Proposed works shall not result in any adverse impacts to the existing retaining wall(s) located within / adjacent to the small parcel of land with Lot 72 in DP 6120 which adjoins part of the sites southern boundary. This lot is owned by Council. The existing retaining walls be secured / under-pinned prior to excavation and removal of the adjoining concrete slab, and that the structure be certified by a qualified civil engineer prior to issue of the Occupation Certificate.
22. Minimise Impacts to Public Parking for the Sporting Fields
 - Prior to commencing any Public Domain Works, a Staging and Management Plan of the proposed public domain works must be submitted to, and approved by, Council to ensure the impacts to the Community are minimised specifically with regard to public parking for the sports fields along Production Lane and the Commercial Businesses along Production Avenue and Phillips Road.
 - No works zones will be permitted within Production Lane.
 - Truck parking, parking of machines and/or employees vehicles may not be parked within that section of Production Lane. Vehicles, machinery and equipment must be parked within the development site.
23. Construction Environment Management Plan
Prior to issue of the Construction Certificate, a Construction Environmental

Management Plan (CEMP) must be submitted to, and approved by, Council's Director of City Futures. The CEMP shall include an Unexpected Finds Procedure to identify any localised area of contamination, or suspected contamination, as recommended in the "Targeted Phase 2 Contamination Assessment" report prepared by Coffey, dated 2 June 2015 and submitted with this application.

24. Safer by Design

- a) To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:
- b)
 - (i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
 - (ii) A lighting maintenance policy shall be established for the development, including the basement car park. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - (iii) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - (iv) Graffiti resistant materials shall be used to ground level external surfaces.
 - (v) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
 - (vi) Basement ceilings shall be painted white.
 - (vii) Visitors parking spaces shall be separated from residential parking spaces. Access to residential spaces must be restricted to residents only.
 - (viii) Storage areas within the basement must be of caged metal construction and be provided within lock and key.

25. Use of Communal Terraces

- (i) Design and use of the upper level communal terraces must comply with the following:
 - (a) Use of the outdoor terraces is restricted to between the hours of 6am and 11pm Mondays to Sundays.
 - (b) The use of amplified music, speakers, etc. is not permitted on the roof top terraces of the residential flat buildings.
 - (c) Balustrades for the communal terraces must be a minimum of 1.2m in height and be of solid construction, obscure glazing or other treatment to minimise overlooking toward adjoining properties.
- (ii) Prior to issue of the relevant Occupation Certificate, legible signs located in a prominent position at the main entrance and within the communal areas must be erected that clearly communicate the above restrictions;

26. Street Numbering & Letterbox Provision

- (a) The buildings / units shall be provided with the following street numbers:
- (a) Building B
 - (i) Main (northern) Residential Lobby - No. 15 'New Road'
 - (ii) Secondary (southern) Residential Lobby - No. 17 'New Road'
 - (iii) Ground Level Units - B0001 (G02/15), B0002 (G01/15), B0003 (G10/15), B0004 (G09/15), B0005 (G08/15), B0006 (G07/15), B0007 (G06/15), B0008 (G05/15), B0009 (G04/17), B0010 (G03/17), B0011 (G2/17), B0012 (G01/17), B0013 (G04/15), B0014 (G03/15).
 - (iv) Upper level units - to reflect numbering of relevant unit on ground level.
 - (b) Building C
 - (i) Residential Lobby - No. 11 'New Road'
 - (ii) Ground Level Units - Ground Level Units - C0001 (G09/11), C0002 (G10/11), C0003 (G01/11), C0004 (G02/11), C0005 (G03/11), C0006 (G04/11), C0007 (G05/11), C0008 (G06/11), C0009 (G07/11), C0010 (G08/11).
 - (iii) Upper level units - to reflect numbering of relevant unit on ground level.
 - (c) Building D
 - (i) Residential Lobby - No. 7 'New Road'
 - (ii) Ground Level Units - D0001 (G02/7), D0002 (G01/7), D0003 (G10/7), D0004 (G09/7), D0005 (G08/7), D0006 (G07/7), D0007 (G06/7), D0008 (G05/7), D0009 (G04/7), D0010 (G03/7).
 - (d) Building E
 - (i) Main (northern) Residential Lobby - No. 3 'New Road'
 - (ii) Secondary (southern) Residential Lobby - No. 1 'New Road'
 - (iii) Ground Level Units
 - (A) E0001 - E0007: Street Numbering to 'Production Lane' (Note Production Lane to be renamed): E0001 (No.14), E0002 (No.12), E0003 (No.10), E0004 (No.8), E0005 (No.6), E0006 (No.4), E0007 (No.2)
 - (B) E0008 - E0013: Street numbering to 'New Road' lobbies: E0008 (G03/1), E0009 (G02/1), E00010 (G01/1), E00011 (G03/3), E00012 (G02/3), E00013 (G01/3)
 - (iv) Upper level units - to reflect numbering of relevant unit on ground level.
 - (e) Building G (Townhouses fronting New Road) - No. ~~4-42~~ 4-44 'New Road'.
 - (f) L Units (located between RFB's)
 - (i) L0001 - L0004: No. 13A - 13D.
 - (ii) L0005 - L0008: No's 9A - 9D.
 - (iii) L0009 - L0012: No's 5A - 5D.

(g) Child Care Centre - No. 2 'New Road'.

(b) Mail boxes must be installed in the position shown in the approved plans. The letterboxes must be lockable.

(c) 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.

[Amendment D - S4.55(1A) amended on 8 October 2018]

27. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
 - (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
28. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

 - (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
29. 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.

30. The overland flow path shall not be obstructed, restricted or altered without the approval of Bayside Council.
31. 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.
32. Proposed Drainage Pipe (along the New Road and the Production Lane, Kogarah)
A full Hydrologic+Hydraulic (H+H) assessment is required to be undertaken prior to issue of the Construction Certificate for the relevant stage to determine the required pipe size for the proposed pipe extension along the section of the New Road and Production Lane.

- Assumptions
H+H analysis is to be carried out for all combinations of the following design components:
 1. Design Events (AEP): 10% and 20%
 2. Catchment Development: Existing and Ultimate (contributing catchment fully developed up to the level allowed by current zoning)
 3. Downstream Boundary Conditions: Downstream pipe is flowing full at a nominated pipe friction slope.

Following factors are to be taken into account as well:

- location of any services along and on the proposed/realignment route,
- upstream and downstream pipe sizes,
- location of existing ("to remain") entry pits and junctions,
- cover to ground,
- overland flow path,
- final route selection.

Pipes size is to be determined on the basis that the pipe full velocity is approximately:

- 2.5 m/s.

Lower pipe velocity is to be avoided to prevent sedimentation in the pipes. Higher pipe velocity is to be avoided to prevent large energy losses (at pits and/or junctions).

- Construction of twin/several smaller pipes rather than single large pipe is allowed subject to site/construction/services constraints.
 - New pits and junctions are to be designed to minimise head loss and allow for maximum entry/inlet capacity.
 - A pipe slope of greater than 0.5% is required to prevent siltation. If/where physical restraints prevented this requirement being met slope under 0.5% is acceptable.
 - The existing pipe/pits ("to remove") are to be decommissioned/removed at a developer's expense.
33. Noise Impacts & Acoustic Attenuation
The plans and documentation prior to issue of the Construction Certificate and/or Occupation Certificate for the relevant stage of works compliance with the following

requirements must be demonstrated:

- (i) Noise from Mechanical Plant / Ventilation
An Acoustic Report, prepared by a suitably qualified and experienced Acoustic Consultant, shall be submitted to the Accredited Certifier (AC), detailing any necessary modifications to any proposed mechanical plant/s (or any other noise producing equipment) to reduce the intrusion of noise and/ or vibration into occupied rooms within the subject site and within the surrounding residential properties (including Margate Street properties) to meet the relevant standards and guidelines identified in the submitted Acoustic DA Assessment report prepared by Acouras Consultancy (Ref: SYD2016-1079-R0001F, dated 7 July 2017).
- (ii) Acoustic treatment of Units - The construction plans must demonstrate compliance with the following:
 - (a) The recommendations contained within Section 3 of the submitted Acoustic DA Assessment report prepared by Acouras Consultancy (Ref: SYD2016-1079-R0001F, dated 7 July 2017). This includes sealing of windows (air tight) when closed with good acoustic seals around the top and bottom sliders (Mohair seals are not considered to be acoustic seals).
 - (b) An updated acoustic report that confirms that appropriate measures including glazing, wall construction, window seals and other measures, are included within the development to ensure that the internal noise environment of units comply with:
 - (i) the Project Specific Limit identified in Table 8 of the DA Assessment report prepared by Acouras Consultancy (Ref: SYD2016-1079-R0001F, dated 7 July 2017); and,
 - (ii) the LAeq levels in SEPP (Infrastructure) 2007, being:
 - (A) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (B) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- (iii) Noise Impacts between units:
An acoustic report shall be prepared by a suitably qualified Acoustic Consultant prior to issue of the relevant Construction Certificate. The report must demonstrate that the plans submitted with the Construction Certificate will ensure compliance with the inter-tenancy flooring & wall construction requirements contained in RDCP 2011 which are as follows:
 - (a) Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development:
 - (i) 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
 - (ii) 4 Star for timber flooring in any area.
 - (iii) 5 Star for carpet in any area.
 - (b) Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.

- (c) A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the report required by (c) above satisfies the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

34. Noise Impacts from Use / Occupation

The use of the any plant, equipment and/or residential occupation of the site shall comply with the following:

- (a) 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.
- (b) 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.
- (c) Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
- (d) Residential air conditioners must be designed so as not to operate:
 - (i) during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.
 - (iii) Note - peak time means:
 - A. the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
 - B. the time between 7:00 am and 10:00 pm on any other day.

35. Parking, Loading & Vehicular Access

The design, construction and operation of the off-street car, motorcycle, bicycle and loading facilities (including waste collection) shall comply with the following requirements:

- (a) Three (3) loading bays shall be provided at Basement B1 to accommodate Garbage collection vehicle - RCV and removalist trucks as shown in the approved plans. The RCV space shall be in accordance with Council DCP, Rockdale Technical specification – Traffic, Parking and Access and AS 2890.2 and the swept path analysis for the RCV 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.
- (b) Any vehicular path of travel to or from loading bay for RCV shall have minimum headroom clearance of 4.5m.
- (c) One (1) van loading bay in close proximity to the lifts for Building B, and one (1) van loading bay in close proximity to the lifts for Building E shall be provided at Basement levels to accommodate Furniture removal vans. These space shall be in accordance with Council DCP, Rockdale Technical specification – Traffic, Parking and Access and AS 2890.2. The plans

- submitted with the relevant Construction Certificate shall comply with this requirement.
- (d) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 - (e) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
 - (f) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
 - (g) Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
 - (h) All waste collection and deliveries to / from the site (including removalist trucks) must take place from within the approved loading bay.
 - (i) A buzzer providing access to the basement car park must be provided to Council's Waste Education & Contract Supervisor prior to issue of the Occupation Certificate.
 - (j) The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.
 - (k) The car parking spaces shall not be enclosed at any time.
 - (l) For parking with people with disabilities, the clearance above the parking bay shall be 2.5 minimum.
 - (m) Allocate all off-street visitor parking, loading bays and car wash bays as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.
36. 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.
37. Design Quality
- (a) In order to ensure the design quality excellence of the development is retained:
 - i. A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the 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 the Council.
38. All playground structures and softfall treatments shall satisfy the relevant AS/NZS standards (AS/NZS 4486.1:1997, AS/NZS 4422:1996), and must be certified prior to initial use.
39. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
40. Waste Management - On-going Use

On-going waste and recycling from the residential dwellings shall be managed in accordance with the submitted Waste Management Plan. Waste and recycling shall be collected from within the basement level for the Residential Flat Buildings. Council's Waste Management Officer / Team shall be provided with a buzzer to access the basement for waste collection purposes prior to issue of the Occupation Certificate for the first residential unit.

41. Storage

(a) The plans submitted with the Construction Certificate shall demonstrate that accessible storage has been provided to all apartments in accordance with the following requirements from the Apartment Design Guide (ADG):

- (i) The minimum storage area to be provided for each dwelling shall be:
 - Studio / 1 bed unit = 6m³
 - 2 bed unit = 8m³
 - 3 bed unit = 10m³

(ii) A minimum 50% of the storage space required by (b) above shall be provided in each apartment.

(iii) The storage areas located within the basement levels shall be of metal construction (mesh and/or solid metal) and must be provided with lock and key.

(b) The storage areas required by (a) above must be provided in accordance with the above requirements prior to issue of the relevant Occupation Certificate.

42. External Cladding

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

43. Plan of Management for Pedestrian & Bicycle access within the development

Pedestrian and bicycle access within the development must be legible and separated from vehicular access wherever possible.

A Plan of Management is required to address the following:

- Provide safe and convenient pedestrian access from car parking and other public areas, with well co-ordinated signage, lighting, security, direct paths of travel with stairs and disabled access ramps.
- Provide legible bicycle access between the cycle network and bicycle parking areas, which does not create conflict with pedestrian traffic.
- All bicycle parking is to be secure and in the form of individual bicycle lockers

- or within a caged or gated secure areas;
- Design of bicycle parking is to cater to the various users of the development and their differing modes of bicycle parking required, such as:

44. **Permeable Paving**

The plans submitted with the Construction Certificate for the relevant stage of works shall show that all public car parking spaces and pedestrian pathways within the New Road and within Production Lane carriageway utilise permeable paving. The permeable paving for pedestrian pathways shall have a minimum thickness of 50mm and the permeable paving for the public car parking spaces shall have a minimum thickness of 80mm to satisfy WSUD measures. Paving shall comply with the following:

- Permeable Paving in accordance with AS 4456.9:2003
- Unsealed slip resistance compliant with AS/NZS 4586: App.A
- Breaking Load compliant with AS/NZS 4456.5: 2003
- Height of 50mm for Pedestrian pathways
- Height of 80mm for Car Park/bay areas
- Finish: Natural
- SubBase: 25mm washed river sand over 150mm DGB20 over consolidated sub base material
- Supplier: approved equivalent by Council
- Location: As identified on Landscape Plans

45. **Landscape Plans / Planting**

The following must be complied with:

- (a) Prior to issue of any Construction Certificate for above ground works, amended Landscape Plans must be submitted to, and approved by, Council's Director of City Futures. The amended plans must comply with the following:
 - (i) The amended plans must correspond with the approved architectural drawings listed in Condition 2 and comply with all other relevant conditions of this consent.
Key amendments include:
 - (A) Deletion of all planting within the 3m wide area located along the rear southern wall of the existing building erected on Lots 20-26 in DP 29275 that is affected by the Signed Deed of Licence between parties JQZ Nine Pty Ltd as trustee for the JQZ Nine Unit Trust and Kevin Manson Pty Limited.
 - (B) Modifications to comply with the amended 20.1m road width for all Plans and Sections (except adjacent to the child care centre where the road width is 18.2m);
 - (C) Modifications to the width of the bicycle path and planting within Production Lane. (Note: the plans must show existing and proposed planting within Production Lane. No trees are to be removed from within the planter bed located on the eastern side of Production Lane opposite Building E).
 - (D) Deletion of the palisade fencing to the southern perimeter of the main communal open space area. Fencing and access gates may be located in positions recommended by the Design Review Panel.
 - (ii) Plant selection to comply with the following:

- (A) The plant selection to be adjusted on updated landscape plan, with *Raphiolepis* (to be changed to *Leionema* 'Green Screen' and *Westringia*'s changed on west side to be a screen planting which is staggered to form a thicker hedge, using *Syzigium* 'Cascade' or equivalent.
- (B) The Western boundary plantings should be a staggering planting of *Syzigium paniculatum* and *Acmena smithii*.
- (C) The planting density needs to be increased to produce an effective buffer from future development.
- (D) The Northern Boundary requires further tree planting, which should be at approximately 10m centres. The use of *Lophostemon confertus* should be replaced with *Eucalyptus botryoides* interplanted with *Eucalyptus scoparia*.
- (E) Northern and Western boundaries can accommodate greater plant densities and especially medium and large trees to achieve a buffer with the adjoining industrial & commercial zones. *Leptospermum petersonii* can tolerate the strong heat, which should be supplemented with *Elaeocarpus reticulatus* plantings.
- (F) Planting should be provided within the B6 zone to accommodate an additional buffer with screen tree species to provide a wind break.
- (G) *Russelia equisetiformis*, *Trachelospermum jasminoides* and especially *Syngonium podophyllum* should be replaced with native groundcovers such as; *Grevillea* 'Royal mantle', *Banksia* 'Roller Coaster', *Bauera rubioides*, *Brachycome multifida* and *Zieria* 'Carpet Star'. There is a large planting of *Stretlitzia nicolai*, which should be minimized and interspersed amongst other tropical plants including *Helmholtzia glaberrima*, *Cordyline petiolaris*, *Thelionema grande* and *Dietes robinsoniana*.
- (H) *Syzigium cascades* to the north, west and south boundary are suitable broken up with larger trees such as *Celtis paniculata*, but the west boundary cannot be broken up with smaller plantings such as *Philodendron* 'Xanadu' it will be better to maintain a 3m height to provide the necessary privacy to the townhouses considering their position to the road. Ideally a double planting would work better, especially staggered plantings to help reduce noise. *Doryanthes palmeri* will be better used on the north boundary and *Stretlitzia Nicolai* can look untidy and requires a lot of maintenance and should be reconsidered.
- (I) *Magnolia* 'Little Gem' can also be interplanted with small trees such as *Glochidion ferdinandi*, *Melaleuca quinquenervia*, *Casuarina glauca*, *Acronychia imperforata* or *Xanthostemon crisanthus* 'Fairhill Gold'. There should be a larger variety and amount of trees on site and updated on Plant Schedule.
- (J) Ferns and cycads should be increased in selection to include *Doodia aspera*, *Livistona australis* and *macrozamia communis*, fern areas should be underplanted with *zieria* 'Carpet Star' and *Lobelia alata*.

- (K) *Alpinia zerumbet* can be replaced with *Dicksonia Antarctica* or *Alocasia brisbanensis*, *Strelitzia nicolai* with *Doryanthes excelsa*.
 - (L) *Pandanus tectorius* may not work well on this site and should be replaced with *Livistona australis*.
 - (M) *Lomandra hystrix* should not be used and should be replaced with *Hardenbergia violacea*, *Lomandra* 'Little Con', 'Lime Tuff', 'Savanna Blue', *Dianella caerulea* and varieties.
 - (N) Other grasses/reeds should also be used to break up *Pennisetum alopecuroides*, including *Baloskion tetraphyllum*, *Juncus kraussii*, *Baumea juncea* and *Phragmites australis*.
 - (O) The central courtyard turf area requires further development with additional plantings of native shrubs and groundcovers. Taller tree species should also be included to provide privacy, including *Banksia* 'Giant Candles', and *Sterculia quadrifida*.
 - (P) 7982 of 10735 plants (74%) are native which complies with the Council guidelines (DCP), however it is recommended that proposed *Syzygium* 'Winter Lights' and *Callistemon* 'Great Balls of Fire' be interplanted with other native species (e.g. *Lomandra* 'Lime Tuff').
 - (Q) More centre plantings within other mounds and varying seating with planters near building B and E.
- (iii) Kickabout development
- (A) This consolidated area has been provided in the on grade communal zone (referred to as the central park), along the northern boundary and along the site access road (providing opportunity for significant avenue planting). However the design is not cohesive and does not provide the opportunity to produce an optimal landscape with amenity.
 - (B) It is recommended that Deep soil area with mature trees should be accompanied by further range of trees, shrub and groundcover underplantings.
 - (C) All raised/mounded areas to have steel edging to eliminate potential of mulch washing on pedestrian walkways.
 - (D) Increase plantings should be included along play areas in the 'kickabout' central park, where at least a further 400 small trees and shrubs, along with a further 1000 groundcovers should be included, especially in the deep soil zone. The BBQ area should be provided with vegetable beds. Raised terraces should also be landscaped further. Ideally better amenities including sporting fitness zone areas and review of both mounded zones and BBQ area i.e. bubblers and seating and shade options should be incorporated into the design.
 - (E) Turfing under trees is not recommended for long term tree health and vigour. Planting areas can extend to or additional planting near both landscape mound next to playground and seating sections.
 - (F) Within the mounded areas there may be enough room to provide a basketball shooting rink with three point line, and free

throw lane markings to provide further amenity for the residents.

- (G) Remove/amend the sandstone wall so that it allows access points to the 'kickabout space'.
- (iv) **Townhouse area**
The Deep Soil zone in front of the proposed Town Houses should accommodate as many native species to maximise this zone. Proposed planting must be amended to reflect the widened 20.1m road reserve and WSUD measures required within the road reserve.
- (v) **Fence, Irrigation and Lighting Details**
All fence heights and materials should be provided on the plan, along with irrigation and Lighting details, especially to the 'kickabout space'.
- (vi) **Landscape planting to Production Lane frontage**
 - (A) The Production Lane setback must be deep soil for a minimum width of 3m as measured perpendicular from the sites eastern side boundary as shown in the plans. The planting, fence locations and built form within these front setback areas must be reviewed and must include a greater density and height of plantings. Preference should be given to locally indigenous and Australian native plant species whenever possible (TS Landscape). Proposed front fences for Building E may need to be setback further than proposed in the approved plans to ensure adequate scale landscape / tree and screen planting can be provided to this eastern boundary.
 - (B) There is a significant potential for avenue planting within the site or within the streetscape verge should be amended with further range and increased density of trees, shrubs and groundcovers that is developing the avenue planting, with plantings both in front and behind the sandstone wall.
 - (C) Townhouse treatment it is recommended to remove some car spots and incorporate the cyclepath access to the townhouse development. A Pedestrian crossing should be provided in at least two positions to integrate the townhouses with the public park areas.
- (vii) **Garden beds edges**
Install steel edging material that stops mulch movement onto paved walkways (from garden beds only and not on Council strips) edging range should be considered, especially on mounded areas and beds on slopes.
- (viii) **Other Matters to be included in amended Landscape Plans**
 - (A) All setbacks, and other areas of the property shall be landscaped to a greater level with a larger variety of plants and species noted in 'Planting plan to be reviewed prior to determination'. Amended road design & public parking to be updated on Landscape Plan. Landscaping shall be installed in accordance with the approved landscape plan only stamped by Council's Landscape Architect and dated, prior to the issue of an Occupation Certificate. (This amended plan supercedes the original landscape plan issue Q). Amendments include The landscaped areas on the property shall be installed and

maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

- (B) The private domain landscape areas shown on the plan by Arcadia (Issue Q, dated July 2017) shall comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by the Bayside Council Landscape Architect prior to issue of the onstruction certificate for above ground works. The landscape documentation is to be prepared by Arcadia Landscape Architects and shall include, but not be limited to:
- (C) Canopy trees are to be used extensively within the North, South and West boundaries. Planters are required to be of adequate depth and soil volume to accommodate both large and medium size canopy trees in accordance with DCP Part 4 Part 4.4.
- (D) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large canopy trees. Planting within the communal areas is to have a minimum depth 1500mm of soil, particularly where tree planting is proposed. Construction detailing is required.
- (E) Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
- (F) A minimum soil depth of 800mm is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab. This also applies to proposed green roof above the driveway entrance which includes low lying landscaping with a 300mm soil depth which must be amended prior to determination.
- (G) A minimum soil depth of 300mm is required for turfed areas on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.
- (H) Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 800mm of soil/plant mix (over and above any drainage medium).
- (I) All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the development that is appropriate to the scale of the building heights.
- (J) Indicate the location of all basement structures relative to the landscape areas.
- (K) A planting plan at 1:100
- (L) Barbeque facilities to be incorporated within the Roof Terraces and pergola details to be provided along with turf selection, sky lights and pavement details.
- (M) Roof terraces to provide further deciduous trees such as Brachychiton discolor and planters around seating areas.

- (N) Within the New Road, areas of paving, schedule of materials, edge treatments, tactiles and sectional construction details. Paving to Council Draft Public Domain schedule/specification. Drainage details in specific locations such as the public parks, use of WSUD initiatives or materials.
- (O) The car park vent, which protrudes at the podium level, to be adequately screened from the view of surrounding apartments.
- (P) Public Domain Landscape Works - A detailed public domain landscape plan shall be submitted to and approved by the Bayside Council Landscape Architect prior to the issue of any the Construction Certificate for above ground works. The applicant shall meet with Council prior to any submission to discuss Council's requirements. Following this, detailed landscape construction documentation (plans and specifications) must be submitted to and approved by the Bayside Council Landscape Architect. The landscape documentation is to be prepared by Arcadia Landscape Architects and shall include, but not be limited to:
 - a. The clear delineation of all public domain areas as follows:
 - b. New Road footpath areas and streetscape design for Production Lane of the eastern side of the site.
 - c. A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
 - d. Street trees are required along New Road, and Production Lane to Council standards.
 - e. All street trees are to be in tree pits that are at grade with the footpath, finished mulch levels should be a minimum of 50mm below edge.
 - f. All deep soil areas are to include evergreen canopy trees noted in Planting plan to be reviewed prior to determination where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration comparable to the scale of the buildings.
 - g. Canopy trees are to be used extensively within the north of the North and South boundaries. Planters are required to be of adequate depth and soil volume to accommodate both large and medium size canopy trees in accordance with Councils DCP (Part 4 Part 4.4).
 - h. A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking. Canopy trees are to be a minimum litreage of 100 litres and street trees 200 litre.
 - i. Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictors, tree pits, tree grates, tree guards, tree pit treatments and so on in accordance with Council's Draft Public Domain

specifications.

- j. New pavement treatment to connect townhouse area to 'Kickabout space'. Full detailing is required.
- k. Areas of paving, schedule of materials, edge treatments, tactiles and sectional construction details. Paving to Council Draft Public Domain schedule/specification. This includes areas within the 'kickabout space.' Drainage details in specific locations such as the public parks, use of WSUD initiatives or materials.
- l. Details of all fencing, privacy screening, arborists and the like – elevations and materials, impacting or visible to public domain areas.
- m. Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, playground and recreational equipment, water features and water stations, bins, bollards, signage suite. Locations to be clearly identified on plan. Provide sectional construction details and elevations.
- n. Rigid polyethylene sheet type tree root barriers are to be specified as required to protect structural elements.
- o. A detailed irrigation and materials/finish schedule.
- p. Bicycle parking -
- q. Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP (Part 4 Part 4.4) and capable of supporting medium and large canopy trees.
- r. Trees are to be used extensively throughout the site and shall be of an appropriate scale to complement and ameliorate buildings and for appropriate scaling within pedestrian areas – footpaths and open spaces. Deep soil zones must include larger trees. Trees are to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration.
- s. Indicate the location of all basement structures relative to the landscape areas.
- t. Existing retained trees shall be shown on all plans.

(b) **Conditions which must be satisfied prior to the issue of the relevant Occupation Certificate**

- (a) Prior to issue of the relevant Occupation Certificate, Landscaping within the property and within the public domain shall be installed in accordance with the approved landscape plans as amended in accordance with (a) above and as approved by Council's Landscape Architect. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
- (b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the

Council approved landscape plan. The Certificate is to be submitted to Bayside Council prior to the Issue of an Occupation Certificate.

- (c) New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.

46. **Tree Protection, Installation & Maintenance**

- (A) Prior to issue of any Construction Certificate, the following must be satisfied to ensure that trees on site and adjoining properties proposed to be retained are protected:
 - (i) The existing trees located within properties adjoining the southern boundary of the site shall not be removed or damaged.
 - (ii) Prior to issue of any Construction Certificate, the construction plans must be submitted to, and approved by, Council's Director of City Futures, showing the following:
 - (1) All trees identified in the submitted Arborists Report to be retained shall be clearly shown and marked on the plans being retained. The Vegetation Management Plan prepared by Arcadia must also be updated in order to ensure that the trees to be retained within the site boundaries are retained and protected during excavation, and construction, and that their health and structural stability is ensured.

Note: The following 22 trees are high quality trees that must not be impacted by construction works:

- (a) Syzigium paniculatum (Brush Cherry) noted on Arborist report but on the adjoining property to the south boundary 22A Margate Street
- (b) Araucaria columnaris (Cook's Pine) (30) south boundary 2 Margate
- (c) Fraxinus griffithii (Evergreen Ash) (31)
- (d) 8 x Livistona australis (palms) on Rocky Point Road to remain (T3 – T10)
- (e) T63- T65 - Melaleuca quinquenervia, T50 - Eucalyptus scoparia,
- (f) T32 - Fraxinus griffithii, T72 –T75 Fraxinus griffithii, T76 - Acmena smithii (Lilly Pilly), T77 – T-79 Waterhousea floribunda, T27 - Glochidion ferdinandi
- (g) All trees within No. 206 Rocky Point Rd (north of Margate Street). No trees have been approved to be removed within No. 206 Rocky Point Road.

- (2) Trees to be removed and retained within Production Lane;

- (iii) A Consultant Arborist AQF Level 5 shall be engaged from site establishment to the post-construction period to erect tree protection zones and signage, inspect and advise on all works during the entire construction period, monitor tree health and to authorize and undertake tree canopy and root pruning where necessary only and to the minimum only so that the health or structural stability of the trees is not impacted.
- (iv) All tree works and tree management shall be undertaken in accordance with the Arborist report by Landscape Matrix (dated 16th July 2017). For all tree root and canopy work to trees, comply with the recommendations and requirements and management plan contained within this report.
- (v) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report.
- (vi) Prior to commencing demolition/any works the tree/s is/are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The fence shall remain in place until construction is complete.
- (vii) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
- (viii) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
- (ix) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
- (x) The TPZ's are "No-Go" zones. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist.
- (xi) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- (xii) Excavation within the TPZ and within a nominated radial dimension from the tree trunk as determined by the consultant Arborist in accordance with AS 4970 : 2009 – Protection of Trees on Development Sites shall be carried out manually using hand tools or light machinery to minimise root damage or disturbance.
- (xiii) No tree roots greater than 30mm in diameter shall be pruned without further assessment by Council's Tree Officer and the consulting Arborist and only following the submission of further Arborists reports to Council so as not to unduly impact or stress the tree.

- (xiv) Ensure no damage to the canopy, trunk or root system (including the surrounding soil) of any tree to be retained. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under application from the consultant Arborist. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
 - (xv) For retained trees on the private property adjoining, the developer is required to consult with Council and advise prior to any tree works taking place.
 - (xvi) Care shall be taken with construction work in the primary root zone of all existing neighbouring trees to be retained. These trees must be retained and construction works are to accommodate tree roots, branches and canopy without damage or impact. Trees are not to be pruned back to the boundary fence line under any circumstances. The canopy may otherwise overhang the property.
 - (xvii) The Applicant will be required to undertake any tree maintenance or remedial pruning works required by Council or the Consultant Arborist at the completion of construction.
 - (xviii) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.
 - (xix) Tree numbers T62 to T69 have been retained within the site and the trees T3 – T19 within 206 Rocky Point Road have been retained. Trees 30 and 31 are to be retained near Margate Street.
 - (xx) Arborist Report letter dated 16 July 2017 from Landscape Matrix noted 15 trees located in the adjoining properties to the south of the site (within the rear gardens of properties in Margate Street) to be protected during construction.
 - (xxi) The applicant is to submit payment of a Street Tree Maintenance Bond of \$44,000.00. The duration of the Bond shall be limited to a period of 24 months after final inspection of new street trees by Council. At the completion of the 24 month period the Bond shall be refunded pending a satisfactory inspection of the trees by Council. If any tree is found to be dead or dying then Council will forfeit all or part of the bond to replace or maintain the tree, unless the Applicant undertakes this work.
 - (xxii) Playground Indicated on the master plan by Arcadia Landscape Architects, requires detail design including material and finish specifications along with spot levels and manufacturing specifications.
- (B) **Certificate of Compliance - Tree Protection**
 Prior to issue of the final Occupation Certificate, the Applicant is required to obtain a Certificate of Compliance from the Arborist to certify that the trees proposed to be retained as detailed in the approved Arborists Report prepared by Matrix Landscape have been retained. The report must confirm that all trees within adjoining properties have been retained and are in good health.

Prior to issue of the construction certificate

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

47. Voluntary Planning Agreement matters

- (i) Contribution towards Masterplanning for Shared Footpaths and Cycleways – Item D in the Voluntary Planning Agreement
Prior to issue of any Construction Certificate on the Land a monetary contribution of \$70,000.00* must be provided to Council for Masterplanning with the purposes of resolving the location, concept design and scope of infrastructure for shared footpaths and cycleways in accordance with Item D of the Table in clause 1.1, Schedule 3 of the VPA.

* The contribution is subject to annual indexation in accordance with the VPA and at the commencement of each financial year to reflect any increase in the CPI, from the date the VPA is registered on the title of the Land until the contribution is paid.

- (ii) Contribution towards a Local Area Traffic Management Study – Item A of the Voluntary Planning Agreement
Prior to issue of any Construction Certificate in relation to the first residential accommodation on the Development Site, a monetary contribution of \$100,000.00* must be provided to Council for the purposes of Local Area Traffic Management study on local roads in accordance with Item A of the Table in clause 1.1, Schedule 3 of the VPA.

* The contribution is subject to annual indexation in accordance with the VPA and at the commencement of each financial year to reflect any increase in the CPI, from the date the VPA is registered on the title of the Land until the contribution is paid.

- 48. 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 \$150,000.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
- ii. An environmental enforcement fee of 0.25% of the cost of the works.
- iii. A Soil and Water Management Sign of \$18.00.

- 49. 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.

- 50. An application for Frontage Works shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All public domain, boundary works, egress paths, driveways and fences shall comply with the requirements. A fee is payable to Council in accordance with Council's adopted fees and charges.

- 51. A Section 94 contribution of \$4,682,643.67 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:

<i>Open Space</i>	<i>\$3,842,742.83</i>
<i>Community Services & Facilities</i>	<i>\$276,471.54</i>
<i>Town Centre & Streetscape Improvements</i>	<i>\$126,177.06</i>
<i>Pollution Control</i>	<i>\$409,996.27</i>
<i>Plan Administration & Management</i>	<i>\$27,255.97</i>

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

[Amendment A - S4.55(1A) amended on 20 April 2018]

52. Engineering Modifications - New Road

Prior to the issue of the relevant Construction Certificate, engineering plans must be submitted to, and approved by, Council's Director City Futures, that comply with the following:

- (a) Provide a 20.1m road reserve width, in accordance with Council's 'Road Widths' Policy, for the internal access road except for that portion of the road to the immediate north of the approved Child Care Centre lot, which is required to have a road reserve width of 18.2 metres, consistent with the approved engineering sketch titled SKC25 listed in Condition 2.
- (b) All parking spaces along the New Road must be constructed of porous paving.
- (c) The design of the relocated stormwater pipe within the New Road must include a gutter flow analysis in both Rocky Point Road and the New Road to ensure that the flows are fully contained within the gutter and that there will be no overflows into the development site.
- (d) Include Street lighting in accordance with Council's standards (Note: all footings to be provided within the future road reserve – i.e. within proposed Lot 3 in the approved subdivision plan);
- (e) All landscaping along the New Road to incorporate WSUD treatment of stormwater from the road and parking area pavements.
- (f) With the design of the New Road all footpaths to be a minimum 1.5m wide and the shared cycleway / footpath must be a minimum of 3m wide.
- (g) Underground power supply and servicing.

53. Basement Certification

An engineering design certificate is required to be submitted for the design of the Basement system including shoring wall.

54. Adaptable Unit Provision

Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within 54 residential unit, and between these units and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable unit(s) are to be those identified in the *DA Access Review Report prepared by Morris Goding Accessibility Consulting (dated 12 December 2016)*.

Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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

This condition must be satisfied in the plans submitted with the relevant construction certificate.

55. Consultation / Approval from Utility Providers

- (a) Prior to the issue of the construction certificate approval from all relevant utility providers is required to be obtained for the works with the road reserve fronting your property boundary. You are required to consult with and/or obtain approval from your utility providers (i.e. Ausgrid, Telstra etc) in order to fully understand their requirements before commencement of any work.
- (b) Telstra
Prior to issue of the relevant Construction Certificate, Telstra has advised that the developer must contact their Network Integrity on 1800 810 443 regarding the development.
- (c) Sydney Water
 - (a) 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>
 - (b) Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.

- 56. Prior to issue of the Construction Certificate for any works above the ground floor level, details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the works detailed in the Roads Act section of this consent.
- 57. 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.

58. Any sub-surface structure within the highest known groundwater table / rock + 0.5m 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 for the relevant stage of works. A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.

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

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.*

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

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

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

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

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

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

Copies of the CMP and TMP shall be submitted to Council.

60. Adjoining buildings founded on loose foundation materials

As the basement floors including shoring walls are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must:

(a) Implement all recommendations contained in the report prepared by Coffey Service Australia Pty Ltd. Ref: STDGE203337-AC_Rev1, dated 17 May 2017.

(b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective, and

(c) Confirm the proposed construction methodology

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

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

(e) 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.

61. 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 meaning 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.

62. Traffic Signs / Boom Gate - On-site Carparking

- (a) The design of parking areas shall be in accordance with DCP Part 4 Sec 4.6 and Rockdale Technical Specification – Traffic, Parking and Access. Where additional design criteria are required the design shall be in accordance with AS/NZS2890.1:2004.
- (b) A traffic signs and boom gates are to be designed and installed to manage vehicular movement in all basement car parks that provides safe vehicle access to the basements. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.
- (c) Prior to issue of the relevant Construction Certificate, a suitably qualified and experienced engineer shall design traffic management facilities within the site

to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signs (including vehicular guide signs, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times

63. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
64. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
65. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
66. Car Wash Bays
A minimum of three (3) dedicated car wash bays are required. They must be shown in the Construction Plans and may not be shared with visitors spaces. A tap and power point shall be provided adjacent to the spaces. A sign shall be fixed saying '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.
67. All basement surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the relevant construction certificate.

The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.

68. Prior to the issue of the relevant Construction Certificate, excavation shall be undertaken to confirm the location of the Council pipeline that traverses the property.
69. Stormwater Drainage Plans

Prior to the issue of the Construction Certificate for the relevant stage of works, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval.

The amended plans must correspond with the approved architectural drawings listed in Condition 2 and comply with all other relevant conditions of this consent (including this condition).

Key amendments required include:

- a. DCP requires the provision of onsite detention. Detailed drainage design plans, supporting calculations and design certification will be required to be submitted in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management
- b. The basement pump storage shall be sized to contain the total volume of runoff generated by the two hour 1 in 50 year storm assuming the pumps are not operating. This is equivalent to 10.6 m3 per 100 m2 of area being drained anticipated groundwater seepage capacity. All the pump storage volume is to be underground and to have minimum dual pumps.
- c. The proposed basement ramps to have a crest level to prevent inundation from 1% Annual Exceedance Probability flood level.
- d. The openings (grated covers) to the proposed OSD tank shall be kept away from overland flow paths to prevent inundation from flooding.
- e. The detailed plans are required to incorporate an oil interceptor for the driveway and carpark stormwater runoff in accordance with Rockdale Technical Specification Stormwater Management, section 7.5.4
- f. The detailed plans are required to show the basement levels as tanked system. The design shall take into consideration of geotechnical recommendations. To implement any required drainage measures on the base of geotechnical Engineer's advice on the drainage under the floor slab and basement walls.

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

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

The design shall identify, and discuss generally WSUD measures put in place to reuse water, maintain groundwater quality, minimise at source generation of water pollutants, and convey stormwater flows through the site.

Prior to commencement of works

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

70. 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 \$20 million.
71. 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.

72. 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.
73. 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.
74. 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.
75. 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.
76. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
77. (a) A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place,
 - (b) Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
 - (c) Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the

footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids. Any such hoarding, fence or awning is to be removed when the work has been completed.

(d) The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

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

During demolition / excavation / construction

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

79. 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.
80. 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.
81. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
82. 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.

83. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
84. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
85. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
86. 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.

87. 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.
88. 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.
89. Work Activities on Council Sites - Application Requirements
 All contractors shall obtain permits for, and comply with permit conditions during all stages of demolition and construction. Refer to Council "Work Activities on Council Sites Application Form" to obtain permits for the following activities listed below. Contractors must have a valid permit prior to undertaking any work or activity within the public domain. Fines apply if an activity commences without a valid permit being issued.
 - (a) Road, Footpath and Road Related Area Closure (EP05)
 This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
 - (b) Stand and Operate Registered Vehicle or Plant (EP03)
 This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
 - (c) Occupy Road with Unregistered Item (EP02)
 This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
 - (d) Works Zone (EP01)
 This permit is used when s statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.
 - (e) Scaffolding, Hoarding and Fencing (EP04)
 This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
 - (f) Temporary Shoring/Support (EP09)
 This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
 - (g) Tower Crane (EP06)
 This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
 - (h) Public Land Access (EP08)
 This permit is used by applicants to access or occupy Council land including

access over plus access over and occupy any part of Council land.

(i) Temporary Dewatering (EP07)

This permit is used when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.

90. 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.
91. 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, unless otherwise agreed to in writing by Council. 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.
- 92. 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.
- 93. Protection of Existing Trees
Existing site and/or street trees proposed to be retained as detailed in the submitted Arborists Reports, and all trees within adjoining sites, shall be adequately protected from damage during demolition, excavation and construction operations.
- 94. Acid Sulfate Soils Management Plan
All works shall be carried out in accordance with the Acid Sulfate Soils Management Plan prepared by Coffey (dated 26 May 2015) and submitted with the application.

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.

- 95. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of any of the buildings.
- 96. Voluntary Planning Agreement matters
 - (i) Contribution towards Sporting Facilities – Item B in the Voluntary Planning Agreement
Prior to issue of any Occupation Certificate in relation to the first residential accommodation constructed on the site, a monetary contribution of \$50,000.00* must be provided to Council to be used towards improvement or enhancement of sporting facilities for the Arncliffe Scots Baseball Club in accordance with Item B of the Table in clause 1.1, Schedule 3 of the VPA.

* The contribution is subject to annual indexation in accordance with the VPA and at the commencement of each financial year to reflect any increase in the CPI, from the date the VPA is registered on the title of the Land until the contribution is paid.
 - (ii) Contribution towards Sporting Facilities – Item C in the Voluntary Planning Agreement
Prior to issue of any Occupation Certificate in relation to the first residential accommodation constructed on the site, a monetary contribution of \$50,000.00* must be provided to Council to be used towards the improvement or enhancement of sporting facilities for the Brighton Seagulls

Junior Rugby League Football Club in accordance with Item C of the Table in clause 1.1, Schedule 3 of the VPA.

* The contribution is subject to annual indexation in accordance with the VPA and at the commencement of each financial year to reflect any increase in the CPI, from the date the VPA is registered on the title of the Land until the contribution is paid.

- (iii) Contribution towards Playground Construction – Item E of the Voluntary Planning Agreement
Prior to issue of any Occupation Certificate in relation to the 150th residential dwelling on the Development Site a monetary contribution of \$415,000.00* must be provided to Council for construction of a new playground in the northwest section of Tonbridge Reserve, or as otherwise agreed between the parties, in accordance with Item E of the Table in clause 1.1, Schedule 3 of the VPA.

* The contribution is subject to annual indexation in accordance with the VPA and at the commencement of each financial year to reflect any increase in the CPI, from the date the VPA is registered on the title of the Land until the contribution is paid.

- (iv) Shared footpaths and cycleway Construction – Item D of the Voluntary Planning Agreement
Prior to issue of any Occupation Certificate in relation to the 300th residential dwelling on the Development Site a monetary contribution of \$1,595,000.00* must be provided to Council to be used for carrying out works to create shared footpaths and cycleways in accordance with Item D of the Table in clause 1.1, Schedule 3 of the VPA.

* The contribution is subject to annual indexation in accordance with the VPA and at the commencement of each financial year to reflect any increase in the CPI, from the date the VPA is registered on the title of the Land until the contribution is paid.

- (v) Child Care Centre – Item G of the Voluntary Planning Agreement
 - (a) Construction of the child care centre required under Item G of the VPA (Note: Item G is the subject of a future Stage 2 DA) must be commenced prior to issue of an Occupation Certificate for the 250th residential dwelling on the site.
 - (b) Construction of the child care centre and dedication to Council of the 1,000m² parcel of land for child care centre purposes in accordance with the approved plans and Item G and Item H in the Table in clause 1.1, Schedule 3 of the VPA.
 - (c) Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office, prior to the issue of any Occupation Certificate in relation to the 350th dwelling of the Development (as defined in the VPA).
- (vi) Production Lane Embellishment / Upgrade Works – Item F of the Voluntary Planning Agreement (VPA)
Prior to issue of the last Occupation Certificate for residential accommodation on the Development Site, but no earlier than issue of the Occupation Certificate for the 300th residential dwelling on the Development Site (unless

otherwise agreed in writing to an earlier date in accordance with the VPA), the Development must construct road embellishment and remodelling works to upgrade Production Lane in accordance with Item F of the Table in clause 1.1, Schedule 3 of the VPA.

Alternatively, in accordance with the VPA, Council may direct the Developer in writing to provide a monetary contribution equivalent to the Contribution Value. Any Production Lane Direction must be issued within 30 days of the issue of an Occupation Certificate for the 300th residential unit on the Development Site (as per the VPA).

This contribution is to be subject to annual indexation at the commencement of each financial year to reflect any increase in the CPI, from the date the VPAs are registered on the title of the Land until the contribution is paid.

97. Prior to issue of the relevant Occupation Certificate:
 - Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
 - Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
98. 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.
99. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied 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.

100. Landscape Completion / Certification

- (a) Prior to issue of the relevant Occupation Certificate, Landscaping within the property and within the public domain shall be installed in accordance with the approved landscape plans as amended in accordance with Condition 46 above and as approved by Council's Landscape Architect. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
 - (b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Bayside Council prior to the Issue of an Occupation Certificate.
 - (c) New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 101. 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 prior to issue of the Occupation Certificate issued for the 350th dwelling and/or prior to issue of the Final Occupation Certificate (whichever is the relevant Occupation Certificate).
- 102. 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.
- 103. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
- 104. 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.
- 105. Landscape Easement - B6 Zone
Prior to issue of any Occupation Certificate for Building B,
 - (a) A landscape easement shall be created on the title of the land. The landscape easement shall have a minimum width of 6m, shall be deep soil and shall extend into the B6 zoned land immediately adjacent to the R4 zone boundary for that section that is located between the New Road and the sites northern boundary (refer to Figure 2 in the Applicant's Response to Council's RFI Letter prepared by JBA, dated 21 July 2017).
 - (b) The landscape easement required by (a) is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.
 - (c) Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land & Property Information.

106. Dedication to Council / RMS for Road Widening / New Road Access

Prior to issue of the Occupation Certificate for the 350th dwelling and dedication of the child care centre to Council, the following shall be dedicated to Council or the RMS for road widening and/or public road access purposes to ensure that access is available to the child care centre:

- (a) The dedication to RMS of the proposed intersection at Rocky Point Road and the New Road identified as Lot 3 in the approved Subdivision Plan listed in Condition 2.
- (b) The dedication to Council of the proposed new access road identified as Lot 2 on the approved Subdivision Plan listed in Condition 2.

Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office.

107. Suitable vehicular bollards shall be provided within all adaptable shared areas prior to issue of the relevant Occupation Certificate.

108. Car Parking & Loading Provision

- (a) Prior to issue of the final Occupation Certificate, the following parking spaces and loading bays shall be provided:
 - (i) Residential Parking
 - (i) ~~704~~ 706 residential off-street parking spaces (including 664 parking spaces within the main basement and ~~40~~ 42 spaces within the basement for the townhouse development, and 54 accessible residential spaces), in accordance with the approved plans listed in Condition 2 except where modified by Condition 20.
 - (ii) A minimum of 48 motorcycle parking spaces;
 - (iii) A minimum of 53 bicycle parking spaces;
 - (ii) Residential Loading Bays
 - (i) 3 loading bays for RCV trucks and 2 loading bays for vans in proximity to the lifts for Building B & E within the main basement in accordance with Development Specific Condition 35.
 - (iii) On-street parking
 - (i) 22 on-street parking spaces within the new access road, including one (1) accessible parking space that complies with the relevant Australian Standards / BCA, in accordance with the approved plans listed in Condition 2.
 - (ii) A minimum of 40 on-street parking spaces within that part of Production Lane between the access driveway to the main basement and the southern termination of Production Lane (note: Production Lane is that section of road to the eastern side of the development site), including one (1) accessible parking space (refer to Roads Act conditions).
- (b) All parking spaces shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with the relevant Australian Standard AS3727 – Guide to Residential Pavements and/or other relevant conditions of this consent (i.e. the on-street parking spaces shall be constructed of porous paving in accordance with previous conditions).

[Amendment D - S4.55(1A) amended on 8 October 2018]

109. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

110. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
111. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
112. Noise Requirements - Compliance

(a) Prior to issue of the Occupation Certificate, a Certificate of Compliance prepared by a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifying Authority (PCA) validating that:

(i) Noise emissions from all mechanical services plant including fans, compressors, condensers, air conditioners etc. to the nearest residential receiver do not exceed the noise emission criteria provided within the DA Acoustic Assessment reports submitted with the application, including any updated and/or supplementary acoustic reports prepared to satisfy the requirements of Condition 33.

(ii) The internal noise environment within all units complies with all relevant legislation and all other requirements contained in Conditions 34 of this consent, including any updated and/or supplementary acoustic reports prepared to satisfy the requirements of Condition 33.

(iii) The noise reduction measures specified in the noise report prepared by Acouras Consultancy dated 19 December 2016 Ref No. SYD2016-1079-R001F (and all addendum reports accompanying this including the report dated 7 July 2017), and any updated and/or supplementary acoustic reports prepared to satisfy the requirements of Condition 33, shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of the relevant Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

- (b) If Council is not the PCA, a copy of the Certificate of Compliance required by (a) above must be submitted to Council prior to issue of the Occupation Certificate.
113. Prior to use of any mechanical ventilation and / or air-conditioning systems, and prior to issue of any relevant Occupation Certificate, a qualified mechanical engineer shall certify that the mechanical ventilation and air conditioning systems comply in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
 114. 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.
 115. 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.
 116. The following flood related requirements shall be satisfied prior to issue of the Occupation Certificate:
 - a. The underground garage shall be floodproofed to a minimum of 300mm above the 1% Annual Exceedance Probability flood level and up to PMF level to Townhouses and Main basement entry respectively. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
 - b. The minimum distance between the outside finished surface level and the underside of the adjacent floor shall be 300mm in all cases where overland flow produced by the 1% AEP rainfall exceeds a depth of 100mm.
 - c. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Flood Planning Considerations and Development Controls listed in the Overland Flows and Flooding assessment prepared by AT & L Consultant, report no: 16-380-01, Rev:02 dated 14 July 2017.
 117. Prior to issue of the relevant Occupation Certificate, positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain:
 - (a) The stormwater OSD facility and WSUD measures to provide for the maintenance of the system;
 - (b) Visitors parking arrangement for Townhouses; and
 - (c) The boom gates and traffic signs.
 118. 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.
 119. 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, ramps and external stairs. Width of the drainage grates shall be in accordance with Rockdale Technical Specification

Stormwater Management.

Water quality chambers with filter cartridges similar to SW360 in onsite private drainage and a Gross Pollutant Trap similar to CDS Unit in the main drainage pipeline shall be provided in accordance with Rockdale Technical Specification Stormwater Management.

120. Access Road Inspection

Prior to issue of the final Occupation Certificate, the access road must be inspected by Council's Director of City Futures and all defects must be rectified by the developer at the developer's cost.

The defects liability period will commence from the date of completion of the defects repair work, and not from the date when the Access Road was dedicated to Council.

121. Signage / Way Finding Plans

A signage / way finding plan must be prepared and implemented prior to issue of each Occupation Certificate for the residential dwellings. The plan must include consideration of all parts of the development, including the basement car park, communal open space areas, building numbers / street addresses, directions to residential lobbies. The signage provided must be clear and of suitable size and number.

122. Road Naming

Prior to issue of the Construction Certificate for any works above the ground floor level, an application to name all roads within the development as well as the rear lane (commonly referred to as Production Lane) must be submitted to Council in accordance with Section 5.3 of the NSW Address Policy and requirements of the NSW Geographical Names Board of NSW. The naming of the road must be completed prior to Occupation Certificate for the 350th residential dwelling or prior to dedication to Council of the New Road (whichever occurs first).

123. Prior to issue of the relevant Occupation Certificate, all relevant conditions of this consent must be complied with. This includes the requirements of Conditions 19 and 42 amongst other matters.**Prior to issue of subdivision certificate**

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

124. Dedication to Council for Road Widening –Rocky Point to RMS & New access road to Council as follows:

- (a) The dedication to RMS for road widening purposes that parcel of land identified as Lot 3 in the approved subdivision plan; and
- (b) The dedication to Council for new public road that parcel of land identified as Lot 2 in the approved subdivision plan.

These provisions are to be put into effect prior to release of the Subdivision Certificate.

125. The subdivision is to occur in accordance with all relevant conditions of this consent.

126. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
127. 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 release of the Subdivision/Strata Certificate.

128. Visitor Parking - Townhouse Access

A positive covenant shall be created over the visitor parking spaces within the main basement to ensure that visitors to the Townhouses are provided with vehicular and pedestrian access to/from the visitors parking spaces within the main basement at all times.

A suggested wording for the covenant is indicated below:

"The Registered Proprietors covenant as follows with Council in respect to the area of common property identified as 'Visitor Parking' spaces on the Strata Plan (herein called 'The Burdened Land').

The Registered Proprietor will:

- i) permit the registered proprietors and/or invitees of the registered proprietors of the Townhouse lots # inclusive to enter upon The Burdened Land with a vehicle or vehicles whether motorized or not and to park, leave or place such a vehicle upon The Burdened Land at all times that the registered proprietor or invitee enters upon The Burdened Land.*
- ii) not obstruct or inhibit in any manner whatsoever access to or exclusive use of The Burdened Land in accordance with the prior cause.*
- iii) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. "*

Roads Act

129. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - (i) All parking spaces along Production Lane to be linemarked including a center line, directional arrows and signage as approved by Council's Traffic Committee.

- (ii) All parking spaces along the New Road and Production Lane to be constructed of porous paving.
- (iii) Production Lane to be designed to maintain a minimum 6m wide 2 way traffic lanes between the Northern Driveway of the Development and the southern termination end of Production Lane. To facilitate this requirement introduce rear to kerb parking bays with overhangs into the landscape areas.
- (iv) The main northern driveway into the development off Production Lane to be merged into the existing driveway of 24 – 26 Production Avenue to form a combined driveway to facilitate trucks turning left towards Production Avenue.
- (v) The design of the public on-street parking layout along the section of Production Lane as shown in Plan No. SKC25 (issue B), Project No. 16-380, Titled "Access Road Layout Option 2" to maintain a minimum of 40 parking spaces as shown in that plan. The proposal must not result in the loss of more than the first three (3) perpendicular on-street parking spaces located immediately to the north of the driveway entrance. The remaining perpendicular parking spaces within Production Lane to the north of the driveway entrance for the main basement car park must not be retained. Linemarking of these spaces should be carried out in accordance with the VPA.
- (vi) The design of the relocated stormwater drainage system from Rocky Point Road along the New Road to Production Lane must include a gutter flow analysis in Rocky Point Road and the New Road that will ensure that the flows are fully contained within the gutter and that there are no overflows into the development site.
- (vii) The New Access Road to Council's required specifications and in accordance with Condition 53;
- (viii) With the design of the public domain and the New Road all footpaths to be a minimum 1.5m wide and the shared cycleway/footpath is to be a minimum 3m wide.
- (ix) With the new traffic signals on Rocky Point Road include a Bike Lantern on the northern side pedestrian crossing to facilitate a proposed east / west cycleway into the Georges River Council Area.
- (x) Removal of the redundant hardstand / paved surfaces. This includes areas that were previously fenced and utilised by the former Darrell Lea operations. The key area referred to is located within the public domain (including RE1 zoned land) immediately to the east of the proposed Child Care Centre allotment.
- (xi) Stormwater drainage including a Gross Pollutant Trap (GPT) similar to CDS Unit on the main drainage pipeline.
- (xii) Street lighting;
- (xiii) Line marking and signs in accordance with Bayside Traffic Committee requirements;
- (xiv) Removal of existing speed hump and replacement with a new raised threshold in Production Lane;
- (xv) Construction of new fully constructed concrete vehicular entrance/s;
- (xvi) Construction of the reinforced concrete turning area at the southern termination of Production Lane shared with the access to the sporting fields. This area must be suitably line-marked to prevent use of the area for on-street parking.

- (xvii) Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - (xviii) Reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - (xix) Construction of paving between the boundary and the kerb, where required; and,
 - (xx) Construction of kerb and gutter.
130. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
131. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
132. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).
133. All works associated with the proposed development shall be at no cost to the Council or RMS.

Development consent advice

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

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

- c. *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. In order for the final Subdivision/Strata Certificate to be signed and released by Council, the following must occur:
- i) all of the above conditions of consent must be complied with;
 - ii) a Section 73 certificate from Sydney Water must be supplied. If it is for a Torrens Title subdivision, the certificate must clearly state subdivision into the relevant number of lots;
 - iii) a Section 88B Instrument which contains a positive covenant written in accordance with Council's standard wording for on site detention systems must be submitted. The 88B Instrument should also provide a space for Council's authorized person to sign on each page;
 - iv) If Council is the PCA, Council's Building Surveyor, Engineer and Landscape Officer must conduct satisfactory final inspections of the development, or if a Private Certifier is the PCA, Council must receive a copy of the final Occupation Certificate including a note that the landscaping and drainage works have been completed in accordance with the approved plans.
- e. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.



e reception@mascapseras.com.au
w www.mascapseras.com.au

north point:

key plan:

amendments			
bill	Description	File	Date
8	REPEAL FLOOR LABELLED AS AMENDED BY JAG	YES	10/01/18
8	AMEND CORRELATION	NO	07/06/18
8	AMEND CODED NAME - LEVEL 1 - RE-INSERTED	YES	10/06/18
8	RE-INSERT LABEL CHANGE	YES	10/07/18
8	BLOCKED (LAYOUT AMENDMENTS ACCEPTED BY COUNCIL FOR PRE-FILED ONLY, FLOOR FILED AS AMENDING AMEND)	YES	10/07/18
8	REPEAL AS AMENDED	NO	03/08/18
8	AMEND CORRELATION	NO	10/10/18
8	REPEAL PRE-FILED BLOCKED & LAYOUT LABELLED AMEND	NO	05/11/18
8	PREPARE THIS AMEND	NO	07/11/18
8	REPEAL PRE-FILED BLOCKED AMENDMENT & PREPARE THIS AMEND	NO	07/12/18

notes:

SCHEDULE OF FINISHES

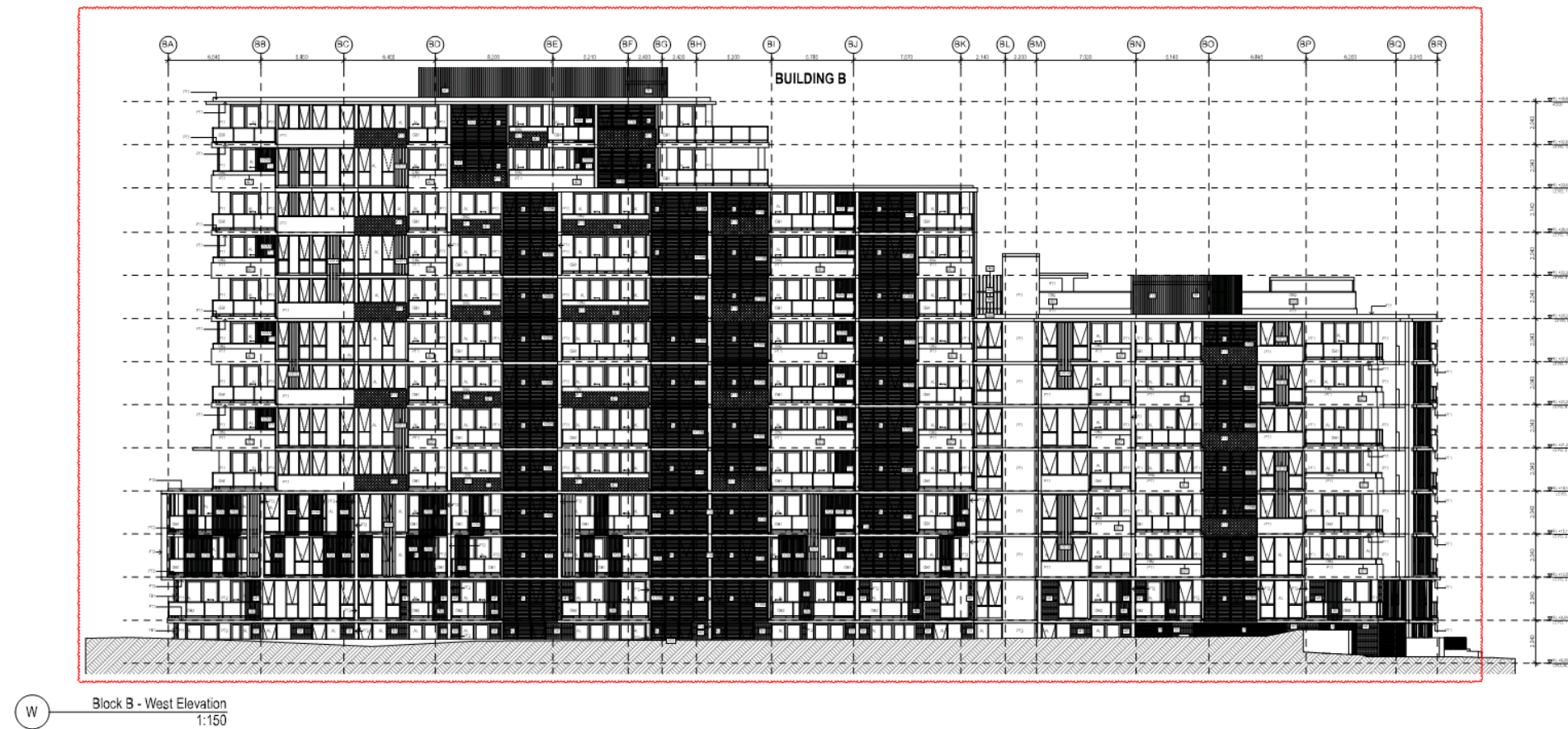
[illegible]

All building works to comply with the following provisions of the BCSA (Structural) Regulations 2006, as amended:

[illegible]

project
Proposed Residential Development
location
152-200 & 202-206 Rocky Point Road ,
KOGARAH
client
JGZ Developments PTY LTD
drawing title
Block E East & West Elevations

scale: As shown @ 1/8"	project architect	GP	drawn	AD
job no. 17008	drawing no.	804	issue	1



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- 2 larger scale drawings and written dimensions take precedence.
- 3 do not scale from drawing
- 4 all dimensions to be checked on site before commencement of work.
- 5 all discrepancies to be brought to the attention of the author.

e reception@moscospensas.com.au
w www.moscospensas.com.au

north point:

key plan:

commandments

Item	Description	Qty	Rate
4	REPAIRS PLASTER HOLD, AN ADVISORY JOB	ADJ	18.04.18
5	FOR LOCOMOBILIZATION	ADJ	07.04.18
6	FOR LOCOMOBILIZATION - LEVEL, AND ADJUSTED	ADJ	18.04.18
7	FOR PLASTER LAMBS CHAMBER	ADJ	02.07.18
8	REPAIRS LAMPS ADJUSTMENT AND REPAIRS - FOR COOKING, LAMPS AND REPAIRS - WALL, TOGETHER TO BE REPAIRED	ADJ	15.07.18
9	FOR PLASTER LAMBS	ADJ	15.04.18
10	FOR LOCOMOBILIZATION	ADJ	15.02.18
11	LOCOMOBILIZATION REPAIRS AND PLASTER LAMBS ADJUST	ADJ	15.11.18
12	FOR PLASTER LAMBS ADJUST	ADJ	17.11.18
13	REPAIRS PLASTER LAMBS ADJUST	ADJ	17.12.18

notes:

SCHEDULE OF FINISHES

[illegible]

All building works to comply with the following provisions of the IBCA
 (Division 104 - Miscellaneous Building Construction)

- [illegible]



project

Proposed Residential Development

location

152-200 & 202
KOCADAHI

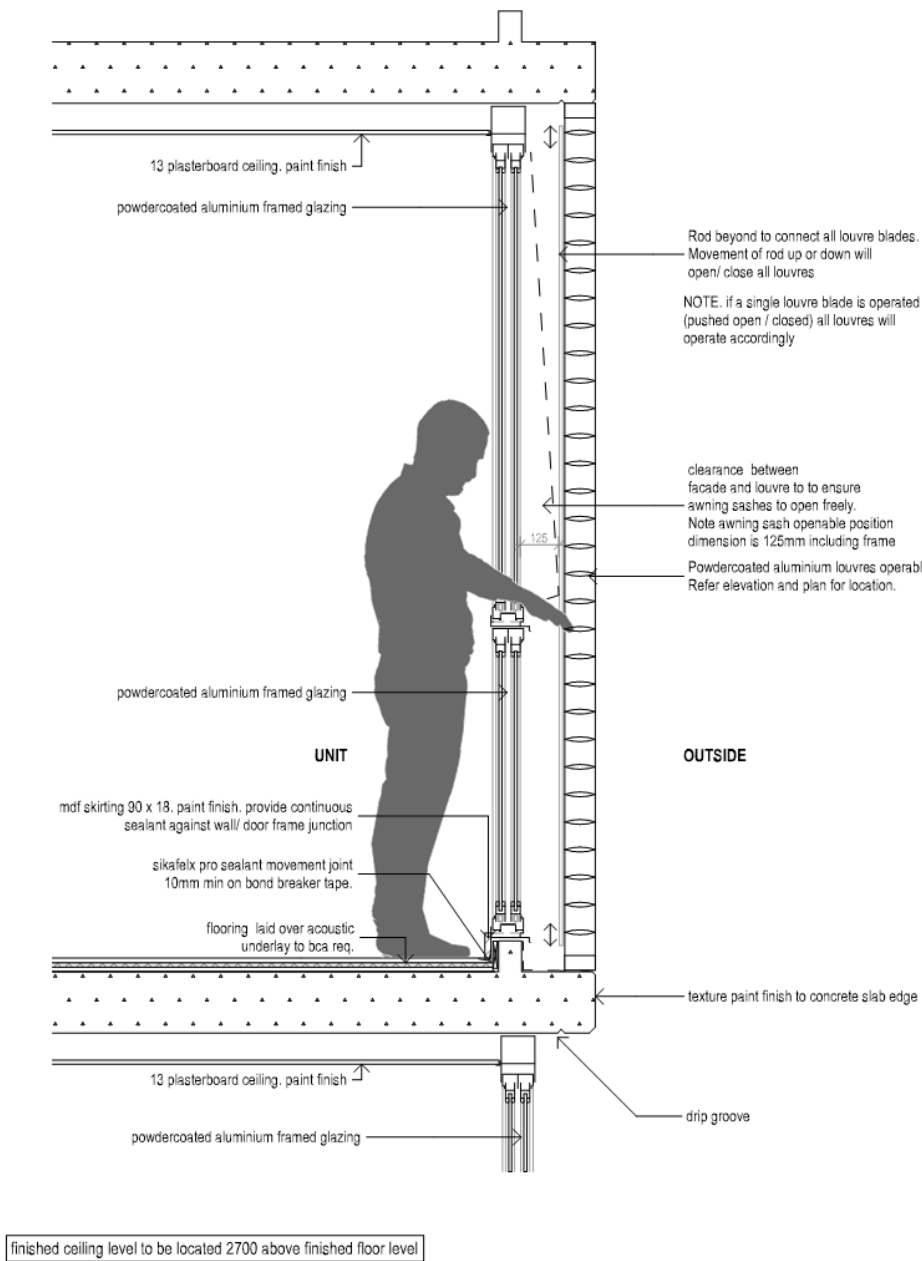
KOGARAH
client

JQZ Developr

drawing title
Drawing: D. Frost, G. West, C. G. Williams

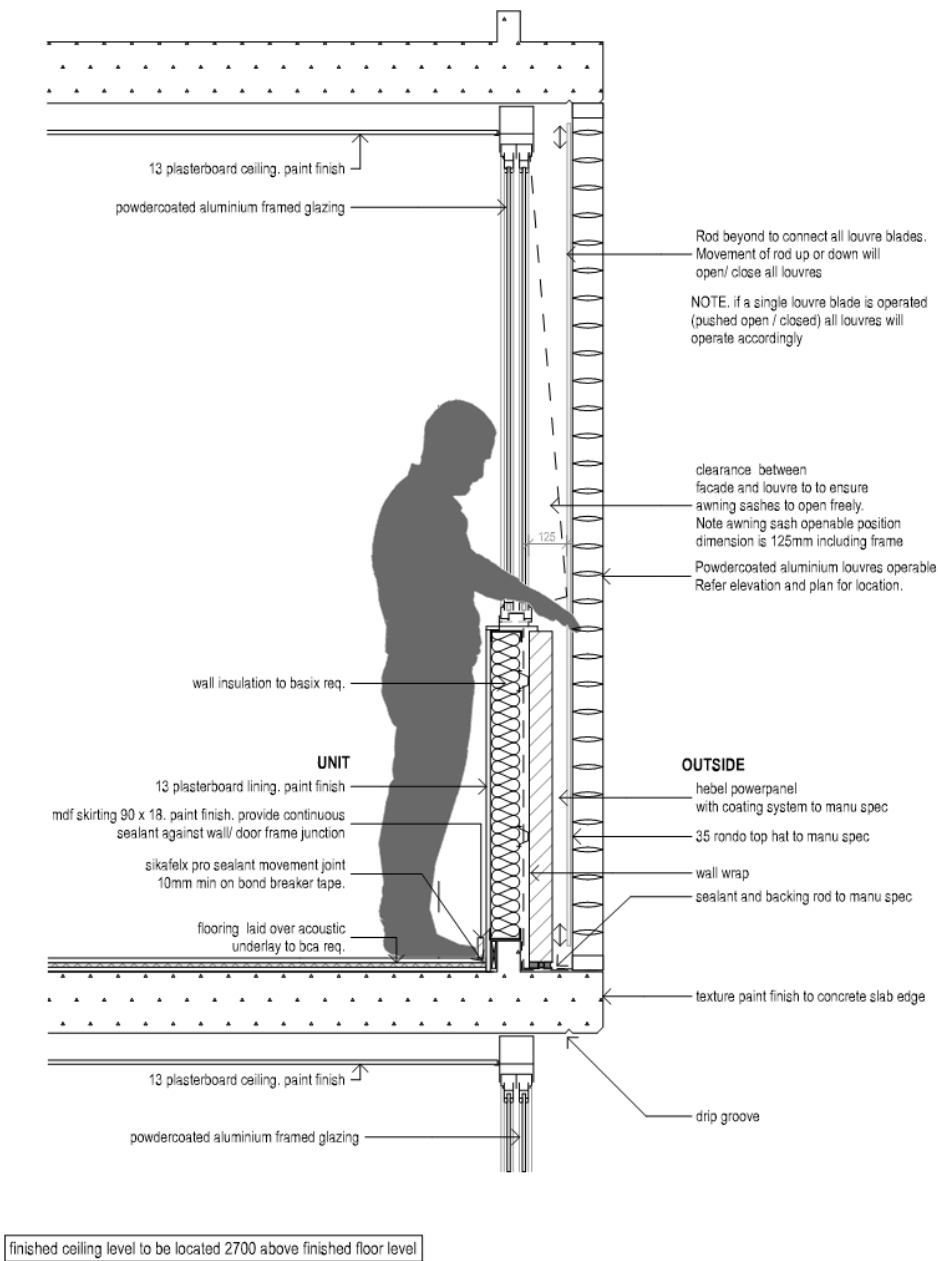
Block B East & West Elevations

scale: As shown @ 8:1	project architect	GP	drawn	AD
1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"



Detail through full height window and operable louver

Operable Louvre Sections
1:20



Detail through window with hebel spandrel and operable louver

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□ larger scale drawings and written dimensions take preference.
□ do not scale from drawing.
□ all dimensions to be checked on site before commencement of work.
□ all discrepancies to be brought to the attention of the author.

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north point:

key plan:

amendments			
Revision	Description	By	Date
A	FOR E26 SUBMISSION	AD	21.01.19
B	FOR E455 (E26) APPLICATION	AD	12.02.19
C	LOUVRE OPERATION CLARIFIED	AD	18.04.19

notes:

mpa
mosca pfeiffer architects

project
Proposed Residential Development

location
152-200 & 202-206 Rocky Point Road .
KOGARAH

client
J&Z Developments PTY LTD

drawing title
Typical Operable Louvre Sections

scale	1:20 & A1	project architect	SP	drawn	AD
job no.	17008	drawing no.	OLI	issue	C

BAYSIDE COUNCIL
RECEIVED
01 MAR 2019
OVER COUNTER

2.800 TYPICAL
confirm on site



Operable awning sash behind
louvre shown dashed

clearance between
facade and louvre to ensure
awning sashes to open freely.
Note awning sash openable position
dimension is 125mm including frame

Powdercoated aluminium louvres operable
Refer elevation and plan for location.

2017/224/F

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- ☐ Larger scale drawings and written dimensions take preference.
- ☐ Do not scale from drawing.
- ☐ All dimensions to be checked on site before commencement of work.
- ☐ All discrepancies to be brought to the attention of the author.

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north point:

key plan:

amendments

Revision	Description	By	Date
A	FOR \$455 (\$96) APPLICATION	AD	12.02.19

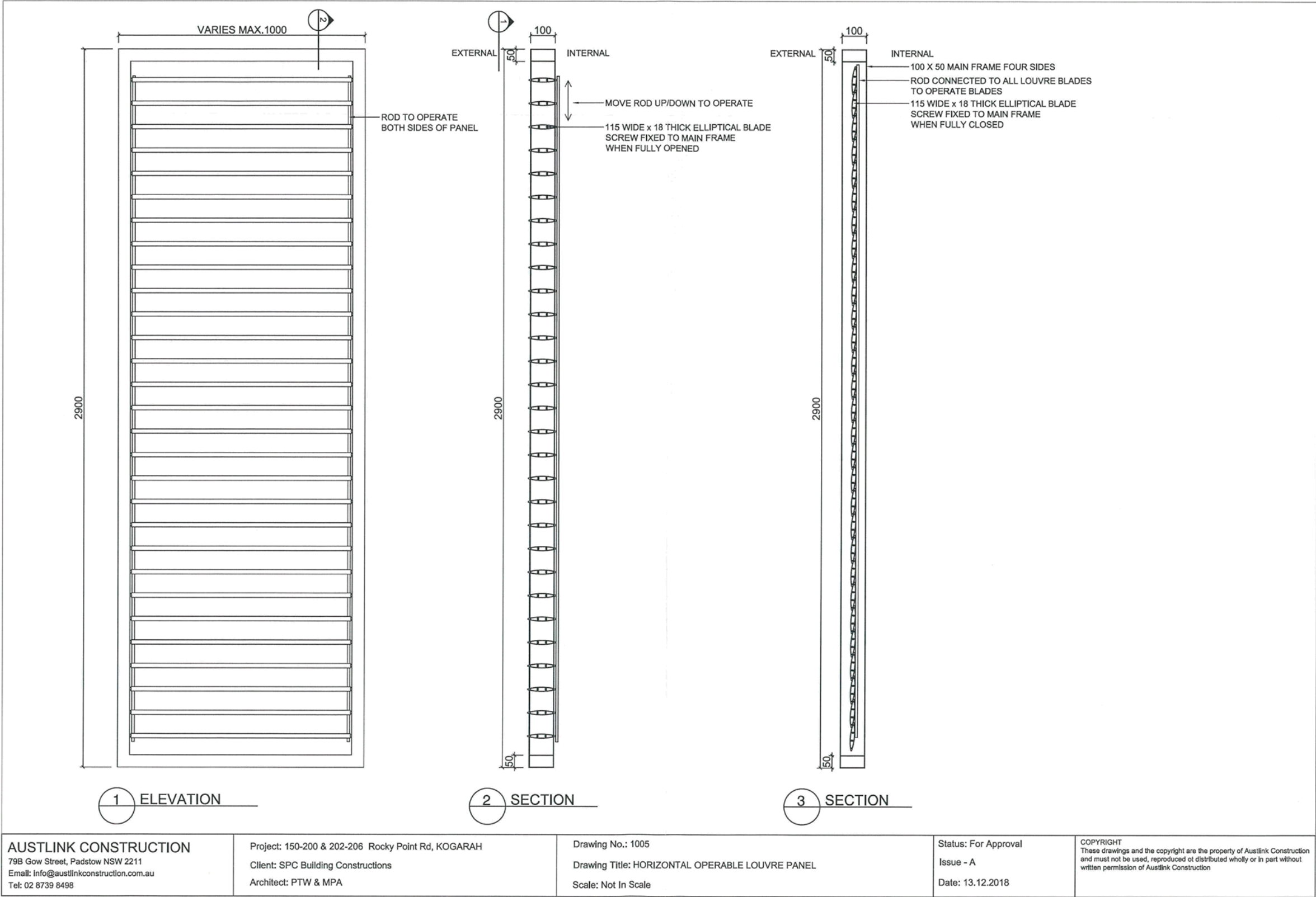
notes:

Operable Louvre Elevation
1:20



project
Proposed Residential Development
location
152-200 & 202-206 Rocky Point Road ,
KOGARAH
client
JQZ Developments PTY LTD
drawing title
Typical Operable Louvre Elevation

scale 1:20 @ A1 project architect SP drawn AD
job no. 17008 drawing no. OL2 issue A



Bayside Local Planning Panel

14/05/2019

Item No	6.4
Application Type	Development Application
Application No	DA-2018/318
Lodgement Date	22/11/2018
Property	72 Banksia Street, Botany
Ward	Botany Bay
Owner	Mr JP Hassarati Mr MR Hassarati
Applicant	David Carey Town Planning and Development
Proposal	Demolition of existing structures, Torrens Title subdivision into two (2) lots and construction of two (2) x two (2) storey semi-detached dwellings.
No. of Submissions	One (1)
Cost of Development	\$1,144,027.50
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Panel considers the Clause 4.6 request to vary the floor space ratio (FSR) standard contained in Clause 4.4A of the BBLEP2013 and that it be satisfied that the variation will result in consistency with the objectives of the FSR standard contained in Clause 4.4A and the objectives of the R2 Low Density Residential zone and it is therefore in the public interest to vary the control.
 - 2 That the Development Application No. DA-2018/318, for the proposed demolition of existing structures, Torrens Title subdivision into two (2) lots and construction of a two (2) x two (2) storey semi-detached dwellings, at 72 Banksia Street, Botany, be **APPROVED**, pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 3 That the objector be advised of the Bayside Local Planning Panel's decision.
-

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Architectural Plans [↓](#)
- 3 SEE (Including Clause 4.6 Variation) [↓](#)
- 4 Survey Plan [↓](#)

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Application Details

Application Number:	DA-2018/318
Date of Receipt:	22 November 2018
Property:	72 Banksia Street, Botany NSW 2019 (Lot 29 Sec G DP 1787)
Owner:	John Hassarati
Applicant:	David Carey Town Planning and Development
Proposal:	Demolition of existing structures, Torrens Title subdivision into two (2) lots and construction of two (2) x two (2) storey semi-detached dwellings.
Recommendation:	Approved
No. of Submissions	One (1)
Author:	Helen Lai – Development Assessment Planner
Date of Report:	24 April 2019

Key Issues

The key issues with this application are:

- Floor Space Ratio
- Overshadowing
- Streetscape
- Stormwater
- Passive surveillance / Relationship with the street
- Materials and Finishes
- Trees on rear property

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.

Recommendation

1. That the Panel considers the Clause 4.6 request to vary the floor space ratio (FSR) standard contained in Clause 4.4A(3)(d) of the BBLEP2013 and that it be satisfied that the variation will result in consistency with the objectives of the FSR standard contained in Clause 4.4A and the objectives of the R2 Low Density Residential zone and it is therefore in the public interest to vary the control.

2. That the Development Application No. DA-2018/318, for the proposed demolition of existing structures, Torrens Title subdivision into two (2) lots and construction of a two (2) x two (2) storey semi-detached dwellings, at 72 Banksia Street, Botany, be **APPROVED**, pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
3. That the objector be advised of the Bayside Planning Panel's decision.

Background

History

Council's records do not show any applications previously lodged for the subject site.

Proposal

Council is in receipt of a development application, DA-2018/318, at 72 Banksia Street, Botany, which seeks consent to carry out demolition of existing structures on site, Torrens Title subdivision into two (2) lots and construction of two (2) x two (2) storey semi-detached dwellings.

Specifically, the proposal consists of:

- Torrens Title subdivision of the lot (Total Site Area: 530.3m²)
 - Lot 1 (North-western lot): 264.7m²
 - Lot 2 (South-eastern lot): 265.6m²

Lot 1 and 2

The works proposed on each of Lot 1 and 2 are identical and described below:

Ground Floor:

- Single garage with additional car space on driveway
- Bathroom
- Laundry
- Open kitchen, dining and living
- Rear deck with BBQ
- Cabana to the rear of the site
- Internal stairs leading to first floor

First Floor:

- Master bedroom with ensuite and walk-in-robe
- Bedrooms 1, 2 and 3 with robe
- Bathroom
- Internal stairs leading to ground floor
- Operable metal black louvres (75% transparent) on the front facade

Colours and materials:

- White render for ground floor
- Beige render for first floor
- Operable metal black louvres on the front elevation and part of the eastern and western elevation for the ensuite on first floor
- Aluminium windows
- Colorbond black panel lift garage door

It is noted that the applicant has provided several amendments to the proposed development. Amendments made to the original submitted plans include:

- Length of the first floor reduced from 25.71m² to 24.9m²
- Proposed colours and materials for the first floor façade changed from white render to beige render
- 1.5m side setback provided on the eastern and western side of the first floor at the rear
- Louvres on the front façade reduced in size and windows provided to improve passive surveillance to the street
- Windows added to the main entrance to provide for passive surveillance
- Semi-permeable paving for the driveway/garage entrance
- Living room on first floor removed
- Additional planter beds provided along the eastern and western boundary at the front
- Entrance moved forward
- Skylight added to the roof above void
- Internal courtyards removed

Site location and context

The subject site known as Lot 29 Sec G DP 1787, 72 Banksia Street, Botany. The site is rectangular in shape. The site is oriented north to south with north being the front. The eastern and western boundaries have lengths of 43.67m and 43.35 respectively and the northern and southern boundaries have lengths of 12.19m. The site area is approximately 530sq.m. The topography of the site is such that it slopes to the rear by 2m.

The site contains an existing single-storey dwelling, a brick garage and metal shed to the rear of the site. The site is located on the southern side of Robinson Street. Adjoining properties include a semi-detached to the east and a single storey to the west. A single storey is located on the rear property.

The existing streetscape consists predominantly of single and two storey dwellings as well as townhouses further east of the subject site. Existing developments along Banksia Street are characterised by a mix of roof forms including pitched and gable roofs and flat roofs, however, the surrounding area is undergoing change with semi-detached dwellings recently approved at No. 60 Banksia Street, No. 153 Bay Street and No. 127 Bay Street.

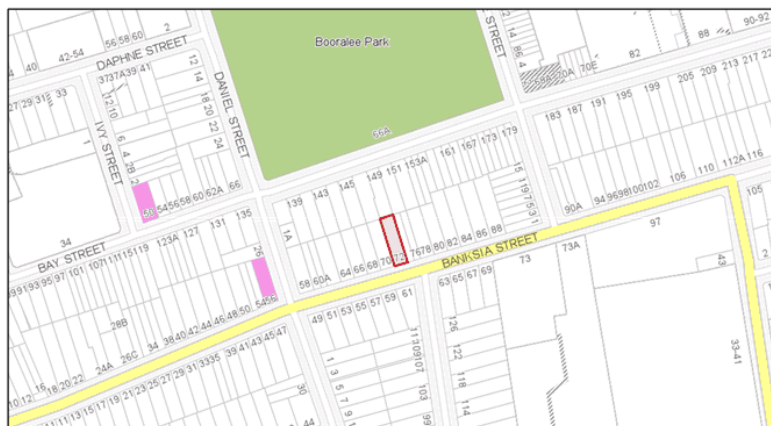


Figure 1: Site Location



Figure 2: Subject site – existing single storey dwelling **Figure 3: Adjoining semi-detached dwelling to the east**



Figure 4: Adjoining single storey dwelling to the west
4 of 50



Figure 5: Sites opposite subject site (No. 59 & 61 Banksia Street).

There are no significant trees on site, however, there is one (1) street tree at the front of the property.

The site is not a heritage item, however, is located in the vicinity of heritage items no. 19 and 20 (both dwelling houses) and No. 21 (dwelling house "The White House") which are all located on Bay Street (rear of the subject site).

The site is located in the R2 – Low Density Residential zone. The subject land is affected by Acid Sulfate Soils (ASS) Class 4 and ANEF Contour 20-25.

Referrals

The proposal has been referred to the following internal/external authorities:

Internal Referrals

Development Engineer

The development was referred to Council's Development Engineer for comment. The proposed development is supported, subject to conditions imposed in the attached Schedule.

Landscape Officer

Council's Landscape Officer supports the proposed development subject to conditions of consent.

Tree Management Officer

Council's Tree Management Officer supports the proposed development subject to conditions of consent.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.79C(1) - Matters for Consideration – General**S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (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 two BASIX Certificates No. 1007593S and 1007600S.

The commitments made result in the following reductions in energy and water consumption for the secondary dwelling:

Reduction in Energy Consumption 52%
Reduction in Water Consumption 40%
Thermal Comfort Pass

A condition has been imposed in the attached Schedule to ensure requirements in the BASIX Certificates are adhered to.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

1. The site appears to have been continuously used for residential purposes.
2. The adjoining and adjacent properties are currently used for residential purposes.
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in State Environmental Planning Policy 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

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

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

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

The proposal involves the removal of one (1) street tree at the front of the property. Council's Tree Management Officer has recommended appropriate conditions to be imposed in the draft Notice of Determination for one (1) replacement 75 litre roof ball tree *Corymbia eximia* (Yellow Bloodwood) as the replacement tree in the Public Domain.

Subject to compliance with the conditions of consent, the proposed is satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 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
Land-use Zone	N/A	The site is located within the R2 Low Density Residential zone.
Is the proposed use/works permitted with development consent?	Yes.	The proposed development is defined as a semi-detached dwelling which constitutes a permissible development only with development consent.
The relevant objectives of the R2 Low Density zone are: - <i>To provide for the housing needs of the community within a low density residential environment.</i> - <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> - <i>To encourage development that promotes walking and cycling.</i>	Yes.	The proposed development is consistent with all the relevant objectives of the R2 – Low Density Residential zone, namely the proposal provides additional housing needs within a low density residential environment. The site is also located nearby Botany Town Centre thus is in walking and cycling distance to local shops.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A.	Schedule 1 does not apply to this site.
What is the height of the building? Does the height of the building exceed the maximum building height?	Yes.	The maximum building height shown on the Height of Buildings Map is 8.5m. The proposed building height of the development is 7.5m. The proposal complies with the maximum height and accordingly, satisfies the objectives of this Clause.
What is the proposed FSR? Does the FSR of the building exceed the maximum FSR?	No – refer to Clause 4.6	The maximum FSR permissible as shown on the Floor Space Ratio Map is 1:1. However, the subject site is identified within "Area 3" on the FSR Map. Pursuant to Clause 4.4A(3)(d), the proposed

7 of 50

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		<p>development is defined as “all other development for the purpose of residential accommodation, therefore, the maximum FSR permissible is 0.5:1.</p> <p>The proposed gross floor area has been calculated as follows:</p> <p><u>Lot 1</u> Ground Floor = 87m² First Floor = 86.5m² Total GFA = 173.5m² Site Area = 264.7m² Proposed FSR = 0.65:1</p> <p>(If 15.68m² cabana included then GFA = 189.18m² and FSR = 0.71:1)</p> <p><u>Lot 2</u> Ground Floor = 87m² First Floor = 89.5m² Total GFA = 176.5m² Site Area = 265.6m² Proposed FSR = 0.66:1</p> <p>(If 15.68m² cabana included then GFA = 192.18m² and FSR = 0.72:1)</p> <p>Combined GFA = 350m² Combined Site Area = 530.3m² Proposed FSR = 0.66:1 (16% variation)</p> <p>If cabana's included: Combined GFA = 381.33m² Combined Site Area = 530.3m² Proposed FSR = 0.72:1 (22% variation)</p> <p>The proposed FSR exceeds the maximum FSR permissible. A Clause 4.6 variation has been submitted by the applicant.</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>	Yes.	<p>The subject site is identified within “Area 3” on the FSR Map. Pursuant to Clause 4.4A(3)(d), a maximum FSR of 0.5:1 applies as the development is defined as “all other development for the purpose of residential accommodation”.</p> <p>Refer to Clause 4.6 for FSR discussion.</p>

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?	Yes	The subject site is not listed as a heritage item or within a Heritage Conservation Area, however, is located in the vicinity of heritage items No. 19 and 20 (both dwelling houses) and No. 21 (dwelling house "The White House") which are all located along Bay Street to the rear of the site. This is further discussed in Part 3B – Heritage of this report under Botany Bay Development Control Plan 2013.
6.1 – Acid sulphate soils	Yes.	<p>The site is affected by ASS Class 4 that is defined as works more than 2 metres below the natural ground surface or works by which the water table is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>The proposed involves minimal excavation not more than 2m below the natural ground surface. As there is no significant excavation, an Acid Sulfate Soil Management Plan is not warranted.</p>
6.2 – Earthworks	Yes	The proposal involves minor excavations in the form of footings. The amount of excavation proposed is acceptable.
6.3 – Stormwater Management	Yes.	<p>The proposed development involves the installation of an infiltration tank. A 3000L rainwater tank has been proposed to ensure overflow is effectively managed.</p> <p>The Concept Stormwater Plan has been designed to the required standard as assessed by Council's Development Engineer, however, no geotechnical testing was undertaken to justify the proposed infiltration rate for the site which is a requirement for this type of development. Conditions are imposed in the draft Notice of Determination for a geotechnical engineer to determine the soil absorption rate and the depth of the water table for the site in accordance with requirements of BBDCP Stormwater Management Technical Guideline Section 5.2, the geotechnical engineer shall provide a report to the Principal Certifier</p>

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		that includes the details required above. A copy of the report shall be forwarded to Council prior to issue of Construction Certificate. Subject to conditions of consent, Council's Development Engineer has supported the proposed development.
6.8 – Airspace Operations	Yes.	The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m to Australian Height Datum (AHD). The proposed building height is 7.5m (RL15.44m to AHD) which will have minimal adverse impact on the OLS and hence is acceptable with regards to this Clause.
6.9 – Development in areas subject to aircraft noise	Yes.	The subject site is located within the 20 and 25 ANEF contours and is therefore subject to aircraft noise. An Acoustic Report was submitted with the proposed development and a condition requiring compliance with AS2021-2015 is proposed. As such, the development is considered acceptable with regard to the provisions contained in Clause 6.9.

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

Clause 4.6 Variation to Floor Space Ratio

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. As such a '*semi-detached dwelling*' would fall under the category of '*all other development for the purpose of residential accommodation*'. Given the above, the maximum permitted FSR for the subject site is 0.5:1. It should be noted that the FSR for a detached dwelling house on the subdivided land is 0.75:1.

The development (as amended) seeks an FSR of 0.65:1 for Lot 1 and an FSR of 0.66:1 for Lot 2 (excluding the cabanas), which results in a total GFA of 173.5m² for Lot 1 and a GFA of 176.5m² for Lot 2 (16% variation)(see **Table 1**).

If the cabanas are included as GFA then the proposal would have an FSR of 0.71:1 for Lot 1 and an FSR of 0.72:1 for Lot 2 (22% variation).

Table 1: Proposed FSR as calculated

Lot	Site Area	Proposed GFA	Proposed FSR	Exceedance
Lot 1	264.7m ²	173.5m ²	0.65:1	41.15m ² (16%)
Lot 2	265.6m ²	176.5m ²	0.66:1	43.7m ² (16.5%)

The site is located within 'Area 3' on the FSR map and therefore is subject to Clause 4.4A of the BBLEP2013. The objectives of this Clause are as follows:

- 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.*

The applicant has provided a written request to justify the contravention of the development standard pursuant to Clause 4.6 of BBLEP2013, which is considered below.

Objectives of 'FSR' Clause 4.4A

- 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.*

Applicant's Submission

The applicant has submitted a Clause 4.6 variation to the floor space ratio development standard which provides justification for the exceedance. It is stated:

- *The proposal results in a rectilinear subdivision pattern that is consistent with the desired future character of the area and provides a frontage width that is characteristic and acceptable in an otherwise varied subdivision pattern. It is therefore reasonable in this instance for the development to benefit from the FSR that applies to dwelling houses on lots between 251m² and 300m² as the only distinguishing feature between the proposal and a dwelling house is the provision of a party wall between the two dwellings. The FSR therefore results in a technical non-compliance arising from a land use definition, rather than the merits of the density proposed which would otherwise be acceptable for a detached dwelling.*
- *The proposed FSR is suitable to the site as the building form across each lot will receive a density that is less than the maximum of a compliance dwelling house.*
- *The proposal results in a better outcome than a compliant scheme as construction of a dwelling house on each proposed lot would have a contextually inferior presentation within the street despite complying with the FSR requirements. This is due to specific context of the site, whereby, there is a semi-detached dwelling immediately east of the site, as the street is undergoing transition, with semi-detached dwellings approved recently at 60 Banksia Street and 124 Banksia Street.*
- *The proposal will result in a better outcome for the prospective residents with increased floor area in a semi-detached building form that allows the density to be better distributed on each lot. In addition, the proposal will result in a better outcome from the development as the provision of a common wall between the dwellings allows the proposed massing (that is permitted for a dwelling house on each lot) to be pulled back from each side boundary and landscaped courtyards to be introduced to reduce shadow and privacy impacts on each adjoining property.*
- *To provide detached dwellings on the proposed lots would result in a discordant form within the street and a more imposing presentation to the adjoining residential properties as well as the*

proposed dwellings. Detached dwellings on each lot with compliant side boundary setbacks would preclude any significant façade relief to the adjoining properties and the proposed adjacent dwellings. The semi-detached building form allows a more efficient allocation of density at the site in a form that incorporates well-proportioned courtyards adjacent to each side boundary. An FSR of 0.65:1 is proposed, against a maximum of 0.75:1 that would be permitted if a dwelling house was proposed.

- *The increased floor area in a semi-detached building form allows increased FSR with resultant amenity improvements. The development could reasonably be altered to comply with the 0.5:1 FSR at the site without and material changes to the building presentation within the street, however, the burden placed on the development (with a reduced FSR) is to be balanced with the material planning benefits of reducing the proposed FSR. In our view, there are no material amenity or environmental benefits to be gained from reducing the FSR to 0.5:1. In fact, this would place an unreasonable burden on the development resulting from the loss of floor area that is otherwise permitted for a dwelling house on the proposed lots. As demonstrated by shadow diagrams and other plans submitted with the application, the proposed development does not have an adverse impact on surrounding properties.*
- *The proposal provides a building height, form and bulk that is compatible with the low density residential area and consistent with a compliance dwelling house.*
- *There is precedent in Council approving semi-detached dwelling development in street at 124 Banksia Street, Botany with a variation to the FSR Standard (DA-16/116). This applicant was approved with an FSR of 0.7:1, which is greater than that proposed as part of this application.*

Consideration of FSR Variation

The applicant's written submission adequately deals with the requirements of Clause 4.6 in accordance with the principles established in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*. Particularly, the applicant's submission:

1. Demonstrates why compliance with the development standard is unnecessary or unreasonable, include use of the *Wehbe* test; and
2. Includes sufficient environmental planning grounds to justify contravening the development standard.

Consideration may therefore be given to the merits of the request.

Assessment Comments

4.6(3)(a) compliance with the development standard is unreasonable or unnecessary

Officer's comments:

The applicant requested a variation to floor space ratio and a Clause 4.6 was submitted based on a proposed FSR of 0.65:1 for Lot 1 and 0.66:1 for Lot 2 and an overall FSR of 0.66:1 (16% variation) which does not include the cabanas. The FSR as proposed by the applicant would be considered reasonable if the cabanas at the rear of the site were to be deleted from the proposed development given that they could easily be enclosed (as shown in the submitted floor plans) and may, in their current form, essentially represent GFA. This would ensure that the FSR achieves the applicant's calculated FSR of 0.65:1 for Lot 1 and 0.66:1 for Lot 2 and an overall FSR of 0.66:1 (16% variation). It is thus recommended that a condition be imposed in the draft Notice of Determination for the cabanas at the rear of both dwellings be removed.

Subject to deletion of the proposed cabanas, strict compliance with the development standard is considered unreasonable and unnecessary as the amenity of the site will be improved with additional soft landscaped area to be provided to the rear of the site in place of the cabanas. Impacts by the proposed development on the use and enjoyment of adjoining properties will also be minimised. The proposed size and scale of the development is compatible with the permitted bulk and scale in the area and consistent with other approved semi-detached dwellings in the surrounding area (i.e. No. 60 Banksia Street, No. 127 Bay Street and No. 153 Bay Street). The proposed subdivision is also consistent with the existing and future subdivision pattern occurring in the immediate area (refer to Part 3E – Subdivision & Amalgamation of this report for discussion). In this regard, the proposed development is considered consistent with the changing streetscape and desired future character of the locality.

Several amendments were submitted by the applicant to demonstrate a sensitive design is proposed to minimise impacts on adjoining properties and reduce overshadowing despite compliance with the maximum building height and setbacks.

The development provides an appropriate correlation between the size and the extent of any development on that size and has an FSR that is less than what would be permissible for a dwelling house (0.75:1) with a site area between 251m²-300m².

Compliance with development standard related to FSR within this locality is unreasonable and unnecessary in this circumstance as the objectives of the standard are achieved notwithstanding non-compliance with the standard.

4.6(3)(b) Are there environmental planning grounds to justify the contravention of the standard

Officer's comments:

There are sufficient environmental planning grounds to support the variation. The numerical variation to the FSR will not materially change the streetscape from excessive bulk and scale. The proposal will maintain an appropriate visual relationship with the neighbouring properties and the existing and future character of the area. By way of condition to remove the cabanas this would achieve an FSR of 0.66:1 which is not dissimilar to other approved semi-detached developments within the vicinity (No. 153 Bay Street north-east of the subject site was approved with an FSR of 0.65:1). Consideration has been given to site coverage, private open space, landscaping, visual privacy and setbacks as a result of exceeding the maximum FSR which the proposal complies with. The proposal satisfies the objectives of Clause 4.4A.

4.6(4)(a)(i) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

Officer's comments:

The applicant's written submission adequately deals with the requirements of Clause 4.6 in accordance with the principles established in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*. Consideration may therefore be given to the merits of the request.

4.6(4)(a)(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

Officer's comments:

The proposed variation to the floor space ratio standard will be in the public interest as it is consistent with the objectives of the R2 – Low Density Residential zone to provide additional housing needs for the community within a low density residential environment without adverse impacts on the streetscape and the locality. Furthermore, the proposed development will be compatible with the existing scale of other semi-detached developments within the surroundings of the subject site. The development has been designed to achieve a high level of internal amenity, as well as retaining amenity to the adjoining properties in regard to privacy. In this regard, it is considered that the proposal achieves the objectives of the FSR standard, despite the numerical variation.

(5)(a) the consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and

The proposed variation to the FSR development standard will not result in any matters of significance for State or regional environmental planning.

(5)(b) the public benefit of maintaining the development standard

The above justification demonstrates that the proposed FSR satisfies the objectives of the standard. It is considered that the variation does not raise any matters of public interest that has not already been addressed in Section 4.15(1)(e) - Public interest of this report.

Given that the proposal is consistent with the desired future character for the area and there will be minimal impact on views or streetscape outcomes associated with the FSR variation or adverse and unreasonable impacts to adjoining properties, it is considered that there are no public interest matters which would prevent a variation to the FSR control.

(5)(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The proposal exceeds the maximum 10% variation to the FSR standard and is therefore submitted to the Bayside Local Planning Panel for determination.

Summary

The request to vary the FSR control in Clause 4.4A of BBLEP 2013 pursuant to Clause 4.6 has been assessed in accordance with the provisions of Clause 4.6 and relevant principles established by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

Council's assessment of the proposal concludes 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. Subject to a condition of consent for the removal of the rear cabanas, the applicant's Clause 4.6 variation for an FSR of 0.65:1 for Lot 1 and 0.66:1 for Lot 2, is considered well-founded and the departure in the FSR provides a development that is consistent with the bulk and scale and FSR of other approved semi-detached

developments in the area. Further, the proposal is compatible with the desired future character of the area. The applicant's Clause 4.6 has demonstrated satisfaction of at least one of the five (5) different ways in which an objection to a development standard may be well-founded as set out in *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)*. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4A of the *Botany Bay Local Environmental Plan 2013* be varied in the circumstances as discussed above.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013

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

Part 3A – Parking & Access

Control C2 of the Botany Bay Development Control Plan 2013 states that car parking provision shall be provided in accordance with Table 1. Table 1 identifies that semi-detached dwellings are to provide one (1) car parking space per dwelling.

The development proposes to provide two (2) car parking spaces in the form of tandem parking with a single garage on each lot and a 5.5m front setback to provide an additional parking space. The proposal complies with Part 3A – Parking & Access of the BBDCP 2013.

Part 3B – Heritage

The subject site is not a heritage item or located within a heritage conservation area. However, the site is in close proximity to a number of heritage items at No. 145 Bay Street (I19), No. 147 Bay Street (I20) and No. 151 Bay Street (I21) as identified within Schedule 5 of the Botany Bay Local Environmental Plan 2013. The heritage item closest to the proposal is at No. 147 Bay Street and No. 151 Bay Street which is directly adjoining the north-western and north-eastern rear corners of the subject site. No. 147 Bay Street currently contains a single storey brick dwelling house and at No. 151 Bay Street, 'The White House', a single storey wood clad dwelling.

The proposed development will have minimal impact on the integrity or character of these heritage items given the proposed development is located on Banksia Street not Bay Street and the site is only adjoining the sites by the rear corners. The proposed development provides a reasonable rear distance from the heritage items. Further, there are no significant views of this heritage item that will be impeded by the proposed development with a building height that is 7.5m only.

In an area that is undergoing change, the proposed development will integrate well with the existing and desired future character of the area. The qualities that make the heritage items and their setting significant will not be diminished.

Given the above, the proposed development is considered acceptable as there will be minimal impacts on the heritage items.

Part 3E – Subdivision & Amalgamation – 3E.2.2 Residential Torrens Title

Control	Proposed	Complies
C1 Development applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area.	Two allotments are proposed which are both rectangular in pattern and will maintain the rectilinear grid pattern within the area.	Yes – Refer to Note 1
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 lots will have a site area of 264.7m ² for Lot 1 and 265.6m ² for Lot 2. Both lots generally have a north-south orientation, rectilinear in shape and with frontage to Banksia Street. The area and dimensions of the proposed allotments are similar to the adjoining at No. 74 and 76 Banksia Street, as well as, No. 60 and 60A Banksia Street.	Yes – Refer to Note 1
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) Minimise the 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	The proposed allotments can accommodate dwelling houses that comply with all requirements as listed.	Yes.
C7 All lots created shall have at least one (1) frontage to the street.	Both lots will have frontage to Banksia Street.	Yes.

Note 1 – Prevailing Subdivision Pattern

The site currently contains one lot with a total site area of 530.3m². The proposal involves Torrens Title subdivision of this lot into two (2) allotments:

- Lot 1 (western lot) = 264.7m²
- Lot 2 (eastern lot) = 265.6m²

Objective 1 of Part 3E.3 – Torrens Title subdivision of the BBDCP2013 is to ensure that the proposed subdivision is consistent with the Desired Future Character of the area. To assess Torrens Title subdivision requires consideration of the prevailing subdivision pattern to be the typical characteristic of up to ten (10) allotments on either side of the subject site and ten (10) allotments directly opposite the subject site.

The figure below outlines the ten (10) allotments surrounding the subject site to the east and west as highlighted in blue. It is also reasonable to note other groups of semi-detached dwellings within the subject block to the east and west along Bay Street. These are highlighted in yellow in the figure below.



Figure 6: Cadastre of existing subdivision pattern

As illustrated in the figure above, the relevant subdivision pattern in the vicinity of the site is rectilinear with an average lot size of approximately 500m². The subject site as existing is on the border between the larger site and smaller sites, however, is generally consistent with the allotment size and frontage width of the majority of the ten (10) allotments either side of the subject site. There exists smaller lots along Jasmine Street which are not semi-detached dwellings but single detached dwellings on small lots.

The proposed subdivision of the existing lot into two (2) smaller lots to accommodate the construction of two (2) semi-detached dwellings is not inconsistent with the existing or expected future subdivision pattern in the immediate area. The area is undergoing a gradual change, as a number of lots originally containing single detached dwellings are being subdivided into lots to contain two semi-detached dwellings. No. 60 Banksia Street was recently approved, as well as, No. 153 and Bay Street. Directly adjoining the subject site at No. 74 and 76 Banksia is an existing semi-detached dwelling.

The table below demonstrates that the proposed subdivision is not inconsistent with regard to allotment size and frontage width to the existing semi-detached dwellings within the ten (10) allotment area, as well as, those in the immediate vicinity.

Table 2: Prevailing lot size and frontage length

Address	Lot Size (in m ²)	Variation from small lot proposed	Frontage Length
Allotments to the west			
54 Banksia Street	251	-13.7	6.1
56 Banksia Street	505	240.3	12.19
58 Banksia Street	552	287.3	13.28
62 Banksia Street	518	253.3	12.19
64 Banksia Street	519	254.3	12.19
66 Banksia Street	527	262.3	12.19
68 Banksia Street	516	241.3	12.19
70 Banksia Street	534	269.3	12.19
Allotments to the east			
78 Banksia Street	543	278.3	12.19
80 Banksia Street	535	270.3	12.19
82 Banksia Street	649	384.3	12.3
84 Banksia Street	734	469.3	13.8
86 Banksia Street	728	463.3	13.6
88 Banksia Street	752	487.3	13.8
1 Jasmine Street	227	-37.7	6.9
3 Jasmine Street	233	-31.7	7.1
Semi-detached dwelling to the west on Banksia Street			
60 Banksia Street	254	-10.7	6.09
60A Banksia Street	255	-9.7	6.09
Semi-detached dwelling to the east on Banksia Street			
74 Banksia Street	263	-1.7	5.9
76 Banksia Street	261	-3.7	6.3
Semi-detached dwelling to the north-west on Bay Street			
123 Bay Street	265	0.3	6.16
123A Bay Street	267	2.3	6.16
125 Bay Street	267	2.3	6.11
125A Bay Street	268	3.3	6.11
Semi-detached dwelling to the north-east on Bay Street			
153 Bay Street	268	3.3	6.1
153A Bay Street	270	5.3	5.9
169 Bay Street	224	-40.7	6.07
171 Bay Street	220	-44.7	6.1
173 Bay Street	220	-44.7	6.1
175 Bay Street	226	-38.7	6.1
177 Bay Street	240	-24.7	6.59
179 Bay Street	239	-25.7	6.63

As demonstrated in the table above, the subdivision pattern exhibits a varied pattern in allotment sizes ranging from 772m² to 227m². The pattern directly to the east of the site are slightly larger compared to those to the west. These lots contain single and two storey dwelling houses, however, are likely to be redeveloped in the future. The subdivision pattern for lots already created as part of semi-detached

dwellings are fairly similar to each other (ranging from 268m² to 220m²) which the proposed development is not greatly discrepant from (264.7 for the smallest proposed lot). Therefore, the proposed development will not be out of context in the area, particularly with a semi-detached already adjoining to the east (No. 74 and 76 Banksia Street).

The proposed street frontage is 6.095m for each lot and as demonstrated in the table above, is closely consistent with other semi-detached dwellings in the area.

In addition to consistency with the subdivision pattern, it is also important with consider other subdivision objectives including demonstration that the future development for the site can comply with the BBDCP 2013.

The assessment of the proposed development 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 the above and 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.

Part 3L- Landscaping and Tree Management

Control	Proposed	Complies
3L.1.1 Tree Preservation Bonds		
Tree Preservation Bonds required for significant or heritage trees, or trees with a high potential to be impacted during construction.	There are no Tree Preservation Bonds required for this proposal.	N/A
3L.1.2 Submission Requirements		
C1 Landscape Plan required	Provided. Council's Landscape Architects supports the proposed development subject to conditions of consent.	Yes.
3L.2 General Requirements		
C1 Existing trees including street trees must be preserved	The proposed development requires the removal of one (1) street tree at the front of the property. Council's Tree Management Officer has imposed a condition in the draft Notice of Determination for a replacement street tree to be planted. It is noted that a street tree is also shown on the proposed Landscape Plan – Front Garden.	Yes.
3L.3 Planting Design and Species		
C7 Canopy trees are to be planted in setbacks, particularly the front and rear setbacks of a property, to	The proposed Landscape Plan indicates the planting of	Yes.

Control	Proposed	Complies
ameliorate built elements, subduing their appearance in the landscape and to encourage the continuity of landscape patterns.	several trees along the western and eastern boundaries for each lot. Refer to submitted Landscape Plan.	
3L.4.2 Tree Works Requiring Council Approval		
<p>C12 If consent is granted for the removal or pruning of a tree, suitable replacement tree/s will be required to be planted on the subject property by the property owner or applicant.</p> <p>Council will stipulate the minimum acceptable replacement tree/s pot size and number of trees and may recommend suitable species.</p>	Replacement tree required by condition by Council's Tree Management Officer.	Yes.
3L.5 Stormwater		
<p>C1 Impervious surfacing is to be minimised. Permeable pavements are to be used where possible eg. Decks, pebbles, spaced pavers, specialised permeable pavers. Note: Run-off from paved areas can be minimised by directing runoff to garden beds.</p> <p>C2 Underground on-site stormwater detention (OSD) tanks and infiltration trenches are not to be located within soft landscaped areas.</p>	Refer to Stormwater Management LEP discussion.	Yes.

Part 3N- Waste Minimisation and Management

A written Waste Management Plan prepared by David Carey, dated 19 November 2018, as well as a Waste Management Plan drawing, prepared by Pinnacle Plus, dated 4 April 2019, have been provided to Council, which addresses the works involved including location of bins, re-use, recycle and disposal of materials.

Part 4A- Dwelling House

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 proposed development will maintain the existing streetscape character which consists of a mix of one and two-storey detached dwellings, as well as, several semi-detached dwellings along Banksia Street.	No – however, acceptable. Refer to Note 2.
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).		

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	proposed roof form is considered acceptable given that the building setbacks, height and scale are not out of character with the existing streetscape. Refer to Note 2 for further discussion.	
C6 The entrance to a dwelling must be readily apparent from the street.	Entry to both dwellings will be readily apparent from Banksia Street.	Yes.
C7 Dwelling houses are to have windows to the street from a habitable room to encourage passive surveillance.	Windows have been added to the main entrance to provide for passive surveillance on ground floor and louvres on the first floor reduced in size to ensure greater transparency from the bedroom windows to Banksia Street.	
4A.2.7 Site Coverage		
C2 For sites over 200m ² the maximum site coverage is: • 250m ² – <300m ² 60% of the lot	Lot 1 = 117.5m ² (44%) Lot 2 = 121.2m ² (45%) Total Site Coverage = 238.7m ² (45%)	Yes.
4A.2.8 Building Setbacks		
C.1 Dwelling houses must comply with the following minimum setbacks as set out in Table 1. Minimum front setback – comply with the prevailing street setback or 6 metres (min)	<p><u>Front setback</u></p> <p><u>Lot 1</u> Ground Floor = 5.5m First Floor = 5.1m</p> <p><u>Lot 2</u> Ground Floor = 5.5m First Floor = 4.5m</p> <p>The existing front setback of adjoining properties varies along Banksia Street. The front setback is proposed to be set further behind No. 74 Banksia Street on ground floor and consistent on the first floor. The proposed front setback is considered acceptable.</p>	Yes.

Minimum side setback - Assessed on merit depending on visual impact to street, pattern of adjoining development, sunlight and natural daylight access, privacy, visual amenity of adjoining residential properties and streetscape	<p><u>Side setback</u></p> <p><u>Ground Floor</u> Eastern side setback = 0.9m Western side setback = 0.9m</p> <p><u>First Floor</u> Eastern side setback = 1.5m Western side setback = 1.5m</p> <p><u>Cabana</u> Eastern setback = 0.9m Western setback = 0.9m</p> <p>The proposed side setbacks have been amended to minimise impacts to neighbouring properties, and are generally consistent with existing pattern of adjoining developments. The proposed setbacks are considered acceptable.</p>	Yes.
Minimum rear setbacks – 4 metres	<p><u>Rear setback</u></p> <p><u>Ground Floor</u> Lot 1 = 14.27m Lot 2 = 14.27m</p> <p><u>First Floor</u> Lot 1 = 13m Lot 2 = 13m</p> <p><u>Cabana</u> Lot 1 = 0.9m Lot 2 = 0.9m</p> <p>While the rear setback of the cabana complies with BBDCP 2013, the cabanas encroach into the Structural Root Zone (SRZ) of the adjoining mature <i>Ligustrum vulgare</i> (English Privet) on the adjoining rear property.</p> <p>It is satisfied that the condition imposed in the draft Notice of Determination to remove the cabanas at the rear of the site to reduce the proposed FSR will also ensure the adjoining tree on the rear property will not be affected.</p>	Yes

Zero lot lines (with Council Discretion) – On merit based on building type and open space provisions Eaves – 450mm minimum setback	None proposed. 900mm from the boundaries.	N/A Yes.
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 eastern and western side through stepped walls. The setback will allow for courtyards along the side boundaries as shown on the proposed First Floor Plan.	Yes.
4A.2.9 Landscaped Area		
C2 Development shall comply with the following minimum landscaped area requirements, based on the area of the site in Table 2 . Table 2 requires the following minimum landscaped area: <ul style="list-style-type: none"> 250m² -350m² =40% Landscaped area is to be fully permeable deep soil zones which are areas of natural ground or soil, not planter boxes.	<u>Lot 1</u> Proposed = 89m ² (33%) <u>Lot 2</u> Proposed = 89m ² (33%) By way of condition to remove the rear cabanas this will provide an additional 17.8m ² of soft landscaped area for each dwelling, Therefore, result in a total landscaped area of 106.8m ² (40%) for each dwelling. Landscaped areas will be fully permeable deep soil zones with the exception of the proposed driveway which will be semi-permeable.	Yes.
C3 Landscaped Area is to be fully permeable deep soil zones which are areas of natural ground or soil, not planter boxes.	The landscaped area proposed is predominantly deep soil area and not planter boxes.	Yes.
C8 The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.	The front setback is fully landscaped (71% for Lot 1 and 69% for Lot 2) other than the entry path. The driveway is proposed to have semi-permeable paving.	Yes.
4A.3.1 Materials and Finishes		
C10 The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the facade.	The development was originally proposed with a white and grey external render. The proposed colours of the proposed development was amended by the applicant as requested by Council to ensure the facade is more compatible with the existing streetscape. The final proposal	Yes.

	includes the following colours, materials and textures: - White render for ground floor - Beige render for first floor - Operable metal black louvres - Aluminium windows - Colorbond panel lift garage door	
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.	Refer to Note 2 for discussion.	No – however, acceptable. Refer to Note 2.
4A.3.5 Voids		
C1 Void spaces must be designed so as not to be reasonably capable of future infill. Voids in developments which exceed the permitted FSR will not be supported.	Each semi-detached dwelling has a void. The two void spaces proposed centre around the staircase connecting the ground and first floor of the development, which is typical of many developments which involve more than one storey. The voids provides lights to the hallway beneath and is minor and no capable of infill as the space it would create is too small to be useable.	Yes.
C2 Voids shall only be supported where they are provided to increase the amenity to primary living areas or circulation areas, and not unreasonably impact upon the amenity of adjoining properties.	The voids proposed do not unreasonably impact upon the amenity of adjoining properties as it does not increase further visual privacy impacts and allows for increased light and ventilation for the primary circulation area at the front of the dwelling to the rear of the dwelling.	Yes.
C3 Voids are to connect related uses and spaces, and should not compromise the useability of spaces.	The void proposed connects the entryway, ground and first floor of the development and does not compromise the useability of other spaces.	Yes.
4A.4.1 Visual Privacy		
C2 Visual privacy for adjoining properties must be minimised by:	The window selection and locations are considered generally appropriate in providing internal	Yes.

<ul style="list-style-type: none"> ▪ Using windows which are narrow or glazing which is translucent or obscured; ▪ 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. 	<p>amenity to the proposal, whilst minimising privacy impacts to neighbouring properties.</p> <p>Both ground and first floor windows on the eastern and western elevation is proposed with a 1.5m sill height which complies with BBDCP 2013.</p> <p>Windows are offset to preclude views into windows of adjacent buildings.</p> <p>For the western dwelling, windows on the first floor will be overlooking the roof of the single storey adjoining (No. 70 Banksia Street) as such, will have minimal visual impacts.</p> <p>Potential visual impacts on adjoining properties will also be reduced from the removal of the rear cabanas by way of conditions.</p> <p>Notwithstanding, conditions are imposed in the draft Notice of Determination for the first floor staircase windows of both dwellings to be fixed and frosted and for the bathroom windows on ground floor to be frosted.</p>	
4A.4.3 Solar Access		
<p>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>	<p>The site is north-south orientated, as such, any overshadowing impact will be to the properties either side.</p>	<p>No, however acceptable – Refer to Note 3.</p>
4A.4.4 Private Open Space		
<p>C1 Each dwelling is to have a private open space that:</p> <p>(i) Has at least one area with a minimum area of 36m²;</p>	<p>Lot 1 = 70.5m² Lot 2 = 70.5m²</p> <p>The site proposes a private open space area of 70.5m² for each dwelling which is well in excess of</p>	<p>Yes.</p>

<p>(ii) Is located at ground level with direct access to the internal living areas of the dwelling;</p> <p>(iii) Maximises solar access;</p> <p>(iv) Is visible from a living room door or window of the subject development;</p> <p>(v) Minimises overlooking from adjacent properties;</p> <p>(vi) Is generally level;</p> <p>(vii) Is oriented to provide for optimal year round use;</p> <p>(viii) Is appropriately landscaped; and</p> <p>(ix) Is located or screened to ensure privacy;</p> <p>Note: Private open space is not to include:</p> <p>(i) Non-recreational structures (including garages, tool sheds and such like structures);</p> <p>(ii) Swimming pools; and</p> <p>(iii) Driveways, turning areas and car spaces, drying areas and pathways.</p>	<p>the minimum 36m² requirement. The area receives direct solar access in accordance with Part 4A.4.3 Solar Access. Additionally, the area acts as an extension to the primary living areas of the dwelling and is appropriately landscaped and maintains an acceptable level of privacy.</p>	
4A.4.7 Vehicle Access		
<p>C1 Driveways within a property shall have a minimum width of 3 metres.</p> <p>Note: An additional clearance of 300mm is required (for each side) if the driveway is located adjacent to a solid structure (i.e. masonry wall).</p>	<p>The proposed driveway has a minimum width of 3m, and is not adjacent to a solid structure.</p> <p>The ability to preserve an on-street parking space is unable to be achieved due to the constraints of the site. Providing a combined driveway through the centre of the site over the common boundary would not help achieve additional off-street parking due to the location of the driveway crossovers servicing the adjoining developments.</p> <p>Council's Development Engineer has not raised any objections towards the proposed driveway design.</p>	Yes.
<p>C6 The number of vehicle crossings is to be limited to one (1) per allotment.</p>	<p>One (1) vehicle crossing is proposed for each lot.</p>	Yes.

4A.4.8 Car Parking		
<p>C3 Car parking is to be located at the rear of the site with access from a rear lane. If rear lane access is not possible, parking must be provided behind the front building alignment. For existing and new dwellings, a garage or carport in order of priority must be:</p> <p>(i) Located at the rear of the site with access from a rear lane;</p> <p>(ii) At the rear of the site with access from the street frontage;</p> <p>(iii) Located at the side of the dwelling house, at least 1 metre behind the front building alignment and 5.5 metres from the front boundary; or</p> <p>(iv) Located at the side of the dwelling house, at least 1 metre behind the front building alignment.</p>	<p>Parking is provided through a single garage for each dwelling, accessed from Banksia Street and setback 5.5m from the front boundary.</p> <p>This is considered an appropriate location for the garage, having regard to the existing site conditions, as well as BBDCP 2013 requirements relating to dwelling design, landscaping and site coverage.</p>	Yes.
<p>C4 Car parking structures must be located and designed to:</p> <p>(i) Comply with AS2890.1 and</p> <p>(ii) Conveniently and safely serve all users;</p> <p>(iii) Enable efficient use of car spaces, including adequate manoeuvrability for vehicles between the site and the street;</p> <p>(iv) Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape;</p> <p>(v) Be compatible in scale, form, materials and finishes with the associated dwelling;</p> <p>(vi) Not reduce availability of kerbside parking;</p> <p>(vii) Retain any significant trees; and</p> <p>(viii) Have minimal impact on existing fences and garden areas that contribute to the setting of the associated dwelling and the character of the streetscape.</p>	<p>The proposed single garage is integrated with the dwelling on ground floor. The dominance of the garage to streetscape is minimal given that it is only a single garage. Notwithstanding, the applicant has attempted to further minimise its dominance by providing a fully landscaped front setback.</p> <p>The proposed colours and materials of the garage door integrates well with overall building design, particularly is compatible with the selected metal black louvres and beige render.</p>	Yes.
<p>C8 In new development the garage/carport is to be setback 5.5 metres from the front boundary.</p>	<p><u>Lot 1</u> Garage front setback = 5.5m</p> <p><u>Lot 2</u> Garage front setback = 5.5m</p>	Yes.

Part 8 – Botany Character Precinct

The proposed roof form is considered consistent with the desired future character of the area and compliant with the objectives outlined in the R2 – Low Density Residential zone. The dwelling is compliant regarding setbacks, site coverage, and private open space and is considered to have acceptable height, landscaping and privacy to neighbouring sites.

The proposed subdivision as addressed in this report is consistent with the existing and future subdivision pattern occurring in the immediate area.

Accordingly, the proposal is suitable for the site and is relatively consistent with the desired future character of the Mascot Precinct pursuant to Botany Bay Development Control Plan Part 8 Character Precincts.

Discussion

Note 2: Existing streetscape character

The existing streetscape character consists predominantly of single and two storey detached dwellings and semi-detached dwellings. The proposed semi-detached dwelling with a flat roof deviates from the existing streetscape character, however it should be noted that the roof form evident along Banksia Street is also gradually changing. The streetscape is comprised of various approved roof designs with commercial buildings and retail shops in proximity that similarly have a flat roof. At No. 86 Banksia a multi-residential development was approved with an inconsistent roof design to the streetscape.

Given that the area is undergoing changes the introduction of a flat roof within the streetscape will be in keeping with the emerging contemporary architectural features and roof forms found within the area. Furthermore, the proposed flat roof form will minimise overshadowing impacts of the development to the adjoining property on the eastern side.

In this regard, the proposed development is considered acceptable given the unique location of the site and its compliance with the bulk, scale, height requirements outlined in the Botany Bay Development Control Plan 2013 and its compatibility in terms of height, setbacks and scale to nearby developments.

Note 3: Solar Amenity

North-South Orientation

Botany Bay Development Control Plan (DCP) 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.

The subject allotment is north - south orientated with north being the rear of the property and south being the front of the property.

With respect to the Land and Environment Court planning principles on the impact on solar access of neighbours (*Parsonage v Ku-ring-gai* (2004) NSWLEC 347) and as amended by *The Benevolent Society v Waverly Council* is addressed as follows:

- The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: The proposed development is considered to be contemporary in design, within the height control and boundary setbacks as required by BBDCP2013. The locality is in a low density residential area. In the winter solstice (June), the proposed development will cast a morning shadow to No. 70 Banksia Street to the west and overshadow the driveway and adjoining windows on their eastern elevation. It should be noted that the number of windows on the eastern elevation

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of No. 70 Banksia Street is minimal though and at approximately 11am, windows on No. 70 will start to receive sunlight. The proposed development will then cast an afternoon shadow on No. 74 Banksia Street after approximately 2:00pm.

However, the private open space area at the rear of the site will retain solar access which is accordance with Council's solar access requirements.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

Comment: The amount of existing sunlight comparative to the amount of sunlight retained has been taken into account. The shadow diagrams submitted with the application indicated in plan, that the development would overshadow the adjoining property to the west in the morning and the adjoining property to the east after 2pm onwards.

While the windows on the western elevation of No. 74 Banksia Street to the east will only receive approximately half an hour of solar access to the ground floor windows and an hour to the first floor windows it is also taken into consideration that the adjoining properties currently overshadow themselves. No. 70 Banksia Street currently already overshadow their own windows from the eaves on the western elevation in the morning and the eastern elevation in the afternoon and the rear garage casts a shadow to their own private open space. This is a similar situation for No. 74 Banksia Street and the structure at the rear of the property already partially overshadow their swimming pool. The overshadowing impacts created by the proposed development is thus shared across adjoining sites and the site itself.

The rear bedroom on the first floor of No. 74 Banksia Street will be able to receive alternate solar access from the rear balcony and window. Similarly, the bedroom to the front on the first floor will receive alternate source of sunlight from the front balcony. Other rooms on the first floor include a bathroom and a third bedroom which will receive approximately one (1) hour of solar access as mentioned above, however this is considered acceptable given that bedrooms are low usage rooms.

The proposed cabana being single storey (3m in height) will have minimal impact on the solar access to the private open space of adjoining properties as shown on the proposed Shadow Plan. In this regard, the adjoining properties will retain solar access to 50% of their private open space.

It is considered that the overshadowing impacts created by the proposed development achieves close to the minimum required amount of solar access and are within acceptable limits. The application should be supported in its submitted form.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: The proposal is not considered to be of poor design. The proposed building height at 7.5m is below the maximum 8.5m permissible. The applicant has deleted the living areas at first floor and provided 1.5m side setbacks on either side despite No. 70 Banksia Street is also setback from the subject property by a 3m wide driveway. A larger rear setback (14.27m for ground floor and 13m for first floor) is also provided. The proposed setbacks exceed the minimum setbacks required by BBDCP 2013.

In the assessment of the proposed development, several amendments to the proposed design were provided to Council to address solar access. The applicant has shown consideration to

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providing articulation and modulation along the sides with a 6.21m wide courtyard on the first floor with a 2.7m setback from the boundaries to provide additional solar access to the adjoining properties by a wider setback. The study area on the first floor originally proposed has been removed, as a result, consolidated the building further.

The north-south orientation provides as the ideal situation for any two-storey development and the applicant has demonstrated consideration of solar impacts to the adjoining properties, particularly on No. 74 Banksia Street and a sensitive design to retain amenity to adjoining properties.

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest proportions of the glazed area.*

Comment: As stated above, the subject allotment is north-south orientated. The submitted shadow diagrams clearly indicate that the private open space areas of the adjoining properties will have access to direct sunlight for the required period during the 9am to 3pm assessment period.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: Overshadowing by fences, roof overhangs and changes in level have been taken into consideration. The site is not affected by any substantial trees, shrubs and or overgrown vegetation.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development.*

Comment: The area is a mixed medium and low-density residential area and is undergoing change with two-storey developments and semi-detached dwellings being developed. Existing single storey dwellings within the area will be redeveloped either by demolition and rebuilding, first floor additions or new two-storey dwellings in the future.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 *Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

The proposed development will have minimal adverse environmental, social or economic impacts in the locality. Matters relating to streetscape and solar access are addressed in detail in this report and on balance are acceptable.

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.

The site is not affected by flooding.

The site is zoned R2 – Low Density Residential and currently accommodates an existing two-storey dwelling. The site is suitable to accommodate the proposed development.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the development application was notified to surrounding property owners for a fourteen (14) day period from 30 November 2018 to 21 December 2018. One (1) submission was received from No. 74 Banksia Street.

Issue 1: Asbestos

Comment: Concerns were raised regarding the safe removal of asbestos once demolition commences. Conditions have been included in the draft Notice of Determination regarding the handling of asbestos including the removal and disposal of asbestos in accordance with WorkCover NSW requirements, Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation 2014 and DECC Waste Classification Guidelines 2008.

Issue 2: Structural Report

Comment: The owners of No. 74 Banksia Street has stated they will be carrying out a Structural Report prior to commencement of works and inquired whether this can be at the applicants cost. The owners of No. 74 Banksia Street are advised that this should be on their own negotiation with the applicant or owner of No. 72 Banksia Street. However, a condition has been included in the draft Notice of Determination for a dilapidation report to be provided.

Issue 3: Overshadowing

Comment: Refer to Note 3 – Solar Access under the Discussion section of this report.

S.4.15(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

Civil Aviation Act, 1988

The proposed development is affected by the 15.24m Building Height Civil Aviation Regulations, however, the proposed building height at 7.5m will have minimal impact upon the height requirements in the regulations.

Section 7.11 Contributions

Section 7.11 Contributions under the City of Botany Bay Section 94 Contributions Plan 2016 are applicable as follows:

Contribution Rates

Community Facilities: \$1,637.16
Recreation and Open Space: \$16,890.83
Transport Facilities: \$1,326.38
Administration: \$145.62
Total: \$20,000

Total contribution

The total Section 7.11 Contribution applicable to the proposed development is **\$20, 000**. In accordance with the Plan, the contribution is to be paid prior to the issue of the Construction Certificate.

Conclusion

Development Application No. 2018/318 for the demolition of existing structures, Torrens Title subdivision into two (2) lots and construction of two (2) x two (2) storey semi-detached dwellings, at 72 Banksia Street, Botany, has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions of consent.

Schedule 1 – Conditions of Consent

Premises: 72 Banksia Street, Botany

DA No: 2018/318

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Drawing	Author	Dated
Demolition Plan / DA-02.00 – Rev 7	Pinnacle Plus	Dated: 4 April 2019 Received: 10 April 2019
Site Analysis Plan / DA-03.00 – Rev 7		
Site Plan / DA-03.05 – Rev 7		
Subdivision Plan / DA-03.10 – Rev 7		
Ground Floor Plan – DA-04.10 – Rev 7		
First Floor Plan – DA-04.20 – Rev 7		
Roof Plan – DA-04.30 – Rev 7		
Section A & B – DA-05.00 – Rev 7		
Front & Rear Elevation – DA-06.00 – Rev 7		
West & East Elevation – DA-06.10 – Rev 7		
Streetscape – DA-06.40 – Rev 7		
Cabana – DA-10.30 – Rev 7		

Reference Documents	Author	Dated
Statement of Environmental Effects	David Carey Town Planning and Development	Dated: April 2019 Received: 23 April 2019
External Material and Finishes	Pinnacle Plus	Dated: 4 April 2019 Received: 10 April 2019
Construction Management & Sediment Control Plan	Pinnacle Plus	Dated: 4 April 2019 Received: 10 April 2019
Waste Management Plan	Pinnacle Plus	Dated: 4 April 2019 Received: 10 April 2019
Model Site Waste Minimisation and Management Plan	David Carey Town Planning and Development	Dated: 19 November 2018 Received: 23 November 2019
Aircraft Noise Intrusion Assessment	Acoustic Logic	Dated: 16 November 2018 Received: 23 November 2018

2. This Consent relates to land in Lot 29 Sec G DP 1787 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwellings). The installation must satisfy the following:-
 - i) smoke alarms must comply with AS3786 - 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Vol 2. BCA.
4. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.
5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate (No. 1007593S and No. 1007600S) for the development are fulfilled.

Note:

 - a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. The dwellings shall be used as a single occupancy and contain a single kitchen for each dwelling only.
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 1 of this development consent and any other relevant condition of this consent shall not be altered or amended at the Construction Certificate stage without a prior S4.55 application and approval under the EP&A Act.

9. Capture of rainwater for irrigation purposes as a sustainability measure shall be provided. The irrigation system shall be connected to rainwater tank as a WSUD principle.
10. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a Certifying Authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
11. The proposed cabanas located at the rear of both lots shall be removed and replaced as soft landscaped area. Details shall be shown on the Construction Certificate Plans.
12. The first floor staircase windows on the eastern and western elevations shall be fixed and obscured. Details shall be shown on the Construction Certificate Plans and retained for the lifetime of the development.

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

13. 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.
14. The applicant must prior to the issue of the construction certificate pay the following fees:-

a) Footpath Crossing Deposit	\$5,419.00 (Refer to Condition No.17)
b) Development Control	\$3,081.00
c) Section 94 Contributions	\$20,000 (Refer to Condition No.18)
15. 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.

16. The payment of the following monetary contributions in accordance with Council's Section 94 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 Facilities:	\$16,890.83
c) Administration:	\$145.62
d) Transport Management:	\$1,326.38
Total in 2018/19:	\$20,000.00

Note: The Section 94 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 the contribution in a later financial year you will be required to pay the fee applicable at the time. The Section 94 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 the contribution in a later financial year you will be required to pay the fee applicable at the time.

17. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

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

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

19. Prior to the issue of any Construction Certificate a dilapidation report of the adjoining dwellings (No. 70 and 74 Banksia Street, Botany), including a photographic survey prepared by a Practising Structural Engineer, must be prepared in relation to the proposed development at 72 Banksia Street, Botany.

A copy of the dilapidation report together with the accompanying photographs shall be provided to the above property owner/s of No. 70 and 74 Banksia Street, Botany.

Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey to the Accredited Certifier (AC) or Council prior to commencement of works. The insurance cover shall be a minimum of \$10 million.

20. Prior to the issue of any Construction Certificate, a geotechnical engineer shall determine the soil absorption rate (in litres / second / m²base area) and the depth of the water table for the site in accordance with the requirements of the Botany Bay DCP Stormwater Management Technical Guideline Section 5.2 prior to design of the drainage system. The geotechnical engineer shall provide a report to the Principal Certifier which includes the details required above. A copy of the report shall be forwarded to Bayside Council prior to the issue of the Construction Certificate.
21. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for assessment and approval. The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Botany Bay Council Development Control Plan 'Stormwater Management Technical Guidelines', AS/NZS 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.

The plans shall incorporate the following measures:

- a) The provisions made in the Stormwater Concept Drainage Plans by PAZ Engineering, ref 181120, 181121, 181122, 181123, amendment 1, dated 15/11/18,
- b) The provision for an On-site Stormwater Infiltration System designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards. The absorption system shall utilize the absorption rate determined through geotechnical testing,
- c) A rainwater tank system shall be provided for each proposed lot with a minimum capacity of 3000L capacity. The rainwater tanks shall service all toilets, clothes washers and any external taps in accordance with the requirements of Sydney Water and AS/NZS 3500 – National Plumbing and Drainage Code. First flush device shall also be incorporated into the tank systems. Overflow from the rainwater tank shall connect to the proposed site drainage system.

Design Certification, in the form specified in Botany DCP Part 10 Stormwater Management Technical Guidelines page 6 part (i), and drainage design calculations must be submitted with the detailed plans.

22. Prior to the issue of any Construction Certificate, any part of the proposed building within 3m of the proposed absorption system 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.
23. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16.

As part of this development, two new concrete driveways shall be constructed. Two new three (3) metre wide driveway laybacks shall be constructed as part of the new driveways. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section. If any applicant wants to retain an existing vehicular crossing an application still has to be submitted with the matter highlighted.

24. Prior to issue of the Construction Certificate, an application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
25. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
26. Prior to the issue of the Construction Certificate, the submitted Landscape Plans, dated 24 April 2019 and prepared by melissa wilson landscape architects, shall be revised and show a consistent floor plan to the Ground Floor Plan listed under condition No. 1 of this development consent and submitted to the Accredited Certifier (AC) for approval. A copy of the approved Landscape Plans by the Accredited Certifier shall be forwarded to Bayside Council.
27. The building must be constructed in accordance with *AS2021- 2015: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*. Details of compliance must be outlined within a report prepared by a practicing professional acoustical consultant (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The report must be submitted to the Certifying Authority prior to the release of any Construction Certificate and the building plans must be endorsed with the required acoustical measures.

The measures required must be implemented in accordance with the provisions of *AS 2021 – 2015* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of *AS2021 – 2015*. The required measures shall be incorporated into the plans submitted with the Construction Certificate.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

28. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

29. Prior to commencing demolition/any works on site, a Tree Protection Zone (TPZ) shall be erected to protect the root zone of the *Ligustrum vulgare* (English Privet) on the adjoining rear property at No. 149 Bay Street. In order to ensure that the tree is protected during demolition and construction, and the health and structural stability ensured the Tree Protection Zone shall be established as follows:
- a) The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts and shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
30. Where demolition is proposed, the following shall be provided to Council at least forty-eight (48) hours prior to the commencement of demolition:
- a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.
31. 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 require it:

- i. Retaining walls associated with the erection of a building or other approved methods of preventing movement of the soil must be provided and:-
 - ii. Adequate provision must be made for drainage.
- 32. The Certifying Authority must be satisfied that: -
 - a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
 - c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- 33. 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.
- 34. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 35. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
- 36. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

37. 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.
38. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The *Soil and Water Management Plan* if required under this consent;
 - b) "Do it Right On Site, Soil and Water Management for the Construction Industry" published by the Southern Sydney Regional Organization of Councils, 2001; and
 - c) "*Managing Urban Stormwater – Soils and Construction*" published by the NSW Department of Housing 4th Edition" ('The Blue Book').
 - d) Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The "Do it Right On Site," can be downloaded free of charge from Council's website at: <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm>, further information on sediment control can be obtained from www.ssroc.nsw.gov.au.

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution".

Warning, irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

39. Prior to commencement of any works, relevant application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,

- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- c) Permit for roads and footways occupancy (long term/ short term),
- d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
- f) Permit to place skip/waste bin on footpath and/or nature strip, and
- g) Permit to use any part of Council's road reserve or other Council lands.

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineering and Regulatory Services for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

DURING WORKS

40. The Applicant has permission to remove one (1) street tree, *Banksia integrifolia* (Coast Banksia) located within the Council nature strip on Banksia Street in front of the property at the applicant's expense.

Note: Trees are not permitted to be removed until the Construction Certificate has been issued.

41. Tree removal shall be undertaken by the Applicant at their own expense and adhere to the following:
- a) A Qualified Arborist, minimum level 2 (AQF 2) with their own public liability insurance must be engaged and undertaken all tree works as per *Australian Standard 4373- Pruning of amenity trees*.
 - b) All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access. If road and footpath closures are required a Council Road Occupancy Permit is required.
 - c) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

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

42. The applicant is to plant a 75 litre root ball tree *Corymbia eximia* (Yellow Bloodwood) as the replacement tree in the Council nature strip on Banksia Street. The street tree replacement is to be funded by the applicant. The tree must be planted during works and prior to issue of any Occupation Certificate.

43. Any demolition work shall be carried out in accordance with Australian Standards AS 2601-2001 Demolition of Structures and the requirements of the NSW WorkCover Authority.
44. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation 2014;
 - d) DECC Waste Classification Guidelines 2008.
45. No demolition materials shall be burnt or buried on the site.
46. All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
47. The proposed development shall comply with the following:
 - a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Certifying Authority including an after hours contact the Local Environmental Plan phone number.
 - b) Any such sign is to be removed when the work has been completed.
48. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
49.
 - 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.
- 50. Should the construction process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
- 51. 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.
- 52. The submitted Waste Management Plan, prepared by Pinnacle Plus, dated 4 April 2019 and the Model Site Waste Minimisation and Management Plan, prepared by David Town Planning & Development and dated 19 November 2018, shall be complied with at all times during construction and on-going use of the site.
- 53. 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.
- 54. The following shall be complied with during construction and demolition:
 - a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 28 weeks:

The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm

- ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - All possible steps should be taken to silence construction site equipment.
55. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
56. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls as required by this consent and the Protection of the Environment Operations Act 1997.
57. 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.
- 58.
- 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.
59. 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 made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
60. 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.
61. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c) Formwork inspection of Council's footpath prior to laying of concrete,
 - d) 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.

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

62. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall confirm that a street tree replacement as per Condition No. 44 have been suitably carried out.
63. Prior to the issue of any Occupation Certificate(s), the applicant shall carry out the following works:

- a) On Banksia Street, adjacent to development, reconstruct existing Kerb and Gutter for the full length property in accordance with Council Infrastructure Specifications, and
 - b) On Banksia Street, adjacent to development, reconstruct existing Footpath for the full length of the property in accordance with Council Infrastructure Specifications.
64. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Positive covenant and restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
65. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the submitted Acoustic Report, prepared by Acoustic Logic and dated 16 November 2018 have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
66. Prior to the issue of any Occupation Certificate, satisfactory inspection reports (formwork and final) for any 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.
67. The installation of the absorption systems 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.
68. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- 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.
69. Prior to the issue of any Occupation Certificates(s), documentation from a suitably qualified civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards. 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.

70. Prior to the issue of any Occupation Certificates(s), all landscape works shall be carried out in accordance with the approved Landscape Plans. The landscaping shall be maintained to the approved standard at all times.
71. A qualified Landscape Architect shall provide a report to the Certifying Authority (with a copy provided to Bayside Council, if Council is not the Principal Certifying Authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
72. A report prepared by a qualified air quality/mechanical engineer certifying that any mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997. If mechanical ventilation is required, details shall be submitted to Council within 21 days of the installation of the system and prior to the issue of any occupation certificate.
73. 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.
74. The Council nature strip at any site frontage 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.
75. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

76. Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
77. 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.
78. The building is approved as a single dwelling on each site for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.
79. 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.

80. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed. Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.
81. Any intruder alarms must be fitted with a timing device in accordance with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
82. 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.
83. The Protection of the Environment Operations (Noise Control) Regulation 2017, states that noise from any air-conditioning units (measured as the Laeq 15 minute) is not to exceed the background level (measured as the La90 15 minute) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: in order to meet this condition the compressors and any other noise generating part of the air conditioning unit is to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.



01.DA Drawing List

Drawing #	Drawing Name	Rev.
COVERS		
DA - 00.10	BASIC COMMITMENTS	7
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GA ELEVATIONS		
DA - 06.00	FRONT & REAR ELEVATION	7
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DA - 08.10	EXTERNAL MATERIAL AND FINISHES	7
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DA - 09.00	WINTER SOLSTICE - EXISTING	7
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DA - 09.10	SPRING EQUINOX	7
DA - 09.20	AUTUMN EQUINOX	7
DA - 09.30	74 BANKSIA STREET EXISTING SHADOWS	7
DA - 09.40	74 BANKSIA STREET PROPOSAL SHADOWS	7
SITE WORKS		
DA - 10.10	WASTE MANAGEMENT PLAN	7
DA - 10.20	CONSTRUCTION MANAGEMENT & SEDIMENT CONTROL PLAN	7
DA - 10.30	CABANA	7

72 Banksia St, Botany

DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION



 **PINNACLE PLUS**
LEVEL 1, 218 CROWN STREET
DARLINGHURST NSW 2010
1300 599 111
PINNACLEPLUS.COM.AU

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CLIENT NAME: HASSARATI
PROJECT NUMBER: 1810 - BAN
PROJECT TYPE: RESIDENTIAL
PROJECT INFO: 72 Banksia St, Botany NSW 2019
LOT: Lot 29 - DP 1781

COVERS

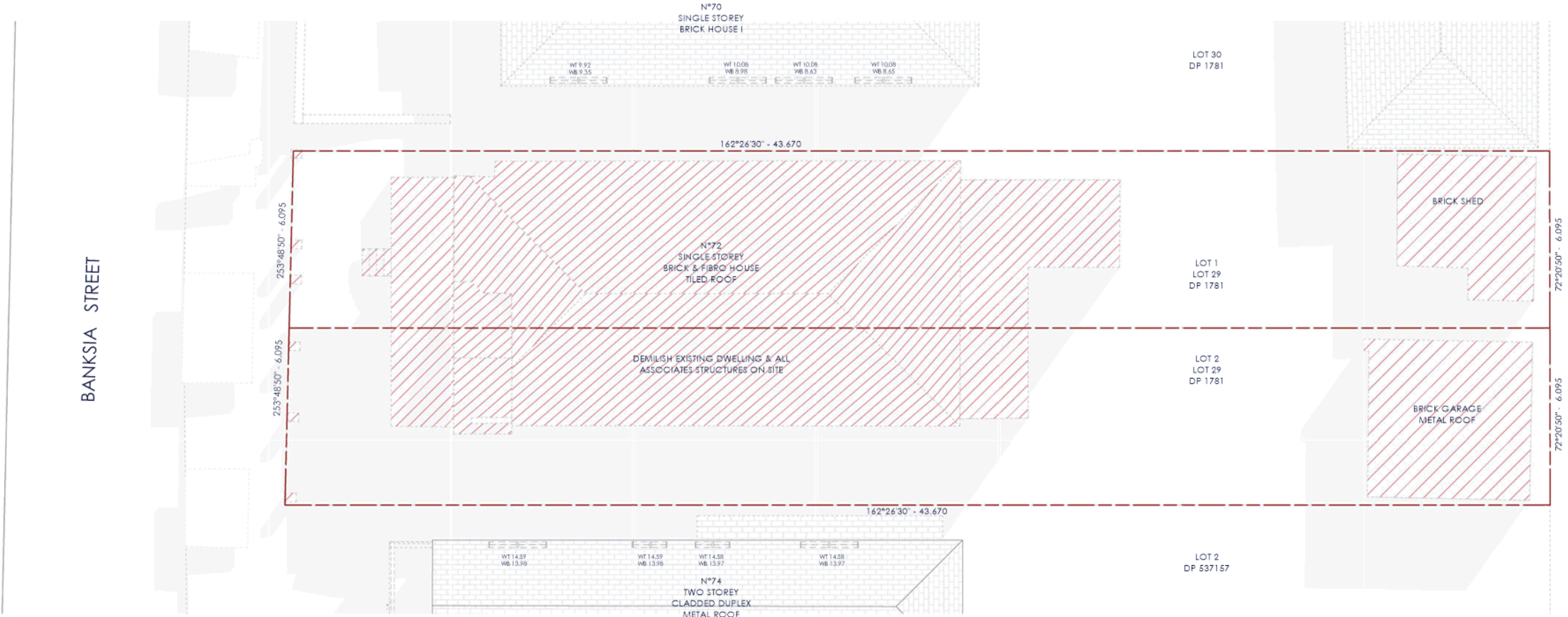
LOCALITY MAP

REVISION HISTORY			
#	Date	By	Description
1	08.11.18	AM	ISSUE FOR DA
2	17.01.19		ISSUE FOR RFI
3	24.01.19		ISSUE FOR RFI
4	04.02.19		ISSUE FOR RFI
5	14.03.19		ISSUE FOR RFI
6	04.04.19		ISSUE FOR RFI

DRAWN BY:
AM
SCALE @ A3

DRAWING NUMBER	REVISION
DA - 00.20	7

DEVELOPMENT APPLICATION



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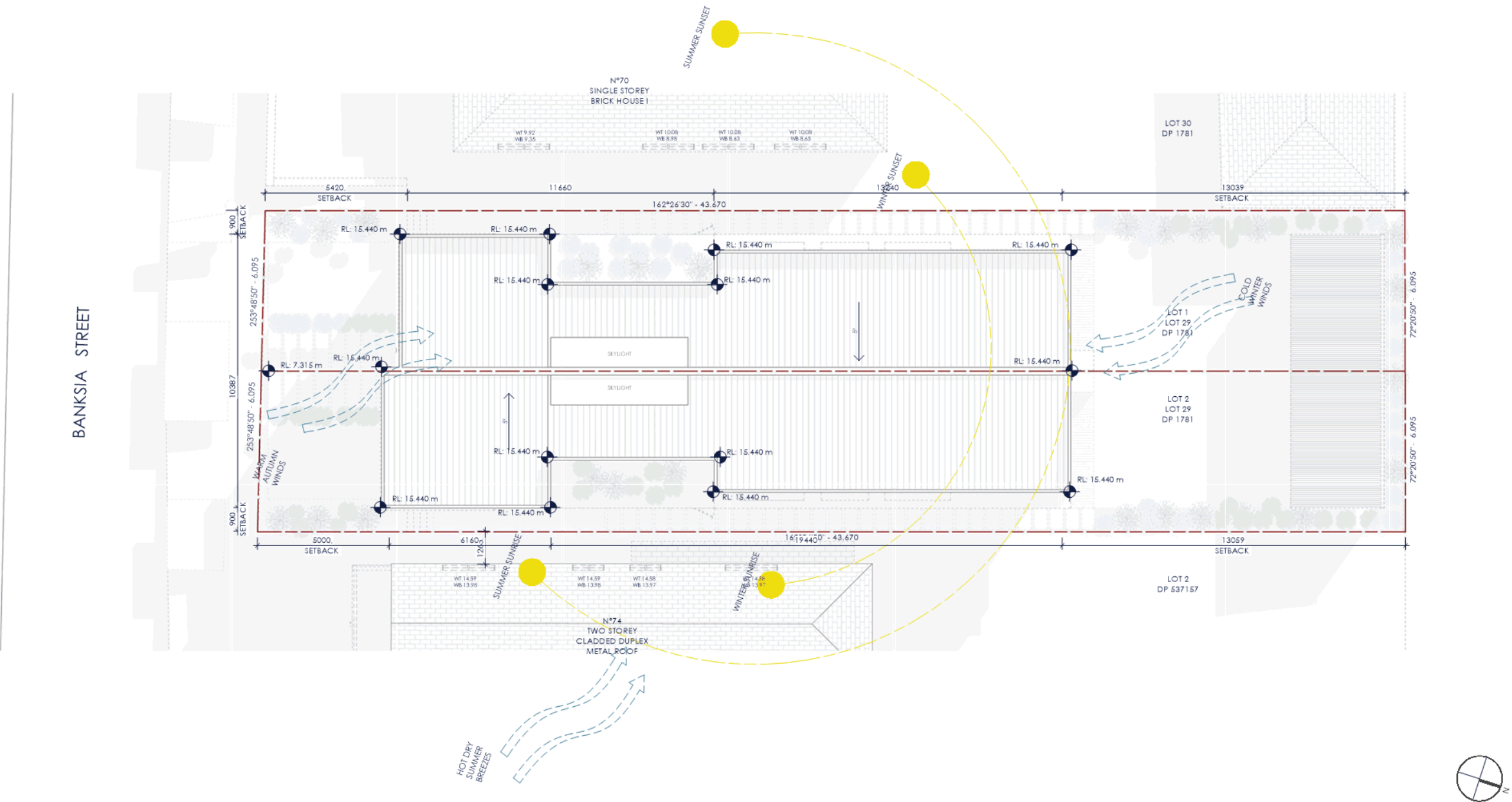
DEMOLITION WORKS
DEMOLITION PLAN

REVISION HISTORY			
#	Date	By	Description
1	08.11.18	AM	ISSUE FOR DA
2	17.01.19		ISSUE FOR BR
3	24.01.19		ISSUE FOR BR
4	04.02.19		ISSUE FOR BR
5	14.03.19		ISSUE FOR BR
6	04.04.19		ISSUE FOR BR

DRAWN BY:
AM
SCALE @ A3
1 : 150

DRAWING NUMBER
DA - 02.00
REVISION
7

DEVELOPMENT APPLICATION



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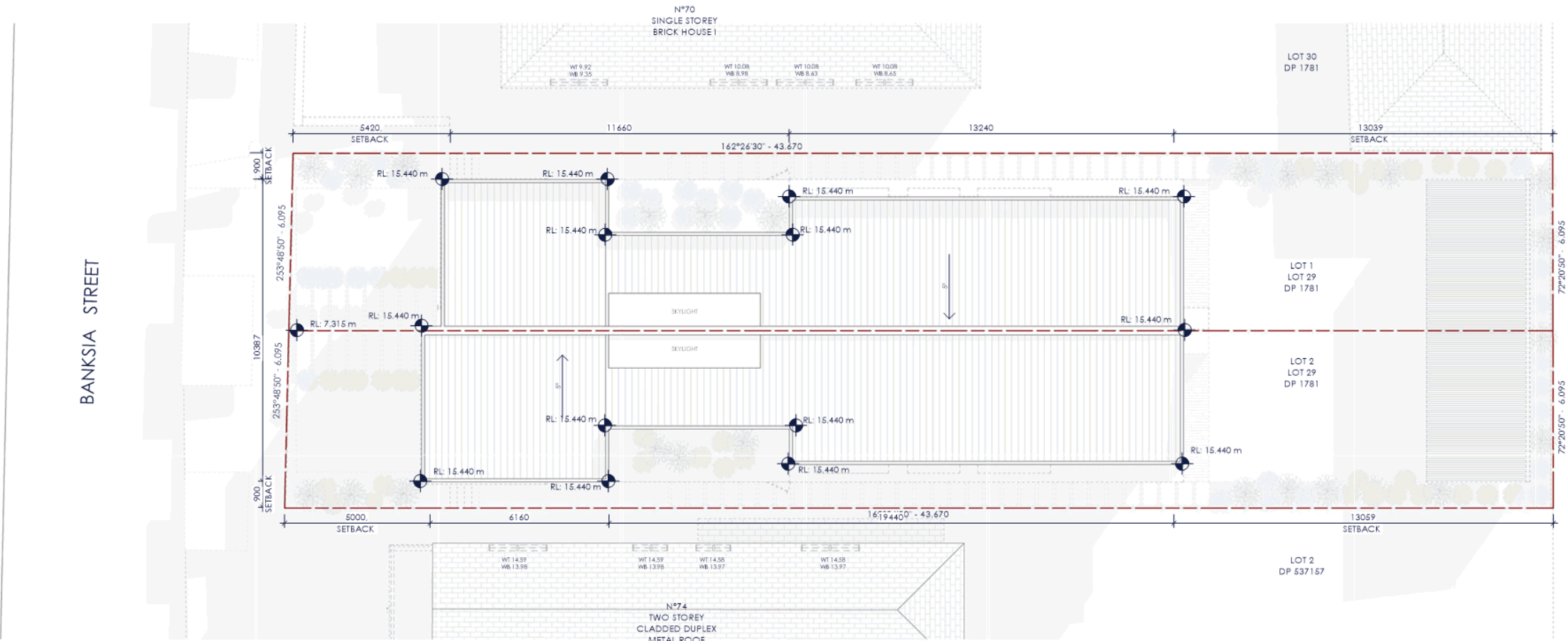
SITE CONTEXT
SITE ANALYSIS PLAN

REVISION HISTORY			
#	Date	By	Description
1	08.11.18	AM	ISSUE FOR DA
2	17.01.19		ISSUE FOR RFI
3	24.01.19		ISSUE FOR RFI
4	04.02.19		ISSUE FOR RFI
5	14.03.19		ISSUE FOR RFI
6	04.04.19		ISSUE FOR RFI

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As indicated

DRAWING NUMBER
DA - 03.00
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7

DEVELOPMENT APPLICATION



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LOT: Lot 29 - DP 1781

SITE CONTEXT
SITE PLAN

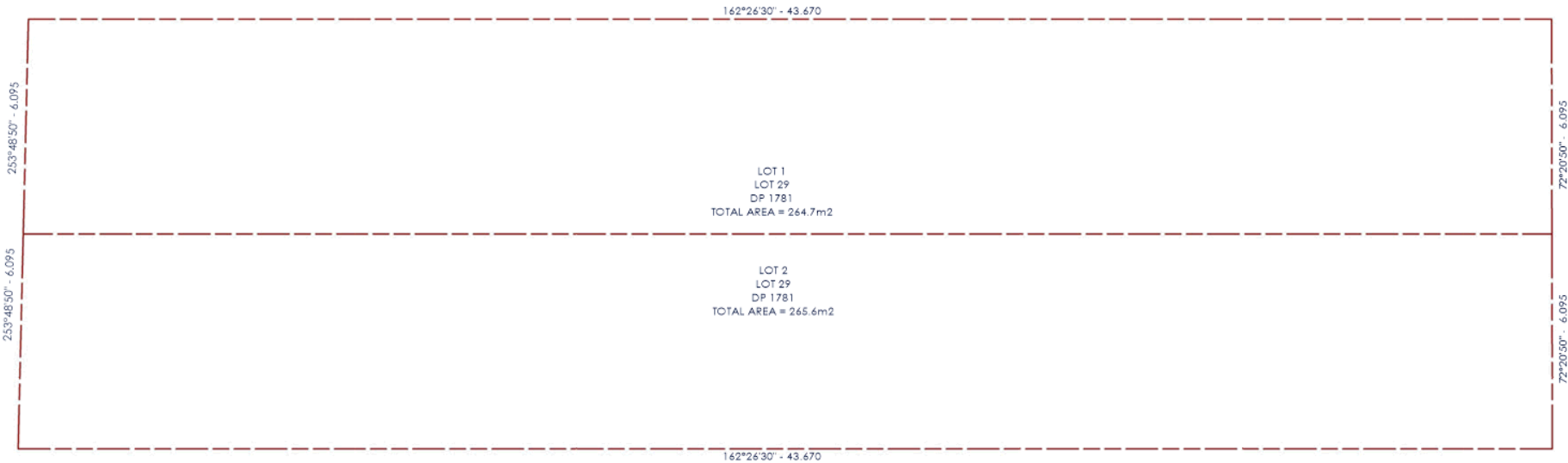
REVISION HISTORY			
#	Date	By	Description
1	08.11.18	AM	ISSUE FOR DA
2	17.01.19		ISSUE FOR RR
3	24.01.19		ISSUE FOR RR
4	04.02.19		ISSUE FOR RR
5	14.03.19		ISSUE FOR RR
6	04.04.19		ISSUE FOR RR

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DEVELOPMENT APPLICATION



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SITE CONTEXT
SUBDIVISION PLAN

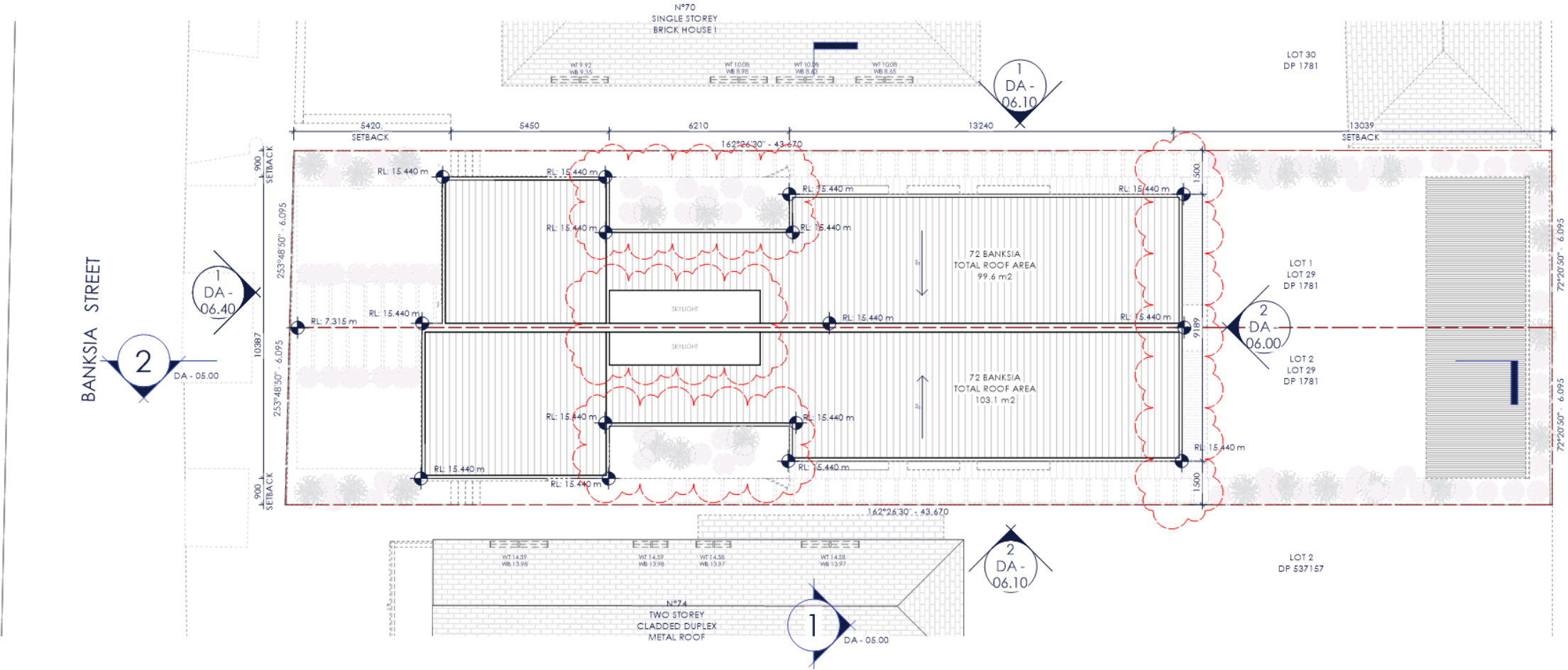
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DEVELOPMENT APPLICATION



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PROJECT NUMBER: 1810 - BAN
PROJECT TYPE: RESIDENTIAL
PROJECT INFO: 72 Banksia St, Botany NSW 2019
LOT: Lot 29 - DP 1781

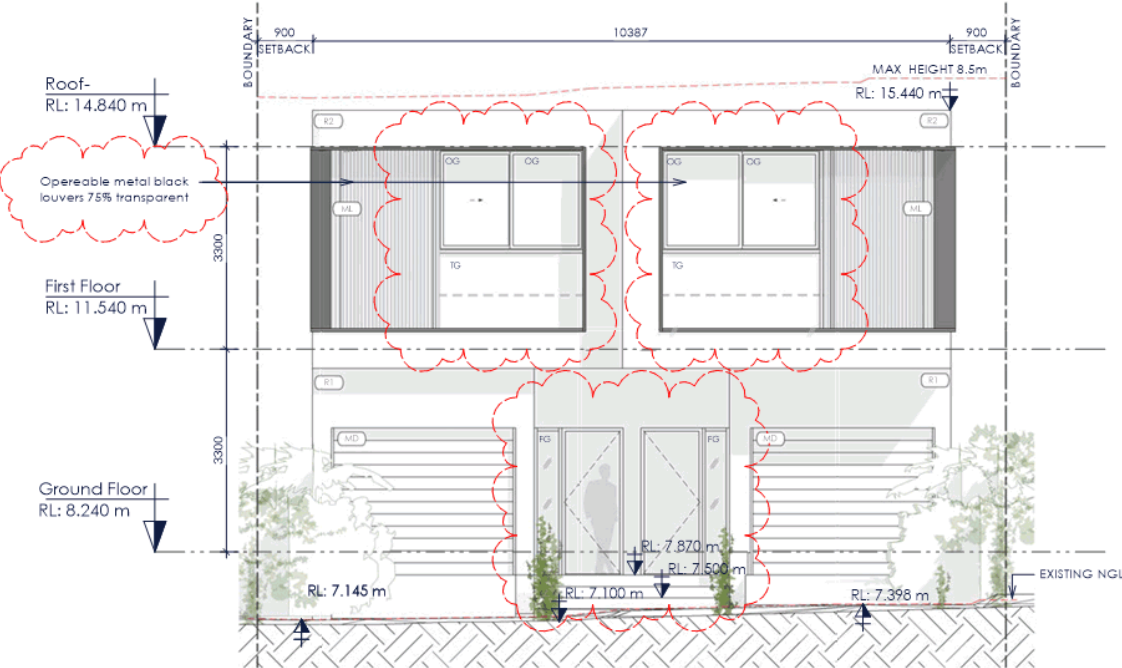
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1 : 150

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7

DEVELOPMENT APPLICATION



1 FRONT ELEVATION
1:100



2 REAR ELEVATION
1:100

EXTERNAL FINISHES		WINDOWS & DOORS	
ML	Metal Louvers	OG	Operable Glazing
R1	White Render	FG	Fixed Glazing
R2	Beige Render	TG	Translucent Glazing



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PROJECT NUMBER: 1810 - BAN
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LOT: Lot 29 - DP 1781

GA ELEVATIONS

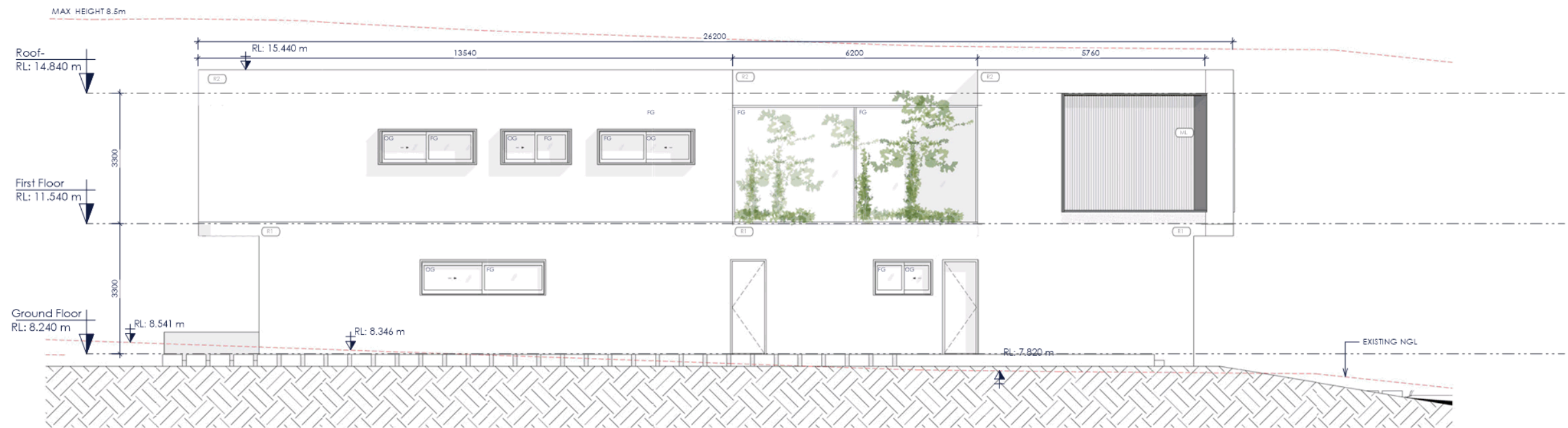
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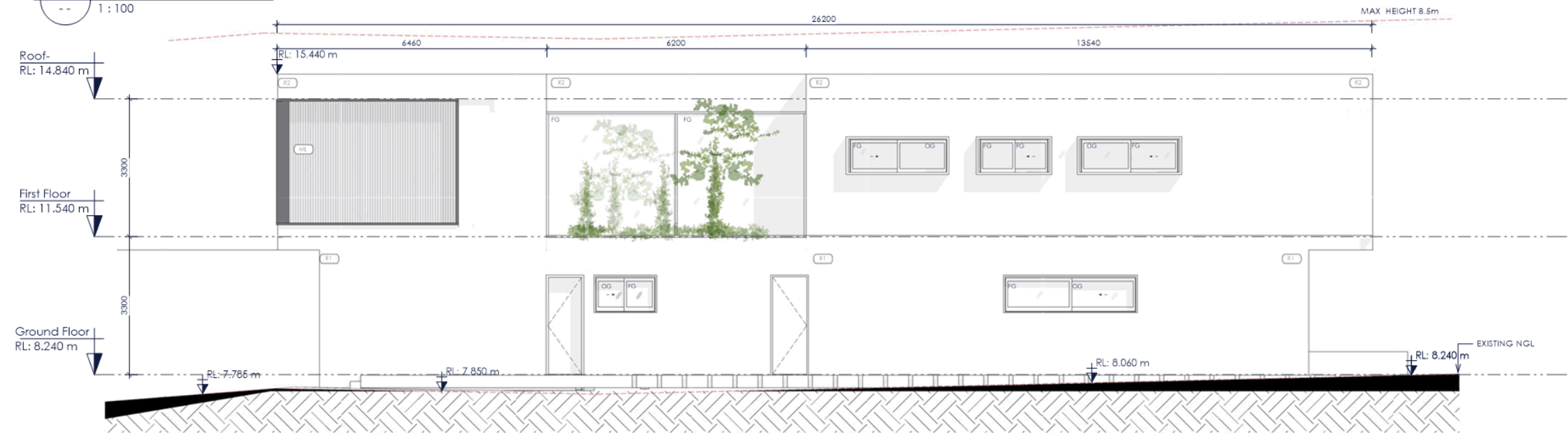
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DEVELOPMENT APPLICATION



1 WEST ELEVATION
1 : 100



2 EAST ELEVATION
1 : 100

EXTERNAL FINISHES		WINDOWS & DOORS	
ML	Metal Louvers	OG	Operable Glazing
R1	White Render	FG	Fixed Glazing
R2	Beige Render	TG	Translucent Glazing

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LOT: Lot 29 - DP 1781

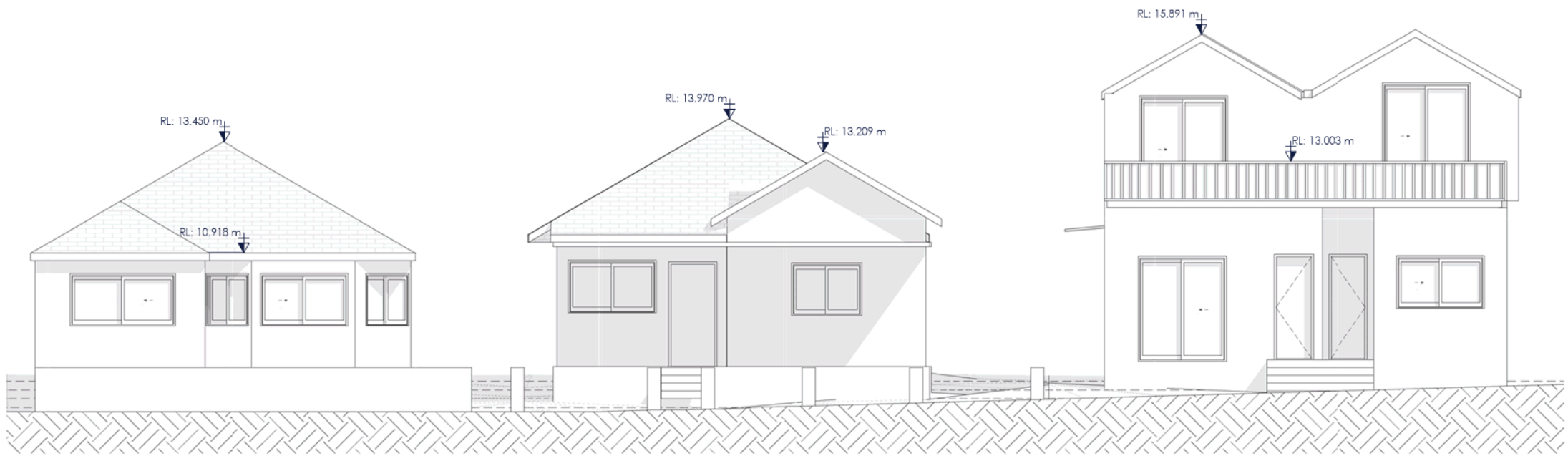
GA ELEVATIONS
WEST & EAST ELEVATION

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DEVELOPMENT APPLICATION



2 PROPOSED STREETSCAPE
1 : 100



1 EXISTING STREETSCAPE
1 : 100



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LOT: Lot 29 - DP 1781

GA ELEVATIONS
STREETSCAPES

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DEVELOPMENT APPLICATION

EXTERNAL FINISHES



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PROJECT NUMBER: 1810 - BAN
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PROJECT INFO: 72 Banksia St, Botany NSW 2019
LOT: Lot 29 - DP 1781

DESIGN INTENT

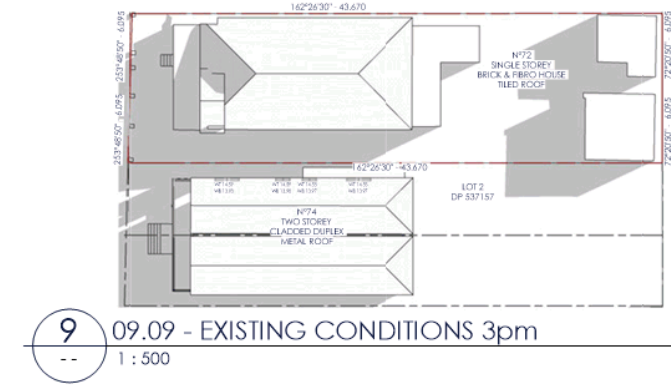
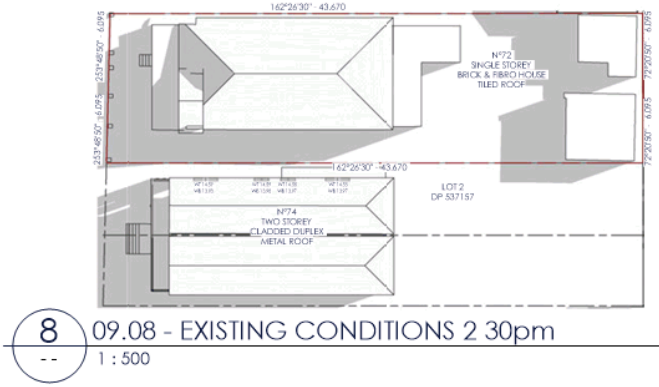
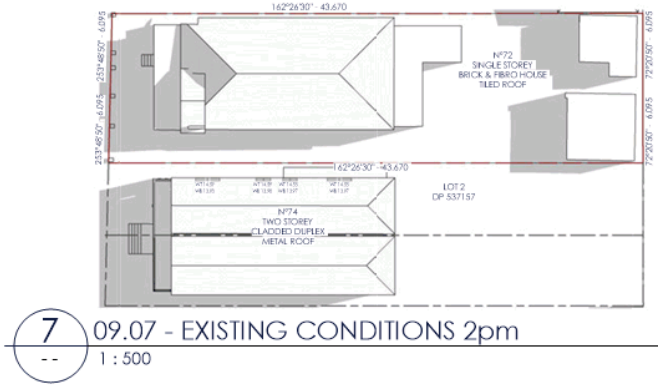
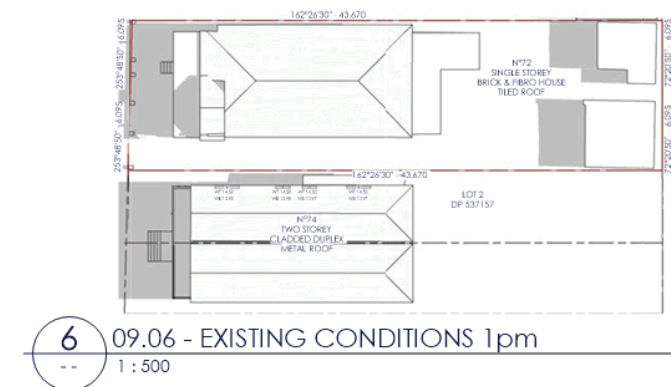
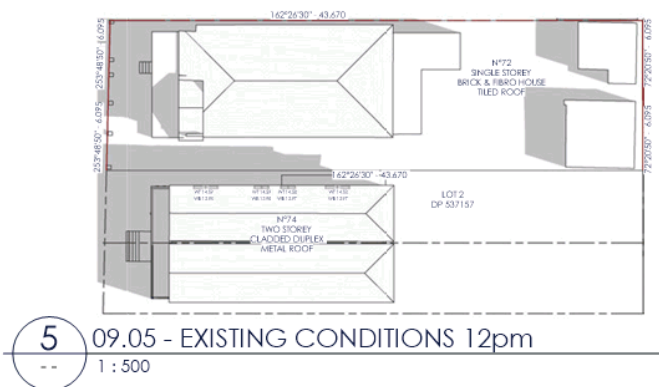
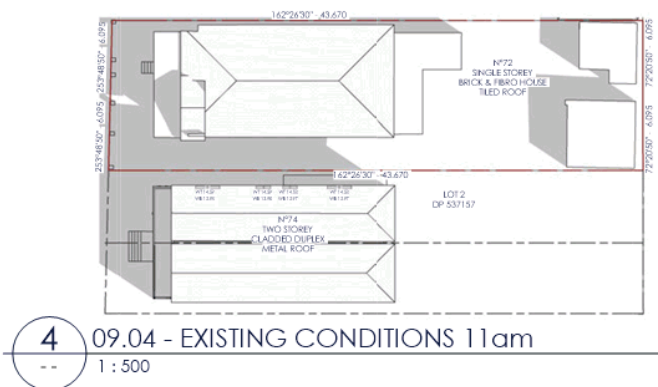
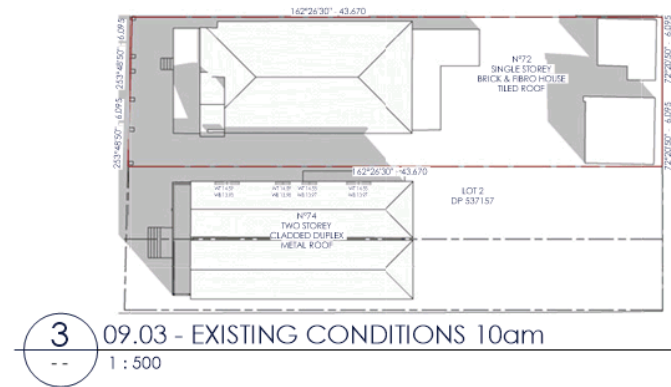
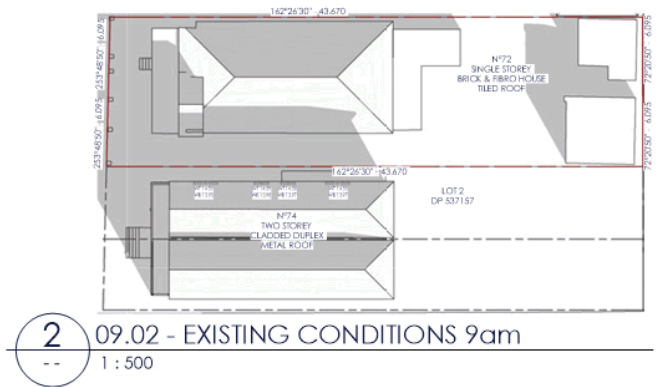
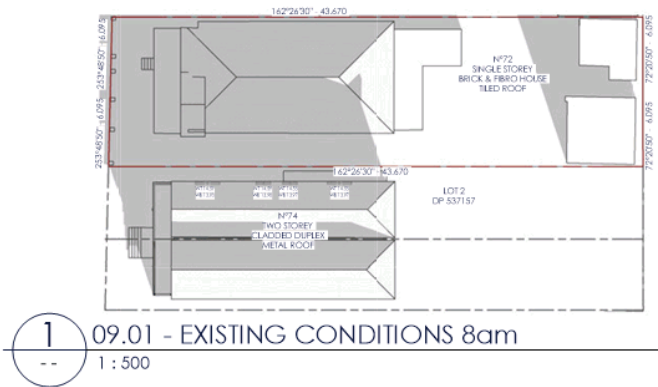
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DEVELOPMENT APPLICATION



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PROJECT INFO: 72 Banksia St, Botany NSW 2019
LOT: Lot 29 - DP 1781

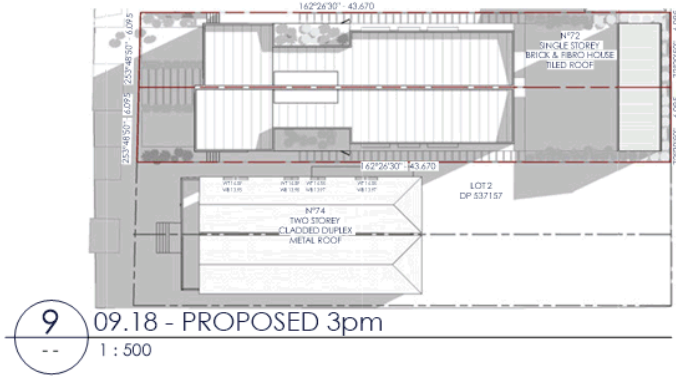
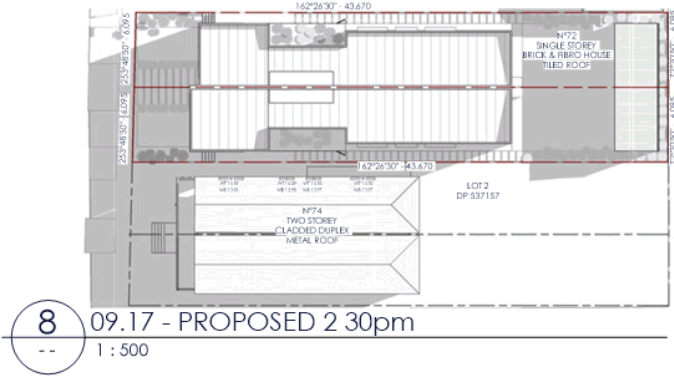
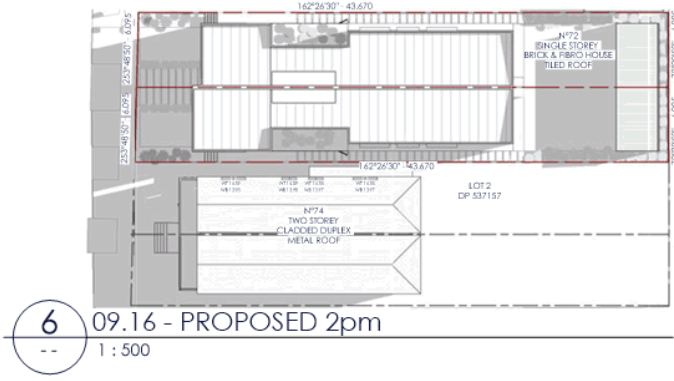
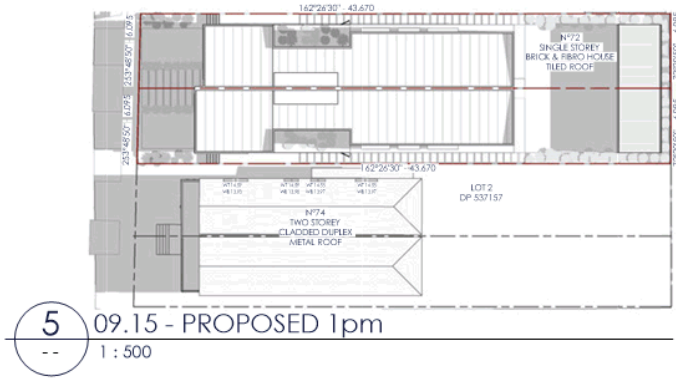
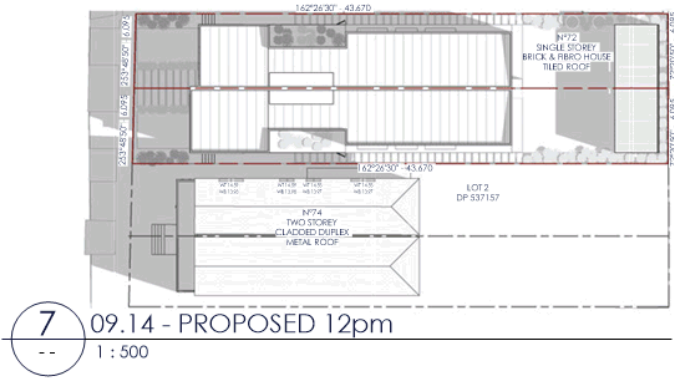
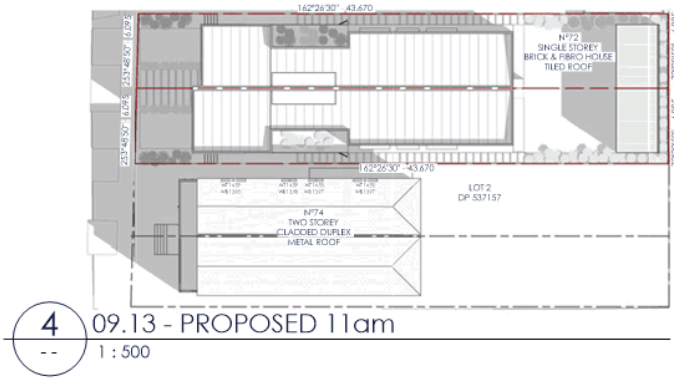
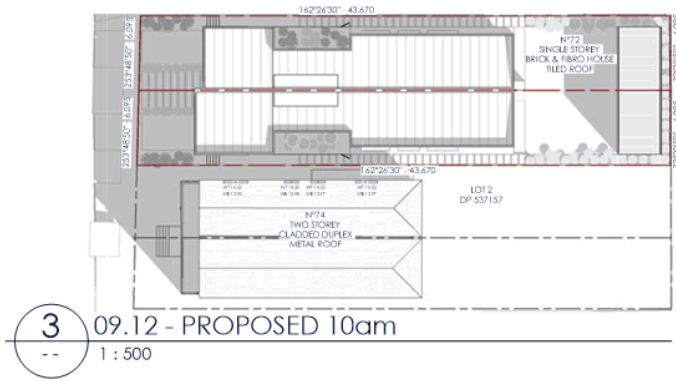
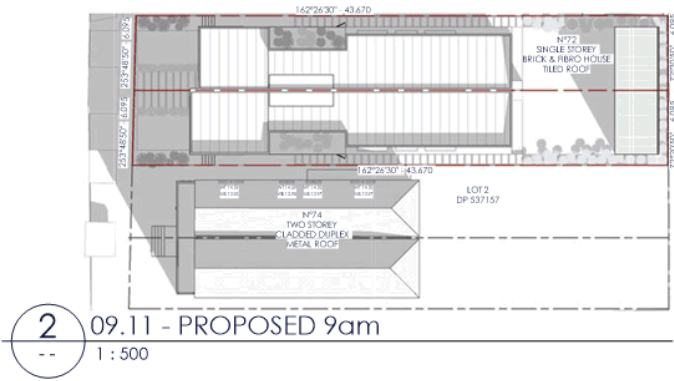
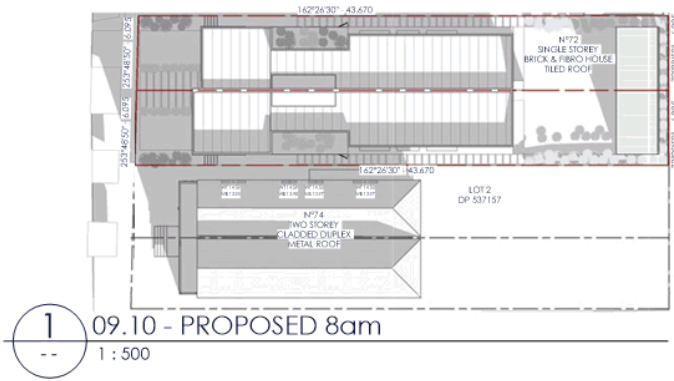
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5	14.03.19	AM	ISSUE FOR RFI
6	04.05.19	AM	ISSUE FOR RFI

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DEVELOPMENT APPLICATION



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CLIENT NAME: HASSARATI
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PROJECT TYPE: RESIDENTIAL
PROJECT INFO: 72 Banksia St, Botany NSW 2019
LOT: Lot 29 - DP 1781

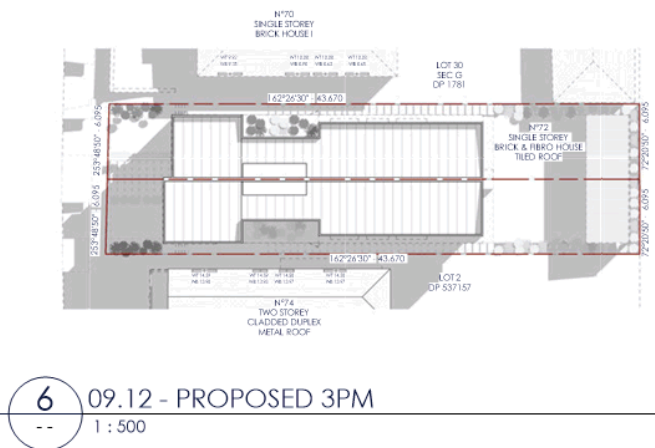
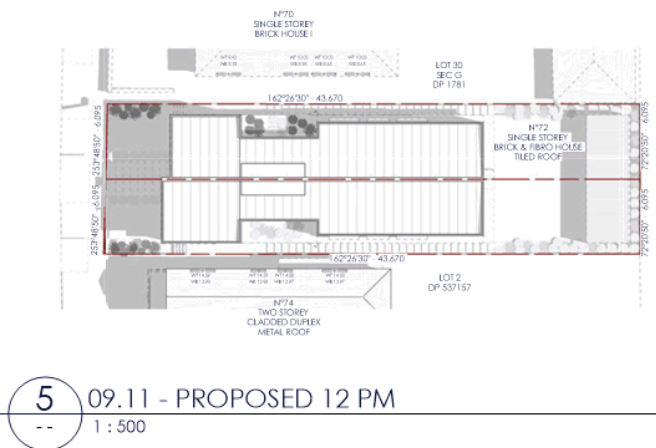
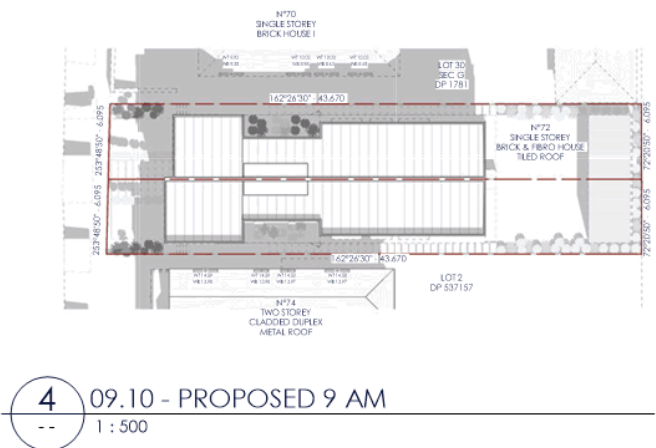
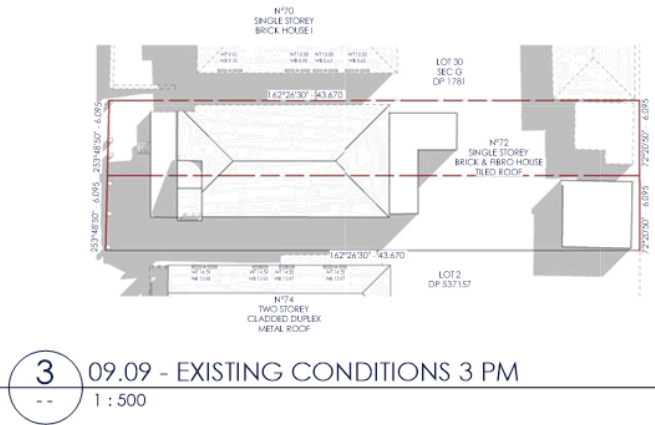
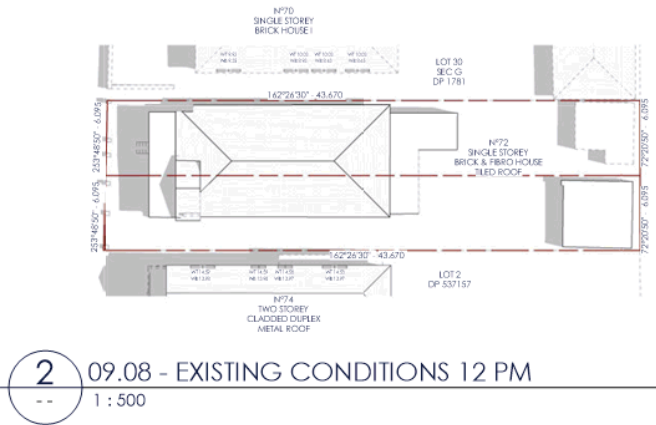
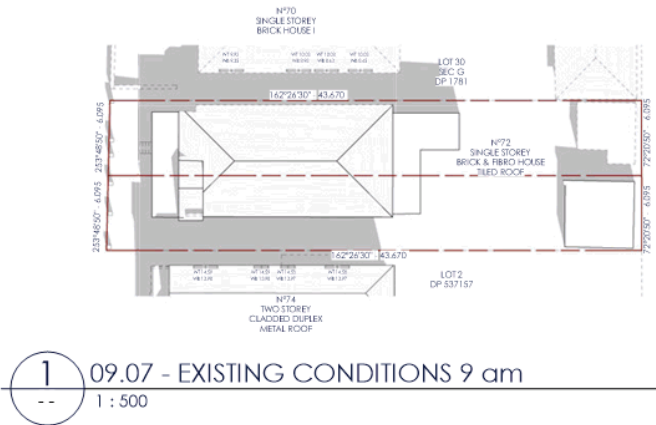
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DEVELOPMENT APPLICATION



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PROJECT TYPE: RESIDENTIAL
PROJECT INFO: 72 Banksia St, Botany NSW 2019
LOT: Lot 29 - DP 1781

SOLAR ANALYSIS
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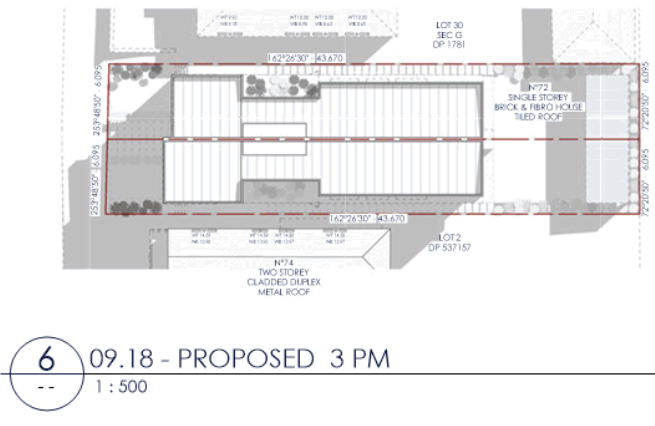
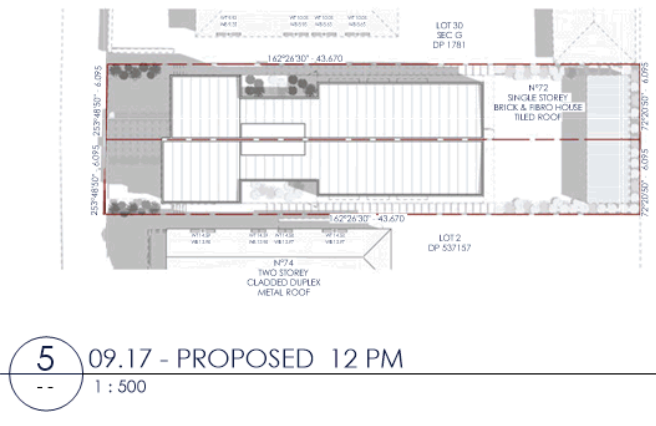
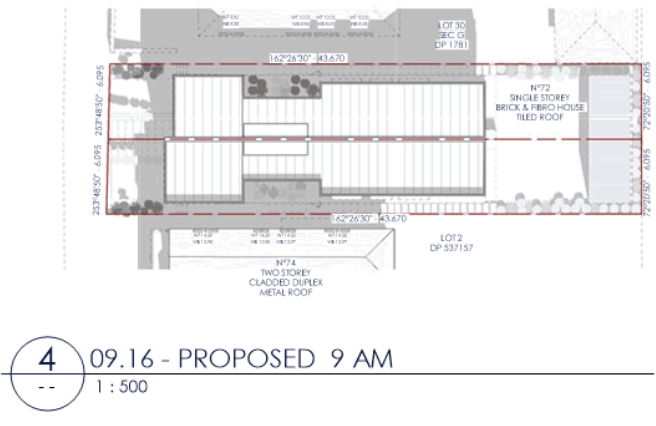
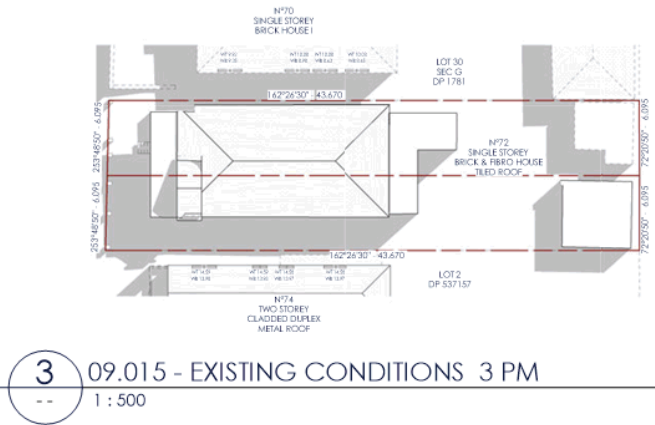
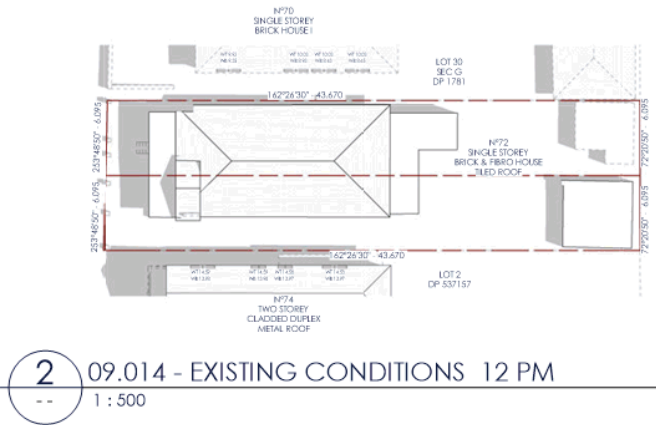
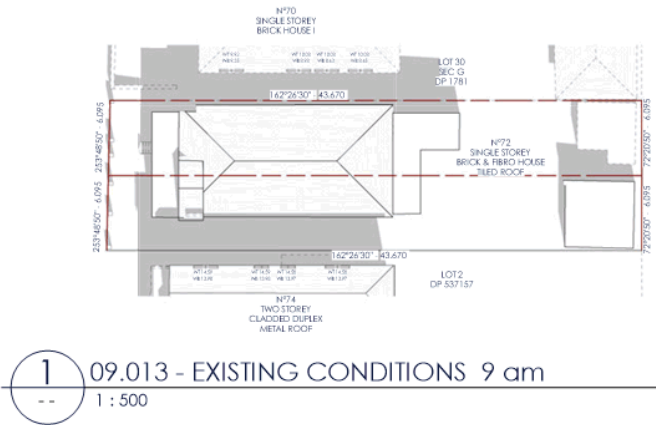
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DEVELOPMENT APPLICATION



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LOT: Lot 29 - DP 1781

SOLAR ANALYSIS
AUTUMN EQUINOX

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DEVELOPMENT APPLICATION



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SOLAR ANALYSIS

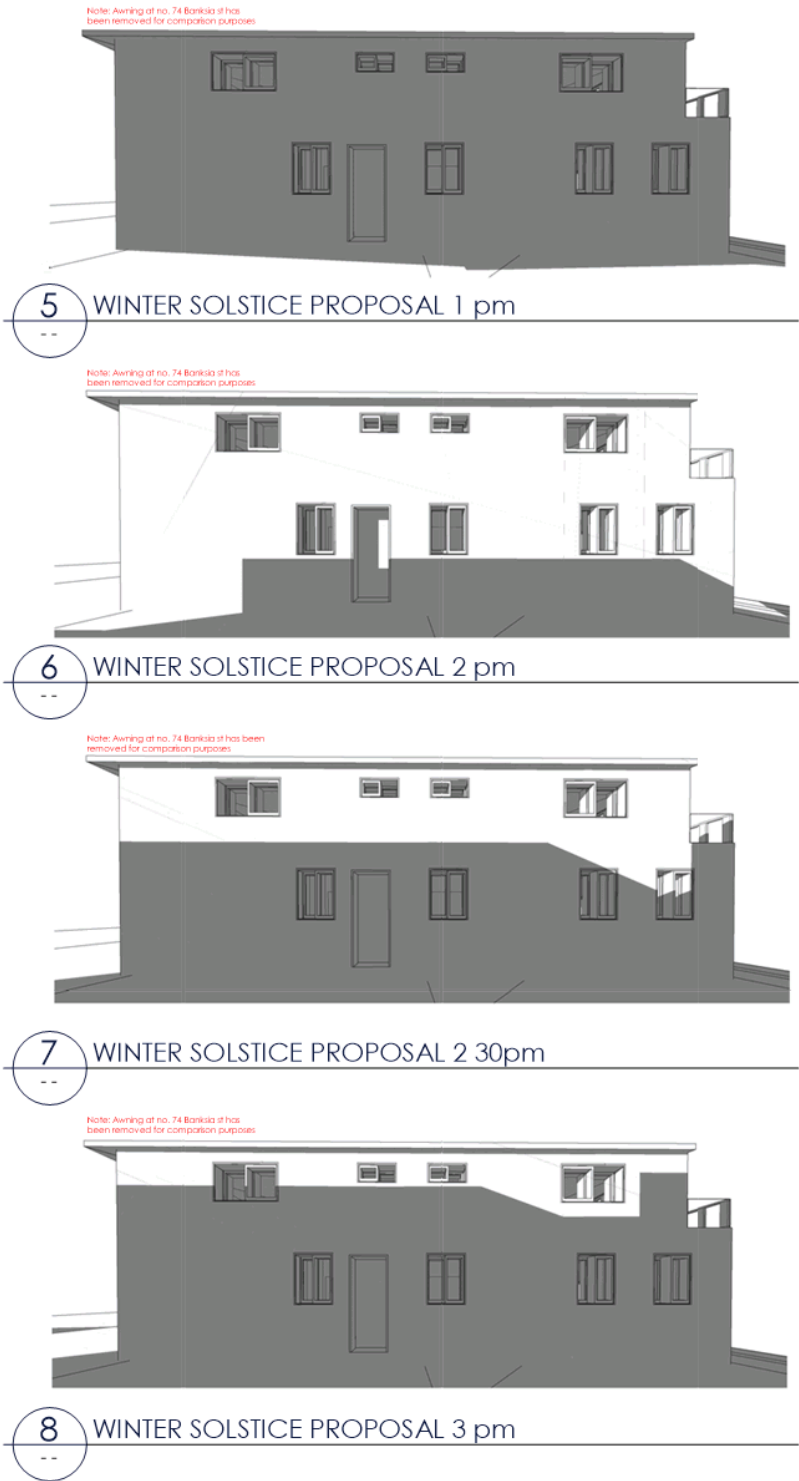
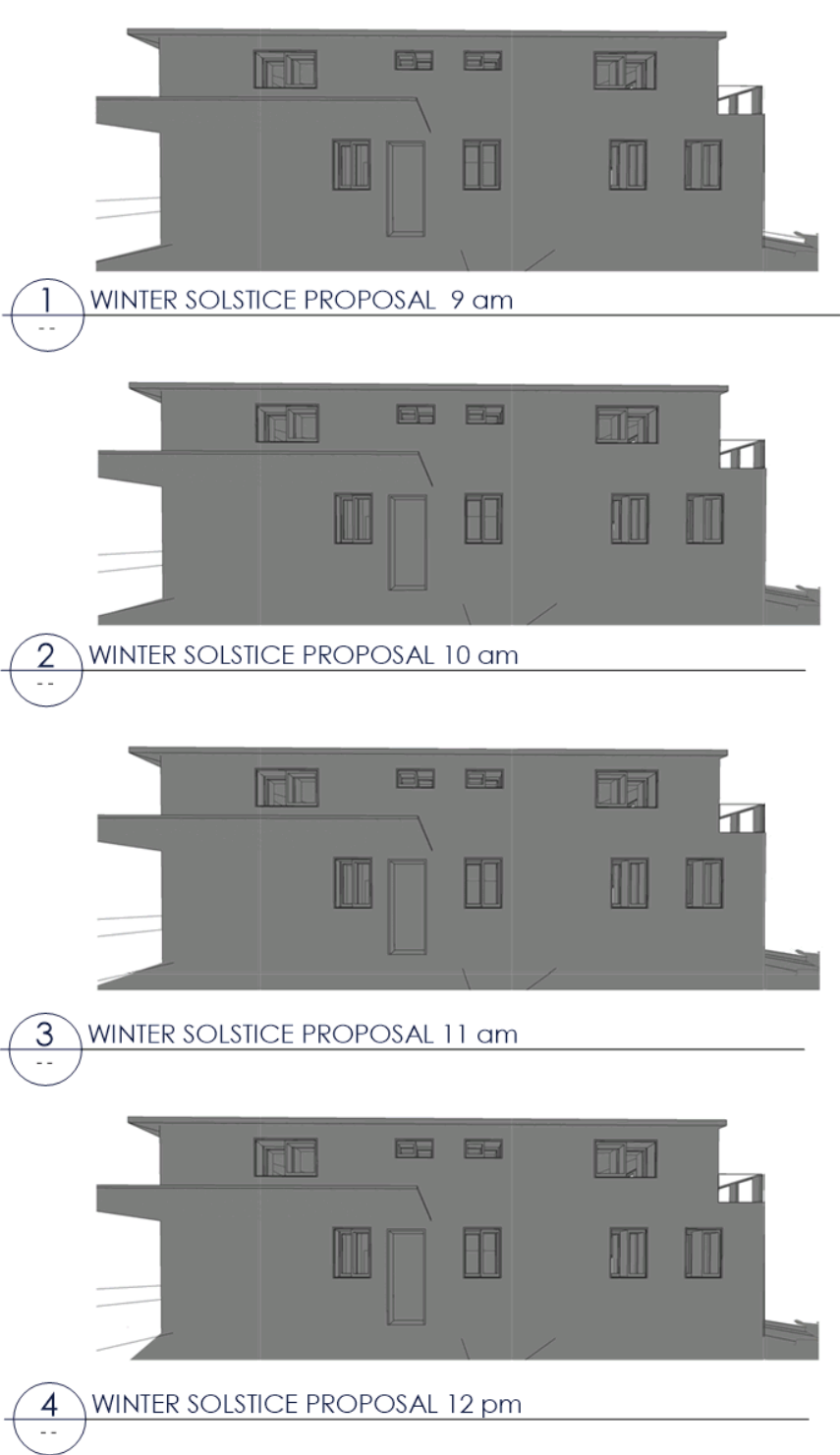
74 BANKSIA STREET EXISTING SHADOWS

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DEVELOPMENT APPLICATION



David Carey
Town Planning and Development

Statement of Environmental Effects (incorporating
clause 4.6 variation request)

Accompanying a development application for

Demolition of existing structures, removal of trees and
construction of two semi-detached dwellings,
subdivision into two lots

At

Lot 29 Section G DP 1787
72 Banksia Street Botany

April 2019

www.dcaplanning.com.au

Ph: 0423163597

Email: david@dcaplanning.com.au

Statement of Environmental Effects
72 Banksia Street Botany

Contents

1. Introduction	Page 3
2. Site description and analysis	Page 4
3. Details of proposal	Page 8
4. Clause 4.12 – Matters for consideration	Page 9
5. Other considerations	Page 26
6. Conclusion	Page 30

Statement of Environmental Effects
72 Banksia Street Botany

1. Introduction

This statement of environmental effects has been prepared by David Carey Town Planning & Development to accompany a development application for the demolition of existing structures, removal of trees and the construction of two semi-detached dwellings with subdivision into two lots at 72 Banksia Street Botany. The application is being lodged by David Carey Town Planning & Development on behalf of Pinnacle Plus, pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions and objectives of Botany Bay Local Environmental Plan 2013 and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

The works address the site and its context and will provide modern, well designed housing. The proposed development replaces an existing dwelling reaching the end of its economic life in the Bayside local government area.

In terms of design, careful consideration has been given to the floor layout, design, appearance and amenity for residents and neighbours. The works will ensure that the needs of the future residents will be met and that the development is in a scale and character which is compatible and consistent with the existing and adjoining developments.

This statement has been prepared having regard to the following documentation:

- Architectural plans prepared by Pinnacle Plus

Statement of Environmental Effects
72 Banksia Street Botany

2. Site description and analysis

2.1 Location and property description

The site consists of one torrens title lot with a legal property description of Lot 29 Section G, Deposited Plan 1787. The street address of the site is 72 Banksia Street Botany.



Figure 1 – Aerial view of site

2.2 Site characteristics

The subject site consists of one lot with a regular shape that has an area of 530.3m², a frontage to Banksia Street of 12.19m and a depth of 43.67m.

The lot currently contains a single storey detached dwelling house and associated structures. The lot has a frontage to Banksia Street only.

Statement of Environmental Effects
72 Banksia Street Botany



Figure 2 – View of site from Banksia Street

The subject site slopes gently to the street. Vehicular access to the subject site is available from Banksia Street. The site is fully serviced with telephone, electricity, water and sewerage services. There are a number of other semi-detached dwelling developments in the street shown below:

Immediately to the east of the site are two semi-detached dwellings.

Statement of Environmental Effects
72 Banksia Street Botany



Figure 3 – Semi-detached dwellings immediately east of the site

A semi-detached dwelling development exists at 60/60A Banksia Street.



Figure 4 – Semi-detached dwellings at 60/60A Banksia Street Botany

A semi-detached dwelling development is also under construction at 124 Banksia Street Botany. This was approved by Council subject to a clause 4.6 variation to the FSR control (discussed in section 4 of this report).

Statement of Environmental Effects
72 Banksia Street Botany



Figure 5 – Semi-detached dwellings at 124 Banksia Street Botany under construction

2.3 Surrounding development

The subject site is located within an established residential area characterised mostly by detached dwelling houses, semi-detached dwellings and multi-dwelling housing. The site is approximately 2.5km from Eastgardens Shopping Centre.

Statement of Environmental Effects
72 Banksia Street Botany

3. Details of proposal

3.1 Proposed works

The proposed works are as follows:

- Demolition of existing structures, removal of trees and the construction of two semi-detached dwellings, subdivision of the site into two lots

Overall, the site will be enhanced as an ageing dwelling will be replaced with two modern, well-designed dwellings, with better solar access, useability and orientation, with the development having no adverse impact on the surrounding area.

Statement of Environmental Effects
72 Banksia Street Botany

4 Clause 4.15 -Matters for consideration

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

(a) the provisions of:

(b) (i) any environmental planning instrument

Botany Bay Local Environmental Plan 2013

The subject site is zoned R2 Low Density Residential under the Botany Bay LEP 2013. The objectives of the 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.*

The proposed semi-detached dwellings are permissible under the zoning. The proposed housing will protect the amenity of residents and provide for the housing needs of the community within a low density residential environment.

Clause 4.3 Height of buildings

The maximum height of buildings is 8.5m in this location. The proposed semi-detached dwellings are less than 6.7m in height and comply with this clause.

Clause 4.4 Floor space ratio

The maximum floor space ratio is as described on the LEP map is 1:1 in this location. Clause 4.4A of the LEP further provides that the maximum FSR for all development for the purposes of residential accommodation (other than multi-dwelling housing and residential flat buildings) is 0.5:1. The proposed floor space ratio will be 0.66:1. Justification for this proposed variation is provided below.

Clause 4.6 Exceptions to Development Standards

This clause of the LEP provides that 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.

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

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(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

As outlined above, the proposed FSR for this development is 0.66:1 against a maximum of 0.5:1 in the LEP. The development complies with all other standards in the LEP. Below is written request demonstrating that compliance with the FSR standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening the development standard.

This Clause 4.6 Variation Request relates to the proposed torrens title subdivision and construction of 2 x semi-detached dwellings at No. 72 Banksia Street, Botany, whereby an exceedance of the maximum permissible FSR is proposed.

Specifically, Clause 4.4(2) identifies the site as having an FSR of 1:1, however, Clause 4.4A contains FSR requirements relative to types of residential accommodation (ranging in density between 1:1 and 0.5:1). The proposed development is defined as a "semi-detached dwelling" and as such falls under the category of "all other development for the purpose of residential accommodation". Therefore, the maximum permitted Floor Space Ratio (FSR) is 0.5:1 pursuant to Clause 4.4A(d).

The proposal seeks to provide an FSR of 0.66:1 for the entire site (or 0.65:1 for proposed lot A and 0.66:1 for proposed lot B) and therefore does not comply with Clause 4.4A(d) of the BLEP 2013. It is noted that a maximum FSR of 0.75:1 is permitted for dwelling houses " on lots between 251m² and 300m² under Clause 4.4A(3)(a) of the LEP, which is greater than what is proposed as part of this application.

The proposal results in a rectilinear subdivision pattern that is consistent with the desired future character of the area and provides a frontage width that is characteristic and acceptable in an otherwise varied subdivision pattern. It is therefore reasonable in this instance for the development to benefit from the FSR that applies to dwelling houses on lots between 251m² and 300m² as the only distinguishing feature between the proposal and a dwelling house is the provision of a party wall between the two dwellings.

The FSR proposed therefore results in a technical non-compliance arising from a land use definition, rather than the merits of the density proposed which would otherwise be acceptable for a detached dwelling.

The proposal will result in a better outcome for the prospective residents with increased floor area in a semi-detached building form that allows the density to be better distributed on each lot. In addition, the proposal will result in a better outcome from the development as the provision of a common wall between the dwellings allows the proposed massing (that is permitted for a dwelling house on each lot) to be pulled back from each side boundary and landscaped courtyards to be introduced to reduce shadow and privacy impacts on each adjoining property.

The proposal results in a rectilinear subdivision pattern that is consistent with the desired future character of the area and provides a frontage width that is characteristic and acceptable in an otherwise varied subdivision pattern.

Following the creation of the smaller lots as proposed, the LEP enables the construction of a dwelling house on each lot up to an FSR of 0.75:1. The reduced FSR that applies to the proposed semi-detached dwellings results from the clause that applies to the "catch all" definition of residential accommodation.

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The proposed semi-detached dwellings are a low density residential form and are most closely related to dwelling houses. The similarity between dwelling houses and semi-detached dwellings is evidenced by the application of identical DCP provisions that fall under the requirements relating to low density residential development.

The proposed FSR is suitable to the site as the building form across each lot will achieve a density that less than the maximum of a compliant dwelling house.

Furthermore, the proposed development typology has particular efficiencies when applied to each of the proposed lots as detailed below that will result in an improved outcome to the adjoining properties.

Notably, the proposal results in a better outcome than a compliant scheme as construction of a dwelling house on each proposed lot would have a contextually inferior presentation within the street despite complying with the FSR requirements. This is due to specific context of the site, whereby, there is a semi-detached dwelling immediately east of the site, as the street is undergoing transition, with semi-detached dwellings approved recently at 60 Banksia Street and 124 Banksia Street.

To provide detached dwellings on the proposed lots would result in a discordant form within the street and a more imposing presentation to the adjoining residential properties as well as the proposed dwellings. Detached dwellings on each lot with compliant side boundary setbacks would preclude any significant façade relief to the adjoining properties and the proposed adjacent dwellings. The semi-detached building form allows a more efficient allocation of density at the site in a form that incorporates well-proportioned courtyards adjacent to each side boundary. An FSR of 0.66:1 is proposed, against a maximum of 0.75:1 that would be permitted if a dwelling house was proposed.

As such, the proposal will result in a better outcome from the development as the provision of a common wall between the dwellings allows the proposed massing (that is permitted for a dwelling house on each lot) to be pulled back from each side boundary and landscaped courtyards to be introduced to reduce shadow and privacy impacts on each adjoining property.

In terms of improved outcomes for the development and the prospective residents, the increased floor area in a semi-detached building form allows increased FSR with resultant amenity improvements.

The development could reasonably be altered to comply with the 0.5:1 FSR at the site without and material changes to the building presentation within the street, however, the burden placed on the development (with a reduced FSR) is to be balanced with the material planning benefits of reducing the proposed FSR. In our view, there are no material amenity or environmental benefits to be gained from reducing the FSR to 0.5:1. In fact, this would place an unreasonable burden on the development resulting from the loss of floor area that is otherwise permitted for a dwelling house on the proposed lots. As demonstrated by shadow diagrams and other plans submitted with the application, the proposed development does not have an adverse impact on surrounding properties.

In our view, the proposal is a technical non-compliance achieves a better outcome than strict compliance with the FSR standard. Strict application of the FSR requirements in this instance would place an unreasonable burden on the development that seeks to provide additional residential accommodation within a suitable low density form.

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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.*

The proposal will replace the existing dwelling house with 2 x semi-detached dwellings that are an accepted low density residential typology within the area. In doing so, the proposal will provide additional low density residential accommodation to meet the housing needs of the community. The development contains facilities for bike storage and is located in an area that enables walking and cycling to nearby services.

In light of the above, the proposed development complies with the zone objectives.

The objectives of Clause 4.4A of Botany LEP are as follows:

- (a) to ensure that the bulk and scale of development is compatible with the character of the locality,*
- (b) to promote good residential amenity.*

The proposal will result in a building form that is consistent with the desired future character of the area. This is evidenced by the semi-detached form, the setback to the street, compliant building height and contemporary design. The proposal could reasonably be amended to ensure strict compliance with the FSR requirement, however, this would place unreasonable burden on the development with no material planning benefit.

Furthermore, the removal of the party wall to each dwelling would result in a compliant building (dwelling house) with no material alterations to the external fabric of the building. As such, notwithstanding, the FSR exceedance, the proposal provides a building height, form and bulk that is compatible with the low density residential area and consistent with a compliant dwelling house.

As detailed in the submitted SEE, the proposal will ensure high levels of residential amenity for future residents of the development whilst ensuring that the privacy, overshadowing and view impacts of the adjoining properties are minor and entirely acceptable. In the absence of any amenity impacts and in light of the amenity provided by the development for future residents, the proposal is entirely consistent with objective (b) above.

There is precedent in Council approving a semi-detached dwelling development in the street at 124 Banksia Street Botany, with a variation to the FSR standard (DA/16/116). This application was approved with an FSR of 0.7:1, which is greater than that proposed as part of this application.

In May 2008, the Planning Circular PS 08-003 advised councils that arrangements for the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 of the Standard Instrument or similar clause, which provide for exceptions to development standards.

In light of the above, the proposal exceeds the maximum FSR at the site and the justification provided demonstrates that the proposal satisfies the statutory tests set out by Clause 4.6 of the LEP. There is merit in approving the proposed variation in this instance.

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In addition, the statutory tests of Clause 4.6 have been applied with reference to the applicable planning principles and decisions of the NSW LEC that assist with interpretation of the relevant aspects of Clause 4.6.

The proposal will result in a suitable low density residential development that results in a better outcome for prospective residents and from the development with reference to the streetscape presentation of the site and impacts on adjoining properties. Council should therefore have comfort in applying a reasonable degree of flexibility in this particular instance.

Clause 6.1 Acid Sulphate Soils

This clause provides that on land categorised as Class 4 acid sulphate soils, works more than 2 metres below the natural ground surface. Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface requires development consent subject to an acid sulphate soils management plan. The proposed development does not propose works more than two metres below the natural ground surface and accordingly complies with this clause.

There is no minimum lot size for subdivision in the LEP and the proposed lot layout complies.

(iii) any development control plan

Botany Bay Development Control Plan 2013

Clause 3B.7 – Development in the Vicinity of Heritage Items

This clause provides that new buildings or structures, including landscaping must be located to minimise adverse impacts on the Heritage Item and its setting. There is a heritage item adjoining part of the rear boundary of the site at 145 Bay Street Botany. The proposed development is well set back from the rear boundary and will not have any adverse impacts on this item. There are no significant views to this heritage item that will be impeded by the proposed development.

Clause 3E.2.2 – Residential Torrens Title

This clause provides that proposed subdivision should be consistent with the desired character of the area relevant in Part 8 of the DCP – Character Areas. The desired future subdivision character for the Botany area in the DCP is to retain and preserve the rectangular grid pattern within the street. The proposed subdivision provides for two rectangular lots with complies with this clause of the DCP.

Part 4A Dwelling Houses

Clause	Required	Proposed	Complies
4A.2 Site Design	C1 To achieve excellence in urban design, development should: (i) Take into consideration the characteristics of the site and adjoining development by undertaking a thorough site analysis; (ii) Utilise innovative design which positively responds to the character and context of its locality; (iii) Provide a design which utilises Environmentally Sustainable Design strategies; (iv) Enhance the streetscape character of the locality; (v) Ensure development is consistent in height and scale with surrounding development; (vi) Maintain established setbacks; (vii) Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy; (viii) Ensure any	The proposed development provides innovative design that takes into account the character of the surrounding area and its	Yes

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	<p>development utilises materials and finishes which complement the locality and provides visual impact; (ix) Incorporate architectural relief and modulation of façades to avoid a bulky appearance; (x) Incorporate entries, verandas and balconies to add visual interest to building forms and break up the bulkiness of a dwelling when viewed from the street. (xi) Design for acoustic and visual privacy; (xii) Ensure dwellings and open space areas achieve good solar access, and are energy efficient; (xiii) Ensure building entries address the street and are clearly visible from the street or footpaths; (xiv) Provide good quality landscaping; (xv) Consider the relationship of private open space to the layout of the dwelling; (xvi) Use design techniques which promote safety and discourage crime; and (xvii) Ensure garages and carports are not the dominant feature of the building façade. They must be subservient in scale to the dwelling and compatible with the overall design of the dwelling.</p> <p>A Development Application for a new dwelling house or major alteration to a dwelling must include a written statement to demonstrate how design excellence will be achieved in the proposed development and meet the requirements identified in C1 (above).</p>	<p>desired future character through complying with planning controls relating to height and setbacks from site boundaries. The development provides relief and good articulation through the semi-detached dwellings providing an asymmetrical appearance from the street. Verandahs overlook the front boundary and front entries face the street which will improve security. The development and its open space will achieve good solar access. Garages are obscured and do not dominate the development (front rooms overhang) Private open space is easily accessible to the rear of the development from living areas. The design is environmentally sustainable and a BASIX</p>	
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		certificate has been obtained. The development maintains privacy and will have minimal impacts on neighbours. High quality materials are used and the development will present an excellent standard of appearance.	
4A.2.2 Site Analysis	C1 A Site Analysis Plan shall be submitted with all Development Applications to Council. For information regarding what should be identified on a Site Analysis Plan, refer to Council's Development Application Guide which is available at the Customer Services Centre or online via Council's website. C2 An effective site analysis will: a. Identify key opportunities and affectations of the site; b. Demonstrate reasoning behind key design decisions; c. Influence design decisions to minimise negative impacts on amenity; and d. Demonstrate and uncover neighbourhood characteristics which the design will respond to.	A site analysis plan has been provided as part of this Development Application. The site analysis examines details including solar access, winds, surrounding streets and buildings.	Yes
4A.2.3 Local Character	C1 Development must be designed to respond to the opportunities and constraints identified in the Site Analysis. C2 Development must comply with the relevant Desired Future Character Statements in Part 8 - Character Precincts.	The site analysis plan has informed the overall design and the development is consistent with the opportunities and constraints outlined in the plan. The development is consistent with the desired low to medium density character of Botany.	Yes

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4A.2.4 Streetscape Preservation	<p>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.</p> <p>C2 Development must be designed to reinforce and maintain the existing character of the streetscape.</p> <p>C3 Development must reflect dominant roof lines and patterns of the existing streetscape (refer to Figure 3). Note: Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in housing designs provided that development outcomes complement the existing character of the suburb.</p> <p>C4 Buildings must appropriately address the street. Buildings that are intrusive or inconsistent with the established development pattern will not be permitted.</p> <p>C6 The entrance to a dwelling must be readily apparent from the street.</p> <p>C7 Dwelling houses are to have windows to the street from a habitable room to encourage passive surveillance.</p> <p>C8 Skylights are to be flush with the roof surface and located to the rear of a building.</p> <p>C9 A street number for the property is to be clearly identifiable from the street.</p> <p>C10 Development must retain characteristic design features prevalent in houses in the street including: verandas, front gables, window awnings, bay windows, face brickwork or stone details.</p> <p>C20 As identified in Figure 5, the two dwellings that constitute the semi form must be as consistent as possible in scale and material. Note: There are a variety of different architectural designs that can be adopted for first floor additions to semi-detached dwellings, some more traditional and others of a contemporary nature. It is not necessary for the buildings to be identical; however colours and materials should be complementary in the street-front presentation.</p> <p>C21 Roof design must prevent the flow of stormwater onto the adjoining semi.</p>	<p>The development meets the desired future character of Botany and is consistent with existing character. Contemporary architectural design adopted which is consistent with street character in Banksia Street. Proposed building addresses the street. Dwelling entries visible from street. Both dwellings have windows facing the street. Consistent materials are adopted for each of the two dwellings.</p>	Yes
4A.2.5 Height	<p>C1 The maximum height of buildings must be in accordance with the Height of Buildings Map and Clause 4.3 of the Botany Bay Local Environmental Plan 2013.</p> <p>C2 Where a building built to the permissible height would have unacceptable adverse impacts in regards to: (i) The overshadowing of a dwelling, private open space or public open space; (ii) An inappropriate transition in built form and land use intensity; (iii) The design excellence of a building; (iv) View loss; or (v) The Obstacle Limitation Surface; Council may not permit the permissible height to be achieved. Note: Refer to Sydney Airport Operations Areas subject to Building Height Control Map to determine whether an OLS height restriction applies to a site.</p> <p>C3 New buildings are to consider and respond to the predominant and characteristic height and storeys of buildings within the neighbourhood; and consider the topography and shape of the site. Note: Characteristic building height is defined as the average building height of the two adjoining buildings.</p>	<p>The proposed height is less than the maximum 8.5m specified in the LEP. As demonstrated in the shadow diagrams submitted with the application, the development will not have an unacceptable</p>	Yes

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		overshadowing impact on adjoining properties. Development will not impact on any known significant views. Development consistent with Sydney Airport height control map.	
4A.2.6 Floor space ratio	<p>C1 The maximum FSR of development must comply with the Floor Space Ratio Map and Clause 4.4 and 4.4A of the Botany Bay Local Environmental Plan 2013 (refer to Figure 12). Note: For the purpose of calculating FSR refer to the definitions in Clause 4.5 in Botany Bay LEP 2013.</p> <p>C2 Not all development may be able to achieve the maximum permissible FSR, due to particular site characteristics, such as: (i) The size, shape and topography of the land; (ii) The surrounding context and scale of adjacent development; (iii) The need to reduce adverse impacts on neighbouring sites; and (iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.</p> <p>C3 In determining an appropriate FSR, applicants must demonstrate to Council that the bulk and scale of development is acceptable and will not result in adverse impacts within the development or on adjoining dwellings or the streetscape in terms of: (i) Loss of Privacy; (ii) Overshadowing/loss of natural light; (iii) Loss of views; (iv) Visual Amenity (Bulk and Scale); and (v) Increased traffic generation.</p>	A variation to the LEP FSR control of 0.5:1 is sought. Refer to discussion under clause 4.6 of the LEP in this statement for further information. It is noted that the proposed FSR is less than the maximum 1:1 indicated on the map for this location. The development has been designed to minimise loss of privacy, overshadowing, loss of views, visual amenity and will have minimal impact on traffic generation.	Yes
4A.2.7 Site coverage	<p>C2 For sites over 200m² the maximum site coverage is: 200 – 300m² 60% of the lot</p> <p>C3 For sites less than 200m² the maximum site coverage will be assessed on merit, which will include consideration of the following: (i) Bulk of the proposed/existing dwelling; (ii) Impacts on adjoining land and buildings; (iii) Setbacks; (iv) Overshadowing and privacy; (v) Streetscape considerations</p>	The site coverages of each lot are 52%	Yes

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	(visual bulk and scale); (vi) Parking and landscape requirements; (vii) Existing views & sightlines; (viii) Impact to significant trees on site; (ix) The provision of a private recreation area on site; and (x) Site topography and allotment size.		
4A.2.8 Building setbacks	<p>Minimum front setback to comply with prevailing street setback or minimum 6m</p> <p>Side setbacks assessed on merit based – depending on visual impact to street, pattern of adjoining development, sunlight and natural daylight access, privacy, visual amenity of adjoining residential properties and streetscape</p> <p>Minimum rear setback 4m</p> <p>Zero lot lines on merit based on building type and open space provisions</p> <p>Eaves minimum 450mm from boundary</p>	<p>5m front setback adopted which is consistent with existing street (average of adjoining two dwellings)</p> <p>Minimum side setbacks of 900mm adopted which is consistent with BCA and privacy/solar access of adjoining dwellings</p> <p>Minimum setback of 13.039m adopted for rear boundary</p> <p>Zero lot line required for semi-detached dwelling</p> <p>No eaves closer than 450mm to boundary</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4A.2.9 Landscaped area	<p>C1 Landscaped areas are to be designed accordance with Part 3L - Landscaping.</p> <p>C3 Landscaped Area is to be fully permeable deep soil zones which are areas of natural ground or soil, not planter boxes (refer to definition in Part 3L – Landscaping).</p> <p>C5 A Landscape Plan identifying the proposed areas of open space and landscaped areas on a site shall be submitted with all Development Applications, in accordance with Part 3L - Landscaping. Landscaped areas must minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties. Trees are to be selected so that the height and width of the tree is in scale with the size of the building (Figure 16). A list of suitable trees and plants for residential sites can be found in the Council's Part 10 -</p>	<p>Landscape plan designed in accordance with DCP Deep soil zones provided Landscaped areas identified on landscape plan</p>	<p>Yes</p>

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	<p>Landscape Technical Guidelines for Development Sites. Landscaping must contain trees. C6 Council may require monetary contribution toward planting of a street tree (where none currently exist) if there is a substantial re-development of the site. C7 Where a building, driveway or pool is sited at the location of an existing tree, Council may require plans to be modified.</p> <p>Minimum landscaped area for <250m² lot</p> <p>C8 The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area. C9 The front setback area must contain at least one tree for frontages up to 11.5 metres in width and 2 trees for frontages greater than this and properties located on corner blocks. C10 All trees are to be at least 45 litre pot size, except where stipulated otherwise by Council.</p>	<p>Street tree currently exists Proposed street tree can be relocated Front setback landscaped to greatest extent possible while allowing pedestrian and vehicle access More than one tree provided in front setback area. Trees to be 45 litre pot size.</p>	
4A.3 Building design	<p>C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works (refer to Council's Development Application Guide for further detail). C2 The Schedule of Finishes shall consist of samples of materials and corresponding manufacturer's details and product codes. Applicants are to use illustrated elevations to document the location and composition of materials. C3 Materials, colours, architectural details and finishes must be sympathetic to the surrounding locality. C4 The use of materials with different textures such as brickwork, glass, timber weatherboards and iron awnings are to be used to break up uniform buildings. Note: Completely rendered buildings may dominate the street and be out of character with existing development. C5 All materials and finishes must have low reflectivity. C6 The use of dark tinted or reflective glass is not suitable where visible from the street. C10 The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the facade. Colour Schemes C11 New development must incorporate colour schemes that are consistent with the predominant colour schemes in the street. No expansive use of white, light or primary colours which dominate the streetscape are permitted.</p>	<p>External finishes schedule provided</p> <p>Materials have been designed to be sympathetic to surrounding locality (predominantly render and metal cladding) More than one material is used on external walls External materials consistent with the street - there are a range of existing colours in the street</p>	Yes

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4A.3.2 Roofs and attics/dor mers	<p>C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch. Roof pitches are to be between 22.5 degrees and 40 degrees.</p> <p>C2 Flat or skillion roof forms may be located to the rear of a development site provided it is not a corner location and does not detract from the streetscape.</p> <p>C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.</p>	<p>Alternative roof form adopted in accordance with clause C3. Roof form respects the modernist design of the house and is consistent with character of adjoining dwellings where a variety of roof forms exist. Pitched roof would not be consistent with architectural style.</p>	Yes
4A.3.3 Fences	C19 The maximum height of side or rear fences is not to exceed 1.8 metres.	Proposed fencing will not exceed 1.8m in height	Yes
4A.4 Site and building amenity	<p>C1 The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling. Windows are to be located so they do not provide direct or close views into the windows of other dwellings, particularly those of living areas.</p> <p>C2 Visual privacy for adjoining properties must be maximised. A combination of the following measures should be utilised: a. Using windows which are narrow, or glazing which is translucent or obscured; b. Ensuring that windows do not face directly on to the windows, balconies or courtyards of adjoining dwellings; c. Screening opposing windows, balconies and courtyards; d. Increasing sill heights to 1.5 metres above floor level; and/or e. Offset or splay windows to prevent direct overlooking into adjacent buildings (refer Figure 22).</p> <p>C3 First floor balconies are only permitted when adjacent to a bedroom.</p>	<p>All upper storey windows have been designed to minimise overlooking through higher windowsills where near adjoining buildings. Recessed landscaped courtyards proposed.</p> <p>Careful placement of windows and high windowsills have been adopted</p> <p>No first floor balconies proposed</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

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	C6 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 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.	Balconies are ground floor only with minimal overlooking	Yes
4A.4.3 Solar Access	<p>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 to 50% of the primary private open space areas of both the subject site and adjoining properties.</p> <p>C7 Plan Shadow Diagrams (prepared by a suitably qualified person) should identify: (i) True north; (ii) Levels to AHD at the corners of buildings; (iii) Ridge and Ground levels; (iv) Location of adjacent buildings affected by shadow and location living areas and principal open space areas; and (v) The shadows cast by existing and proposed development at 9am, noon and 3pm on 21 June and a calculation comparing the extent of the additional overshadowing.</p>	<p>As shown on shadow diagrams, living rooms and 50% of private open space will achieve greater than 2 hours of solar access on June 21.</p> <p>Shadow diagrams provided show these details</p>	Yes
4A.4.4 Private open space	<p>C1 Each dwelling is to have a private open space that: (i) Has at least one area with a minimum area of 36m²; (ii) Is located at ground level with direct access to the internal living areas of the dwelling; (iii) Maximises solar access; (iv) Is visible from a living room door or window of the subject development; (v) Minimises overlooking from adjacent properties; (vi) Is generally level; (vii) Is oriented to provide for optimal year round use; (viii) Is appropriately landscaped; and (ix) Is located or screened to ensure privacy; Note: Private open space is not to include: (i) Non-recreational structures (including garages, tool sheds and such like structures); (ii) Swimming pools; and (iii) Driveways, turning areas and car spaces, drying areas and pathways.</p> <p>C2 Sites less than 250m² may have a minimum area of 25m².</p> <p>C5 The primary private open space area is to be located at the rear of the property.</p>	Both dwellings have private open space greater than 36m ² with access at ground level from living areas and at the rear of the properties	Yes
4A.4.5 Safety and security	C1 Dwellings must be designed to encourage passive surveillance of the street and comply with Part 3I - Crime Prevention, Safety and Security.	Passive surveillance is promoted through front entries and bedrooms overlooking the street.	Yes
4A.4.6 Excavation	C1 Buildings must not dominate or detract from the natural landform. The siting of buildings should relate to the site's natural context and topographical features.	The proposed development respects the site and	Yes

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	<p>C2 Where steep or sloping sites exist, the building should not protrude from the landscape but should be staggered or stepped into the natural slope of the land.</p> <p>C3 Developments are to avoid the unnecessary use of cut and fill by designing and siting buildings within the natural slope of the land. If cut and fill is required for drainage or other purposes, Council will consider its effect on the streetscape and adjoining properties.</p>	<p>avoids unnecessary cut and fill.</p> <p>The site is relatively flat, minimising the need for cut and fill.</p>	
4A.4.7 Vehicle access	<p>C1 Driveways within a property shall have a minimum width of 3 metres. Note: An additional clearance of 300mm is required (for each side) if the driveway is located adjacent to a solid structure (i.e. masonry wall).</p> <p>C2 The width of the vehicular crossing over the Council's road reserve shall be a minimum of 3 metres for a single garage and a maximum of 5.5 metres for a double garage at the property boundary and at 90° to the kerb.</p> <p>C3 Driveways must be designed to comply with AS2890.1 (also refer to Part 3A - Car Parking).</p> <p>C4 Vehicular crossings shall be sited so that existing street trees, bus stops, bus zones, power lines and other services are not affected.</p> <p>C5 Internal driveways characterised by large expanses of concrete are not permitted. Suitable driveway materials include paving and other textures or coloured surfaces to add visual interest.</p> <p>C6 The number of vehicle crossings is to be limited to one (1) per allotment.</p> <p>C7 Vehicular crossings shall be sited so as minimise any reduction in on-street kerb side parking.</p> <p>C8 The alignment of driveways should where possible, create visual interest and avoid the creation of a "gun barrel" effect.</p> <p>C9 Applications for new dwellings will be conditioned to require the construction or reconstruction of the kerb and gutter, footpath (including pram ramp) and the vehicular crossing along the full site frontage. Costs of such work will be the responsibility of the owner of the development site. For corner lots, if footpath and/or kerb and gutter on are in good condition it may be required that only one street frontage is constructed or reconstructed.</p>	<p>Minimum driveway width 3m including at crossover and complies with AS2890.1</p> <p>Driveway does not affect any existing street trees which can't be replaced or relocated, bus stops or power lines</p> <p>Alternative paving provided for driveways and footpaths, adding to visual interest.</p> <p>One vehicle crossing per allotment proposed</p> <p>Driveways short in length and do not create "gun barrel" effect</p>	Yes

Statement of Environmental Effects
72 Banksia Street Botany

4A.4.8 Car parking	C1 Development must comply with Part 3A - Car Parking. C2 The provision of car parking must reasonably satisfy the needs of current and future residents, but recognise the need to balance car parking access and provision with design, heritage, landscape and streetscape objectives. C4 Car parking structures must be located and designed to: (i) Comply with AS2890.1 and (ii) Conveniently and safely serve all users; (iii) Enable efficient use of car spaces, including adequate manoeuvrability for vehicles between the site and the street; (iv) Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape; (v) Be compatible in scale, form, materials and finishes with the associated dwelling; (vi) Not reduce availability of kerbside parking; (vii) Retain any significant trees; and (viii) Have minimal impact on existing fences and garden areas that contribute to the setting of the associated dwelling and the character of the streetscape.	One space per dwelling provided in accordance with DCP Parking arrangements comply with AS2890.1 and support landscaping within front setback area	Yes
	C8 In new development the garage/carport is to be setback 5.5 metres from the front boundary. This may be difficult for small allotments with a frontage of 12.5 metres or less. In these cases Council will consider whether or not to require a setback of 5.5 metres on merit – this merit based assessment will include whether or not the proposed garage will have a dominant impact on the streetscape. Council will consider alternative design solutions where a double garage on a narrow allotment is proposed. The solution is to ensure that the garage does not dominate the views of the house and streetscape, and does not reduce the attractiveness of the street itself. For further detail on parking on narrow allotments refer to Part 4A.5.9 - Parking on Narrow Lots.	Garages are set back >5.42m from the front boundary.	Yes
	C9 Garages, parking structures (i.e. carports & car spaces) and driveways are not to dominate the street. Note: Existing situations where garages dominate the street may not be used as a precedent to justify approval of other similar proposals. C10 Garages and carports must be designed to be sympathetic to the existing character and design of the dwelling house in terms of roof pitch, materials and features.	Garages and driveways do not dominate the street (behind front bedrooms). Substantial landscaping provided in front setback area.	Yes
	C11 Where parking cannot be provided at the side or rear of a dwelling house, a hardstand area forward of the building alignment which is integrated into the landscape character of the front yard, may be considered by Council. C13 For lots with a width of more than 12.5 metres, the face of the garage and bulkhead in the front elevation is not to exceed 50% of the front elevation of the dwelling. For lots of less than 12.5 metres in width refer to Part 4A.5.9 - Parking for Narrow Lots.	Garages less than 50% of lot width	Yes
	C14 Garages and Carports must be no higher than 3 metres and has a roof form that is appropriate to surrounding developments.	Garage height <3m	Yes
	C15 Cladding must consist of masonry, painted zincalume or similar non reflective materials. These materials must be compatible with the dwelling house and consistent with the character of the immediate environment. C16 Roof cladding must consist of tiles, slates, colourbond sheet metal, painted zincalume, metal or other approved non-reflective roof material. These materials must be compatible	White render and metal roofing proposed	Yes

Statement of Environmental Effects
72 Banksia Street Botany

	<p>with the dwelling house on the site and be consistent with the character of the immediate environment.</p> <p>C17 The colour of roof and wall cladding must generally be of neutral tones, compatible with the dwelling house on the site and environmentally sensitive so as to minimise visual impact on the area.</p> <p>C18 Garages are subject to a stormwater concept plan and stormwater must be collected, piped and drained to the kerb or inter-allotment drainage system and comply with Part 3G - Stormwater Management. Garages are to be used for car parking purposes only and are not to be adapted for residential use.</p> <p>C20 Reflective or smooth materials are not permitted for garage doors. Materials that complement the design and materials of the house are to be used.</p> <p>C21 Garage doors, gates, shutters or grilles shall be setback from the face of the surrounding wall or pier by at least 100mm so that they are not flush with the wall. The colour should be dark and/or complement the colour of the dwelling façade.</p>	<p>All stormwater drainage to be piped to the kerb/gutter</p> <p>Garage door material not reflective</p> <p>Garage doors set back from front of dwellings as bedrooms protrude over</p>	<p>Yes</p> <p>Yes</p>
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Statement of Environmental Effects
72 Banksia Street Botany

4A.4.9 Parking on narrow lots	C1 Double garages (flushed or stepped) will not generally be permitted for development on sites with less than a 12.5 metres frontage due to the impact on the streetscape. Single fronted garages or single carports or a tandem garage only, is to be provided. An example of a tandem garage on a small allotment is illustrated in Figure 25.	One single garage is provided on each lot	Yes
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(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not applicable

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

None applicable

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

The subject site is not known to be affected by a coastal zone management plan within the meaning of the Coastal Protection Act 1979.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed development will not create significant environmental impacts on the natural and built environments. The proposed works will comprise modern, well designed semi-detached dwellings, on a site with a dwelling reaching the end of its life.

The social effect of the development on the wider community will be beneficial in providing new housing for those with a demonstrated housing need.

Economic benefits will occur as a result of the employment of local tradespeople in the construction of the development.

(c) The suitability of the site for the development,

The proposed development is permissible under relevant planning controls; it is compatible with surrounding land uses. The proposed use is consistent with Council's zoning for the property.

(d) any submissions made in accordance with this Act or the regulations,

Consideration will be given to any submissions made as a result of Council's consultation and notification processes.

(e) the public interest.

No adverse impacts relating to the public interest are expected to arise from the proposal. The proposed development aims to provide modern, well-designed housing to replace the existing dwelling on the site that has reached the end of its economic life.

Statement of Environmental Effects
72 Banksia Street Botany

5.0 Other considerations

5.1 Visual Impacts

The development is considered to represent a high visual standard and will not create any visual impacts on surrounding residents. The view of the site from the street will improve as a result of the replacement of an ageing dwelling with two new, modern architecturally designed dwellings.

5.2 Open Space

Useable open space for the development has been provided in accordance with the requirements of the DCP and, having regard to the constraints of the site. Future residents will have access to private open space adjoining the living area of both dwellings at ground level.

5.3 Overshadowing and Privacy

The development will have minimal privacy and overshadowing impacts as the development replaces an existing dwelling and is only two storeys. As demonstrated in the shadow diagrams submitted with the application, adjoining dwellings will receive greater than two hours sunlight to their living rooms and greater than 50% of their private open space on June 21 in accordance with the provisions of the DCP.

5.4 Noise

Usual noise levels associated with building work will be generated within normal working hours during construction of the project, which should have minimal adverse effects. No major plant or equipment is to be installed and noise generated upon completion will be similar to that as existing.

Acceptable noise levels between dwellings will be achieved in accordance with Building Code of Australia requirements for sound an impact transmission.

5.5 Erosion Control Measures

Appropriate measures will be implemented during construction to mitigate against soil erosion and sedimentation. Such measures are set out in the Office of Environment and Heritage's "Managing Urban Stormwater, Soil and Construction" Manual (1998 Edition).

5.6 Economic and Social Impacts

The proposed development is likely to contribute to a range of economic benefits in the Bayside local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services
- local sourcing of construction materials
- the local sourcing of tradesmen and other construction-related professionals
- on-going consumption from new/additional residents
- the reduced maintenance costs of the newer housing
- savings associated with improved energy and water efficiency

Statement of Environmental Effects
72 Banksia Street Botany

The social effect of the development on the wider community will be beneficial in replacing a currently ageing dwelling on the site and providing two new dwellings, allowing the site's continued use for residential purposes.

5.7 Environmental Benefits

The design meets BASIX requirements and the proposal will not increase peak stormwater flows or cause soil erosion or have an adverse impact on the number of trees at the site. There will be no adverse impact in terms of soil contamination or air pollution or on rare or endangered plant or animal species.

5.8 Traffic/parking

Parking capacity on the site will be enhanced through the provision two single garages, replacing the existing single garage. Additional parking would also be available for small cars on the driveway. The overall effect on traffic generation will be minimal and well within the capacity of the surrounding street system.

5.9 Stormwater/flooding

Stormwater from the proposed development will drain to the street as per existing arrangements.

5.10 Subdivision pattern

Figure 5 below shows the other lots in the immediate surroundings of the site. As can be seen in the image, almost all lots in the immediate area have a rectangular shape. With a similar size to that existing.

Despite this, it is reasonable to also note other groups of semi-detached dwellings within the subject block to the east and west on Banksia Street and also to the northeast on Bay Street. These are highlighted in yellow in the figure below.

Statement of Environmental Effects
72 Banksia Street Botany



Figure 5 – Lot layout within immediate block



Figure 6 – Aerial view lot layout immediate block

As illustrated in the images above and in the table below, the relevant subdivision pattern in the vicinity of the site is rectilinear with an average lot size of approximately 500sqm. Some of these have been subdivided lengthways for the creation of semi-detached dwellings. There also exists small lots at the corner of Banksia and Jasmine Streets and along Bay Street to the north-east which are not semidetached dwellings but are single dwellings on small lots.

The proposed subdivision of the existing lot into two smaller lots to accommodate the construction of two semi-detached dwellings is not inconsistent with the existing or future subdivision pattern in the immediate area. The area is undergoing a slow transition, as a number lots containing detached dwelling houses are being subdivided into lots containing two semi-detached dwellings.

Statement of Environmental Effects
72 Banksia Street Botany

The subdivision proposes two lots, with areas of 264.7m² (lot 1) and 265.5m² (lot 2,) with both lots having a frontage of 6.095m.

The table below, in conjunction with the above images, identifies that there are many lots smaller than proposed as part of this application within the immediate block. Below are lots already created as part of semi-detached dwelling developments.

Address	Lot size (m ²)	Variation from smallest lot proposed (m)	Frontage length (m)
60 Banksia Street	252	-12.7	6.09
60A Banksia Street	253	-11.7	6.09
74 Banksia Street	263	-1.7	5.89
76 Banksia Street	261	-3.7	6.30
54 Banksia Street	251	-13.7	6.1
52 Banksia Street	263	-1.7	6.12
169 Bay Street	224	-40.7	6.07
171 Bay Street	220	-44.7	6.1
173 Bay Street	220	-44.7	6.1
175 Bay Street	226	38.7	6.1
177 Bay Street	240	24.7	6.1
179 Bay Street	239	25.7	6.63

Overall, the proposed subdivision is consistent with the existing character of the area and the proposed subdivision is consistent with, or greater in size than other lots created as part of semi-detached dwellings.

Statement of Environmental Effects
72 Banksia Street Botany

6.0 Conclusion

The residential development proposed for the subject site, located at 72 Banksia Street Botany has been considered in terms of the matters for consideration that are contained within Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979* ("the Act").

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of the relevant provisions of the *Botany Bay LEP 2013*, which is the principal environmental planning instrument applicable to the subject site. As such, it is considered to be acceptable in terms of Clauses 4.12(1)(a)(i) and 4.12(1)(a)(ii) of the Act.

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of all the relevant aims, objectives and standards contained within the relevant chapters of the Botany Bay Development Control Plan 2013 and is therefore consistent with Clause 4.12(1)(a)(iii) of the Act.

In addition, the proposed development would have a number of positive effects on both the natural and built environments, as well as a range of social and economic benefits. It is considered unlikely that the proposed development, given its nature, scale and location, would have any detrimental impacts on the built or natural environment or any detrimental social or economic impacts on the surrounding locality. Thus, it is considered to be acceptable in terms of Clause 4.12(1)(b) of the Act.

Further, the subject site, given its location, size and natural features, and given it is not subject to any significant hazards, is considered to be, pursuant to Clause 4.12(1)(c) of the Act, suitable for the proposed development.

The proposed development will provide modern, well-designed housing and replace an ageing dwelling with two modern, well-designed dwellings. The proposed development is clearly in the public interest, and acceptable in terms of Clause 4.12(1)(e) of the Act.

Given the above, the proposed development is worthy of approval, and it is requested that the development application to which this Statement of Environmental Effects relates be approved by Council as submitted.



Bayside Local Planning Panel

14/05/2019

Item No	6.5
Application Type	Section 4.55(1A)
Application No	DA-2017/227/A
Lodgement Date	28/03/2019
Property	6-8 Cecil Street, Monterey
Ward	Botany Bay
Owner	Maxhugo Pty Ltd
Applicant	Design Studio 407
Proposal	Modification to widen lift well and other changes to satisfy building regulation requirements
No. of Submissions	Nil
Cost of Development	\$2,388,892.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That the Bayside Local Planning Panel resolve pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, to modify Development Consent No. DA-2017/227 to widen lift well and other changes to satisfy building regulation requirements at 6-8 Cecil Street, Monterey be APPROVED and the consent amended in the following manner:

- 1 Modify condition no. 2 to refer to the amended plans.
 - 2 Modify condition no 24 to read as follows:
 24. *All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. The fire booster valves shall be located in accordance with the public domain plan. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.*
-

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Amended Statement of Environmental Effects [↓](#)
- 3 Amended Site Plan [↓](#)
- 4 North & South Elevation [↓](#)
- 5 East & West Elevations [↓](#)
- 6 Domain Plan [↓](#)
- 7 Accessibility Statement [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/227/A
Date of Receipt:	14 February 2019
Property:	6 Cecil Street, MONTEREY (Lot 31 Sec1 DP 736), (Lot 32 Sec1 DP 736) 8 Cecil Street, MONTEREY (Lot 30 Sec1 DP 736)
Owner(s):	Maxhugo Pty Ltd
Applicant:	Design Studio 407
Proposal:	6 & 8 Cecil Street, Monterey NSW 2217 - Modification to widen lift well and other changes to satisfy building regulation requirements
Recommendation:	Approved
No. of submissions:	N/A.
Author:	Eric Alessi
Date of Report:	9 April 2019

Key Issues

There are no pertinent issues related to this application.

Recommendation

It is RECOMMENDED that the Bayside Planning Panel resolve pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, to modify Development Consent No. 2017/227 to widen lift well and other changes to satisfy building regulation requirements at 6 - 8 Cecil Street, Monterey be APPROVED and the consent amended in the following manner:

Modify condition no. 2 to refer to the amended plans.

Modify condition 24 as follows:

24. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. The fire booster valves shall be located in accordance with the public domain plan. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

Background

History

The following application has previously been considered on the site:

- DA-2017/227 for the *Construction of a four (4) storey residential flat building comprising nine (9) residential units, basement carparking and demolition of existing buildings* approved on 24.10.2017

This application is a modification to the above application.

Proposal

The Statement of Environmental Effects list the proposed modifications as follows:

- The lift-well has been amended to meet BCA requirements for stretcher and wheelchair access.
- Provision of pump room and access stairs.
- Individual store rooms have been reconfigured.
- Driveway amended to incorporate the DA conditions of approval (landscape buffer).
- Additional structural columns to comply with engineering requirements.
- Overall RL's have been amended to meet the requirements of structural design. (Note: These have been absorbed within the building envelope retaining the approved overall height RL's have been maintained).
- The building envelope has been increased in length by 55 mm to accommodate the internal changes to lift and stairwell.

According to the statement by the applicant, the reasons for the modifications to the plans are to comply with the development consent conditions of approval, and to meet Building Code of Australia requirements with respect to essential services and accessibility for the development.

Additional information was received on the 26th March. The plans made the following additional changes:

- Stairwells have been amended to satisfy BCA and new RL amendments.
- Lift dimensions have been changed to comply with Australian Standards and Building Code of Australia requirements.
- Additional ramps introduced to the ground floor to comply with Access requirements.
- Change in RL level for ground level from RL 5.66 to RL 5.9 and change in level of courtyards from RL 5.56 to RL 5.80
- Change in floor levels.
- Change in the basement level from RL 2.550 to RL 2.950.
- Removal of fencing along driveway.
- Change in driveway ramp profile.

The revised Statement of Environmental Effects gives the following reasons for the modifications:

- Compliance with Essential Services (Electrical, Hydraulic and Fire Services).
- BCA Requirements.
- Structural Design requirements.
- DA Conditions of approval.

Site location and context

The subject site is known as Lot 30, Lot 31 and 32 Section 1 DP 736 6 - 8 Cecil Street Monterey. The site is rectangular in shape with a total site area is 797 square metres. The front and rear boundaries are 20.115 metres in width and the side boundaries are 39.625 metres deep. The allotment is generally flat but falls slightly from the street.

Construction towards the approved four (4) storey residential flat building has taken place at the time of lodgement of the application.

The site is situated in a transition area between high density development and low density development with the site being located on the boundary of the R4 High Density Residential zone and a R3 Medium Density Residential zone. Land located east of the site is fully developed with residential flat building between three (3) and four (4) storeys in height. Land located directly west of the site is characterised by low density residential development with single and double storey detached dwellings.

One Crepe Myrtle tree is adjacent to the eastern boundary.

Statutory Considerations*Environmental Planning and Assessment Act, 1979*

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

S4.55 (1A) - Modification

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

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

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

Comment: The proposed modifications are minor in nature, including minor alterations to meet BCA requirements by amending the size of the lift well, provision of pump room and access stairs as well as other minor amendments as discussed in this report. In this regard, the proposed modifications are of minimal environmental impact.

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

Comment: The application is only for minor modifications to the development consent. The proposal remains as previously approved, namely a four storey residential flat building. 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

Comment: The application did not require notification in accordance with part 8 of the Development Control Plan. This is discussed in part 4.15(d) below.

- 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: The Development Control Plan states that for Section 96(1A) applications (now 4.55(1A)) notification is to be determined by the assessment officer having regard to potential impact. The changes in the proposal primarily relate to internal changes relating to access. Changes to the curtilage of the building is minor being limited to increasing the length of the rear wall by 55 mm. It is considered that there are no potential impacts as a result of the modification.

The proposal complies with Section 4.55(1A) of the Environmental Planning and Assessment Act.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

A BASIX certificate has been provided for the building. The certificate number is 785894M. The proposal as amended remains consistent with the specifications contained within the BASIX.

State Environmental Planning Policy (Infrastructure) 2007

Consideration has been given to the provisions of State Environmental Planning Policy (Infrastructure) and it is considered that the proposal remains consistent with all of the provisions.

State Environmental Planning Policy No 55—Remediation of Land

The changes do not make it necessary the reassessment of contamination on the site.

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

The provision of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development was considered in the initial assessment of the proposal. The changes in the augmented proposal do not relate with any of the design principles contained within the guide and accordingly the proposal is considered to remain consistent with the SEPP.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
5.1 R4 High Density Residential	Yes	Yes - see discussion
5.1A Development on land intended to be acquired for a public purpose	Yes	Yes - see discussion
5.6 Architectural roof features	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 4	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R4 High Density Residential

The subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). There are no changes which suggest a different use is intended, namely a Residential Flat Building.

2.7 Demolition requires consent

Demolition for the existing building work was considered in the approval for the residential flat building. There is no additional demolition work as a result of the modification.

4.3 Height of buildings

The approved height of the building is RL 18.7 metres or 13.3 metres above the existing ground level at the top of the lift overrun. The modification makes no changes to the approved building height.

4.4 Floor space ratio - Residential zones

The approved gross floor area is 710.6 square metres of over a site area of 797 square metres, equating to a Floor Space Ratio of 0.9:1. A measurement of the floor area in the submitted floor plans has resulted in a gross floor area of 691.3 square metres. The lift well has been excluded from the area included in the gross floor area in accordance with the definition contained within the Rockdale Local Environmental Plan 2011 which excludes any 'area for common vertical circulation, such as lifts and stairs'. The modification does not increase the gross floor area, and the resulting Floor Space Ratio will remain 0.9:1 which is under the maximum permissible floor space ratio of 1:1.

4.6 Exceptions to development standards

The modification does not include a 4.6 variation.

5.1 R4 High Density Residential

There is no part of the modification which suggests that the intended uses if to vary from the approved use, namely a residential flat building. The proposal is permissible with consent in the R4 - High Density Residential zone.

5.1A Development on land intended to be acquired for a public purpose

The front of the property contains a reservation adjacent to Cecil Street intended to be reserved for the purpose of road widening. As a condition of the development consent this land was required to be dedicated to Council with the kerb widened for the portion of the land reservation. Condition 43 requires that prior to the issue of the Construction Certificate engineering plans are to be provided which show that a new kerb and gutter be constructed aligning with the existing kerb and gutter at 15 Cecil Street. The modified plans show the kerb and gutter being reconstructed to align with the existing kerb at 15 Cecil Street and the front of the allotment dedicated to the purpose of road widening.

The modification is consistent with clause 5.1A - Development on land intended to be acquired for a public purpose.

5.6 Architectural roof features

There are no architectural roof features in the modification.

6.1 Acid Sulfate Soil - Class 4

Acid Sulfate Soils (ASS) – Class 4 affects the property. An Acid Sulfate Soils Assessment by Morrow Geotechnics Pty Ltd was provided and this was reviewed in the consent for the residential flat building. The report concluded that *'screening of soil samples from the investigation does not indicate the presence of either actual acid sulphate or potential acid sulfate soils and an Acid Sulfate Soil Management Plan is not required for development at the site'*. The modification makes no changes to the excavations for the basement which is 2.7 metres below the existing ground level. As the modification does not involve any excavations that are deeper than that investigated in the Acid Sulfate Soils assessment the findings of the report are suitable for the augmented design of the building.

6.2 Earthworks

Additional earthworks are limited to minor changes in the driveway profile.

6.4 Airspace operations

There is no increase in overall height of the building.

6.7 Stormwater

The proposed roof and hardstand areas remain generally the same in the augmented plans. Therefore it is not considered necessary to augment the approved stormwater plans for the modification.

6.12 Essential services

Services will generally be available on the site. Additional conditions which were incorporated in the development consent requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site remain.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.3 Water Management	Yes	Yes - see discussion
4.1.3 Groundwater Protection	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Residential flat buildings	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.2 Streetscape and Site Context - Fencing	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design - Residential Flat Buildings	Yes	Yes - see discussion
4.3.2 Private Open Space - Residential Flat Building/Shoptop housing	Yes	Yes - see discussion
4.3.3 Communal Open Space	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes - see discussion
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates Residential Flat Buildings	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes - see discussion
4.6 Basement Parking - General	Yes	Yes - see discussion
4.6 Driveway Widths	Yes	Yes - see discussion
4.6 Basement Parking - Residential Flat Buildings	Yes	Yes - see discussion
4.6 Access to Parking	Yes	Yes - see discussion
4.6 Car Wash Facilities	Yes	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Storage Areas	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes - see discussion
5.2 RFB - Site Coverage	Yes	Yes - see discussion
5.2 RFB Front Setback	Yes	Yes - see discussion
5.2 RFB - Side Setbacks	Yes	Yes - see discussion
5.2 RFB - Rear Setbacks	Yes	Yes - see discussion
5.2 RFB - Apartment Size	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
5.2 RFB - Building Design	Yes	Yes - see discussion
5.2 RFB - Building Entry	Yes	Yes - see discussion
5.2 RFB - Lift Size and Access	Yes	Yes - see discussion

4.1.1 Views and Vista

The issue of view loss was considered in the approval for the residential flat building and an assessment was made against the principles set out in *Tenacity Consulting v Warringah Council*. The proposal was found to be consistent with the principles. The modification only includes a minor variation to the bulk in the building by increasing the length by 55 mm. The minor increase in the bulk of the building will not result in any tangible impact on views from adjacent buildings.

4.1.3 Water Management

No changes to the stormwater system is included in the modification.

4.1.3 Groundwater Protection

Potential impacts on groundwater was considered in the consent for the residential flat building. There are no changes to the depth of the basement. The modification is not anticipated to result in additional impacts on groundwater.

4.1.4 Soil Management

A Soil & Water Management Plan was prepared for the consent for the residential flat building. The plan remains relevant to the modified consent. A condition requiring compliance with the Soil Management Plan has been maintained.

4.1.7 Tree Preservation

The augmented consent will not require the removal, pruning, cutting down or lopping of any additional tree.

4.1.9 Lot size and Site Consolidation - Residential flat buildings

There are no changes in the modification which suggest that the lot width and size is not suitable.

4.2 Streetscape and Site Context - General

There are no changes to the general design of the building. The modification represents a minor augmentation of the existing building form. There will be no changes in the appearance of the building from the street.

4.2 Streetscape and Site Context - Fencing

The western and eastern elevation shows that the fence at the front is to be reduced in length to accommodate the widening of Cecil Street at the front. The proposed fencing remains consistent with the objectives of this section.

4.3.1 Open Space and Landscape Design - Residential Flat Buildings

The objectives of this section area as follows:

- A. To conserve significant natural features of the site, including existing mature trees and vegetation*
- B. To protect and enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.*

- C. To promote energy efficiency, conserve natural resources and contribute to ecological sustainability*
- D. To provide privacy and enhance environmental amenity*
- E. To enhance the existing streetscape and promote a scale and density of planting that is appropriate to the surrounding built form.*
- F. To enhance stormwater management and water quality by incorporating Water Sensitive Urban Design (WSUD) principles into the landscape design*
- G. To apply the principles of Crime Prevention Through Environmental Design (CPTED)*
- H. To promote quality landscape design solutions that do not rely on high levels of maintenance*
- I. To ensure that the location and use of swimming and spa pools does not have a detrimental impact on the amenity of private and public space*

The modification retains an area of landscaping of 202 square metres over a site area of 766 square metres or 26% of the site, with the area reserved for road widening at the front not being included in the total site area. The approved residential flat building has a total area of landscaping of 227.7 square metres or 29.6% of the site. The modified consent will result in a reduction of landscaping of 25.7 square metres. The reduced landscaped area is a result of the addition of a concrete ramp along the eastern boundary to provide access to the communal open space at the rear. This is required by the access report. There is an increase in landscaping along the southern boundary adjacent to the driveway as the plans have been modified to comply with condition 29 of the consent.

The minimum required area of landscaping under part 4.3.1 of the Rockdale Development Control Plan is 15% of the site area. The modification meets the minimum required landscaped area notwithstanding the reduction in landscaped area.

4.3.2 Private Open Space - Residential Flat Building/Shoptop housing

The modification makes no changes to the area of balconies or ground floor terraces.

4.3.3 Communal Open Space

The modification maintains the approved area of private open space at the rear.

4.4.1 Energy Efficiency - Residential

A BASIX Certificate has been submitted and approved for the proposed development.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

The change in the bulk in the building is limited to extending the building 55mm to the southern boundary. Given the minor change in the bulk of the building it is not anticipated there will be any material increase in overshadowing to neighbouring dwellings.

4.4.3 Natural Lighting and Ventilation - Residential

Revised section plans have been provided for the residential flat building. The floor to ceiling height in the approved residential flat building are between 3.2 metres and 2.7 metres. The section plans show that the floor to ceiling heights are to be reduced to between 2.855 and 2.860 metres in height. All floor to ceiling heights are above the minimum required ceiling height of 2.7 metres.

4.4.4 Glazing - General Controls

The modification does not include the removal of any awnings, eaves, louvres, sunshades or changes in any glazing. The building remains compliant with part 4.4.4 Glazing.

4.4.5 Visual privacy

Condition 21 of the development consent required revised elevation plans to be submitted and approved by Council showing privacy screens on the western elevation. The screen area is to encompass the whole length of the balconies on the western elevation. The elevation plans provided in the modified consent show louvres covering the full length of the balconies on the western elevation.

The height of the ground floor section of the building is proposed to increase from 5.4 AHD to 5.655 AHD, an increase in height of 155 mm. It is not anticipated that the change in ground floor will result in any additional overlooking to adjoining dwellings. The terrace areas are setback from side boundaries a distance of 1.5 metres. In addition there are planter garden beds along the boundaries to prevent direct access to the side boundaries.

The modification will not result in adverse privacy impact to neighbouring dwellings.

4.4.5 Acoustic privacy

No changes are considered to impact on the acoustic privacy to within the building or to adjoining dwellings.

4.4.7 Wind Impact

There are no significant changes to the height, or bulk and scale of the development and accordingly it is considered that there will be no additional adverse wind condition impacts.

4.5.1 Social Equity - Housing Diversity and Choice

The modification maintains two (2) accessible units.

4.5.2 Social Equity - Equitable Access

The proposed residential flat building development was accompanied by an Access Compliance Assessment Report prepared by Visionary Access Consulting (dated 28/06/2017). The report provided recommendations which enable the proposal to comply with the BCA, the Premises Standards and relevant Australian Standards. None of the changes in the modification conflict or render obsolete any of the recommendations contained within the report.

4.6 Parking Rates Residential Flat Buildings

The modification makes no changes in the basement parking layout. The number of parking spaces remains as approved.

4.6 Car Park Location and Design

There are no changes to the car parking location or design with the exception of minor changes in the driveway profile.

4.6 Vehicles Enter and Exit in a Forward Direction

The original application was accompanied by a sweep path analysis which showed that vehicles can enter and exit in a forward direction. The amended proposal does not change the layout of basement parking.

4.6 Basement Parking - General

The proposal includes minor changes in the height of the ground floor level which protrudes above the basement car-park. The height increases from RL 5.655 to RL 5.910. The basement protrudes a maximum of 0.93 metres above the existing natural ground level at the rear.

4.6 Driveway Widths

There is no change in the proposed driveway width.

4.6 Basement Parking - Residential Flat Buildings

All vehicular parking remains within the basement.

4.6 Access to Parking

There are no changes to the general parking layout.

4.6 Car Wash Facilities

The Car Wash bay remains in the augmented plans.

4.6 Pedestrian Access and Sustainable Transport

There are no changes to the pedestrian access.

4.7 Air Conditioning and Communication Structures

No air-conditioning is proposed to be located within the front setback.

4.7 Waste Storage and Recycling Facilities

There are no changes to the location of waste storage.

4.7 Laundry Facilities and Drying Areas

There are no changes to laundry facilities or drying areas.

4.7 Letterboxes

There are no changes in the location of letterboxes. Elevation plans for the letterboxes have been provided in the amended plans.

4.7 Storage Areas

There are minor changes in the dimensions for unit 8 and unit 9 storage room. Both rooms maintain at least 10m³ of storage.

4.7 Hot Water Systems

Existing conditions in relation to hot water systems will be retained in the consent.

5.2 RFB - Site Coverage

The site coverage for the building has been calculated to be 232.1 square metres over a site area of 797 square metres. This equates to a site coverage of 29.1%.

5.2 RFB Front Setback

There are no changes in the front setback in the augmented plans.

5.2 RFB - Side Setbacks

There are no changes in side setbacks in the augmented plans.

5.2 RFB - Rear Setbacks

There is a minor decrease in the rear setback needed to incorporate the changes required to meet the BCA.

5.2 RFB - Apartment Size

There are no changes to any of the apartment sizes.

5.2 RFB - Building Design

There are no changes in the design of the flat building including balconies, glazing, building materials or scale of the building.

The consent included a condition which required the fire booster valves at the front of the property to be parallel to the driveway. The condition is as follows:

All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building. The fire booster valves shall be located parallel to the wall west to the driveway ramp. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

The applicant has submitted a letter from traffic engineers stating that AS2890.1:2004 - Off-Street car parking requires a minimum 2.5m length by 2m width pedestrian sight triangle to be clear of any obstructions to visibility. Accordingly the booster valve cannot be parallel to the driveway as required by the condition above. The condition is to be modified in consideration of the above.

5.2 RFB - Building Entry

There are no changes in the design of the building entry.

5.2 RFB - Lift Size and Access

The size of the lift well has been increased to meet the BCA requirements. The dimensions of the lift overrun has been increased from 1.8 x 2.3 metres to 2.4 x 2.1 metres.

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

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

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

The relevant matters pertaining to the likely impacts of the development have been assessed under the original proposal. There are no further matters raised in this application that would alter the conclusions reached in the original assessment.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. 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)(d) - Public submissions

Part 8 Notification of the Rockdale Development Control Plan 2011 stipulates the type of notification

required for development applications. The application is an amendment application under section 4.55(1a) of the Environmental Planning and Assessment Act (formally Section 96(1a)). For this type of development notification is to be determined by the development assessment officer having regard to the potential impact.

The development assessment officer has assessed the proposed modification and has determined that the nature of the proposed changes have no impact on adjoining properties. There are no changes to the bulk of the building with the exception of a minor increase in length of the building envelope by 55 mm. There are no changes in the overall height of the building, the building form including changes to fenestration, balcony areas, terraces and the like.

In consideration of the above the potential impacts of the modification do not require notification in accordance with Part 8 of the Rockdale Development Control Plan.

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

It is not anticipated that the minor changes will change the cost of works therefore augmentation of the existing 7.11 fee is not considered necessary.

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

There are no changes in the building height therefore it is anticipated that the proposal will continue to comply with the maximum height stipulated by the Civil Aviation Regulations.

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
12, Issue M (Domain Plan)	Design Studio	07.03.2019	28.03.2019
10, Issue M (Window Schedule, Door Schedule, BASIX Requirements, Schedule of Finishes)	Design Studio	07.03.2019	28.03.2019
09, Issue M (Section AA, Section BB, Driveway Details, Letterbox Details)	Design Studio	07.03.2019	28.03.2019
08, Issue M (East Elevation, West Elevation)	Design Studio	07.03.2019	28.03.2019
07, Issue M (North Elevation, Streetscape Analysis, South Elevation)	Design Studio	07.03.2019	28.03.2019
06, Issue M (Proposed Roof Plan)	Design Studio	07.03.2019	28.03.2019
05, Issue M (Level 2 & 3 Floor Plan)	Design Studio	07.03.2019	28.03.2019
04, Issue M (Ground & 1ST Floor Plan)	Design Studio	07.03.2019	28.03.2019
03, Issue M (Basement Floor Plan)	Design Studio	07.03.2019	28.03.2019
02, Issue M (Proposed Site Plan)	Design Studio	07.03.2019	28.03.2019
01, Issue M (Demolition Plan/Construction Management Plan)	Design Studio	07.13.2019	28.03.2019

[Amendment A - S96(1A) amended on 02/03/2019]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter

maintained in accordance with BASIX Certificate Number (823147S) 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 balconies 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. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
9. 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 apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Studio apartments, 1 bedroom apartments and 2 bedroom apartments 1 space per apartment
3 bedroom apartments 2 spaces per apartment

Non-Allocated Spaces

Residential Visitor Spaces 2 spaces
(incorporating 1 car wash bay)

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. 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.

12. 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.
13. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

 - (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
14. 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.
15. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.

16. Temporary dewatering of the site to construct the subsurface structure is not permitted without approval from Council with a dewatering permit application.
17. 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.
18. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
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. Revised elevation plans shall be submitted to and approved by Council prior to the issue of a Construction Certificate showing privacy screens to balconies on the western elevation. The screens are to encompass the whole length of the balconies on the western elevation. Privacy screens are not to be removed without prior Council consent.
22. 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.
23. Hot and cold water hose cocks shall be installed to the garbage room.
24. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. The fire booster valves shall be located in accordance with the public domain plan. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

[Amendment A - S96(1A) amended on 02/03/2019]

25. All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
26. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
27. The approved completed landscape works shall be maintained for a period not less than 12 months.

On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

Maintenance should encompass;**Planting**

All trees over 300mm pot size must follow council requirements and be inspected prior to planting. Tubestock not permitted, smallest pot size is 140mm.

a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No. 2. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer.

b) Stakes and Ties

Provide 2 Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 2200mm x 50mm x 50mm Hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

d) Mulch

Mulch should be spread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant. There shall be no mixing of soil and mulch material.

Planting Maintenance

Protection of works: provide any fencing or barriers necessary to protect the planting from damage throughout the planting establishment period.

Recurrent works: throughout the planting maintenance period, continue to carry out recurrent works of a maintenance nature all to the extent required to ensure that the plants are in the best possible condition at the end of the planting maintenance period. These activities are including but not limited to: weeding, rubbish removal, fertilizing, pest and disease control, adjust / replace stakes and ties topping up mulch, cultivating, pruning, keeping the site neat and tidy.

Replacements: the contractor is responsible for the replacement of failed, damaged or stolen trees, shrubs and groundcovers throughout the planting establishment period.

28. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
29. Before the Issuing of the Occupation Certificate

Two (2) street trees are required to be planted in Cecil Street - *Eucalyptus ficifolia* (Red Flowering Gum) in minimum 75 litre pots.

 - 2 x Street Trees - *Eucalyptus ficifolia* (Red Flowering Gum) minimum height 1.4 metres and pot size 45-75 litre, shall be installed in the Cecil Street nature strip at 7 metre centres by a qualified landscape contractor.
 - A Dial-Before-You-Dig enquiry is required prior to all tree planting.
 - The trees shall be planted in an area measuring 1 metre square, backfilled with imported soil/compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm. The trees are to be staked in accordance with Council's Landscape DCP recommendations.
 - Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post planting.
 - The Applicant is required to obtain a Council inspection of new trees prior to the maintenance period commencing.
 - Verge plantings of low shrubs and groundcovers. Species should consist of Dianellas, Lomandras, native grasses and groundcovers such as Brachyscome multifida and Chryscephalum apiculatum.
30. The following amendments or replacements on the Landscape Plan shall be shown on the landscape plan prior to the issue of the Construction Certificate:

Magnolia × soulangeana to be replaced with Syncarpia glommifera
 No of Eucalyptus haemostoma to be updated on Plant Schedule from 6 to 4.
 Viburnum odoratissimum to be replaced with Syzigium 'Winter Lights'
 Pittosporum 'Miss Muffet' to be replaced with Eriostemon myoporoides.
 Nandina 'Gulf Stream' to be replaced with Xanthostemon 'Little Goldie'
 A revised landscape plan is required to provide the 2 Street trees as requested.

A revised landscape plan is to be submitted to and approved by Council with the following modifications prior to the issuing of the Construction Certificate:

A landscaped buffer is to be provided along the length of the driveway from the fire booster to the southern wall of the driveway. The buffer is to be a minimum 1.6 metres in width. The Southern portion is maintain a consistent height with the planter garden along the western boundary.

All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an on site detention system.

The landscaped buffer is to feature appropriate screening vegetation in accordance with the plant list in Council's Technical Specification Landscape.

Vegetation is to be located an appropriate distance from the western side

boundary.

Turf use

The Zoysia 'Nara' is the preferred variety is to be used in the Communal area as this selection of materials can reduce maintenance requirements and prefers low light levels.

Communal private open space

The Turfed area around the 'Seating Area' should be mass planted with the use of indigenous plants, mulched areas, minimal lawns, grouping plants with similar water needs, garden edging, gravels and groundcover plants instead of grass all reduce future maintenance (TS Landscape) Public domain Paved areas around boundary are required to be porous. The provision of a BBQ and shaded structure would assist in the amenity to the residents, along with a bin. The Landscape Plan requires an update prior to CC.

Details of shade structure should be provided on a Landscape Plan.

Planter boxes constructed on slab

Planter boxes constructed over a concrete slab shall follow DCP and Council Requirements and comply with AS 4419 and AS 3743.

31. The proposal is to incorporate the recommendation contained within the DA Access Report for 6-8 Cecil Street Monterey prepared by Visionary Access Consulting dated 28.06.2017 (Project Number: DS407-02-16)
32. The proposal is to be constructed in accordance with the recommendations set out in the Acoustic Assessment for no. 6-8 Cecil Street, Monterey prepared by Koikas Acoustics dated 01.12.2016
33. The wall along the western boundary is to be reduced to a maximum height of 1.8 metres (as measured from the existing ground level).

Prior to issue of the construction certificate

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

34. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$8300.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.

iii. A Soil and Water Management Sign of \$17.50.

35. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
36. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) and Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
37. A Section 94 contribution of \$45,952.52 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Child Care	\$187.22
Community Services	\$200.58
Library Services	\$2710.37
Brighton Regional Open Space Fund	\$5021.92
Brighton City Wide Open Space Fund	\$7942.94
Brighton Local Open Space Fund	\$23846.19
Brighton Local TC & Streetscape	\$278.32
Brighton City Wide TC & Streetscape	\$892.72
Brighton Pollution Control Management	\$4594.54
Brighton Admin & Mgt	\$277.72

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

38. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
39. 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.
40. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

41. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

The relocation of the existing electricity supply pole in the road reserve at Cecil, is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Ausgrid Australia. The applicant shall enter into a contract with Ausgrid for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

42. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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

43. Detail civil engineering plans and certification from a professional chartered engineer shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:

The following works will be required to be undertaken in the road reserve at the applicant's expense:

- (i). Remove existing kerb and gutter, driveway entry, layback which no longer be required.
 - (ii). Relocate existing power pole.
 - (iii). Construct new kerb and gutter aligning with existing kerb and gutter at 15 Cecil Street, Monterey property.
 - (iv). Construct 1.5m wide concrete footpath along the whole frontage.
 - (v) construction of a new fully constructed concrete vehicular entrance/s;
 - (vi). Widen road pavement from the existing edge of bitumen to new kerb and gutter location including base & subbase courses and appropriate pavement ties.
 - (vii). Make smooth connection between the new and existing pavement.
44. 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.
 45. Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. Basement wall adjacent to the proposed absorption tank system shall be tanked upto the ground level. Subsoil drainage around the subsurface structure must allow free movement of

groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

46. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
47. Any part of the proposed building within 3m of the proposed absorption tank shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
48. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
49. 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.

Stormwater plan to be amended as following but not limited to:

- Absorption tank to have minimum 1.5m setback from the rear boundary and 2m setback from the side boundary.
- Basement wall adjacent to the absorption tank (southern side) system to be tanked fully upto the ground level. (reason: absorption tank system within 1.5m from the basement wall may cause seepage through the wall)

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.

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

Copies of the WZTMP shall be submitted to Council

51. A qualified practicing geotechnical engineer must;

- (a) Implement all recommendations contained in the report prepared by Morrow Geotechnics Pty Ltd , dated 22/11/2016, report ref no. P1178_01.
- (b) Provide a certificate that the structural design drawings, including the retaining structure design and other relevant construction certificate plans are satisfactory from a geotechnical perspective.
- (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.
- (d) Prepare critical stage inspection schedule, supervise installation of support measures & inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
- (e) Inspect all new footings and earthworks to confirm compliance to design assumptions with respect to allowable bearing pressure, basal cleanness and stability prior to the placement of steel or concrete,

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

52. Architectural plans to be amended to reflect following requirement:

- (i). Swept path analysis (using Autoturn software) shall be provided (for B99 vehicle) for all parking spaces and demonstrate area required to manoeuvre vehicle in and out from the site and parking spaces.
- (ii). Fence height to be maximum 1.2m adjacent to the driveway access and landscaping area adjacent to the driveway shall not obstruct the sight lines for vehicle entering and existing the site.
- (iii). 1 visitor space to be shared for the use as a loading and unloading purpose with a VAN spaces. Car wash bay to be shared with visitor space. Signage to be installed in the wall adjacent to these car spaces.

53. Detail civil engineering plans and certification from a professional chartered engineer shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:

The following works will be required to be undertaken in the road reserve at the applicant's expense:

- (i). Remove existing kerb and gutter, driveway entry, layback which no longer required;
- (ii). Relocate existing power pole;
- (iii). Construct new kerb and gutter aligning with existing kerb and gutter at 15 Cecil Street, Monterey;
- (iv). Construct 1.5 wide concrete footpath along the whole frontage;
- (v). Construction of a new fully constructed concrete vehicular entrances/s;
- (vi). Widen road pavement from the existing edge of bitumen to new kerb and gutter location including base & subbase courses and appropriate pavement ties.
- (vii). Make smooth connection between the new and existing pavement.

Prior to commencement of works

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

54. Prior to the issue of any Construction Certificate a dilapidation report of the adjoining dwellings (10 Cecil Street, 1-5 Cecil Street), including a photographic survey prepared by a Practising Structural Engineer, must be prepared in respect of the property known 10 Cecil Street, 1-5 Cecil Street, Monterey. A copy of the dilapidation report together with the accompanying photographs shall be provided to the above property owner/s of 10 Cecil Street, 1-5 Cecil Street, Monterey. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey to the Accredited Certifier (AC) or Council prior to commencement of works. The insurance cover shall be a minimum of \$10 million.

55. 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.

56. 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.
- Copies of the CMP and TMP shall be submitted to Council.

57. 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 meaning 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.

58. 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.
59. 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.
- 60. 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.
- 61. 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.
- 62. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
- 63. 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.
- 64. **Vibration monitoring**

Prior to the commencement of works 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.

65. Prior to works commencing, a photographic record of the existing dwellings shall be carried out and lodged with the Local History Librarian at Rockdale City Library. This photographic record shall be submitted in electronic form on a USB, CD or DVD, containing the following:
- i) a layout plan of the existing building, to 1:100 scale, identifying rooms and features shown in the photographs and indicating on the plan where each photo was taken from;
 - ii) colour photographs of the interior, exterior and streetscape view of the building. Interior and exterior photographs should include any original features, decorations or fittings. Photographs must be in either TIFF or JPEG format with a minimum resolution of 4 megapixels. Each photograph must be file-named to describe it and indicate its location.

Where an oral history interview is considered appropriate it shall be carried out by the Local History Librarian.

66. 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.
67. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.
Copies of the CMP shall be submitted to Council.

During demolition / excavation / construction

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

68. 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.
69. 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.
70. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and

- iii. prior to covering any stormwater drainage connections, and
- iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

71. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

72. 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.

73. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
74. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
75. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

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

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

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

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

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

76. 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.
77. 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.
78. 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.
79. 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.
80. All existing trees located within the site may be removed.

Prior to issue of occupation certificate or commencement of use

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

81. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
82. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
83. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
84. 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.
85. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied 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.
86. Lot 30 Section 1 DP 736, Lot 31 Section 1 DP 736, Lot 32 Section 1 DP 736 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.
87. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
88. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
89. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's

requirements shall be met prior to release of the issue of the Occupation Certificate.

90. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
91. 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.
92. The width of the driveway shall be a minimum of 3.6 metres and a maximum of 4.5 metres at the boundary.
93. A convex mirror is to be installed at the entry to the basement to provide increased sight distance for vehicles entering and exiting the basement.
94. The dedication to Council of a 1.5m for road widening purposes. Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
95. 1 bollard to be installed by the Developer at shared area dedicated to the disabled car space at the basement.
96. 12 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
97. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

98. 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.
99. 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.
100. A certificate is to be provided to Council that all wet areas have been effectively

- waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
101. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
 102. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
 103. 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.
 104. 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.
 105. 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.
 106. 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.
 107. 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.

108. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. All the critical stage inspection certificate/report as was identified by the Geotechnical Engineer at construction stage to be included within this certificate. Geotechnical Engineer to also review completed works and dilapidation report to ensure no impact to adjoining structures have been created by site works and that all required stabilisation and drainage measures are in place.

Above certificate/s & documentation shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

Roads Act

109. 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.

110. The following works will be required to be undertaken in the road reserve at the applicant's expense:
- (i). Remove existing kerb and gutter, driveway entry, layback which no longer be required.
 - (ii). Relocate existing power pole.
 - (iii). Construct new kerb and gutter aligning with existing kerb and gutter at 15 Cecil Street, Monterey property.
 - (iv). Construct 1.5m wide concrete footpath along the whole frontage.
 - (v) construction of a new fully constructed concrete vehicular entrance/s;
 - (vi). Widen road pavement from the existing edge of bitumen to new kerb and gutter location including base & subbase courses and appropriate pavement ties.
 - (vii). Make smooth connection between the new and existing pavement.

Detail civil engineering plans to reflect above requirement and certification from a professional chartered engineer shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993.

111. 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.
112. 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.

113. 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.
114. 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.
115. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

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

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

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

- e. Section 88E Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011

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

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

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

**REVISED STATEMENT OF ENVIRONMENTAL
EFFECTS**

S.4.55 (1A) MODIFICATION TO DA-2017/227

AT

6-8 CECIL STREET, MONTEREY

PREPARED BY:

**DESIGN STUDIO 407
ARCHITECTS
Level 1,
222 Homer Street,
Earlwood NSW 2206**

TEL: 9558 8944

STATEMENT OF ENVIRONMENTAL EFFECTS

1. Introduction:

- (a) This Statement of Environmental Effects (SEE) is provided in support of a Section 4.55(1A) Modification in relation to the approved Development Application (DA) for the demolition of all existing structures and the construction of a four storey residential flat building comprising of 9 residential units with basement parking.
- (b) Works on site have commenced on site under a Stage 1 CC for site preparation and bulk excavation only, including boring and piling. This CC has been issued by Building Certificates Australia Pty Ltd – CC 18/007/01.
- (c) Whilst preparing documentation for issue of Stage 2 CC the documentation has had to be amended to comply with DA Conditions of Approval and BCA requirements with respect to essential services and accessibility for the development. The following changes have been incorporated in the approved development to comply with BCA requirements as follows:
 - The lift-well has been amended to meet BCA requirements for stretcher and wheelchair access.
 - Individual store rooms have been reconfigured.
 - Driveway amended to incorporate the DA conditions of approval (landscape buffer).
 - Additional structural columns to comply with engineering requirements.
 - Overall RL's have been amended to meet the requirements of structural design. *(Note: These have been absorbed within the building envelope retaining the approved overall height RL's have been maintained).*
 - Stairwells have been amended to satisfy BCA and new RL amendments.
 - The building envelope has been increased in length by 55 mm to accommodate the internal changes to lift and stairwell.
 - Amended Lift dimension changes to comply with AS and BCA requirements.
 - Additional ramps introduced to the ground floor to comply with Access requirements – refer to Access Report provided with this modification.

3. Reason/s for s.96 Modification:

- The current s. 4.55 (1A) modifications outlined in (c) above have been generated due the following reasons:
 - Compliance with Essential Services (Electrical, Hydraulic and Fire Services).
 - BCA requirements.
 - Structural Design requirements.
 - DA Conditions of approval.

- The S.4.55 (1A) Modification proposal is not detrimental to the proposal, adjoining properties or the surrounding area.
- In summary these changes are required to meet DA Approval Condition 3 and to meet General DA Approval conditions.
- The proposed changes are felt to be minor design changes to the approved development to meet DA conditions of approval and do not change or alter the approved development with respect to the building fabric and external appearance.

4. Impact on the Environment:

It is felt that the abovementioned changes do not detract from the approved development and will not have any adverse effect to the adjoining properties or the streetscape.

The proposed modifications do not substantially alter the approved development. We respectfully seek Council's favourable consideration of this application.

5. Supporting Documentation:

- (1) The SEE accompanying this modification outlines the changes which form part of the S.4.55 (1A) modification and the reasons for these changes.
- (2) Copy of Issue M – Section 4.55(1A) Modification Plans.
- (3) Copy of Access Report to address S.4.55(1A) changes.

FOR: MR. ERIK TSAI

THREE STOREY
BRICK UNIT BLOCK
TILE ROOF
No.1-5
RIDGE RL 18.75

SP 44172

STREET
EXISTING KERBS
BE REPLACED
TO CIVIL EN-
DESIGN —
ALL EXISTING
SERVICES TO
RELOCATED

PROPOSED SITE PLAN

1 : 100

SITE CALCULATIONS

ZONE	R3
SITE AREA	797.000
FLOOR AREA	
DRIFT (STUDY)	36.51m ²
UNIT 1 (2 BEDROOM)	93.11m ²
UNIT 2 (2 BEDROOM)	72.53m ²
UNIT 3 (2 BEDROOM)	81.71m ²
UNIT 4 (2 BEDROOM)	75.24m ²
UNIT 5 (2 BEDROOM)	91.17m ²
UNIT 6 (2 BEDROOM)	73.61m ²
UNIT 7 (2 BEDROOM)	95.12m ²
UNIT 8 (2 BEDROOM)	95.12m ²
UNIT 9 (2 BEDROOM)	95.12m ²
TOTAL FLOOR AREA	636.39m²
FLOOR SPACE RATIO	0.80:1
MAX. ALLOWABLE FSR	1:1
LANDSCAPING	
BUILDING FOOTPRINT (SITE COVERAGE)	226.42%
MAX. PERMISSIBLE	28.25%
TOTAL DEEP SOIL AREA (PERCENTAGE)	166.71m ² 20.75%
MIN. REQUIRED	20%
ADDITIONAL LANDSCAPING NEEDED (Less than 3m DIMENSION)	71.98m²
COMMINAL OPEN SPACE (PERCENTAGE)	186.48m² 23.4%
MIN. REQUIRED	23%

- M** 07/03/2019 **AMENDMENTS TO RAMP - SECTION 4.55**
- L** 01/03/2019 **AMENDMENTS TO RAMP, BASEMENT, & RLS SECTION 4.55**
- K** 12/02/2019 **LIFT CHANGED WALLS ALTERED SECTION 4.55**
- J** 30/01/2019 **PUMP ROOMA CHANGED**
- I** 23/01/2019 **DIMENTIONS ADDED**
- H** 15/01/2019 **FIRE ENGINEERING REQUIREMENTS ADDED**
- G** 08/11/2018 **FILES CHANGED**
- F** 03/10/2018 **FIRE BOOSTER AREA ADDED**
- E** 19/04/2018 **CONSTRUCTION CERTIFICATE SET**
- D** 03/07/2017 **DA - CHANGES AS PER COUNCIL LETTER DATED 5/3/17**
- C** 21/12/2016 **DEVELOPMENT APPLICATION**
- B** 26/10/2016 **DESIGN REVIEW PANEL APPLICATION**
- A** 07/07/2016 **PRI DEVELOPMENT APPLICATION**

AMENDMENTS

PROPOSED SITE PLAN,

PROJECT STATUS

CONSTRUCTION CERTIFICATE

PROJECT

PROPOSED RESIDENTIAL FLAT BUILDING

ADDRESS

6-8 CECIL STREET, MONTEREY

CLIENT

MR. ERIK TSAI

ISSUE: _____ JOB NO: 888-1420

M 888-1420
SHEET NO: 02

DATE: 03.07.2017 DRAWN: CK

SCALE: 1 : 100 CHECKED: EJS



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W www.designstudio407.com.au



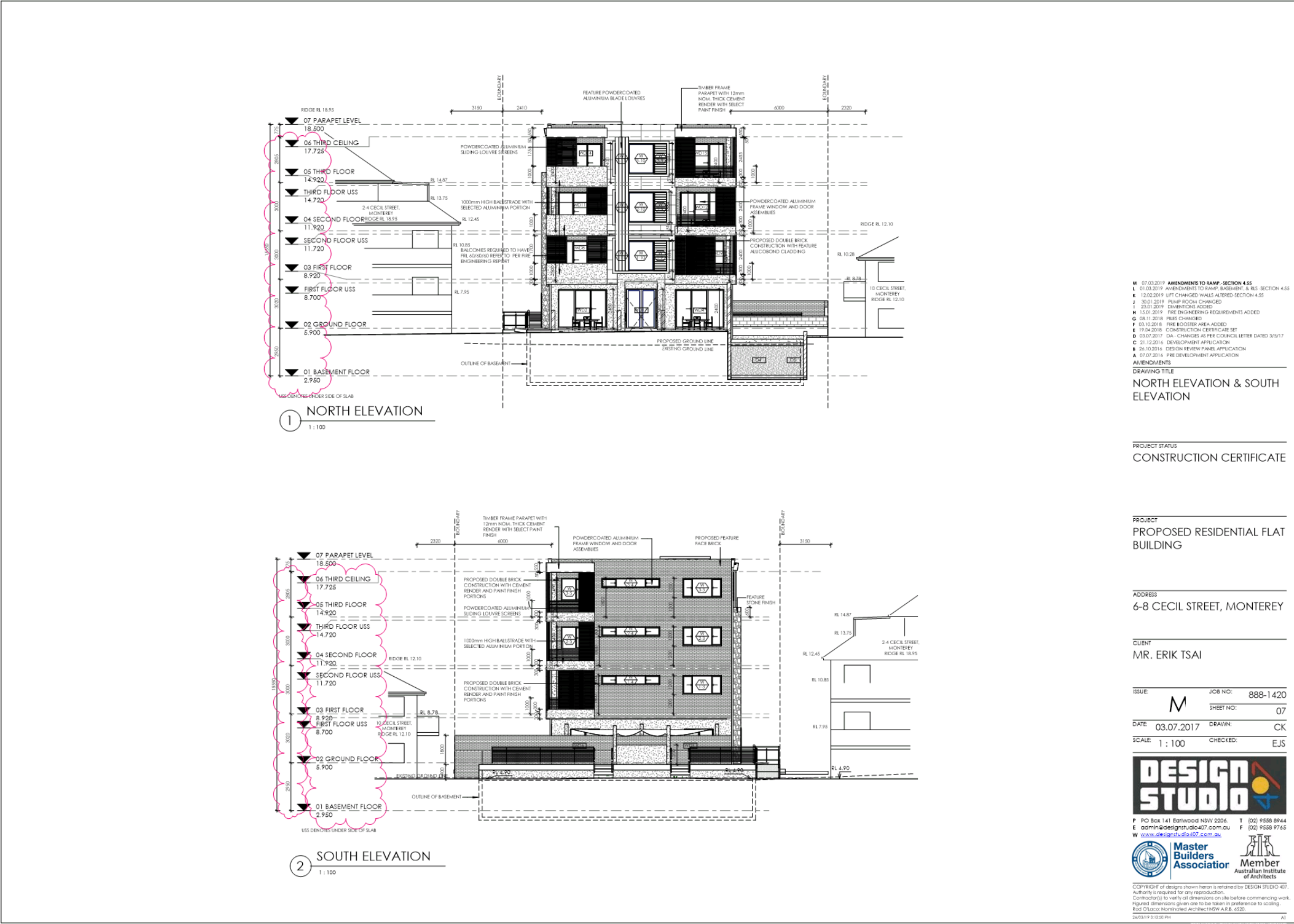
Master Builders Association

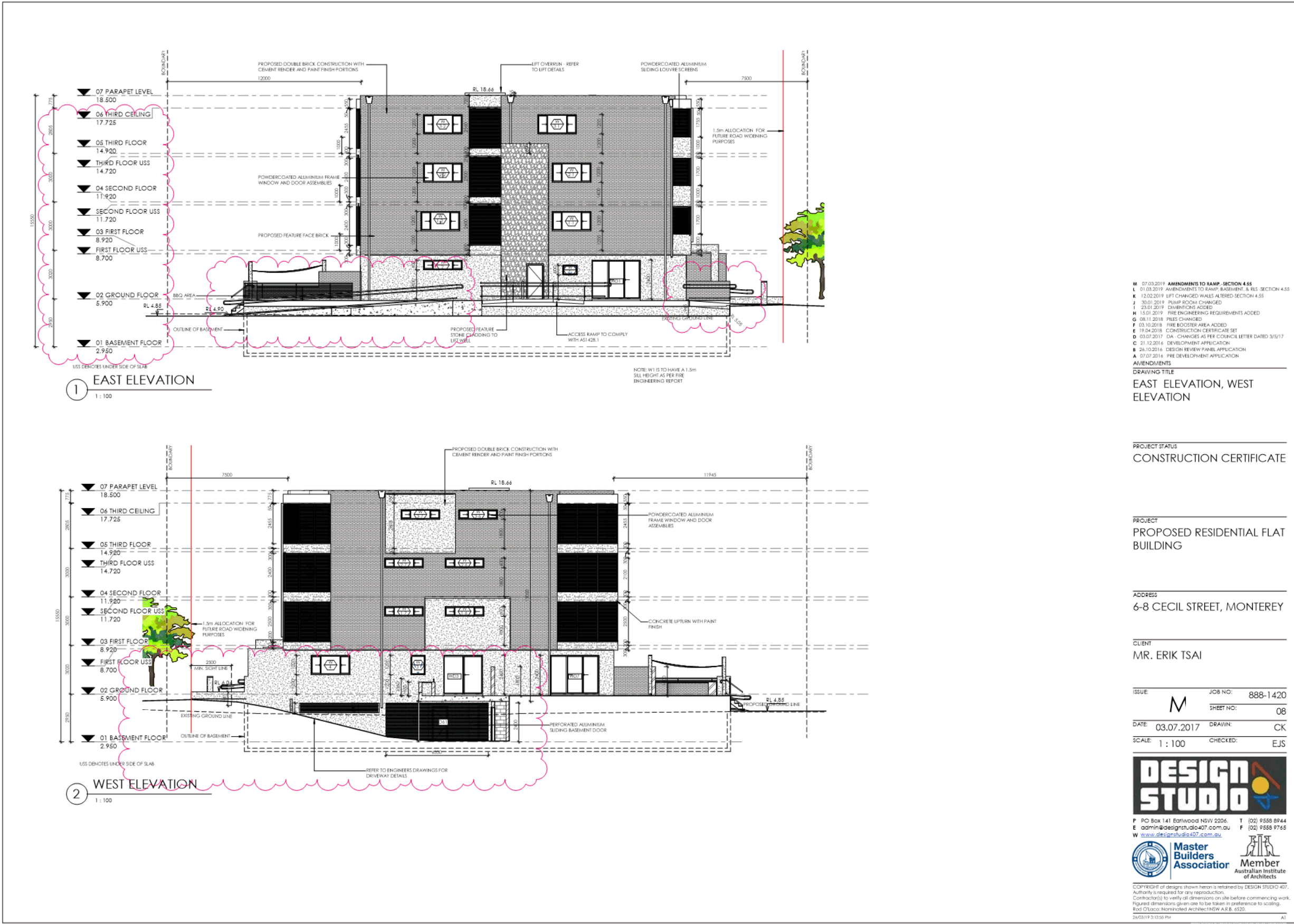


Member
Australian Institute of Architects

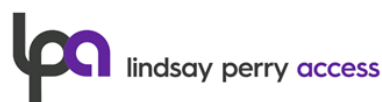
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 Authority is required for any reproduction.
 Contractor(s) to verify all dimensions on site before commencing work.
 Figured dimensions given are to be taken in preference to scaling.
 Rod O'Loce: Nominated Architect NSW A.R.B. 6520.

26/03/19 3:13:24 PM All









Lindsay Perry
B.Arch., M. Dis. Stud.
Accredited Access Consultant
Registered Architect NSW 7021

☎ 0418 909 180
✉ lindsay@lpaccess.com.au
📍 PO Box 453,
New Lambton NSW 2305
🌐 www.lpaccess.com.au

25 March 2019

Erik Tsai
c/- Design Studio 407
PO Box 141
EARLWOOD NSW 2206
Attention: Costa Kalergis

Dear Costa,

**Accessibility Statement for S96 Application
Residential Flat Building
6-8-Cecil Street, Monterey**

We understand that a S96 application is being lodged with Bayside Council for the abovementioned development. This Accessibility Statement confirms that the proposed development is in keeping with current requirements affecting people with disabilities.

Background:

The proposed development is a residential flat building containing nine (9) units over four (4) levels. Carparking is provided at an additional basement level. Access for people with disabilities has been considered in the design through the provision of accessible ramps, lift and adaptable housing.

Rockdale DCP 2011 (RDCP2011) Part 4.5 Social Equity requires i Adaptable Housing. There are two (2) units marked as 'adaptable'. This exceeds the RDCP2011 requirement for one (1) unit where there are less than 10 dwellings in the development.

Reviewed Documentation:

Documentation prepared by Design Studio 407 has been reviewed as follows:

- | | |
|-----------------|---|
| • 888-1420 01 M | Proposed Demolition & Construction Management Plan |
| • 888-1420 02 M | Proposed Site Plan |
| • 888-1420 03 M | Basement Floor Plan |
| • 888-1420 04 M | Ground & First Floor Plan |
| • 888-1420 05 M | Level 2 & 3 Floor Plan |
| • 888-1420 06 M | Proposed Roof Plan |
| • 888-1420 07 M | North & South Elevations |
| • 888-1420 08 M | East & West Elevations |
| • 888-1420 09 M | Section AA, Section BB, Driveway Details, Letterbox Details |
| • 888-1420 10 M | Window, Door & Finishes Schedules |



**Legislation:**

The requirements of BCA 2016 have been adopted in the preparation of this Accessibility Statement. Access assessment has been made against Access Legislation including:

- The Commonwealth Disability Discrimination Act 1992 (DDA)
- Disability (Access to Premises (Buildings)) Standards 2010
- Access Code for Buildings 2010
- The Building Code of Australia 2016 (BCA) Section D3 – Access for People with Disabilities
- The Building Code of Australia 2016 (BCA) Section D2 (in part) – thresholds and slip resistant
- The Building Code of Australia 2016 (BCA) Section E3.6 – Lifts
- Australian Standards AS1428.1(2009) Amendment 1, AS1428.2(1992), AS1428.4(2009) – Design for Access and Mobility
- Australian Standard AS2890.6 (2009) – Parking Facilities – Off street carparking For People with Disabilities.
- Australian Standard AS4299 – Adaptable Housing
- Australian Standard AS1735.12 – Lifts, escalators and moving walks: Lifts for persons with a disability

Access for people with Disabilities:

Access for people with disabilities is considered to meet the requirements of current legislation, for the purposes of a S96 application, including the following:

- An accessible path of travel is available from the allotment boundary to the building entrance from Cecil Street;
- Access for people with disabilities is available to the entrance of each sole occupancy unit;
- An accessible path of travel is available from adaptable carparking areas to the adaptable apartment via the lift;
- The configuration of adaptable carparking is in keeping with AS2890.6 requirements. We note that while a column is located within the shared zone, it is not seen to adversely affect usability as it will not impede car door opening;
- Lift access is provided between levels of the proposed development;
- Circulation areas within corridors is in keeping with accessibility requirements, enabling wheelchair turning areas;
- Doorways within the accessible path of travel are provided with circulation areas in keeping with AS1428.1;
- Accessible ramps facilitate access for people with disabilities to the outdoor communal areas at the rear of the property;
- Two (2) adaptable units have been provided within the development and offer floor plan arrangements in keeping with AS4299. The provision of two (2) adaptable units satisfies DCP requirements.

LP_19060 s96 AccessStatement_190325

**Conclusion:**

It is our professional opinion that the accessibility requirements of the Disability (Access to Premises – Buildings) Standards – Access Code for Buildings (2010) and BCA 2016 have been met within the design of the Residential Flat Building for the purposes of a development application.

The recommendations throughout this report reflect the professional opinion and interpretation of Lindsay Perry. This may differ from that of other consultants. We aim to provide practical, performance-based advice based on project specifics that will maximize access for persons with a disability to the built environment.

Lindsay Perry is a qualified Access Advisor, being an accredited within Australia (ACAA No. 136) and at the international level (GAATES No. BE-02-106-18). Lindsay Perry Access Pty Ltd carries public liability insurance, professional indemnity insurance and workers compensation insurance.

Please do not hesitate to contact us if you would like to discuss this matter in further detail.

Yours Sincerely,

LINDSAY PERRY

B.Arch, M.Dis.Stud.

Internationally Certified Access Consultant GAATES ICAC BE-02-106-18
ACAA Accredited Access Consultant No. 136 |
Registered Architect NSW 7021
Livable Housing Assessor 20047 | Changing Places Assessor CP005

**Revision Summary**

Date	Description	Revision
25 March 2019	Disability Access Statement	1

LP_19060 s96 AccessStatement_190325

Bayside Local Planning Panel

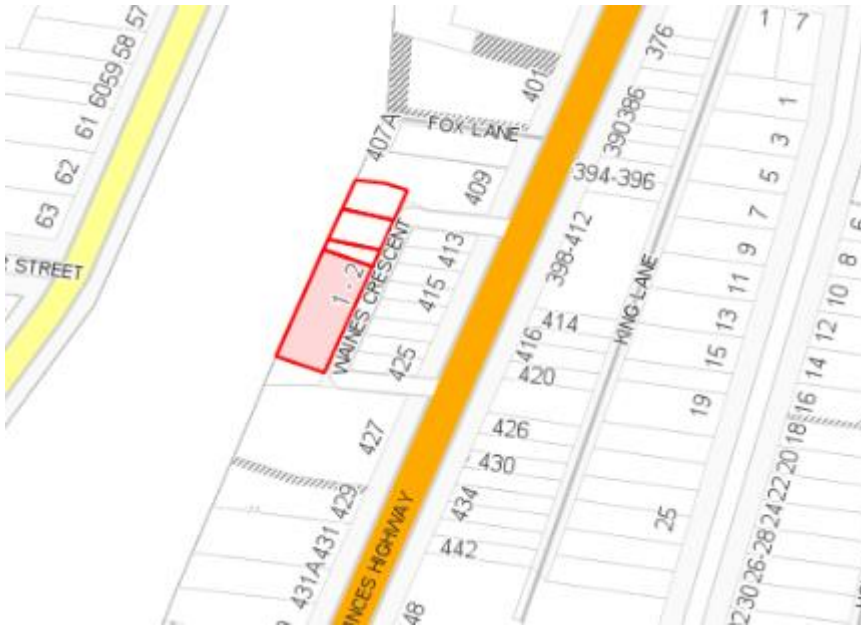
14/05/2019

Item No	6.6
Application Type	Construction of a mixed use development
Application No	DA-2018/63
Lodgement Date	28/03/2018
Property	1-2 Waines Crescent, Rockdale
Ward	Rockdale
Owner	Shrik Rockdale Pty Ltd
Applicant	CD Architects
Proposal	Integrated Development for the construction of a seven (7) storey shop top housing development comprising of fifty (50) residential apartments, two (2) commercial units and basement car parking
No. of Submissions	One (1) objection
Cost of Development	\$12,986,707.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That the Panel considers the Clause 4.6 request to vary the height standard contained in Clause 4.3 of the RLEP 2013 and be satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the B4 Mixed Use zone and is therefore in the public interest to vary the control.
 - 2 That the Development Application No. 2018/63 for the construction of a seven (7) storey shop-top housing development comprising of fifty (50) residential apartments, two (2) commercial units and basement parking at 1-2 Waines Crescent, Rockdale be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 3 That the objector be advised of the Bayside Local Planning Panel's decision.
-

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Site Plan [↓](#)
- 3 Eastern Elevation [↓](#)
- 4 Western Elevation [↓](#)
- 5 Northern Elevation [↓](#)
- 6 Southern Elevation [↓](#)
- 7 Clause 4.6 variation [↓](#)
- 8 DRP Minutes [↓](#)
- 9 Statement of Environmental Effects [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/63
Date of Receipt:	28 March 2018
Property:	1 - 2 Waines Crescent, ROCKDALE (Lot 3 DP 608977), (Lot 3 DP 1128167), (Lot 1 DP 1128167), (Lot 1 DP 182200), (Lot 2 DP 1128167)
Owner:	Shrik Rockdale Pty Ltd
Applicant:	CD Architects
Proposal:	Integrated Development - Construction of a seven (7) storey mixed use development comprising of fifty (50) residential apartments, two (2) commercial units and basement parking
Recommendation:	Approved
No. of submissions:	One (1)
Author:	Angela Lazaridis
Date of Report:	30 April 2019

Key Issues

Key issues in the assessment of the development application include non-compliances with the building height, natural ventilation, deep soil, ceiling heights, building separation, housing diversity and choice.

The proposed height exceedence of the development is 3.55 metres from the 22 metre maximum height requirement under the Rockdale LEP 2011. The proposal provides a 25.55 metre building height which is predominantly contributed to the lift overruns, pergolas and parapet of the building to allow for access to the rooftop communal terrace. The applicant has provided a Clause 4.6 variation to justify the non-compliance which is found to be satisfactory and accepted.

The non-compliances with the ADG requirements relate to natural ventilation, deep soil, ceiling heights and building separation. The applicant has stated that the development complies with natural ventilation by having 60% of the development comply. A calculation by Council have found that 48% of the units are cross ventilated. The resolve this issue, Council imposes a condition of consent for the applicant to provide amended plans to Council prior to the issue of the Construction Certificate to allow for operable windows or new windows within six units on the southern elevation to achieve compliance. This was discussed with the applicant who has no issue with this. A condition is adequate as re-notification is not required as the added windows would have no increased privacy impacts on the adjoining properties. In regards to deep soil, the development provides some deep soil along the eastern elevation of the site however there is landscaping proposed at ground level other than planter boxes

which are not considered to be deep soil. It is acknowledged that the site is constrained in depth and to achieve compliance with the car parking levels and aisle width and to allow for a footpath at ground level, the departure in deep soil is accepted in this instance.

In regards to the ceiling heights, the proposed ground and first floor of the development do not comply with the 3.3 metre floor to ceiling height. The proposal provides a 3.5 metre floor to floor height at ground level and a 3.1 metre floor to floor level on the first floor. As the first floor is residential and is unlikely to be converted or utilised for commercial/offices due to its location away from a classified road, the proposal is acceptable. Finally, in regards to the building separation, the proposal does not comply with the requirements for the upper levels however the applicant has orientated all the private open space areas away from the northern and southern elevation to allow for private open space to front either the lane or the rail line. Appropriate privacy mechanisms have been imposed to dissuade overlooking including louvres and translucent glazing.

In regards to non-compliances to the RDCP 2011, the proposal has a slight non-compliance to the percentage of unit mix within the area. The proposal is short in the number of three bedroom units. As there is a minor non-compliance and considering the housing stock and demographic of the Rockdale area, the non-compliance is acceptable.

It is key to note that the development application does not include demolition. This will be carried out through a separate application.

The application received one (1) submission during the public notification process. The issues raised have been addressed in the report below.

The proposal is recommended for approval, subject to compliance with the conditions of consent.

Recommendation

1. That the Panel consider the Clause 4.6 request to vary the height standard contained in Clause 4.3 of the RLEP 2013 and be satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the B4 Mixed Use zone and is therefore in the public interest to vary the control.
2. That the Development Application No. 2018/63 for the construction of a seven (7) storey shop-top housing development comprising of fifty (50) residential apartments, two (2) commercial units and basement parking at 1-2 Waines Crescent Rockdale be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
3. That the objector be advised of the Bayside Planning Panel's decision.

Background

History

Council's records show that the following application/s was/were previously lodged and considered by Council in relation to the subject site:

- DA-2017/206 for the proposed boundary adjustments between Lot 1 DP 182200 and Lot 3 DP 608977 was approved on 1 March 2017
- PDA-2017/48 for the demolition of existing structures and construction of a mixed use development comprising of hotel, boarding house, residential apartments and basement level car parking was finalised on 23 January 2018

Development Application History

- 11 April to 21 May 2018- Development Application was publically notified. One submission was received
- 19 October 2018 - Application was presented to a Design Review Panel meeting
- 9 November 2018 - Additional information letter was sent to the applicant
- 12 February 2019 - Additional information was received including amended plans, Clause 4.6 variation, stormwater plans, traffic report and civil plans
- 1 April 2019 - Further amended plans and stormwater plans were received

Proposal

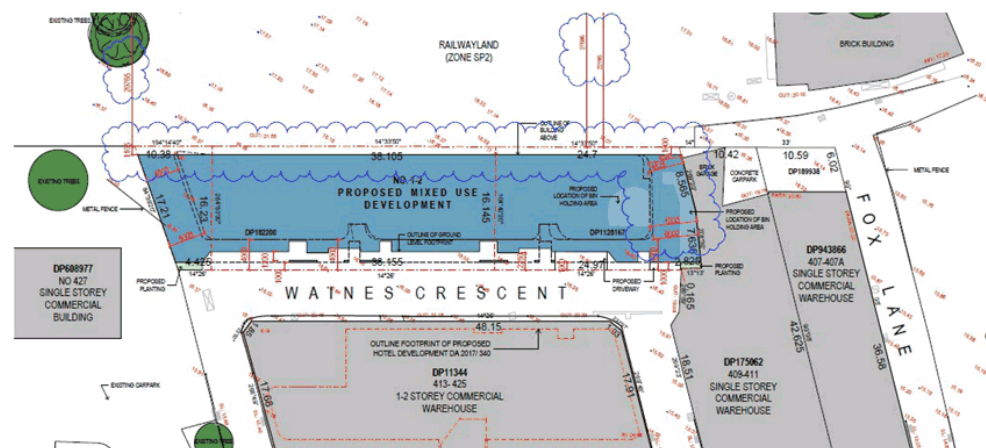
Council is in receipt of a development application DA-2018/63 at 1-2 Waines Crescent Rockdale, which seeks consent to carry out an integrated development for the construction of a seven (7) storey mixed use development comprising of fifty (50) residential apartments, two (2) commercial units and basement parking for sixty-three (63) car spaces.

It is noted that demolition is not included as part of the development application and will be subject to a separate application.

Specifically, the proposal consists of:

- Excavation and remediation of the site.
- 3 levels of basement car parking broken as follows:
 - Basement Level 1- comprises of a total of 20 car spaces (10 visitor spaces, 1 commercial accessible space and 9 commercial spaces) and one motorbike space for commercial use. Three bicycle storage areas are provided;
 - Basement Level 2- comprises of a total 21 residential car parking spaces and four motorbike spaces. The car parking level includes 12 x storage areas and 3 bicycle storage areas;
 - Basement Level 3- comprises of a total of 22 residential car parking spaces and one car wash bay.
- Two (2) ground floor commercial tenancies measuring 236sqm and 164sqm
- Fifty (50) residential apartments across six levels above ground level including the unit breakdown as follows:

- 12 x One bedroom apartments
- 36 x Two bedroom apartments
- 2 x Three bedroom apartments
- Rooftop communal open space including seating, pergola and landscaping
- Additional stormwater and landscape works are proposed on the site.



Proposed Site Plan



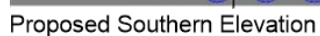
Proposed Eastern Elevation



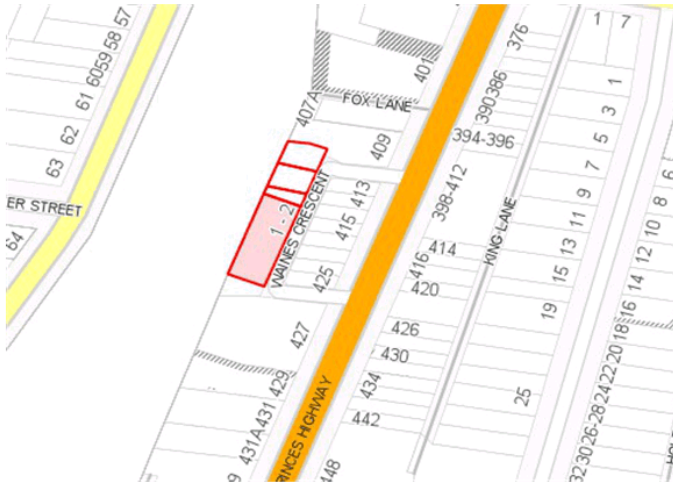
Proposed Western Elevation



Proposed Northern Elevation



The site is legally known as Lot 3 in DP 608977, Lot 3 in DP 1128167, Lot 1 in DP 1128167, Lot 1 in DP 182200, Lot 2 in DP 1128167 and is known as 1-2 Waines Crescent Rockdale. The site is located on the western side of Waines Crescent between Fox Lane to the north and Geeves Avenue to the south and has a north-east to south-west orientation. The eastern side of the site fronts onto Waines Crescent while the western side of the site faces onto the rail line.



Locality Plan

The site is irregular in shape and is located within the B4 Mixed Use zone within the Rockdale Town Centre. The site has an eastern street frontage width along Waines Crescent of approximately 70 metres, a southern side boundary depth of approximately 17 metres, a northern side boundary depth of approximately 16.2 metres and a western side boundary length along the rail line of approximately 73 metres with a total site area of 1,165.5sqm.

The topography of the site is generally flat with slight variations of between 0.5 metres to 1 metres across the site. The site is currently occupied by industrial buildings which are older style industrial blockwork and metal warehouse sheds. One of the buildings is currently located both over the site as well as over rail land located to the north-west of the site.

The site is located approximately 300 metres north of the Rockdale Train Station. It is also located within the 25-30 ANEF Contour.

The site is surrounded by a mix of uses including industrial, residential and commercial. The northern adjoining site at 409 Princes Highway comprises a built-to-boundary single storey commercial warehouse. On the eastern side of Waines Crescent at 413 to 425 Princes Highway is a 2 storey commercial warehouse which is recently proposed to be developed into a Hotel under DA2017/340. To the south at 427 Princes Highway is a single storey commercial building and on grade car park. Adjoining the site to the west is railway land which contains an existing building and railway tracks. The existing building is a continuous part of the same complex of industrial buildings at the site previously used for processing meat products.



Subject site looking from north to south



Subject site looking from south to north



Adjoining site to the east at 413-425 Princes Highway



Adjoining site to the north at 409 Princes Highway

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S4.46 - Development that is Integrated Development

The proposal includes excavation works for three levels of basement car parking that will transect the water-table and require temporary dewatering during the construction phase. The proposal is therefore Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, and requires approval from Water NSW. As specified within the geotechnical assessment report prepared by EI Australia, the groundwater table was encountered at 4 metres to 4.7 metres BGL. Water NSW deemed that the construction dewatering proposed for the project would be an 'aquifer interference activity' in accordance with the definition in the Water Management Act 2000, and issued General Terms of Approval (GTA's) appropriate to this activity on 3 July 2018 which have been included in the Draft Notice of Determination.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The application is accompanied by BASIX Certificate No. 910444M dated 22 March 2018. The Certificate demonstrates the proposed development satisfies the relevant water; thermal comfort and energy commitments and hence the provisions of the SEPP (BASIX). Subject to conditions, the development is acceptable with regards to this Clause.

State Environmental Planning Policy (Infrastructure) 2007

Given the location of the subject site on Waines Crescent, the following provisions of the Infrastructure SEPP apply to the development:

Clause 104 - Traffic Generating Development consistent with SEPP

The proposal is classified as 'traffic generating development' under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. In accordance with clause 104(3) of the SEPP, RMS is required to be notified of the proposed development and any submissions provided by RMS are to be considered. In this regard, the proposed development was referred to RMS who did not raise any objections to the development within 21 days after the notice was given, in accordance with clause 104(3) of the SEPP.

It is considered that the proposed development will have no detrimental impact upon the existing operation of the road network.

Further, the traffic report prepared by Varga Traffic Planning has adequately assessed the proposed development and its impact on the surrounding street network which is satisfactory. Therefore, due to the above it is considered that the proposed development is consistent with the SEPP.

In addition to the above, the following clauses to the Infrastructure SEPP are relevant to this proposal:

- Clause 85 - Development immediately adjacent to rail corridors
- Clause 86 - Excavation in, above or adjacent to rail corridors

The proposal seeks to undertake excavation up to a maximum depth of 9.7m on site in order to construct basement car parking levels for the proposed development. The site adjoins Sydney Trains land to the west of the site and is directly adjoining the site. The proposal was referred to Sydney Trains who raised no objection in relation to the proposed excavation and construction on the site however conditions have been imposed to ensure the construction of the development did not adversely impact upon the nearby train line or its operations.

Clause 87 - Impact of rail noise or vibration on non-rail development (for residential development):

The proposal is subject to Clause 87 - Impact of rail noise or vibration on non-rail development, and in this regard, the consent authority must not grant consent to the development for residential use unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

The applicant has submitted an Acoustic Report dated 8 March 2018 and prepared by Acoustic Logic which considered the impact of rail noise on the proposed shop top housing development. The report has taken into consideration rail and aircraft noise and recommends appropriate design construction measures in order to ameliorate traffic and rail noise and vibration.

The report concludes that the development will satisfy the noise level requirements as outlined in the SEPP, should the recommendations in the report be incorporated into construction. Accordingly, the

recommendations have been incorporated as conditions in the draft Notice of Determination.

Subject to compliance with draft conditions the application is consistent with the provisions of the SEPP and is acceptable in this regard.

State Environmental Planning Policy No 55—Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application, as the proposed development involves excavation for three levels of basement car park. Clause 7 of the State Environmental Planning Policy No. 55 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

The applicant provided three reports which have been reviewed by Council's Environmental Scientist. The reports reviewed are as follows:

1. 'Detailed Site Investigation – 1-2 Waines Crescent, Rockdale NSW', (E23720.E02_Rev01) by EI Australia dated 22 March 2018;
2. Remedial Action Plan – 1-2 Waines Crescent, Rockdale NSW', (E23720.E06_Rev0) by EI Australia dated 22 March 2019; and
3. Geotechnical Assessment Report – 1-2 Waines Crescent, Rockdale NSW', (E23720.G02) by EI Australia dated 16 March 2018.

It was noted that there is fill up to 0.5 metres and clay from 0.5 metres to 15 metres BGL. Groundwater was located at 4 metres BGL (RL 1.23 metres). The geotechnical report recommended that a fully tanked basement structure with piles is to be provided and is to be founded into the bedrock. The detailed site investigation report found that there is localized soil contamination that will require remediate along with the identified UST and surrounding soils. This was evident on site as there is an existing petrol/fuel booster located along Waines Crescent side of the site. The report concluded that the contamination identified could be remediated to render the site suitable for the proposed development subject to the preparation and implementation of a Remedial Action Plan that:

1. Designs supplementary investigations to close data gaps identified during the detailed site investigation;
2. Outlines the remediation requirements for decommissioning and removal of the UPSS (and any identified soil contamination), contamination identified during the DSI, and any other contamination that is identified during data gap closure investigations; and
3. Outlines any unexpected finds protocol.

As stated above, the applicant provided a Remedial Action Plan prepared by EL Australia and dated 22 March 2019 which has addressed these requirements and demonstrates that the proposal is suitable for the site. Due to the basement, the preferred remediation option will be excavation and disposal of soil.

There is no known acid sulfate soils that will be intercepted.

Council's Environmental Scientist has reviewed the application and has no objections to the proposal subject to conditions imposed in the consent.

The proposed development satisfies the requirements & objectives of the SEPP No. 55.

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 has been referred to the Design Review Panel on 19 October 2018. The Panel were generally supportive of the design and provided the following comments:

“The Panel considers that the design demonstrates high quality in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.

The Panel recommends that further consideration be given to:

- *The treatment of the south elevation boundary wall which should have further articulation;*
- *The internal configuration of apartments which, though acceptable, is tight;*
- *Improving the cross-ventilation of apartments, possibly by revising the design to include cross-over apartments and/or double height apartments;*
- *The materiality of the lift towers which could be more playful; and*
- *Further opportunities for including sustainability initiatives in the design above and beyond those required by BASIX, such as solar energy generation, rainwater harvesting, etc.*

The Panel notes that the design together with that of the hotel on the adjacent site has the potential to help catalyse fine-grain urban design improvements between the site and Rockdale Station and recommends Council should prepare an urban design and public realm strategy for this area to guide future development of the area in order to ensure that the opportunities created by this development are fully realised.”

Amended plans were submitted to address the Panels concerns with a letter by the applicant addressing how they have met the Panels criticism. The following was provided by the applicant:

- *The treatment of the south elevation boundary wall which should have further articulation*

The southern boundary wall has feature profile patterns that echo the opening outlines of the podium design. Please refer to DA-2004- South Elevation Rev B

- *The internal configuration of apartments which, though acceptable, is light*

Noted. The units are planned to be efficient in response to the site constraint without compromising the spatial quality of the units within maintaining compliance with the ADG.

- *Improving the cross ventilation of apartments, possibly by revising the design to include cross-over apartments and/or double height apartments*

The overall development proposes 60% of the units to be cross ventilated, which complies with the ADG cross ventilation

- *The materiality of the lift towers which could be more playful*

The lift towers have been amended and proposed to be clad in bronze look finish composite panels so they appear distinguished as the vertical elements crowning the development

- *Further opportunities for including sustainability initiatives in the design above and beyond those required by BASIX such as solar energy generation, rainwater harvesting*

The units are designed to maximise solar access and natural cross ventilation as per ADG requirements and BASIX provisions. The site constraints restrict further opportunities.

b. The design quality of the development when evaluated in accordance with the design quality principles.

The design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

Principle 1 – Context and Neighbourhood Character

The site falls within the Rockdale Town Centre and is recognised for redevelopment to a scale indicated in the amended plans, which is now largely compliant with the RLEP 2011 controls, with the exception of the height controls.

The site falls within a transitional area which currently comprises of warehouse and commercial development within a mixed use zone and is adjacent to its west by the rail line. The applicant has stated that “the existing urban fabric is made up of a mix of building typologies from various decades with the most notable being two storey shop top housing buildings to nine storey mixed use developments setting the new character. The proposed development aims to respond to the surrounding context by introducing a built form sympathetic to the existing streetscape as well as introducing a contemporary architectural style to offset from the existing typologies.”

The design of the proposal is consistent and sympathetic to the desired future character and context of the Rockdale area and town centre in terms of bulk, density and provides for a suitable building configuration within the zone and context of the site. The proposal satisfies the principle.

Principle 2 – Built Form and Scale

The proposal conforms with the desired future character for development on a laneway. The proposal achieves a 1 metre setback from the lane with the lower three levels setback this distance and the levels further setback another 3 to 4 metres from the podium edge. A slight setback is provided at the rear for the upper levels however due to the depth of the site, it creates issues in setting back the upper levels to the same extent of setback provided along the laneway side. Regardless, the proposal will visually tie into other developments within the precinct by maintaining a uniform podium design upper level tower element setback form on the podium face.

The applicant has stated that the building has been design with careful consideration placed on the aesthetic treatment of visible facades. This has resulted in a detailed and intricate façade elevation which provides a high level of detail and overall visual appeal. The physical articulation introduces a

break to reduce the bulk and massing of the building. The applicant has also provided massing modelling of the subject proposal with approved development adjoining the site to the east and future development to the north and south. The massing plans demonstrate that the proposed development will have limited visibility from the public domain at the Princes Highway when the surrounding developments are built.

The proposed built form, selected colours and materials are a direct response to the streetscape and locality as well as introducing a fresh contemporary perspective along the existing streetscape which is a positive contribution to it. The design is generally consistent with the scale reflected in the desired future character of the area in terms of its overall bulk and height. It is considered that the proposal satisfies the principle.

Principle 3 – Density

The FSR control is not applicable for the site due to its location within the Rockdale Town Centre. The density is established by the height control as well as compliance with the ADG and DCP requirements. The proposal has been designed with appropriate building depth and modulation for a constrained site. This allows for appropriate solar access as well as consideration for cross ventilation. The proposed FSR of 3.83:1 (including ground floor waste rooms and waste holding rooms) is satisfactory, does not result in any adverse impacts on the site and adjoining site and has been designed accordingly for a constrained site.

Principle 4 Sustainability

Energy efficiency is appropriately addressed by the BASIX Certificate requirements accompanying the application. The passive solar design of the proposal is appropriate with solar access maximised to the proposed dwellings. All living areas are open onto balconies or courtyards and the use of feature screens will provide shading during the summer months and allow sunlight to penetrate during winter. A majority of the units also receive natural ventilation. Furthermore the building is to be constructed of a combination of concrete and aluminium screen which shall provide thermal mass and shading. The built form is responsive to not only the site constraints but also to the surrounding environment.

Principle 5 – Landscape

Amended plans have been provided improving the ground floor public domain along the laneway. The plans provide planter beds to allow for landscaping. Additionally, the development proposes landscaped planters on top of the podium in addition to the rooftop communal open space. As the towers above the podium have been setback, this allows for the creation of private open space terraces. The perimeter planting along the podium edge to Waines Crescent allows the planting to spill over the edge of the façade slightly to assist in softening the top of the podium built form. The rooftop communal area serves as a series of usable spaces for the residents. The area provides landscaped perimeter planting, planting of a number of trees, and turf play areas. The amended proposal was reviewed by Council's Landscape architect who has provided conditions of consent. While the site provides minimal deep soil, this is a constraint of the size and depth of the site to allow for the basement to accommodate the required car parking as well as the required setbacks. Notwithstanding, the proposal satisfies the principle.

Principle 6 – Amenity

The proposal provides good amenity to the proposed units. All units comply with the minimum floor to ceiling height of 2.7 metres, receive adequate solar amenity and the majority of the units are cross ventilated. The size, internal layout and configuration of the units are adequate to ensure appropriate room dimensions, access to light and privacy. Appropriate storage is also provided within the units as well as the car parking levels. The amended plans demonstrate floor to ceiling glass on the ground floor shopfronts in order to appropriately create a visual connection between the commercial premises and the public domain. Sufficient communal open space areas have been provided. This includes a BBQ area, seating, pergolas, a kids play area and planting. The communal open area will encourage social interaction and maximize the outdoor amenity for future occupants.

Principle 7 Safety

A 1.8 metre high fence is proposed along the rear of the site separating the site from the rail land. The development provides separate pedestrian and vehicular entry which are well defined. Safe internal access is available from the car park directly into the building and the public/private domain is clearly distinguished. Balconies and units front onto both the lane and railway by providing direct surveillance to these areas. As stated above, the ground floor provides for glass floor to ceiling windows to allow activation of the ground floor plane further assisting in security and surveillance over the public domain. The proposal has been conditioned to ensure monitored security cameras are incorporated at residential/vehicular entries and within the basement level. The provision of clear directional signage to advise users of security measures in place will also be required. The proposal also provides an easily identifiable residential entry to both buildings. Common areas will be well lit with clearly defined legible pathways. The proposal satisfies the requirements of CPTED and appropriate conditions have been imposed by NSW Police. The proposal satisfies this principle.

Principle 8 Housing Diversity and Social Interaction

The site is located in an area identified for increased residential density. The development provides a total of fifty units with a mix of one, two and three bedroom units. Each unit is provided with adequate private open space areas, communal area access, solar access, natural ventilation and privacy. Additionally, the proposal provides ten of the fifty units as adaptable units. The design of the development and proposed unit mix provides for a varied housing choice. The ground floor public domain areas as well as the communal rooftop area will encourage and provide opportunities for social interaction between future occupants. This principle has been satisfied.

Principle 9 – Aesthetics

The applicant has stated that the proposed building is structured to reinforce its location and typology through materials, textures and colour palette proposed. The colours and materials used and articulation of façade language will be complementary to the surrounding streetscape in this area. The proposed development will improve the streetscape and is likely to set a good architectural element for future development in the locality and other infill type developments. The materials and colour choice will provide a modern, contemporary and high quality and visually appealing development on site. Revised plans were submitted showing the southern elevation façade with feature profile pattern while the lift towers proposed bronze look finish composite panels, so they appear distinguished as the vertical elements crowning the development

c. the Apartment Design Guide

The proposal has been assessed against the Apartment Design Guide (ADG)

The proposed development is considered to have performed adequately in respect to the objectives and design criteria contained within the ADG. The relevant issues are discussed below:

CLAUSE	DESIGN CRITERIA	COMMENTS	COMPLIES
3J - Bicycle and car parking	As per Guide to Traffic Generating Developments, or per council requirement, whichever is less. Parking provided off street.	Residential parking = 43 spaces Residential visitor spaces – 10 spaces Car wash bay – 1 space Commercial – 10 spaces Total spaces: 64 spaces Bicycle spaces: Residential: 5 spaces Commercial: 3 spaces Total: 8 spaces Motorbike spaces: Residential: 4 spaces Commercial: 1 space	Yes
3D - Communal and Public Open Space	25% of the site area is to be communal open space (291.38sqm) 50% of this area is to receive at least two hours of sunlight in mid winter	Communal rooftop = 413sqm (35%) More than 50% of this area receives at least 2 hours of sunlight	Yes
3E - Deep Soil	7% is required for the development (81.59sqm)	Nil has been provided	No - See discussion below

4D – Apartment size and layout	Minimum internal areas:		One bedroom: 50sqm- 51sqm	Yes
	Apartment type	Minimum internal area	Two bedroom: 75sqm – 84sqm	
	Studio	35m ²	Three bedroom: 95sqm	
	1 bedroom	50M ²		
	2 bedroom	70m ²		
	3 bedroom	90m ²		
	Internal areas includes only one bathroom. Additional bathrooms increase area by 5m ² each.			
	Further bedrooms increase minimum internal area by 12m ² each.			
4C – Ceiling heights	Minimum ceiling heights:		Residential: 3.1 metres floor to floor	No - See discussion below
	Habitable	2.7m		
	Non-habitable	2.4m		
	Two storey apartments	2.7m main living 2.4m first floor, area < 50% of apartment area	Commercial: 3.5 metres floor to floor	
	Attic spaces	1.8m at edge 30deg min slope		
	Mixed use area	3.3m for ground and first floor		

3F Visual Privacy	Min separation - side & rear boundaries:			Western (rear): 830mm to 1.1 metres (ground to Level 2); 1 metre to 1.12 metres (Level 3); 665mm to 1.1 metres (Level 4 to Level 6) Northern (side): Nil (Ground to Level 2); 4.8 metres to 6.4 metres (Level 3); 4.5 metres to 6 metres (Level 4 to Level 6) Eastern (front): 775mm to 1 metre (Ground to Level 2); 4 metres to 6 metres (Level 3 to Level 6) Southern (side): Nil (ground to Level 2); 5 metres (Level 3); 4.5 metres (Level 4 to Level 6)	No - See Discussion Below
	Building height	Habitable rooms and balconies	Non habitable rooms		
	Up to 12m (4 storeys)	6m	3m		
	Up to 25m (5-8 Storeys)	9m	4.5m		
	Over 25m (9+storeys)	12m	6m		
	Buildings on the same site combine required building separations. Gallery treated as habitable space				
4A – Solar and daylight access	Living rooms + POS of at least 70% of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter Max 15% apartments receive no direct sunlight b/w 9am & 3pm mid-winter			38 out of 50 (76%) units receive minimum 2 hours of sunlight More than 50% of the communal open space receives sunlight	Yes
4F – Common circulation and spaces	Max apartments off a circulation core on a single level is eight. 10 storeys and over, max apartments sharing a single lift is 40.			Maximum six units off each lift/core	Yes

4E – Private open space and balconies	<p>Primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bed</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed</td><td>12m²</td><td>2.4m</td></tr></table> <p>Min balcony depth contributing to the balcony area is 1m.</p> <p>Ground level, podium or similar -POS provided instead of a balcony: min area 15m² and min depth of 3m.</p>	Dwelling type	Minimum area	Minimum depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	<p>One bedroom: 8sqm</p> <p>Two bedroom: 10sqm-51sqm</p> <p>Three bedroom: 12sqm</p>	Yes
Dwelling type	Minimum area	Minimum depth																
Studio	4m ²	-																
1 bed	8m ²	2m																
2 bed	10m ²	2m																
3+ bed	12m ²	2.4m																
4B – Natural ventilation	<p>Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Ten storeys or > are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Applicants calculation: 30 out of 50 units (60%)</p> <p>Council's calculation: 24 out of 50 units (48%)</p>	No - See discussion below															
4G – Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6M²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is located within apartment</p>	Dwelling type	Storage size volume	Studio	4m ²	1 bed	6M ²	2 bed	8m ²	3 bed	10m ²	<p>All units comply with half of the storage within the unit</p>	Yes					
Dwelling type	Storage size volume																	
Studio	4m ²																	
1 bed	6M ²																	
2 bed	8m ²																	
3 bed	10m ²																	
4J - Noise and Pollution	<p>Development adjoining busy roads and rail lines are to be acoustically treated.</p>	<p>Wintergardens have been proposed, particularly along the rail line.</p>	Yes															

Discussion

Part 3E – Deep Soil

The proposal provides nil deep soil landscaped area. It is noted that the site is very constrained due to its depth and site area and the proposal has made allowances for deep soil area along the eastern side of the site by not extending the basement to the boundary. At the ground level plane, there is very limited amount of landscaping provided and this is generally in the form of built in planter beds with seating scattered in front of the commercial tenancies and along the side boundary. Planter boxes are not considered to be deep soil and are excluded from the calculation. As the location of the deep soil is directly under a footpath which is a right of carriageway on the site, and the depth of the area being 1 metre and less is incapable of planting large trees, the absence of deep soil planting is acceptable. To compensate for the loss of deep soil planting, the applicant has provided landscaped area at the podium and rooftop levels greater than what is required. The planting provide will assist in ameliorating the building and provide a natural element to soften the harshness of the building and views of the rail line. It is also key to note that Part 3E of the ADG also makes dispensations for sites that have limited space at ground level for deep soil due to a constrained side as well as if the building provides 100% site coverage or non-residential uses at ground level. This is the case for this site with a minimal depth, ground floor commercial and significant site coverage area.

Part 3F – Visual Privacy

Part 3F of the ADG requires separation between windows and balconies to ensure that visual privacy is achieved. This requires the building to have a 6 metre separation distance between habitable rooms and 3 metres from non-habitable rooms up to 12 metres (4 storeys) in height and 9 metres between habitable rooms and 4.5 metres between non-habitable rooms up to 25 metres (5-8 storeys). The proposal has provided the following setbacks:

- Western (rear): 830mm to 1.1 metres (ground to Level 2); 1 metre to 1.12 metres (Level 3); 665mm to 1.1 metres (Level 4 to Level 6)
- Northern (side): Nil (Ground to Level 2); 4.8 metres to 6.4 metres (Level 3); 4.5 metres to 6 metres (Level 4 to Level 6)
- Eastern (front): 775mm to 1 metre (Ground to Level 2); 4 metres to 6 metres (Level 3 to Level 6)
- Southern (side): Nil (ground to Level 2); 5 metres (Level 3); 4.5 metres (Level 4 to Level 6)

The podium level is proposed on the boundary along the southern and northern elevation which is acceptable considering that the neighbouring sites have yet to be redeveloped and would provide an appropriate transition between the two. The eastern and western elevations at podium level have a setback of 1 metres and less which is not appropriate however as the eastern side is separated by a laneway which is approximately 6 metres wide and the western side is rail land, it could be assumed that the development will not be obstructed by development of a high density in this area.

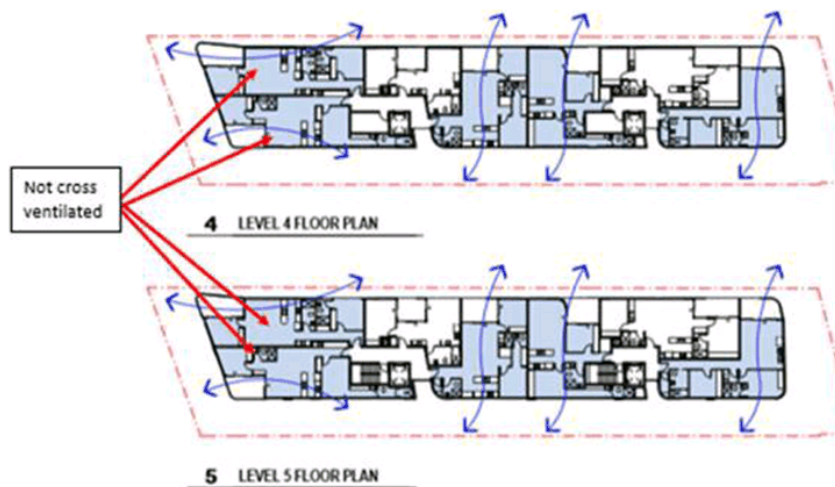
The upper levels have a 4.5 metre to 6 metre setback on the northern and southern elevations. While this does not comply with the requirements under the ADG, considering the size of the site as well as the configuration and orientation of the northern and southern units, the development has aligned the majority of the windows to the eastern and western side of the building which have a greater separation present. The windows along the southern elevation, which are within bedrooms, are proposed to be fixed translucent glazed windows which have also been provided with design screening over a portion

of the window. The units along the northern elevation comprise of the living area and one bedroom. There is limited windows proposed within the bedrooms with the bedroom windows predominantly along the eastern elevation. Regardless, any windows along the northern elevation are proposed to be by translucent glazing to prevent any direct overlooking of any future development of the site to the north.

Similar to the discussion above, the eastern and western setbacks proposed are sufficient particularly along the eastern elevation which confirms with a minimum 3-4 metre setback from the podium edge. The western elevation similarly faces the train line and there is currently no direct overlooking into neighbouring sites. All elevations that front onto neighbouring sites propose louvres and screening to assist in preventing direct overlooking. Additionally, the balconies that do not provide solid balustrading provide translucent glazing to provide privacy to the occupants of the units. The rooftop communal open area has been setback away from the edge of the building and both the rooftop and podium have wide planters between the usable courtyard area and the edge of the building to further protect privacy of any neighbouring sites. The measures that have been taken in this development to achieve visual privacy are supported.

Part 4B – Natural Ventilation

Part 4B of the ADG requires that 60% of the units are to be cross ventilated. The applicant has stated that 30 out of the 50 units receive natural ventilation either through windows and corner units or through skylights for the Level 6 single orientated units. Council has reviewed the natural ventilation calculation plan (below) as provided by the applicant, particularly for Levels 4 to 6.



The applicant has demonstrated that the southern units (shown in red above) are cross ventilated however a review by Council demonstrates that the southern elevation of these units do not have any operable windows or louvres provided on this elevation. The floor plans have indicated that these windows will be fixed glazed windows. Therefore these units are single orientated and the assessment of cross-ventilation is in fact 24 of the 50 units receive natural ventilation. This results in the development providing 48% cross ventilation and does not comply with the ADG requirement. This is not supported by Council therefore a condition of consent is recommended requiring amended plans to be provided

to Council prior to the issue of any Construction Certificate, demonstrating that operable windows/louvres along the southern elevation and on the floor plans be provided to units 401, 404, 501, 504, 601 and 604 to allow for cross ventilation to comply with the criteria.

Part 4C – Ceiling Height

Part 4C of the ADG requires that a 3.3 metre ceiling height be provided for the ground and first floor developments located within a mixed use area. The proposal provides a 3.5 metre floor to floor height for the ground level commercial tenancies and a 3.1 metre floor to floor on the first level residential. The applicant has stated that the ground floor would achieve an internal 3.3 metre ceiling height however this only allows for a 200mm distance to accommodate services/slab with the floor above. Given that compliance with the minimum ceiling height control would increase the height limit of the proposal even greater and the first floor will be used for residential and not commercial use, it is not possible to provide increased ceiling height to the first floor. The surrounding approved developments include a hotel and shop top housing to the east and the north. Both buildings require different ground and first floor ceiling heights however it is noted that the shop top housing developments do not incorporate a 3.3 metre first floor ceiling height. Therefore based on this assessment, the non-compliance is acceptable.



Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
4.3 Height of buildings	Yes	No - see discussion
4.4 Floor space ratio - Rockdale Town Centre	Yes	Yes - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
6.2 Earthworks	Yes	Yes - see discussion
6.3 Between 25 and 30 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone B4 Mixed Use

The subject site is zoned B4 - Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as commercial premises and shop top housing which constitutes a permissible development only with development consent. The proposed development is consistent with the objectives of the zone.

4.3 Height of buildings

The maximum building height applicable for the site is 22 metres under the Rockdale LEP 2011. The proposed development provides the following height breakdowns:

- 22.45 metres to the top of the parapet/balustrading
- 23.85 metres to the top of the rooftop pergola
- 25.55 metres to the top of the lift overrun

As such, the proposal proposes a variance between 0.45 metres to 3.55 metres which results in a maximum variance of 16%. A discussion against Clause 4.6 variation is discussed in the report below.

4.4 Floor space ratio - Rockdale Town Centre

The Gross floor area of the proposed development has been calculated as 4,461sqm over a site area of 1,165.5sqm. In this regard, the proposed floor space ratio (FSR) for the building is 3.83:1. The site is located within Rockdale Town Centre which does not have an FSR control applicable for this site.

The proposed density is in accordance with the desired future character of Rockdale, will have minimal adverse environmental effects on the use or enjoyment of adjoining properties, and will maintain an appropriate visual relationship between new development and the existing character of area.

4.6 Exceptions to development standards

In accordance with clause 4.6 of RLEP 2011, the applicant has requested that a variation to the maximum building height development standard and has provided the following justification as follows:

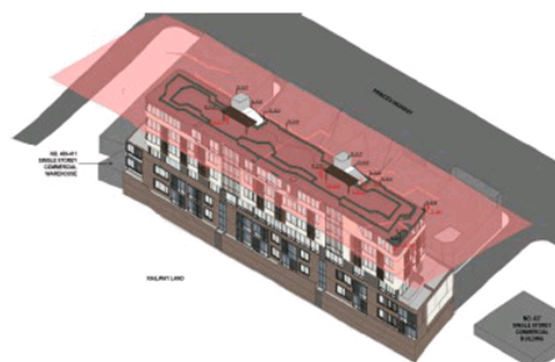
"What is the proposed numeric value of the development standard in the DA and the variation proposed?"

As noted earlier, the maximum variation to the 22 metre building height standard is 3.55 metres. The elevations and sections prepared by CD Architects submitted with the subject DA include annotations of the relevant RLEP height line to demonstrate the extent of height non-compliance.

The following are height plane "blanket" diagrams prepared by CD Architects which demonstrate the areas of non-compliance and equally, the areas of the buildings which fall below the height plane.



Height Plane Diagram- North East View



Height Plane Diagram- South West View

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 9 considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating the compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6(3)(a) (see below).

The five ways described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objectives of the standard are set out in Section 7 of this report. A response to each of the

objectives is provided below:

(a) to establish a maximum height of buildings to enable appropriate development density to be achieved,

The variation relates to lift and stair access, and facilities relating to the rooftop communal open space. The variation does not result in the creation of additional floor space (gross floor area) and in this respect objective (a) of the standard is achieved notwithstanding the minor breach of the height of buildings control.

As discussed above, the variation to the height limit is sought in order to facilitate equitable access to the proposed rooftop communal open space, which was itself recommended by the Design Review Panel. For the reasons set out above, we consider that the proposed development, notwithstanding the variation, results in a better planning outcome in terms of meeting this particular objective of the standard.

(b) to permit building heights that encourage high quality urban form,

The proposed building achieves a high quality urban form with the assistance of the Bayside Design Review Panel established with the consent authority. The building heights are one component of a precinct wide development scheme for the Rockdale Town Centre that creates a high quality urban form focussing on mixed use development in a key location in the Rockdale Town Centre and quality architecture that responds to and complements the new public spaces. In particular, the communal open space provided on the roof level ensures substantial amenity for all future residents and are an important element in overcoming the site constraints arising from the geometry and orientation of the historic subdivision pattern. Deletion of the rooftop communal open space area would have a negative effect on the quality of the urban form of the development.

For the reasons set out above, we consider that the proposed development, notwithstanding the variation, results in a better planning outcome in terms of meeting this particular objective of the standard.

(c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,

The permitted building height envisages a high density urban context that is consistent with the location of the site within 300m (approx.) radius of Rockdale Train Station. Within this context and having regard to the orientation and geometry of the existing allotments, the proposal achieves satisfactory sky exposure and daylight to buildings that is not prejudiced by the penetration of the building height limit in the locations. Key areas of the public domain receive good sunlight access as demonstrated by the Site Plan and Shadow Diagrams.

For the reasons set out above, we consider that the proposed development, notwithstanding the variation, results in a better planning outcome in terms of meeting this particular objective of the standard.

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

The elements that penetrate the building height limit control are setback sufficiently from the building

edges, and in particular the northern lift overrun, such that they do not prejudice the transition in built form and land use intensity already established by the nominated building height control. In this regard objective (d) is achieved notwithstanding the variations.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Not applicable

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

Not applicable. However, we understand that Council has approved a number of development applications that exceed maximum building height development standards throughout the precinct.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site given its strategic location and desired future character. The exception request, therefore, does not rely on this reason.

In addition to demonstration that Wehbe was "1" is satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons:

- The proposed breaches relate to lift overruns and ancillary elements on that roof of the buildings that provide for equitable access and improved use for the communal areas of the development. These communal areas are located above ground level with relatively unrestricted sunlight access, which is considered an appropriate design response given the context of the site. The breaches do not contribute to distinguishable bulk, scale or density of the buildings from surrounding areas.
- In the case of *Moskovich v Waverley Council*, the LEC accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. In a similar scenario, as discussed under the response to the objectives of the standard, the proposed development which seeks to vary the height standard, achieves a better response to the objectives of the standard and

specifically, objectives (b) and (c) relating to high quality urban form and the provision of adequate sky exposure and daylight. As discussed throughout this exception request, the rooftop area allows for a high quality urban form for the development's communal spaces within a dense urban environment, and ensure solar access throughout the day. The provision of communal open spaces that is accessible to all residents is a better planning outcome than if compliance were to be achieved and this area to be removed/deleted.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

Sufficient Environmental Planning Grounds to Justify the Contravention

The site is located in a high-density town centre location and the extent of the variation relates solely to the two single lift cores and stairs which provide equitable access to the rooftop communal open space.

Because of the constrained site dimensions, the only feasible location for communal open space is at the rooftop, which is also the most appropriate location as future residents will be able to enjoy uninterrupted sunlight access and good amenity. However, this necessitates access to the rooftop which results in the variation to the development standard.

It should be noted that all habitable levels of the building sit entirely below the maximum building height limit as demonstrated in Figure 3. It is further noted that the two liftcores represent less than 3% of the total building footprint.

The potential environmental impacts of the two liftcores (and pergolas) relate to visual impacts and overshadowing.

With regard to visual impacts, it is noted that the Design Review Panel (DRP) has reviewed the application and raised no concern with the building design and its contextual relationship. In relation to the lift cores the DRP suggested that different materials could be employed to make them more 'playful' - but otherwise did not identify any adverse impacts given the two centre location and their setback to the building edge. The amended architectural plans have responded to the comments of the DRP by cladding the liftcores in aluminium composite material. Because Waines Crescent is relatively narrow and the lift cores are setback from the edge they will not be visually apparent from the public road.

In terms of overshadowing, the shadow diagrams (Figure 5) demonstrate that the lift cores create only minimal additional overshadowing in the afternoon only. Furthermore, the additional overshadowing does not fall on any significant public places while the impact on neighbouring properties is minimal and is certainly not unreasonable.



Officers' Comment:

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The massing of the form of the proposal has been designed to relate to the scale of the desired future character of development within the Rockdale Town Centre to create an infill development that sits sympathetically with the streetscape. The site has the advantage of being located in close proximity to public transport with Rockdale Station directly adjoining to the west. The proposal represents a cohesive development and delivers a coordinated planning outcome. Whilst there is a variation to the proposed height control, the extent of the variation is offset by elements of the building and parts of the building which sit below the height limit, particularly the podium level and all residential/habitable areas, and the areas of non-compliance have been sited to ensure compatibility in scale with the streetscape and surrounding development.

The proposal provides a three storey street wall height to Waines Crescent with the upper levels setback 4 metres from the front boundary. The massing of the built form provides an appropriate transition similar to development that has been approved and currently under construction along Princes Highway.

In regards to whether the standard has been virtually abandoned or destroyed, Council maintains that the standard has not been abandoned or destroyed within the area. The non-compliance is for the purposes of lift overruns and pergolas which provide access and amenity to and on the rooftop

communal terrace therefore Council has a flexible approach in approving non-habitable uses over the height limit in this area.

The proposed variation will not result in any unreasonable impacts on the amenity of the adjoining properties and is consistent with the desired future character outlined in the RDCP 2011.

Sufficient Environmental Planning Grounds to Justify the Contravention

The development reflects the desired future built form character of the mixed use zone despite the variation. The departure from the height standard will not involve any unreasonable impacts on the amenity of adjoining properties, the streetscape or the locality. The development provides appropriate setbacks from Waines Crescent so that the additional bulk does not present a significant bulk from the streetscape and from the rail land.

Other comments:

The Clause 4.6 variation to the building height development standard has been assessed in accordance with the RLEP 2011.

The majority of the height departure is a result of the lift access and overrun and pergola due to access to the rooftop communal open space, with a slight non-compliance with the building parapet. Additional points relating to the proposed height exceedance include:

- The development proposal is compatible with the bulk and scale of the existing and desired future character of the locality presenting onto Waines Crescent and the rail land;
- The development is compatible and does not hinder future development on rail land and adjoining sites nor does it impact the heritage item at Rockdale Station;
- The development will not jeopardise the visual relationship between new development and the existing character, furthermore, it should be taken into consideration that surrounding land particularly to the immediate east will likely undergo change as a result of RLEP 2011;
- The development proposal will not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places including parks or community facilities;
- The proposal has maintained an appropriate visual character and is consistent with the transformation of the area;
- There will not be adverse impacts on the road network as a result of the proposed height exceedance;
- The development has been assessed to have minimal adverse impacts from the additional building height on the amenity of adjoining properties in terms of overshadowing, overlooking, traffic etc.; and

The Clause 4.6 request has been provided and is considered to be well-founded and has addressed the matters that are stated within Clause 4.6(3).

The proposal is consistent with the objectives of the standard and the applicant has satisfactorily established that the proposed variation is appropriate in maintaining and enforcing the development standard in these cases would be unreasonable and unnecessary and would not allow the orderly and economic development of this site.

5.10 Heritage conservation

The site is located within the vicinity of Heritage Item 222 –Brick buildings on platforms, signal box and overhead booking office at Rockdale Railway Station and Yard Group which is identified as a State Heritage Item. The majority of the heritage item comprises of a Victorian style brick structure with corrugated iron hipped roof and verandas located on an island platform. The rail line, which is the closest component of the heritage item to the site, is not considered to be an equal heritage merit. Additionally the existing building that forms part of this site and within rail land is not identified as a heritage item.

The applicant provided a heritage impact statement prepared by Weir Phillips Heritage which was reviewed by Council's Heritage Advisor who had no objections to the proposed development considering its distance to the rail station. The proposed development is sympathetic to the heritage items in terms of building design, materials and streetscape. In this regard, the proposed development does not affect the integrity or character of the heritage item

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. In addition the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD. The detailed site investigation report prepared by EI Australia details that acid sulfate soils are unlikely to be encountered during the works and an Acid Sulfate Soils Management Plan is not required during construction.

6.2 Earthworks

The proposal involves extensive excavation within the site to accommodate the basement levels up to a depth of 10.9 metres for the bulk excavation to accommodate three levels of car parking and another 6 metres further for the piles. The impacts of the proposed earthworks have been considered in the assessment of this proposal. Council's development engineer as well as Environmental Scientist have reviewed the Geotechnical report prepared by EI Australia and conditions of consent have been imposed in the draft Notice of Determination to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. Additionally, the excavation encounters groundwater which required the application to be referred to Water NSW for comments which is discussed in greater detail in the report above. The proposal meets the objectives of this clause.

6.3 Between 25 and 30 ANEF (2033) contours

The development is located on land that is between the 25-30 ANEF Contour. Further, the development will result in an increase in the number of dwellings or people affected by aircraft noise and in accordance with this clause, the proposed development requires noise mitigation measures.

The proposal was accompanied by an Acoustic Report prepared by Acoustic Logic, which addresses the matter of aircraft noise and details noise amelioration measures to be incorporated into the construction of the development in order to minimise aircraft noise impacts to future occupants, in compliance with the Australian Standards for indoor design sound levels. The proposed development complies with the requirements and objectives of this clause. A condition has been imposed in the draft Notice of Determination requiring the development to meet with the Australian Standards for indoor design sound levels.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at RL 51 metres to the Australian Height Datum (AHD). The proposed building height is at RL 42.70 metres to AHD and in this regard, it is considered that the proposed development will have minimal adverse impact on the OLS and hence is acceptable with regards to this Clause.

6.7 Stormwater

The proposal involves the construction of an on site detention system to manage stormwater. The proposed stormwater system has been revised by Councils' development engineer who has imposed conditions of consent to ensure compliance with the requirements of this clause and associated technical specifications. As conditions, the proposal complies with the provisions of this clause.

6.12 Essential services

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

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

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Mixed use	Yes	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Mixed Use	Yes	Yes - see discussion
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.6 Noise Impact	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates - Shop-top Housing	Yes	Yes - see discussion
4.6 Access to Parking	Yes	Yes - see discussion
4.6 Design of Loading Facilities	Yes	Yes - see discussion
4.6 Car Wash Facilities	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes - see discussion
5.2 RFB - Building Entry		
5.2 RFB - Lift Size and Access	Yes	Yes - see discussion
5.3 Mixed Use - Front Setbacks	Yes	Yes - see discussion
5.3 Mixed Use - Side Setbacks	Yes	Yes - see discussion
5.3 Mixed Use - Rear Setbacks	Yes	Yes - see discussion
5.3 Mixed Use - Ground Level Uses	Yes	Yes - see discussion
5.3 Mixed Use - Retail	Yes	Yes - see discussion
5.3 Mixed Use - Access to Premises	Yes	Yes - see discussion
5.3 Mixed Use - Visual Connections	Yes	Yes - see discussion
5.3 Mixed Use - Secured Access to Parking	Yes	Yes - see discussion
7.5.1 Building use and function		
7.5.1 Street Role - Service Laneway	Yes	Yes - see discussion
7.5.1 Parking and Loading		
7.5.1 Commercial Space		
7.5.2 Setbacks	Yes	Yes - see discussion
7.5.2 Street Character	Yes	Yes - see discussion
7.5.2 Laneway	Yes	Yes - see discussion

4.1.1 Views and Vista

The site and adjoining properties are relatively flat and contain minimal views out over the curtilage of each parcel of land and the adjacent properties. In this regard, they do not contain any iconic or significant view corridors. As such, the siting of the proposed building will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjacent residents.

4.1.2 Heritage Conservation - Vicinity of Heritage Item

The proposed development is in the vicinity of a heritage item 222 – Brick buildings on platforms, signal box and overhead booking office which is located at the Rockdale Railway Station and Yard Group. As discussed in the report above, the application was referred to Council's Heritage Advisor who had no objections to the proposal.

The proposed development is sympathetic to the heritage item in terms of building design, materials and streetscape. In this regard, the proposed development does not affect the integrity or character of the heritage item. Therefore the qualities that makes the heritage item and it's setting significant will not be diminished, dominated or overwhelmed by the proposed development.

4.1.3 Water Management

The roofwater and runoff is to be directed to an on-site detention tank. A stormwater plan has been submitted and has been found satisfactory by Council's Development Engineer who has imposed appropriate conditions of consent.

4.1.4 Soil Management

A soil and water management plan was not submitted as part of the development application. A condition of consent is imposed to require this information be provided prior to the commencement of any works.

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

4.1.9 Lot size and Site Consolidation - Mixed use

RDCP 2011 requires a minimum frontage of 18 metres for mixed use development of 4 storeys or greater in height. The subject site has a frontage to Waines Crescent of 70.37 metres and does not result in the isolation of nearby properties. The proposal thus satisfies the requirements and objectives of this clause.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

The provisions of this clause seek to ensure that the "Living rooms and private open spaces *for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.*"

The subject site is orientated north-east to south-west, with Waines Crescent located to the east and the rail line located to the west of the site. To the immediate south of the site at 427 Princes Highway, there currently comprises a single storey commercial building with open car parking area and to the east along Princes Highway at 413-425 Princes Highway, there are numerous commercial buildings that have been approved for a hotel development.

During mid-winter, at 9am, overshadowing is present on the railway land to the west which is zoned SP2 which prohibits any residential development from being built. There is also some overshadowing onto a portion of 427 Princes Highway to the south. At 12pm, the proposal will overshadow a portion of 413-425 Princes Highway, At 3pm, a portion of 427 Princes Highway, the road itself and the commercial buildings at 413-425 Princes Highway will be overshadowed. The below figure demonstrates the impact of the development at mid-winter:



During Spring Equinox, a portion of the site at 427 Princes Highway will be overshadowed however the majority of the overshadowing would occur onto rail land. At 12pm, the development overshadows the northern portion of 427 Princess Highway as well as partially onto Waines Crescent. At 3pm, the proposal will overshadow the development at 413-425 Princes Highway. The below figure demonstrates the proposed overshadowing during this time:



The DCP requires that the development and surrounding development receive a minimum of 3 hours of sunlight to the principal living areas and private open space for residential accommodation. The ADG requires a minimum of 2 hours therefore the ADG overrides the DCP requirement. The applicant had provided sufficient solar modelling of the development and its impacts on neighbouring properties and future development on these sites. The modelling demonstrated that the proposal would receive compliant solar to the units, particularly along the western side adjoining the rail line. While there is overshadowing proposed on neighbouring properties, both at mid-winter and spring-equinox, the degree of overshadowing that will occur to the development to the south is not considered significant, particularly if future units are orientated to the west and will not be hindered by any future residential development on rail land. As discussed before, the rail land is zoned SP2 therefore residential accommodation is prohibited. Additionally, the site to the east at 413-425 Princes Highway has been approved as a hotel development which does not require a minimum amount of sunlight to be achieved. Regardless, its orientation to Princes Highway will allow for sufficient sunlight to be provided along its eastern elevation. Considering the above information and solar modelling provided as well as the setbacks proposed along the eastern side of the site for the upper levels above the podium and the minimal depth of the site, the proposal complies with the requirements and objectives of this clause.

4.4.3 Natural Lighting and Ventilation - Mixed Use

Natural Ventilation has been discussed in the ADG section of the report above.

4.4.4 Glazing - General Controls

The proposed development provides appropriate sun shading devices during summer for glazed areas facing west and east, including the use of awnings and external screen louvers. The proposal is satisfactory in regards to this clause. Additionally, design matters relating to thermal comfort are deemed satisfactory with the issue of BASIX Certificate No. 910444M and dated Friday 22 March 2018. The provisions of this Clause are therefore satisfied.

4.4.5 Visual privacy

The proposed mixed use development has been designed and sited to minimise the overlooking of adjoining properties, incorporating:

- privacy screens along the eastern and western elevations
- windows with sill height of 1.7m
- use of sky light windows
- windows are offset to preclude views into windows of adjacent buildings or proposed with translucent and fixed glass

Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties. An appropriate condition is to be included in the draft notice of determination regarding the privacy screens.

4.4.5 Acoustic privacy

The application is accompanied by an Acoustic Assessment, prepared by Acoustic Logic. The report considered sound insulation requirements for partition walls separating dwellings and impact isolation between floors. The Report contains a set of recommendations, when implemented, will limit noise transfer between separate sole occupancy units in accordance with the provisions of this Clause. Subject to conditions, this Clause are therefore satisfied.

4.4.6 Noise Impact

As previously discussed within this report, an Acoustic report prepared by a suitably qualified Noise Consultant was submitted with the application which provided recommendations on appropriate measures to be incorporated into the design of the building in relation to potential acoustic impacts from road, rail, aircraft and mechanical plant noise. The development will also be appropriately acoustically attenuated to ensure acoustic amenity is maximized between inter tenancy units. Appropriate conditions have been incorporated in the draft Notice of Determination for the implementation and compliance of the recommendations in the Acoustic report.

4.4.7 Wind Impact

The proposal was accompanied by a Wind Assessment Report, prepared by ANA Civil Pty Ltd and dated 19 March 2018. The report stated that the proposal is not expected to induce any significant additional wind flow onto the neighbouring sites. An assessment of the most critical areas of the proposal were looked at which included the west facing balconies on levels 1 to 6, the private open space areas on level 3 and the communal rooftop area. The report makes the following recommendations regarding these areas:

- Balcony balustrades – preferably of masonry/concrete construction with no openings
- Pergolas, canopies and awnings over open areas; and
- Landscaping such as dense shrubs and trees

These recommendations have been taken into account within the proposal's design and satisfies this clause.

4.5.1 Social Equity - Housing Diversity and Choice

Part 4.5 of RDCP 2011 contains objectives and controls that aim to ensure that apartments in mixed use developments are flexible, maximise housing choice and provide equality of access. The proposal is considered to satisfy the relevant objectives and requirements. Compliance with the key controls are discussed below:

- Provision of 10-30% 1 bedroom unit, 50-75% 2 bedroom units, and 10-20% 3 bedroom units

The proposed unit mix does / does not comply with the requirements of RDCP 2011. In this case, the proposal includes 12 x one bedroom units (24%), 36 x two bedroom units (72%) and 2 x three bedroom units (4%). The number of three bedroom units does not comply with the requirement.

The applicant states that the unit mix has been provided in response to market demand and housing affordability. The proposal provides a mix of units that is consistent with surrounding development and the objectives of the clause. The proposed variation is minor and the proposal provides a varied range and size of units. The mix is therefore considered satisfactory in this case.

4.5.2 Social Equity - Equitable Access

- Minimum 10% of units being adaptable in accordance with AS 4299, and barrier free access to be provided to a minimum of 20% of apartments.

Part 4.5.1 requires that a minimum of 5 dwelling/s is provided as an adaptable in accordance with AS 4299. The proposed development provides a total of five adaptable dwelling and five liveable dwellings therefore a total of 10 dwellings which is considered satisfactory. Additionally the basement car parking levels provide for disabled car spaces compliant with the Australian Standards. The application was also accompanied by an Access Report prepared by Accessible Building Solutions dated 22 March 2018 which provides recommendations for the development which will be incorporated and complied as part of the Construction Certificate stage. Equitable access is provided to all the communal areas including foyers, car parking levels and the rooftop communal area. The proposal is satisfactory in this regard.

4.6 Parking Rates - Shop-top Housing

The development proposes a total of 50 units on the site (12x one bedroom, 36 x two bedroom and 2 x three bedroom). Additionally a total of 400sqm of commercial floor space is provided on the site. On site car parking for the development is required to be provided as follows in order to satisfy the requirements of the DCP 2011:

DCP Rate	Required	Proposed	Complies
Residential 1 space per 1 – 2 bed 2 spaces per 3 bed	52	43	No however complies with ADG
Visitor 1 per 5 units (20% reduction of total required applies in Rockdale Town Centre)	10	10	Yes
Commercial 1 per 40sqm (20% reduction of total required applies in Rockdale Town Centre)	10	10	Yes
Bicycle 1 per 10	5 (residential) 2 (commercial)	8	Yes
Motorbike 1 per 15	3.3 (residential) 0.5 (commercial)	5	Yes
Loading/Unloading 1 x SRV	1	1 loading dock provided	Yes
Car Wash Bay	1	1	Yes

As demonstrated above, there is a non-compliance with the amount of residential car parking as required in the DCP 2011. However as the site is located within 800 metres of Rockdale Train Station, the ADG/RMS rates apply. The development is compliant with these rates and the proposal is found acceptable.

The proposal provides sufficient on site bicycle and motorbike parking spaces, which will encourage future users to at alternative modes of transportation given the accessible location of the site.

Given the above the proposal is deemed to be satisfactory and satisfies the objectives of the clause.

4.6 Access to Parking

Vehicular access to the site is provided along the north-eastern side of the site at ground level. The proposal provides secure car parking behind a roller shutter, with the provision of an intercom for visitor access. Parking for persons with a disability have been provided for residential and commercial areas and is located within close proximity to lifts. Vehicles are able to enter and exit the site in a forward direction. Council's development engineer has provided conditions the proposal to ensure that safe methods of traffic management are provided on site including a traffic light system. The proposal is satisfactory in regards to the provisions of this clause.

4.6 Design of Loading Facilities

A loading/unloading dock has been provided for an MRV/HRV along the north-eastern side of the site. The location of the loading dock has been reviewed by Council's Development Engineer who has no issues with the proposal subject to the imposition of conditions of consent. It is not considered that the loading dock will impact the nature of business of development to the north which also has a roller door and loading area adjoining the loading bay.

4.6 Car Wash Facilities

One car wash bay has been provided within Basement Level 3 for residential use. Appropriate conditions have been imposed relating to the car wash bay.

4.7 Air Conditioning and Communication Structures

The plans do not depict the location of proposed residential air conditioning units on site. Accordingly, a condition is imposed in the draft conditions requiring air conditioning units to be obscured from public view should they be provided and operate in accordance with the relevant provisions of the Protection of the Environment Operations Act, 1997. Subject to conditions, the development is acceptable with regards to this Clause.

4.7 Waste Storage and Recycling Facilities

The plans demonstrate that the ground floor comprises of three separate commercial waste rooms and two residential waste rooms which are connected on each level by waste chutes. The waste rooms contain the bins which are considered appropriate. A waste management plan has been provided with the development application. The ground floor plan has demonstrated that the bins will be moved to a specified area directly adjacent to the loading dock where they will be collected by garbage truck. The loading dock has an appropriate head clearance to allow for an MRV or HRV vehicle. All access will be from Waines Crescent. The number and size of bins provided are considered sufficient. The proposal satisfies this clause.

4.7 Service Lines/Cables

Plans illustrate the provision of a fire hydrant booster recessed into the frontage of the development proposed at ground level. Doors to the booster are proposed to be painted in the colour scheme of the development. The proposal is satisfactory in this regard.

4.7 Laundry Facilities and Drying Areas

All residential dwellings have been provided with an internal laundry. Additionally the proposal has been conditioned to require the registration of a By Law on site which ensures that balconies are not used as clothes drying areas. The proposal is therefore satisfactory in this regard.

4.7 Letterboxes

The plans demonstrate that mailboxes will be integrated within the building along the eastern elevation and adjacent to a pedestrian pathway. The letterboxes will be located adjacent to the residential lobbies of the building. The proposal is satisfactory in this regard.

4.7 Hot Water Systems

A condition is imposed on the draft Notice of Determination which requires hot water systems on balconies to dwellings to be encased in a recessed box with the lid/cover designed to blend with the building. All associated pipe work is to be concealed. Subject to conditions, the proposed development is acceptable with regards to this Clause.

5.2 RFB - Lift Size and Access

There are two lifts to service fifty units within the development. Each of the lifts provide direct access from the basement to the residential levels above. Additionally there is a third lift proposed which will provide access from the commercial ground floor lobby to the basement level 1 which is only commercial car parking spaces and visitor spaces which further emphasises the development provides security between commercial and residential tenancies. The residential lifts also extend up to the rooftop communal area therefore this area is accessible to all occupants of the unit. The proposal also achieves the minimum number of units that are serviced by a single lift as required by the ADG. Therefore, considering the above, the proposal satisfies this clause.

5.3 Mixed Use - Front Setbacks

The proposed development has a setback along Waines Crescent of 1 metre at the podium levels (Ground to Level 2) which is then further setback by 4 metres from the boundary on the upper levels (Level 3 to 6) to allow for an appropriate podium and transitional separation within the building. The 1 metre ground setback will allow for an easement to be provided for pedestrian access as there is no footpath existing or proposed along the laneway. The easement for pedestrian access is conditioned within the consent. Considering the above, the front setback is appropriate and the development satisfies the clause.

5.3 Mixed Use - Side Setbacks

The proposal requires to have a 3 metre setback for buildings up to 3 storeys and 4.5 metres for more than 3 storeys.

The proposal provides a nil boundary setback at the podium level on both the northern and southern side of the development. The upper levels are setback away from the side boundary between 4 metres to 6 metres and allowing an appropriate building separation for the development and any future development of the adjoining sites. While this does not strictly comply with the above requirements for residential flat buildings, consideration of the site constraints, its' location next to rail land, a well designed side elevation profile and the context of the site adjoining a laneway away from residential, it is considered that the proposal is acceptable. The proposal satisfies this clause.

5.3 Mixed Use - Rear Setbacks

The proposal provides a 830mm to 1.1 metre rear setback at ground level and a 1.1 metre setback on the levels above. Therefore, this does not comply with the control of 4.5 metres. The rear elevation is located adjoining rail land where it is not anticipated that residential accommodation will be carried out as this is a prohibited use. The proposal has been referred to Sydney Trains due to the zone of influence of the rail line to the development and any excavation for basement levels may have some impact on the rail land. Appropriate conditions were sent through and have been imposed within the

consent.

5.3 Mixed Use - Ground Level Uses

The proposal provides 400sqm GFA of commercial space at ground level which is separated into two commercial tenancies with the possibility of further separation later on. The other uses provided at ground level include the residential and commercial lobbies, the waste holding rooms and the loading dock and garbage collection area. The proposal provides floor to ceiling glazing to the commercial tenancies to allow for passive surveillance from and to the tenancies. There is no car parking at ground level as all car parking is located at basement levels. The commercial and residential lobbies are also accessible and identifiable from Waines Crescent. Therefore the proposal is satisfactory in relation to the provisions of this clause.

5.3 Mixed Use - Retail

The proposed development is required to provide a minimum of 10% of the gross floor area of the development as commercial space. The proposal provides 400sqm of commercial space which is greater than 10% of the ground floor area therefore satisfies the control. The size and shape of the commercial tenancies has been designed to integrate with the architectural design of the building as well as maintaining a pedestrian path between the lane and the retail/lobbies to the building. The depth of the tenancies are large and have accommodated internal toilets within each tenancy. This satisfies the clause

5.3 Mixed Use - Access to Premises

Access for persons with a disability/ mobility impairment has been provided on site from basement to rooftop levels, including ground floor commercial areas. The proposal satisfies the objectives of this requirement.

5.3 Mixed Use - Visual Connections

The proposal proposes floor to ceiling glass along the commercial tenancies in addition to the lobbies for both residential entries. The ground floor lobbies have direct visual connection between the lane and the building and are secure. All units from Level 1 and above are proposed with balconies and windows that front the laneway as well as rail land and provides passive surveillance to these areas. There are no roller shutters proposed over the commercial tenancies and this is conditioned within the consent.

5.3 Mixed Use - Secured Access to Parking

Separate lifts are provided between the basement and commercial tenancies and the residential levels and the basement level. Adequate security is proposed for the development with residential car parking provided on Basement Level 2 and 3 and commercial and visitor car spaces proposed on Basement Level 1. The proposal satisfies this clause.

7.5.1 Street Role - Service Laneway

The proposed development incorporates retail space at ground level which addresses the Waines Crescent frontage and is directly accessible from the lane. This is the same with the residential lobbies and is the key point of entry and exit from the site. There is no residential units proposed at ground level. Vehicle access is also available from Waines Crescent. The proposal satisfies the requirements and objectives of this clause.

7.5.2 Setbacks

The site does not fall within any of the precincts as listed within the RDCP 2011 however control 2 requires that development within the Rockdale Town Centre be built to the boundary at the side

elevations. The proposal seeks to build on the northern and southern boundary at the podium levels with the upper levels setback further approximately 4 metres to 6 metres to allow for an appropriate building separation between the subject site and the neighbouring sites.

7.5.2 Street Character

The proposal does not seek to vary the relevant street character diagrams applicable to the subject site. The street character of the laneway is currently commercial developments on either side of the lane with the development located within a mixed use area. The proposed development provides a development that contains an appropriate bulk and scale, setbacks and active ground floor activation for a constrained site.

7.5.2 Laneway

The proposal provides a one metre setback off Waines Crescent for the podium level and the levels above the podium are setback 3 metres from the edge of the podium. This complies with the laneway frontage requirements and satisfies this clause

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

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

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

Safety and Security

The development provides for two identifiable residential lobbies as well as two commercial tenancies at ground level facing Waines Crescent. All these areas propose ground to ceiling clear glass to allow for passive surveillance to these areas. The provision of glazed facades to the shopfronts maximises visibility and assists in providing a safe environment on the site. The development proposes balconies along the western and eastern facades which will also provide surveillance to the lane and to the rail line. The car parking levels a separated between residential and commercial with the commercial basement containing a separate lift up to the ground floor which does not extend to the residential levels above. The rear of the site has been setback away from the boundary. The boundary between the rail land and the site has been proposed to have a 1.8 metre high fence to protect the site from any access.

Social Impact

The proposal will activate and enhance the public domain and includes residential units of adequate size and mix for the demographics of the locality. Proposed residential units have access to good public transport which will assist in the reduction of car use, and the proposal incorporates alternative transportation modes, via the provision of bicycle and motorbike parking. The proposal further provides well designed and located communal areas with facilities which will encourage social interaction between future occupants on site. The proposed development is not considered to result in any adverse social impacts and is satisfactory for the site.

Construction

Construction of the proposed development includes excavation works, piling and the construction of the development. Impacts will be minimized through the use of standard conditions of consent relating to hours of construction, noise, dust suppression, traffic management and the like.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. 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)(d) - Public submissions

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and one submission has been received. The issues raised in the submission are discussed below:

Issue 1: Development will hinder access to their site

Comment: Concerns are raised relating to the development prohibiting access into their site along Waines Crescent which may lead into a down turn within their business as customers will not be able to park near their store.

The proposed development will be built within the confines of their site boundary. All car parking will be provided on the site to comply with the ADG car parking rates therefore reliance on on-street car parking is not required. There is opportunity for the submitters customers to continue to park on the street, with the exception of parking in front of the garage and loading dock. Additionally, the loading dock is in close proximity to the entrance of the neighbouring site however the plans have been reviewed by Council's Development Engineer who had no issues with the proposal subject to the imposition of conditions within the consent.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

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

A Section 7.11 Contribution Payment of **\$340,554.28** is payable in accordance with Council's Policy and accordingly, imposed as a condition on the draft Notice of Determination.

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
DA-1005- Site Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1006- Site Analysis Plan- Rev B	CD Architects	22/01/2019	12/02/2019
DA-1001- Basement 3 Level Floor Plan- Rev C	CD Architects	21/03/2019	29/03/2019
DA-1102- Basement 2 Level Floor Plan- Rev C	CD Architects	21/03/2019	29/03/2019
DA-1103- Basement 1 Level Floor Plan- Rev C	CD Architects	21/03/2019	29/03/2019
DA-1104- Ground Floor Plan- Rev D	CD Architects	21/03/2019	29/03/2019
DA-1105- Level 01 Floor Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1106- Level 02 Floor Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1107- Level 03 Floor Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1108- Level 04 Floor Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1109- Level 05 Floor Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1110- Level 06 Floor Plan- Rev C	CD Architects	22/01/2019	12/02/2019
DA-1111- Roof Terrace Level Plan- Rev B	CD Architects	22/01/2019	12/02/2019
DA-1112- Roof Level Plan- Rev B	CD Architects	22/01/2019	12/02/2019
DA-2001- East Elevation- Rev C	CD Architects	21/03/2019	29/03/2019
DA-2002- West Elevation- Rev B	CD Architects	23/05/2018	12/02/2019
DA-2003- North Elevation- Rev B	CD Architects	22/01/2019	12/02/2019
DA-2004- South Elevation- Rev B	CD Architects	22/01/2019	12/02/2019

DA-3001- Section A- Rev D	CD Architects	21/03/2019	29/03/2019
DA-3002- Section B- Rev C	CD Architects	21/03/2019	29/03/2019
DA-3003- Driveway Ramp Section- Rev C	CD Architects	21/03/2019	29/03/2019
DA-3004- Winter Garden Details 1- Rev A	CD Architects	23/05/2018	12/02/2019
DA-3005- Winter Garden Detail 2- Rev A	CD Architects	23/05/2018	12/02/2019
DA-5001- Pre and Post Adaptable Units- Rev A	CD Architects	22/03/2018	12/02/2019
DA-7051- Finishes Schedule- Rev B	CD Architects	22/01/2019	12/02/2019
DA-7052- Awning and Ground Floor Details- Rev C	CD Architects	22/01/2019	12/02/2019
L01 Rev D- Ground and Level 3 Landscape Plan	Site Design and Studios	25/04/2019	29/04/2019
L02 Rev D- Roof top Landscape Plan	Site Design and Studios	25/04/2019	29/04/2019

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (910444M) 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. A separate application shall be submitted for the demolition of structures on the site.
7. A separate development application shall be submitted for the commercial tenancies. Additional conditions may be imposed on any such consent.
Note: Parking and loading provisions in a mixed use development may preclude certain uses.
8. The balconies shall not be enclosed at any future time without prior development consent.
9. 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.
10. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown

- on the approved plans and authorised by a subsequent construction certificate.
11. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
 12. 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.
 13. All works are to be carried out in accordance with the integrated development conditions provided by Water NSW and listed at the end of this consent.
 14. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Residential	43 spaces
Commercial	10 spaces
Residential Visitor Spaces	10 spaces
Bicycle (residential)	5 spaces
Bicycle (commercial)	3 spaces
Motorbike (residential)	4 spaces
Motorbike (commercial)	1 space
Loading/unloading	1 HRV space
Car Wash Bay	1 space

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

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 4.18(1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development specific conditions

The following conditions are specific to the Development Application proposal.

15. Safer by Design
To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:
 - a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
 - b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 -

- Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - d) Graffiti resistant materials shall be used to ground level external surfaces.
 - e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
 - f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.
16. 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.
17. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
18. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
- (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
19. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.
- The Registered Proprietor will:
- (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;

- (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
20. 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.
 21. 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.
 22. 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.
 23. 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.
 24. Residential air conditioners shall not cause ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
 25. Temporary dewatering of the site to construct the subsurface structure is not permitted.
 26. 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.
 27. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 28. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
 29. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
 30. Hot and cold water hose cocks shall be installed to the garbage room.
 31. (b) In order to ensure the design quality I excellence of the development is retained:
 - i) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority

- where information or clarification is required in the resolution of design issues throughout the life of the project;
- iii) Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.
 - (c) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
32. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
 33. All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
 34. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
 35. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
 - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
 36. a) The approved Landscape Concept Plans prepared by Site Design + Studio, issue C, dated March 2018 shall incorporate detailed landscape documentation to be submitted to and approved by Council Landscape Architect prior to Issue of Construction Certificate. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council Landscape Technical Specifications and include the following amendments:
 - i) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species.
 - ii) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting proposed vegetation.
 - iii) All proposed pergolas shall include climbers to provide shade in hot months.
 - c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points

- elsewhere in the planter. There are to be no external weep holes.
- ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
- iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- v) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- d) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- e) A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
- f) All landscape treatment in the interface with public domain shall consider CPTED principal in the design.
- g) Prior to issue of the relevant Occupation Certificate, Landscaping within the property and within the public domain must be carried out in accordance with the approved landscape plans as amended in accordance with (XX number of landscape condition in this Determination) above and as approved by Council's Landscape Architect. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.

37. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling.

Ceiling heights for all non-habitable areas shall be a minimum of 2.4 m as measured vertically from finished floor level to the underside of the ceiling.

Prior to issue of the construction certificate

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

38. Prior to the issue of the Construction Certificate, a detailed stormwater drainage management plan for the disposal of all roof-water, surface water and subsoil water from the site shall be submitted and approved by the Principal Certifier. The drainage management plan for the Construction Certificate shall comply with the requirements as detailed in the Rockdale Stormwater Technical guidelines. The following amendments are also to be included in the design:
- No drainage sumps or grates are to be located within the proposed right of way
 - The OSD tank shall have a safe overflow system that would cater for 1%AEP and shall consider a 50% blockage
 - No subsoil drainage shall be provided permanently below the Ground water table.
 - A butterfly pit or similar shall be constructed in the new kerb and gutter fronting the site prior to the proposed 375 RCP crossing the Road Carriageway.
 - The downstream receiving existing pit and grated drain shall be upgraded to suit the drainage runoff from the upstream catchment and the newly proposed connection.
39. Prior to the issue of the Construction Certificate, a car wash bay is to be provided. A visitor car space can be utilised for this purpose. A tap shall be provided along with a sign fixed to the wall saying 'Visitor Car Space and Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 – 1993 and AS/NZS 4452 – 1997 with a direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
40. Prior to the issue of the Construction Certificate, all surface runoff from parking facilities and access ways shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted to the Principal Certifier.
41. Prior to the issue of the Construction Certificate, the design and construction of the off-street car & bicycle parking facilities shall comply with Australian Standard AS 2890 parking series and shall be certified accordingly by a suitably qualified engineer.
- (a) Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2002. Commercial vehicles greater in size and mass than the MRV are not permitted to enter the site.
- (b) Car Wash Bay - The required car wash bay shall be a minimum 3.5m wide and shall be signposted and appropriately line- marked to state that this space shall be

used as a car wash bay.

(c) Parking spaces must not be enclosed without further approval of the Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1:2004.

(d) The longitudinal profile of the access and any ramps within the parking facilities must comply with the ground clearance requirements of the Standard.

(e) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS2890.1:2004.

42. Prior to the issue of the Construction Certificate, a Construction Traffic Management Plan (CTMP) must be submitted to and approved by Principal Certifier. Approval of the CTMP may require endorsement from the Bayside Traffic Committee. The CTMP shall include, but not limited to the following: vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, construction vehicle turning templates and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The TMP shall be supported by a traffic control plan prepared by a suitably qualified and RTA accredited Work Site Traffic Controller, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites current version, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.
43. The construction methodology, parameters, and recommendations prepared by Eiaustralia Dated 16 March 2018 shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
44. Prior to the issue of the Construction Certificate, the subsurface structures shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of the subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably qualified engineer. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
45. Prior to the issue of Construction Certificate, If neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard, the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the principal certifier.
Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified engineer, with supporting details addressing the following issues:
Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of an adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
The report must be supported by suitable geotechnical investigations to demonstrate

the efficacy of all design assumptions.

46. A civil design plan must be prepared by a suitably qualified engineer and be approved by Council public domain section for all frontage works that are required to be constructed within the public domain. The frontage works shall be in accordance with Council technical manuals, master plans, town centre plans and standard design drawings and specifications.
Preliminary consultation with Council public domain department is highly recommended.
47. 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 \$28,843.85. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$19.00.
48. 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.
49. A Section 7.11 contribution of **\$340,554.28** 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 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 7.11 contributions plan in the following manner:

Regional Open Space Fund	\$42,087.94
City Wide Open Space Fund	\$66,569.14
Rockdale Local Open Space Fund	\$152,500.94
City Wide Town Centre & Streetscape Fund	\$7,479.02
Rockdale Local Town Centre & Streetscape Fund	\$5,861.84.
Pollution Control Contribution	\$38,490.90
Child care services	\$1,568.10
Community services	\$1,680.34

Library services	\$22,706.20
Administration & Management Contribution	\$1,609.86

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

50. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads. An engineering design certificate is required to be submitted for the design of the Basement system including shoring wall.
51. The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.
 - 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
 - 4 Star for timber flooring in any area.
 - 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

52. A landscape plan, prepared by a qualified Landscape Architect shall be submitted to Council or the accredited certifier (AC) for approval with or before the application for a Construction Certificate. 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.
53. A list of the proposed and existing essential services to be installed in the building shall be submitted to Council in accordance with the relevant requirements.
54. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with the relevant Australian Standards must be provided to and within 10 residential units, and between this unit(s) and its allocated car parking space. The allocated parking space will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of the relevant Australian Standards.

Note: Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability

Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

55. Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.

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

56. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
57. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

The relocation of the existing electricity supply pole in the road reserve at (specify location if required) to (specify location if required), is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Ausgrid. The applicant shall enter into a contract with Ausgrid for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

58. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.
59. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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

60. 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.

61. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
62. As the basement floor are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must:
 - (a) That the all recommendations contained in the Geotechnical report prepared by El Australia, Report No. E23720.G02, dated 16 March 2018 shall be implemented.
 - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
 - (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
 - (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
 - (e) 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.

63. Prior to the issue of the relevant Construction Certificate, an application for Property Address Allocation and associated fee is required to be submitted to Council. Determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy. The form is available for download at:
<https://www.bayside.nsw.gov.au/services/development-construction/building-or-altering-property/commonly-used-forms>
 The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:
<http://www.qnb.nsw.gov.au/>

data/assets/pdf_file/0007/199411/2018_NSW_Addressing_User_Manual.pdf

The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.

Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan.

64. Street Lighting is to be provided along the frontage of the site and be in accordance with AS/NZS 1158. The street lighting shall be integrated as part of the proposed building.
65. Prior to the issue of a construction certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.
66. The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).

The stormwater management system is to meet the targets as follows;

Stormwater Pollutants	Outcome
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

67. Prior to the issue of the Construction Certificate, amended plans are to be submitted to Council demonstrating that Units 401, 404, 501, 504, 601 and 604 are to provide operable windows or new windows along the southern elevation to allow for natural ventilation to the units. The windows are to be provide appropriate privacy mechanisms to prevent overlooking to the neighbours to the south.

Prior to commencement of works

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

68. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
69. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and

made available on request.

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

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

70. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
71. A sign must be erected 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.
72. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:
 - hazard identification and control
 - site security
 - personal protective equipment
 - work zones and decontamination procedures
 - contingency plans and incident reporting
 - environmental monitoring.
73. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
74. (a) A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place,

(b) Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

(c) Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and

the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids. Any such hoarding, fence or awning is to be removed when the work has been completed.

(d) The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

75. 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.
76. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.
77. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
78. 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 or other approved methods of preventing movement of the soil must be provided and:

ii. Adequate provision must be made for drainage.

During demolition / excavation / construction

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

79. Separate permits are required to be obtained and approved by Council for all works including but not limited to road and footpath closure, stand and operate a registered vehicle or plant, occupy road with unregistered item, work zone, hoarding, shoring support (anchoring), tower crane operation, public land access, temporary dewatering, and any excavation and works proposed to be undertaken on public land.
80. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

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

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

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

Where there is any movement in foundations such that damaged is occasioned to

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

81. If a CC is required, 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.
82. 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.
83. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

84. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
 - Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
85. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
86. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.

- iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
- v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

87. 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.

88. 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.
89. 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.
90. 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.

91. 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.
- 92. 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.
- 93. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site shall cease until the Council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).
- 94. All remediation work must be carried out in accordance with:
 - 1. NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - 2. NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - 3. State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - 4. the 'Remedial Action Plan – 1-2 Waines Crescent, Rockdale NSW', (E23720.E06_Rev0) by EI Australia dated 22 March 2019.

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.

- 95. Prior to the issue of an Occupation Certificate, the constructed stormwater drainage system shall be inspected and certified by a suitably qualified engineer. The

certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Council Specifications.

96. Prior to the issue of an Occupation Certificate, An appropriate instruments in accordance with Council Specification must be registered on the title of the property, concerning the presence and ongoing operation of the On-Site Detention System and stormwater quality improvement device/s. A Works-as-Executed plan must be submitted Council at the completion of the works, the plan must clearly illustrate dimensions and details of the site drainage and the On-Site Detention System stormwater quality improvement device/s. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided to verify, that the constructed stormwater system and associate works have been carried out in accordance with the approved plan(s), relevant codes and standards.
97. Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:
 - a) The car park has been completed, a line marked and all signage relating to car parking erected.
 - b) A notice has been clearly displayed at the site frontage to indicate that visitor parking is available within the property with access.
98. Prior to the issue of an Occupation Certificate, a suitably qualified engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification.
99. Prior to the issue of an Occupation Certificate, All works identified by the approved civil design plan shall be completed to Council satisfaction.

All footpath, or road and drainage modification and/or improvement work 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.

100. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
101. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
102. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
103. 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.

104. 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.
105. A by-law shall be registered and maintained for the life of the development, which requires that :
 (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied 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.
106. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
107. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
108. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
109. 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.
110. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
111. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
112. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

113. 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.
114. An appropriately qualified Noise Consultant is to certify that Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion has been met before an occupation certificate will be issued.
115. The noise reduction measures specified in the noise report shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
116. Prior to issue of an Occupation Certificate, a measurement report from a qualified acoustic consultant shall be submitted, demonstrating compliance with the noise criteria.
As a minimum, this report shall provide the L_{Amax} and L_{Aeq} noise levels of at least ten consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum L_{Aeq} (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period.
117. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
118. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
119. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
120. Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

Prior to issue of subdivision certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

121. The Granting of service easement shall be undertaken to the satisfaction of the principal Certifier consideration shall be given to the following:
 - (a) Right of carriageway
 - (b) Reciprocal Rights of Carriageway
 - (c) Easement for access and maintenance
 - (d) Drainage easement
122. a 1 metre wide right of way easement shall be provided along the site fronting Waines Cr as per the approved plans. the easement shall be benefiting Bayside Council, and the terms of easement shall be as per the Conveyancing Act 1919.
123. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

An application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website 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 Certifier prior to the release of the Subdivision/Strata Certificate.

Integrated development/external authorities

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

124. WATER NSW CONDITIONS

- a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a

discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.

d) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).

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

125. **NSW POLICE CONDITIONS**

The following conditions are specific to the NSW Police requirements:

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

record images from the cameras.

126. **SACL CONDITIONS**

- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority
- b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 42.7 metres Australian Height Datum (AHD).
- c) In his 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, Peter Bleasdale has no objection to the erection of this development to a maximum height of 42.7 metres AHD.
- d) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- e) Should you wish to exceed this height a new application must be submitted.
- f) 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.
- g) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- h) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- i) "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)).
- j) The height of the prescribed airspace at this location is 51 metres above AHD.
- k) 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.

127. **RMS CONDITIONS**

a) Given the scale of the development and the introduction of residential apartments on the site, the central median on the Princes Highway is to be closed opposite the Waines Crescent intersection to prevent right turn movements into and out of Waines Crescent.

b) The design and construction of the central median closure on the Princes Highway shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed central median closure on the Princes Highway are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

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

c) Council should ensure that the post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.

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.

Details should be forwarded to:

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

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

d) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS 2890.6:2009, and AS 2890.2 – 2002.

e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council

for approval, which shows that the proposed development complies with this requirement.

f) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

g) All vehicles should enter and leave the site in a forward direction.

128. **SYDNEY TRAINS CONDITIONS**

Engineering

a) Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- i) Geotechnical Assessment Report (Ref: E23720.G02) prepared by EI Australia dated 16 March 2018
- ii) Groundwater Take Assessment (Ref: E23720.G12) prepared by EI Australia dated 28 February 2019.
- iii) Structural Report (Ref: 180083.R0) prepared by Australian Consulting Engineers dated 1 May 2018
- iv) Structural Drawings as follows:
 - Shoring Elevation, S0100 Revision B dated 25/01/2019
 - Shoring Elevation Sheet 1 of 2, S0101 Revision A dated 18/05/2018
 - Shoring Elevation Sheet 2 of 2, S0102 Revision A dated 18/05/2018
 - Shoring Details, S0103 Revision A dated 18/05/2018
 - Monitoring Plan, S0104 Revision B dated 25/01/2019
 - Monitoring Sections, S0105 Revision B dated 25/01/2019

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

Supervision

b) Unless advised by Sydney Trains in writing, all excavation, shoring and piling

works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Survey

c) Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and RailCorp's land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.

Noise & Vibration

d) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

Electrolysis

e) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

Design

f) The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.

g) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

h) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible

from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Construction

i) No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

j) No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

k) No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

l) Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

- Machinery to be used during excavation/construction.
- Demolition, excavation and construction methodology and staging
- Revised Construction and Maintenance Access Report to be based on the Revisions B architectural drawings and engineering documentation listed above.

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

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

n) If required by Sydney Trains, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction

Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

o) Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

p) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

q) The ground floor rear yards are not to be raised whereby the ground level to the tip of the rear fence is less than 1800mm in height. Any change to ground level for these rear yards (including the need to raise the fence height), are to be endorsed by Sydney Trains, but must have a minimum height of 1800mm.

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

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

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

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

v) ☐ Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

Consultation

w) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

x) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

y) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is the Illawarra Interface Team and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.

Documentation

z) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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

Environmental Protection

bb) During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

Drainage

cc) The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. The Principal Certifying Authority is not to issue a Construction Certificate or final Occupation Certificate unless the drainage is in accordance with the above documentation.

dd) The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Trains expenditure involved with restoring or maintaining alternative services.

ee) Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

Inspections

ff) If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

gg) If required by Sydney Trains, prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

hh) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the

principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

Maintenance

ii) Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

Contaminated Land

jj) Prior to the issue of a Construction Certificate the Applicant shall provide a Validation Contamination Response report to Sydney Trains for review. Any cross contamination identified shall be removed by the Applicant under instructions from Sydney Trains. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Access Gate

kk) The applicant shall not at any stage block any Sydney Trains corridor access gates and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

Other

ll) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

mm) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

129. **SYDNEY WATER CONDITIONS**

Building Plan Approval

a) The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or

water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

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

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

Section 73 Certificate

b) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

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

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

If you require any further information, please contact Mary Ellen Trimble of Growth Planning and Development on urbangrowth@sydneywater.com.au.

Roads Act

130. 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.

131. 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.
132. 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.
133. 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.
134. 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.
135. 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.
136. 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).
137. All works associated with the proposed development shall be at no cost to the RMS.
138. The following details shall be submitted to PCA for assessment and approval pursuant to *Section 138 of the Roads Act 1993*, in relation to the awning over

Council's footpath.

- i) Detailed design plans and specifications, including structural details; and
- ii) Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural).

Note: Awnings are required to comply with the requirements under Rockdale Development Control Plan 2011. Awnings are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 3.3 metres above the footpath level. Drainage from the awning shall be connected to the stormwater system for the development. The awning shall provide a minimum 3.5m clearance above the driveway crossing at the entrance to the parking facility. Following completion of the installation of the awning a certificate from a Chartered Professional Engineer (Structural) shall be submitted to PCA stating that the awning has been constructed in accordance with the design plans and specifications.

Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- c. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- d. *Dial Before You Dig*

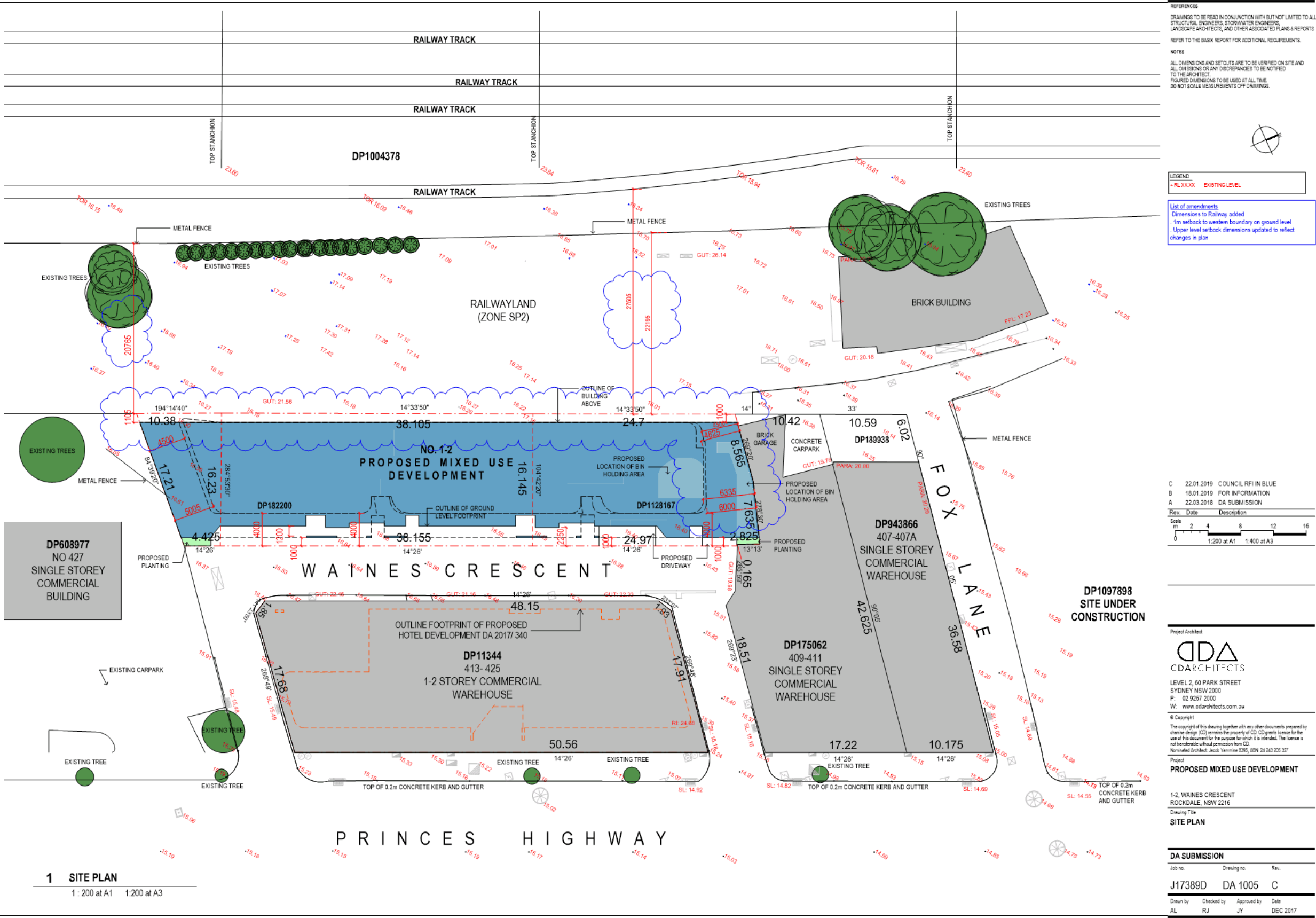
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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.

- e. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011

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

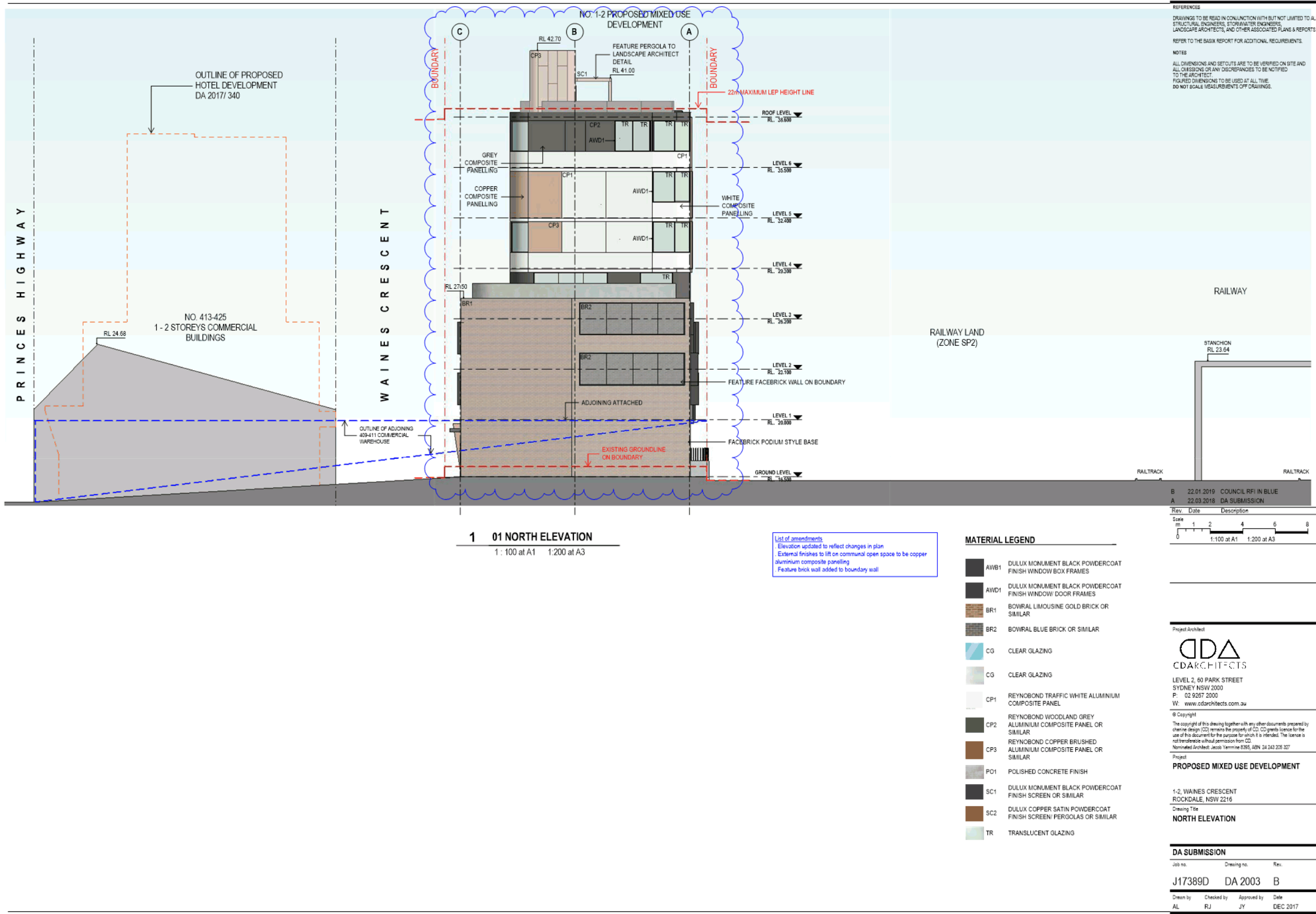
All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the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

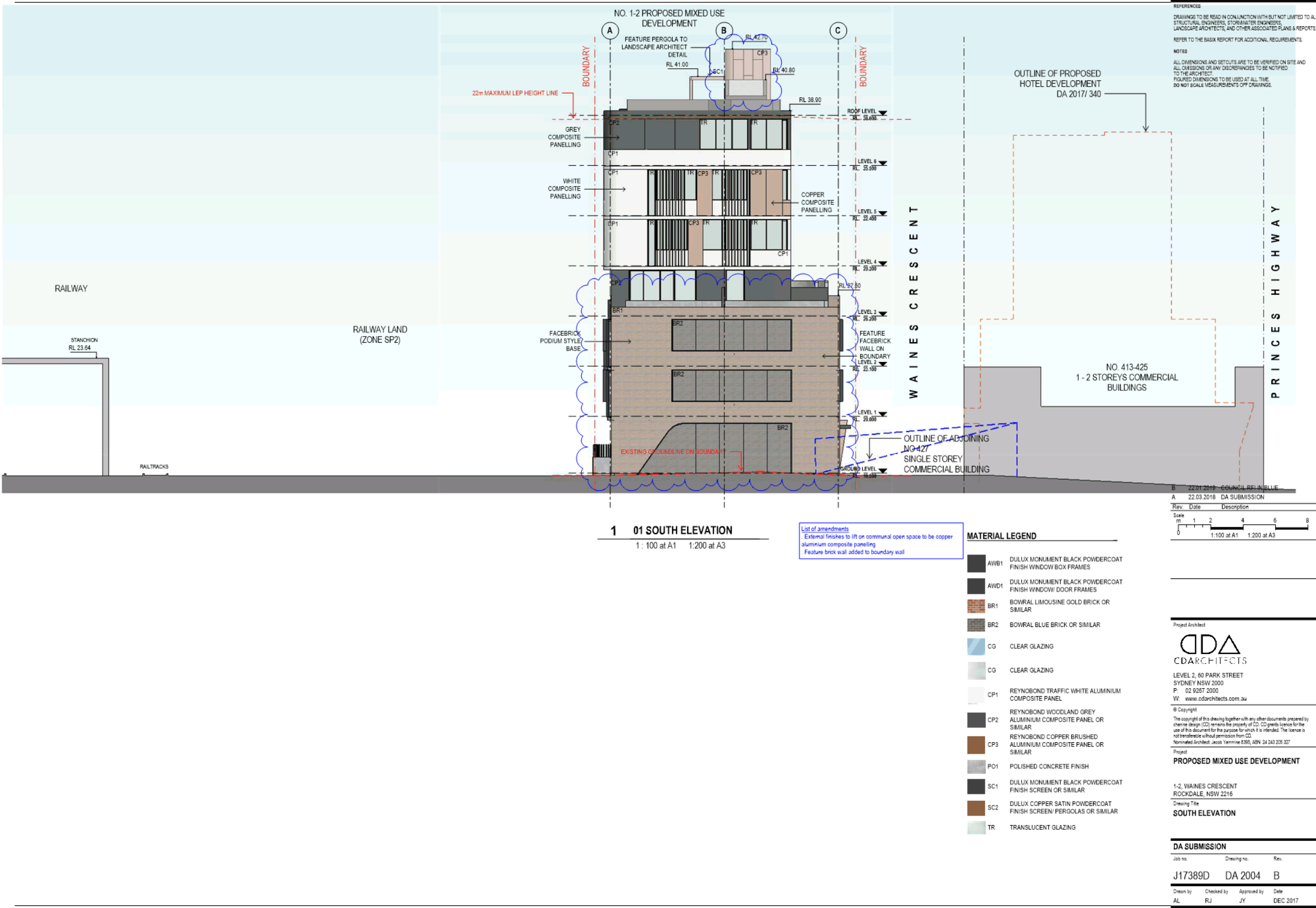
- g. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- h. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- i. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- j. 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".
- k. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- l. 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.

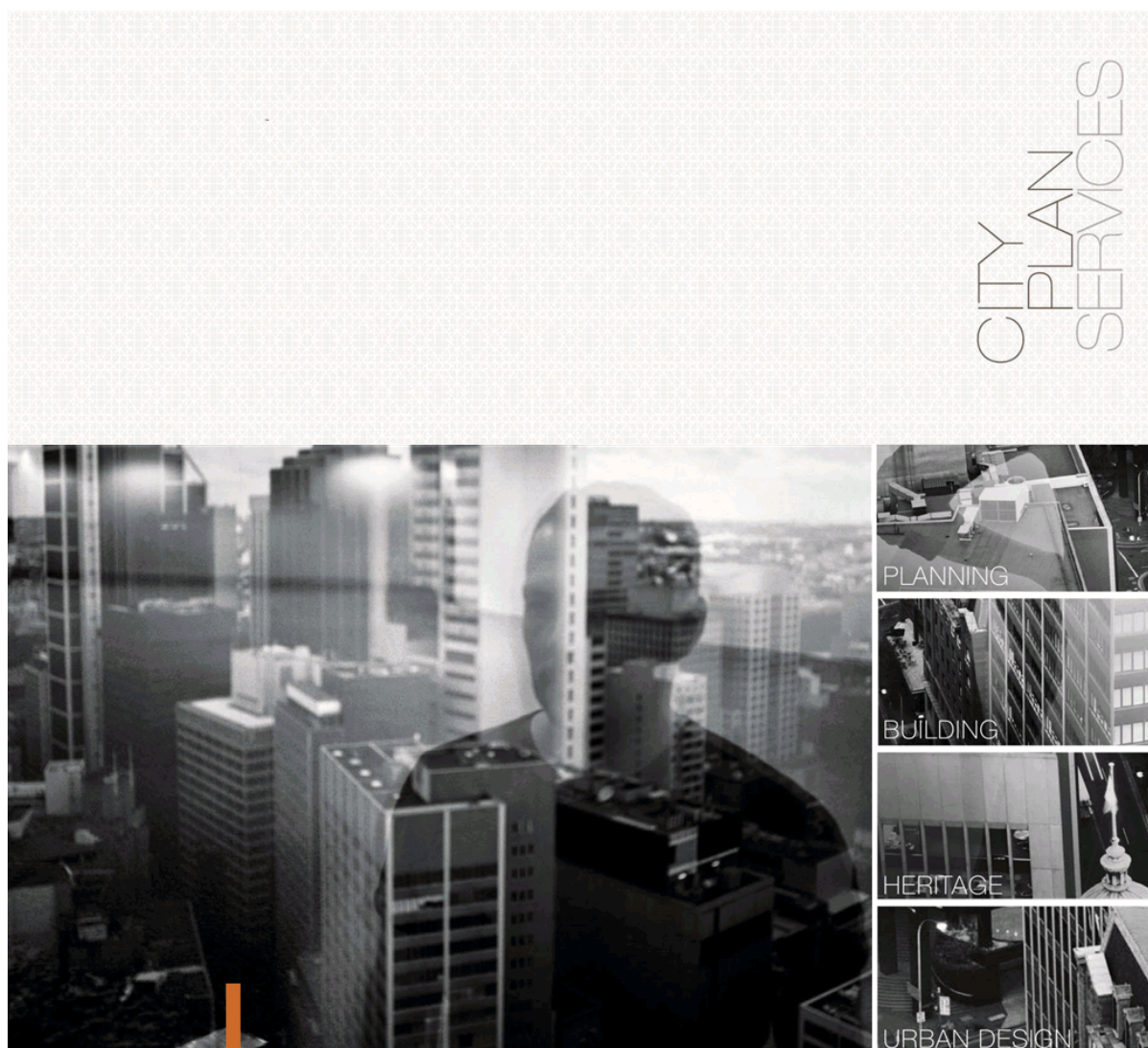












Clause 4.6 Variation Request

Building Height Development Standard

Rockdale Local Environmental Plan 2011

1-2 Waines Crescent,
Rockdale NSW 2216

Submitted to the Bayside Council
On Behalf of Shirik Rockdale Pty Ltd

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1. Introduction

This report seeks a variation to a development standard prescribed by the Rockdale Local Environmental Plan 2011 (RLEP). The report relates to a Development Application (DA) proposing Shop Top Housing at **Nos. 1-2 Waines Crescent, Rockdale** (the site) within Rockdale Town Centre.

The exception is sought pursuant to Clause 4.6 of the RLEP. A variation is sought in relation to the application of the height of building development standard applicable to the subject site (being 22 metres), pursuant to Clause 4.3 of the RLEP. The maximum variation being sought relates to the proposed northern lift overrun, which varies from the 22 metre building height standard by 3.55 metres. The variation to the height limit is sought in order to facilitate equitable access to the proposed rooftop communal open space, which was itself recommended by the Design Review Panel.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Varying Development Standards: A Guide, August 2011, and has incorporated as relevant principles identifies in the following judgements:

1. *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46
2. *Wehbe v Pittwater Council* [2007] NSWLEC 827
3. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 ('Four2Five No 1')
4. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90
5. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 ('Four2Five No 3')
6. *Moskovich v Waverley Council* [2016] NSWLEC 1015

In this report, we have explained how flexibility is justified in this case in terms of the matters explicitly required by Clause 4.6 to be addressed in a written request from the Applicant. This report also addresses, where relevant and helpful, additional matters that the consent authority is required to be satisfied of when exercising the discretion afforded by Clause 4.6 or the assumed concurrence of the Secretary.

2. What is the environmental planning instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is the Rockdale Local Environmental Plan 2011 (RLEP).

3. What is the zoning of the land?

The site is zoned B4 Mixed Use pursuant to the RLEP. Refer to Figure 1 indicating the site outlined in dotted green.

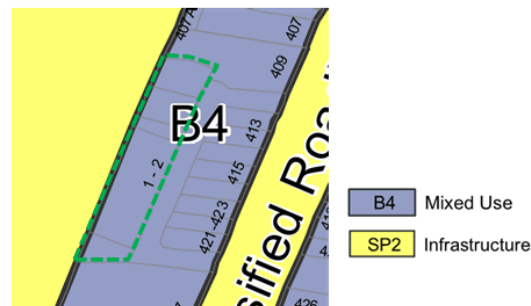


Figure 1. Extract of the RLEP zoning map showing the site outlined in dotted green (Source: NSW Legislation).

4. What are the objectives of the zone?

The objectives of the B4 zone are as follows:

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

5. What is the development standard being varied?

The development standard being varied is the "height of buildings" standard.

6. Under what clause is the development standard listed in the EPI?

The development standard being varied is prescribed under Clause 4.3(2) of the RLEP. An extract is below.

"4.3 Height of buildings

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map."

7. What are the objectives of the development standard?

The objectives of the standard are set out below:

"(1) The objectives of this clause are as follows:

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

8. What is the numeric value of the development standard in the EPI?

An extract of the RLEP Height of Buildings Map is below.

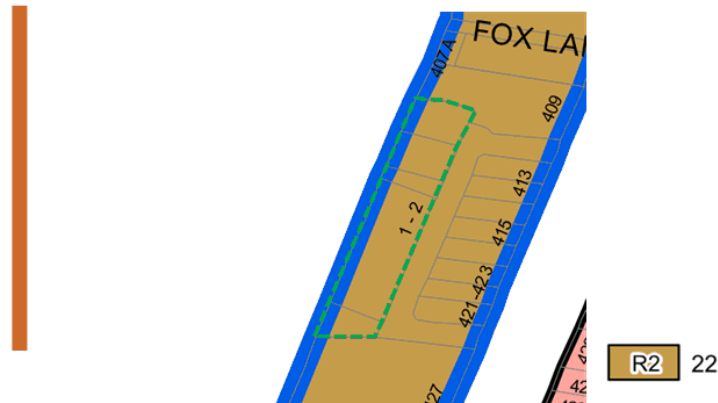


Figure 2. Height of Buildings Map Extract showing the site outlined in dashed green (Source: NSW Legislation).

As can be seen in the figure above the site is subject to a maximum building height of 22 metres.

9. What is the proposed numeric value of the development standard in the DA and the variation proposed?

As noted earlier, the maximum variation to the 22 metre building height standard is 3.55 metres.

The elevations and sections prepared by CD Architects submitted with the subject DA include annotations of the relevant RLEP height line to demonstrate the extent of height non-compliance. The following are height plane "blanket" diagrams prepared by CD Architects which demonstrate the areas of non-compliance and equally, the areas of the buildings which fall below the height plane.



Figure 3. Height Plane Diagram - North east view (Source: CD Architects).

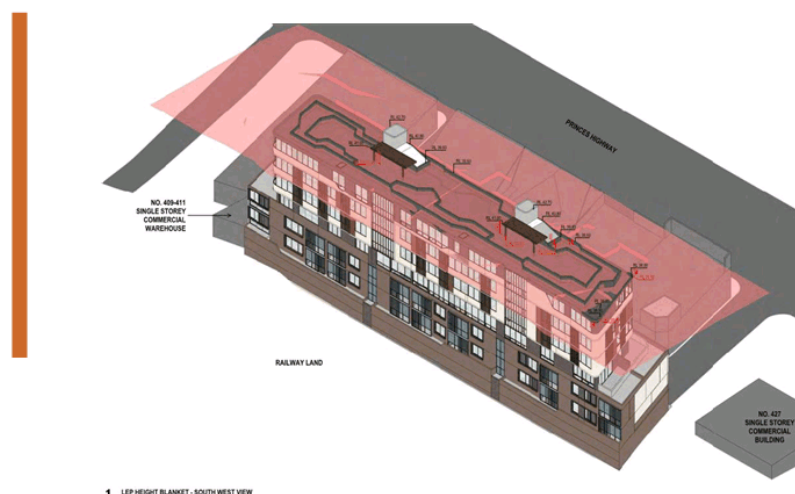


Figure 4. Height Plane Diagram - South west view (Source: CD Architects).

10. Matters to be considered under Clause 4.6

The following table provides a summary of the key matters for consideration under Clause 4.6 of the RLEP and a response as to where each is addressed in this written request:

TABLE 1: MATTERS FOR CONSIDERATION UNDER CLAUSE 4.6

Requirement/Subclause of Clause 4.6	Response/Comment
(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.	It is key to note that the objectives of the clause are to provide flexibility in applying development standards in that in so doing, better development outcomes ensue.
(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.	The height standard is not expressly excluded from 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.	This written request justifies the variation by demonstrating (a) is achieved in Section 11, and (b) is achieved in Section 12.

<p>(4) Development consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(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</p> <p>(b) the concurrence of the Director-General has been obtained.</p>	<p>This written request addresses all requirements of subclause (3).</p> <p>As set out in Section 13 of this written request, the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the zone.</p> <p>Concurrence is assumed but is a matter to be determined by the Consent Authority.</p>
<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<p>Potential matters of significance for State or regional environmental planning is addressed in Section 14.</p> <p>Consideration of whether there is any public benefit in maintaining the development standard is considered in 13.</p>
<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if.....</p>	<p>Does not apply.</p>
<p>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>	<p>This is a matter for the Consent Authority.</p>
<p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following....</p>	<p>The development standard to be varied is not precluded from the operation of Clause 4.6 of the RLEP.</p>

The requirement for consideration and justification of a Clause 4.6 variation necessitates an assessment of a number of criteria. It is recognised that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify a Clause 4.6 variation, although in the circumstance of this case, the absence of any environmental impact is of considerable merit.

The proposed variation from the development standard is assessed below against the accepted "5 ways" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe v Pittwater Council* [2007] NSWLEC 827 and the principles outlined in *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46. Whilst the principle applied to SEPP 1, we believe that it is useful to apply in the consideration of a request under Clause 4.6 of the RLEP, as confirmed in *Four2Five*.

11. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6(3)(a) (see below).

The five ways described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objectives of the standard are set out in Section 7 of this report. A response to each of the objectives is provided below:

- (a) to establish a maximum height of buildings to enable appropriate development density to be achieved,

The variation relates to lift and stair access, and facilities relating to the rooftop communal open space. The variation does not result in the creation of additional floor space (gross floor area) and in this respect objective (a) of the standard is achieved notwithstanding the minor breach of the height of buildings control.

As discussed above, the variation to the height limit is sought in order to facilitate equitable access to the proposed rooftop communal open space, which was itself recommended by the Design Review Panel.

For the reasons set out above, we consider that the proposed development, notwithstanding the variation, results in a better planning outcome in terms of meeting this particular objective of the standard.

- (b) to permit building heights that encourage high quality urban form,

The proposed building achieves a high quality urban form with the assistance of the Bayside Design Review Panel established with the consent authority. The building heights are one component of a precinct wide development scheme for the Rockdale Town Centre that creates a high quality urban form focussing on mixed use development in a key location in the Rockdale Town Centre and quality architecture that responds to and complements the new public spaces. In particular, the communal open space provided on the roof level ensures substantial amenity for all future residents and are an important element in overcoming the site constraints arising from the geometry and orientation of the historic subdivision pattern. Deletion of the rooftop communal open space area would have a negative effect on the quality of the urban form of the development.

For the reasons set out above, we consider that the proposed development, notwithstanding the variation, results in a better planning outcome in terms of meeting this particular objective of the standard.

- (c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,

The permitted building height envisages a high density urban context that is consistent with the location of the site within 300m (approx.) radius of Rockdale Train Station. Within this context and having regard to the orientation and geometry of the existing allotments, the proposal achieves satisfactory sky exposure and daylight to buildings that is not prejudiced by the penetration of the building height limit in the locations. Key areas of the public domain receive good sunlight access as demonstrated by the Site Plan and Shadow Diagrams.

For the reasons set out above, we consider that the proposed development, notwithstanding the variation, results in a better planning outcome in terms of meeting this particular objective of the standard.

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

The elements that penetrate the building height limit control are setback sufficiently from the building edges, and in particular the northern lift overrun, such that they do not prejudice the transition in built form and land use intensity already established by the nominated building height control. In this regard objective (d) is achieved notwithstanding the variations.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Not applicable.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

Not applicable. However, we understand that Council has approved a number of development applications that exceed maximum building height development standards throughout the precinct.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site given its strategic location and desired future character. The exception request, therefore, does not rely on this reason.

In addition to demonstration that Wehbe was "1" is satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons:

- The proposed breaches relate to lift overruns and ancillary elements on that roof of the buildings that provide for equitable access and improved use for the communal areas of the development. These communal areas are located above ground level with relatively unrestricted sunlight access, which is considered an appropriate design response given the context of the site. The breaches do not contribute to distinguishable bulk, scale or density of the buildings from surrounding areas.
- In the case of *Moskovich v Waverley Council*, the LEC accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. In a similar scenario, as discussed under the response to the objectives of the standard, the proposed development which seeks to vary the height standard, achieves a better response to the objectives of the standard and specifically, objectives (b) and (c) relating to high quality urban form and the provision of adequate sky exposure and daylight. As discussed throughout this exception request, the rooftop area allows for a high quality urban form for the development's communal spaces within a dense urban

environment, and ensure solar access throughout the day. The provision of communal open spaces that is accessible to all residents is a better planning outcome than if compliance were to be achieved and this area to be removed/deleted.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

12. Sufficient environmental planning grounds to justify the contravention

The site is located in a high-density town centre location and the extent of the variation relates solely to the two single lift cores and stairs which provide equitable access to the rooftop communal open space.

Because of the constrained site dimensions, the only feasible location for communal open space is at the rooftop, which is also the most appropriate location as future residents will be able to enjoy uninterrupted sunlight access and good amenity. However, this necessitates access to the rooftop which results in the variation to the development standard.

It should be noted that all habitable levels of the building sit entirely below the maximum building height limit as demonstrated in Figure 3. It is further noted that the two liftcores represent less than 3% of the total building footprint.

The potential environmental impacts of the two liftcores (and pergolas) relate to visual impacts and overshadowing.

With regard to visual impacts, it is noted that the Design Review Panel (DRP) has reviewed the application and raised no concern with the building design and its contextual relationship. In relation to the lift cores the DRP suggested that different materials could be employed to make them more 'playful' - but otherwise did not identify any adverse impacts given the two centre location and their setback to the building edge. The amended architectural plans have responded to the comments of the DRP by cladding the liftcores in aluminium composite material. Because Waines Crescent is relatively narrow and the lift cores are setback from the edge they will not be visually apparent from the public road.

In terms of overshadowing, the shadow diagrams (Figure 5) demonstrate that the lift cores create only minimal additional overshadowing in the afternoon only. Furthermore, the additional overshadowing does not fall on any significant public places while the impact on neighbouring properties is minimal and is certainly not unreasonable.



Figure 5 - Overshadowing impact of height variation (circled red)

13. Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the standard have been addressed in Section 11 and are demonstrated to be satisfied.

The objectives of the zone are addressed below.

TABLE 2: RESPONSE TO OBJECTIVES OF ZONE

Objectives of R4 Zone	Response/Comment
To provide a mixture of compatible land uses.	The proposal provides a mix of residential and non-residential land uses which are compatible with each other and the surrounding area and are consistent with the Vision expressed in the Master Plan for the Rockdale Town Centre developed by Council. The proposed exceedance of the height standard does not affect consistency with this objective.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport	The proposal facilitates a high density mixed use development on an appropriate site in close proximity to public transport and in this respect, it is consistent with this objective. The proposed exceedance of the height standard does not diminish consistency with this objective.

patronage and encourage walking and cycling.	
--	--

The objectives of the zone, as demonstrated above, as well as the objectives for the standard have been adequately satisfied, where relevant. Therefore, the variation to the height of buildings standard is in the public interest.

14. Matters of state or regional significance (cl. 4.6(5)(a))

There is no prejudice to planning matters of State or Regional significance resulting from varying the development standard as proposed by this application.

15. The public benefit of maintaining the standard (cl. 4.6(5)(b))

Pursuant to *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is “whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

There is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the maximum height of buildings standard, whilst better planning outcomes are achieved.

We therefore conclude that the benefits of the proposal outweigh any disadvantage and as such the proposal will be in the public interest.

16. Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Rockdale LEP 2011, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves and is consistent with the objectives of the development standard and the objectives of the B4 zone, notwithstanding the variation;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard; and
- The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

Bayside Design Review Panel

REPORT OF THE BAYSIDE DESIGN REVIEW PANEL

Meeting held on Friday, 19 October 2018 at Bayside Council

[Panel members: Alan Cadogan, David Klingberg and Dean Boone]

ITEM 2

Date of Panel Assessment:	19 October 2018
Applicant:	CD Architects
Architect:	CD Architects
Property Address:	1-2 Waines Crescent, ROCKDALE NSW 2216
Description:	Construction of a seven (7) storey mixed use development comprising of fifty (50) residential apartments, two (2) commercial units and basement parking
No. of Buildings:	1
No. of Storeys:	7
No. of Units:	50 residential units - 12 x 1 bedroom; 36 x 2 bedroom and 2 x 3 bedroom
Consent Authority Responsible:	Bayside Council
Application No.:	DA-2018/63
Declaration of Conflict of Interest:	Nil

The Panel inspected the site, reviewed the submitted documentation and met with representatives of the applicant including Marwan Chanine (Director - C9 Developments), Rudy Jasin (Architect CD Architects) and Marta Gonzalez-Valdes (Council's Coordinator Development Assessment), Angela Lazaridis (Council's Senior Development Assessment Planner).

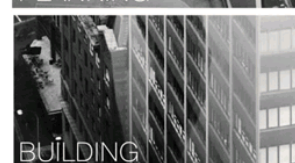
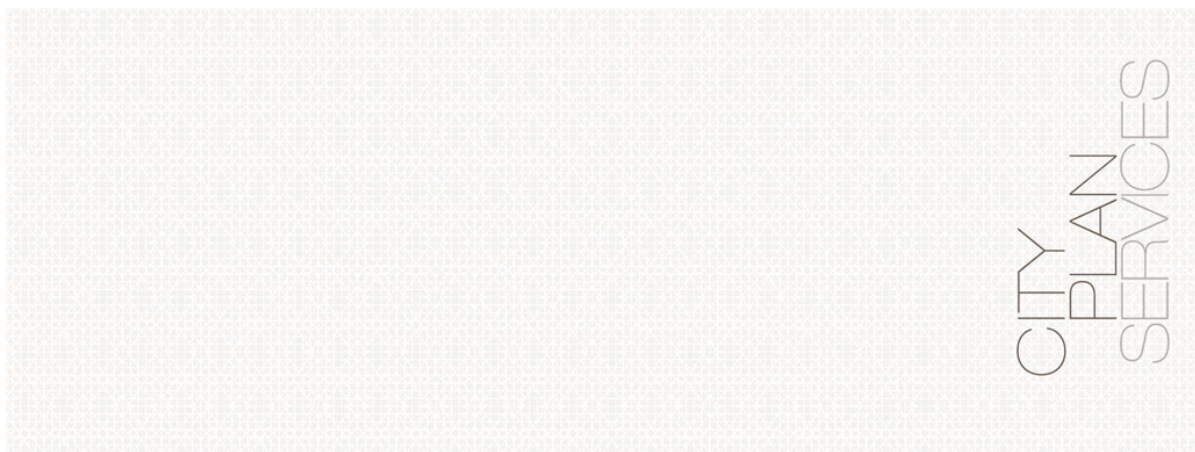
Design Principle	Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The Panel considers that the design demonstrates high quality in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.</p> <p>The Panel recommends that further consideration be given to:</p> <ul style="list-style-type: none"> • The treatment of the south elevation boundary wall which should have further articulation; • The internal configuration of apartments which, though acceptable, is tight; • Improving the cross-ventilation of apartments, possibly by revising the design to include cross-over apartments and/or double height apartments; • The materiality of the lift towers which could be more playful; and • Further opportunities for including sustainability initiatives in the design above and beyond those required by BASIX, such as solar energy generation, rainwater harvesting, etc. <p>The Panel notes that the design together with that of the hotel on the adjacent site has the potential to help catalyse fine-grain urban design improvements between the site and Rockdale Station and recommends Council should prepare an urban design and public realm strategy for this area to guide future development of the area in order to ensure that the opportunities created by this development are fully realised.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of</p>	

Design Principle	Comments
<p>residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p>	

Design Principle	Comments
<p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p> <p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p> <p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	

RECOMMENDATION

- The Panel supports the application subject to the changes described above. The application satisfies the design quality principles contained in SEPP 65.



Statement of Environmental Effects Shop Top Housing


1-2 Waines Crescent,
Rockdale NSW 2216

Submitted to Rockdale City Council
On Behalf of Shrik Rockdale Pty Ltd

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March 2018 | 18-031

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01	27/03/18	Alice Rubenach Senior Project Planner	Stephen Kerr Executive Director	 Stephen Kerr Executive Director

This document is preliminary unless approved by a Director of City Plan Strategy & Development

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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V

Appendix	Document	Prepared by
1.	RLEP and RDCP Compliance tables	CPSD
2.	Clause 4.6 Variation Request	CPSD
3.	Architectural Plans Photomontage and Materials SEPP 65 Design Verification Statement and Design Quality Principles ADG Compliance Table Reponses to DRP issues letter	CD Architects
4.	Traffic and Parking Impact Assessment Report	Varga Traffic Planning
5.	Detailed Site Investigation	EI Australia
6.	Acoustic Report	Acoustic Logic
7.	Waste Management Plan (Operational)	Waste Tech Services
8.	Access Report	Accessible Building Solutions
9.	Fire Engineering Advice	Innova Services
10.	Landscape Plans	Site Design and Studios
11.	Wind Assessment	ANACIVIL
12.	BASIX Report BASIX Certificate	Outsource Ideas
13.	Survey Plan	Daw & Walton Consulting Surveyors
14.	Stormwater concept plans and checklist	Australian Consulting Engineers
15.	Capital Investment Value Report	RICQS
16.	DRP Meeting Comments	Bayside Council's DRP
17.	Flood Advice Letter from Council	Bayside Council
18.	Geotechnical Report	EI Australia
19.	Heritage Impact Statement	Weir Phillips Heritage
20.	Waste Management Plan (Construction)	CD Architects
21.	Utilities Statement	CD Architects

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VI

1. Introduction

This SEE has been prepared for Shrik Rockdale Pty Ltd by City Plan Strategy and Development Pty Ltd (CPSD) to accompany a Development Application (DA) for Shop Top Housing and is submitted to Rockdale City Council. The subject site comprises land known as **Nos. 1-2 Waines Crescent, Rockdale** ("the site").

The proposal is for the construction of a seven (7) storey building containing 50 residential units and two (2) ground floor commercial tenancies with three (3) levels of basement parking.

The SEE concludes this proposal is of an appropriate scale and mass, has no adverse amenity impacts and is a suitable outcome in its particular location.

This Statement of Environmental Effects (SEE) has been prepared pursuant to Section 78A of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. It is proposed to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures.

The purpose of this SEE is to describe the existing improvements on the site; detail the proposed development; review the applicable planning regime relating to the proposal; assess the degree of compliance; and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

A summary of the planning approvals history for the site is discussed in Section 1.3, a detailed description of the proposal is provided in Section 3 and the statutory planning policy framework for the area has been considered in Section 4. An assessment of the environmental impacts of the development is undertaken in Section 6. Our assessment in Section 7 concludes that the proposed development is consistent with the desired future form and character of a site which is planned for major urban renewal in accordance with the Rockdale Town Centre Precinct objectives. It will provide an appropriate standard of amenity for future residents and occupiers of the site and will have reasonable and manageable impacts on the external environment. We recommend approval of the shop top housing development.

This report should be read in conjunction with the architectural plans & documentation prepared by CD Architects and other supporting documentation accompanying this SEE and as shown in Table 1 below:

TABLE 1: SUBMITTED DOCUMENTATION.

Appendix	Document	Prepared by
1.	RLEP and RDCP Compliance tables	CPSD
2.	Clause 4.6 Variation Request	CPSD
3.	Architectural Plans Photomontage and Materials SEPP 65 Design Verification Statement and Design Quality Principles ADG Compliance Table Reponses to DRP issues letter	CD Architects
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	Report	
5.	Detailed Site Investigation	EI Australia
6.	Acoustic Report	Acoustic Logic
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18.	Geotechnical Report	EI Australia
19.	Heritage Impact Statement	Weir Phillips Heritage
20.	Waste Management Plan (Construction)	CD Architects
21.	Utilities Statement	CD Architects

1.2 Pre-lodgement Consultation

A pre-lodgement meeting for a shop top housing development was held with Bayside Council and Council's Design Review Panel (DRP) on 5 February 2018 and 1 February 2018, respectively. Following the meetings, the documentation has been developed further and submitted with this DA to provide Council and the DRP with the necessary information for DA assessment.

Formal pre-lodgement meeting comments from Bayside Council have not been received to date. However, it is understood that the issues raised in the meeting have been adequately addressed in CD Architect's subsequent revision of the scheme, and therefore provided within the submitted architectural set at Appendix 3.

Council's DRP's formal pre-lodgement meeting comments were received and responses to these formal comments are provided by CD Architects at Appendix 3.

1.3 DA History

From a review of Bayside Council's DA tracker, one development application (DA) has been recorded under DA-2017/206 for proposed boundary adjustments between Lot 1 DP 182200 and Lot 3 DP 608977, approved 1st March 2017.

2. The Site and Context

2.1 The Site

The site is located approximately 300m north of the Rockdale Train Station and adjoins the eastern side of the railway line. It is known as **Nos. 1-2 Waines Crescent, Rockdale** and is legally described as:

- Lot 1 in DP182200;
- Lots 1, 2 and 3 in DP1128167; and
- Lot 3 in DP608977.

The site is shown in Figure 1. Refer to the survey plan submitted with this DA for the site cadastral boundaries.



Figure 1. Aerial photograph of the site outlined in red and shaded in yellow (Source: SixMaps).

The total site area is approximately 1,165.5m². The site is irregular in shape and has a frontage to Waines Crescent of approximately 70m, northern (side) boundary of approximately 16.2m, southern (side) boundary of approximately 17m and rear boundary of approximately 73m.

The topography is generally flat, with slight variations of between 0.5m to 1m across the site. The site currently comprises industrial buildings which are older style industrial blockwork and metal warehouse sheds.

No trees or vegetation exist within the site.

2.2 Existing Improvements

Below are photos of the site.



Figure 2. View west, towards the southern boundary of the site (Source: Google Street View).



Figure 3. View south, along Waines Crescent (Source: Google Streetview).



Figure 4. View north, along Waines Crescent (Source: Google Streetview).



Figure 5. View south west, towards the frontage of the site (Source: Google Streetview).

2.3 Surrounding Development

The site is surrounded by a mix of uses including industrial, residential and commercial. The northern adjoining site comprises a built-to-boundary single storey commercial warehouse. On the eastern side of Waines Crescent is a 2 storey commercial warehouse which is recently proposed to be developed into a Hotel under DA2017/340. To the south is a single storey commercial building and on grade car park.

Adjoining the site to the west is railway land which contains an existing building and railway tracks. The existing building is a continuous part of the same complex of industrial buildings at the site previously used for processing meat products.

Below are photos of the surrounding sites.



Figure 6. View west, towards the Waines Crescent and Princes Highway intersection (Source: Google Streetview).



Figure 7. View south along Princes Highway, towards the shop frontages of Nos. 413-425 Princes Highway (left) (Source: Google Streetview).



Figure 8. View south west, towards the shop frontages of Nos. 413-425 Princes Highway (left) (Source: Google Streetview).



Figure 9. View west, towards the southern adjoining site, No 427 Princes Highway (Source: Google Streetview).

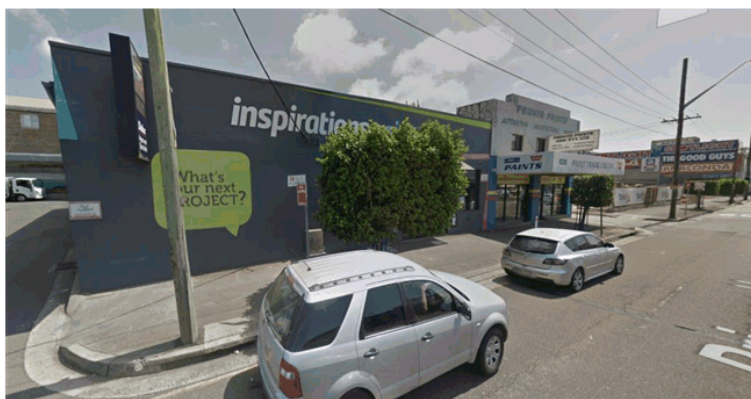


Figure 2. View west, towards the northern adjoining site, Nos. 409-411 Princes Highway
(Source: Google Streetview).

Residential Units	50 residential units
Car Parking	64 car parks
Bicycle Parking Spaces	Residential: 5 Commercial: 3
Maximum Depth of Excavation	10.5 metres (approximate)

3.4 Detailed Description

In detail, the development consists of the following components:

- Excavation to construct 3 basement levels;
- Construction of 7 storeys comprising 50 residential units and ground floor commercial use.

Table 4 provides a summary of the proposal per level.

TABLE 4: DETAILS OF THE DEVELOPMENT.

Level	Use	Uses / Car Parking Spaces / Bedrooms	GFA
Basement Level 3	Residential car parking, bicycle spaces, services and storage	Residential car parking, bicycle spaces, services and storage	-
Basement Level 2	Residential car parking, bicycle spaces, services and storage	Residential car parking, bicycle spaces, services and storage	-
Basement Level 1	Residential car parking, bicycle spaces, services and storage	Residential car parking, bicycle spaces, services and storage	-
Ground Level	Two commercial units, mail room, plant areas, lobby areas.	Commercial use 2 residential lobby areas 1 commercial lobby Commercial and residential waste rooms OSD tank Driveway Fire control room and loading dock	609m ²
Level 1 - 6	Residential dwellings	50 units	3,852m ²
Total			4,461m ²

Source: CD Architect's GFA Area Schedule provided at Appendix 3.

The total proposed gross floor area for the site is 4,461m². The gross floor area figures are measured by the architects in accordance with the definition within the Rockdale Local Environmental Plan 2011.

3.5 Site Works

Excavation of the site to facilitate construction of three (3) basement levels.

3.6 Remediation

The site requires a Remediation Action Plan (RAP), as identified in the Detailed Site Investigation (DSI) by EI Australia at Appendix 5. A RAP is currently being prepared and will be submitted prior to determination of the DA.

3.7 Capital Investment Value

The capital investment value (CIV) of the project is estimated at \$12,986,707.00 (excluding GST). Refer to the Cost Estimate prepared by RICQS accompanying the DA at Appendix 15.

4. Statutory Planning Considerations

4.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act 1979;
- Biodiversity Conservation Act 2016 No 63;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Rockdale Local Environmental Plan 2011.

Where relevant, these controls are addressed below.

4.2 Environmental Planning and Assessment Act 1979

4.2.1 Section 1.3 - Objects

The Environmental Planning and Assessment Act, 1979 ("the Act") is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposed development satisfies the above stated objects of the Act, where relevant, as follows:

- The proposed development will result in the creation of additional jobs during the construction and operational phases of the development;
- The land is identified as being within the Rockdale Town Centre and therefore this type of development is anticipated within the area;
- Appropriate utility services are capable of being provided to service the development, as set out in the Utilities Statement prepared by CD Architects;
- There will be no unreasonable adverse impacts on the environment; and,
- The proposal will incorporate a range of measures to promote ecologically sustainable development, as confirmed in the BASIX certificate at Appendix 12.

4.2.2 Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (the Act) as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in Table 5.

TABLE 5: SECTION 4.15(1)(A) CONSIDERATIONS.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.
Section 4.15(1)(a)(v) Any coastal zone management plan	Not relevant to this application.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

4.2.3 Section 4.46 - Integrated Development

This Section of the Act defines 'integrated development' as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The Geotechnical Report by EI Australia at Appendix 18 identifies that groundwater was encountered in boreholes at depths varying from 4m-4.7m below existing ground surface and construction will likely be carried out below groundwater table. In this regard, the proposed works constitute 'integrated development'.

4.3 Environmental Planning and Assessment Regulation 2000

4.3.1 Clause 50 - How must a development application be made

Clause 50 (1A) of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires that a DA for a residential apartment building must be accompanied by a design verification statement from a qualified designer, which confirms:

- a) *that he or she designed, or directed the design, of the development, and*
- b) *provide an explanation that verifies how the development:*
 - i. *addresses how the design quality principles are achieved, and*
 - ii. *demonstrates, in terms of the Apartment Design Guide, how the objectives in parts 3 and 4 of the guide have been achieved.*

This Verification Statement as well as the Apartment Design Guide (ADG) compliance table has been prepared by CD Architects and accompanies this SEE at Appendix 3.

In addition, Clause 50 calls up Schedule 1 of the Regulation, which provides that any DA for residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies, must also be accompanied by certain information. This information is submitted in support of this application (refer to Appendix 3).

4.4 Biodiversity Conservation Act 2016 No 63

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.

Under Section 7.7 of the BC Act, a development application for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

A BDAR is a report prepared by an accredited person which:

- assesses the biodiversity values of the land subject to the proposed development in accordance with the biodiversity assessment method established under Part 6 of the BD Act, and
- assesses, in accordance with that method, the impact of proposed development, activity or clearing on the biodiversity values of that land, and
- sets out the measures that the proponent of the proposed development, activity or clearing proposes to take to avoid or minimise the impact of the proposed development, activity or clearing, and
- specifies the number and class of biodiversity credits that are required to be retired to offset the residual impacts on biodiversity values of the actions to which the biodiversity offsets scheme applies.

The site contains no trees or vegetation. Therefore, the proposal is not likely to have any significant impact on biodiversity values identified in the BC Act and the BC Regulation. Furthermore, the proposal does not trigger entry into any of the Biodiversity Offsets Scheme. That is:

- The proposal does not exceed the clearing threshold area as described in Clause 7.2 of the Biodiversity Conservation Regulation 2017;
- The proposal does not include clearing or prescribed impacts on native vegetation on land shaded in the Biodiversity Values Land Map; and,
- The proposal is not likely to significantly affect any threatened species or Endangered or Critically Endangered Species.

4.5 State Environmental Planning Policies

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

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define
- Better satisfy the increasing demand, changing social and demographic profile of the community
- Maximise amenity, safety and security for the benefit of occupants and the wider community
- Minimise the consumption of energy from non-renewable resources

To support these aims the SEPP specifies 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

An assessment of the proposed development against these design principles is contained in the SEPP 65 Design Statement prepared by CD Architects and accompanying this SEE at Appendix 3.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides, and a suitable mix of apartments. Furthermore, the proposed development is consistent with the criteria and guidelines of the ADG as confirmed in the SEPP 65 Design Quality Principles and Design Verification Statement prepared by CD Architects.

4.5.2 State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable for the proposed use.

DLA Environmental has prepared a Detailed Site Investigation Report (DSI) which accompanies this application at Appendix 5. It recommends the following:

- *"Preparation and implementation of a Remedial Action Plan (RAP);*
- *Design supplementary investigations to close the data gaps identified during this investigation;*
- *Outline remediation requirements for decommissioning and removal of the UPSS (and any identified soil contamination), contamination identified during this DSI, and any other contamination that may be identified during data gap closure investigations;*
- *Provide a SAQP for the validation of remediation activities performed on-site; and*
- *Outline the implementation of an unexpected finds protocol following any site demolition and during site excavation to ensure any potential contamination sources are identified and managed in accordance with the NSW EPA legislation and guidelines."*

A RAP is currently being prepared and will be submitted prior to determination of the DA.

Section 2.3 of the DSI details that acid sulfate soils are unlikely to be encountered during the works and an Acid Sulfate Soils Management Plan is not required.

In summary, whilst there is the potential for some hazardous materials, the recommendations in the DSI will ensure remediation is undertaken in a safe manner and any hazardous materials safely transported off-site.

Council may therefore be satisfied that the site may be made suitable for the proposed use, in the terms of Clause 7.

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

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

This SEPP requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the residential component of the concept development accompanies this SEE and is included at Appendix 12.

4.5.4 State Environmental Planning Policy (Infrastructure) 2007

Part 3 of the Policy provides development controls for various land uses and activities. Division 17 addresses the consideration of RMS and, specifically, Subdivision 2 applies to development in or adjacent to road corridors and road reservations.

Specifically: -

- Clause 102 applies noise criteria to residential development adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration; and
- Clause 104 identifies traffic generating development which must be referred to the Road and Traffic authority.

The proposal will **not** result in a residential development adjacent to a road with a daily traffic volume of more than 40,000 vehicles (the site is more than 30m distance and separated by another building). Section 3 of the Traffic and Parking Assessment by Varga Traffic Planning states that *"Application of the above traffic generation rates to the residential and commercial components of the development proposal yields a traffic generation potential of approximately 17 vehicle trips per hour (vph) during the AM peak hour and 13 vph during the PM peak hour."*

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any DA for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);
- immediately adjacent to an electricity substation;
- within 5m of an overhead power line; or
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool. As such the development application is not required to be referred to the electricity supply authority. In

this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

4.6 Rockdale Local Environmental Plan 2011

4.6.1 Overview

The RLEP is the primary environmental planning instrument (EPI) that applies to the site.

A summary of the proposal's compliance with the relevant controls in the RLEP is provided below.

4.6.2 Zoning, Zone Objectives and Land Use Permissibility

The site is zoned B4 Mixed Use under the provisions of the RLEP. Refer to Figure 12 showing an extract of the RLEP zoning map and site outlined in red.

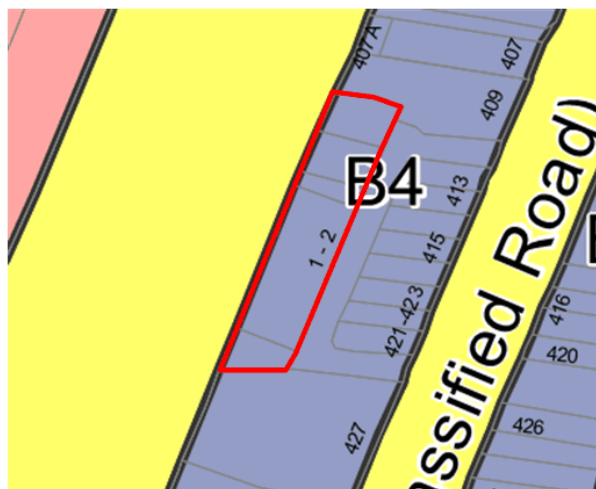


Figure 12. Extract of the RLEP zoning map, site outlined in red (Source: NSW Legislation).

"Shop Top Housing" is proposed within the B4 zone which is a permissible use.

4.6.3 Zone Objectives

Clause 2.3(2) of the RLEP states that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The relevant objectives of the B4 zone are set out below with a response provided accordingly:

Zone	Objectives	Response
B4 Mixed Use	<ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. 	The proposed development is for shop top housing within the B4 zone. The development will provide for the housing, business and amenity needs of the community within close proximity to public transport such as Rockdale Train Station and bus services.

Clause 4.3(2) of the RLEP stipulates a building height of 22 metres. Refer to Figure 13 showing an extract of the RLEP height of buildings map.

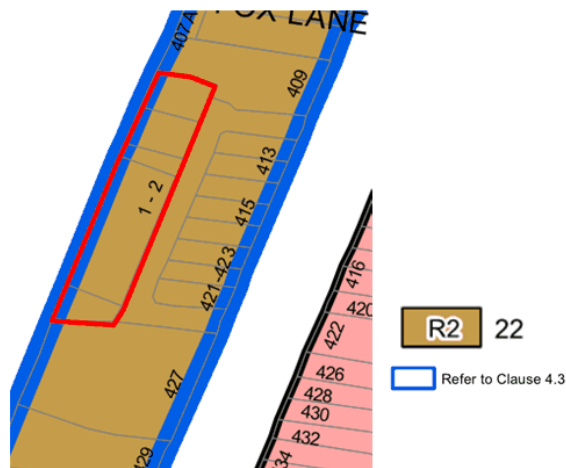


Figure 13. Extract of the height of buildings map, site outlined in red (Source: NSW Legislation).

Figure 14 shows the "blanket diagram" indicating the height variations. The full plan is at Appendix 3.



Figure 14. Extract of the RLEP height blanket diagram indicating the RLEP height exceedance (Source: CD Architects).

A Clause 4.6 request to vary the RLEP maximum building height is therefore attached at Appendix 2. As discussed in the Clause 4.6 request, *"No more density is proposed for site*

than envisioned under RLEP, noting that although no FSR control applies to the site, the GFA of the development is within the parameters of the maximum building height. The proposed development purely seeks to remain consistent with the maximum building height, notwithstanding the lift overruns and part of the southern rooftop to achieve better planning, architectural, amenity and urban design outcomes."

As noted in the Clause 4.6 request, the variation to the height limit is sought in order to facilitate equitable access to the proposed rooftop communal open space, which was itself recommended by the Design Review Panel.

4.6.5 Other provisions

The Table of Compliance at Appendix 1 shows that the proposed development demonstrates compliance with the relevant provisions of the RLEP with the exception of the abovementioned building height standard.

5. Non-Statutory Considerations

5.1 A Metropolis of Three Cities - The Greater Sydney Region Plan

The Greater Sydney Region Plan, *A Metropolis of Three Cities* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

Of the 10 directions and their relevant objectives, the proposal is most consistent with the following:

A city for people:

- *Objective 7: Communities are healthy, resilient and socially connected*
- *Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods*

Housing the city:

- *Objective 10: Greater housing supply;*
- *Objective 11: Housing is more diverse and affordable*

Jobs and skills for the city:

- *Objective 22: Investment and business activity in centres*
- *Objective 23: Industrial and urban services land is planned, retained and managed*

For the anticipated population growth in Sydney to be supported, there is a requirement for redevelopment, infrastructure upgrades and a mix of land uses. The proposed development within the Rockdale Town Centre is consistent in this regard. It seeks a long-term approach to redeveloping the existing precinct in a wholly sustainable and environmentally sound manner. The proposal is therefore entirely consistent with and supports this Plan.

5.2 Eastern City District Plan

The Eastern City District Plan provides a 20-year plan to manage growth and achieve the 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future. It is a guide for implementing *A Metropolis of Three Cities - the Greater Sydney Region Plan* at a District level and is a bridge between regional and local planning.

The site is located within the Eastern City District Plan as shown in Figure 15. The proposal is consistent with the following Planning Priorities of the plan:

A city for people:

- *Planning Priority E3: Providing services and social infrastructure to meet people's changing needs*
- *Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities*

Housing the city:

- *Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport*

A city of great places:

- *Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage*

Jobs and skills for the city:

- *Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres*

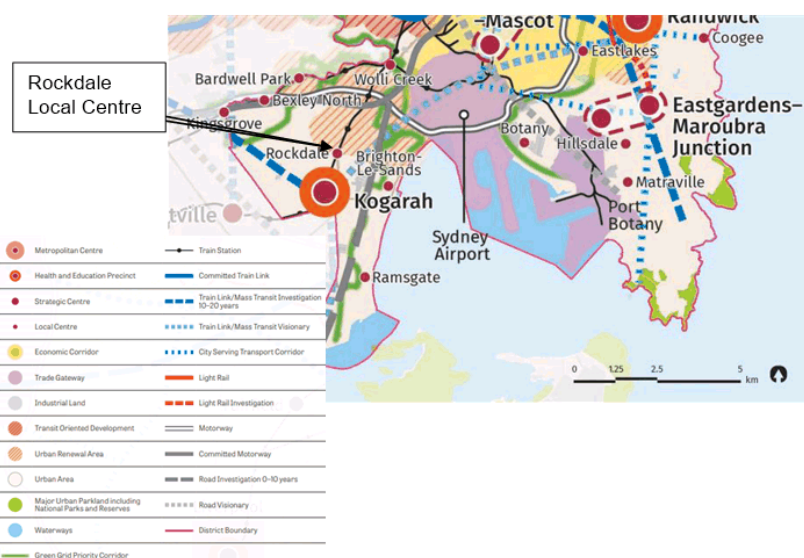


Figure 15. Extract of the Eastern City District Plan (Source: DP&E).

The proposal for shop top housing within a 'Strategic Centre' and an 'Urban Renewal Area', as identified in Figure 15, is consistent with the abovementioned planning priorities.

5.3 Rockdale Development Control Plan 2011

The relevant provisions of the Rockdale DCP are listed below.

- Section 4 - General Principles for Development
- Section 5 - Building Types
- Section 7.5 - Rockdale Town Centre

The Table of Compliance at Appendix 1 shows that the proposed development generally demonstrates compliance with the relevant provisions of the RDCP, or complies with their intent.

6. Environmental Impact Assessment

6.1 Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under section 79C of the Act.

6.2 Context and Setting

The context and setting of the development site is described in Section 2 of this SEE.

As discussed in detail in the SEPP 65 statement prepared by CD Architects accompanying this SEE, the proposed development provides the potential for a form and massing to be created for the site which positively contributes to the quality and transitioning identity of the locality.

Below is an extract from CD Architect's SEPP 65 Design Quality Principles which addresses Principle 1 of SEPP 65, which relates to the proposal's respond to the site's context:

"The proposed development responds and contributes to the context of the built environment surrounding it. The site is located in an area characterized by mixed use developments, residential flat buildings and is zoned ideally for a Mixed use development.

The proposal will be in context with the surrounding developments and consistent with the zoning based on future desired outcomes for this region.

There are many desirable elements within a close proximity to the site, some of which include Rockdale Train Station, The Rockdale Town Centre Shops and Barton Park. A short distance away delivers you to restaurants and wine bars along the shores of Brighton-Le-Sands. Bike paths wind through Rockdale Bicentennial Park and waterside golf awaits at Kogarah Golf Club. Bays and beaches are minutes away for boating, fishing and swimming.

The proposed development aims to meet the objectives of the future character for the area as well as meeting the objectives of the prescribed zoning.

The existing urban fabric is made up of a mix of building typologies from various decades with the most notable being two storey shop top housing buildings to nine storey mixed use developments setting the new character. The proposed development aims to respond to the surrounding context by introducing a built form sympathetic to the existing streetscape as well as introducing a contemporary architectural style to offset from the existing typologies."

The site forms part of a larger complex of old industrial buildings, some of which lie on the railway land adjoining the western boundary of the site. This land is zoned SP2 and forms part of the railway corridor. CD Architects have been advised by Railcorp, that there is no intention to use this land for other than railway purposes. The proposal, therefore has been designed on this basis.

6.3 Built Environment

6.3.1 Height, Bulk and Scale

As discussed in Section 4.6.4, Clause 4.3 of the RLEP stipulates a maximum building height of 22m. The proposed maximum building height is 25.55m which is a maximum building height variation of 3.55m. The building height encroachment is justified in the Clause 4.6 height variation request at Appendix 2.

The following is an extract from the architectural plans prepared by CD Architects which shows the elevation design of building.



Figure 16. Extract of the eastern elevation plan (Source: CD Architects).

The proposed buildings have been designed to mitigate any adverse impact resulting from height bulk and scale in terms of visual massing, streetscape impact and overshadowing. No adverse impact on the surrounding locality from its height, bulk and scale will ensue.

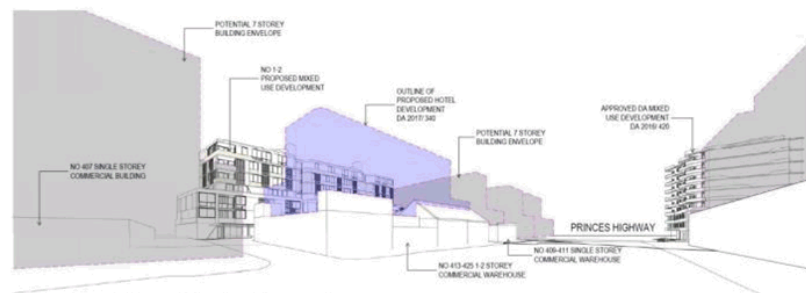
The following is further discussion from the SEPP 65 design statement which is contained in the Architectural Design Report prepared by CD Architects addressing the approach to height and scale within the proposed concept and a response to Principle 2 of SEPP 65:

"The bulk, scale and height of the proposed development has been modelled and has been carefully designed to ensure compatibility with other existing buildings in the immediate and surrounding locality as well as being sympathetic with council's street building envelope controls.

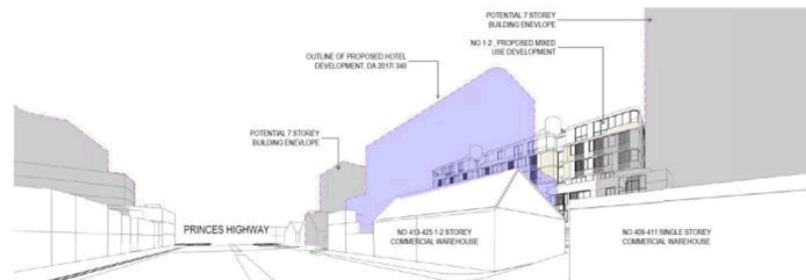
The building has been designed with careful consideration placed on the aesthetic treatment of visible facades. This has resulted in a detailed and intricate façade elevation which provides a high level of detail and overall visual appeal. The physical articulation introduces a break to reduce the building bulk and massing.

The proposed building follows councils vision within the Town Centre Masterplan and ensures compliance with the required masterplan setbacks providing uniformity with built form outcomes envisioned in the Town Centre. The proposal will visually tie into other developments within the precinct by maintaining a uniform podium design upper level tower element setback from the podium face in accordance with DCP setback requirements.

As the proposed development is located in Waines Crescent (a Laneway location) nestled behind the main street of Princes Hwy developments and considering a development application is currently before council at 413-425 Princes Hwy and another development application being prepared for 409-411 Princes Hwy Rockdale the envisaged built form along the Princes Hwy Streetscape, the following massing images show how the proposed development will have limited visibility from the Public Domain of the Princes Hwy when these surrounding developments are completed. The proposed built form modelling has been tested to ensure that the proposal provides a positive contribution to the skyline of Rockdale Town Centre.



View along Princes Hwy looking North



View along Princes Hwy looking South

The siting of the building has been carefully planned complying with council's setback policy. Additional pedestrian area has been introduced to provide better visual connection between the laneway and commercial.

The proposed development has been designed with a simple rhythm of built form in the horizontally, with traditional notions using limited yet high quality building materials to ensure textural qualities are maintained within the façade treatment.

The proposed built form, selected colours and material are a direct response to streetscape and locality as well as introducing a fresh contemporary perspective along the existing streetscape. The proposal positively contributes to the streetscape, providing a unique, well designed building in a nostalgic setting".

6.3.2 Setbacks

The development comprises the following setbacks:

- Side setbacks:

The building is built-to-boundary at the northern and southern side boundaries for the first three storeys. Levels 3 to 6 are setback a minimum of 4.5m which is consistent with the requirements of Section 5.2 of the DCP.

- Rear setbacks:

The ground floor has a nil setback at the rear and storeys above are setback between 0.83m-1m. Section 7.5.2 does not provision a rear setback. As such, the rear setback applicable is the 12m setback identified in Section 5.2 of the DCP. However as discussed at the pre-DA meeting with Council, a 12m setback is not

feasible on this site as it is only approximately 17m in width. Furthermore, the site adjoins a rail corridor at the rear. We understand that Railcorp advised CD Architects that the proposed rear setbacks are acceptable.

- Front setbacks:

The front setback at ground level is between 1m and 2.2m. Levels 1-2 are setback 1m and the storeys above are setback 4m. The front setback is in excess of the nil required setback as the development fronts onto a narrow laneway. As such, the 1m-2.2m setback at ground level provides the lane with improved site lines and greater separation between the southern building and the development.

6.3.3 Building Separation

The building separation distances are less than those prescribed in the design criteria in the ADG due to the constrained shape of the site, being approximately 17m in width and 70m in length. To satisfy the relevant objective (3F-1), the architects have oriented the apartments toward the rail corridor, minimised habitable openings where separation distances are constrained and employed privacy devices where openings are unavoidable. This is explained further in the SEPP 65 Design Quality Principles provided by CD Architects as follows:

"There are no units over looking each other.

As this is a development infill, it is conceived to form a street wall at the base with adjoining existing building and future potential building. At the northern and southern boundary, the proposal has nil setbacks from the ground level to level 2. The adjoining single storey building to the north has nil setback to the shared northern boundary. While the existing single storey commercial to the south, No. 427, is setback approximately 6m, a potential building envelope at this site can be built to the boundary to reinforce the continuity of the street wall at the podium level. This is consistent with the DCP that encourages the podium to provide a strong street edge.

From Level 3 to 6 at the northern and southern ends, the building is setback 4.5m from the boundary based on the DCP requirement in keeping with the street characteristic. On level 3, the balconies are setback with planters along the edge to prevent overlooking.

From level 4 to 6, in order to avoid creating a blank wall due to the building separation, the northern and southern facade will be treated with distinctive materials of white, copper composite panels as well as feature copper finished screens. These walls are envisaged to be an architectural interpretation of a blank wall. Where windows are present within this wall to enhance the treatment on these facades, translucent glazing is proposed to allow lighting into the units and also avoid overlooking onto the neighbouring properties hence meeting the objective of the blank wall circumstance. The introduction of these elements provides for an attractive wall interface without the 'standardised' complete solid mass wall approach but rather an interpretation of a blank wall and what it sets out to achieve.

Along the eastern boundary abutting Waines Crescent, building setback of 1m is provided in accordance with the Town Centre Masterplan. This also aids in providing for a public footpath along the laneway which currently doesn't exist.

A further setback of approximately 1.2m is provided on the ground level to create a shaded colonnade that becomes an extension to the footpath. The public domain will be landscaped and paved to enhance the presentation of the lane which typify the character and scales of laneway in Rockdale.

At level 1 and 2, the building maintains the 1m setback along the eastern boundary to enhance the presence of the podium and create a direct relationship with the lane as per the DCP requirement.

A separation distance of 8.7m is provided across the public laneway.

From level 3 to 6, the building is setback further at 4m to provide a clear distinction between the podium and upper levels as well as reduce the overall mass of the development in accordance with the Rockdale Town Centre Masterplan DCP. Balconies with generous planting on structure are implemented in the setback on Level 3 to soften the visual impact of the built form. There are interplay of feature screen and composite panelling based on the internal programs to animate the façade fronting the laneway on level 4 to 6.

The Tower component of the proposed development provides a separation to the proposed opposing built form (Hotel development) of 13.7m across the public laneway.

"Visual privacy allows residents within an apartment development and on adjacent properties to use their private spaces without being overlooked. It balances the need for views and outlook with the need for privacy. In higher density developments it also assists to increase overall amenity."

The proposed hotel development across the lane provides for full height privacy screens to its western façade to limit outward viewing directly across the lane which meets the above objective outlined in part 3F. these measures ensure that the balance of the two developments across form one another have been designed harmoniously considering the site constraints in limited depth of each thereby encouraging further refined detailed design solutions to meet the objectives outlined in Part 3F whereby a considered approach is taken ensuring occupants of the residential apartments within 1-2 Waines Crescent maintain privacy whilst enjoying an outlook. Direct lines of sight have been eliminated.

The proposed hotel development through its specific use and characteristic provides for spaces with limited occupant usage where by the glazing elements are fixed closed with full height privacy screens integrated into the architectural façade ensure a maintained fixed solution for privacy factors between developments opposite a public laneway.

From ground level to level 2, the building has nil setback along the western boundary to reinforce the edge abutting the Railway Land. 1m setback is applied to the upper levels onwards to allow for non-reliance of adjoining land for light and ventilation. The adjoining property to the west is Railway Land and zoned SP2, with no residential development permitted.

In this case, the building separation of ADG do not apply in this instance and the proposed development will not breach the visual privacy as the result of 1m setback from the western boundary. Overall, this interface with the railway land and the rail corridor is consistent with the built form that take place not only in Rockdale, but similarly other mixed use developments abutting railway land. ADG 3F-1 relates to privacy and as such there is no habitable space or redevelopment permissible in SP2 zone and as such does not require a separation under ADG.

This same circumstance has been proposed and approved by this firm in various locations across the Sydney Metro area."

6.3.4 Design and Aesthetics

We refer to the SEPP 65 Design Quality Principles prepared by CD Architects at Appendix 3 which confirms that the proposed development permits individual expression within the building block in order to create a visually diverse and vibrant street environment.

CD Architects notes further that:

"The proposed development will result in a positive urban design outcome for the site providing a well-designed development with direct presentation to street frontages and remaining aspects.

The proposed building is structured to reinforce its location and typology through materials, textures and colour palette proposed. The colours and materials used and articulation of façade language will be complementary to the surrounding streetscape in this area. The proposed development will improve the streetscape, and is likely to set a good architectural element for future development in the locality and other infill type developments.

Components of the proposed development comprises of highly detailed design of all visible facades to promote visual interest in the skyline which complements the surrounding developments in the locality."

CD Architects has provided images of the proposed facades at Appendix 3.

6.3.5 Solar Access

The SEPP 65 Design Quality Principles and ADG compliance tables prepared by CD Architects confirm that the proposed development meets the minimum requirements for solar access stipulated under the ADG. Living rooms and private open spaces of 76% of apartments across the site receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.

Only 4% of apartments receive no direct sunlight between 9am and 3pm at mid-winter. This is consistent with the ADG requirement for a maximum of 15% of apartments. Refer to the mid-winter shadow analysis within the architectural plans prepared by CD Architects for further detail.

6.3.6 Overshadowing

Mid-winter

At 9am, overshadowing occurs mainly to the railway land which is zoned for SP2 land uses and does not have the potential to be developed into residential accommodation. Some overshadowing occurs to part of the adjoining southern property at 427 Princes Highway.

The proposed development overshadows part of the existing eastern 1-2 storey commercial warehouse at 413-425 Princes Highway and part of the adjoining site to the south at 427 Princes Highway at 12pm.

At 3pm, mid-winter, parts of the adjoining site to the south at 427 Princes Highway, part of the existing eastern 1-2 storey commercial warehouse at 413-425 Princes Highway, and parts of the 2 storey commercial buildings along Princes Highway will be overshadowed.

Refer to Figure 17 showing the mid-winter shadow diagrams.



Figure 17. Mid-winter shadow diagrams at 9am, 12pm and 3pm (Source: CD Architects).

Equinox

It appears that the proposed development overshadows the existing 1-2 storey commercial warehouse at 413-425 Princes Highway at 3pm at the equinox.

At 9am, the railway land to the west is also overshadowed, however this land is zoned for SP2 purposes and does not have the potential to be developed into residential accommodation.

At 12pm, a small part of the adjoining site to the south (427 Princes Highway) is overshadowed.

Refer to Figure 18 showing the equinox shadow diagrams.



Figure 18. Equinox shadow diagrams at 9am, 12pm and 3pm (Source: CD Architects).

6.3.7 Internal Amenity

The proposed shop top housing development has been produced with particular attention to the amenity of their future occupants, neighbouring properties and the public domain. The development is responsive to the opportunities and constraints of the site and its surrounds with regard to topography, vegetation, noise and physical impacts of street traffic, solar access and views.

Amenity is further addressed in the SEPP 65 Design Quality Principles by CD Architects as follows:

"The proposed development has been designed to maximize the amenity for apartments within the scheme as well as protect and enhance the amenity of adjoining properties.

The internal layout and configuration of the apartments will ensure appropriate room dimensions, access to light, ventilation and privacy. The proposed apartments adopt well designed spaces with comfortable room dimensions, with positive outlooks.

High Ceilings and large openings will ensure light and air penetrates deep into the floor plan. The driving force into the design has been to create interesting and highly desirable interior volumes."

6.3.8 Privacy

The shop top housing development has been designed to mitigate any potential adverse privacy impacts by way of overlooking or direct sightlines through the staggering and adequate separation of built forms, generally consistent with ADG guidelines.

Translucent glazing is provided on all windows on the northern and southern elevations, mitigating any privacy impacts. Privacy is further addressed in the SEPP 65 Design Quality Principles by CD Architects as discussed in Section 6.3.3.

6.3.9 Communal Open Space

The proposed communal open space is 413m² within the rooftop level. This equates to 35% of the development site. The ADG and Section 7.5.1 of the RDCP requires a minimum of 25% of the site area to be dedicated for communal open space. The proposed communal open space exceeds the minimum requirements of the ADG and Section 7.5.1 of the RDCP.

The ADG requires a minimum of 50% of the communal open space to receive sunlight access of 2 hours between 9am and 3pm at mid-winter. The proposal substantially exceeds this minimum requirement, providing 100% of the communal open space with sunlight access of 2 hours between 9am and 3pm at mid-winter.

6.3.10 Heritage

The site is not listed as a Heritage Item and is not located within a Conservation Area as defined by Schedule 5 of this plan.

The site lies within the vicinity of three (3) heritage items, being Rockdale Railway Station and Yard Group, Rockdale Town Hall and a row of palm trees planted on the verge in Gloucester Street.

Refer to the Heritage Impact Statement at Appendix 18 detailing that the proposed new building will have no impact on the curtilages of these heritage items and no impact upon the ability to understand their historic social and/or aesthetic significance. The report states:

"The proposed building will be visible from these items to varying degrees and form part of their wider setting. The building fulfils the desired future character of the area as expressed by Council controls. In setting these controls, Council have accepted that there will be buildings of a greater massing and scale in the vicinity of the each of these items. The proposed elevations and finishes are well mannered and, as other buildings of a similar massing and scale are erected on adjoining lots, will not have undue prominence in the setting of nearby heritage items."

6.3.11 Materials and Colour

Refer to the schedule of materials and finishes by CD Architects at Appendix 3. The chosen colours, materials and finishes are appropriate and will complement the site's current and future surrounds.

6.3.12 Building and Construction

A BCA report detailing compliance with the BCA and a Construction Management Plan will be prepared prior to the issue of a Construction Certificate.

6.4 Natural Environment

6.4.1 Landscape

Site Design and Studios has prepared a Landscape plan which is included at Appendix 10. The detailed landscape scheme provides a high quality landscaped outcome for the proposed development.

Common open space is located on the rooftop level and is designed and landscaped to comprise a minimum of 35% of the site. This exceeds the minimum required 25% under the RDCP and ADG.

Refer to the SEPP 65 Design Quality Principles at Appendix 3 which details that the proposal does not meet the design criteria for deep soil (3E-1), however the design guidance for this criteria states that:

"Achieving the design criteria may not be possible on some sites including where:

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- there is 100% site coverage or non-residential uses at ground floor level*

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure."

As the site is located within the Rockdale Town Centre, no deep soil is proposed at ground level as only non-residential uses are proposed and no space available. Stormwater drainage at the site is appropriate and detailed in the below section. We also note that the rooftop terrace provides communal open space and landscaping which supports healthy plant growth.

6.4.2 Stormwater Management

Refer to the On-Site Stormwater Detention Plans and Checklist by ACE at Appendix 14 detailing the proposed stormwater drainage and management at the site. The Level 3 Basement comprises a Pump Holding Tank which is 4m³. An above ground OSD tank is proposed within the north western corner of the site at Ground level which is 36.12m³. All upper levels and roof downpipes and vertical drops will be connected in high level to filtration chamber within the OSD tank. The proposed stormwater drainage measures at the site are appropriate.

The Flood Advice Letter provided by Council at Appendix 17 details that Council has not notated this property as being affected by the 1% Annual Exceedance Probability flood.

6.4.3 Soil Management

Refer to Section 4.4 for the SEPP 55 assessment with regard to potential soil contamination, remediation and acid sulfate soils management.

6.4.4 Noise & Vibration

The development complies with the Building Code of Australia and Australian Standards for the control of noise and vibration. The Environmental Noise Impact Assessment by Acoustic Logic at Appendix 6 details that noise intrusion requirements into the development can be satisfied by introducing recommended constructions such as specific glazed

windows and doors, external roof/ceiling materials, mechanical ventilation and concrete external walls.

The report also addresses Clause 6.3 of the RLEP and details that the proposal can achieve the requirements of AS2021:2015 'Acoustics—Aircraft noise intrusion—Building siting and construction'. Note: Australian Standard AS2021-2000: Acoustics—Aircraft noise intrusion—Building siting and construction has been superseded by a 2015 revision.

The report concludes that *"Detailed acoustic control measures for the plant servicing the proposed development will be determined at CC stage"*.

6.4.5 Ecologically Sustainable Development

ESD principles have been key inputs to the concept design of this development. Outsource Ideas has prepared the BASIX certificate at Appendix 12.

6.5 Movement and Access

6.5.1 Transport

The site is accessible by public transport being within close proximity to bus and train stations. The site is within a 300m radius of Rockdale Train Station providing the T4 Eastern Suburbs & Illawarra Line, operating between Waterfall or Cronulla to Bondi Junction via the Sydney CBD. Train services typically arrive/depart the station at less than 10-minute intervals throughout the day. It is clear that the site has excellent connectivity to existing public transport services.

6.5.2 Roads and Traffic

The Traffic and Parking Assessment Report prepared by Varga Traffic Planning at Appendix 4 has considered the existing and proposed traffic conditions as a result of the proposal. As discussed in Section 3 of the report, Princes Highway is classified by the RMS as a State Road and provides the key north-south road link in the area, linking St Peters to Heathcote and beyond. It typically carries three traffic lanes in each direction in the vicinity of the site, with kerbside parking generally permitted outside of commuter peak periods.

Waines Crescent is a local, unclassified road that functions as a service lane providing vehicular access to its frontage properties. Kerbside parking is generally permitted on one side of the road subject to sign-posted restrictions.

The report addresses traffic generation by concluding that it is likely that the proposed development will result in a nett increase in the traffic generation potential of the site of approximately 7 vph during the AM peak hour and 3 vph during the PM peak hour. The report goes on to state *"That projected nett increase in traffic activity as a consequence of the development proposal is minimal, is consistent with the zoning objectives of the site and will clearly not have any unacceptable traffic implications in terms of road network capacity."*

6.5.3 Car Parking

The Traffic and Parking Assessment Report prepared by Varga Traffic Planning at Appendix 4 has considered the appropriateness of the proposed number of car parking spaces of the proposal.

The subject site is located within 800 metres of a railway station in the Sydney metropolitan area, and therefore the residential component of the development is subject to the parking requirements specified in Clause 30 of SEPP 65 (ie. the RMS Guidelines - High Density Residential Flat Buildings in Metropolitan Sub-Regional Centres).

The report also notes that the RDCP includes travel demand management concessions for non-residential development. Clause 3 of Section 4.6 states that *"A 20% reduction of the 'non-residential' component of the parking requirement shall be applied to any development*

within the Rockdale Town Centre and Wolli Creek Town Centre." The report goes on to conclude that "The proposed development makes provision for a total of 64 off-street car parking spaces comprising 43 resident spaces, 10 visitor spaces and 10 commercial spaces, thereby satisfying both Council and SEPP 65 parking requirements."

6.5.4 Servicing / Waste

Construction Waste

Refer to the Construction Waste Management Plan (CMP) at Appendix 20. The plan details the management of construction waste and that the contractor will be required to develop and implement a Waste Management plan specific for the site which are to be undertaken during the construction of the project.

Operational Waste

Matters related to operational waste management are addressed by Waste Tech Services at Appendix 7. This is satisfactorily compliant with the Council requirements.

6.5.5 Accessibility

Refer to the Access Report prepared by ABS for the proposed building at Appendix 8. Based on the findings of the access reports, we understand that compliance with the relevant access standards and regulations is achieved.

6.6 Site Suitability

6.6.1 Geotechnical

EI Australia has prepared a Geotechnical Report at Appendix 18 including recommendations to mitigate potential risks and design parameters required for the proposed building's structural, basement, pavement and excavation design. This report includes preliminary recommendations for foundation designs and the scope of further geotechnical assessments required to meet the building design objectives.

The report at Appendix 18 identifies that groundwater was encountered in boreholes at depths varying from 4m-4.7m below existing ground surface and construction will likely be carried out below groundwater table. As such, the proposed excavation will require dewatering.

6.6.2 Acid Sulfate Soils

Section 2.3 of the Detailed Site Investigation (DSI) prepared by EI Australia details that acid sulfate soils are unlikely to be encountered during the works and an Acid Sulfate Soils Management Plan is not required during construction, although the likely quantity of water to be taken is subject to further investigation.

6.6.3 Contamination

Refer to Section 4.5.2 of this SEE for the SEPP 55 assessment. A Detailed Site Investigation (DSI) has been prepared by EI Australia (Appendix 5) which addresses the following:

- Findings of the Site Inspection and discussions with the Site Maintenance Supervisor on current and former uses of the site;
- Identification of all past and present potentially contaminating activities;
- Identification of the potential contamination types;
- A summary of any Potential Areas of Environmental Concern (PAEC) and Site Contamination that have been identified; and

- Recommendations for any further Detailed Environmental Site Investigations, required to assess the development areas and the PAECs.

The DSI recommends that the preparation and implementation of a RAP is required to confirm the site is suitable for development. A RAP is currently being prepared and will be submitted prior to determination of the DA.

6.6.4 Bushfire

The site is not within a bushfire prone area.

6.6.5 Flooding

The site is not identified as being within the Flood Planning Map and subject to this Clause. Refer to the Flood Advice Letter provided by Council at Appendix 17 which details that the site is not affected by the 1% Annual Exceedance Probability flood.

6.6.6 Services and Utilities

CD Architects has prepared the Site Utilities Statement at Appendix 21. It states that utilities are available on site or adequate arrangements have been made to make them available when required as per Clause 6.12 of the RLEP, being:

- *"The supply of water;*
- *The supply of electricity;*
- *The disposal and management of sewage;*
- *Stormwater drainage or on-site conservation; and,*
- *Suitable road access."*

6.6.7 Conclusion

The suitability of the land to accommodate development of this scale was established by the analysis the informed the subsequent amendments to the RLEP.

The subject site is not affected by any policy that restricts development because of the likelihood of land slip, bush fire, tidal inundation, subsidence or any other risk. Any potential risk in relation to the presence of hazardous materials or contamination can be managed through the implementation of the relevant management plans.

An assessment under SEPP 55 has been carried out and is provided at Section 4.5.2 of this SEE. The SEPP 55 assessment provides sufficient environmental protection measures and does not indicate that there are any impediments to the proposed development that cannot be managed. It concludes that the site can be made suitable for the proposed uses subject to undertaking further detailed site investigations and the preparation and implementation of remediation action plans.

Further, the suitability of the site for this form of development from an urban design perspective is discussed in detail in the report prepared by CD Architects which accompanies this SEE.

6.7 Social and Economic Effects

6.7.1 Social

The proposed mix of apartment sizes within the residential buildings provide an opportunity to deliver a variety of housing choices, focusing on high density residential living environments close to public open space and transport, consistent with the desired future character for the land under the RLEP and RDCP. The development will provide more homes within close proximity of and access to public transport, employment uses, shops, Sydney Domestic and International Airports and Sydney's CBD.

6.7.2 Crime and Safety (CPTED)

The proposed development is for shop top housing with a high level of amenity, casual surveillance and ultimately public safety within the development and surrounding area. The proposal will revitalise the subject part of Waines Crescent and will provide appropriate lighting and security measures to protect the safety of neighbouring premises, residents and the local community.

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. This DA addresses the four principles of CPTED, being:

- Natural surveillance – ensuring that people feel safe in public areas.
- Access Control – minimizing opportunities for crime and increase the effort required to commit crime
- Territoriality – encourage community ownership of public spaces
- Space Management – effective management to govern & care for space.

The planning strategy developed has proposed commercial uses at ground level that will assist with surveillance and address the 'active street frontages' guidance of the DCP. CD Architects has provided a response to the SEPP 65 Design Principle 7 'Safety' as follows:

"The proposed development has been designed having regard to the principles of Crime Prevention through Environmental Design. The proposed building has been designed with direct presentation to the street, having balconies and windows overlooking all setbacks to maximize opportunities for casual surveillance. The incorporation of clearly defined and well-lit entrances to Waines Crescent shall both provide a highlight design feature allowing ease of introduction to the entrance of the building as well.

There are no areas for concealment and a clear demarcation between public/communal and private spaces has been adopted. Subtle divisions between private and communal zones provide clearly defined zones within the common lobby space as well as at the entrance into the development. The ground plane provides a continuous glazed commercial frontage allowing activation of the ground plan further assisting in security and surveillance over the public domain."

6.7.3 Economic and Employment

The proposed development is for shop top housing. If approved, the DA will result in the creation of additional jobs during the construction phase of the development and operation phase (commercial/retail operation). The development will subsequently contribute to the on-going demand for specialist jobs in the area to facilitate ad-hoc maintenance and services where required.

7. Conclusion

This DA is for shop top housing involving ground floor commercial use, 50 residential apartments within 7 storeys over 3 basement levels, car parking, rooftop open space and landscaping, and associated earthworks and civil works.

The development has been designed to be consistent within the applicable planning controls contained in the RLEP and RDCP. Upon its completion, the development will create a vibrant mixed use community centre adjacent to major facilities such as Sydney Domestic and International Airports, Sydney's CBD and Rockdale Train Station.

This proposal has been prepared after taking into consideration the following key issues:

- The development history of the site;
- The context of the site and neighbourhood;
- The relevant heads of consideration under 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and,
- The pre-lodgement advice received from Bayside Council's Design Review Panel.

In view of information and analysis outlined within the various plans, reports and documents accompanying this application, we are satisfied that this proposal has properly and positively responded to all relevant matters for consideration within 4.15(1) of the Environmental Planning and Assessment Act, and the accompanying Regulation.

We recommend approval of the subject DA.