

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 25 June 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 - 28 May 20193

4.2 Minutes of the Bayside Local Planning Panel Meeting - 11 June 2019 ...8

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1	DS18/790 - 19-25 Robey Street, Mascot	24
6.2	DA-17/1047 - 2 and 2A, 4 Bay Street, Botany.....	179
6.3	DA-2018/276 - 10 Earlwood Crescent, Bardwell Park.....	281
6.4	DA-2018/327 - 17 George Street, Eastlakes.....	333
6.5	DA-2018/243 - 2 Riverside Drive, Sans Souci.....	401
6.6	DA-2018/88 - 16-20 Shaw Street, Bexley North.....	470
6.7	S82-2019/2 - 53 Johnson Street, Mascot.....	591

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

25/06/2019

Item No	4.1
Subject	Minutes of the Bayside Local Planning Panel Meeting - 28 May 2019
Report by	Fausto Sut, Manager Governance & Risk
File	SF18/3000

Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 28 May 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Robert Montgomery, Chairperson
Ross Bonthorne, Independent Expert Member
Robert Furolo, Independent Expert Member
Patrick Ryan, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Pascal Van De Walle, Coordinator Development Assessment
Ben Latta, Coordinator Development Assessment
Lincoln Lawler, Senior Development Assessment Planner
Patrick Nash, Senior Development Assessment Planner
Petra Blumkaitis, Senior Development Assessment Planner
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.06 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 14 May 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 14 May 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-18/1161 - 31 Albert Street, Botany

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

Decision

That this item be deferred to allow the applicant the opportunity to amend the design of the proposed development considering the following matters:

- The development, as designed, presents a façade to the street which is inconsistent with the established streetscape in that the ground floor is dominated by two double garages, the building setback from the street is less than surrounding properties and the upper level balconies present as enclosed rooms.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for the Panel's Determination

- The Panel acknowledges that the site may be capable of a development of this scale, however is severely constrained by the narrow frontage to Albert Street.
- The Panel considers that an appropriate design for this site would address the following elements:
 - Reconsideration of garages – in particular, single garage doors would be more in keeping with the established streetscape, would reduce the amount of hard paving within the front setback and would present opportunities for greater landscaping of the front gardens.
 - Reconsideration of the front facing balconies to reduce their visual dominance and bulky appearance.
 - Provide paved walkways from the street frontage to the front porches as required by the Development Control Plan.
- The amount of landscaping and deep soil zone is not entirely clear on the submitted plans. This is to be clarified by the applicant.
- The Panel considers that reconfiguration of the provision of parking could be achieved either by tandem garages or alternative options.

6.2 DA-17/1249 - 1 Baker Street, Banksmeadow

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

The following people spoke:

- Adnan Voloder, Planning & Development Manager, (NSW & ACT), Boral Land & Property Group, Boral Resources (NSW) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.
- Phillip Henschke, Todoroski Air Sciences, spoke for the officer's recommendation and responded to the Panel's questions.
- Terry Lawrence, Transport and Urban Planning, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That Development Application 2017/1249 for Designated and Integrated Development - Expansion of the existing concrete batching plant through the construction of additional infrastructure at the Botany Concrete Batching Plant to increase production from 90,000m³ to a maximum capacity of 200,000m³ of concrete product (500,000 tonnes per annum) is **APPROVED** subject to the conditions listed in the attached Schedule 1.

- 2 That any objectors be notified of the determination made by the Bayside Local Planning Panel.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- 1 The applicant has adequately responded to the matters raised by the previous Panel in relation to off-site intersection improvements and air quality.
- 2 The Panel agrees with the officer's assessment as contained within the report.
- 3 The matters in relation to traffic are satisfied by condition 5 (which has been agreed by the applicant) which restricts the production of the plant to the existing 90,000m³ per annum until the intersection of Baker Street and Wentworth Avenue is signalised and the intersection of Page Street and Wentworth Avenue is upgraded.

6.3 DA-18/1173 - 1 Beauchamp Road, Banksmeadow

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

The following people spoke:

- Adam Bishop, Environmental Consultant, speaking on behalf of the applicant, Holcim (Australia) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.
- Cyril Giraud, speaking on behalf of the applicant, Holcim (Australia) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.
- Tom Wheatley, traffic consultant, speaking on behalf of the applicant, Holcim (Australia) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That Development Application DA-2018/1173 for Designated and Integrated Development for the construction of a temporary and then permanent concrete batching plant (concrete works), aggregate/materials and distribution facility at 1 Beauchamp Road, Banksmeadow, is **APPROVED** subject to the conditions listed in the attached Schedule 1.

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

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel agrees with the officer's assessment and recommendation.
- The Panel is of the view that the site location and access to rail services is ideally suited to the proposed concrete batching plant.
- The additional conditions relating to noise and air quality will ensure that consistent controls are applied to all industrial activities within the area.
- The Panel acknowledges the concerns raised by Randwick City Council in their letter dated 28 May 2019 in relation to potential traffic impact of heavy vehicle movements associated with the development and concern about transporting dangerous goods. The Panel notes that these issues have been satisfactorily resolved by the applicant. In particular, the consent limits traffic movements to RMS controlled roads. It is noted that Perry Street (opposite the site within Randwick LGA) is load limited to 3.5 tonnes which would prohibit use by heavy vehicles associated with the development.

The Chairperson closed the meeting at 7:35 pm.

Certified as true and correct.

Robert Montgomery
Chairperson

Bayside Local Planning Panel

25/06/2019

Item No	4.2
Subject	Minutes of the Bayside Local Planning Panel Meeting - 11 June 2019
Report by	Fausto Sut, Manager Governance & Risk
File	SF18/3000

Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 11 June 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Jan Murrell, Chairperson
Helen Deegan, Independent Expert Member
Anthony Reed, Independent Expert Member
Patrick Ryan, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Patrick Nash, Senior Development Assessment Planner
Eric Alessi, Development Assessment Planner
Petra Blumkaitis, Development Assessment Planner
Julia Hunt, Development Assessment Planner
Kerry Gordon, Consultant Planner
Wolfgang Gill, IT Officer
Lauren Thomas, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:07 pm

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 21 May 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 21 May 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-18/1183 - Railway Bridge Above Robey Street, Mascot

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

The following people spoke:

- Belinda Barnet, Ooh!media, spoke for the officer's recommendation and responded to the Panel's questions.
- Graham Johanson, Commercial Manager – Road - Ooh!media, spoke for the officer's recommendation and responded to the Panel's questions.
- Christian Slater, In-House Counsel – Ooh!media, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Panel is satisfied that the proposed modification:
 - i. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - ii. has been notified; and
 - iii. has been assessed having regard to the relevant matters in s4.15(1) of the EP&A Act.

- 2 the Panel has considered submissions made concerning the proposed modification and taken these into account the reasons of the consent authority that granted the consent that is sought to be modified.
- 3 The modification application DA-2018/1183 seeking to modify development consent DA93/3067 to replace the bridge mounted general advertising structure with an integrated digital LED screen on the Railway Bridge above Robey Street, Mascot is APPROVED . The proposal is modified in the following manner:
- i. By amending condition 1 to refer to approved plans and documentation.
 - ii. By amending condition 8 to read:
 Advertisements displayed shall not contain/use:
 - a. Flashing lights.
 - b. Animated display, moving parts or simulated movement.
 - c. A method of illumination that unreasonably distracts or dazzles.
 - d. Images that may imitate a prescribed traffic control device, for example red, amber or green circles, octagons or other shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.
 - e. Text providing driving instructions to drivers.
 - iii. By deleting conditions 3, 7 and 12; and
 - iv. By adding conditions 13 to 51 as per attached report with the following further changes to be made:
 Condition 19, Item B – reference to condition 5 be amended to 17.
 Condition 27 – delete the first sentence to Condition 27. (i.e. the LED advertising screen shall be available for 5% of all advertising time each year for the display of road safety messages by arrangement with RMS and Road Safety NSW.)

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The panel is satisfied the modification for LED lighting of the media displays may proceed subject to the above conditions and a trial period to allow monitoring of the dwell time having regard to the safety of motorists.

6.2 DA-18/1135 - Overbridge O'Riordan Street, Mascot

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

The following people spoke:

- Christian Slater, Legal Counsel – Ooh!media, spoke for the officer's recommendation and responded to the Panel's questions.
- Belinda Barnet, Ooh!media, spoke for the officer's recommendation and responded to the Panel's questions.
- Graham Johanson, Commercial Manager – Road - Ooh!media, spoke for the officer's recommendation and responded to the Panel's questions.
- Christian Slater, In-House Counsel – Ooh!Media, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

1. The Panel is satisfied that the proposed modification:
 - a. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - b. has been notified; and
 - c. has been assessed having regard to the relevant matters in s4.15(1) of the EP&A Act.
2. The Panel has considered submissions made concerning the proposed modification and taken into account the reasons of the consent authority that granted the consent that is sought to be modified.
3. The modification application DA-2018/1135 seeking to modify development consent DA96/487 to convert existing illuminated general advertising structure to LED digital display on the Railway Bridge above O'Riordan Street, Mascot is APPROVED. The proposal is modified in the following manner:
 - *a. By amending condition 1 to refer to approved plans and documentation.
 - *b. By amending condition 20 to read:
 20. *The applicant being informed that this approval, in relation to the south facing sign, shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 96/0487 of the 13th day of February, 1996. Any alteration, variation, or extension of the use, for which approval has been given would require further Town Planning Approval from Council.*
 - *c. By deleting condition 10
 - *d. By adding conditions 21 to 66; and

- *e. By inserting advice 1 to 3.f. The insertion of conditions 64, 65 and 66 to reflect the trial period conditions outlined in Item 6.1, noting the default dwell time to be 25 seconds in lieu of 24 hours and the trial time be 10 seconds in lieu of 60 seconds. The satisfaction of these additional conditions will be at the discretion of Council's engineers.

- g. That condition 38 be amended by deleting the first sentence.

4. That the objectors be notified of the Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel is satisfied the LED illuminated signage may be approved subject to the above conditions and the trial period to have regard to the safety of motorists.

6.3 DA-18/1067 - 7 Kurnell Street, Botany

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

The following people spoke:

- Chris Jarrett, owner, spoke against the officer's recommendation and responded to the Panel's questions.
- Simon Robert Hanson, Director - Bureau SRH Architecture, spoke against the officer's recommendation and responded to the Panel's questions.
- Eugene Kirkwood, Architect - Bureau SRH Architecture, spoke against the officer's recommendation and responded to the Panel's questions.

Determination

- The Bayside Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 supports the variation to the FSR standard, as contained in Clause 4.4A(3)(d) – FSR of Botany Bay LEP 2013 as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 of that plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives of the zone.

2. The Development application DA-2018/1067 for: the demolition of existing structures; Torrens title subdivision into two lots; and the construction of a semi-detached dwelling arrangement at No. 7 Kurnell Street, Botany, is APPROVED subject to the recommended conditions and amended as follows:

*Condition 7

(a) is to be re-worded as follows:

The rear first floor balcony is to be amended to provide a maximum depth of 900mm in a Juliet style.

(d) is to have added

The north-facing upper bedrooms 1 and 2 are to provide fixed opaque glazing to 1.5 metres.

* a further condition is to be inserted to amend the landscape plan of the front yards to replace the middle water gum by a *tuckeroo* located more centrally on the site to avoid conflict with the canopy of the street tree.

The above changes shall be shown in the plans prior to the issue of the construction certificate.

3. That the objector be notified of the Panel's determination.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for Panel Determination

- The panel considers the amended plans reasonably respond to the concerns expressed by the panel when the matter was deferred. In particular improved solar access to the rear yard of the southern neighbour and improved streetscape presentation by additional soft landscaping and the provision of canopy trees.
- The panel notes the applicant has offered to replace the solar panels for the adjoining owner to the south and this was accepted.

6.4 S82-2019/3 - 294-296 Coward Street, Mascot

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

The following people spoke:

- Mr Mark Armstrong, Design Director - Arc, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Chris Mavrocordatos, owner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

The Bayside Planning Panel resolves, pursuant to Division 8.2 of the Environmental Planning and Assessment Act, that Review Application No. DA2019/3 for the proposed change of use (to vehicle hire premises with associated storage, operating 7am – 5pm Monday to Friday; 8am to 1pm Saturdays, Sundays and Public Holidays and construction of a new administration building and signage) at 294-296 Coward Street, Mascot, is granted **APPROVEAL**, subject to the conditions of consent attached to this report, pursuant to Division 8.4 of the Environmental Planning and Assessment Act 1979

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The panel has the benefit of the advice of Council's engineer with respect to the issue of flooding and the imposition of a 5 year time limited consent, and notes the applicant has submitted a flood management plan and risk assessment for insurance purposes. On the basis of the above and the recommended conditions the panel considers the change of use application is satisfactory.

6.5 DA-2018/214 - 22-26 Keats Avenue, Rockdale

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

The following people spoke:

- Ms Shuai Yu, affected neighbour, spoke for the officer's recommendation.
- Mr Jonathon Reid, affected neighbour, spoke for the officer's recommendation.
- Rudy Jasin, CDA Architects, spoke against the officer's recommendation and responded to the Panel's questions.

Determination

1. the Bayside Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 does not approve a variation to the building height standard prescribed by cl4.3 of the Rockdale Local Environmental Plan 2011, as it is not satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 of that Plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of the Height of Buildings standard and zone objectives and therefore the development is not in the public interest.
2. The development application DA-2018/214 for Integrated Development – Demolition of existing structures and construction of an eight (8) storey mixed use development comprising fifty one (51) residential apartments, three (3) commercial tenancies, three (3) levels of basement car parking and a roof top terrace at 22-26 Keats Avenue Rockdale is REFUSED for the following reasons:
 - a. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.3 of the Rockdale Local Environmental Plan 2011 relating to building height.
 - b. Pursuant to the provisions of Section 4.15(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy the Design Quality Principles within Schedule 1 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development, Part 4.2 - Streetscape and Site Context, Part 5.2 - Residential Flat Buildings, Part 5.3 - Mixed Use and Part 7.5 - Rockdale Town Centre in that the proposed development contains insufficient setbacks from the southern boundary to suitably regulate the bulk and scale of the building, to maintain the amenity of neighbouring residential development and to respond to the local context.
 - b. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory with respect to Clause 4.6(8)(ca) of Rockdale Local Environmental Plan 2011 in that the development exceeds the 25m building height limit and does not provide demonstrable public benefits.
 - c. Pursuant to the provisions of Section 4.15(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979, the proposal is

inconsistent with the requirements of Part 3E - Deep Soil Zones of the Apartment Design Guide.

- d. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy Part 4.6 Car Parking, Access and Movement of Rockdale Development Control Plan 2011 as the design of the circulation area in the basement results in vehicular conflicts and the use of the rear lane is not suitable for vehicular manoeuvring due to its insufficient width.
- e. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy Part 4.5.2 Social Equity - Equitable Access of Rockdale Development Control Plan 2011 in that the pre and post adaptable unit plans for 403, 503 and 603 are inconsistent with the design of those apartments within the submitted floor plans and equitable access from those dwellings to the rooftop terrace (served by Lift A only) is unclear.
- f. The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, results in an undesirable and unacceptable impacts on the streetscape and adverse impacts on the adjoining residential building to the south.
- g. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered to be suitable for the site, in terms of the extent of gross floor area sought, inadequate building setbacks and the likely associated impacts upon the streetscape and neighbouring properties.
- h. Having regard to the issues raised in submissions received by Council in opposition to the proposed development, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the proposal results in unacceptable impacts on adjoining /nearby properties and the streetscape.
- i. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest.

3. That the objectors be advised of the Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The applicant has not satisfied to the panel that the proposed development warrants approval given the environmental impacts and the lack of public benefit.

6.6 S82-2019/4 - 38 Russell Avenue, Sans Souci

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

The following person spoke:

- Mario Mourad, applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

The Bayside Planning Panel resolves:

- * To confirm refusal of the 4.55(2) modification application after reviewing Development Application No. DA-2017/523/B, pursuant to Division 8.2.
- * The Section 4.55(2) modification application for two storey secondary dwellings with parking on ground floor at 38 Russell Avenue, Sans Souci is REFUSED pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - The modification application, assessed on its merits, does not warrant approval as the approved dual occupancy development including single level secondary dwellings at the rear already maximizes the development potential of the site.
 - It is unnecessary and unwarranted to provide parking for secondary dwellings.
 - The additional bulk of raising the secondary dwellings to present as a two storey element is unnecessary and unreasonable given the bulk of the already approved development on the site.
 - The objectives of the Environmental Planning and Assessment Act, the Rockdale Local Environmental Plan and the zone objectives are not satisfied.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel considers on a merits assessment the modification application represents an over development of the site.

6.7 DS18/891 - 19-25 Robey Street, Mascot

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

The following person spoke:

- Josh Thompson, Inca Property Group, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

The Council officer's report and recommendation is endorsed by the Panel.

The DA-2016/165/4 (DS18/891), being a Section 4.55(1A) application for modifications to include: an accessible entry from Robey Street; provision of colorbond fencing to the rear boundary; metal fencing to ground floor terraces 3, 4, 6, 7, and 8; and reduced glazing and sliding doors to side and rear elevations is APPROVED except that part of the application to delete Condition number 116a, relating to the public right of footway along the northern boundary between Elizabeth Avenue and John Curtin Reserve. This condition is retained. The consent is to be amended in the following way.

By amending Condition 1, to read as follows:

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

Plans	Author	Date Received
Cover Page, Drawing No. DA001, Rev A dated 27 February 2018		1 March 2018
Site Analysis Plan, Drawing No. DA101, Rev A dated 27 February 2018		1 March 2018
Site Plan, Drawing No. DA102, Rev A dated 27 February 2018		1 March 2018
Demolition Plan, Drawing No. DA103, Rev A dated 27 February 2018		1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev A dated 27 February 2018 Ground Floor Plan, Drawing No. DA201, Rev E dated 12 July 2018		1 March 2018 8 August 2018 (DA-2016/165/02)

<p>(DA-2016/165/02)</p> <p>Ground Floor Plan, Drawing No. DA201, Rev F dated 26 October 2018</p> <p>(DA-2016/165/02)</p>	DKO Architecture	<p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 1 Plan, Drawing No. DA202, Rev A dated 27 February 2018</p> <p>Level 1 Plan, Drawing No. DA202, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 2 Plan, Drawing No. DA203, Rev A dated 27 February 2018</p> <p>Level 2 Plan, Drawing No. DA203, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 3 Plan, Drawing No. DA204, Rev A dated 27 February 2018</p> <p>Level 3 Plan, Drawing No. DA204, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 4 Plan, Drawing No. DA205, Rev A dated 27 February 2018</p> <p>Level 4 Plan, Drawing No. DA205, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Roof Terrace, Drawing No. DA206, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Basement 1 Plan, Drawing No. DA207, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Basement 2 Plan, Drawing No. DA208, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Adaptable Units, Drawing No. DA209, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>South Elevation, Drawing No. DA301, Rev A dated 27 February 2018</p> <p>South Elevation, Drawing No. DA301, Rev D.1 dated 25 February 2019</p> <p>(DA-2016/165/02)</p> <p>South Elevation, Drawing No. DA301, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p>

<p>(DA-2016/165/04) North Elevation, Drawing No. DA302, Rev A dated 27 February 2018 <i>North Elevation, Drawing No. DA302, Rev B dated 26 October 2018</i> (DA-2016/165/04)</p>		<p>1 March 2018 2 November 2018 (DA-2016/165/04)</p>
<p>East Elevation, Drawing No. DA303, Rev A dated 27 February 2018 <i>North Elevation, Drawing No. DA302, Rev B dated 26 October 2018</i> (DA-2016/165/04)</p>		<p>1 March 2018 2 November 2018 (DA-2016/165/04)</p>
<p>West Elevation, Drawing No. DA304, Rev A dated 27 February 2018 <i>North Elevation, Drawing No. DA302, Rev B dated 26 October 2018</i> (DA-2016/165/04)</p>		<p>1 March 2018 2 November 2018 (DA-2016/165/04)</p>
<p>Section A, Drawing No. DA305, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Section B, Drawing No. DA306, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Section C, Drawing No. DA307, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Streetscape, Drawing No. DA308, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Landscape Concept Ground Floor Plan, DWG No. LSDA-201, Issue C dated 7 February 2018</p>	<p>Greenplan</p>	<p>1 March 2018</p>
<p>Landscape Concept Roof Floor Plan DWG No. LSDA-202, Issue C dated 7 February 2018</p>		<p>1 March 2018</p>
<p>Landscape Planting Ground Floor DWG No. LSDA-301, Issue A, dated 7 February 2018</p>		<p>1 March 2018</p>
<p>Landscape Planting Roof Floor, DWG No. LSDA-302, Issue A dated 7 February 2018</p>		<p>1 March 2018</p>
<p>Landscape Details Planting, DWG No. LSDA-401, Issue A, dated 7 February 2018</p>		<p>1 March 2018</p>
<p>Landscape Details Typical Construction, DWG No. LSDA-404, Issue A dated 7 February 2018</p>		<p>1 March 2018</p>
<p>Cover Sheet, Drawing No. SW100, Revision A dated 26 February 2018</p>		<p>1 March 2018</p>
<p>Stormwater Concept Design – Basement 2 Plan, Drawing No. SW200, Issue A, dated 26 February 2018</p>		<p>1 March 2018</p>

Stormwater Concept Design – Ground Floor Plan, Drawing No. SW201, Issue A, dated 26 February 2018	SCG Engineering	1 March 2018
Stormwater Concept Design – Roof Plan, Drawing No. SW202, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 1 of 2, Drawing No. SW300, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 2 of 2, Drawing No. SW301, Issue A, dated 26 February 2018		1 March 2018
Erosion & Sediment Control – Plan & Details, Drawing No. SW400 dated 26 February 2018		1 March 2018
Stormwater Concept Design – Music Catchment Plan, Drawing No. SW500, Issue A, dated 26 February 2018		1 March 2018
Survey Plan (Ref: 3558), dated 7 June 2016	Cedar Surveying Services Pty Ltd	16 September 2016
Ground Floor Swept Paths – 6.4m SRV, Drawing No TX.01 Rev C, dated 23 February 2018	Traffix Traffic and Transport Planners	1 March 2018
Ground Floor Swept Paths – B85 & B99 Drawing No TX.02 Rev C, dated 23 February 2018		1 March 2018
Basement Level 1 B99 Circulation & Passing, Drawing No. TX.03, Rev C dated 23 February 2018		1 March 2018
Basement Level 2 B99 Circulation & Passing, Drawing No. TX.04, Rev B dated 18 January 2018		1 March 2018
Ramp Profile, Drawing No. TX.05, Rev C dated 23 February 2018		1 March 2018

Reference Document(s)	Author	Date Received
Amended Statement of Environmental Effects	Chapman Planning Pty Ltd	1 March 2018
Amended Clause 4.6 variation to the height development standard dated 27 February 2018	Chapman Planning Pty Ltd	1 March 2018
Statement of Compliance: Access for people with a disability (Ref: 216196), dated 26 February 2018	Accessible Building Solutions	1 March 2018

SEPP 65 Report dated 26 February 2018	DKO Architecture	1 March 2018
Traffic Impact Assessment Rev B- Ref: 17.607v02, dated 23 February 2018	Traffix Traffic and Transport Planners	1 March 2018
BASIX Certificate No. 902705M_02 dated 25 February 2018 BASIX Certificate No. 902705M_03, dated 31 October 2018	Senica Consultancy Group Pty Ltd	1 March 2018 5 November 2018
NATHERS Certificates with various dates	Senica Consultancy Group Pty Ltd	1 March 2018
Acoustic Report- Ref: 20161114.1/1104A/R1/RL (Rev 1), dated 11 April 2017;	Acoustic Logic	21 April 2017
Arboricultural Assessment Report (Ref: R 17/11), dated 24 August 2016.	Angophora Consulting Arborist	16 September 2016
Arboricultural Assessment Report - Tree Impact Statement & Root Investigation dated 12 April 2017;	Naturally Trees	21 April 2017
BCA Compliance Assessment Report No. 18/002, dated 23 February 2018	Paul Aramini Consulting Pty Ltd	1 March 2018
Waste Management Plan 2018/02034 dated 22 February 2018	Senica Consultancy Group	1 March 2018
Stage 1 Desktop Environmental Site Assessment (Ref: E29461KHrpt dated 20 July 2016.	Environmental Investigation Services (EIS)	16 September 2016
Stage 2 Environmental Site Assessment (Ref: E29461KHrpt2-interim) dated 16 September 2016;	Environmental Investigation Services (EIS)	16 September 2016
Geotechnical Investigation- Ref: 29461ZRppt dated 20 July 2016;	JK Geotechnics	16 September 2016

[Amendment 4 – S4.55(1A) amended on 11 June 2019]

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Deegan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for Panel Determination

- In making its determination the Panel has considered the original report and reasons and considers the public access way to the park is a community benefit as well as a benefit to the development.
- The panel considers all the other modifications to be satisfactory.

The Chairperson closed the meeting at 8:20 pm.

Certified as true and correct.

Jan Murrell
Chairperson

Bayside Local Planning Panel

25/06/2019

Item No	6.1
Application Type	Development Application
Application No	DS18/790
Lodgement Date	25/09/2018
Proposal	19-25 Robey Street, Mascot - Modifications to basement design relating to waterproofing and tanking of the basement structure and permanent dewatering
Ward	Mascot
Owner	Robey Mascot Pty Ltd
Applicant	Inca Property Group
Property	19-25 Robey Street, Mascot
No. of Submissions	Nil
Cost of Development	N/A
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That the Section 4.55(1A) application for the Modifications to basement design and deletion of Condition 34 relating to waterproofing and tanking of the basement structure at 19-25 Robey Street, Mascot be **APPROVED** subject to the following:

- (a) Amend Condition 1 relating to amended plans and reference to dewatering plan, to now read:

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

Plans	Author	Date Received
Cover Page, Drawing No. DA001, Rev A dated 27 February 2018	DKO Architecture	1 March 2018
Site Analysis Plan, Drawing No. DA101, Rev A dated 27 February 2018		1 March 2018
Site Plan, Drawing No. DA102, Rev A dated 27 February 2018		1 March 2018
Demolition Plan, Drawing No. DA103, Rev A dated 27 February 2018		1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev A dated 27 February 2018		1 March 2018

<p>Ground Floor Plan, Drawing No. DA201, Rev E dated 12 July 2018</p> <p>(DA-2016/165/02)</p> <p>Ground Floor Plan, Drawing No. DA201, Rev F dated 26 October 2018</p> <p>(DA-2016/165/02)</p>		<p>8 August 2018</p> <p>(DA-2016/165/02)</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 1 Plan, Drawing No. DA202, Rev A dated 27 February 2018</p> <p>Level 1 Plan, Drawing No. DA202, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 2 Plan, Drawing No. DA203, Rev A dated 27 February 2018</p> <p>Level 2 Plan, Drawing No. DA203, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 3 Plan, Drawing No. DA204, Rev A dated 27 February 2018</p> <p>Level 3 Plan, Drawing No. DA204, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Level 4 Plan, Drawing No. DA205, Rev A dated 27 February 2018</p> <p>Level 4 Plan, Drawing No. DA205, Rev D dated 26 October 2018</p> <p>(DA-2016/165/04)</p>		<p>1 March 2018</p> <p>2 November 2018</p> <p>(DA-2016/165/04)</p>
<p>Roof Terrace, Drawing No. DA206, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Basement 1 Plan, Drawing No. DA207, Rev A dated 27 February 2018</p> <p>Basement 1 Plan, Drawing No. DA207, Rev B dated 11 September 2018</p> <p>(DA-2016/165/03)</p>		<p>1 March 2018</p> <p>25 September 2018</p> <p>(DA-2016/165/03)</p>
<p>Basement 2 Plan, Drawing No. DA208, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>

Basement 2 Plan, Drawing No. DA208, Rev B dated 11 September 2018 (DA-2016/165/03)		25 September 2018 (DA-2016/165/03)
Adaptable Units, Drawing No. DA209, Rev A dated 27 February 2018		1 March 2018
South Elevation, Drawing No. DA301, Rev A dated 27 February 2018 South Elevation, Drawing No. DA301, Rev D.1 dated 25 February 2019 (DA-2016/165/02) North Elevation, Drawing No. DA302, Rev D dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018
(DA-2016/165/04)		
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Landscape Details Typical Construction, DWG No. LSDA-404, Issue A dated 7 February 2018		1 March 2018
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Stormwater Concept Design – Ground Floor Plan, Drawing No. SW201, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Roof Plan, Drawing No. SW202, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 1 of 2, Drawing No. SW300, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 2 of 2, Drawing No. SW301, Issue A, dated 26 February 2018		1 March 2018

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Geotechnical Investigation- Ref: 29461ZRRpt dated 20 July 2016;	JK Geotechnics	16 September 2016
<i>Dewatering Management Plan, ref 754-SYDGE219267-AC Rev 2</i>	<i>Coffey</i>	<i>27 May 2019</i>

- (b) Amend Condition 9 to make reference to Water NSW letter dated 9 January 2019, to now read:

The conditions provided by **Water NSW** in their letters dated 9 November 2016 *and 9 January 2019* are imposed.

- (c) Amend Condition 30 to include reference to AS 2890 and AS 4299 with the modifications resulting in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299, to now read:

Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated February 2018, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and

- b) *All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6, AS 4209 and Council requirements.*

- (d) Add Condition 33A to read:

Prior to the issue of the construction certificate, the applicant must provide satisfactory documented evidence to Bayside Council from Water NSW including purchase of required groundwater share allocation assignment as per the annual dewatering amount as specified in the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May.

- (e) Add Condition 33B to read:

Prior to the issue of any Construction Certificate, the following details shall be provided to the satisfaction of the Principal Certifier:

- *Dilapidation reports of all surrounding properties adjacent to the development site.*
- *Details of the permanent dewatering method including permanent Water Access Licence with appropriate share allocation purchased for permanent groundwater extraction.*
- *Finalised Implementation Plan incorporating finalised Geotechnical and Hydrogeological Monitoring Program, Contingency Plan and Construction Methodology.*
- *Any further geotechnical and hydrogeological investigations as may be required by special consent conditions or as recommended in the dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019*
- *Design Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that the design of the new below-ground structure has been undertaken in accordance with geotechnical recommendations.*

- (f) Add Condition 33C to read:

Prior to the issue of any construction certificate, all recommendations from the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019 must be implemented into the detailed design of the development, this includes Appendix D.

- *This includes the following detailed design aspects:*
- *The detailed design of the groundwater treatment system generally in accordance with de-watering treatment system process, prepared by SAS Water Solutions, ref: P18619-301 & instrumentation drawing & de-watering treatment system sheet 1 of 1 filter skid - general arrangement, prepared by SAS Water Solutions, P18619-202. The above detailed design shall be certified by an environmental scientist, and*
- *The detailed design of the system for the pump-out of the groundwater generally in accordance with stormwater drainage design prepared by SGC Consulting Engineers, project number: 20170454, revision 05 dated 20.11.2018. the system shall have an anticipated design life of 100 years, and*
- *Detailed design of the electronic and manual monitoring systems for the proposed groundwater treatment devices, and*

- *Emergency management plan for the pump-out system failure.*

(g) Add Condition 33D to read:

Permanent changes to the groundwater level as a result of construction must be kept within the historical range of natural groundwater fluctuations.

- *Where data is limited or unavailable the permanent change in the level of the natural water table due to the development is not to exceed 0.25m.*
- *In areas where the construction affects existing development within a shadow zone of an earlier construction, the permanent change in the water table due to the construction is not to exceed 0.1m. The permanent shadow zone of an earlier construction with full penetrating cut-off walls but without appropriate subsurface drainage should be taken as a distance equal to one building width along the groundwater flow path both in front and behind the earlier construction.*
- *Details shall be provided to the principal certifying authority certifying the above requirements have been reflected in the detailed design of the development.*

(h) Add Condition 74A to read:

All construction works on the site must be inspected and monitored in accordance with the Implementation Plan, the Geotechnical and Hydrogeological Monitoring Program and any other recommendations made by the geotechnical and/or hydrogeological engineer.

(i) Add Condition 112A to read:

Prior to the issue of any Occupation Certificate, the following must be provided to the satisfaction of the principal certifier:

- *A record of inspections and monitoring as required by the Implementation Plan and Geotechnical and Hydrogeological Monitoring Program.*
- *Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that all works have been undertaken in accordance with applicable consent conditions, applicable standards and the recommendations of the geotechnical and hydrogeological reports.*

(j) Add Condition 146 to read:

To ensure adequate allocation under the Water Access Licence (WAL) for permanent dewatering, a current WAL must be maintained with a sufficient amount of water allocation assignment maintained for the life of the development. All conditions of the WAL must be adhered to.

(k) Add Condition 147 to read:

Groundwater monitoring must be conducted by the registered proprietor for the lifetime of the development in accordance with the below:

- *Monitoring requirements as specified in the conditions of the WAL provided by Water NSW.*

- Discharge volumes of groundwater pumped to the stormwater network will be reviewed on an annual basis.
- Groundwater levels will be monitored to enable assessment of groundwater drawdown due to ongoing operation of the drained basement. A six month review of groundwater levels will be conducted in conjunction with ground settlement/movement monitoring to assess groundwater drawdown and its potential impacts.
- Groundwater quality will be monitored on a six monthly basis including collection of groundwater samples for laboratory analysis for selected metals and nutrients.
- A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.

A summary of operational monitoring requirements is provided in Table 8 of the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May.

- (l) Amend Conditions 34 to now read:

Prior to the issue of the Construction Certificate, the subsurface structures shall be designed ~~with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table~~ to ensure that the bulk of the ground water to be 'cutoff' by extending the depth of the walls further down to 18-20m below ground level as outlined in the letter from SCP consulting PTY LTD, ref 180031 and dated 27/05/2019. 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 qualified engineer. The detailed design of the subsurface structures is to be certified by suitably qualified practicing geotechnical engineer as being in accordance with the geotechnical report prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

- (m) Amend Condition 113 to now read:

Prior to the issue of any relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system, water treatment devices and groundwater extraction pump devices ~~has~~ have 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.

- (n) Amend Condition 116 to now read:

Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) *The pathway as indicated on the landscape plan along the northern boundary is to remain private with a public Right of Footway over the path from Elizabeth Avenue to John Curtin Reserve and must be noted as such on any future strata title subdivision. Appropriate access control gates and ambient lighting is required to provide adequate safety for residents outside of daylight hours.*
- b) *Restrictions on Use of Land and Positive Covenants for On-site Stormwater Detention systems and Stormwater Quality Improvement Devices (SQIDs). Refer to Appendices B and E of the SMTG for suggested wording.*
- c) *Waste collection is to be undertaken within the site by a private collection service using a small rigid vehicle until such time as Council vehicles are able to access the site.*
- d) *Restrictions on Use of Land and Positive Covenants for the maintenance of water treatment devices and groundwater extraction pump devices.*
- e) *Restrictions on Use of Land and Positive Covenant for the stormwater pump-out system. Refer to Appendices C of the SMTG for suggested wording.*

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

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Proposed Amended Basement Plans [↓](#)
- 3 Water NSW letter [↓](#)
- 4 Statement of Environmental Effects [↓](#)
- 5 Dewatering Plan [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/165/03
Date of Receipt:	25 September 2018
Property:	19-25 Robey Street, Mascot Lot 15 Sec A in DP 4115, Lot 16 Sec A in DP 4115, Lot 1 in DP 946234, Lot 1 in DP 455491, Lot 19 Sec A in DP 4115, Lot C in DP 418600 and Lot 1 in DP 931264
Owner:	Robey Mascot Pty Ltd
Applicant:	Inca Property Group
Proposal:	Modifications to basement design relating to waterproofing and tanking of the basement structure and permanent dewatering
Recommendation:	Approval subject to amended conditions
Value:	Nil
Zoning:	B2 Local Centre under Botany Bay Local Environmental Plan 2013
No. of submissions:	Nil
Author:	Andrew Ison, Senior Development Assessment Planner
Date of Report:	25 June 2019

Key Issues

The key issues relate to the following:

- Structural design modifications
- Changes to the basement floor levels.

Recommendation

1. That the Section 4.55(1A) application for the Modifications to basement design and deletion of Condition 34 relating to waterproofing and tanking of the basement structure is **APPROVED** subject to the following:

- (a) Amend Condition 1 relating to amended plans and reference to dewatering plan, to now read:

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

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Demolition Plan, Drawing No. DA103, Rev A dated 27 February 2018		1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev A dated 27 February 2018		1 March 2018
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South Elevation, Drawing No. DA301, Rev A dated 27 February 2018 South Elevation, Drawing No. DA301, Rev D.1 dated 25 February 2019 (DA-2016/165/02) North Elevation, Drawing No. DA302, Rev D dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018
(DA-2016/165/04)		
North Elevation, Drawing No. DA302, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)

East Elevation, Drawing No. DA303, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
West Elevation, Drawing No. DA304, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
Section A, Drawing No. DA305, Rev A dated 27 February 2018		1 March 2018
Section B, Drawing No. DA306, Rev A dated 27 February 2018		1 March 2018
Section C, Drawing No. DA307, Rev A dated 27 February 2018		1 March 2018
Streetscape, Drawing No. DA308, Rev A dated 27 February 2018		1 March 2018
Landscape Concept Ground Floor Plan, DWG No. LSDA-201, Issue C dated 7 February 2018	Greenplan	1 March 2018
Landscape Concept Roof Floor Plan DWG No. LSDA-202, Issue C dated 7 February 2018		1 March 2018
Landscape Planting Ground Floor DWG No. LSDA-301, Issue A, dated 7 February 2018		1 March 2018
Landscape Planting Roof Floor, DWG No. LSDA-302, Issue A dated 7 February 2018		1 March 2018
Landscape Details Planting, DWG No. LSDA-401, Issue A, dated 7 February 2018		1 March 2018
Landscape Details Typical Construction, DWG No. LSDA-404, Issue A dated 7 February 2018		1 March 2018
Cover Sheet, Drawing No. SW100, Revision A dated 26 February 2018		1 March 2018
Stormwater Concept Design – Basement 2 Plan, Drawing No. SW200, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Ground Floor Plan, Drawing No. SW201, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Roof Plan, Drawing No. SW202, Issue A, dated 26 February 2018		1 March 2018

Stormwater Concept Design – Details Sheet 1 of 2, Drawing No. SW300, Issue A, dated 26 February 2018	SCG Engineering	1 March 2018
Stormwater Concept Design – Details Sheet 2 of 2, Drawing No. SW301, Issue A, dated 26 February 2018		1 March 2018
Erosion & Sediment Control – Plan & Details, Drawing No. SW400 dated 26 February 2018		1 March 2018
Stormwater Concept Design – Music Catchment Plan, Drawing No. SW500, Issue A, dated 26 February 2018		1 March 2018
Survey Plan (Ref: 3558), dated 7 June 2016	Cedar Surveying Services Pty Ltd	16 September 2016
Ground Floor Swept Paths – 6.4m SRV, Drawing No TX.01 Rev C, dated 23 February 2018	Trafix Traffic and Transport Planners	1 March 2018
Ground Floor Swept Paths – B85 & B99 Drawing No TX.02 Rev C, dated 23 February 2018		1 March 2018
Basement Level 1 B99 Circulation & Passing, Drawing No. TX.03, Rev C dated 23 February 2018		1 March 2018
Basement Level 2 B99 Circulation & Passing, Drawing No. TX.04, Rev B dated 18 January 2018		1 March 2018
Ramp Profile, Drawing No. TX.05, Rev C dated 23 February 2018		1 March 2018

Reference Document(s)	Author	Date Received
Amended Statement of Environmental Effects	Chapman Planning Pty Ltd	1 March 2018
Amended Clause 4.6 variation to the height development standard dated 27 February 2018	Chapman Planning Pty Ltd	1 March 2018
Statement of Compliance: Access for people with a disability (Ref: 216196), dated 26 February 2018	Accessible Building Solutions	1 March 2018
SEPP 65 Report dated 26 February 2018	DKO Architecture	1 March 2018

Traffic Impact Assessment Rev B- Ref: 17.607v02, dated 23 February 2018	Traffix Traffic and Transport Planners	1 March 2018
BASIX Certificate No. 902705M_02, dated 25 February 2018	Senica Consultancy Group Pty Ltd	1 March 2018
NATHERS Certificates with various dates	Senica Consultancy Group Pty Ltd	1 March 2018
Acoustic Report- Ref: 20161114.1/1104A/R1/RL (Rev 1), dated 11 April 2017;	Acoustic Logic	21 April 2017
Arboricultural Assessment Report (Ref: R 17/11), dated 24 August 2016.	Angophora Consulting Arborist	16 September 2016
Arboricultural Assessment Report - Tree Impact Statement & Root Investigation dated 12 April 2017;	Naturally Trees	21 April 2017
BCA Compliance Assessment Report No. 18/002, dated 23 February 2018	Paul Aramini Consulting Pty Ltd	1 March 2018
Waste Management Plan 2018/02034 dated 22 February 2018	Senica Consultancy Group	1 March 2018
Stage 1 Desktop Environmental Site Assessment (Ref: E29461KHrpt dated 20 July 2016.	Environmental Investigation Services (EIS)	16 September 2016
Stage 2 Environmental Site Assessment (Ref: E29461KHrpt2-interim) dated 16 September 2016;	Environmental Investigation Services (EIS)	16 September 2016
Geotechnical Investigation- Ref: 29461ZRrpt dated 20 July 2016;	JK Geotechnics	16 September 2016
<i>Dewatering Management Plan, ref 754-SYDGE219267-AC Rev 2</i>	<i>Coffey</i>	<i>27 May 2019</i>

- (b) Amend Condition 9 to make reference to Water NSW letter dated 9 January 2019, to now read:

The conditions provided by **Water NSW** in their letters dated 9 November 2016 and 9 January 2019 are imposed.

- (c) Amend Condition 30 to include reference to AS 2890 and AS 4299 with the modifications resulting in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299, to now read:

Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated February 2018, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
- b) *All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6, AS 4209 and Council requirements.*

(d) Add Condition 33A to read:

Prior to the issue of the construction certificate, the applicant must provide satisfactory documented evidence to Bayside Council from Water NSW including purchase of required groundwater share allocation assignment as per the annual dewatering amount as specified in the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May.

(e) Add Condition 33B to read:

Prior to the issue of any Construction Certificate, the following details shall be provided to the satisfaction of the Principal Certifier:

- *Dilapidation reports of all surrounding properties adjacent to the development site.*
- *Details of the permanent dewatering method including permanent Water Access Licence with appropriate share allocation purchased for permanent groundwater extraction.*
- *Finalised Implementation Plan incorporating finalised Geotechnical and Hydrogeological Monitoring Program, Contingency Plan and Construction Methodology.*
- *Any further geotechnical and hydrogeological investigations as may be required by special consent conditions or as recommended in the dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019*
- *Design Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that the design of the new below-ground structure has been undertaken in accordance with geotechnical recommendations.*

(f) Add Condition 33C to read:

Prior to the issue of any construction certificate, all recommendations from the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019 must be implemented into the detailed design of the development, this includes Appendix D.

- *This includes the following detailed design aspects:*
- *The detailed design of the groundwater treatment system generally in accordance with de-watering treatment system process, prepared by SAS Water Solutions, ref: P18619-301 & instrumentation drawing & de-watering treatment system sheet 1 of 1 filter skid - general arrangement, prepared by SAS Water Solutions, P18619-202. The above detailed design shall be certified by an environmental scientist, and*
- *The detailed design of the system for the pump-out of the groundwater generally in accordance with stormwater drainage design prepared by SGC Consulting Engineers, project number: 20170454, revision 05 dated 20.11.2018. the system shall have an anticipated design life of 100 years, and*
- *Detailed design of the electronic and manual monitoring systems for the proposed groundwater treatment devices, and*

- *Emergency management plan for the pump-out system failure.*

(g) Add Condition 33D to read:

Permanent changes to the groundwater level as a result of construction must be kept within the historical range of natural groundwater fluctuations.

- *Where data is limited or unavailable the permanent change in the level of the natural water table due to the development is not to exceed 0.25m.*
- *In areas where the construction affects existing development within a shadow zone of an earlier construction, the permanent change in the water table due to the construction is not to exceed 0.1m. The permanent shadow zone of an earlier construction with full penetrating cut-off walls but without appropriate subsurface drainage should be taken as a distance equal to one building width along the groundwater flow path both in front and behind the earlier construction.*
- *Details shall be provided to the principal certifying authority certifying the above requirements have been reflected in the detailed design of the development.*

(h) Add Condition 74A to read:

All construction works on the site must be inspected and monitored in accordance with the Implementation Plan, the Geotechnical and Hydrogeological Monitoring Program and any other recommendations made by the geotechnical and/or hydrogeological engineer.

(i) Add Condition 112A to read:

Prior to the issue of any Occupation Certificate, the following must be provided to the satisfaction of the principal certifier:

- *A record of inspections and monitoring as required by the Implementation Plan and Geotechnical and Hydrogeological Monitoring Program.*
- *Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that all works have been undertaken in accordance with applicable consent conditions, applicable standards and the recommendations of the geotechnical and hydrogeological reports.*

(j) Add Condition 146 to read:

To ensure adequate allocation under the Water Access Licence (WAL) for permanent dewatering, a current WAL must be maintained with a sufficient amount of water allocation assignment maintained for the life of the development. All conditions of the WAL must be adhered to.

(k) Add Condition 147 to read:

Groundwater monitoring must be conducted by the registered proprietor for the lifetime of the development in accordance with the below:

- *Monitoring requirements as specified in the conditions of the WAL provided by Water NSW.*
- *Discharge volumes of groundwater pumped to the stormwater network will be reviewed on an annual basis.*
- *Groundwater levels will be monitored to enable assessment of groundwater drawdown due to ongoing operation of the drained basement. A six month review of groundwater levels will be conducted in conjunction with ground*

settlement/movement monitoring to assess groundwater drawdown and its potential impacts.

- Groundwater quality will be monitored on a six monthly basis including collection of groundwater samples for laboratory analysis for selected metals and nutrients.
- A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.

A summary of operational monitoring requirements is provided in Table 8 of the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May.

- (l) Add Condition 148 to read:

If odour from Hydrogen sulfide becomes a problem at any time when discharging into the Councils stormwater system, appropriate treatment must be installed within the development footprint to control this odour issue and must be maintained for the life of the development.

- (m) Amend Conditions 34 to now read:

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 to ensure that the bulk of the ground water to be 'cutoff' by extending the depth of the walls further down to 18-20m below ground level as outlined in the letter from SCP consulting PTY LTD, ref 180031 and dated 27/05/2019. 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 qualified engineer. The detailed design of the subsurface structures is to be certified by suitably qualified practicing geotechnical engineer as being in accordance with the geotechnical report prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

- (n) Amend Condition 113 to now read:

Prior to the issue of any relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system, water treatment devices and groundwater seepage extraction pump devices has have 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.

- (o) Amend Condition 116 to add parts (d) and (e) and now read:

Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be

imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) *The pathway as indicated on the landscape plan along the northern boundary is to remain private with a public Right of Footway over the path from Elizabeth Avenue to John Curtin Reserve and must be noted as such on any future strata title subdivision. Appropriate access control gates and ambient lighting is required to provide adequate safety for residents outside of daylight hours.*
- b) *Restrictions on Use of Land and Positive Covenants for On-site Stormwater Detention systems and Stormwater Quality Improvement Devices (SQIDs). Refer to Appendices B and E of the SMTG for suggested wording.*
- c) *Waste collection is to be undertaken within the site by a private collection service using a small rigid vehicle until such time as Council vehicles are able to access the site.*
- d) *Restrictions on Use of Land and Positive Covenants for the maintenance of water treatment devices and groundwater extraction pump devices.*
- e) *Restrictions on Use of Land and Positive Covenant for the stormwater pump-out system. Refer to Appendices C of the SMTG for suggested wording.*

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

Site Description

The subject site is commonly known as 19-25 Robey Street, Mascot (Lot 15 Sec A in DP 4115, Lot 16 Sec A in DP 4115, Lot 1 in DP 946234, Lot 1 in DP 455491, Lot 19 Sec A in DP 4115, Lot C in DP 418600 and Lot 1 in DP 931264). The site is rectangular in shape, has an area of 2,590m², and the mixed use development is currently under construction. The surrounding area is characterised primarily by various forms of residential developments to the north, south and west and commercial development to the east. The subject site is located on the western edge of the Mascot town centre, between O'Riordan Street to the west and Botany Road to the east.



Figure 1: Aerial showing subject site, marked in red (Source: Bayside IntraMaps)

Description of approved development and proposed modifications

Approved Development DA-2016/165

Development Application (DA) 2017/1155 was approved on 17 May 2018 by the Sydney Central Planning Panel for the following:

- Integrated Development application for the demolition of the existing buildings and associated structures, construction of a five storey mixed commercial and residential flat development comprising of 66 residential apartments and 2 large retail tenancies, two levels of basement car parking accommodating 133 spaces, associated landscaping, relocation of stormwater easement and consolidation of lots fronting Robey Street

Approved Modification DA-2016/165/02

On 12 March 2019, the Bayside Planning Panel approved a modification under Section 4.55(1A) for the following:

- Modification of Condition 1 to amend the approved plans;
- Modification of Condition 33 to read "Prior to the issue of the Construction Certificate, details shall be provided certifying that all Ausgrid requirements have been satisfied;
- Addition of Condition 95(b) to maintain safety for pedestrians due to the revised location of the travel path; and
- Modification of Condition 107 to reflect Council's Development Engineer's requirements.

Modification DA-2016/165/04

On 2 November 2018, a Section 4.55(1A) application was lodged with Council for the following:

- Relocation of boundary stairs at the Robey Street frontage to allow for wheelchair access to the retail tenancies;
- Colourbond metal fencing to rear boundaries;
- Metal fencing to terraces of Units 003, 004, 006, 007 and 008;
- A reduction in the size of the sliding door and window openings, and the deletion of some windows to facades other than Robey Street. This results in a reduction in the glazing on the facades; and
- Deletion of Condition 116(a) relating to the pathway along the northern boundary to remain private

This was reported to the 11 June 2019 Bayside Local Planning Panel meeting, with the recommendation for partial approval relating to the building modifications and for Condition 116(a) to be retained.

Proposed Modifications BDA-2016/165/A

On 15 January 2019, a Section 4.55(1A) application was lodged with Council for the following:

- Deletion of Condition 68(c) and 68(d) relating to the undergrounding of all above ground utilities; and
- Deletion of Condition 11(c) relating to the construction of a new stormwater pipe.

On 23 May 2019, the applicant filed a Class 1 appeal with the Land and Environment Court, and hence is a deemed refusal. A Directions Hearing has been scheduled for 21 June 2019, which will set out a future timetable and a likely Section 34 Conciliation.

Proposed Modifications DA-2016/165/03 (subject to this report)

The applicant seeks the following amendments:

(1) Car parking

Condition 30 is currently worded as such:

Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) *Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated February 2018, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and*
- b) *All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.*

The condition is proposed to be amended to include AS 2890 and AS 4299 with the modifications resulting in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299.

(2) Structural Design Modifications

The structural design modifications are detailed below:

- Deletion of Hydrostatic slab, and replacement with a slab on grade with mesh and joints. Permanent pump out system to collect the residual water under the slab (grillage of collection pipes within a coarse gravel sub base over the excavated sand sub grade).
- Deletion of tension loads to all piles under columns.
- Deletion of perimeter piles and columns on the basis the CSM wall system is upgraded to take the Ground transfer slab reactions.
- Deletion of waterproof membrane subject to Grade 1 Basement performance being accepted.
- Deletion of waterproof and doveled connection to the CSM wall.
- Redesign Ground floor to span onto the CSM wall.

(3) Basement Levels

Changes to the basement floor plans are detailed below:

- Reduced level of the southern half of Basement 2 slab from -200 to -350.
- Adjustment to basement ramps (gradients and length) and additional ramp on Basement 2.
- Minor amendments to basement parking layout to accommodate storage allocation, rearrangement of service rooms.

- Hydrant pump room to be located along northern wall of Basement Level 2.
- Rearrange accessible parking spaces and relocation of 1 x accessible space from Basement Level 2 to Basement Level 1. 8 x accessible spaces are provided in total.
- Relocation of Hydrant Pump and Valve room to northern wall of Basement Level 1.

Based on items 2 and 3 above, it is proposed that Condition 34 is deleted. The condition is worded as such:

Prior to the issue of the Construction Certificate, the subsurface structures shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably qualified engineer. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

The applicant has stated proposed modifications to the structural design of the basement require the deletion of this condition. However, they have stated that additional conditions may need to be prescribed to carry these modified works out.

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

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.55(1A) – Modifications involving minimal environmental impact

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

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

The proposed modification does not involve any physical amendments to the approved development above ground. The proposed modifications within the basement area are considered to be self-contained within the subject site and will not result in any impacts on neighbouring properties. As such, the proposed modifications will result in minimal environmental impact. It is considered that the proposed amendments are suitable in the context of the site and locality.

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

The Section 4.55(1A) modification relates to modifications that are self contained within the basement area with no physical changes at or above ground level. Therefore, the modification application is substantially the same development to which consent was originally granted.

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

Notification has been carried out in accordance with Part 2 of the Botany Bay Development Control Plan (DCP) 2013.

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

No submissions have been received.

S.4.55(3) – Consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application

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

S.4.15(1) - Matters for Consideration – General

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

The following Environmental Planning Instruments are relevant to this application:

S4.47 - Development that is Integrated Development

The original application was approved as Integrated Development as the proposal required temporary dewatering to construct the basement levels.

Given the subject of this modification, it was referred to Water NSW and they have provided comments in support of the proposed amendments.

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

Given the nature of the proposed modifications, no amended BASIX certificate was required. Therefore, the proposal remains consistent with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

Given the nature of proposed modifications, the proposal remains consistent with the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

Consideration of this SEPP was undertaken as part of the original assessment, with the site deemed suitable for the proposal. There is no further information as part of this modification which would alter previous conclusions regarding the suitability of the site. The site remains suitable for the proposal as modified.

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

Consideration of this SEPP was undertaken as part of the original assessment. Given the nature of the proposed modifications, no further assessment against this SEPP was required, and therefore remains consistent with this SEPP.

Botany Bay Local Environmental Plan 2013 (LEP)

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application. There are no relevant provisions in the LEP that relate to this application.

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

There are no current Draft EPIs applicable to this development.

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

The following Development Control Plan is relevant to this application:

Botany Bay Development Control Plan 2013

There are no provisions in this DCP that are relevant to the assessment of this application.

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

Clause 92 of the Regulation has been considered and there are no applicable provisions to the development.

S.4.15(1)(b) - Likely Impacts of Development**Groundwater and Structural Impacts**

Given that the original Development Application was Integrated Development on the basis of works within the groundwater zone, this was referred to Water NSW for comment. The following correspondence was received by Water NSW (also provided as an attachment to this report):

WaterNSW has determined that the proposed development will encounter groundwater during the excavation process, and is subject to a Water Supply Work Approval under the Water Management Act 2000 for dewatering during the construction phase. If there is ongoing take of groundwater during the post construction phase, a Water Supply Work Approval and a Water Access Licence will be required. This determination is subject to appropriate construction methods to be employed

to minimise volume of groundwater take during the construction phase. WaterNSW provides General Terms of Approval attached.

The application was referred to Council's Development Engineer for assessment.

As per the subject application, an alternative solution is proposed to allow for the bulk of the ground water to be 'cutoff' by extending the depth of the walls further down to 18-20m below ground level, with a permanent pump out of groundwater from below the basement slab. This prevents draw down of the ground water external to the site, similar to a tanked basement scenario. This necessitates a very low flow rate of groundwater into the basement at 0.07l/s or 2.2ML/year (equivalent to a flow rate of basement seepage similar to a traditional basement design with subsoil drainage that does not intercept the water table in an impervious soil region).

Permanent dewatering from underground structures is prohibited as outlined in under Part 10 of the Botany Bay Development Control Plan – Stormwater Management.

However, with recent changes to legislation regarding groundwater extraction from the Botany Aquifer (groundwater extraction is no longer prohibited and water sharing scheme has been implemented for the region) and no objection proposed from Water NSW the proposal can be suitable for approval.

Bayside Council is a part of the Sydney Coastal Councils Group (City of Botany Bay and Rockdale City Council are incorporated). The "Sydney Coastal Councils Group Groundwater Management Handbook a Guide for Local Government" provides a thorough assessment of permanent dewatering of the aquifer with regards to basement structural design.

The development has been assessed in regards to the recommendations of this Group.

The Dewatering Management Plan prepared by Coffey (provided as an attachment to this report) thoroughly assesses the potential impacts and considerations of the proposal and resolves pertinent issues. As a response, a series of conditions, both amended and additional are incorporated in the attached Schedule of Conditions to ensure the impacts of the proposal are minimal on the surrounding environment.

The application was also referred to Council's Environmental Scientist for review. They also are in support of the proposed amendments, however there are concerns that there may be possibly an issue from hydrogen sulphide odour when the groundwater is discharged in to the system. Accordingly, an additional operational condition will be imposed in the attached Schedule of Conditions in relation to odour.

Car park design

This was referred to Council's Development Engineer for review and comment.

It is supportive of the proposed amendment to this condition to include AS 4299 designed spaces as it was recommended in the "Traffic Impact Assessment" prepared by Traffix Traffic and Transport Planners received by Council on 1 March 2018 and was subsequently supported by Council and approved by the Regional Panel in the Development Application. The amendment of this condition is a housekeeping amendment to ensure consistency with the approved Traffic Impact Assessment.

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

Site suitability was assessed as part of the original Development Application, and the modifications to the conditions do not change the deemed acceptable suitability of the approved development on the subject site.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the development application was notified to surrounding property owners for a fourteen (14) day period. No submissions were received.

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

Granting approval to the modified conditions will have no adverse impact on the public interest.

Section 94 Contributions

The proposed modification does not change any Section 94 Contributions that are payable, and as prescribed in the original development consent (as amended).

Conclusion

Development Application No. 2016/165/3 for the modifications to basement design and deletion of Condition 34 relating to waterproofing and tanking of the basement structure at 19-25 Robey Street, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to modified conditions of consent.

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

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

Plans	Author	Date Received
Cover Page, Drawing No. DA001, Rev A dated 27 February 2018		1 March 2018
Site Analysis Plan, Drawing No. DA101, Rev A dated 27 February 2018		1 March 2018
Site Plan, Drawing No. DA102, Rev A dated 27 February 2018		1 March 2018

Demolition Plan, Drawing No. DA103, Rev A dated 27 February 2018	DKO Architecture	1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev A dated 27 February 2018		1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev E dated 12 July 2018 (DA-2016/165/02)		8 August 2018 (DA-2016/165/02)
Ground Floor Plan, Drawing No. DA201, Rev F dated 26 October 2018 (DA-2016/165/02)		2 November 2018 (DA-2016/165/04)
Level 1 Plan, Drawing No. DA202, Rev A dated 27 February 2018		1 March 2018
Level 1 Plan, Drawing No. DA202, Rev D dated 26 October 2018 (DA-2016/165/04)		2 November 2018 (DA-2016/165/04)
Level 2 Plan, Drawing No. DA203, Rev A dated 27 February 2018		1 March 2018
Level 2 Plan, Drawing No. DA203, Rev D dated 26 October 2018 (DA-2016/165/04)		2 November 2018 (DA-2016/165/04)
Level 3 Plan, Drawing No. DA204, Rev A dated 27 February 2018		1 March 2018
Level 3 Plan, Drawing No. DA204, Rev D dated 26 October 2018 (DA-2016/165/04)		2 November 2018 (DA-2016/165/04)
Level 4 Plan, Drawing No. DA205, Rev A dated 27 February 2018		1 March 2018
Level 4 Plan, Drawing No. DA205, Rev D dated 26 October 2018 (DA-2016/165/04)		2 November 2018 (DA-2016/165/04)
Roof Terrace, Drawing No. DA206, Rev A dated 27 February 2018		1 March 2018
Basement 1 Plan, Drawing No. DA207, Rev A dated 27 February 2018		1 March 2018
Basement 1 Plan, Drawing No. DA207, Rev B dated 11 September 2018 (DA-2016/165/03)		25 September 2018 (DA-2016/165/03)
Basement 2 Plan, Drawing No. DA208, Rev A dated 27 February 2018		1 March 2018

Basement 2 Plan, Drawing No. DA208, Rev B dated 11 September 2018 (DA-2016/165/03)		25 September 2018 (DA-2016/165/03)
Adaptable Units, Drawing No. DA209, Rev A dated 27 February 2018		1 March 2018
South Elevation, Drawing No. DA301, Rev A dated 27 February 2018 South Elevation, Drawing No. DA301, Rev D.1 dated 25 February 2019 (DA-2016/165/02) North Elevation, Drawing No. DA302, Rev D dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018
(DA-2016/165/04)		
North Elevation, Drawing No. DA302, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
East Elevation, Drawing No. DA303, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
West Elevation, Drawing No. DA304, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
Section A, Drawing No. DA305, Rev A dated 27 February 2018		1 March 2018
Section B, Drawing No. DA306, Rev A dated 27 February 2018		1 March 2018
Section C, Drawing No. DA307, Rev A dated 27 February 2018		1 March 2018
Streetscape, Drawing No. DA308, Rev A dated 27 February 2018		1 March 2018

Landscape Concept Ground Floor Plan, DWG No. LSDA-201, Issue C dated 7 February 2018	Greenplan	1 March 2018
Landscape Concept Roof Floor Plan DWG No. LSDA-202, Issue C dated 7 February 2018		1 March 2018
Landscape Planting Ground Floor DWG No. LSDA-301, Issue A, dated 7 February 2018		1 March 2018
Landscape Planting Roof Floor, DWG No. LSDA-302, Issue A dated 7 February 2018		1 March 2018
Landscape Details Planting, DWG No. LSDA-401, Issue A, dated 7 February 2018		1 March 2018
Landscape Details Typical Construction, DWG No. LSDA-404, Issue A dated 7 February 2018		1 March 2018
Cover Sheet, Drawing No. SW100, Revision A dated 26 February 2018	SCG Engineering	1 March 2018
Stormwater Concept Design – Basement 2 Plan, Drawing No. SW200, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Ground Floor Plan, Drawing No. SW201, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Roof Plan, Drawing No. SW202, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 1 of 2, Drawing No. SW300, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 2 of 2, Drawing No. SW301, Issue A, dated 26 February 2018		1 March 2018
Erosion & Sediment Control – Plan & Details, Drawing No. SW400 dated 26 February 2018		1 March 2018
Stormwater Concept Design – Music Catchment Plan, Drawing No. SW500, Issue A, dated 26 February 2018		1 March 2018
Survey Plan (Ref: 3558), dated 7 June 2016	Cedar Surveying Services Pty Ltd	16 September 2016
Ground Floor Swept Paths – 6.4m SRV, Drawing No TX.01 Rev C, dated 23 February 2018	Trafix Traffic and Transport Planners	1 March 2018

Ground Floor Swept Paths – B85 & B99 Drawing No TX.02 Rev C, dated 23 February 2018		1 March 2018
Basement Level 1 B99 Circulation & Passing, Drawing No. TX.03, Rev C dated 23 February 2018		1 March 2018
Basement Level 2 B99 Circulation & Passing, Drawing No. TX.04, Rev B dated 18 January 2018		1 March 2018
Ramp Profile, Drawing No. TX.05, Rev C dated 23 February 2018		1 March 2018

Reference Document(s)	Author	Date Received
Amended Statement of Environmental Effects	Chapman Planning Pty Ltd	1 March 2018
Amended Clause 4.6 variation to the height development standard dated 27 February 2018	Chapman Planning Pty Ltd	1 March 2018
Statement of Compliance: Access for people with a disability (Ref: 216196), dated 26 February 2018	Accessible Building Solutions	1 March 2018
SEPP 65 Report dated 26 February 2018	DKO Architecture	1 March 2018
Traffic Impact Assessment Rev B- Ref: 17.607v02, dated 23 February 2018	Traffix Traffic and Transport Planners	1 March 2018
BASIX Certificate No. 902705M_02, dated 25 February 2018	Senica Consultancy Group Pty Ltd	1 March 2018
NATHERS Certificates with various dates	Senica Consultancy Group Pty Ltd	1 March 2018
Acoustic Report- Ref: 20161114.1/1104A/R1/RL (Rev 1), dated 11 April 2017;	Acoustic Logic	21 April 2017
Arboricultural Assessment Report (Ref: R 17/11), dated 24 August 2016.	Angophora Consulting Arborist	16 September 2016
Arboricultural Assessment Report - Tree Impact Statement & Root Investigation dated 12 April 2017;	Naturally Trees	21 April 2017
BCA Compliance Assessment Report No. 18/002, dated 23 February 2018	Paul Aramini Consulting Pty Ltd	1 March 2018

Waste Management Plan 2018/02034 dated 22 February 2018	Senica Consultancy Group	1 March 2018
Stage 1 Desktop Environmental Site Assessment (Ref: E29461KHrpt dated 20 July 2016;	Environmental Investigation Services (EIS)	16 September 2016
Stage 2 Environmental Site Assessment (Ref: E29461KHrpt2-interim) dated 16 September 2016;	Environmental Investigation Services (EIS)	16 September 2016
Geotechnical Investigation- Ref: 29461ZRpt dated 20 July 2016;	JK Geotechnics	16 September 2016
Dewatering Management Plan, ref 754-SYDGE219267-AC Rev 2 (DA-2016/165/03)	Coffey (DA-2016/165/03)	27 May 2019 (DA-2016/165/03)
Letter relating to basement construction (DA-2016/165/03)	SCP Engineers (DA-2016/165/03)	27 May 2019 (DA-2016/165/03)

- 2 This Consent relates to land in Lot 15 Sec A DP 4115, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 1 DP 455491, Lot 19 Sec A DP 4115, Lot C DP 418600 and Lot 1 DP 931264 and as such, building works must not encroach on to adjoining lands or the adjoining public place, except as otherwise permitted by this consent.
- 3 The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days' notice to the council of the persons intention to commence the erection of the building.
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.

a) Note:

Relevant BASIX Certificate means:

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

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY6 The following conditions provided by **Ausgrid**:

- a) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site).
- b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - (i) Changes in electrical load requirements
 - (ii) Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.);
 - (iii) Works affecting Ausgrid's easements, leases and/ or right of ways
 - (iv) Changing the gradients of any roads or paths
 - (v) Changing the level of roads or foot paths
 - (vi) Widening or narrowing of roads
 - (vii) Closing roads or laneways to vehicles
 - (viii) In all cases Ausgrid is to have 24 hour access to all its assets
- c) Any work undertaken near overhead power lines needs to be done in accordance with:
 - (i) WorkCover Document ISSC 23 "*Working Near Overhead Power Lines*"
 - (ii) Ausgrid's Network Standard
 - (iii) Ausgrid's Electrical Safety Rules
- d) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.

- 7 The conditions provided by **Sydney Airport Corporation Limited (SACL)** in their letter dated 7 May 2018 are imposed:
 - a) The approved development is permitted to be constructed to a maximum height of 27.0 metres AHD. Should you wish to exceed this height a new application must be submitted.
- 8 The conditions provided by **Sydney Water** in their letter dated 3 November 2016 are imposed.
- 9 The conditions provided by **Water NSW** in their letters dated 9 November 2016 **and 9 January 2019** are imposed. **(DA-2016/165/03)**

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR STRUCTURE

- 10 A Hazardous Building Material Assessment (HBMA) shall be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the demolition of any building or structure.

Should any hazardous materials be identified a Work Management Plan completed in accordance with *AS2601 – Demolition of Buildings* shall be submitted to the Principal Certifying Authority prior to the demolition of any building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
- 11 Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with *AS2601:1991 – ‘Demolition of Structures’*, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:
 - a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;

- f) Fire Fighting – Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system.
- 12 Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
- 13 Vibration levels induced by the demolition activities shall not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises. Prior to commencement a specific vibration monitor shall be set up to monitor and record the vibration levels affecting surrounding buildings.
- 14 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - (b) The name and permit number of the owner-builder who intends to do the work;
 - (c) The Council also must be informed if:
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.

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

- 15 The applicant must prior to the issue of any Construction Certificate, pay the following fees:
- (a) Development Control \$2,940.00

- (b) Builders Security Deposit \$47,000 (Refer to Condition below)
- (c) Section 94 Contributions **\$848,746.17** (Refer to Condition below)

- 16 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of **\$47,000.00** (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.
- 17 Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **\$848,746.17** is payable as calculated below:

City of Botany Bay Section 94 Contributions Plan 2016

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

- a) Community Facilities = \$145,984.34
- b) Recreation = \$632,315.89
- c) Transport = \$59,412.24
- d) Administration = \$11,033.70

TOTAL: \$848,746.17.

The total Section 94 Contribution of **\$848,746.17** is to be paid to Council prior to the issue of any Construction Certificate.

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

- 18 Prior to the issue of the relevant Construction Certificate, the applicant shall submit amended plans to Council's Manager of Development Services for approval, showing the following:
- a) Storage areas are to comply with the minimum ADG requirement of 6sqm for 1 bedroom apartments, 8sqm for 2 bedroom apartments and 10sqm for 3 bedroom apartments. 50% of the storage area is to be included within the apartments. A breakdown of the storage area is to be provided within a Schedule;
 - b) Front entries of the apartments, dining rooms, kitchen floors and internal storage areas are to be finished with materials that are water resistant and easy to clean (family friendly apartment provisions of the BBLEP 2013).
- 19 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying Authority with the application for the relevant Construction Certificate. The garbage and recycling storage area shall be adequately ventilated. The floor shall be made of an impervious surface, drained to sewer and

include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

- 20 The drawings for the construction certificate for the basement shall show the following parking requirements:

- a) Residential - 111 car parking spaces;
- b) Visitor - 14 car parking spaces;
- c) Commercial – 8 car parking spaces;

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

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

The measures required in the approved acoustical assessment report shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- (a) Appropriate acoustic glazing to stated windows and doors,
- (b) Detailed roof and ceiling construction,
- (c) Wall and ceiling corner details and,
- (d) External door specification,
- (e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner.

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

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

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (e.g. Ausgrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i. The additional load on the system, and
 - ii. The relocation and/or adjustment of the services affected by the construction.
- 24 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority.
- The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 25 A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of any Construction Certificate. The program shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed;
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase;
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period

- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;
 - i) Proposed protection for Council and adjoining properties;
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation; and
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- 26 Prior to the release of the Construction Certificate, the applicant shall provide certification from a suitably qualified Traffic Engineer to the Private Certifying Authority attesting that the design of the proposed development is in accordance with the approved Traffic Management Report by Traffix.
- 27 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, currently under review. These include but are not limited to E-01, E-04, E-07 and E-16.
- As part of this development, a new driveway layback shall be constructed as part of the new driveway. A minimum 1.0 metre length of existing kerb and gutter on each side of the driveway layback shall be removed and replaced with new kerb and gutter to enable a transition for a correct tie-in with proposed public domain works.
- The design shall be submitted to the Private Certifying Authority for approval and the approved design shall form part of the subsequent road opening permit application.
- 28 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant;
 - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;
 - c) during construction, where required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by Council and/or NSW Roads and Maritime Services; and

- d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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

- 29 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines; and
- b) The applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure;
- c) All service vehicles shall enter the property front in front out;
- d) Demonstrate safe headroom clearance is achieved in the driveway entrance and along the travel path, parking and manoeuvring areas of a Small Rigid Vehicle (SRV);
- e) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
- f) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.

- 30 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- c) Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated February 2018, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
- d) ***All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6, AS 4209 and Council requirements.***

(DA-2016/165/03)

- 31 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during

construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

- 32 You are advised that Bayside Council's current adopted flood level for this location is RL 5.99m AHD. The proposal includes habitable/non-habitable areas that are below the flood level, the approved floor levels are 5.80m AHD for the commercial tenancies. Use of this development should reflect the flood risk. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 6.50 metres Australian Height Datum, which is 500mm above the 1% Annual Exceedance Probability (AEP) Flood level.
- 33 Prior to the issue of the Construction Certificate, details shall be provided certifying that ***all Ausgrid requirements have been satisfied the proposed substation chamber is flood proofed/protected up to a level of at least RL 6.50m AHD. (Modified via DA-2016/165/02)***
- 33A Prior to the issue of the construction certificate, the applicant must provide ***satisfactory documented evidence to Bayside Council from Water NSW including purchase of required groundwater share allocation assignment as per the annual dewatering amount as specified in the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May. (DA-2016/165/03)***
- 33B Prior to the issue of any Construction Certificate, the following details shall be provided to the satisfaction of the Principal Certifier:
- *Dilapidation reports of all surrounding properties adjacent to the development site.*
 - *Details of the permanent dewatering method including permanent Water Access Licence with appropriate share allocation purchased for permanent groundwater extraction.*
 - *Finalised Implementation Plan incorporating finalised Geotechnical and Hydrogeological Monitoring Program, Contingency Plan and Construction Methodology.*
 - *Any further geotechnical and hydrogeological investigations as may be required by special consent conditions or as recommended in the dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019*
 - *Design Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that the design of the new below-ground structure has been undertaken in accordance with geotechnical recommendations. (DA-2016/165/03)*
- 33C Prior to the issue of any construction certificate, all recommendations from the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019 must be implemented into the detailed design of the development, this includes Appendix D. This includes the following detailed design aspects:
- *The detailed design of the groundwater treatment system generally in accordance with de-watering treatment system process, prepared by SAS Water Solutions, ref: P18619-301 & instrumentation drawing & de-*

- watering treatment system sheet 1 of 1 filter skid - general arrangement, prepared by SAS Water Solutions, P18619-202. The above detailed design shall be certified by an environmental scientist, and*
- *The detailed design of the system for the pump-out of the groundwater generally in accordance with stormwater drainage design prepared by SGC Consulting Engineers, project number: 20170454, revision 05 dated 20.11.2018. the system shall have an anticipated design life of 100 years, and*
 - *Detailed design of the electronic and manual monitoring systems for the proposed groundwater treatment devices, and*
 - *Emergency management plan for the pump-out system failure. (DA-2016/165/03)*
- 33D *Permanent changes to the groundwater level as a result of construction must be kept within the historical range of natural groundwater fluctuations.*
- *Where data is limited or unavailable the permanent change in the level of the natural water table due to the development is not to exceed 0.25m.*
 - *In areas where the construction affects existing development within a shadow zone of an earlier construction, the permanent change in the water table due to the construction is not to exceed 0.1m. The permanent shadow zone of an earlier construction with full penetrating cut-off walls but without appropriate subsurface drainage should be taken as a distance equal to one building width along the groundwater flow path both in front and behind the earlier construction.*
- Details shall be provided to the principal certifying authority certifying the above requirements have been reflected in the detailed design of the development. (DA-2016/165/03)*
- 34 *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 to ensure that the bulk of the ground water to be 'cutoff' by extending the depth of the walls further down to 18-20m below ground level as outlined in the letter from SCP consulting PTY LTD, ref 180031 and dated 27/05/2019. 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 and tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably qualified engineer. The detailed design of the subsurface structures is to be certified by suitably qualified engineer as being in accordance with the geotechnical report prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019 and the letter prepared by SCP consulting PTY LTD, ref 180031 and dated 27/05/2019. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate. (DA-2016/165/03)*
- 35 *A civil design plan must be prepared by a suitably qualified engineer and be approved by Council public domain department for all frontage works that are required to be constructed within the public domain. The frontage works shall be in accordance with any Council town centre plans and standard design drawings. Preliminary consultation with Council public domain department is highly recommended.*

- 36 Prior to the issue of the Construction Certificate, A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided, the flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The Plan must make provision for the following:
- (a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development.
 - (b) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - (c) Flood warning signs/depth indicators for areas that may be inundated.
 - (d) A flood evacuation strategy.
 - (e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
 - (f) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

Flood modelling data can be obtained from Council on payment of the appropriate fee.

- 37 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.
- 38 Prior to the issue of a construction certificate, the applicant shall detail the provision for a traffic management & vehicle priority system at the top of the basement ramp & around the loading bay to help reduce the likelihood of vehicular crashes around this key circulation area.
- 39 Prior to the issue of the Construction Certificate, the applicant shall confirm the location of the Council pipeline that traverses the property. A report prepared by a qualified plumber certifying the location, depth and width of this pipeline shall be provided to the satisfaction of the Principal Certifier.
- 40 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 will 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 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.

- 41 A suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.

- 42 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 Council for approval.

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

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

- a) An On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and **permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition;**
- b) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG;
- c) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site;
- d) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011;
- e) The submission of detailed calculations including computer modelling where required supporting the proposal;
- f) The finished floor levels of any non-habitable and habitable buildings/structures shall be minimum 100mm and 300mm above the

maximum top water level of the OSD system, which free-standing OSD tanks, situated on a the ground floor slab, would not be able to achieve;

- g) Particular attention is also drawn to the requirements of SMTG Part 6, with respect to 6.2 (i) and (iii) – Discharge Control Pit and Storage Tank configuration; 6.2 (viii) and (x) – Orifice plate requirements; Part 7 – Underground Structures; Part 8 – Finished Floor Levels;
 - h) Concrete encasement of stormwater drainage pipelines within proposed Council drainage easements is not permitted by Council. Furthermore, the proposed diversion of stormwater drainage pipelines within proposed easements shall be shown on plans (with long-sections showing cover over pipes, pits and pit sizes, pipe sizes, pipe gradients, pipe material, and other relevant pipe characteristics) to be submitted to Council for approval prior to the issue of a construction certificate. The detailed design shall be in accordance with the requirements of Parts 12 and 13 of the SMTG. All costs involved in the creation, dedication and registration of the easements shall be born entirely by the applicant, and the easements shall be registered with Land and Property Information NSW prior to the issue of the Final Occupation Certificate; and
 - i) The basement shall be protected from inundation up to and including the 1% AEP flood by a driveway crest situated on land that is not public land, and with a flood planning level of the 1% AEP flood level plus 300mm freeboard.
- 43 Prior to the issue of any Construction Certificate, detail design and construction plans in relation to the Council pipeline diversion for the development shall be submitted to the Council for approval.

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

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

- a) Detailed hydraulic assessment that includes analysis of upstream catchments and hydraulic performance of the proposed system is required to be undertaken for the proposed diversion of Council assets within the property. The existing connections to adjoining properties shall be investigated and maintained. The new proposed pipeline shall have a minimum capacity for a 20 year ARI event. The existing, redundant pit on Robey Street, within the frontage of 21 Robey Street, shall be investigated for if it requires upgrade and/or relocation. The existing pit on Elizabeth Avenue shall be investigated for whether it requires upgrade and/or relocation. The current catchment of Elizabeth Avenue and surrounding properties drains to the existing system within the property, the proposed Council drainage system shall consider the Stormwater run-off generated from Elizabeth Avenue and surrounding properties that are currently draining to the existing system within site. A connection to the existing drainage infrastructure within the frontage of 1-3 Elizabeth Avenue may be required for the development.

- b) Detailed plans & analysis shall indicate the proposed diversion of Stormwater drainage pipelines within proposed easements shall be shown on plans (with long-sections showing cover over pipes, pits and pit sizes, pipe sizes, pipe gradients, pipe material, and other relevant pipe characteristics) to the Robey Street Council drainage system from the end of Elizabeth Avenue & the end of John Curtin Reserve. The detailed design shall be in accordance with the requirements of Parts 12 and 13 of the SMTG and the diversion is to be contained wholly within the subject property and Council property. The final drainage easement locations shall be located wholly within the site. The details required above shall be submitted to Council for assessment and approval. All costs involved in the creation, dedication and registration of the easements shall be born entirely by the applicant, and the easements shall be registered with Land and Property Information NSW prior to the issue of the Final Occupation Certificate.
- 44 Prior to the issue of Construction Certificate, the applicant is to submit payment for a Street Tree Planting Bond of \$6,000 to ensure the installation and establishment of specific street trees in accordance with Councils *Street Tree Master Plan*. Establishment includes watering for a period of six months following installation. The duration of the Bond shall be limited to a period of 6 months after Council approval of the planted tree. At the completion of the 6 month period the Street Tree Planting Bond shall be refunded pending a satisfactory inspection by Council. If the tree was found to be in decline, damaged, dead, excessively pruned or removed then all or part thereof of the bond shall be forfeited to allow Council to replace or maintain the tree.
- 45 The **Final Landscape Plan** generally in accordance with the approved Landscape Plan prepared by Greenplan (Issue A, dated 23 February 2018) shall comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by Council's Landscape Architect prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:
- a) 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;
- (i) Robey Street Tree Planting, the following is to be installed:
- 2 x trees - *Fraxinus griffithii* min. height 1.4 metres and pot size (45 litre) and 1 x *Callistemon viminalis* (Botany *Street Tree Master Plan 2014*) shall be installed in the Robey Street nature strip at 7 metre centres by a qualified landscape contractor to aid to the public amenity are required along the Robey Street reserve;
 - A Dial-Before-You-Dig enquiry is required prior to all tree planting;
 - The shrubs 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 and NATSPEC 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 are also highly encouraged for aesthetic appeal to the streetscape of Robey Sreet. This verge under planting species should consist of Dianellas, Lomandras, native grasses and groundcovers such as Brachyscome multifida and Chrysocephalum apiculatum;
- b) 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;
- c) 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;
- d) Indicate the location of all basement structures relative to the landscape areas;
- e) A tree removal and tree retention plan is required to be submitted that clearly shows trees numbered to correspond with the Arborist report;
- f) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Use of WSUD initiatives or materials is required to be indicated. All internal access driveways, parking areas and pedestrian walkways shall be unit paved (interlocking pavers). Large areas of asphalt or concrete are not permitted. The basement driveway shall be constructed of plain broom finished concrete;
- g) Impervious surfacing is to be minimised. Permeable pavements are to be used where possible, e.g. Decks, pebbles, spaced pavers, specialised permeable pavers (DCP - 3L Landscaping and Tree Management);
- h) Rigid polyethylene sheet type tree root barriers shall be installed alongside the kerb and footpath edge for all new street trees for a depth of 900mm, for 3 metres each side of the tree centre and shall be located 150mm inward of the footpath and kerb edge, or any other built element. Root deflectors/directors surrounding the root ball are not permissible. Trees planted within paved areas shall have the barriers installed around the inside edge of the pavement cut-out. The Applicant is required to contact Council's Landscape Architect for an inspection of root barriers located within the public domain prior to backfilling and turfing; and
- i) A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.
- 46 Side boundary fences forward of the building alignment shall be no more than 1 metre in height. Encourage and retain fencing character, styles and height for each street which may in some circumstances include no fences.
- 47 Planter boxes constructed over podium shall be built in accordance with the following requirements:

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

Details are to be provided on the Final Landscape Plan prior to the issue of the Construction Certificate.

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

- 48 The proposed development shall comply with the following:
 - (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating that unauthorised entry to the work site is prohibited;
 - (ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
 - (b) Any such sign is to be removed when the work has been completed.
- 49 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.
- 50 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared on surrounding properties. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Principal Certifying Authority prior

demolition. The extent of the Dilapidation Survey is to be prepared by a practising Geotechnical Engineer having regard to foundations/structures of the locality

- 51 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
 - c) Permit to install temporary ground anchors in public land;
 - d) Permit to discharge ground water to Council's stormwater drainage system;
 - e) Permit for roads and footways occupancy (long term/ short term);
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - h) Permit to place skip/waste bin on footpath and/or nature strip; and
 - i) Permit to use any part of Council's road reserve or other Council lands.
- 52 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 53 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

- 54 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.
- 55 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:
 - (a) must be standard flushing toilet; and
 - (b) 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 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 57 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 58 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- 59 Shaker pads and a wheel washer are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- 60 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
- All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released

into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

- 61 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 62 The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.
- 63 Prior to commencement of any works, the Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with Bayside Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
- 64 Prior to the commencement of excavation or any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 65 In order to ensure that the Trees 17 and 26 are protected during construction, and its health and structural stability ensured, the following is required:
 - a) Engage the Consultant Arborist for all tree root and canopy work to trees. Comply with recommendations and requirements and management plan contained within the *Tree Risk Assessment Report* by Angophora consulting Arborist, dated 24 August 2016.
 - b) 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/Landscape Plan.
 - c)
 - (i) 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 or 1.5 metre steel pickets and nylon para-webbing/hessian to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete;
 - (ii) 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;
 - (iii) Fencing shall be erected to ensure the public footway is unobstructed;
 - (iv) 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);
- d) 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;
 - e) All detailed Construction Certificate plans shall show trees to be protected and the TPZ;
 - f) All TPZ's as well as the entire Council nature strip are a "No-Go" zone. 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);
 - g) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage;
 - h) Excavation within the canopy dripline or within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools to minimise root damage or disturbance;
 - i) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer (or the consulting Arborist) after a site inspection so as not to unduly impact or stress the tree;
 - j) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. This will be required for Tree NO 20 (Council Street Tree). Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- 66 Sub-surface OSD tanks and infiltration trenches are to be located at least 3 metres away from the canopy dripline of any existing tree to be retained and not located where it will limit the planting of trees on the site. Excavation proximate to trees shall be carried out manually using hand tools, or with small machinery to minimise tree root damage, disturbance or soil compaction. If tree roots are encountered Council's Tree Officer must be called for a site inspection. If tree roots cannot be cut without compromising the tree then the OSD will be required to be re-configured or relocated.
- 67 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Robey Street road reserve and the pipes traversing 21 Robey Street between Robey Street and Elizabeth Avenue. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner;
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
 - c) Distance from the manholes shall be accurately measured; and

- d) The inspection survey shall be conducted from manhole to manhole.

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

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

- 68 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
 - b) Negotiate with the utility authorities (e.g. Ausgrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - (a) The additional load on the system; and
 - (b) The relocation and/or adjustment of the services affected by the construction;
 - c) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider; and
 - d) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.
- Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 69 Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practicing engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
- 70 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, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and;
 - ii) Adequate provision must be made for drainage.

DURING WORKS

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- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council;
- b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (e.g. 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.

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

vehicles, waste collection, contractors, sub-contractors, and concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

- 73 Separate permits are required to be obtained and approved by Bayside 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. Note: A permit is required for the construction of Council drainage under section 68 of the local government act and/or the roads act.
- 74 The construction of the Bayside Council pipe diversion shall be inspected by Bayside Council's engineering department prior to backfill as per the instructions of the issued permit. A minimum 5 working day notice shall be given to Council prior to inspection. An inspection fee is required to be paid prior to inspection.
- 74A *All construction works on the site must be inspected and monitored in accordance with the Implementation Plan, the Geotechnical and Hydrogeological Monitoring Program and any other recommendations made by the geotechnical and/or hydrogeological engineer. (DA-2016/165/03)***
- 75 The approved elements including driveways, stormwater connections, (etc) prevail over the location of existing utility services and power poles. All services shall be adjusted at the applicants cost to suit the construction of approved design elements.
- 76 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.
- 77 During demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
- 78 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

- 79 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 80 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operations (Waste) Regulation 2014;
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 81 A clearance certificate for the removal of asbestos from the site shall be prepared by a suitably qualified consultant and shall be in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) *State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.*
- The report shall provide a notice of completion of asbestos remediation works at the site and shall be submitted after completion of asbestos removal works and prior to the commencement of building works on the site. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority).
- 82 For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 83 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

- 84 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
- 85 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- 86 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
- 87 Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 88 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.
- 89 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.
- 90 The following shall be complied with during construction and demolition:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- (c) Time Restrictions
 - (i) Monday to Friday 07:00am to 05:00pm
 - (ii) Saturday 08:00am to 01:00pm
 - (iii) No demolition or construction to take place on Sundays or Public Holidays.
- (d) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.
- 91 During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
- 92 During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- 93 An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

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

- 94 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C (1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*.
- 95 The following requirements are to be met:
 - a) Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.

- b) *Prior to the issue of any Occupation Certificate, a convex mirror shall be installed near the top of the basement ramp, in a position that ensures that vehicles have adequate sight lines both entering and exiting the basement structure at the top of this ramp, to the satisfaction of the Principal Certifier. Additionally, electronic warning signage shall be provided and clearly displayed around the exit of the service bay to warn occupants of a reversing vehicle.*

(Modified by DA-2016/165/02)

- 96 Prior to the issue of the Occupation Certificate, the public footpaths in Robey Street and Elizabeth Avenue shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
- 97 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.
- 98 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter;
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- 99 The consolidation of all allotments into one allotment must be undertaken. Details demonstrating compliance with this requirement are to be submitted to the satisfaction

of the Principal Certifying Authority prior to the release of the Final Occupation Certificate. Evidence of registration shall be submitted to Council or the Principal Certifying Authority prior to occupation and use of the building.

- 100 Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resist for all two and three bedroom apartments.
- 101 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:
 - a) 111 residential spaces;
 - b) 14 visitors spaces;
 - c) 8 commercial/retail spaces;
 - d) 1 carwash bay located in the basement car park level;Any excess parking is to be allocated to an apartment.
- 102 Prior to the issue of the relevant Occupation Certificate, at least 14 bicycle spaces are to be provided in the car park.
- 103 Prior to the issue of any Occupation Certificates:
 - a) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes;
 - b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building; and
 - c) Where a building is to be Strata subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
- 104 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.
- 105 Prior to the issue of any Occupation Certificate, the applicant shall lodge an infrastructure performance bond to safe guard against defective public civil works (associated with the Council pipeline diversion) undertaken by the main contractor for a period of twelve (12) months from the date of completion as agreed by Council. The bond shall be lodged in a form of cash deposit, cheque or unconditional bank guarantee, which will be refundable (with no interest) subject to the approval of Councils Engineers at the end of the maintenance period. Council will require a cost

estimate prepared by a Quantity Surveyor in accordance with Rawlinsons Construction Cost Guide or equivalent. The cost of work shall include, but not limited to, construction of the pipe/pits, filling, excavation, traffic control, reinstatement of landscaping/paving and any other associated works with the pipeline diversion. The required bond amount to be lodged with Bayside Council shall be subject to the cost estimate as approved by Council, with consideration for inflation & unexpected costs over the bond period. During this bond period, the contractor is liable for any part of the work, which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

- 106 An easement to drain water shall be created over the Council pipe(s) that traverses the site and be to the benefit of Council. The terms of the easement shall be in accordance with the Conveyancing Act, the easement shall be legally registered with the relevant authority. The width of the easement shall be in accordance with Council specifications. All costs involved in the creation, dedication and registration of the easements shall be born entirely by the applicant, and the easements shall be registered with Land and Property Information NSW prior to the issue of the Final Occupation Certificate;
- 107 *Prior to the issue of any Occupation Certificate, the approved Flood Risk Management Plan and Flood Evacuation Plan shall be permanently fixed and displayed in a prominent location that can be accessed by all residents/occupiers on each level of the development, to the satisfaction of the Principal Certifier. Should the flood risk management report require a flood evacuation plan. The flood evacuation plan shall be located and fixed in a suitable location that can be accessed by all residents/occupiers to the satisfaction of the principal certifier.*
(Modified via DA-2016/165/02)
- 108 Prior to the issue of any Occupation Certificate, a suitably qualified engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification.
- 109 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 principal certifier upon request.
- 110 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, line marked and all signage relating to car parking erected;
 - b) A notice has been clearly displayed at the Robey Street frontage to indicate that visitor parking is available within the property with access from Robey Street.
- 111 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then

report on the condition of the existing and new stormwater drainage infrastructure on **Robey St, Elizabeth Avenue and the site.**

The camera and its operation shall comply with the following:

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

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

- 112 On completion of the development construction and prior to the issue of the Occupation Certificate, the following asset details shall be submitted to Council for consideration, in Excel format;

For each pit

- Pit code as per the work-as-executed plan.
- Pit type and lintel size.
- Total value to the nearest \$1,000.
- Construction date – month and year.
- Built by (contractor's name).
- Street name where applicable.
- Grate RL (AHD).
- Invert RL (AHD).

For each conduit

- Line code as per the work-as-executed plan.
- Description – type, eg RCP, FRC, RRJ, box culvert, open channel, etc.\
- Size (mm).
- Length (m).
- Total value to the nearest \$1,000.
- Construction date – month and year.
- Built by (contractor's name).
- Street name where applicable.

- 112A Prior to the issue of any Occupation Certificate, the following must be provided to the satisfaction of the principal certifier:**

- ***A record of inspections and monitoring as required by the Implementation Plan and Geotechnical and Hydrogeological Monitoring Program.***
- ***Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that all works have been undertaken in accordance with applicable consent conditions, applicable standards and the recommendations of the geotechnical and hydrogeological reports.***
(DA-2016/165/03)

113 ***Prior to the issue of any relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system, water treatment devices and groundwater seepage extraction pump devices has have 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. (DA-2016/165/03)***

114 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:

- a) On Robey St, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council Infrastructure Specifications. Location of kerb & gutter to be confirmed with Council prior to construction;
- b) On Robey Street and Elizabeth Avenue St, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications;
- c) On Robey Street, adjacent to development, construct new stormwater pipe underneath and adjacent to the new kerb & gutter location and repair (where required), at the applicants expense, Council's Stormwater Drainage Infrastructure as per Council's Infrastructure specifications;
- d) On Elizabeth Avenue, adjacent to development, construct kerb and gutter, drainage pits and pipes to be confirmed in accordance with Council Infrastructure Specifications. Location of kerb & gutter to be confirmed with Council prior to construction;
- e) Reconstruct the blind end of Elizabeth Avenue where the road pavement is more damaged as per civil engineering design and in accordance with Council Infrastructure specifications and with the written approval by Council. The road pavement shall be designed for construction vehicle traffic and certified by a suitably qualified pavement engineer.

The Robey Street public footpath shall be constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with this specification only. Pavers shall be ordered accounting for adequate lead time for manufacture.

Construction hold points and Council inspections are required at the following points:

- (i) after formwork installation and to prior pouring the concrete blinding slab,
- (ii) at the commencement of paving works, and
- (iii) at final completion.

Council approval of public domain works is required prior issue of Occupation Certificate.

Elizabeth Avenue footpath to be constructed to Council standard. This footpath should be accessible and be minimum width of 700mm.

- 115 Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

- 116 ***Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:***

- a) ***The pathway as indicated on the landscape plan along the northern boundary is to remain private with a public Right of Footway over the path from Elizabeth Avenue to John Curtin Reserve and must be noted as such on any future strata title subdivision. Appropriate access control gates and ambient lighting is required to provide adequate safety for residents outside of daylight hours.***
- b) ***Restrictions on Use of Land and Positive Covenants for On-site Stormwater Detention systems and Stormwater Quality Improvement Devices (SQIDs). Refer to Appendices B and E of the SMTG for suggested wording.***
- c) ***Waste collection is to be undertaken within the site by a private collection service using a small rigid vehicle until such time as Council vehicles are able to access the site.***
- d) ***Restrictions on Use of Land and Positive Covenants for the maintenance of water treatment devices and groundwater extraction pump devices.***
- e) ***Restrictions on Use of Land and Positive Covenant for the stormwater pump-out system. Refer to Appendices C of the SMTG for suggested wording.***

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

(DA-2016/165/03)

- 117 Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to any use or occupation of the premises. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
- 118 That before entering a lease/occupancy agreement, all tenants and occupiers of the development is to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes. Prior to the issue of the relevant Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a the notice board in the communal room, where it can easily be observed and read by persons entering the building.
- 119 Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- 120 All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated and/or adjusted to match the proposed/existing levels as required by the development.
- 121 Prior to the issue of any Occupation Certificate, an application is to be made to Council for the new street numbers for the development. All street numbers are to be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
- 122 Prior to the issue of any Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
- (a) All reduced levels shown upon the approved plans, with relation to the drainage, boundary and road reserve levels, have been strictly adhered to; and
 - (b) A Floor Space Ratio (FSR) of 2:1 and height of RL 27m AHD as approved under this Development Consent No. 16/165, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.
 - (c) The development as built stands within Lot 15 Sec A DP 4115, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 1 DP 455491, Lot 19 Sec A DP 4115, Lot C DP 418600 and Lot 1 DP 931264.
- 123 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 124 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features

of the development and installed in a manner not be inconsistent with the relevant provisions of the Building Code of Australia (BCA).

- 125 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Bayside Council prior to the Issue of an Occupation Certificate.
- 126 Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 127 Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

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

- 128 The use of the retail tenancies is subject to a separate approval (DA or complying development certificate).
- 129 Any signage or advertising is subject to a separate approval (DA or complying development certificate).
- 130 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.
- 131 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 12 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 132 Ongoing maintenance of the road verges and footpaths and nature strips in Robey Street and Elizabeth Avenue shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 133 The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.

- 134 The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - (d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- 135 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations (Noise Control) Regulation 2008*, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
- 136 Any air conditioning units (where possible) shall comply with the following requirements:
- (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - (ii) Before 7 am or after 10 pm on any other day.
- 137 All loading and unloading associated with the retail tenancies are to be undertaken within the ground floor loading dock.
- 138 The loading dock shall not be used between the hours of 6pm and 6am Monday to Sunday.
- 139 No garbage collection associated with the retail premises is permitted between 10pm and 6am.

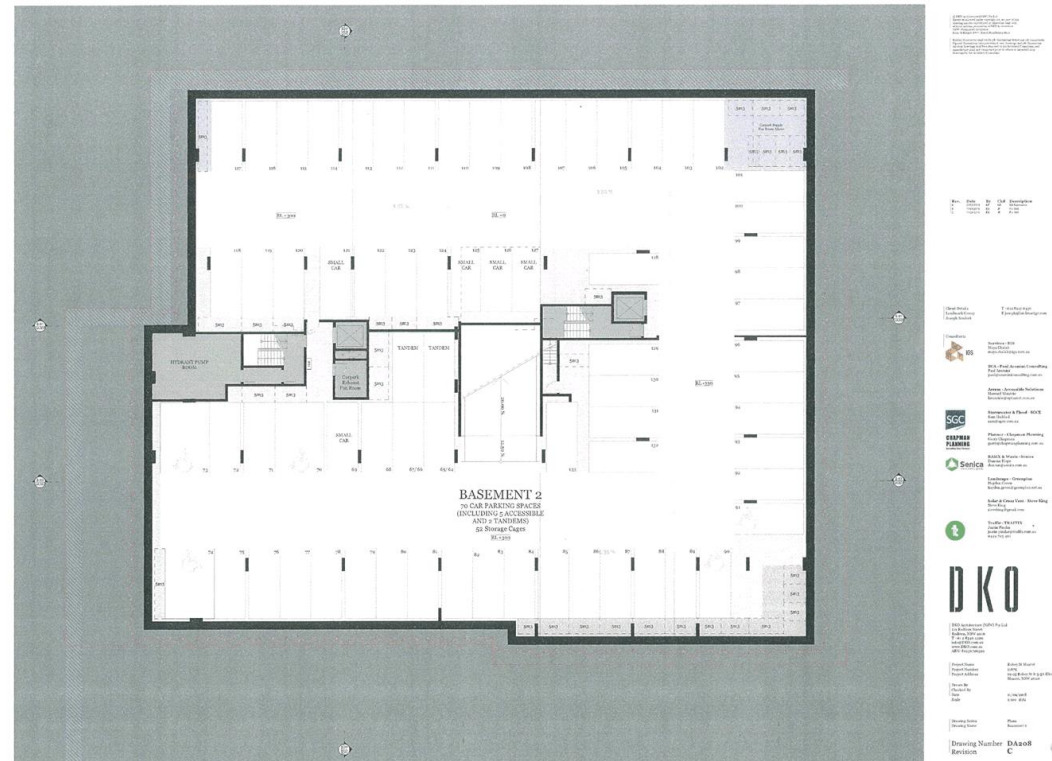
- 140 The collection of garbage associated with the residential premises shall be restricted to 6am to 6pm Monday to Sunday.
- 141
- (a) The adaptable apartments approved under this development consent are to remain as adaptable units at all times; and
 - (b) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces as identified by the NSW Police, shall be monitored by CCTV cameras at all times.
- 142 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.
- 143 You are advised that Bayside Council's current adopted flood level for this location is RL 5.99m AHD.
This building includes habitable/non-habitable areas that are below the flood level, the approved floor levels are 5.80m AHD for the commercial tenancies. Use of this development should reflect the flood risk.
- 144 Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 6.50 metres Australian Height Datum, which is 500mm above the 1% Annual Exceedance Probability (AEP) Flood level.
- 145 The operation of the development and movements of vehicles for both the residential apartment and commercial/retail car park uses shall comply with the following requirements:
- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
 - b) The maximum size of vehicle accessing the loading bay shall be limited to 6.4m long Small Rigid Vehicle (SRV) (as denoted in AS2890.2);
 - c) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading area;
 - d) The maximum number of delivery vehicle on-site at any one time shall be limited to one (1).
- 146 ***To ensure adequate allocation under the Water Access Licence (WAL) for permanent dewatering, a current WAL must be maintained with a sufficient amount of water allocation assignment maintained for the life of the development. All conditions of the WAL must be adhered to. (DA-2016/165/03)***
- 147 ***Groundwater monitoring must be conducted by the registered proprietor for the lifetime of the development in accordance with the below:***
- ***Monitoring requirements as specified in the conditions of the WAL provided by Water NSW.***

- *Discharge volumes of groundwater pumped to the stormwater network will be reviewed on an annual basis.*
- *Groundwater levels will be monitored to enable assessment of groundwater drawdown due to ongoing operation of the drained basement. A six month review of groundwater levels will be conducted in conjunction with ground settlement/movement monitoring to assess groundwater drawdown and its potential impacts.*
- *Groundwater quality will be monitored on a six monthly basis including collection of groundwater samples for laboratory analysis for selected metals and nutrients.*
- *A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.*

A summary of operational monitoring requirements is provided in Table 8 of the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May. (DA-2016/165/03)

- 148 *If odour from Hydrogen sulfide becomes a problem at any time when discharging into the Councils stormwater system, appropriate treatment must be installed within the development footprint to control this odour issue and must be maintained for the life of the development. (DA-2016/165/03)*







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Contact Richard Meares
Phone 02 9865 2324
Email richard.meares@watarnsw.com.au

Sumeet Badhesha
Development Assessment Planner
Bayside Council
PO Box 21
Rockdale NSW 2216

Our ref
Your ref DA-2016/165/03
Date 18 January 2019

Via email: council@bayside.nsw.gov.au

Dear Sumeet,

Integrated Development referral under s.91A of the *Environmental Planning and Assessment Act 1979* for 19-25 Robey St Mascot NSW

Reference is made to your request for a response in relation to the proposed development described as Lot 15 Sec A DP 4115, Lot 1 DP 455491, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 2 DP 212198, Lot 19 Sec A DP 4115, Lot 1 DP 557050, Lot 1 DP 931264, Lot C DP 418600, 19-25 Robey St Mascot NSW and identified as DA reference DA-2016/165/03.

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

For further information in regards to making an application, and information required for the Approval information licensing requirements, including the preparation of a dewatering management plan, please contact Richard Meares, Water Regulation Officer on (02) 9865 2324, or by email to richard.meares@watarnsw.com.au.

Yours Sincerely,

Richard Meares

Richard Meares
Water Regulation Officer
Coastal (Parramatta)
Water NSW



General Terms of Approval

For water supply work approval under the
Water Management Act 2000

DA reference	DA-2016/165/03
Proponent	Inca Property Group
Specified location	Lot 15 Sec A DP 4115, Lot 1 DP 455491, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 2 DP 212198, Lot 19 Sec A DP 4115, Lot 1 DP 557050, Lot 1 DP 931264, Lot C DP 418600, 19-25 Robey St Mascot NSW
Proposed development	Modifications to basement design and deletion of Condition 34 relating to waterproofing and tanking of the basement structure
Water sharing plan	Greater Metropolitan Region Groundwater Sources WSP 2011
Water source	Botany Sands Groundwater source
Water management zone	Botany Management Zone 1

General Terms of Approval

1. 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](#).
2. 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.
3. 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.
4. 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).
5. 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](#).



Dewatering Checklist

Mandatory information requirements to support an application for a water supply work approval under the *Water Management Act 2000*

DA reference	
Proponent	
Specified location	
Proposed development	

Please note: The following information is considered essential to allow Water NSW to assess approval applications where temporary dewatering is expected to, or unexpectedly already has, exceeded 3 ML/year. The information must be provided along with the approval application prior to commencement (or recommencement if the 3 ML/year threshold has already been exceeded) of works. Your application will not be accepted until the following requirements have been satisfactorily addressed and received by this office.

- ☐ 1. Application for an Approval under the Water Management Act 2000.
- ☐ 2. Application fee | \$1,097.11 (low risk approvals); or \$2029.63 (where details assessment required). Refer to [Application fees for water access licences, water supply work and use approvals and dealings](#) for definitions.
- ☐ 3. Written authorisation for the disposal of the extracted groundwater (obtained from Council or Sydney Water)
- ☐ 4. Copy of a valid planning consent for the project and architectural or survey drawings that show the plan and section of the subsurface excavation including relative levels (AHD) and the groundwater table
- 5. A Dewatering Management Plan which clearly and concisely sets out the following:**
 - ☐ 5.1. Current groundwater levels, preferably based on at least three repeat measurements from at least three monitoring bores and should be used to develop a water table map for the site and its near environs, be accompanied by an interpretation of the groundwater flow direction from these data, and an assessment of the likely level to which groundwater might naturally rise during the life of the building.
Relevant report & Page No: _____
 - ☐ 5.2. Predictions of total volume of groundwater to be extracted at the property – the method of calculation and the basis for parameter estimates and any assumptions used to derive the volume are to be clearly documented
Relevant report & Page No: _____
 - ☐ 5.3. Predicted duration of dewatering at the property, noting that temporary dewatering approvals are generally issued for no more than 12 months
Relevant report & Page No: _____
 - ☐ 5.4. Details of how dewatering volumes are to be measured, eg. by calibrated flow meter or other suitable method, and of the maximum depth of the proposed dewatering system
Relevant report & Page No: _____
 - ☐ 5.5. Details of any predicted impacts or particular issues, eg. proximity of groundwater dependent ecosystems springs; or water supply losses by neighbouring groundwater users potential subsidence impacts on nearby structures or infrastructure
Relevant report & Page No: _____
 - ☐ 5.6. Details of monitoring proposed during the dewatering program. These should be designed to inform and facilitate the protection of any identified potential impacts
Relevant report & Page No: _____
 - ☐ 5.7. Details of ambient groundwater quality conditions beneath the property and of any proposed treatment to be applied to pumped water prior to disposal – at a minimum, treatment must be undertaken to remove contaminants, manage pH, reduce suspended solids and turbidity to acceptable levels and ensure that dissolved oxygen levels are compatible with ambient quality requirements in receiving waters. Groundwater cannot be re-injected into an aquifer without the specific approval of, and licensing by, DPI Water
Relevant report & Page No: _____
 - ☐ 5.8. Details of how reporting will occur during and following the dewatering program, to confirm that predicted quantities and quality objectives were met
Relevant report & Page No: _____
 - ☐ 5.9. Description of the method of dewatering and related construction including any proposal to use temporary piling or support walls and the relative depths thereof
Relevant report & Page No: _____

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STATEMENT OF ENVIRONMENTAL EFFECTS

**Mixed Use Development
Section 4.55 (1A)**

19-25 Robey Street and 5- 5A Elizabeth Avenue, Mascot

25 September 2018

Prepared by Chapman Planning



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Annexure(s)

1. Architectural Plans
2. Dewatering Management Plan
3. Water NSW Notice of Decision for New water access license – zero share component (s61) Application D1016278

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1.0 INTRODUCTION and BACKGROUND

This statement has been prepared for Landmark Group Pty Ltd as part of the supporting documentation for a Section 4.55(1A) application for amendments to the approved plans (Basement 1 and 2) associated with development consent No. 2016/165 for the construction of a five storey mixed use building at 19-25 Robey Street and 5-5A Elizabeth Avenue, Mascot.

A development application (DA 2016/165) was approved on 17/05/2018 for:

Integrated Development Application for the demolition of existing buildings and associated structures and the construction of a five (5) storey mixed commercial and residential apartment building with two large retail units, 66 residential apartments and two levels of basement car parking.

A previous S4.55(1A) application (DA 2016/165/2) has been submitted to Council for the relocation of plant rooms, substation and minor reconfiguration of travel paths and ground floor residential and commercial units. This application is currently under assessment.

The Section 4.55(1A) application is for structural design amendments to the basement level, and deletion of Condition 34 of the original development consent relating to the waterproofing of the basement levels.

The subject site is located 130m east of Botany Road, which contains the Mascot Town Centre, with Sydney Kingsford Smith Airport being located a short distance to the south-west of the site. Mascot train station is located approximately 1.2km to the north-west, with a bus interchange located within 200m of the site along Botany Road.

In addition to this statement the S4.55 application is accompanied by the following:

- Architectural Plans numbered DA207 (Revision B) and DA208 (Revision C) and dated 11 September 2018 prepared by DKO Architecture (**Annexure 1**);
- Shoring Plans numbered S-01-01 Revision C, S01-02 – S-01-03 Revision B, and S-01-53 Revision D dated 24 August 2018 prepared by SCP Engineers and Development Consultants;
- Bulk Excavation Plan numbered S-02-01 Revision 7 dated 24 August 2018, prepared by SCP Engineers and Development Consultants;
- Footing Plans numbered S-03-01 Revision 11, S-03-05 Revision 9 and -03-06 Revision 7 dated 24 August 2018 prepared by SCP Engineers and Development Consultants;
- Column schedule numbered S-04-01 Revision 6, S-04-02 Revision 5, S-04-03 and S-04-04 Revision 7 and S-04-50 Revision 6 dated 24 August 2018 prepared by SCP Engineers and Development Consultants;

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- Wall schedule numbered S-05-01 – S-05-05 Revision 7 and S-05-50 – S-05-53 dated 24 August 2018 prepared by SCP Engineers and Development Consultants;
- Stair schedule numbered S-08-01 – S-08-51 Revision 6 dated 24 August 2018 prepared by SCP Engineers and Development Consultants;
- Basement Structural Detail Plans numbered S-09-01, S-09-05, S-09-06, S-09-10, S-09-11, S-09-12, S-09-15, S-09-16, S-09-17, S-09-20, S-09-25, S-09-30, S-09-35, S-09-40, S-09-45, S-09-50, S-09-60, S-09-70, S-09-75 and S-09-80 dated 24 August 2018, prepared by SCP Engineers and Development Consultants;
- Dewatering Management Plan dated 4 September 2018, prepared by Coffey Services Australia Pty Ltd (**Annexure 2**);
- Water NSW Granting of application for a water access license dealing – New water access license – zero share component (s61) for Application D1016278 dated 13 September 2018;
- Water NSW Notice of Decision for Application D1016278 dated 13 September 2018 (**Annexure 3**).

In this statement, the proposal is assessed in accordance with the relevant planning controls, being:

- S.4.55(1A) Environmental Planning and Assessment Act, 1979,
- Botany Bay Local Environmental Plan 2013,
- Botany Bay Development Control Plan,
- S.4.15 Environmental Planning and Assessment Act 1979.

2.0 SITE and LOCALITY

The subject site is known as 19-25 Robey Street and 5 and 5A Elizabeth Avenue Mascot and includes the following allotments: Lot 1 in DP946234, Lot 1 in DP 455491, Lot 1 in DP931264, Lot C in DP 418600, Lots 15-16-19 in DP 4115.

The subject site is located 130m east of Botany Road, which contains the Mascot Town Centre, with Sydney Kingsford Smith Airport being located a short distance to the south-west of the site. Mascot train station is located approximately 1.2km to the north-west, with a bus interchange located within 200m of the site along Botany Road.

The immediate locality is characterized by a mixture of residential, commercial and open space uses. The development to the north of the site includes single and two storey detached dwellings. A three storey residential flat building is located north-east of the site along High Street, with the Mascot Town Centre located further to the east along Botany Road.

The subject site and surrounding development is shown in the following aerial photograph.

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Source: SIX Maps

3.0 PROPOSED MODIFICATIONS

The S4.55(1A) application has been designed in accordance with specialist advice from the Project Engineers being SCP Engineers and Development Consultants during the structural design and construction certificate stage of the development. During the structural design stage it was identified that the building structure does not have enough weight to withstand hydrostatic pressure from ground water beneath. A proposal was made to remove the hydrostatic pressure under the basement slab using the basement wall.

As a result of this, changes are required to be made to the cutoff shoring wall design extending the depth of the cutoff walls to 18m-20m below ground. The amended structural design of the basement will no longer require waterproofing and instead will require permanent pump out of ground water from below the basement slab. The previously approved excavation footprint is to be increased at the northern portion of the basement to accommodate the proposed hydrant pump.

The change to the cutoff shoring wall of the basement is required to mitigate the risk associated with a pile design used to hold the building down. The increased depth of the shoring wall will reduce the volume of water inflow into the basement and reduce hydrostatic pressure.

Changes to the approved plans are detailed as follows:

Structural Design Modifications

The structural design modifications are detailed below:

- Deletion of Hydrostatic slab, and replacement with a slab on grade with mesh and joints. Permanent pump out system to collect the residual water

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under the slab (grillage of collection pipes within a coarse gravel sub base over the excavated sand sub grade).

- Deletion of tension loads to all piles under columns.
- Deletion of perimeter piles and columns on the basis the CSM wall system is upgraded to take the Ground transfer slab reactions.
- Deletion of waterproof membrane subject to Grade 1 Basement performance being accepted.
- Deletion of waterproof and doweled connection to the CSM wall.
- Redesign Ground floor to span onto the CSM wall.

Basement Levels

Changes to the basement floor plans are detailed below:

- Reduced level of the southern half of Basement 2 slab from -200 to -350.
- Adjustment to basement ramps (gradients and length) and additional ramp on Basement 2.
- Minor amendments to basement parking layout to accommodate storage allocation, rearrangement of service rooms.
- Hydrant pump room to be located along northern wall of Basement Level 2.
- Rearrange accessible parking spaces and relocation of 1 x accessible space from Basement Level 2 to Basement Level 1. 8 x accessible spaces are provided in total.
- Relocation of Hydrant Pump and Valve room to northern wall of Basement Level 1.

Conditions

- Amendment to Condition 30 of development consent DA 2016/165, which states:

"30. Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated February 2018, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and*

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- b) *All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council Requirements”.*

The condition is proposed to be amended to include AS 2890 and AS 4299, with the modifications resulting in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299.

- Deletion of Condition 34 of development consent DA 2016/165, which states:

“34. Prior to the issue of the Construction Certificate, the subsurface structures shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably qualified engineer. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate”.

The modifications to the structural design of the basement require the deletion of this condition. An alternative solution is proposed to allow for the bulk of the ground water to be ‘cut-off’ by extending the depth of the walls further down to 18m-20m below ground level, with a permanent pump out of groundwater from below the basement slab. This prevents draw down of the ground water external to the site, similar to a tanked basement scenario.

A condition may be imposed that references the construction methods and engineering solution detailed in the plans prepared by SCP Engineers and Development Consultants and Coffey Services Australia.

4.0 LEGISLATION AND PLANNING CONTROLS

4.1 Section 4.55 Environmental Planning and Assessment Act, 1979

S.4.55(1a) of the *Environmental Planning and Assessment Act, 1979* (the Act) allows the consent authority (Bayside Council) to modify the development consent. Clause 4.55(1a) states:

(1A) Modifications involving minimal environmental impact

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

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

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- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

The proposed modifications meet the requirements of S.4.55(1A) of the Act, as follows:

- The proposed plan amendments apply to the mixed use development in accordance with development consent No. DA 2016/165.
- The proposed modifications are structural design amendments to the basement levels only and do not change the approved number of units, parking or built form of the development. On this basis the modification applies to the same land use with no change to the approved building form and the proposal meets the test of sustainably the same development.
- Water NSW have issued a new water access license – zero share component (s61) under the *Water Management Act 2000*. Water NSW list the following as their reasons for decision to grant the licence:

“Reasons for decision

This water access license was granted on the basis WaterNSW is satisfied adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source as a consequence of water being taken from the water source under the license.

Any conditions identified with the first letter “D” were applied for the purpose of protecting the environment from impacts associated with the license, or to give effect to any agreement between the applicant and a person who objected to the application”.

Having regard to the issue of the new water access license and reasons for granting of the license by Water NSW above, it is

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demonstrated that the proposed modifications will be of a minimal environmental impact.

- The proposed modifications located at the ground floor level present no change to the overall scale of the development and will not result in any additional amenity impact. A *Dewatering Management Plan* prepared by Coffey Services Australia Pty Ltd has assessed the impact of the development upon groundwater resources as *minimal* in accordance with the NSW Aquifer Interference Policy. The report's conclusion states the following:

- *The impact of the development upon groundwater resources is assessed to be categorised as 'minimal' in accordance with the NSW Aquifer Interference Policy (September 2012 issue).*
- *Groundwater seepage to the proposed basement during operation is assessed as 0.07 L/s (2.2 ML/year).*
- *Cut-off wall extends below the excavation level at least 2 m into very stiff to hard clay stratum. Drawdown is assessed to be less than 0.25 m outside the cut-off wall and less than 0.1 m at distances greater than 100 m from the site.*
- *The proposed basement is not expected to impact upon existing groundwater users (NSW Office of Water registered groundwater bores) or groundwater dependent ecosystems.*
- *Adjustment of pH is required as field testing of groundwater samples revealed pH outside the range nominated in the water quality objectives of aquatic ecosystems of Cooks River.*
- *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.*
- *Coffey recommends review of the under-slab drainage design by an experienced groundwater professional.*
- *The design of the basement drainage system should follow the recommendations set out in Section 4.3, and the design is to be undertaken by a qualified groundwater engineering professional.*
- *The proposed basement is expected to act as a groundwater sink, and is not expected to significantly impact groundwater quality outside the site.*
- *Adverse settlement is not anticipated as a result of construction dewatering nevertheless Coffey recommends building condition surveys of nearby buildings are carried out to check their conditions prior to dewatering to provide a basis for comparison during construction.*
- *Groundwater monitoring is recommended during construction to confirm conditions are consistent with those considered in this assessment. Groundwater quality testing is recommended during the early stages of excavation to confirm the quality of groundwater seepage.*

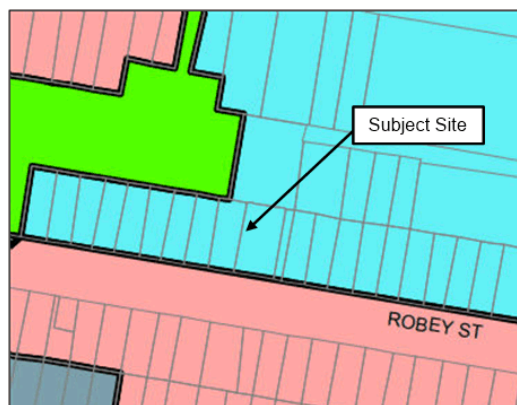
As such the modifications are considered to be of a minimal environmental impact.

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In accordance with Section 4.55(1A) this statement addresses the relevant matters prescribed in Section 4.15(1) of the Act.

4.2 Botany Local Environmental Plan 2013

The land subject to the development is zoned B2 – Local Centre under the *Botany Bay Local Environmental Plan 2013*. The zoning of the subject site and surrounding locality is shown in the following map.



Source: Botany Bay LEP 2013

The objectives of the B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The structural design modifications to the basement of the approved mixed use development are not antipathetic to the objectives of the zone as the development will continue to provide a retail use at the ground floor of the development to serve the needs of people within the locality.

Clause 4.3 Height of Buildings is applicable to the subject site containing a height control of 14m. The proposed modifications are at the basement levels and would not result in a change in the approved building height.

Clause 4.4 Floor Space Ratio does not apply to the modification application noting the proposal does not seek to alter the approved gross floor area.

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Clause 6.1 Acid Sulfate Soils applies to the application being identified as containing Class 4 Acid Sulfate Soils. An Acid Sulfate Soil Screening report was conducted as part of the original application on the subject site.

Clause 6.2 Earthworks applies to the application as it relates to modifications to the structural design of the basement. The proposed modifications satisfy the provisions of clause 6.2(3) of the LEP, as the structural design changes are unlikely to have a detrimental effect on drainage patterns and soil stability in the locality. Further, with regard to the *Dewatering Management Plan* prepared by Coffey Services Australia Pty Ltd, the proposal will have a minimal environmental impact upon groundwater resources in accordance with the NSW Aquifer Interference Policy.

Clause 6.3 Stormwater Management a stormwater management plan was submitted as part of the original application demonstrating compliance with the drainage requirements of BBLEP 2013. The drainage impacts of the proposed structural modifications have been addressed within the *Dewatering Management Plan* prepared by Coffey Services Australia Pty Ltd, noting the proposal will have a minimal environmental impact upon groundwater resources in accordance with the NSW Aquifer Interference Policy.

Clause 6.8 Airspace operations applies to the site however is not relevant to the subject modifications being proposed at the basement levels of the development.

4.3 Botany Bay Development Control Plan 2013

The relevant sections of the Botany Bay DCP 2013 are addressed below:

Part 3 General Provisions

3A Parking & Access

The proposed modifications include a rearrangement of parking spaces, however, do not change the approved parking allocation within the basement levels, noting the proposal still provides 133 x parking spaces, including 8 x accessible spaces. The proposed modifications result in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299 and require the amendment of Condition 30 of the original consent.

3G Stormwater Management

The minor change in building footprint as a result of the hydrant pump at Basement Level 2 will not affect the existing management of stormwater on the subject site. Further, a *Dewatering Management Plan* prepared by Coffey Services Australia Pty Ltd has assessed the impact of the development upon groundwater resources and found it to be *minimal* in accordance with the NSW Aquifer Interference Policy.

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3M Natural Resources

The subject site is located within Wetland Catchment Area 1 as identified within Part 3M of the Botany Bay DCP. The hydrological impacts of the proposed modifications are considered to be minimal having regard to the conclusions of the *Dewatering Management Plan* prepared by Coffey Services Australia Pty Ltd. The report concludes that *"the proposed basement is not expected to impact upon existing groundwater users (NSW Office of Water registered groundwater bores) or groundwater dependent ecosystems"*.

5.0 ENVIRONMENTAL ASSESSMENT**5.1 Building Design and Streetscape**

The proposed modifications do not propose external changes to the approved building form and scale, with the modifications located at the basement levels with no change in the general presentation of the building. The proposed modifications to not alter approved form and scale of the building or the number of parking spaces.

6.0 CONCLUSION

In conclusion it is considered that the modifications to the development consent plans are acceptable under the considerations of S4.55(1a) of the *EP&A Act 1979*. The following conclusions are made:

- *The modifications meet the provisions of Section 4.55(1a) of the Act noting the modifications meet the test of substantially the same development as the modifications are design amendments associated with the basement in accordance with Condition 34 of the development consent.*
- *The proposed modifications are of minimal environmental impact having regard to the Dewatering Management Plan prepared by Coffey Services Australia Pty Ltd that has assessed the impact of the development upon groundwater resources as minimal in accordance with the NSW Aquifer Interference Policy.*
- *The application seeks deletion of Condition 34 noting the amended basement and assessment by Coffey Services Australia confirms the impact of the development upon groundwater resources as minimal in accordance with the NSW Aquifer Interference Policy.*
- *Water NSW has issued a new water access license – zero share component (s61) that has been granted on the basis that WaterNSW is satisfied that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source as a result of the proposal.*

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- *The proposed modifications to the basement include relocation of the parking spaces, noting there is no change to the number of approved spaces. Condition 30 of the original consent is proposed to be amended to include AS 2890 and AS 4299, with the modifications resulting in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299.*
- *The proposed modifications are minor and are located at the basement floor levels only, noting there is no change to the height of the building and overall form and scale.*
- *The proposed basement redesign does not change the approved dwelling mix, parking, and landscaping.*

For reasons outlined in this Statement of Environmental Effects, it is my opinion that the Section 4.55(1a) application for modifications to the development consent plans for the mixed use development at 19-25 Robey Street and 5-5A Elizabeth Avenue should be granted development consent.

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Certified Practising Planners



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LIST OF ANNEXURES

1. Architectural Plans
2. Dewatering Management Plan
3. Water NSW Notice of Decision for New water access license – zero share component (s61) Application D1016278

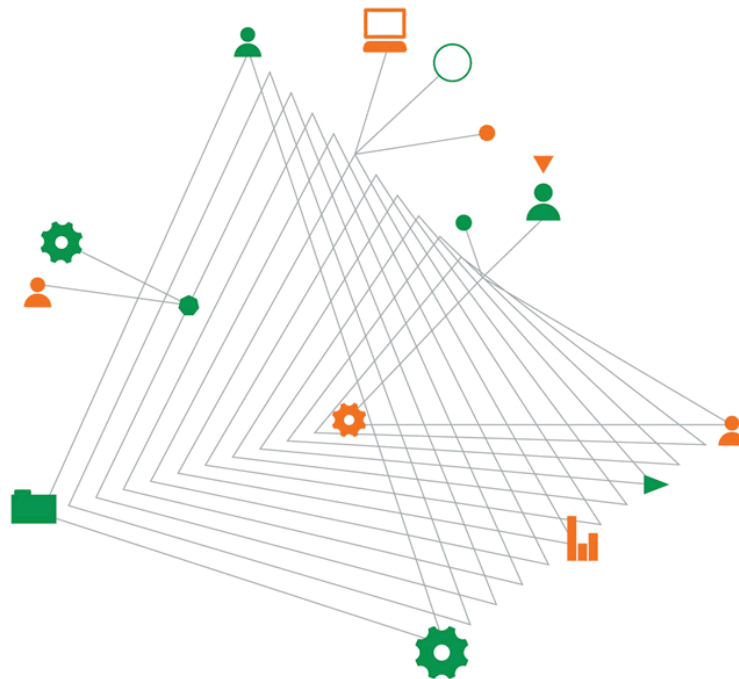


Landmark Group

Dewatering Management Plan

19-25 Robey Street, Mascot, NSW

27 May 2019



Experience
comes to life
when it is
powered by
expertise

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Dewatering Management Plan 19-25 Robey Street, Mascot

Prepared for
Landmark Group
C/-Inca Property Group
Hooper Lane Studios
2 Hooper Lane
Queens Park NSW 2031

Prepared by
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ABN: 55 139 460 521

27 May 2019

Document authorisation

Our ref: 754-SYDGE219267-AC Rev 2

For and on behalf of Coffey



Ross Best
Senior Principal

Quality information

Revision history

Revision	Description	Date	Author	Reviewer	Signatory
Rev 0	Initial issue	29 Aug 2018	PS/KW	Ross Best	Ross Best
Rev 1	Updated CSM wall details	4 Sep 2018	PS/KW	Ross Best	Ross Best
Rev 2	Additional water treatment details	27 May 2019	KW/CDC	Ross Best	Ross Best

Distribution

Report Status	No. of copies	Format	Distributed to	Date
Rev 0	1	PDF	Josh Thompson, Landmark Group	29 August 2018
Rev 1	1	PDF	Josh Thompson, Landmark Group	4 September 2018
Rev 2	1	PDF	Josh Thompson, Landmark Group	27 May 2019

Coffey Services Australia Pty Ltd
ABN 55 139 460 521

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Important information about your Coffey Report

Coffey Services Australia Pty Ltd
ABN 55 139 460 521

Tables

Table 1: Summary of groundwater levels measured by Coffey

Table 2: Summary of groundwater levels measured by Alliance Geotechnical on 8 and 9 May 2018

Table 3: Water Quality Objectives for aquatic ecosystems for Cooks River

Table 4: Field groundwater quality parameters

Table 5: Groundwater quality results and comparison with ANZG (2018) default guideline values

Table 6: NSW Aquifer Interference Policy minimal impact consideration for coastal sands water sources

Table 7: Construction groundwater monitoring requirements

Table 8: Operational groundwater monitoring requirements

Table 9: Groundwater quality trigger levels

Table 10: Summary of trigger levels for groundwater levels

Table 11: Required actions upon trigger

Figures

Figure 1: Borehole location plan

Figure 2: Groundwater levels for MW03

Figure 3: Groundwater levels for MW04

Figure 4: Groundwater contours and flow direction

Appendices

Appendix A – General arrangement plan Basement 2

Appendix B – Borehole logs for MW03 and MW04

Appendix C – Groundwater laboratory test results

Appendix D – Water treatment and stormwater drainage design

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1. Introduction

Coffey Services Australia Pty Ltd (Coffey) was commissioned by Landmark Group (Landmark) to prepare a permanent Dewatering Management Plan (DMP) for the proposed development at 19-25 Robey Street, Mascot NSW. The work was carried out in general accordance with the Coffey proposal reference 754-SYDGE219267-AB dated 14 August 2018.

This report was prepared to assess groundwater inflows and long-term groundwater effects of operation of a basement drainage system for the proposed development. This DMP is to be used in support of an application for a temporary construction dewatering licence and the permanent dewatering annual groundwater take which is being applied for in the Development Application for ongoing operation of a drained basement.

This groundwater assessment provides:

- Discussion of site hydrogeological conditions including subsurface conditions, groundwater levels and quality, based on site-specific data obtained from previous investigations.
- A plan showing groundwater flow directions and baseline groundwater levels relative to site topography.
- Assessment of potential impacts on existing groundwater users and groundwater dependent ecosystems.
- Assessment of groundwater seepage inflows during construction and ongoing drained basement operation.
- Assessment of potential groundwater level variation.
- Discussion of the suitability of groundwater at the site to be discharged to stormwater based on review of existing water quality results.
- A groundwater monitoring plan which includes monitoring requirements, identified risks, and proposed trigger levels and responses.

The overall objective of the DMP is to minimise the potential impacts associated with dewatering during the proposed construction works and ongoing operation of a drained basement.

2. Proposed development

The proposed development site at 19-25 Robey Street is surrounded by a mixture of low rise residential buildings and blocks of units. The site is located 2.5 km north of Botany Bay and 250 m northeast of Sydney Airport. Mill Stream, which flows in a south westerly direction into Mill Pond and then flows into Botany Bay, is located approximately 800 m to the south of the site. The Alexandria Canal, which flows into Botany Bay via the Cooks River, is located approximately 1.2 km north west of the site.

A building, approximately 50 m by 40 m in plan with two basement levels is proposed to be constructed. Construction has included installation of a cutter soil mix (CSM) wall penetrating to low permeability very stiff to hard clay stratum at depths ranging from approximately 14.5 m to 18.6 m prior to excavation for basement construction and dewatering. Dewatering is currently underway to allow excavation and construction of the basement structure. Permanent dewatering is proposed to allow ongoing operation of a drained basement.

Drawing No. 2100 Rev P34 dated 24 August 2018 (see Appendix A) shows the lowest finished basement level of the development at -0.35 m AHD.

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3. Hydrogeological conditions

3.1. Available information

The following documents provide background information, which were used to develop this report:

- Alliance Geotechnical Pty Ltd 2018, "Supplementary Geotechnical Investigation Report on Proposed Multi-Storey Development of 19-25 Robey Street, 5, 5A and 5B Elizabeth Avenue, Mascot, NSW, Report No. 7023-GR-1-1 Rev A dated 18 May 2018."
- Previous Test Location Plan (Drawing no: 7023-GR-1-A2).
- General arrangement plans prepared by DKO Architecture (NSW) Pty Ltd, Drawing Numbers: A2100 to A2107 dated 24 August 2018.

3.2. Stratigraphy

Coffey carried out a geotechnical investigation at the site on 7 June 2018 where two boreholes were drilled to depths between 10 m and 10.5 m below the existing ground surface which were completed as monitoring wells (MW03 and MW04). Based on these boreholes Coffey has assessed the ground conditions at the site to generally comprise:

- Silty sand about 1 m thick. The silty sand layer included loose to medium dense, fine grained sands with some sub-rounded to sub-angular, fine to medium grained gravels; overlying
- Sand more than 9 m thick. The sand layer was fine to medium grained with a pale grey to grey colour having medium dense to dense consistency.

Coffey was provided with a geotechnical investigation report for the proposed multi-storey development at the site prepared by Alliance Geotechnical Pty Ltd (Alliance 2018). The CPT test results and borehole logs reported by Alliance indicated that the site is generally underlain by fill and loose to medium dense marine deposits to an approximate depth of 2.5 m and dense to very dense sand to an approximate depth of 14.5 m. This was underlain by a stiff to hard alluvial/residual silty clay layer above the bedrock. The bedrock comprised very low to high strength sandstone/siltstone encountered at an approximate depth of 17.2 m at the northern side of the site falling to an approximate depth of 18.6 m at the southern side of the site.

Alliance (2018) reported earlier work by JK Geotechnics relating to a detailed geotechnical investigation in July 2016 at 19-25 Robey Street, 5, 5A and 5B Elizabeth Avenue and 24-26 High Street, Mascot. Three boreholes were drilled to an approximate depth of 9 m and 3 monitoring wells were installed to measure groundwater depth. During drilling, natural sands and silty sands were encountered in all the boreholes beneath pavement materials (JK-1 and JK-2) or from surface level (JK-3) and extended to borehole terminating depths. On the first contact in JK-1 and JK-2, the sands were medium dense. On first contact in JK-3 the sands were initially very loose, improving to medium dense below 1 m depth. Based on the results of a nearby investigation to the west along Robey Street, sandstone bedrock of at least very low strength is expected to be encountered at a depth of about 15.9 m.

The locations of relevant boreholes from these previous investigations are shown in Figure 1 and the borehole logs for MW03 and MW04 are attached in Appendix B.

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3.3. Groundwater levels

Site visits were conducted by a Coffey Engineer in June 2018 to observe the level of groundwater within the proposed excavation. The groundwater level was gauged at monitoring wells MW03 and MW04 as listed in Table 1. Groundwater levels at previously installed monitoring wells at the site, JK-1 and JK-2, were also recorded and listed in Table 1.

Figure 2 and Figure 3 present the groundwater hydrographs for MW03 and MW04, respectively. Groundwater level data until March 2019 is presented, showing the influence of cessation of dewatering at a neighbouring site and subsequent increases in groundwater levels at monitoring wells MW03 and MW04.

The groundwater contour map is shown in Figure 4. Groundwater flow direction is south towards Botany Bay.

Table 1: Summary of groundwater levels measured by Coffey

Monitoring Wells	Ground Surface Elevation (m AHD)*	Depth to Groundwater (m)	Inferred Groundwater Level (m AHD)	Record Date
MW03	5.2	2.2	3.0	7 June 2018
MW04	5.2	4.7	0.5	7 June 2018
JK-1	6.7	2.6	4.1	7 June 2018
JK-2	6.8	2.7	4.1	7 June 2018
MW03	5.2	2.4	2.8	15 June 2018
MW04	5.2	4.4	0.8	15 June 2018
JK-1	6.7	2.8	3.9	15 June 2018

*Note: Ground surface elevations were assessed from a plan in report "Supplementary Geotechnical Investigation Report on Proposed Multi-Storey Development of 19-25 Robey Street, 5, 5A and 5B Elizabeth Avenue, Mascot, NSW, Report No. 7023-GR-1-1 Rev A dated 18 May 2018".

Alliance (2018) reported groundwater levels in the wells at the site on 8 and 9 May 2018 and Table 2 provides a summary of the groundwater levels measured.

Table 2: Summary of groundwater levels measured by Alliance Geotechnical on 8 and 9 May 2018

Borehole	CPT1	CPT2	CPT3B	MW-1	MW-2	BH102	BH103	JK-2
Groundwater depth bgl (m) / Reduced level (m AHD)	1.3 / RL 3.8	2.4 / RL 4.2	2.1 / RL 4.6	2.0 / RL 3.3	2.0 / RL 4.6	2.5 / RL 2.8	3.0 / RL 3.7	2.1 / RL 4.6

Note: bgl - below ground level
AHD - Australian Height Datum

The measured groundwater depth by Alliance varied between 1.3 m and 3.0 m below ground level (bgl) or between 2.8 m and 4.6 m AHD. Coffey has previously conducted a geotechnical investigation on a site between Robey Street and Baxter Street approximately 200 m south west of the site. The boreholes drilled on this site recorded groundwater levels at around 3.6 m AHD to 3.9 m AHD, confirming the anticipated flow direction of groundwater from the available data.

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3.4. Aquifer properties

The sands at the site are part of the Botany Basin deposits. The literature contains numerous estimates of the horizontal hydraulic conductivity for the sand of the Botany Sands Aquifer. Jankowski (1997) report 15 m/day to 50 m/day, and 1.5 m/day to 5 m/day where clay is present, while 17 m/day is reported by Hawke (1973), 15 m/day by Beck and Jankowski (1998), 20 m/day by Acworth (1998) and approximately 30 m/day by Thilo (1998).

The Botany Sand is expected to have a hydraulic conductivity in the order of 10 m/day.

Based on the results presented in the report by Alliance (2018) the sand is underlain by alluvial deposits which overlie sandstone. Sandstone is anticipated to have a permeability in the order of 1×10^{-7} m/s based on experience in the Sydney area and the overlying clay is anticipated to have a vertical permeability in the order of 1×10^{-8} m/s based on descriptions presented in the previous investigation. The CSM cut-off wall penetrates the clay stratum.

3.5. Groundwater quality

We understand the intention is to pump groundwater seepage which flows into the excavation to the local stormwater network, and is ultimately assumed to emerge in Mill Stream and Alexandria Canal.

Coffey sampled groundwater from MW03 and MW04 on 15 June 2018 and submitted samples for analysis by a NATA accredited laboratory for major cations and anions, metals including iron and manganese and volatile organics to assess the suitability of groundwater for release to stormwater. A duplicate groundwater sample (Duplicate 001) was collected from monitoring well MW03. The groundwater laboratory results are provided in Appendix C.

Table 3 presents Water Quality Objectives for aquatic ecosystems for Cooks River obtained from the Environment NSW website's NSW Water Quality and River Flow Objectives (<https://www.environment.nsw.gov.au/ieo/CooksRiver/report-02.htm>).

Table 3: Water Quality Objectives for aquatic ecosystems for Cooks River

Indicator	Trigger Values
pH	Lowland rivers: 6.5-8.5
Turbidity	Lowland rivers: 6-50 NTU

Table 4 presents field pH results for groundwater samples collected from monitoring wells MW03 and MW04 on 22 June 2018.

Table 4: Field groundwater quality parameters

Parameter	MW03	MW04
pH	6.4	5.7

The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) have been published as an interactive website (<http://waterquality.gov.au/anz-guidelines>). Table 5 presents a summary of laboratory results evaluated against the ANZG 2018 default guideline values (DGVs) which remain the same as the ANZECC (2000) trigger values for protection of 95% of species within a marine environment.

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Table 5: Groundwater quality results and comparison with ANZG (2018) default guideline values

Analyte	Laboratory limit of reporting (µg/L)	ANZG (2018) default guideline value for marine water (µg/L)	MW03 (µg/L)	MW04 (µg/L)	Duplicate 001 (from MW03) (µg/L)
Dissolved Metals					
Arsenic	1	2.3 (AsIII IIWL)	2	2	2
Cadmium	0.2	5.5	<0.2	<0.2	<0.2
Chromium	1	4.4 (CrVI)	<1	<1	2
Copper	1	1.3	<1	<1	<1
Iron	50	-	860	550	850
Lead	1	4.4	2	5	3
Manganese	5	80 (IIWL)	21	12	13
Mercury	0.1	0.4	<0.1	<0.1	<0.1
Nickel	1	70	<1	<1	<1
Zinc	5	15	<5	7	<5
Volatile Organics					
Benzene	1	700	<1	<1	-
Toluene	1	180 (IIWL)	<1	<1	-
Ethylbenzene	1	5 (IIWL)	<1	<1	-
o-Xylene	1	350 (IIWL)	<1	<1	-
m-Xylene	2	75 (IIWL)	<2	<2	-
p-Xylene	2	200 (IIWL)	<2	<2	-
Major Cations					
Calcium	500	-	3300	12000	-
Magnesium	500	-	5700	4500	-
Potassium	500	-	4900	4900	-
Sodium	500	-	24000	32000	-
Major Anions					
Bicarbonate Alkalinity	20000	-	43000	24000	-
Chloride	1000	-	38000	61000	-
Sulphate	5000	-	<5000	7800	-
Nutrients					
Nitrate	20	-	750	<20	-
Ammonia	10	910	230	220	-

Note: IIWL - indicative interim working level

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The results of the laboratory analysis indicated the following:

- Potential contaminants tested were below laboratory detection limits with the exception of dissolved metals and nutrients.
- One analyte exceeded the ANZG 2018 DGV. Dissolved lead was reported at a concentration of 5 µg/L at MW04, exceeding the DGV of 4.4 µg/L.

The minor exceedance for lead is not considered likely to impact the marine discharge environment. Dewatering groundwater inflows will draw water from a wider area therefore Coffey recommends testing of collected groundwater seepage for metals and nutrients periodically.

Groundwater field testing indicated a slightly acidic pH level (pH 5.7 to 6.4) outside the water quality objective pH range for Cooks River (pH 6.5 to 8.5). Coffey therefore recommends treatment to address pH and turbidity to comply with water quality objectives for Cooks River and to allow discharge to a local stormwater connection. Coffey also recommends periodic water quality testing of groundwater inflows during and post construction for metals and nutrients to assess water quality and the need for treatment. Further monitoring and water treatment details are provided in Section 6.

During groundwater sampling activities hydrogen sulfide odours were noted. Hydrogen sulfide odour is not uncommon for groundwater and can be managed by ventilation design. The proposed water treatment system should also decrease hydrogen sulfide odours by increasing water pH (pers. comm SAS Water Solutions).

Coffey recommends that the appropriate approvals be obtained from the relevant authorities (Council) to enable the groundwater to be pumped to stormwater.

3.6. Existing groundwater users

To assess the potential impact of the development on existing groundwater users, a search of WaterNSW registered groundwater bores was conducted. The closest registered bores (GW023525, GW104338, GW104336, GW104334 and GW104337) are approximately 200 m to 300 m west of the site. Groundwater drawdown impacts on existing registered groundwater users are therefore not expected as the nearest bore is outside the assessed extent of influence (100 m).

3.7. Groundwater dependent ecosystems

The nearest Groundwater Dependent Ecosystem (GDE) to the site, as identified by the Bureau of Meteorology's GDE Atlas (<http://www.bom.gov.au/water/groundwater/gde/>), is approximately 1.5 km south east of the site. Both an aquatic and terrestrial GDE is identified in this area. Groundwater drawdown induced by the development is not assessed to extend to these areas. GDEs are therefore not expected to be impacted by the development.

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4. Groundwater inflow and associated impacts

4.1. Temporary construction dewatering method

Groundwater levels at the site are above the proposed excavation level. Construction dewatering will therefore be required to temporarily lower the groundwater to enable site excavation and basement construction. We anticipate the seepage from the highly permeable sand stratum will be cut off from the proposed cut-off wall running the perimeter of the site and penetrating the clay stratum. Groundwater seepage into the site will be mainly governed by the vertical permeability of the very stiff clay stratum and the permeability of the sandstone bedrock.

Construction dewatering will be carried out using a vacuum spear point system around the perimeter of the excavation within the cut off wall. The presence of the cut off wall will restrict groundwater ingress into the excavation. The spear points will be installed to a depth of 4 m below the planned bulk excavation level. The vacuum pump will need to be located within the excavation to achieve the required drawdown. Alternative methods may be employed if flow rates are sufficiently low.

Flow monitoring will be carried out using a calibrated flow meter.

Extracted groundwater will be treated as required using pH dosing equipment and flocculation and sedimentation to achieve the target water quality of the water pumped from the site to the stormwater system. Pumping to the stormwater system will be subject to the approval of the relevant authority (Council).

4.2. Permanent drained basement

A permanent drained basement is proposed. This will involve ongoing operation of a basement drainage system that will collect groundwater seepage in a sump and pump structure, pumping intermittently to Council stormwater infrastructure.

4.3. Dewatering impact assessment

4.3.1. Temporary construction

Construction will require dewatering to lower the groundwater level by approximately 4 m to allow basement construction. Coffey has carried out an assessment of construction groundwater inflow and potential extent of drawdown influence and settlement from construction dewatering, summarised below:

- It is assumed a cut-off wall extends from ground surface to a minimum of 2 m into very stiff to hard clay stratum at a depth of approximately 14.5 m to 18.6 m based on Alliance (2018), providing cut-off of the sand horizon.
- Estimated inflow to the excavation during construction is 0.2 L/s.
- Drawdown is assessed to be less than 0.25 m outside the cut-off wall and less than 0.1 m at distances greater than 100 m from the site.
- Settlement associated with construction drawdown is assessed to be less than 5 mm.
- Allowing a construction dewatering period of six months the total groundwater volume take is expected to be up to approximately 4 ML (allowing 0.2 L/s for six months plus water in storage removed from excavated material for an area of 50 m x 40 m x 4 m).

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4.3.2. Permanent drained basement

Assessment of steady state groundwater inflows was undertaken using analytical methods based on the theory presented by Polubarinova-Kochina (1952) for flow beneath a cut-off wall. The analysis approach adopted is discussed by Best (2015) in the proceedings of a Sydney symposium conducted jointly by the Australian Geomechanics Society and the International Association of Hydrogeologists.

The inflow assessment for the permanent drained basement was carried out based on the following assumptions:

- The highest pre-development groundwater level of 4.6 m AHD reported by Alliance (2018) was adopted as the existing groundwater level for assessment of groundwater inflows.
- The lowest basement finished floor level is -0.35 m AHD. Assuming a slab thickness of 0.5 m and a drainage layer thickness of 0.2 m, it is assumed the groundwater level must be lowered at least 0.7 m below the lowest basement finished floor level to -1.05 m AHD.
- A cut-off wall extends from ground surface to a minimum of 2 m into very stiff to hard clay stratum at a depth of approximately 14.5 m to 18.6 m based on Alliance (2018), providing cut-off of the sand horizon.
- Vertical permeability of the clay is 1×10^{-8} m/s based on the description in the borehole logs by Alliance (2018).
- Permeability of the underlying sandstone 1×10^{-7} m/s (typical value for shallow Sydney sandstone).
- Groundwater recharge occurs at a rate of 2% of average rainfall (0.00065 m/day) into the groundwater system.
- Surface water runoff has not been considered.

Based on the above assumptions, the long-term groundwater seepage rate to the basement drainage system is assessed to be approximately 0.07 L/s or 2.2 ML/year.

A sump and pump system with a volume of 28 m³ is incorporated in the basement design (see stormwater drainage design information attached in Appendix D Drawing 20170354 SW200 Rev 11). This will provide storage for in excess of three days for the assessed inflow rate. Redundant pumps (two provided) will operate to control water level to near the base of the pit. If the primary pump fails both pumps will be operated and an alarm will sound if water levels approach the top of the pit.

The potential settlement associated with ongoing operation of the drained basement is less than 5 mm. Drawdown effects are anticipated to be less than 0.25 m close to the cut-off wall to less than 0.1 m at distances greater than 100 m from the site.

4.4. Release of basement groundwater seepage

Significant inflow is not expected during construction or in the long-term for a drained basement.

Groundwater quality results indicate that the pH values of the sampled groundwater are outside the water quality objectives for aquatic ecosystems for Cooks River. The groundwater will require treatment to increase pH prior to discharge into the stormwater system. pH buffering to within 6.5 to 8.5 pH units will also reduce the concentration of dissolved metals. It is also anticipated that in-situ treatment of turbidity through addition of flocculation reagent may be required.

Given the low volume of groundwater take observed, low concentrations of dissolved metals reported and the distance to the receiving body, specific treatment for metals have not been proposed for the construction dewatering or the permanent drained basement. The calcite filtration system described in Section 6 will act to lower the turbidity and reduce dissolved metals.

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We recommend that, during excavation, groundwater entering the excavation is tested for turbidity and pH to assess its suitability for release. Periodic sampling for metals and nutrients is also recommended for records purposes, and to review treatment requirements for collected groundwater once the development is complete, if required.

To facilitate permanent collection of groundwater seepage the basement design should include:

- The cut-off wall to prevent ingress of groundwater from the sand stratum (construction completed before March 2019).
- An underdrainage blanket comprising durable free draining material such as gravel containing drainage pipes.
- Drainage by gravity to sumps to collect flows with redundancy so that the groundwater collection system would continue to operate in the event of blockage of part of the system.
- Level operated pumps to remove water from the sumps with arrangements for continuing operation in the event of power failure.
- Sizing of sumps to allow for short term outages of power and maintenance of pumps.
- Facilities for maintenance and flushing of drainage elements (drainage pipes and sumps) to address possible clogging should be included.
- Treatment if required to achieve water quality standards consistent with the water quality objectives for the receiving waters (at this stage allowance for treatment to address pH and turbidity should be made).
- 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.

The design of the basement drainage system is to be undertaken by a qualified groundwater engineering professional.

In relation to hydrogen sulfide odours associated with the groundwater this can be addressed by ventilation design. The proposed water treatment system should also decrease hydrogen sulfide odours by increasing water pH (pers. comm SAS Water Solutions).

5. Policy and potential impacts

The *NSW Aquifer Interference Policy* (September 2012) considers assessment of impacts of aquifer interference activities on water resources and the concept of ensuring "no more than minimal harm" (referred to in the *Water Management Act 2000*).

The minimal impact considerations are dependent upon the impacted aquifer type (alluvial, coastal, fractured rock or other special cases) and whether the aquifer is classified as "highly productive" or "less productive groundwater" (based on groundwater yield and total dissolved solids concentration).

The proposed development will draw groundwater from the coastal sand aquifer. This is classified as a 'highly productive' coastal sand aquifer as yields of 5 L/s are considered possible.

The minimal impact considerations for aquifer interference activities are listed in Table 6 with an assessment of the potential impact.

In accordance with the Department of Primary Industries *Aquifer Interference Policy* (2012), the development is assessed to induce "minimal" impact upon groundwater resources.

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Table 6: NSW Aquifer Interference Policy minimal impact consideration for coastal sands water sources

Impact On	Impact Consideration	Assessed Impact
Water Table	<p>1. Less than or equal to 10% cumulative variation in the water table, allowing for typical climatic "post-water sharing plan" variations, 40 m from any:</p> <p>(a) high priority groundwater dependent ecosystem; or</p> <p>(b) high priority culturally significant site;</p> <p>Listed in the schedule of the relevant water sharing plan.</p> <p>A maximum of a 2 m decline cumulatively at any water supply work.</p> <p>2. If more than 10% cumulative variation in the water table, allowing for typical climatic "post-water sharing plan" variations, 40 m from any:</p> <p>(a) high priority groundwater dependent ecosystem; or</p> <p>(b) high priority culturally significant site;</p> <p>listed in the schedule of the relevant water sharing plan then appropriate studies will need to demonstrate to the Minister's satisfaction that the variation will not prevent the long-term viability of the dependent ecosystem or significant site.</p> <p>If more than 2 m decline cumulatively at any water supply work then make good provisions should apply.</p>	<p>The nearest groundwater dependent ecosystem and water supply work (registered bore) to the proposed development are located beyond the assessed extent of groundwater drawdown influence imposed by the development.</p> <p>Therefore, the development is not expected to impact on the water table within 40 m of a GDE or water supply work.</p>
Water Pressure	<p>1. A cumulative pressure head decline of not more than a 2 m decline, at any water supply work.</p> <p>2. If the predicted pressure head decline is greater than requirement (1) above, then appropriate studies are required to demonstrate to the Minister's satisfaction that the decline will not prevent the long-term viability of the affected water supply works unless make good provisions apply.</p>	<p>The nearest water supply work (registered bore) to the proposed development is located beyond the assessed extent of groundwater drawdown influence imposed by the development.</p> <p>Therefore, the development is not expected to impact on the pressure head at any water supply work.</p>
Water Quality	<p>1. Any change in the groundwater quality should not lower the beneficial use category of the groundwater source beyond 40 m from the activity.</p> <p>2. If condition (1) is not met then appropriate studies will need to demonstrate to the Minister's satisfaction that the change in groundwater quality will not prevent the long-term viability of the dependent ecosystem, significant site or affected water supply works.</p>	<p>The development is expected to act as a groundwater sink. ReInjection of groundwater is not proposed.</p> <p>The development is therefore not expected to significantly modify groundwater quality.</p>

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6. Dewatering management plan

6.1. Construction monitoring requirements

Coffey recommends the following construction monitoring (consistent with WaterNSW general Terms of Approval):

- Weekly records of dewatering volumes (groundwater pumped from the excavation) released from site during excavation/construction;
- Monthly records of the water quality of groundwater pumped from the excavation during excavation/construction;
- Daily records of groundwater levels from the date of consent until at least two months after the cessation of dewatering (undertaken using data loggers);
- Provision of the above monitoring information to WaterNSW following cessation of dewatering; and
- Access to groundwater monitoring and extraction wells to be provided to permit inspection by WaterNSW as required.

6.2. Identified risks

The following risks have been identified in relation to dewatering for the works:

- Groundwater drawdown associated with proposed dewatering activities may cause ground settlement, potentially impacting on existing infrastructure.
- Groundwater quality testing indicates that groundwater at the site has pH outside acceptable standards for discharge to stormwater.

6.3. Objectives

The objectives of the management plan are to reduce the risk of:

- Groundwater drawdown induced ground settlement.
- Water of unsuitable quality being discharged.

6.4. Monitoring infrastructure

Groundwater drawdown and associated ground settlement outside the cut-off wall are not expected to be significant (less than 5 mm).

However, as a precautionary measure, groundwater monitoring wells are recommended to measure the groundwater drawdown induced by construction activities and ongoing operation of a drained basement. Survey is recommended to check settlement during excavation and ongoing operation of a drained basement. Building condition surveys are recommended on buildings adjacent to the site. Coffey anticipate this would be part of the wider monitoring plan for the site. If not monitoring of settlement and building condition survey should be added to the monitoring plan set out in Section 6.5.

Monitoring wells MW03 and MW04 were installed outside the excavation footprint and will be used for monitoring during and following construction. The monitoring well locations are shown in Figure 1.

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6.5. Monitoring plan

6.5.1. During construction

Release of excavation groundwater seepage

The pH of groundwater measured at the site is outside acceptance criteria for release to stormwater. Treatment of water will be required prior to release.

Sampling and analysis of water to be discharged to the stormwater system will be subject to the asset owner's requirements. We expect the asset owner is likely to require analysis of the following analytes to confirm suitability for discharge:

- pH (in the field).
- Total suspended solids.

If required, samples should be collected in accordance with the guidelines provided by the Australian Standard for water quality sampling (AS/NZS 5667.1:1998), and analysed by a NATA registered laboratory. Daily inspections of discharge water odours, water colour and turbidity are recommended. Should an inspection identify conditions inconsistent with previous inspections, groundwater quality should be tested prior to discharge. Water quality and dewatering discharge rates should be reviewed on a weekly basis to confirm dewatering is proceeding in accordance with expectations and discharged water quality is suitable for release.

The excavation dewatering volume released should be recorded on at least a weekly basis, consistent with the WaterNSW General Terms of Approval. Where surface runoff or direct rainfall contribute to discharge volumes, a note should be made on the estimated quantity of that contribution.

Water quality monitoring requirements will be subjected to the water quality objectives of the receiving water. A summary of possible water quality monitoring requirements is provided in Table 5.

Groundwater levels

Groundwater levels will be:

- Monitored to enable assessment of groundwater drawdown due to construction activities.
- Measured at monitoring wells MW03 and MW04 on a daily basis during the early stages (first week) of dewatering and approximately weekly thereafter.
- Reviewed on a weekly basis in conjunction with ground settlement/movement monitoring to assess groundwater drawdown and its potential impacts.

Consistent with WaterNSW requirements, monitoring should be conducted throughout the construction period and for a period of two months following construction.

A summary of groundwater level monitoring requirements is provided in Table 7.

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6.5.2. During operation

To satisfy the conditions in the Water Access Licence (WAL), a log book must be kept to record volume of water take, unless the work is metered and fitted with a data logger. These records will be used to compare the total volume of water taken in any water year against the volume allowed in the WAL. The records must be produced for inspection when requested by the relevant licensor. Recordings are carried out on a monthly basis.

In relation to groundwater quality, recommendations for the ongoing monitoring program will be developed following the operational review (as discussed further below), subject to WaterNSW and the stormwater asset owner requirements. We anticipate that WaterNSW and the stormwater asset owner will require intermittent assessment of groundwater quality over the operational life of the building. This is to confirm that the water quality objectives, including the default guideline values nominated in ANZG (2018) for the protection of marine aquatic ecosystems, are met.

A summary of operational monitoring requirements is provided in Table 8. Operational groundwater monitoring is likely to include the following subject to data reviewed for the completion report:

- Discharge volumes pumped to the stormwater network will be reviewed on an annual basis.
- Groundwater levels will be monitored to enable assessment of groundwater drawdown due to ongoing operation of the drained basement. A six month review of groundwater levels will be conducted in conjunction with ground settlement/movement monitoring to assess groundwater drawdown and its potential impacts.
- Groundwater quality will be monitored on a six monthly basis including collection of groundwater samples for laboratory analysis for selected metals and nutrients.
- A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.

Water treatment infrastructure has been designed by SAS. Details of the infrastructure proposed are attached in Appendix D and summarised below.

Groundwater seepage will be recirculated in the subsoil pit recirculation segment through the 800 micron screen and two calcite media bag filters. The calcite filters will neutralise the low pH to approximately pH 7, and lower the turbidity and mineral content including metals to meet ANZG 2018 water discharge criteria. The media bag filters may require addition of calcite every few months, subject to the system throughput.

The filter skid consists of a pH analyser/automatic monitor with an SAS EMEC controller and internet connection including Telstra SIM, server connection setup, email and mobile SMS alerts.

The footprint of the filter skid is 1.8 m L x 0.45 m W x 1.825 H (refer to SAS drawing P18619-202 attached in Appendix D). There will be sufficient space within the proposed development for the water treatment system. The filter skid mounted equipment will be installed against the wall adjacent to the subsoil pit. It will require a lockable cage around the skid for public safety.

The automatic water treatment system will require the following maintenance schedule:

- The pH analyser should be cleaned and calibrated every four to six weeks.
- The pre filter screen should be cleaned every four to six weeks at the same time as the pH analyser is recalibrated.
- The media in the two filter vessels should be changed out every six months.

SAS recommend monthly pH analyser calibration with a grab sample for testing by an independent NATA laboratory in the first three to four months, then annually.

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6.6. Completion report and operational review

A review of available monitoring results is to be carried out at the end of construction dewatering (prior to commissioning the permanent drainage system). The review is to be carried out by an experienced groundwater professional and is to include:

- The location and construction of groundwater extraction works, including decommissioned works (method of decommissioning shall also be recorded).
- Detail of the volume of water taken, and the precise periods and location of water taken.
- Summary of monitoring results (settlement monitoring, groundwater level and water quality).
- Identification of non-conformances, and actual resource and third-party impacts.
- Recommendations for further monitoring and review, and future monitoring and testing frequency.

The above impacts shall be presented in a completion report.

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Table 7: Construction groundwater monitoring requirements

Monitoring Element	Purpose	Assessment/Monitoring Methodology	Frequency of Monitoring	Frequency of Monitoring Data Review	Duration of Monitoring
Groundwater Levels	<ul style="list-style-type: none"> • Reduce risk of groundwater drawdown-induced ground settlement • Confirm dewatering is proceeding in accordance with expectations • Collect data required by WaterNSW 	Measurement of groundwater levels in monitoring wells MW03 and MW04	Daily during the early stages of dewatering, at less frequent interval thereafter	Daily during the early stages of dewatering, at less frequent interval thereafter	Throughout construction and for a period of two months following cessation of dewatering
Discharge Water Quality	<ul style="list-style-type: none"> • Collect data required by Council • Reduce risk of discharge of unsuitable water to stormwater 	Observation of odours, changes to water colour and turbidity*	Daily*	Daily*	Throughout dewatering*
		Field testing for pH and turbidity Sampling and analysis* at a NATA registered laboratory for: <ul style="list-style-type: none"> • Total suspended solids • Dissolved (filtered) metals including lead • Nutrients including nitrate 	At times changes in water appearance or odour are observed during daily observation*	At times changes are observed during daily observation*	Throughout dewatering *
Quantity of Water Discharged	<ul style="list-style-type: none"> • Confirm dewatering is proceeding in accordance with expectations • Collect data required by WaterNSW 	Volume of water discharged	Weekly	Weekly	Throughout dewatering

*Subject to stormwater asset owner requirements.

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Table 8: Operational groundwater monitoring requirements

Monitoring Element	Purpose	Assessment/Monitoring Methodology	Frequency of Monitoring	Frequency of Monitoring Data Review	Duration of Monitoring
Groundwater Levels	<ul style="list-style-type: none"> Reduce risk of groundwater drawdown-induced ground settlement Confirm drained basement is proceeding in accordance with expectations Collect data required by WaterNSW 	Measurement of groundwater levels in monitoring wells MW03 and MW04	Monthly	Six monthly	A six month review of groundwater levels will be conducted in conjunction with ground settlement/movement monitoring to assess groundwater drawdown and its potential impacts.
Discharge Water Quality	<ul style="list-style-type: none"> Collect data required by Council Reduce risk of discharge of unsuitable water to stormwater 	Observation of odours, changes to water colour and turbidity. Field testing for pH and turbidity	Monthly*(during water treatment system maintenance)	Six monthly*	Throughout operation of the water treatment system*
		Sampling and analysis* at a NATA registered laboratory for: <ul style="list-style-type: none"> Total suspended solids Dissolved (filtered) metals including lead Nutrients including nitrate 	Biannual/annual. To be reviewed after the first six months of operation*	Biannual/annual. To be reviewed after the first six months of operation*	Throughout operation of the water treatment system*
Quantity of Water Discharged	<ul style="list-style-type: none"> Confirm drained basement is proceeding in accordance with expectations Collect data required by WaterNSW 	Volume of water discharged	Annual	Annual	Throughout operation. Discharge volumes pumped to the stormwater network will be reviewed on an annual basis.

*Subject to stormwater asset owner requirements.

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6.7. Proposed trigger levels and responses

Trigger levels for groundwater quality are set out in Table 9 and are based on the criteria discussed in Section 3.5. Where concentrations are greater than (or analytes are outside the ranges of) those nominated in Table 9, action in accordance with Table 11 is likely to be required (subject to stormwater asset owner requirements).

Recommended trigger levels for groundwater levels are set out in Table 10. Where groundwater levels are lower (deeper) than those nominated in Table 10, action in accordance with Table 11 is required.

Nominated trigger levels are based on a limiting total ground settlement of 5 mm and interpolation of groundwater levels based on available monitoring data.

Table 9: Groundwater quality trigger levels

Chemical Name	Units	ANZG (2018) default guideline values for 95% protection of marine ecosystems
pH	$-\log_{10}(a_{H^+})$	6.5 to 8.5
Turbidity	NTU	50

Table 10: Summary of trigger levels for groundwater levels

Monitoring Well	Pre-development Groundwater Level* (m AHD)	Trigger Groundwater Level (m AHD)
MW03	2.8	2
MW04	0.8	0

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Table 11: Required actions upon trigger

Monitoring Element	Trigger Level	Action
Groundwater quality – observation	Observations of water are consistent with previous observations	Continue discharging water
	Observations of water are inconsistent with previous observations	Conduct water quality sampling and testing to check consistency with previous discharges and investigate reasons for change.
Groundwater quality – sampling and analysis	Monitored groundwater quality analyte is below/within trigger level	Continue discharging water
	Monitored groundwater quality analyte is above/outside trigger level	Stop discharging water, treat water further to achieve required quality
Groundwater level	Monitored groundwater level does not breach trigger level	Continue excavation/dewatering
	Monitored groundwater level breaches trigger level	Continue excavation/dewatering, notify designer/Coffey immediately. Review of monitoring results required. Review within three days and cease pumping if review not carried out or adverse impacts are anticipated.

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7. Conclusions

Based on the outcomes of the dewatering assessment, the following conclusions are made:

- The impact of the development on groundwater resources in both the short-term construction period and for the long-term drained basement is assessed to be categorised as 'minimal' in accordance with the *NSW Aquifer Interference Policy* (September 2012).
- Allowing a construction dewatering period of six months the total groundwater volume take is expected to be up to approximately 4 ML (allowing 0.2 L/s for six months plus water in storage removed from excavated material for an area of 50 m x 40 m x 4 m). This allows for drainage from storage within the site and rainfall infiltration into site soil during construction.
- Groundwater seepage to the proposed basement during operation is assessed as 0.07 L/s (2.2 ML/year). This volume is the permanent dewatering annual groundwater take which will be applied for in the Development Application for ongoing operation of a drained basement.
- With the presence of the cut-off wall extending into the very stiff to hard clay stratum, drawdown in both the short-term and long-term is assessed to be less than 0.25 m outside the cut-off wall and less than 0.1 m at distances greater than 100 m from the site.
- The potential settlement associated with ongoing operation of the drained basement is less than 5 mm. Adverse settlement is not anticipated as a result of construction dewatering or operation of a drained basement, nevertheless Coffey recommends building condition surveys of nearby buildings are carried out to check their conditions prior to dewatering to provide a basis for comparison during and post construction.
- The proposed drained basement is not expected to impact upon existing groundwater users (registered groundwater bores) or groundwater dependent ecosystems.
- The proposed drained basement is expected to act as a groundwater sink, and is not expected to significantly impact groundwater quality outside the site.
- Adjustment of pH prior to stormwater discharge is required as field testing of groundwater samples reported pH outside the range nominated in the water quality objectives of aquatic ecosystems of Cooks River.
- The design of the basement drainage system should follow the recommendations set out in Section 4.4, and the design is to be undertaken by a qualified groundwater engineering professional.
- 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.
- Groundwater monitoring is recommended both during and post construction to confirm conditions are consistent with those considered in this assessment. Subject to the outcomes of the construction completion report, groundwater quality testing is recommended during operation on a six monthly basis including collection of groundwater samples for laboratory analysis for selected metals and nutrients.
- A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.

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8. Limitations

This report is based on data collected at a limited number of groundwater wells at discrete locations. Subsurface conditions can change over relatively short distances. Groundwater monitoring conducted during construction dewatering should be used to verify the consistency of groundwater (levels, flow and quality) and ground conditions with those assumed/adopted in this assessment.

The attached document entitled "Important information about your Coffey Report" presents additional information on the uses and limitations of this report.

9. References

- Acworth, R.I. (1998), Electromagnetic Induction Logs for Selected Bores in the Botany Sand Aquifer, *In* McNally, G.H. and J. Janowski (eds.), Environmental Geology of the Botany Basin, Collected Case Studies in Engineering Geology, Fourth Series, Environmental, Engineering and Hydrogeology Specialist Group (EEHSG) of the Geological Society of Australia.
- Alliance Geotechnical Pty Ltd (2018), Supplementary Geotechnical Investigation Report on Proposed Multi-Storey Development of 19-25 Robey Street, 5, 5A and 5B Elizabeth Avenue, Mascot, NSW, Report No. 7023-GR-1-1 Rev A dated 18 May 2018.
- ANZG (2018) Australian and New Zealand Guidelines for Fresh and Marine Water Quality, August 2018 <http://waterquality.gov.au/anz-guidelines>.
- Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand (2000) National Water Quality Management Strategy - Australian and New Zealand Guidelines for Fresh and Marine Water Quality.
- Beck, P. and J. Janowski (1998), Heterogeneity of the Botany Sand Aquifer, *In* McNally, G.H. and J. Janowski (eds.), Environmental Geology of the Botany Basin, Collected Case Studies in Engineering Geology, Fourth Series, Environmental, Engineering and Hydrogeology Specialist Group (EEHSG) of the Geological Society of Australia, 179-189.
- Best (2015), Prediction of groundwater impacts for excavations. *In*: Proceedings of the 2015 Australian Geomechanics Society Symposium: Recent Developments and Experiences with Groundwater and Excavation. Sydney Chapter, AGS. 13 November 2015. p 1-14.
- Hawke, J.M. (1973), Pollution of the Botany Sand Beds, Geological Survey of NSW, unpublished report 1973/329.
- Janowski (1997), Vertical Heterogeneity in the Botany Sands Aquifer, Sydney, Australia, *In* Chilton, J., Proceedings of the XXVII IAH Congress on Groundwater in the Urban Environment, Nottingham, UK, 21-27 September 1997.
- Polubarinova-Kochina, P.Ya. (1952), Theory of the Motion of Ground Water Gostekhizdat, Moscow, *in* Harr, M.E., Groundwater and Seepage, McGraw-Hill Book Company, New York, 1962.
- Thilo, A.C. (1998), Analysis of Slug Tests in Continuously Screened Wells in the Botany Sands, *In* McNally, G.H. and J. Janowski (eds.), Environmental Geology of the Botany Basin, Collected Case Studies in Engineering Geology, Fourth Series, Environmental, Engineering and Hydrogeology

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Important information about your Coffey Report

As a client of Coffey you should know that site subsurface conditions cause more construction problems than any other factor. These notes have been prepared by Coffey to help you interpret and understand the limitations of your report.

Your report is based on project specific criteria

Your report has been developed on the basis of your unique project specific requirements as understood by Coffey and applies only to the site investigated. Project criteria typically include the general nature of the project; its size and configuration; the location of any structures on the site; other site improvements; the presence of underground utilities; and the additional risk imposed by scope-of-service limitations imposed by the client. Your report should not be used if there are any changes to the project without first asking Coffey to assess how factors that changed subsequent to the date of the report affect the report's recommendations. Coffey cannot accept responsibility for problems that may occur due to changed factors if they are not consulted.

Subsurface conditions can change

Subsurface conditions are created by natural processes and the activity of man. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. Consult Coffey to be advised how time may have impacted on the project.

Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and when they are taken. Data derived from literature and external data source review, sampling and subsequent laboratory testing are interpreted by geologists, engineers or scientists to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, because no professional, no matter how qualified, can reveal what is hidden by earth, rock and time. The actual interface between materials may be far more gradual or abrupt than assumed based on the facts obtained. Nothing can be done to change the actual site conditions which exist, but steps can be taken to reduce the impact of unexpected conditions. For this reason, owners should retain the services of Coffey through the development stage, to identify variances, conduct additional tests if required, and recommend solutions to problems encountered on site.

Coffey Services Australia Pty Ltd ABN 55 139 460 521
Issued: 22 September 2016

Your report will only give preliminary recommendations

Your report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until project implementation has commenced and therefore your report recommendations can only be regarded as preliminary. Only Coffey, who prepared the report, is fully familiar with the background information needed to assess whether or not the report's recommendations are valid and whether or not changes should be considered as the project develops. If another party undertakes the implementation of the recommendations of this report there is a risk that the report will be misinterpreted and Coffey cannot be held responsible for such misinterpretation.

Your report is prepared for specific purposes and persons

To avoid misuse of the information contained in your report it is recommended that you confer with Coffey before passing your report on to another party who may not be familiar with the background and the purpose of the report. Your report should not be applied to any project other than that originally specified at the time the report was issued.

Interpretation by other design professionals

Costly problems can occur when other design professionals develop their plans based on misinterpretations of a report. To help avoid misinterpretations, retain Coffey to work with other project design professionals who are affected by the report. Have Coffey explain the report implications to design professionals affected by them and then review plans and specifications produced to see how they incorporate the report findings.

Page 1 of 2

Data should not be separated from the report*

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way. Logs, figures, drawings, etc. are customarily included in our reports and are developed by scientists, engineers or geologists based on their interpretation of field logs (assembled by field personnel) and laboratory evaluation of field samples. These logs etc. should not under any circumstances be redrawn for inclusion in other documents or separated from the report in any way.

Geoenvironmental concerns are not at issue

Your report is not likely to relate any findings, conclusions, or recommendations about the potential for hazardous materials existing at the site unless specifically required to do so by the client. Specialist equipment, techniques, and personnel are used to perform a geoenvironmental assessment. Contamination can create major health, safety and environmental risks. If you have no information about the potential for your site to be contaminated or create an environmental hazard, you are advised to contact Coffey for information relating to geoenvironmental issues.

Rely on Coffey for additional assistance

Coffey is familiar with a variety of techniques and approaches that can be used to help reduce risks for all parties to a project, from design to construction. It is common that not all approaches will be necessarily dealt with in your site assessment report due to concepts proposed at that time. As the project progresses through design towards construction, speak with Coffey to develop alternative approaches to problems that may be of genuine benefit both in time and cost.

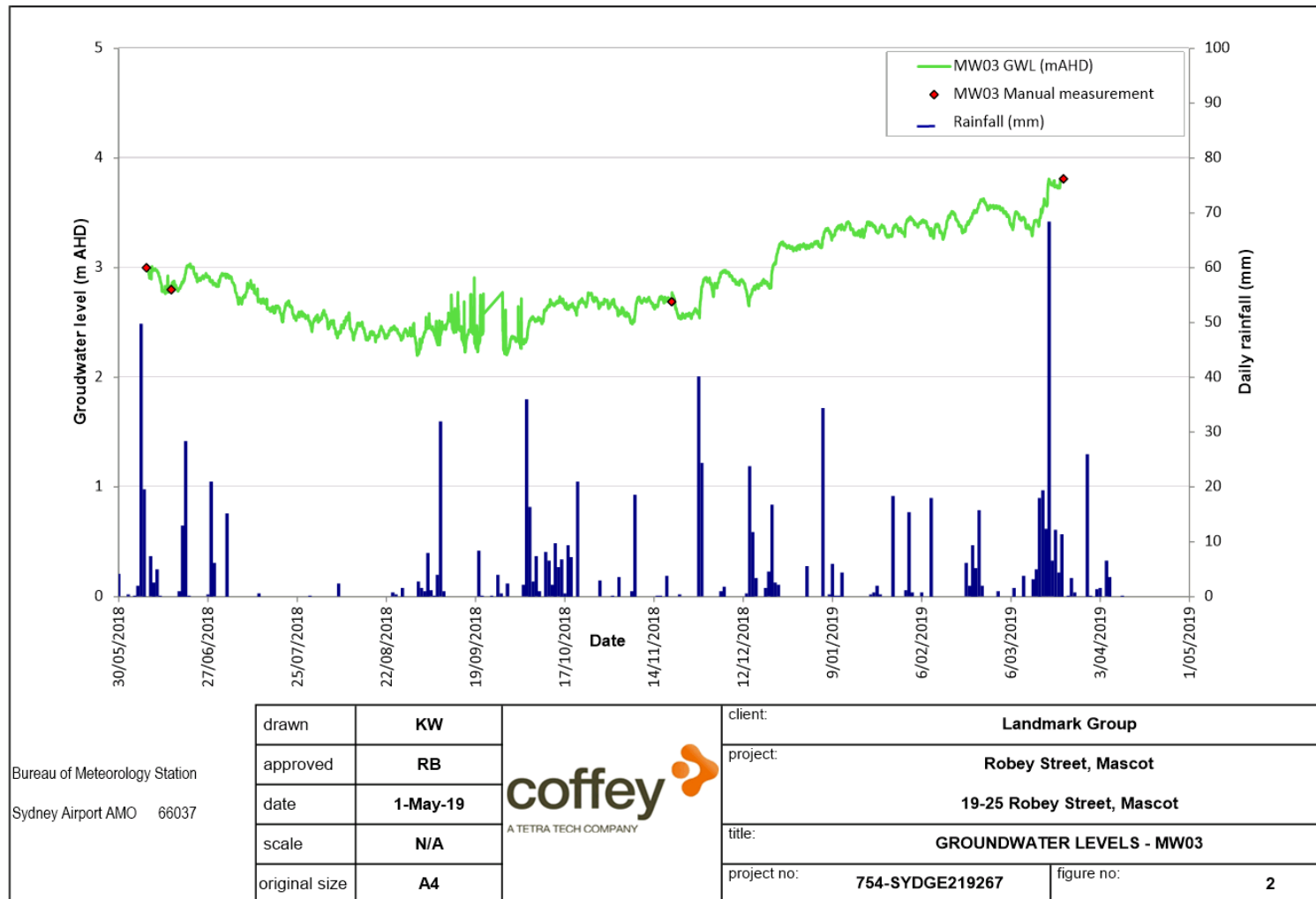
Responsibility

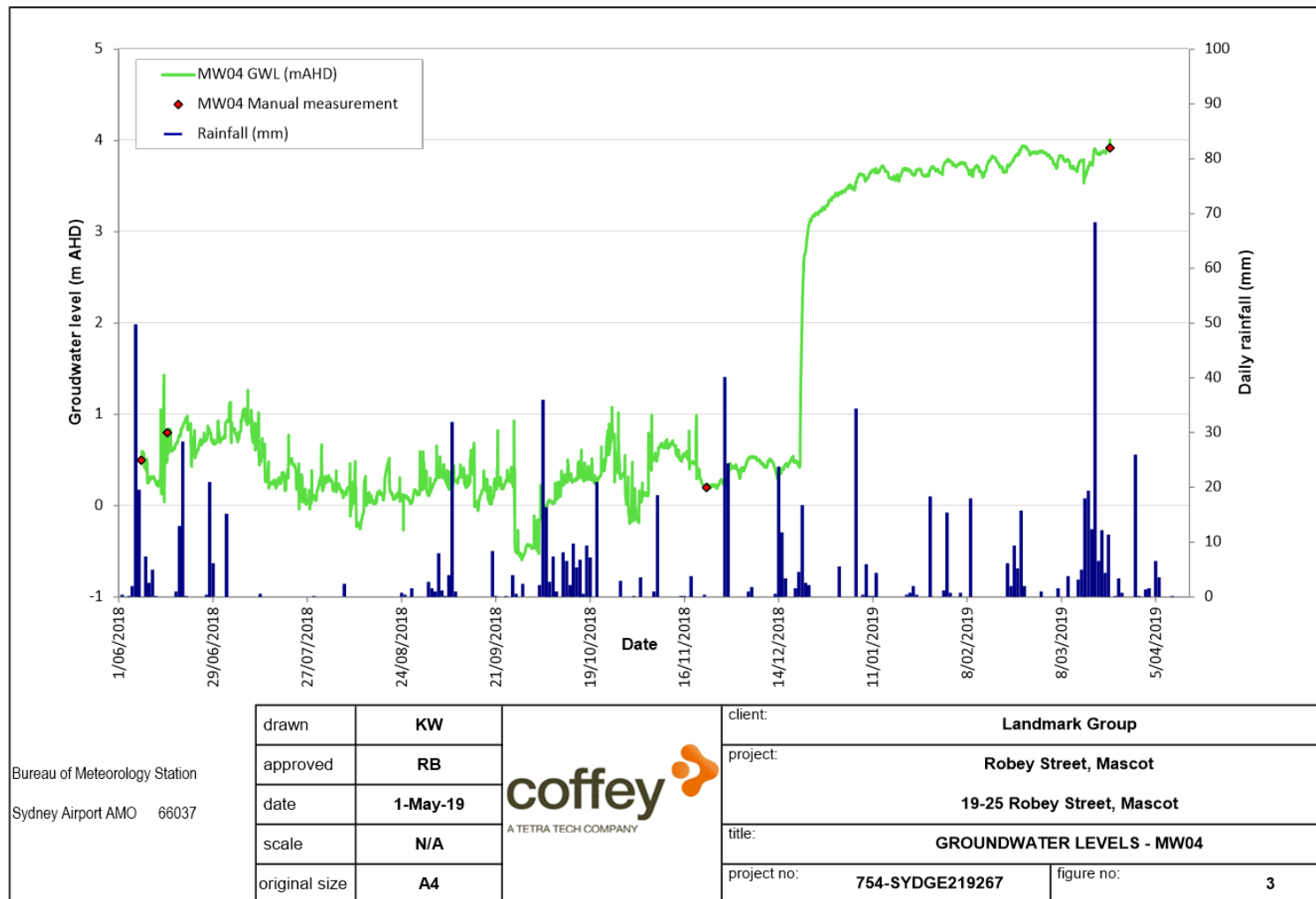
Reporting relies on interpretation of factual information based on judgement and opinion and has a level of uncertainty attached to it, which is far less exact than the design disciplines. This has often resulted in claims being lodged against consultants, which are unfounded. To help prevent this problem, a number of clauses have been developed for use in contracts, reports and other documents. Responsibility clauses do not transfer appropriate liabilities from Coffey to other parties but are included to identify where Coffey's responsibilities begin and end. Their use is intended to help all parties involved to recognise their individual responsibilities. Read all documents from Coffey closely and do not hesitate to ask any questions you may have.

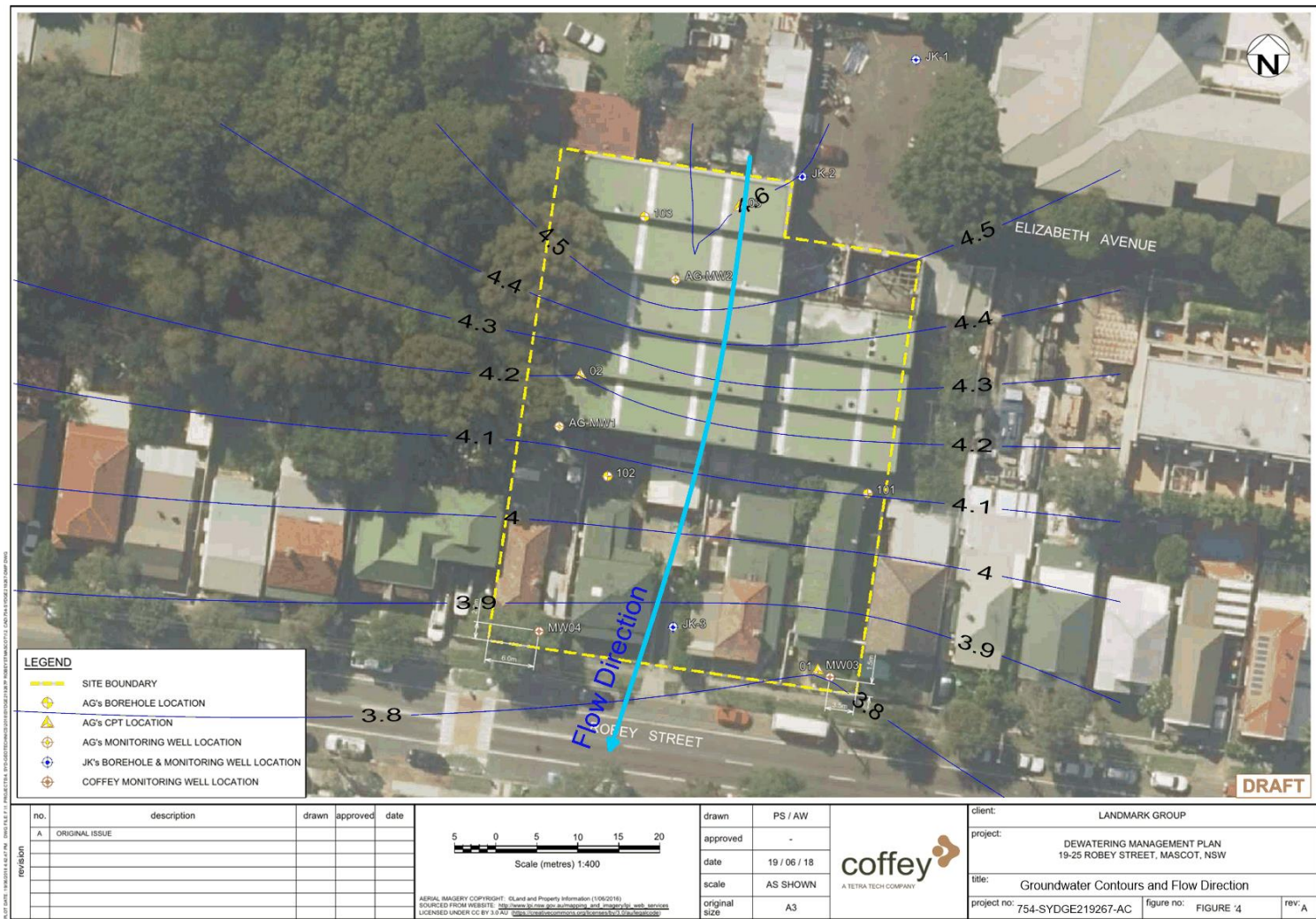
* For further information on this aspect reference should be made to "Guidelines for the Provision of Geotechnical information in Construction Contracts" published by the Institution of Engineers Australia, National headquarters, Canberra, 1987.

Figures









**Appendix A – General
Arrangement Plan – Basement 2**



**Appendix B – Borehole logs for MW03 and
MW04**



Engineering Log - Borehole

client: **Landmark Group**

principal:

project: **Robey Street Mascot**

location: **Western side of Robey Street**

Hole ID. **MW03**

sheet: 1 of 1

project no. **SYDGE219267**

date started: 06 Jul 2018

date completed: **06 Jul 2018**

logged by: **PS**

checked by: **KW**

position: Not Specified

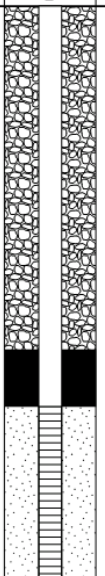

equipment type: Hanjin D&B

surface elevation: Not Specified

drilling fluid: Water

angle from horizontal: 90°

hole diameter : 200 mm

drilling information			well details		material substance							structure and additional observations	
method & support	penetration	water	samples & field tests	MW03	RL (m)	depth (m)	graphic log	classification symbol	material description SOIL TYPE: plasticity or particle characteristic, colour, secondary and minor components	moisture condition	consistency / relative density	structure and additional observations	
AD AS HA W	1 2 3	water				2.0 4.0 6.0 8.0 10.0			SILTY SAND: fine grained, grey to dark grey, with some gravel, sub-rounded to sub-angular, fine to medium grained. SAND: fine to medium grained, pale grey to grey.	M	L - MD	MARINE DEPOSITS	
											MD - D		
						10.0 12.0 14.0			Borehole MW03 terminated at 10.00 m			standpipe piezo. MW03 details: stickup: 0.74m 7.0-10.0m: screen	

method

AD auger drilling*

AS auger screwing*

HA hand auger

W washbore


support

M mud

C casing

N nil

penetration



no resistance ranging to refusal

10-Oct-12 water level on date shown

water inflow

water outflow

samples & field tests

B bulk disturbed sample

D disturbed sample

E environmental sample

SS split spoon sample

U## undisturbed sample ##mm diameter

HP hand penetrometer (kPa)

N standard penetration test (SPT)

N* SPT - sample recovered

No SPT with solid cone

VS vane shear: peak/remoulded (kPa)

R refusal

HB hammer bouncing

classification symbol & soil description

based on Unified Classification System

moisture

D dry

M moist

W wet

S saturated

Wp plastic limit

WI liquid limit

consistency / relative density

VS very soft

S soft

F firm

St stiff

VSt very stiff

H hard

Fb friable

VL very loose

L loose

MD medium dense

D dense

VD very dense

* bit shown by suffix

e.g. AD/T

B blank bit

T TO bit

V V-bit



Engineering Log - Borehole

client: **Landmark Group**

principal:

project: **Robey Street Mascot**

location: ***Eastern side of Robey Street***

Hole ID. **MW04**

sheet: 1 of 1

project no. **SYDGE219267**

date started: **06 Jul 2018**

date completed: **06 Jul 2018**

logged by: **PS**

checked by: **KW**

position: Not Specified

surface elevation: Not Specified

angle from horizontal: 90°

equipment type: Hanjin D&B

drilling fluid: Water

hole diameter : 200 mm

drilling information			well details		material substance			material description		moisture condition		consistency / relative density		structure and additional observations	
method & support	1 penetration	2 penetration	water	samples & field tests	MW04	RL (m)	depth (m)	graphic log	classification symbol	SOIL TYPE: plasticity or particle characteristic, colour, secondary and minor components	moisture condition	consistency / relative density			
<div><div>AD/T</div><div>CASING</div><div>1</div><div>2</div><div>3</div><div>water</div><div>060718 43 150018</div></div>										SILTY SAND: fine grained, dark grey, with some gravel, sub-rounded, fine to medium grained.	M	L - MD	MARINE DEPOSITS		
							2.0			SAND: fine to medium grained, pale brown.		MD - D			
							4.0			becoming pale grey to grey	W				
							6.0								
							8.0								
							10.0					D - VD			
							12.0			Borehole MW04 terminated at 10.50 m			standpipe piezo. MW04 details: stickup: 0.76m instrument depth: 10.5m		
							14.0								

method		support		samples & field tests		classification symbol & soil description		consistency / relative density	
AD	auger drilling*	M	mud	B	bulk disturbed sample	based on Unified Classification System		VS	very soft
AS	auger screwing*	C	casing	D	disturbed sample			S	soft
HA	hand auger			E	environmental sample			F	firm
W	washbore			SS	split spoon sample			St	stiff
				U##	undisturbed sample ##mm diameter			VSt	very stiff
				HP	hand penetrometer (kPa)			H	hard
				N	standard penetration test (SPT)			Fb	friable
				N*	SPT - sample recovered			VL	very loose
				No	SPT with solid cone			L	loose
				VS	vane shear; peak/remoulded (kPa)			MD	medium dense
				R	refusal			D	dense
				HB	hammer bouncing			VD	very dense

| * bit shown by suffix e.g. AD/T B TC bit V V bit | | penetration 10-Oct-12 water level on date shown water inflow water outflow | | | | | | | | | |

Appendix C - Groundwater Laboratory Test Results



mgt



Certificate of Analysis

Coffey Geotechnics Pty Ltd Chatswood
Level 18, Tower B, Citadel Tower 799 Pacific Highway
Chatswood
NSW 2067



NATA Accredited
Accreditation Number 1261
Site Number 18217

Accredited for compliance with ISO/IEC 17025 – Testing
The results of the tests, calibrations and/or
measurements included in this document are traceable
to Australian national standards.

Attention: Ross Best

Report 603179-W
Project name
Project ID SYDGE219267
Received Date Jun 15, 2018

Client Sample ID			MW3 Water S18-Jn16778 Jun 15, 2018	MW4 Water S18-Jn16779 Jun 15, 2018	DUPLICATE 001 Water S18-Jn16780 Jun 15, 2018
Sample Matrix					
Eurofins mgt Sample No.					
Date Sampled					
Test/Reference	LOR	Unit			
Volatile Organics					
1.1-Dichloroethane	0.001	mg/L	< 0.001	< 0.001	-
1.1-Dichloroethene	0.001	mg/L	< 0.001	< 0.001	-
1.1.1-Trichloroethane	0.001	mg/L	< 0.001	< 0.001	-
1.1.1.2-Tetrachloroethane	0.001	mg/L	< 0.001	< 0.001	-
1.1.2-Trichloroethane	0.001	mg/L	< 0.001	< 0.001	-
1.1.2.2-Tetrachloroethane	0.001	mg/L	< 0.001	< 0.001	-
1.2-Dibromoethane	0.001	mg/L	< 0.001	< 0.001	-
1.2-Dichlorobenzene	0.001	mg/L	< 0.001	< 0.001	-
1.2-Dichloroethane	0.001	mg/L	< 0.001	< 0.001	-
1.2-Dichloropropane	0.001	mg/L	< 0.001	< 0.001	-
1.2.3-Trichloropropane	0.001	mg/L	< 0.001	< 0.001	-
1.2.4-Trimethylbenzene	0.001	mg/L	< 0.001	< 0.001	-
1.3-Dichlorobenzene	0.001	mg/L	< 0.001	< 0.001	-
1.3-Dichloropropane	0.001	mg/L	< 0.001	< 0.001	-
1.3.5-Trimethylbenzene	0.001	mg/L	< 0.001	< 0.001	-
1.4-Dichlorobenzene	0.001	mg/L	< 0.001	< 0.001	-
2-Butanone (MEK)	0.001	mg/L	< 0.001	< 0.001	-
2-Propanone (Acetone)	0.001	mg/L	< 0.005	< 0.001	-
4-Chlorotoluene	0.001	mg/L	< 0.001	< 0.001	-
4-Methyl-2-pentanone (MIBK)	0.001	mg/L	< 0.001	< 0.001	-
Allyl chloride	0.001	mg/L	< 0.001	< 0.001	-
Benzene	0.001	mg/L	< 0.001	< 0.001	-
Bromobenzene	0.001	mg/L	< 0.001	< 0.001	-
Bromochloromethane	0.001	mg/L	< 0.001	< 0.001	-
Bromodichloromethane	0.001	mg/L	< 0.001	< 0.001	-
Bromoform	0.001	mg/L	< 0.001	< 0.001	-
Bromomethane	0.001	mg/L	< 0.001	< 0.001	-
Carbon disulfide	0.001	mg/L	< 0.001	< 0.001	-
Carbon Tetrachloride	0.001	mg/L	< 0.001	< 0.001	-
Chlorobenzene	0.001	mg/L	< 0.001	< 0.001	-
Chloroethane	0.001	mg/L	< 0.001	< 0.001	-
Chloroform	0.005	mg/L	< 0.005	< 0.005	-
Chloromethane	0.001	mg/L	< 0.001	< 0.001	-
cis-1.2-Dichloroethene	0.001	mg/L	< 0.001	< 0.001	-
cis-1.3-Dichloropropene	0.001	mg/L	< 0.001	< 0.001	-

Date Reported: Jun 22, 2018

Eurofins | mgt Unit F3, Building F, 16 Mars Road, Lane Cove West, NSW, Australia, 2066
ABN : 50 005 085 521 Telephone: +61 2 9900 8400Page 1 of 11
Report Number: 603179-W



Client Sample ID			MW3 Water	MW4 Water	DUPLICATE 001 Water
Sample Matrix			S18-Jn16778	S18-Jn16779	S18-Jn16780
Eurofins mgt Sample No.			Jun 15, 2018	Jun 15, 2018	Jun 15, 2018
Date Sampled					
Test/Reference	LOR	Unit			
Volatile Organics					
Dibromochloromethane	0.001	mg/L	< 0.001	< 0.001	-
Dibromomethane	0.001	mg/L	< 0.001	< 0.001	-
Dichlorodifluoromethane	0.001	mg/L	< 0.001	< 0.001	-
Ethylbenzene	0.001	mg/L	< 0.001	< 0.001	-
Iodomethane	0.001	mg/L	< 0.001	< 0.001	-
Isopropyl benzene (Cumene)	0.001	mg/L	< 0.001	< 0.001	-
m&p-Xylenes	0.002	mg/L	< 0.002	< 0.002	-
Methylene Chloride	0.001	mg/L	< 0.001	< 0.001	-
o-Xylene	0.001	mg/L	< 0.001	< 0.001	-
Styrene	0.001	mg/L	< 0.001	< 0.001	-
Tetrachloroethene	0.001	mg/L	< 0.001	< 0.001	-
Toluene	0.001	mg/L	< 0.001	< 0.001	-
trans-1,2-Dichloroethene	0.001	mg/L	< 0.001	< 0.001	-
trans-1,3-Dichloropropene	0.001	mg/L	< 0.001	< 0.001	-
Trichloroethene	0.001	mg/L	< 0.001	< 0.001	-
Trichlorofluoromethane	0.001	mg/L	< 0.001	< 0.001	-
Vinyl chloride	0.001	mg/L	< 0.001	< 0.001	-
Xylenes - Total	0.003	mg/L	< 0.003	< 0.003	-
Total MAH*	0.003	mg/L	< 0.003	< 0.003	-
Vic EPA IWRG 621 CHC (Total)*	0.005	mg/L	< 0.005	< 0.005	-
Vic EPA IWRG 621 Other CHC (Total)*	0.005	mg/L	< 0.005	< 0.005	-
4-Bromofluorobenzene (surr.)	1	%	117	110	-
Toluene-d8 (surr.)	1	%	115	105	-
Ammonia (as N)	0.01	mg/L	0.23	0.22	-
Chloride	1	mg/L	38	61	-
Nitrate (as N)	0.02	mg/L	0.75	< 0.02	-
Sulphate (as S)	5	mg/L	< 5	7.8	-
Alkalinity (speciated)					
Bicarbonate Alkalinity (as CaCO3)	20	mg/L	43	24	-
Carbonate Alkalinity (as CaCO3)	10	mg/L	< 10	< 10	-
Heavy Metals					
Arsenic	0.001	mg/L	0.002	0.002	0.002
Cadmium	0.0002	mg/L	< 0.0002	< 0.0002	< 0.0002
Chromium	0.001	mg/L	< 0.001	< 0.001	0.002
Copper	0.001	mg/L	< 0.001	< 0.001	< 0.001
Iron	0.05	mg/L	0.86	0.55	0.85
Lead	0.001	mg/L	0.002	0.005	0.003
Manganese	0.005	mg/L	0.021	0.012	0.013
Mercury	0.0001	mg/L	< 0.0001	< 0.0001	< 0.0001
Nickel	0.001	mg/L	< 0.001	< 0.001	< 0.001
Zinc	0.005	mg/L	< 0.005	0.007	< 0.005
Alkali Metals					
Calcium	0.5	mg/L	3.3	12	-
Magnesium	0.5	mg/L	5.7	4.5	-
Potassium	0.5	mg/L	4.9	4.9	-
Sodium	0.5	mg/L	24	32	-



Sample History

Where samples are submitted/analysed over several days, the last date of extraction and analysis is reported. A recent review of our LIMS has resulted in the correction or clarification of some method identifications. Due to this, some of the method reference information on reports has changed. However, no substantive change has been made to our laboratory methods, and as such there is no change in the validity of current or previous results (regarding both quality and NATA accreditation).

If the date and time of sampling are not provided, the Laboratory will not be responsible for compromised results should testing be performed outside the recommended holding time.

Description	Testing Site	Extracted	Holding Time
Volatile Organics	Melbourne	Jun 18, 2018	7 Days
- Method: LTM-ORG-2150 VOCs in Soils Liquid and other Aqueous Matrices			
Metals M8	Melbourne	Jun 20, 2018	28 Days
- Method: LTM-MET-3040 Metals in Waters, Soils & Sediments by ICP-MS			
Heavy Metals	Melbourne	Jun 20, 2018	180 Day
- Method: LTM-MET-3040 Metals in Waters, Soils & Sediments by ICP-MS			
Major Cations			
Ammonia (as N)	Melbourne	Jun 18, 2018	28 Day
- Method: APHA 4500-NH3 Ammonia Nitrogen by FIA			
Alkali Metals	Melbourne	Jun 18, 2018	180 Day
- Method: USEPA 6010 Alkali Metals			
Major Anions			
Chloride	Melbourne	Jun 18, 2018	28 Day
- Method: LTM-INO-4090 Chloride by Discrete Analyser			
Nitrate (as N)	Melbourne	Jun 18, 2018	28 Day
- Method: APHA 4500-NO3 Nitrate Nitrogen by FIA			
Sulphate (as S)	Melbourne	Jun 18, 2018	28 Day
- Method: LTM-INO-4110 Sulfate by Discrete Analyser			
Alkalinity (speciated)	Melbourne	Jun 18, 2018	14 Day
- Method: APHA 2320 Alkalinity by Titration			



mgt

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Kewdale WA 6105
Phone : +61 8 9251 9600
NATA # 1261
Site # 23736

Company Name:	Coffey Geotechnics Pty Ltd Chatswood	Order No.:		Received:	Jun 15, 2018 3:41 PM
Address:	Level 18, Tower B, Citadel Tower 799 Pacific Highway Chatswood NSW 2067	Report #:	603179	Due:	Jun 22, 2018
		Phone:	+61 2 9406 1000	Priority:	5 Day
		Fax:	+61 2 9406 1002	Contact Name:	Ross Best
Project Name:					
Project ID:	SYDGE219267				
Eurofins mgt Analytical Services Manager : Nibha Vaidya					

Sample Detail						Iron	Manganese	Metals M8	Major Anions	Major Cations	Volatile Organics
Melbourne Laboratory - NATA Site # 1254 & 14271						X	X	X	X	X	X
Sydney Laboratory - NATA Site # 18217											
Brisbane Laboratory - NATA Site # 20794											
Perth Laboratory - NATA Site # 23736											
External Laboratory											
No	Sample ID	Sample Date	Sampling Time	Matrix	LAB ID						
1	MW3	Jun 15, 2018		Water	S18-Jn16778	X	X	X	X	X	X
2	MW4	Jun 15, 2018		Water	S18-Jn16779	X	X	X	X	X	X
3	DUPLICATE 001	Jun 15, 2018		Water	S18-Jn16780	X	X	X			
Test Counts						3	3	3	2	2	2



Internal Quality Control Review and Glossary

General

1. Laboratory QC results for Method Blanks, Duplicates, Matrix Spikes, and Laboratory Control Samples are included in this QC report where applicable. Additional QC data may be available on request.
2. All soil results are reported on a dry basis, unless otherwise stated.
3. All biota/food results are reported on a wet weight basis on the edible portion, unless otherwise stated.
4. Actual LORs are matrix dependant. Quoted LORs may be raised where sample extracts are diluted due to interferences.
5. Results are uncorrected for matrix spikes or surrogate recoveries except for PFAS compounds.
6. SVOC analysis on waters are performed on homogenised, unfiltered samples, unless noted otherwise.
7. Samples were analysed on an 'as received' basis.
8. This report replaces any interim results previously issued.

Holding Times

Please refer to 'Sample Preservation and Container Guide' for holding times (QS3001).

For samples received on the last day of holding time, notification of testing requirements should have been received at least 6 hours prior to sample receipt deadlines as stated on the SRA. If the Laboratory did not receive the information in the required timeframe, and regardless of any other integrity issues, suitably qualified results may still be reported.

Holding times apply from the date of sampling, therefore compliance to these may be outside the laboratory's control.

For VOCs containing vinyl chloride, styrene and 2-chloroethyl vinyl ether the holding time is 7 days however for all other VOCs such as BTEX or C6-10 TRH then the holding time is 14 days.

*NOTE: pH duplicates are reported as a range NOT as RPD

Units

mg/kg: milligrams per kilogram

mg/L: milligrams per litre

ug/L: micrograms per litre

ppm: Parts per million

ppb: Parts per billion

%: Percentage

org/100mL: Organisms per 100 millilitres

NTU: Nephelometric Turbidity Units

MPN/100mL: Most Probable Number of organisms per 100 millilitres

Terms

Dry	Where a moisture has been determined on a solid sample the result is expressed on a dry basis.
LOR	Limit of Reporting.
SPIKE	Addition of the analyte to the sample and reported as percentage recovery.
RPD	Relative Percent Difference between two Duplicate pieces of analysis.
LCS	Laboratory Control Sample - reported as percent recovery.
CRM	Certified Reference Material - reported as percent recovery.
Method Blank	In the case of solid samples these are performed on laboratory certified clean sands and in the case of water samples these are performed on de-ionised water.
Surr - Surrogate	The addition of a like compound to the analyte target and reported as percentage recovery.
Duplicate	A second piece of analysis from the same sample and reported in the same units as the result to show comparison.
USEPA	United States Environmental Protection Agency
APHA	American Public Health Association
TCPL	Toxicity Characteristic Leaching Procedure
COC	Chain of Custody
SRA	Sample Receipt Advice
QSM	Quality Systems Manual ver 5.1 US Department of Defense
CP	Client Parent - QC was performed on samples pertaining to this report
NCP	Non-Client Parent - QC performed on samples not pertaining to this report. QC is representative of the sequence or batch that client samples were analysed within.
TEQ	Toxic Equivalency Quotient

QC - Acceptance Criteria

RPD Duplicates: Global RPD Duplicates Acceptance Criteria is 30% however the following acceptance guidelines are equally applicable:

Results <10 times the LOR : No Limit

Results between 10-20 times the LOR : RPD must lie between 0-50%

Results >20 times the LOR : RPD must lie between 0-30%

Surrogate Recoveries: Recoveries must lie between 50-150%-Phenols & PFASs

PFAS field samples that contain surrogate recoveries in excess of the QC limit designated in QSM 5.1 where no positive PFAS results have been reported have been reviewed and no data was affected.

QC Data General Comments

1. Where a result is reported as a less than (<), higher than the nominated LOR, this is due to either matrix interference, extract dilution required due to interferences or contaminant levels within the sample, high moisture content or insufficient sample provided.
2. Duplicate data shown within this report that states the word "BATCH" is a Batch Duplicate from outside of your sample batch, but within the laboratory sample batch at a 1:10 ratio. The Parent and Duplicate data shown is not data from your samples.
3. Organochlorine Pesticide analysis - where reporting LCS data, Toxaphene & Chlordane are not added to the LCS.
4. Organochlorine Pesticide analysis - where reporting Spike data, Toxaphene is not added to the Spike.
5. Total Recoverable Hydrocarbons - where reporting Spike & LCS data, a single spike of commercial Hydrocarbon products in the range of C12-C30 is added and it's Total Recovery is reported in the C10-C14 cell of the Report.
6. pH and Free Chlorine analysed in the laboratory - Analysis on this test must begin within 30 minutes of sampling. Therefore laboratory analysis is unlikely to be completed within holding time. Analysis will begin as soon as possible after sample receipt.
7. Recovery Data (Spikes & Surrogates) - where chromatographic interference does not allow the determination of Recovery the term "INT" appears against that analyte.
8. Polychlorinated Biphenyls are spiked only using Aroclor 1260 in Matrix Spikes and LCS.
9. For Matrix Spikes and LCS results a dash "-" in the report means that the specific analyte was not added to the QC sample.
10. Duplicate RPDs are calculated from raw analytical data thus it is possible to have two sets of data.



Quality Control Results

Test	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Method Blank							
Volatile Organics							
1.1-Dichloroethane	mg/L	< 0.001			0.001	Pass	
1.1-Dichloroethene	mg/L	< 0.001			0.001	Pass	
1.1.1-Trichloroethane	mg/L	< 0.001			0.001	Pass	
1.1.1.2-Tetrachloroethane	mg/L	< 0.001			0.001	Pass	
1.1.2-Trichloroethane	mg/L	< 0.001			0.001	Pass	
1.1.2.2-Tetrachloroethane	mg/L	< 0.001			0.001	Pass	
1.2-Dibromoethane	mg/L	< 0.001			0.001	Pass	
1.2-Dichlorobenzene	mg/L	< 0.001			0.001	Pass	
1.2-Dichloroethane	mg/L	< 0.001			0.001	Pass	
1.2-Dichloropropane	mg/L	< 0.001			0.001	Pass	
1.2.3-Trichloropropane	mg/L	< 0.001			0.001	Pass	
1.2.4-Trimethylbenzene	mg/L	< 0.001			0.001	Pass	
1.3-Dichlorobenzene	mg/L	< 0.001			0.001	Pass	
1.3-Dichloropropane	mg/L	< 0.001			0.001	Pass	
1.3.5-Trimethylbenzene	mg/L	< 0.001			0.001	Pass	
1.4-Dichlorobenzene	mg/L	< 0.001			0.001	Pass	
2-Butanone (MEK)	mg/L	< 0.001			0.001	Pass	
2-Propanone (Acetone)	mg/L	< 0.001			0.001	Pass	
4-Chlorotoluene	mg/L	< 0.001			0.001	Pass	
4-Methyl-2-pentanone (MIBK)	mg/L	< 0.001			0.001	Pass	
Allyl chloride	mg/L	< 0.001			0.001	Pass	
Benzene	mg/L	< 0.001			0.001	Pass	
Bromobenzene	mg/L	< 0.001			0.001	Pass	
Bromochloromethane	mg/L	< 0.001			0.001	Pass	
Bromodichloromethane	mg/L	< 0.001			0.001	Pass	
Bromoform	mg/L	< 0.001			0.001	Pass	
Bromomethane	mg/L	< 0.001			0.001	Pass	
Carbon disulfide	mg/L	< 0.001			0.001	Pass	
Carbon Tetrachloride	mg/L	< 0.001			0.001	Pass	
Chlorobenzene	mg/L	< 0.001			0.001	Pass	
Chloroethane	mg/L	< 0.001			0.001	Pass	
Chloroform	mg/L	< 0.005			0.005	Pass	
Chloromethane	mg/L	< 0.001			0.001	Pass	
cis-1.2-Dichloroethene	mg/L	< 0.001			0.001	Pass	
cis-1.3-Dichloropropene	mg/L	< 0.001			0.001	Pass	
Dibromochloromethane	mg/L	< 0.001			0.001	Pass	
Dibromomethane	mg/L	< 0.001			0.001	Pass	
Dichlorodifluoromethane	mg/L	< 0.001			0.001	Pass	
Ethylbenzene	mg/L	< 0.001			0.001	Pass	
Iodomethane	mg/L	< 0.001			0.001	Pass	
Isopropyl benzene (Cumene)	mg/L	< 0.001			0.001	Pass	
m&p-Xylenes	mg/L	< 0.002			0.002	Pass	
Methylene Chloride	mg/L	< 0.001			0.001	Pass	
o-Xylene	mg/L	< 0.001			0.001	Pass	
Styrene	mg/L	< 0.001			0.001	Pass	
Tetrachloroethene	mg/L	< 0.001			0.001	Pass	
Toluene	mg/L	< 0.001			0.001	Pass	
trans-1.2-Dichloroethene	mg/L	< 0.001			0.001	Pass	
trans-1.3-Dichloropropene	mg/L	< 0.001			0.001	Pass	
Trichloroethene	mg/L	< 0.001			0.001	Pass	



Test	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Trichlorofluoromethane	mg/L	< 0.001			0.001	Pass	
Vinyl chloride	mg/L	< 0.001			0.001	Pass	
Xylenes - Total	mg/L	< 0.003			0.003	Pass	
Method Blank							
Ammonia (as N)	mg/L	< 0.01			0.01	Pass	
Chloride	mg/L	< 1			1	Pass	
Nitrate (as N)	mg/L	< 0.02			0.02	Pass	
Sulphate (as S)	mg/L	< 5			5	Pass	
Method Blank							
Alkalinity (speciated)							
Bicarbonate Alkalinity (as CaCO ₃)	mg/L	< 20			20	Pass	
Carbonate Alkalinity (as CaCO ₃)	mg/L	< 10			10	Pass	
Method Blank							
Heavy Metals							
Arsenic	mg/L	< 0.001			0.001	Pass	
Cadmium	mg/L	< 0.0002			0.0002	Pass	
Chromium	mg/L	< 0.001			0.001	Pass	
Copper	mg/L	< 0.001			0.001	Pass	
Iron	mg/L	< 0.05			0.05	Pass	
Lead	mg/L	< 0.001			0.001	Pass	
Manganese	mg/L	< 0.005			0.005	Pass	
Mercury	mg/L	< 0.0001			0.0001	Pass	
Nickel	mg/L	< 0.001			0.001	Pass	
Zinc	mg/L	< 0.005			0.005	Pass	
Method Blank							
Alkali Metals							
Calcium	mg/L	< 0.5			0.5	Pass	
Magnesium	mg/L	< 0.5			0.5	Pass	
Potassium	mg/L	< 0.5			0.5	Pass	
Sodium	mg/L	< 0.5			0.5	Pass	
LCS - % Recovery							
Volatile Organics							
1,1-Dichloroethene	%	99			70-130	Pass	
1,1,1-Trichloroethane	%	106			70-130	Pass	
1,2-Dichlorobenzene	%	106			70-130	Pass	
1,2-Dichloroethane	%	120			70-130	Pass	
Benzene	%	113			70-130	Pass	
Ethylbenzene	%	107			70-130	Pass	
m&p-Xylenes	%	106			70-130	Pass	
Toluene	%	107			70-130	Pass	
Trichloroethene	%	102			70-130	Pass	
Xylenes - Total	%	105			70-130	Pass	
LCS - % Recovery							
Ammonia (as N)	%	94			70-130	Pass	
Chloride	%	118			70-130	Pass	
Nitrate (as N)	%	96			70-130	Pass	
Sulphate (as S)	%	106			70-130	Pass	
LCS - % Recovery							
Alkalinity (speciated)							
Carbonate Alkalinity (as CaCO ₃)	%	88			70-130	Pass	
LCS - % Recovery							
Heavy Metals							
Arsenic	%	90			80-120	Pass	
Cadmium	%	91			80-120	Pass	



Test				Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Chromium				%	86			80-120	Pass	
Copper				%	87			80-120	Pass	
Iron				%	91			80-120	Pass	
Lead				%	93			80-120	Pass	
Manganese				%	92			80-120	Pass	
Mercury				%	86			75-125	Pass	
Nickel				%	88			80-120	Pass	
Zinc				%	90			80-120	Pass	
LCS - % Recovery										
Alkali Metals										
Calcium				%	109			70-130	Pass	
Magnesium				%	111			70-130	Pass	
Potassium				%	100			70-130	Pass	
Sodium				%	117			70-130	Pass	
Test	Lab Sample ID	QA Source		Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Spike - % Recovery										
Volatile Organics					Result 1					
1.1-Dichloroethene	M18-Jn16250	NCP	%	89				70-130	Pass	
1.1.1-Trichloroethane	M18-Jn16250	NCP	%	103				70-130	Pass	
1.2-Dichlorobenzene	M18-Jn16250	NCP	%	102				70-130	Pass	
1.2-Dichloroethane	M18-Jn16250	NCP	%	108				70-130	Pass	
Benzene	M18-Jn16250	NCP	%	106				70-130	Pass	
Ethylbenzene	M18-Jn16250	NCP	%	110				70-130	Pass	
m&p-Xylenes	M18-Jn16250	NCP	%	110				70-130	Pass	
o-Xylene	M18-Jn16250	NCP	%	112				70-130	Pass	
Toluene	M18-Jn16250	NCP	%	102				70-130	Pass	
Trichloroethene	M18-Jn16250	NCP	%	101				70-130	Pass	
Xylenes - Total	M18-Jn16250	NCP	%	111				70-130	Pass	
Spike - % Recovery										
					Result 1					
Ammonia (as N)	B18-Jn16890	NCP	%	100				70-130	Pass	
Chloride	M18-Jn17024	NCP	%	84				70-130	Pass	
Nitrate (as N)	B18-Jn16890	NCP	%	102				70-130	Pass	
Sulphate (as S)	M18-Jn15043	NCP	%	69				70-130	Fail	Q08
Spike - % Recovery										
Alkalinity (speciated)					Result 1					
Carbonate Alkalinity (as CaCO ₃)	M18-Jn17322	NCP	%	69				70-130	Fail	Q08
Spike - % Recovery										
Heavy Metals					Result 1					
Arsenic	S18-Jn16626	NCP	%	80				75-125	Pass	
Cadmium	M18-Jn17410	NCP	%	92				75-125	Pass	
Chromium	S18-Jn16626	NCP	%	72				75-125	Fail	Q08
Copper	S18-Jn16626	NCP	%	70				75-125	Fail	Q08
Iron	M18-Jn17410	NCP	%	93				75-125	Pass	
Lead	S18-Jn16626	NCP	%	74				75-125	Fail	Q08
Manganese	M18-Jn17410	NCP	%	93				75-125	Pass	
Mercury	S18-Jn16626	NCP	%	70				70-130	Pass	
Nickel	S18-Jn16626	NCP	%	76				75-125	Pass	
Zinc	S18-Jn16626	NCP	%	76				75-125	Pass	
Spike - % Recovery										
Alkali Metals					Result 1					
Sodium	S18-Jn16778	CP	%	101				70-130	Pass	



Test	Lab Sample ID	QA Source	Units	Result 1	Result 2	RPD	Acceptance Limits	Pass Limits	Qualifying Code
Duplicate									
Volatile Organics				Result 1	Result 2	RPD			
1.1-Dichloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.1-Dichloroethene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.1.1-Trichloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.1.1.2-Tetrachloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.1.2-Trichloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.1.2.2-Tetrachloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.2-Dibromoethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.2-Dichlorobenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.2-Dichloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.2-Dichloropropane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.2.3-Trimethylpropane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.2.4-Trimethylbenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.3-Dichlorobenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.3-Dichloropropane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.3.5-Trimethylbenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
1.4-Dichlorobenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
2-Butanone (MEK)	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
2-Propanone (Acetone)	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
4-Chlorotoluene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
4-Methyl-2-pentanone (MIBK)	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Allyl chloride	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Benzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Bromobenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Bromochloromethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Bromodichloromethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Bromoform	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Bromomethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Carbon disulfide	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Carbon Tetrachloride	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Chlorobenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Chloroethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Chloroform	M18-Jn16249	NCP	mg/L	< 0.005	< 0.005	<1	30%	Pass	
Chloromethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
cis-1.2-Dichloroethene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
cis-1.3-Dichloropropene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
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Dibromomethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Dichlorodifluoromethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Ethylbenzene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Iodomethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Isopropyl benzene (Cumene)	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
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Methylene Chloride	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
o-Xylene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Styrene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Tetrachloroethene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Toluene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
trans-1.2-Dichloroethene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
trans-1.3-Dichloropropene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Trichloroethene	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Trichlorofluoromethane	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Vinyl chloride	M18-Jn16249	NCP	mg/L	< 0.001	< 0.001	<1	30%	Pass	
Xylenes - Total	M18-Jn16249	NCP	mg/L	< 0.003	< 0.003	<1	30%	Pass	



Duplicate				Result 1	Result 2	RPD		
Ammonia (as N)	B18-Jn16890	NCP	mg/L	0.14	0.14	<1	30%	Pass
Chloride	B18-Jn16649	NCP	mg/L	2.5	3.4	30	30%	Pass
Nitrate (as N)	B18-Jn16890	NCP	mg/L	0.08	0.07	3.0	30%	Pass
Sulphate (as S)	B18-Jn16649	NCP	mg/L	< 5	< 5	<1	30%	Pass
Duplicate				Result 1	Result 2	RPD		
Alkalinity (speciated)				Result 1	Result 2	RPD		
Bicarbonate Alkalinity (as CaCO ₃)	S18-Jn16778	CP	mg/L	43	38	12	30%	Pass
Carbonate Alkalinity (as CaCO ₃)	S18-Jn16778	CP	mg/L	< 10	< 10	<1	30%	Pass
Duplicate				Result 1	Result 2	RPD		
Heavy Metals				Result 1	Result 2	RPD		
Arsenic	S18-Jn16626	NCP	mg/L	0.004	0.004	<1	30%	Pass
Cadmium	S18-Jn16626	NCP	mg/L	0.0021	0.0020	1.0	30%	Pass
Chromium	S18-Jn16626	NCP	mg/L	0.005	0.007	21	30%	Pass
Copper	S18-Jn16626	NCP	mg/L	0.031	0.036	14	30%	Pass
Iron	S18-Jn16626	NCP	mg/L	37	45	20	30%	Pass
Lead	S18-Jn16626	NCP	mg/L	0.019	0.021	10	30%	Pass
Manganese	M18-Jn16537	NCP	mg/L	0.067	0.074	10	30%	Pass
Mercury	S18-Jn16626	NCP	mg/L	< 0.0001	0.0001	22	30%	Pass
Nickel	S18-Jn16626	NCP	mg/L	0.12	0.13	4.0	30%	Pass
Zinc	S18-Jn16626	NCP	mg/L	0.11	0.12	4.0	30%	Pass
Duplicate				Result 1	Result 2	RPD		
Alkali Metals				Result 1	Result 2	RPD		
Calcium	S18-Jn16778	CP	mg/L	3.3	3.3	2.0	30%	Pass
Magnesium	S18-Jn16778	CP	mg/L	5.7	5.6	1.0	30%	Pass
Potassium	S18-Jn16778	CP	mg/L	4.9	4.9	1.0	30%	Pass
Sodium	S18-Jn16778	CP	mg/L	24	24	3.0	30%	Pass

**Comments****Sample Integrity**

Custody Seals Intact (if used)	N/A
Attempt to Chill was evident	Yes
Sample correctly preserved	Yes
Appropriate sample containers have been used	Yes
Sample containers for volatile analysis received with minimal headspace	No
Samples received within HoldingTime	Yes
Some samples have been subcontracted	No

Qualifier Codes/Comments

Code	Description
Q08	The matrix spike recovery is outside of the recommended acceptance criteria. An acceptable recovery was obtained for the laboratory control sample indicating a sample matrix interference

Authorised By

Nibha Vaidya	Analytical Services Manager
Alex Petridis	Senior Analyst-Metal (VIC)
Harry Bacalis	Senior Analyst-Volatile (VIC)
Michael Brancati	Senior Analyst-Inorganic (VIC)

Glenn Jackson**National Operations Manager**

Final report - this Report replaces any previously issued Report

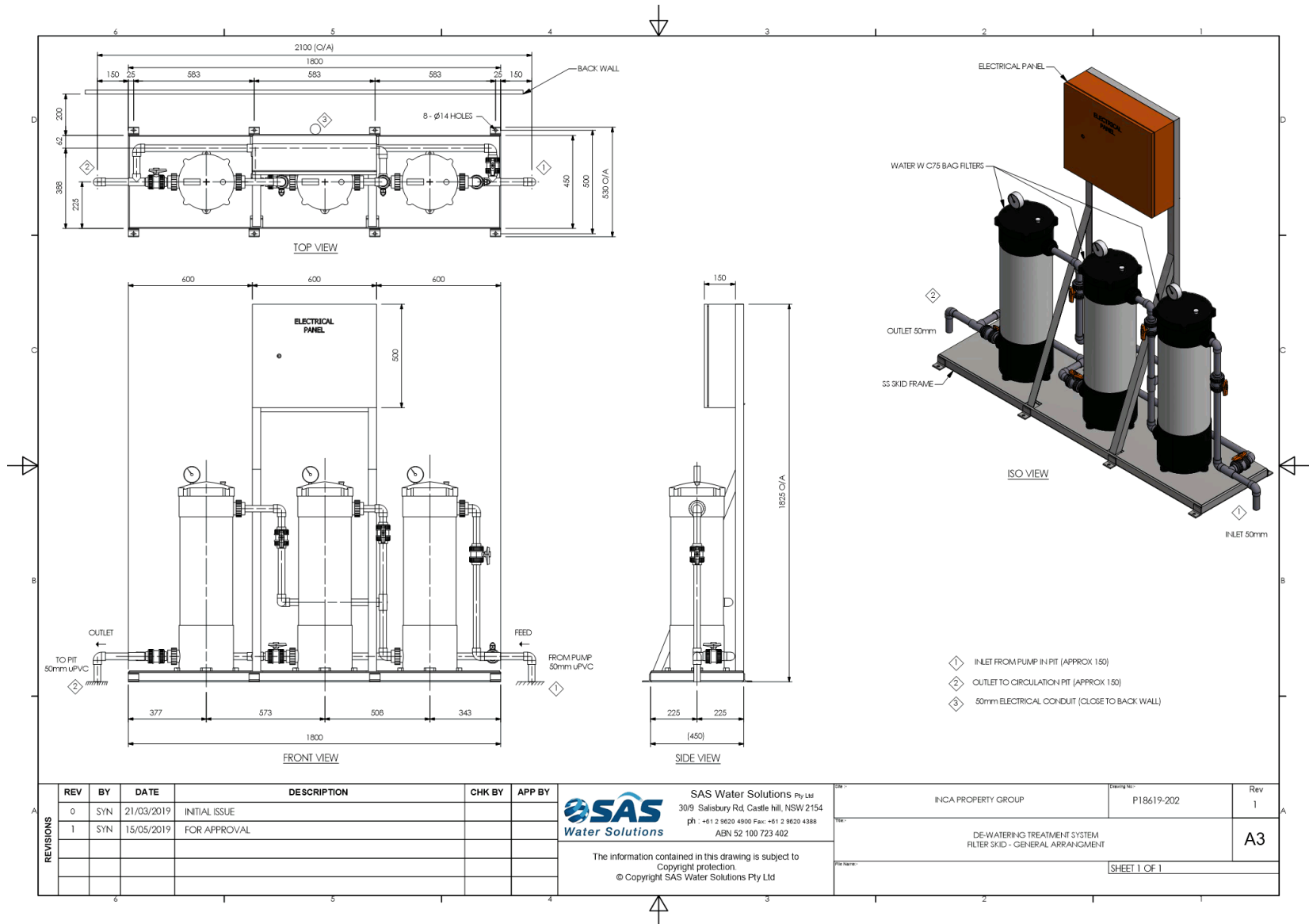
- Indicates Not Requested

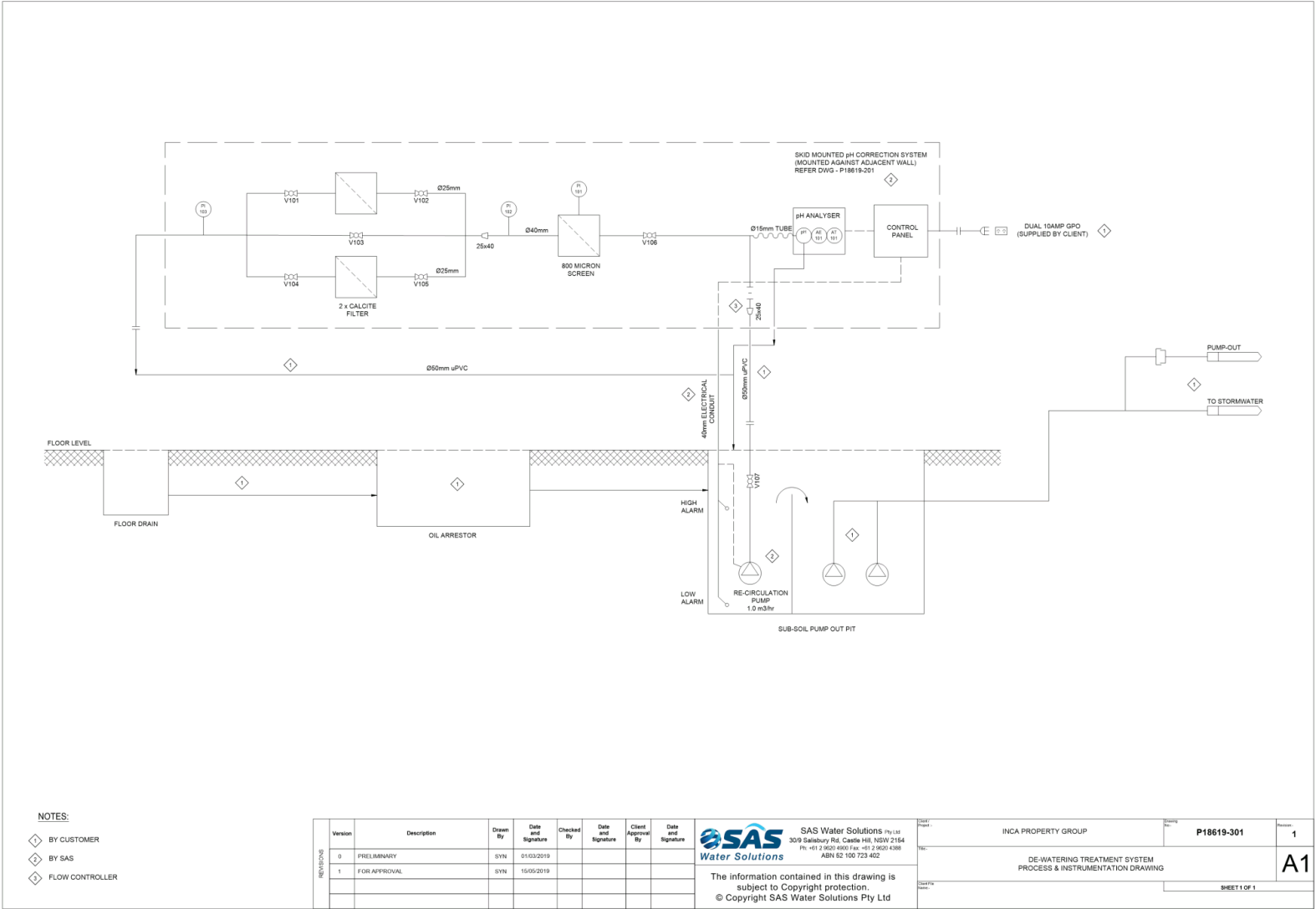
* Indicates NATA accreditation does not cover the performance of this service

Measurement uncertainty of test data is available on request or please [click here](#).

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**Appendix D – Water treatment and stormwater
drainage design**





Calcite is a crushed and screened white marble media which can inexpensively be used to neutralize acidic or low pH waters to a neutral, less corrosive effluent.

Calcite

Calcite is a naturally occurring calcium carbonate media. One of the advantages of Calcite is its self-limiting property. When properly applied, it corrects pH only enough to reach a non-corrosive equilibrium. It does not overcorrect under normal conditions. Upon contact with Calcite, acidic waters slowly dissolve the calcium carbonate to raise the pH which reduces the potential leaching of copper, lead and other metals found in typical plumbing systems. Periodic backwashing will prevent packing, reclassify the bed and maintain high service rates. Depending on pH, water chemistry and

service flow, the Calcite bed will have to be periodically replenished as the Calcite is depleted.

As the Calcite's calcium carbonate neutralizes the water, it will increase hardness and a softener may become necessary after the neutralizing filter.

Calcite can be effectively combined with Clack Corosex to combine the high flow neutralization properties of Corosex, along with the slower reacting low flow properties of Calcite, increasing the ability to correct low pH.



ADVANTAGES

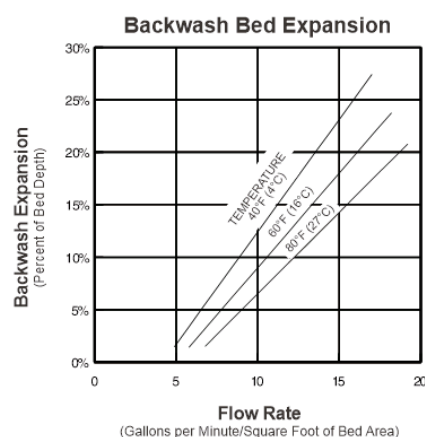
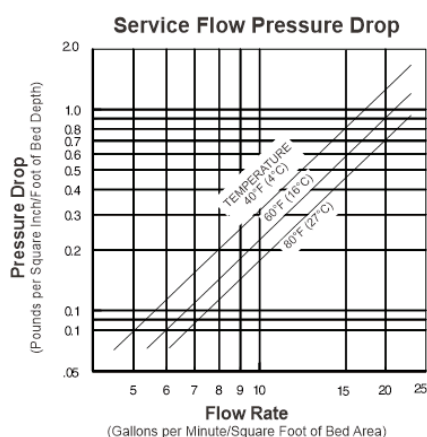
- Naturally occurring material
- Low uniformity coefficient for maximum contact for controlled pH correction
- Slower reacting for controlled pH correction
- Inexpensive

PHYSICAL PROPERTIES

- Color: Near white
- Bulk Density: 90 lbs./cu. ft.
- Mesh Size: 16 x 40
- Specific Gravity: 2.7
- Effective Size: 0.4 mm
- Uniformity Coefficient: 1.5
- Hardness: 3.0 (Mohs scale)
- Composition: CaCO_3 , 95% min.
 MgCO_3 , 3.0% max.

CONDITIONS FOR OPERATION

- A gravel support bed is recommended
- Water pH range: 5.0-7.0
- Bed depth: 24-30 in.
- Freeboard: 50% of bed depth (min.)
- Backwash rate: 8-12 gpm/sq. ft.
- Backwash Bed Expansion: 12% minimum
- Service flow rate: 3-6 gpm/sq. ft. but may be modified to adapt to local conditions



Certified to NSF/ANSI Standard 60

Calcium Carbonate XO White
is manufactured by Imerys Marble Inc.
Maximum usage is 650 mg/L.

ORDER INFORMATION

Part No.	Description	Cu. Ft./Bag	Wt./Cu. Ft.*	Bags/Pallet	Weight/Pallet	Pallet Dimensions
A8021-01	Calcite	.55 (50 lbs.)	90 lbs.	49	2486 lbs.	48" x 40" x 32"

*Weight per cubic foot is approximate.

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The information and recommendations given in this publication should not be understood as recommending the use of our products in violation of any patent or as a license to use any patents of the Clack Corporation.

The filter medias listed in this brochure do not remove or kill bacteria. Do not use with water that is microbiologically unsafe or of unknown quality without adequate disinfection before or after the system.

Clack will not be liable under any circumstance for consequential or incidental damages, including but not limited to, lost profits resulting from the use of our products.



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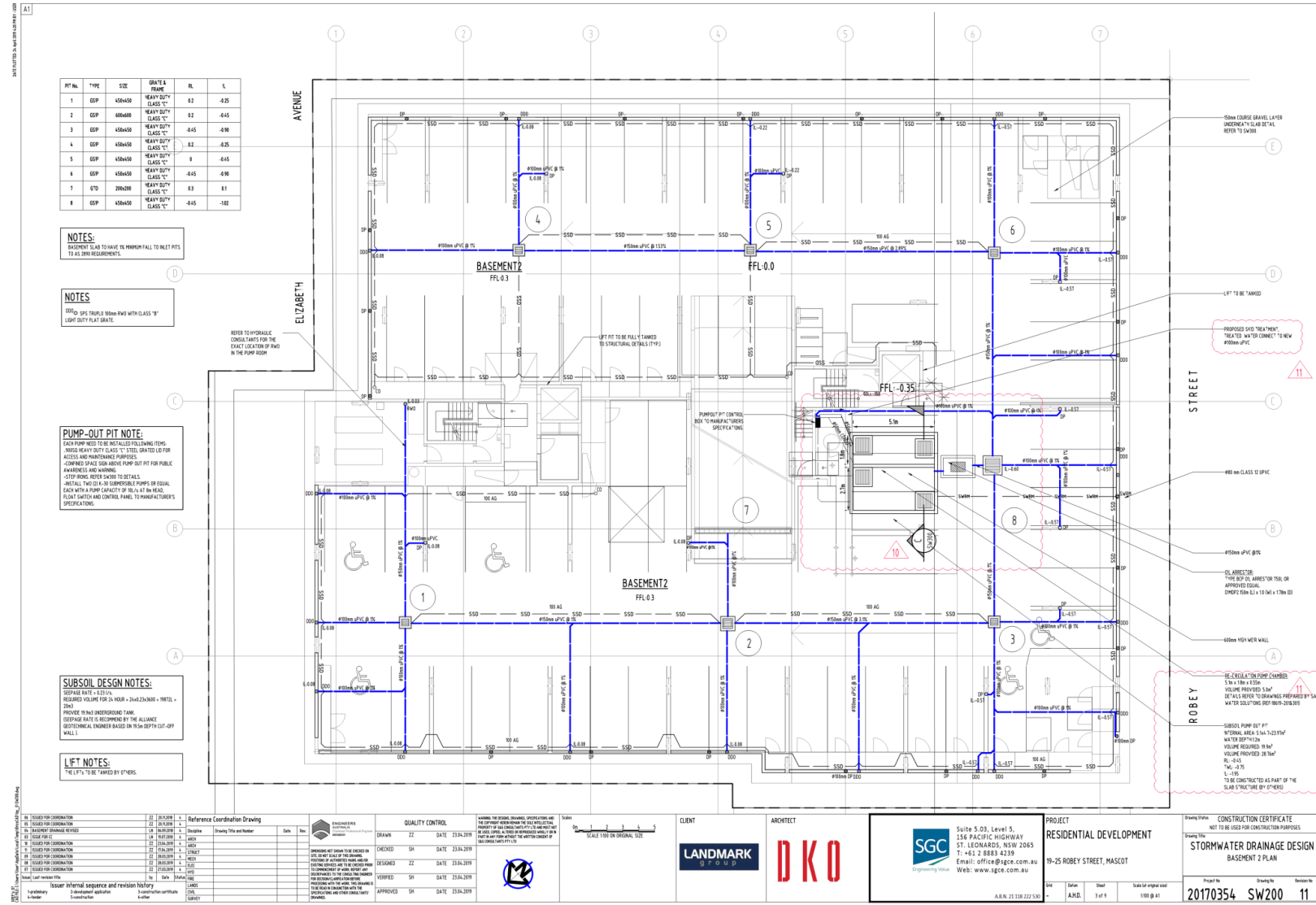
Clack Corporation

4462 DURAFORM LANE • WINDSOR, WISCONSIN 53598-9716 USA
PHONE (608) 846-3010 FAX (608) 846-2586 SALES/CUSTOMER SERVICE FAX (800) 755-3010

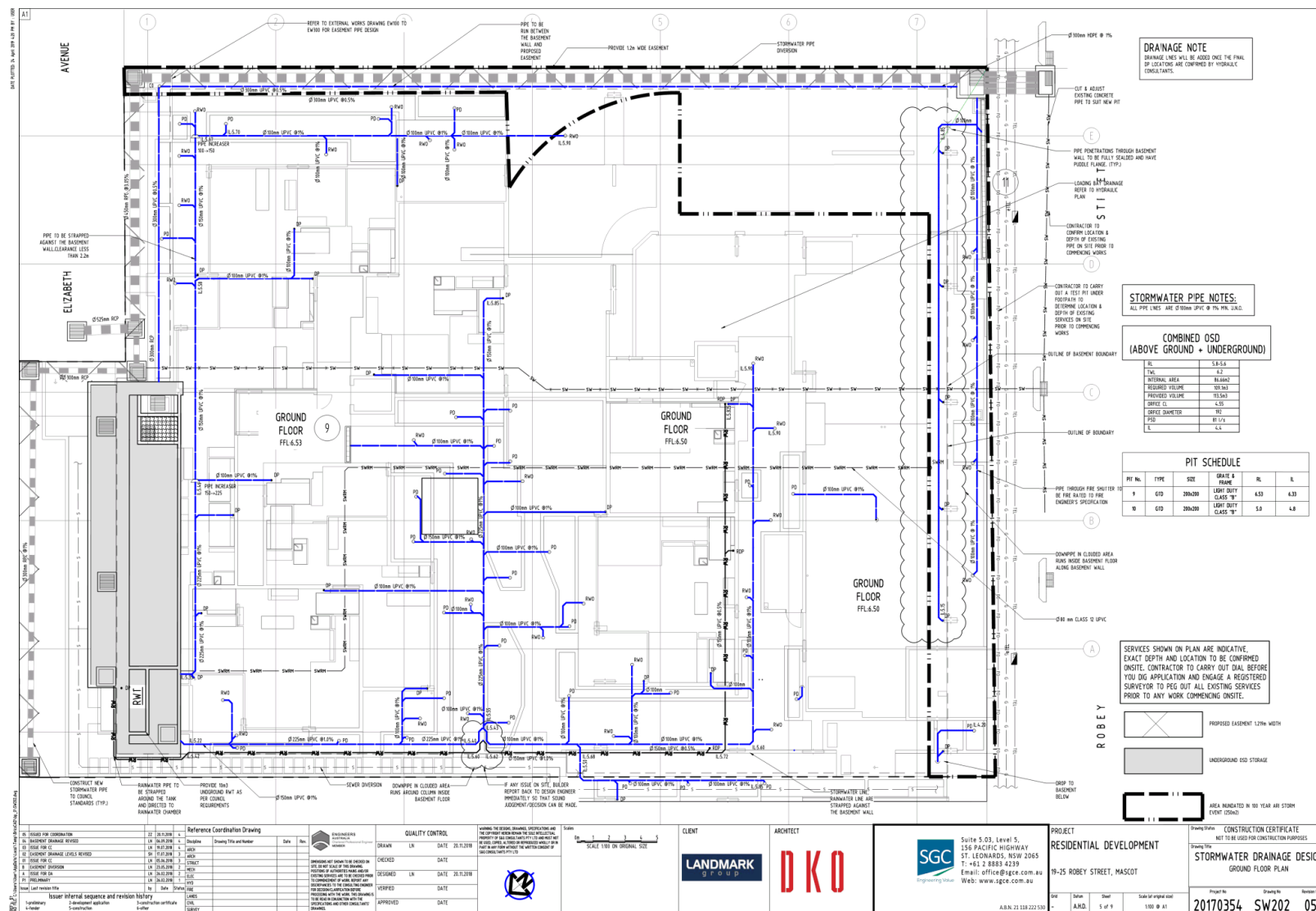
Form No. 2386 • 6/26/2017



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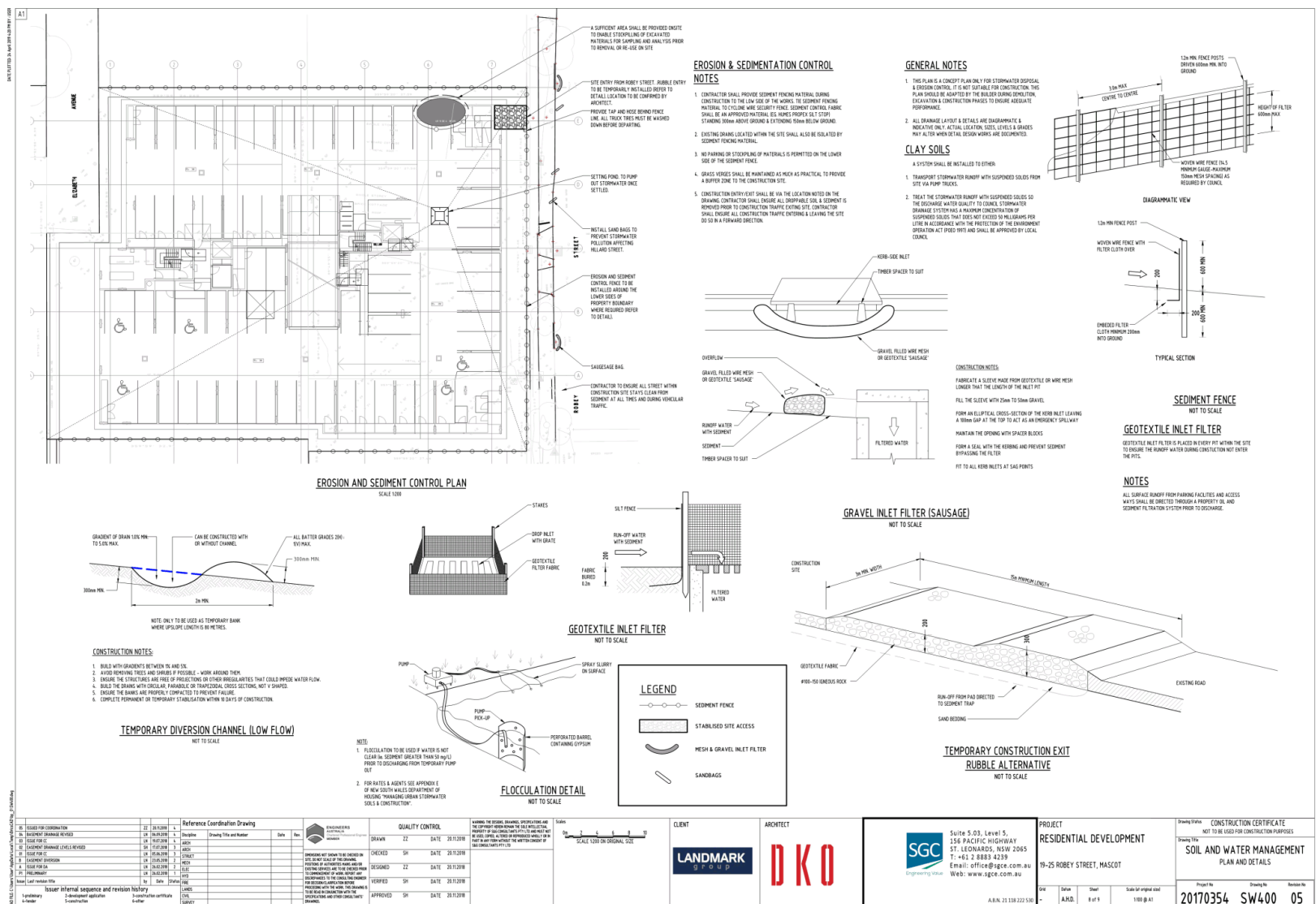


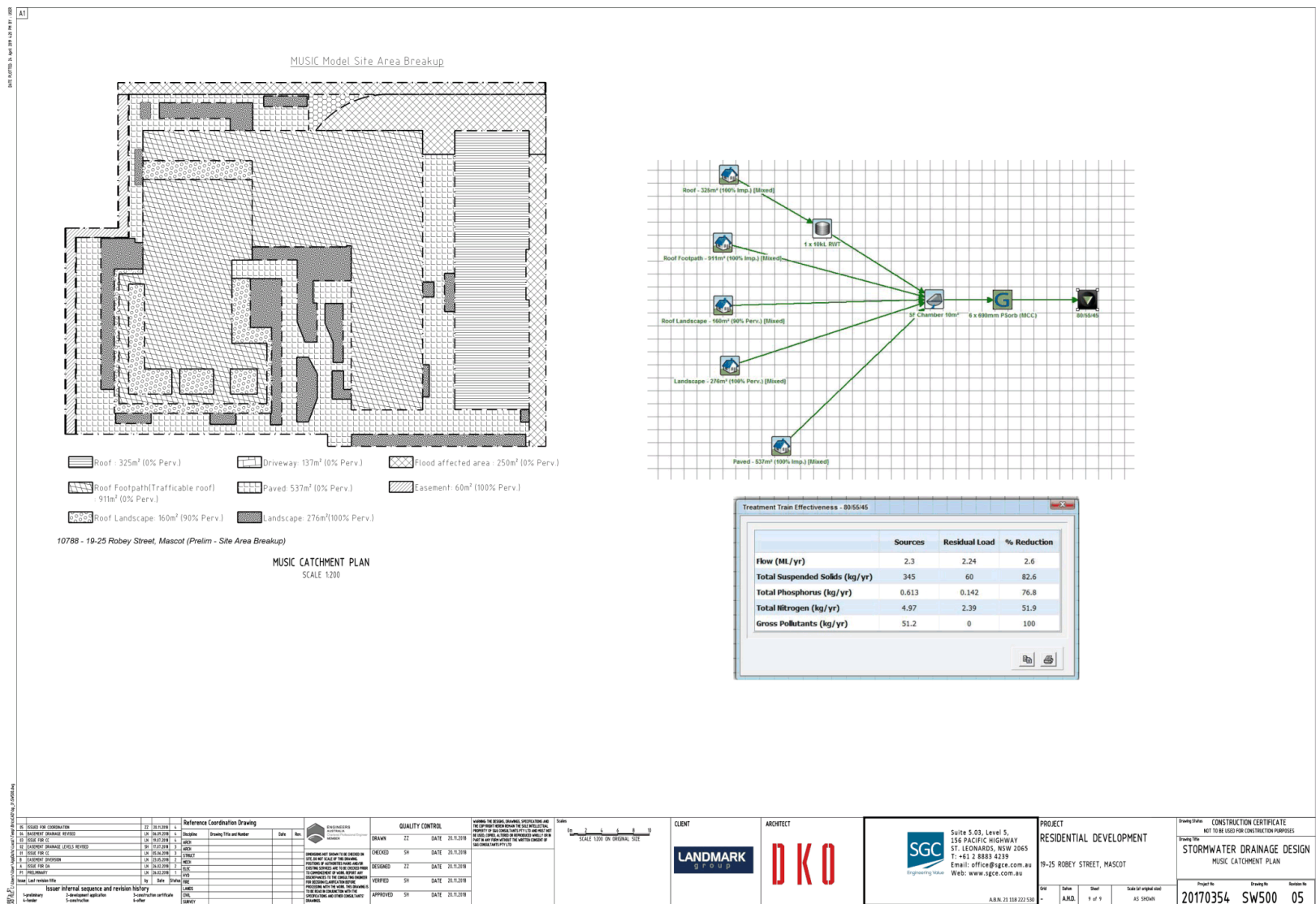












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Bayside Local Planning Panel

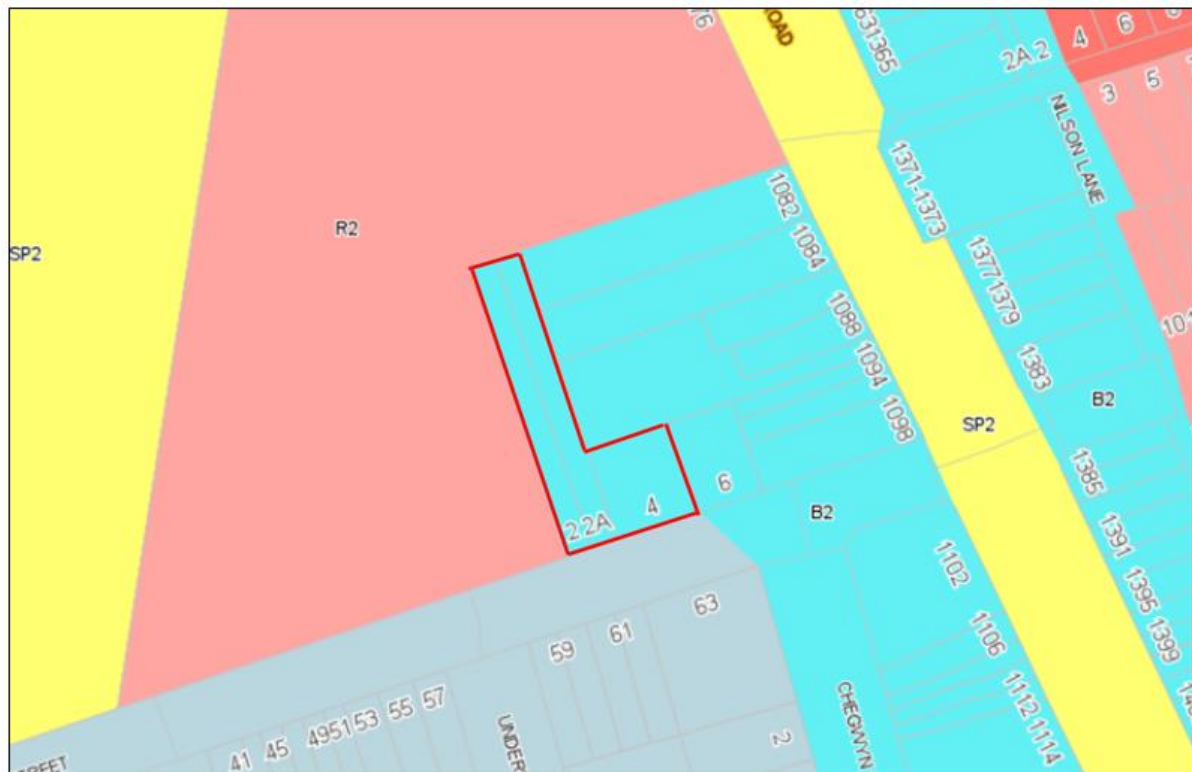
25/06/2019

Item No	6.2
Application Type	Development Application
Application No	DA-17/1047
Lodgement Date	06/04/2017
Proposal	2 and 2A, 4 Bay Street, Botany - Integrated Development for demolition of the existing structures and construction of a new residential flat building containing 20 units and basement car parking.
Ward	Port Botany
Owner	Mr F A Alafaci and Mrs P R Alafaci
Applicant	Beraldo Design
Property	2 & 2A, 4 Bay Street, Botany
No. of Submissions	Two (2)
Cost of Development	\$6,386,179
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 THAT the Panel considers the Clause 4.6 request to vary the height development standard in Clause 4.3 of Botany Bay Local Environmental Plan 2013 and can be satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the B2 – Local Centre zone and is therefore in the public interest.
 - 2 THAT Development Application No. 2017/1047 for demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking at 2, 2A and 4 Bay Street, Botany, be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent attached to this report.
 - 3 THAT the objectors be advised of the Bayside Planning Panel's decision.
-

Location Plan



BAYSIDE COUNCIL

Supplementary Planning Assessment Report

Application Details

Application Number:	2017/1047
Date of Receipt:	6 April 2017
Property:	2, 2A & 4 Bay Street, Botany
Owners:	Mr F A Alafaci and Mrs P R Alafaci
Applicant:	Beraldo Design
Proposal:	Integrated development for the demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking.
Value:	\$6,386,000.00
No. of submissions:	Original notification: Two (2) objections Amended plan notification: Nil
Author:	Patrick Nash, Senior Development Assessment Planner
Date of Report:	6 June 2019

Key Issues

The development application (DA) the subject of this report was referred to the Bayside Planning Panel (BPP) on 9 April 2019 with a recommendation of refusal for the following reasons:

1. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following sections of the Botany Bay Development Control Plan 2013:
 - a) Part 3A – Car Parking and Access. The proposed development does not comply with the minimum car parking requirement under Table 1 of Part 3A.2- Parking Provisions of Specific Uses. Further, the depth provided would not accommodate the three level car stacker system proposed. The design of the driveway access fails to maintain boundary alignment levels and the internal circulation from the ramp access to the basement does not comply with Section 2.5.2C of AS2890.1
 - b) Part 3G – Stormwater Management. The proposed onsite detention volume has been calculated incorrectly. The design of the development does not achieve the floor levels stipulated in the submitted Flood Report and there are design aspects of the development susceptible to flooding which has not been addressed.
 - c) Part 3J – Aircraft Noise and OLS. Compliance with internal noise criteria is contingent upon windows and door remaining closed which would interfere with the natural ventilation of the proposed dwellings. Additionally, details of a suitable mechanical ventilation system have not been provided.

2. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, and having regard to the aforementioned reason of refusal, the site is not suitable for the development.
3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the submitted BASIX Certificate is not valid. The proposal therefore fails to satisfy the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
4. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

At the meeting the BPP resolved:

1. **The Panel determines that this matter is DEFERRED to allow the applicant to address the issues raised in the Planning Assessment Report including stormwater management, expired Basix report, car parking and internal amenity.**
2. **That the objectors be notified of the Bayside Planning Panel's decision.**

In response to the above, the applicant submitted amended documentation on 20 May 2019 which includes: Amended architectural plans, amended Flood Assessment Report, amended stormwater drawings, supporting traffic/parking information and an updated BASIX Certificate.

Recommendation

It is RECOMMENDED:

1. THAT the Panel considers the Clause 4.6 request to vary the height development standard contained in Clause 4.3 of Botany Bay Local Environmental Plan 2013 and be satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the B2 – Local Centre zone and is therefore in the public interest to vary the control.
 2. THAT Development Application No. 2017/1047 for demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking at 2,2A and 4 Bay Street, Botany, be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent attached to this report.
 3. THAT the objectors be advised of the Bayside Planning Panel's decision.
-

Modifications made to the proposed development

The changes made in the amended architectural plans submitted to Council are summarised as follows:

Basement Level

- Addition of a vehicle turntable;
- Extension of the basement footprint (a further 4.13m) in a northerly direction towards the rear (northern) allotment boundary;
- Re-location of accessible car parking space to ground floor; and
- New 3 level car parking stacker system (capable of accommodating 13 spaces) at the rear northern end of the basement.

Ground Floor Plan

- Increase in the finished floor levels by 340mm from RL4.6 to RL4.94;
- Adjustments to the grade/levels of the vehicular entry ramp;
- New accessible car parking space (re-located from basement level);
- Re-design of ramp at the front of Unit 1(A) and provision of additional landscaping adjacent to the street edge; and
- Removal of ramp adjacent to Lobby 2.

First Floor Plan

- Increase in finished floor levels of Building A by 340mm from RL7.70 to RL8.04

Second Floor Plan

- Increase in the finished floor levels of Building A by 340mm from RL10.8 to RL11.14.

Third Floor Plan

- Increase in the finished floor levels of Building A by 340mm from RL13.9 to RL14.24.

The amended proposal results in an increase to the parapet height of Building A (facing Bay Street) by 240mm. This is due to the changes in the finished floor levels of the building to address the concerns raised with respect to flooding. However, it is noted that the overall height of Building A (RL19.15) remains unaltered.

The amended proposal contains a total of 39 car parking spaces, being a further 9 additional spaces from the original scheme.

It is noted that the amended plans were not required to be re-notified in accordance with the requirements of Botany Bay Development Control Plan 2013 because the proposal would result in similar impacts to the original advertised development.

Assessment of the Panel's deferment

1. The Panel determines that this matter is **DEFERRED** to allow the applicant to address the issues raised in the **Planning Assessment Report** including stormwater management, expired Basix report, car parking and internal amenity.

Stormwater Management and Flooding

The applicant has submitted updated stormwater drawings and an updated flood assessment report. The finished floor levels of the ground floor have been slightly elevated (340mm) to ensure compliance with the agreed flood planning requirements. Council's Development Engineer has reviewed the information provided and has indicated that the proposed onsite detention tank appears to be undersized. To address this, suitable conditions of consent have been imposed to ensure that the relevant requirements are met. Subject to these conditions, the proposed amended development satisfies Part 3G – Stormwater Management of Botany Bay Development Control Plan 2013.

BASIX

An updated BASIX Certificate (Certificate number: 1014587M, dated 17 May 2019) has been submitted which is satisfactory. The proposed amended development satisfies State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

Car Parking/Vehicular Access

The amended plans have increased the quantum of car parking from 30 spaces to 39 spaces through the provision of an additional car stacker system at the rear of the basement level. The extent of car parking proposed is now compliant with the requirements of 3A – Car Parking and Access within BBDCP 2013.

In terms of vehicular access and circulation, the amended proposal incorporates a turntable to eliminate the original concerns raised with respect to a vehicle being unable to perform a single turn manoeuvre on the ramp. See below:

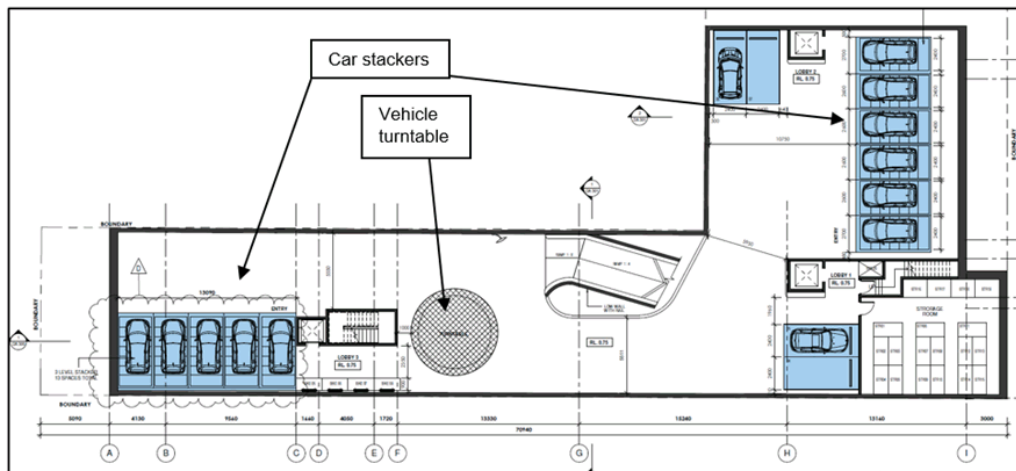


Figure 1: Basement level extract showing location of stackers and turntable

The applicant's traffic consultant has provided the following comments:

I have given further consideration to the concern expressed by Council in relation to the turning provision for cars accessing the basement level of the proposed development. The relevant considerations are as follows:

- *It is not proposed to provide visitor parking on the basement level and it will only be residents parking on this level who will be entirely familiar with the access circumstances.*
- *The great majority of resident cars will be small/medium size and these will be able to turn to/from the access ramp in a single movement.*
- *Any potential large resident cars will be able to access with a slight reverse shuffle and this manoeuvre is not prohibited under AS2890.1. In fact, it is necessary for large cars to shuffle in this way to access parking spaces using 5.8m wide aisle under AS2890.1 which only states in relation to large cars that they must be able to "physically fit" when manoeuvring in a parking facility.*
- *The proposed provision of the turn table will obviate the need for any large cars to "reverse shuffle" (see attached SP3).*
- *There will be a traffic signal system provided for the single lane ramp.*

On balance, and in consideration of the aforementioned reasons presented by the application as well as the constrained nature of the subject allotment, the proposed vehicular access and car parking arrangements are satisfactory in this instance. Various conditions of consent have been included, such as:

- 1) Ensuring the operating noise and vibration levels of the mechanical car parking devices are restricted to acceptable levels in accordance with the appropriate standards; and
- 2) Provision of operational details in a formal Plan of Management (POM) for the facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users. The POM is to include maintenance schedules and action required to be taken in the event of mechanical failure.

Internal amenity

The applicant has provided a design intent statement with respect to mechanical services (ventilation). This is acceptable and resolves the previous concerns raised with regards to aircraft noise and mechanical ventilation.

Other

A detailed assessment of the remaining components of the development (including consideration of the applicant's clause 4.6 exception with regards to building height) was provided in the original assessment report which has been included as an attachment.

Objectors notified

The amended plans were not required to be notified to the objectors in accordance with the provisions within Botany Bay Development Control Plan 2013.

Statutory Considerations

An assessment of the amended 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, noting that the supplementary report should be read in conjunction with the report to the Panel dated 9 April 2019.

Conclusion

The issues raised by the Bayside Planning Panel at their meeting of 9 April 2019 have been addressed by way of amended plan submission alongside the submission of other supporting information. The amended plans submitted to Council are considered to satisfactorily address the initial recommended reasons of refusal. Therefore, it is recommended that the Panel determine the application.

Attachment**Schedule 1 – Conditions of Consent****Premises: 2-4 Bay Street, Botany****DA No: DA-2017/1047****GENERAL CONDITIONS**

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

Drawing N°	Author	Dated Received
Basement Level Revision D Dated 20/05/2019	Beraldo Design	20/05/2019
Ground Floor Revision D Dated 20/05/2019	Beraldo Design	20/05/2019
Level 1 Revision C Dated 20/05/2019	Beraldo Design	20/05/2019
Level 2 Revision C Dated 20/05/2019	Beraldo Design	20/05/2019
Level 3 Revision C Dated 20/05/2019	Beraldo Design	20/05/2019
Roof Plan Revision D Dated 20/05/2019	Beraldo Design	20/05/2019
Southern Elevation Revision D Dated 20/05/2019	Beraldo Design	20/05/2019
Northern Elevation Revision C Dated 20/05/2019	Beraldo Design	20/05/2019
Northern Elevation Building B Revision B Dated 20/05/2019	Beraldo Design	20/05/2019
Eastern Elevation Revision D Dated 20/05/2019	Beraldo Design	20/05/2019
Western Elevation Revision C Dated 20/05/2019	Beraldo Design	20/05/2019
Section A-A Revision D Dated 20/05/2019	Beraldo Design Beraldo Design	20/05/2019 20/05/2019
Section B-B & Section C-C	Beraldo Design	20/05/2019

Revision D Dated 20/05/2019		
Sediment and Erosion Control Plan Dwg Number C01.01	Engineering Studio	20/05/2019
Roof Stormwater Drainage Plan Dwg Number C02.01	Engineering Studio	20/05/2019
Ground Stormwater Drainage Plan Dwg Number C03.01	Engineering Studio	20/05/2019
Basement Stormwater Drainage Plan Dwg Number C04.01	Engineering Studio	20/05/2019
Stormwater Details Sheet 1 Dwg Number C04.02	Engineering Studio	20/05/2019
Stormwater Details Sheet 2 Dwg Number C04.03	Engineering Studio	20/05/2019
Landscape Site Plan Issue C	Paul Scrivener	19/02/2019
Landscape Planting & Calculation Plan Issue C	Paul Scrivener	19/02/2019
Details & Specifications Issue C	Paul Scrivener	19/02/2019
Rooftop Terrace Plan Issue C	Paul Scrivener	19/02/2019

Reference Document(s)	Author	Date Received
BASIX Certificate No. 1014587M	Eco Certificates Pty Ltd	20/05/2019
Detailed Site Investigation August 2018	SLR	07/09/2018
Arboricultural Assessment Report 8 December 2015	TALC	06/04/2017
Aircraft Noise Impact Assessment Report 150410R1	Rodney Stevens Acoustics	06/04/2017
Geotechnical Investigation 3352-R1 7 December 2015	Asset Geotechnical	06/04/2017
Flood Impact Assessment Revision 2 May 2019	Catchment Simulation Solutions	20/05/2019

2. This consent relates to land in Lots A & B DP 354602 and Lot C DP 366954 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.

3. The design of the louvres on the western elevation of the building shall be constructed and operated such that they do not overhang the allotment boundary. Details demonstrating compliance with this condition shall be provided to the satisfaction of the Certifying Authority before the issue of a Construction Certificate.
4. The materials and façade details approved under condition 1 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.
5. 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 Bayside Council prior to issue of the Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of Bayside Council.

6. 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.
7. 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) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2. If they are located on balconies or in public, they are to be appropriately screened;
 - c) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans;
 - d) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004;

- e) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993; and
 - f) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004.
8. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.
- Note:
- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
9. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

10. The following conditions imposed by **Sydney Airport (SACL)** are as follows:
- 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) No objection has been raised to the erection of this development to a maximum height of 22.0 metres AHD.
 - c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
 - d) Should you wish to exceed this height a new application must be submitted.
 - e) 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.
 - f) 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.

- g) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- h) "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)).
- i) The height of the prescribed airspace at this location is 51 metres above AHD.

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

- 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.
- b) 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:
 - i) building plan approvals
 - ii) connection and disconnection approvals
 - iii) diagrams
 - iv) trade waste approvals
 - v) pressure information
 - vi) water meter installations
 - vii) pressure boosting and pump approvals
 - viii) changes to an existing service or asset, e.g. relocating or moving an asset.
- c) 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.

12. The following conditions imposed by **Water NSW** are as follows:

General Terms of Agreement

- 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.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

13. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
14. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

15. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
16. For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

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

Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

17. To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
18. Prior to the commencement of works, the applicant must inform Council, in writing, of:
 - a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work; or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
19. Prior to the commencement of works, 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.
20. Prior to the commencement of works, separate permits are required to be obtained and approved by Council for all works including but not limited to road opening, 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.
21. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
22. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
23. 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.
24. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with

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

- e) If the soil conditions required it:
 - i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii. Adequate provision must be made for drainage.
25. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied).

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
 - c) Permit for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands
26. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

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

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;

- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- j) Working hours, in accordance with this Development Consent;
- k) Confinement of demolished materials in transit;
- l) Proposed truck routes, in accordance with this Development Consent;
- m) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".
- n) Sewer – common sewerage system ad08.

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

- 27. The ground floor wall along the western elevation shall be designed of a high architectural standard and treated to provide visual interest utilising a variation of maintenance free materials, colour and textures. Full coloured elevational details and sections of this treatment are to be provided for Council's approval prior to the issue of a Construction Certificate.
- 28. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. Details of a suitable anti-graffiti coating to be used shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- 29. Prior to the issue of a Construction Certificate, a detailed stormwater drainage management plan for the disposal of all roof-water, surface 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 Botany Bay Development Control Plan Stormwater Technical guidelines. The development application concept stormwater plans prepared by Engineering Studio Job number 15888 Revision C dated 20-05-2019 shall be amended to reflect the following:
 - The OSD volume provided appear to be undersized, the 100 year ARI discharge shall be limited to the 5 year ARI state of nature (undeveloped). The orifice plate size shall also be revised.
 - The detention tank overflow pipe shall be located lower than the invert of the side access pits to ensure overflow would not inundate internal parking areas.
 - A new kerb gully pit shall be proposed at the connection to Council pipe. Direct connection to council pipe is not permitted.
- 30. Prior to the issue of a 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.
- 31. Prior to the issue of a 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.

32. The underground basement and substructures, access stairs, lift entry, windows etc. shall be flood proofed and protected to a minimum of 500mm above the 1% AEP flood level. The levels shall be certified by a registered surveyor or a suitably qualified engineer prior to construction of the driveway or other openings.
33. Prior to the issue of the Construction Certificate, A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The Plan must make provision for the following:
- Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development.
 - Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - Flood warning signs/depth indicators for areas that may be inundated.
 - A flood evacuation strategy.
 - On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
 - Specify the architectural and structural plans upon which the above recommendations have been incorporated.
34. Prior to the issue of a Construction Certificate, the design and construction of the off-street car & bicycle parking facilities shall comply with Australian Standard AS 2890 parking series, product specifications and shall be certified accordingly by a suitably qualified engineer.
- The car stacker system, turn table and ramp signaling system shall be designed to the relevant Australian standard and product specifications.
 - The proposed driveway access from the street frontage must be amended to maintain existing boundary levels.
 - 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.
 - The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of the Standard.
 - The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS2890.1:2004.
35. Prior to the issue of a Construction Certificate, the design of the mechanical parking device proposed must address the following criteria:
- Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required.
 - Provide manufacturer specifications.
 - Provide operational details in a formal Plan of Management (POM) for the facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users. The POM should include maintenance schedules and action required to be taken in the event of mechanical failure.

The design must be certified by a suitably qualified Civil or Structural Engineer and the details outlined above are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

36. Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) must be submitted to and approved by Bayside Council/ 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'.
37. Prior to the issue of a 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.
38. Prior to the issue of a 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.
39. 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.
40. All landscape area, including planter boxes, shall be fully automatic irrigated. Construction details and sections shall be provided to the satisfaction of the Certifying Authority. The planter boxes on the roof top terrace shall have a minimum depth of 800mm.

41. A Public Domain Frontage Works application shall be submitted separately to Council, with Civil and Landscape works plans. Bay Street verge strip shall be planted with one (1) *Lophostemon confertus* (brush Box), supplied at a minimum pot size of 200 Litres.
42. 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 Apartment Development*.
43. An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the issue of a Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:
 - a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.

This report shall be provided prior to the issue of a Construction Certificate and all recommendations of the report shall be implemented during works on site.
44. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to the issue of a Construction Certificate including:
 - a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
45. Prior to the issue of a Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
46. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-

a) Footpath Crossing Deposit	\$14,009.87
b) Development Control	\$3,081.00
c) Section 7.11 Contributions	\$360,000.00
47. A Section 7.11 contribution of \$360,000.00 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City

of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of a Construction Certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below:

a) Community Facilities:	\$29,468.89
b) Recreation and Open Space:	\$304,035.01
c) Transport Facilities:	\$23,874.87
d) Administration:	\$2,621.23

Total in 2018/9	\$360,000.00
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48. Prior to the issue of a Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$14,009.87 (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.
49. Prior to the issue of a Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
50. Prior to the issue of a Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
51. Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:
 - a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase,
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,

- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
 - i) Proposed protection for Council and adjoining properties, and
 - j) The location and operation of any onsite crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - l) A plan (written and/or diagrammatic) showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.
52. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council),
 - c) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - d) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of a Construction Certificate.

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

53. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*. All recommendations within the submitted Acoustic report shall be implemented. Details demonstrating compliance with this requirement shall be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

DURING WORKS

54. The following existing trees shall be retained and protected:
- a) Two (2) Eucalyptus botryoides (Bungalay Gum) on the adjoining property; and
 - b) One (1) existing street tree Lophostemon confertus (brush Box).

In order to ensure that the trees noted above are protected during construction, an Arborist shall prepare a suitable tree protection plan which must be complied with.

55. 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.

56. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:

- a) Office of Environment and Heritage (OEH) approved guidelines;
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

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

57. All contractors shall comply with the following during all stages of demolition and construction:

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

58. 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.

59. 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.

60. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.

61. 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 of sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

62. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan.
63. For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
64. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
65. Temporary and permanent dewatering is not permitted on this site without NSW-EPA approval.
66. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Erosion and Sediment Control Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
67. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.
68. The proposed development shall comply with the following:
 - a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and

- iv) The name of the Principal Certifying Authority including an afterhour's contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
- 69. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
- 70. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
- 71. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
 - a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 72. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
 - a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.
- 73. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
 - a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
- 74. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
- 75. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 76. No demolition materials shall be burnt or buried on the site.
- 77.

- 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 Ausgrid, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - 1 The additional load on the system; and
 - 2 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.
- 78. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
- 79. 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.
- 80. 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.
- 81.
 - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
- 82. 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 L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

- c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing

All possible steps should be taken to silence construction site equipment.
83. 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.
- 84.
- 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.
85. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
86. 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.

87. 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.
88. Construction Operations:
 - a) the applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
89. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

90. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

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

91. The following conditions must be complied with prior to the issue of any Occupation Certificate:
- i) 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.
 - ii) 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.
92. Prior to the issue of any Occupation Certificate, the undergrounding of all electricity cables in that section of the street/s adjacent to the development, including all 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 in accordance with Ausgrid's requirements and approved electrical design.
93. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
- The redundant driveways and layback shall be removed and replaced with kerb and gutter, footpath/ grass verge to suit existing adjacent footpath reserve; and
 - Reconstruction of footpath along the street frontage.
94. Prior to the issue of any Occupation Certificate, 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 Certifier prior to release of the Subdivision/Strata Certificate.
95. Prior to the issue of any 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 any Occupation Certificate, an appropriate instrument 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.

A Section 88B Instrument and four copies shall be lodged with the Subdivision/Strata Certificate.

97. Prior to the issue of any Occupation Certificate, a positive Covenant prepared by a suitably qualified professional shall be prepared and registered on the title of the property, concerning the presence and ongoing operation and maintenance of the traffic light system, the traffic Turn table and the car parking stacker system. A certificate by a suitably qualified engineer shall be provided to demonstrate that the installed devices are operational and comply with the relevant Australian standards and manufacturer specifications.
98. Prior to the issue of any 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*.
99. Prior to issue of any Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the approved acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
100. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of any Occupation Certificate of the development and release of damage deposit.
101. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
102. 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.
103. Construction related activities must not take place on the roadway without Council approval. Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit. Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RTA.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

104. 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 on 9562 1670. 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.
105. 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.
106. A total of 39 car parking spaces shall be provided in accordance with the approved plans.
107. The street address and dwellings numbers shall be approved by Council prior to the issue of any Occupation Certificate.
108. 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; and
 - (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 any Occupation Certificate.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

109. 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:
 - a) permit stormwater to be temporarily detained and pumped 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 (b) and (c) at the proprietor's expense;
- e) not make 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 requirement 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.

110. 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 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;
- viii) 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.

111. 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.

112.

- a) Each residential dwelling (apartment) is approved as a single dwelling. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
- b) The adaptable apartments approved under this development consent is to remain unaltered at all times; and
- c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces shall be monitored by CCTV cameras at all times.

113. The communal outdoor roof terrace area shall not be used between the hours of 10:00pm – 7:00am each day.

114. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any

other residential premises (regardless of whether any door or window to that room is open):

- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
- b) Before 7 am or after 10 pm on any other day.

115. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

ADVISORY NOTES

The following recommendations are made from NSW Police:

- Installation of CCTV cameras within and around the development.
- Improved lighting around the footpaths and car park areas within the development
- Ensuring the building design minimises the potential for climbing onto balconies
- Landscaping that promotes natural surveillance of common areas
- Underground car park that does not have hidden areas or dark spots. Main entry and exit points to car park to have CCTV installed.
- It is NOT advised to install storage cages or similar for the residents in the underground car park. If it is required, consider that they should NOT be constructed in an isolated area. The cages are easy targets when they have little supervision. CCTV cameras must cover this area if they are constructed. Solid steel housing and quality key locks should be used to prevent access. All cages to be at least 8ft in height with adequate roofing, cages below this allow people access over the top
- Security measures in place for entry doors and lifts (security passes)
- Strongly recommended all letter boxes and any form of mail ports be built internal of the building. No letter boxes be available/accessible to the public without security swipe passes.
- CCTV to be installed in this vicinity.

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2017/1047
Date of Receipt:	6 April 2017
Property:	2, 2A & 4 Bay Street, Botany
Owners:	Mr F A Alafaci and Mrs P R Alafaci
Applicant:	Beraldo Design
Proposal:	Integrated development for the demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking.
Recommendation:	Refusal
Value:	\$6,386,000
No. of submissions:	Original notification: Two (2) objections Amended plan notification: Nil
Author:	Patrick Nash, Senior Development Assessment Planner
Date of Report:	26 March 2019

Key Issues

Bayside Council received Development Application No. 2017/1047 on 6 April 2017 seeking consent for an Integrated Development for demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking at 2,2A and 4 Bay Street, Botany.

Since lodgement, the design of the development has been amended on a number of occasions, a Flood Impact Assessment has been submitted and other reports (traffic and heritage) have been re-issued for assessment to address a number of concerns which have been raised by Council and the Design Review Panel.

The key issues identified in the assessment of the amended material submitted by the applicant fundamentally relates to matters of car parking, vehicular access/manoeuvrability, stormwater and flooding as assessed by Council's Development Engineer and noted below:

- i) There is a shortfall in the required number of car parking spaces (9 space non-compliance). Further, the depth provided in the basement would not accommodate the proposed three level car stacker as per the product details provided. This would further increase the extent of the car parking variation. The submitted Traffic Report makes reference to 'Council's DCP 2013' and applies the car parking rates within Rockdale DCP 2011 which are not applicable to this site.
- ii) The internal circulation from the ramp access to the basement does not comply with Section 2.5.2C of AS2890.1. Intersections designed for use by one vehicle at a time must be able to do a single turn movement and must have enough space for two vehicles to pass each other. The current ramp access arrangement is non-compliant,

unsafe and is not feasible. It is likely that the vehicular access point to the site would need to be relocated and the development re-designed accordingly.

- iii) The flood report provided discusses multiple scenarios including consideration of the upstream proposed development which is currently under construction. Consideration of that upstream development has demonstrated the need for higher flood levels than what Council's initial Flood Advice Letter has stipulated. Compliance with this requirement would necessitate to a re-design and subsequent height increase, further increasing the extent of breach to the building height development standard.

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

Recommendation

It is RECOMMENDED:

1. THAT Development Application No. 2017/1047 for demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking at 2,2A and 4 Bay Street, Botany, be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* for reasons identified in the attached Schedule.
2. THAT the objectors be advised of the Bayside Local Planning Panel's decision.

Background

History

Development Application History

6 April 2017 – The subject development application was lodged with Council

3 May 2017 to 9 June 2017 – The development application was publicly notified in accordance with the requirements of BBDCP 2013.

23 November 2017 – The application was reviewed by the Bayside Design Review Panel.

21 December 2017 – An additional information letter was sent to the applicant. The concerns raised in this correspondence included: Matters raised by the Design Review Panel, separation distances between the proposed development and the neighbouring development under construction, insufficient and poorly design communal open space, solar and daylight access for proposed units, inadequate heritage assessment, inadequate details regarding proposed building height, car parking non-compliance with Botany Bay DCP 2013, insufficient extent of soft landscaping, dwelling mix, overlooking and missing information in the architectural drawings.

17 January 2018 – A meeting was held between Council and the applicant to discuss the concerns raised.

26 February 2018 – The applicant submitted amended plans.

27 February 2018 – Following the completion of Council's internal Engineering referral, a further additional information request was sent to the applicant raising concerns with respect to flood planning requirements, the proposed stormwater design, design of the basement and parking areas, car parking non-compliance and inaccuracies in the submitted traffic report.

18 May 2018 - Council issued a Flood Advice letter for the subject property.

25 May 2018 – A further meeting was held with Council and the applicant. Matters discussed included: requirements for a Stage 2 – Detailed Site Investigation to be submitted, building re-design required to comply with flood planning levels, amended DA required to be reviewed by the Design Review Panel and re-notified, additional heritage and solar access information required.

31 August 2018- The applicant submitted amended plans.

19 October 2018 - The amended plans were reviewed by the Design Review Panel.

26 October 2018 - Council's Development Engineer requested additional information. The following comments were made:

The applicant should make sure that the following are addressed and provided:

- *Stormwater drainage management plans including OSD and basement pump out system.*
- *An overland flow report is required to show how the existing overland flow path has been catered for in the design of the development.*
- *A flood management plan for the development.*
- *Swept paths for all vehicle spaces and loading/unloading movements.*
- *Long sections of all ramps entering the site and the basement area.*
- *Details of the car stacker unit proposed.*
- *Update the traffic report to reflect the above if necessary.*

From the provided plans the following has been noted:

- *The car space at the eastern end of the car stacker may be unusable due to the close proximity of the lobby 2 lift well.*
- *The turning movement from the basement access ramp to the southern parking area may not be able to be achieved in a single turning movement, same for accessing the ramp exiting the basement area.*

19 December 2018 – The applicant submitted amended architectural plans, landscape plans, traffic report and clause 4.6 exception (building height). Assessment in this report is based on these plans, traffic report and clause 4.6 exception.

29 January 2019 - Council requested the applicant to pay re-notification fees.

31 January 2019 – The applicant submitted a revised heritage report.

14 February 2019 to 25 March 2019 – The application was re-notified in accordance with BBDCP 2013.

7 February 2019 – The applicant submitted a Flood Impact Assessment report.

8 March 2019 - The applicant submitted updated stormwater drawings.

Proposal

The development application, in its amended form, seeks consent for Integrated Development - for the demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking. The proposed development is further summarised as follows:

Basement Level

- 3 level car stacker system (16 car spaces);
- 8 car parking spaces;
- 3 lifts; and
- Storages areas.

Ground Floor

- 6 car parking spaces;
- 3 lifts;
- Deep soil landscaping at the rear;
- Vehicular access off Bay Street;
- Pedestrian entries off Bay Street;
- 1 x 1 bedroom unit and 1 x 3 bedroom unit; and
- Bin storage area.

First Floor

- 2 x 1 bedroom units;
- 4 x 2 bedroom units;
- Communal courtyard/terrace area;
- 3 lifts; and
- Podium landscaping.

Second Floor

- 1 x 1 bedroom units;
- 5 x 2 bedroom unit; and
- 3 lifts.

Third Floor

- 1 x 1 bedroom units;
- 5 x 2 bedroom unit; and
- 3 lifts.

Roof Plan

- Rooftop terrace area above Building B at the rear of the site.

The proposed dwelling mix is 5 x 1 bedroom, 14 x 2 bedroom and 1 x 3 bedroom apartment. Externally, the proposed residential flat building has a flat roof form and is contemporary in its appearance. The proposed finishes include a combination of brick veneer, painted render, off form concrete, zinc, aluminium cladding and louvres.

The photomontage submitted with the development application is re-produced below for reference:



Figure 1: Photomontage of the proposed development

Site Description

The development site comprises three separate allotments legally defined as Lots A & B DP 354602 and Lot C DP 366954, Nos. 2, 2A and 4 Bay Street, Botany. The site is generally 'L' shaped and located on the northern side of Bay Street approximately 100m to the west of the intersection with Botany Road. The development site has a total area of 1319.3m², with a 32.815m frontage to Bay Street.

No. 2 and 2A Bay Street currently contain brick and timber clad semi-detached single storey dwellings with a sheet metal roof form. The property at No. 4 Bay Street contains a brick building which covers the majority of the. The building is currently utilised as a dance, acting and singing school for children. The land generally falls to the south consistently from the northern boundaries of Lots A and B. The rear yards of the residential allotments are largely turfed open areas however clusters of mature trees and vegetation are located along the western and northern boundaries.

The Botany Public School grounds surround the site to the west and north. There is a large mixed-use development under construction adjoining the site to the east. To the south across Bay Street are situated single storey dwellings of brick and weatherboard construction. The site is situated in the western part of the Botany Local Centre. The area surrounding, inclusive of the subject site is a listed heritage conservation area.



Figure 2: Aerial of the subject site

Statutory Considerations

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

Part 4 Division 5 – Special procedures for integrated development

The relevant requirements under Division 4.8 of the EP&A Act and Part 6, Division 3 of the EP&A Regulations have been considered in the assessment of the Development Application. The Development Application is Integrated Development in accordance with the Water Management Act 2000 as the development is deemed to be an Aquifer Interference Activity. In this regard, the Development Application was referred to Water NSW. On 29 June 2017, Water NSW provided its General Terms of Approval. No further concerns are raised in this regard.

S.4.15(1) - Matters for Consideration – General

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

The following Environmental Planning Instruments are relevant to this application:

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 679578M dated 25 November 2015. This Certificate is invalid because it must be lodged within 3 months of the date of issue. In addition, the proposal has been amended numerous times which may have affected the thermal comfort, water and energy targets. No amended BASIX Certificate has been provided therefore does not comply with the SEPP requirements.

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. Clause 7 of State Environmental Planning Policy 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 proposal was referred to Council's Environmental Scientist to review and who had the following comments:

I have assessed the above application for the demolition of the existing premises and the construction of a 4 storey and 5-storey residential flat building with one level basement car park. Acid sulfate soils have been encountered in the Geotechnical Investigation and dewatering may be required for excavation of the basement car park.

I have reviewed the following reports:

1. SLR, 'Detailed Site Investigation - 2-4 Bay Street, Botany, NSW', August 2018, SLR Ref: 610.18189-R01-v0.1.
2. SLR, Preliminary Site Investigation - Lot A & B in DP354602 and Lot C in DP366954, 2-4 Bay Street, Botany, NSW, 15 December 2015, Report No. 610.15745-R1.

I have no objections to the DA subject to conditions.

The environmental scientist has no objections to the proposal subject to the imposition of conditions of consent. No further concerns are raised in this regard.

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

The provisions of State Environmental Planning Policy No. 65 'Design Quality of Residential Apartment Building' have been considered in the assessment of the Development Application.

During the development application process, the applicant submitted the proposal to the DRP on two (2) separate occasions for consideration. The most recent meeting was held on 19 October 2018. A copy of the minutes from the meeting are attached to the report. The Design Review Panel considered the revised proposal to be a significant improvement on the initial scheme, however, more design resolution is required in some parts of the development. Subsequent to the issuing of that advice, the applicant submitted further amended plans.

Apartment Design Guide

A Design Verification Statement has been prepared by Beraldo Design and was submitted with the development application.

An assessment of the proposed development against Part 3 and 4 of the ADG has been undertaken. The key ADG design requirements are detailed in the table below.

Clause 30(1) of SEPP 65 states that if a development application satisfies the following design criteria, the consent authority cannot refuse an application because of those matters. These are deep soil, ceiling heights and building separation.

SEPP 65 – ADG			
Control	Requirement	Proposed	Complies
Dwelling Size	Minimum internal areas as follows: 1 bed unit: 50sqm 2 bed unit: 70sqm 2 bed unit with 2 nd bathroom: 75sqm 3 bed unit: 90sqm 3 bed unit with 2 nd bathroom: 95sqm	1 bed units: 52-60sqm 2 bed units: 75-80sqm 3 bed unit: 105sqm	Yes Yes Yes
Ceiling Height	Habitable Rooms: 2.7m Non-habitable: 2.4m Mixed Use: 3.3m for ground and first floor	Floor to floor height for residential levels: 3.1 metres which enables a compliant floor to ceiling height to be achieved	Yes
Deep Soil	Objective 3E-1 requires 7% of the site as deep soil area (requires 92.3sqm)	107sqm (8.1%)	Yes
Communal Open Space	25% of site (329sqm)	455sqm (34%)	Yes
Solar Access	50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours during mid-winter Note: Part 4C requires that COS receives 3 hours in winter.	More than 50% of COS receives greater than 2 hours of sun due to its location.	Yes

	Living rooms and POS for at least 70% of apartments (and in neighbouring development) to achieve 2 hours between 9am and 3pm	70% (14/20) of apartments will receive at least two hours of sunlight during June 21 st	Yes
Building Depth	Use a range of appropriate maximum building depths of 12-18 metres	The building does not exceed 18 metres in depth.	Yes
Building Separation	<u>Up to 4 storeys (approx. 12m):</u> 3m from non-habitable rooms to site boundary 6m from habitable rooms/balconies to site boundary	The proposed building setbacks are generally compliant with the exception of the following: (1) Eastern side setback of Building B (2) Western side setback of Building A and B	No – Refer to Note 1
Balcony Sizes	1 bed: 8sqm 2 bed: 10sqm 3 bed: 12sqm Ground Floor: 15sqm	1 bed: 10sqm 2 bed: 10sqm-15sqm Ground Floor (3 bed): 17sqm to 18sqm	Yes Yes Yes
Cross Ventilation	60%	75 % (15/20 units). The required aircraft noise attenuation measures may restrict this –refer to discussion later in this report.	Yes
Storage	1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³	Storage spaces within the units and in the basement area has been identified on the plans.	Yes

Note 1 – Building Separation

The proposed building separation/setback distances are generally compliant with the ADG guidelines with the exception of:

- The eastern setback of Building B. This setback is proposed to be up to 4.17m from the side boundary. The adjacent development to the east has balconies approved with a 6m rear setback. The eastern elevation of the Building B at the rear has been designed to restrict overlooking towards the adjoining development to the east due to the inclusion of frosted glazing to the window openings. The rooftop terrace incorporates landscaping planting proposed around the perimeter of the roof top terrace to provide screening opportunities; and

- The proposed development has a nil side setback to the western side boundary where it adjoins the school grounds. It is noted that there are balconies proposed within Building B which would overlook the adjacent school grounds. Concern has been raised by the school is the submissions received with respect to this aspect of the development.

SEPP 65 Design Principles

The assessment of the proposal has had regard to the SEPP 65 Design Principles. The following summary against each of those principles is provided:

Context and Neighbourhood Character

The revised design is a significant improvement on the previous design and is generally acceptable, however, the DRP noted that design resolution is required at the ground level of the development both to the side and front of the building. This is challenging given the site constraints. On balance, the proposed development is satisfactory with respect to context and neighbourhood character but is not supported for other reasons.

Built Form and Scale

The built form and scale of the development is generally appropriate for the site and its surroundings. However, there are various other unresolved issues with the design.

Density

The density is acceptable, noting that the extent of gross floor area proposed is compliant with the floor space ratio development standard within BBLEP 2013.

Sustainability

The BASIX Certificate provided is not valid and can thus not be relied upon as a sustainability measure.

Landscape

The landscaping outcomes proposed are generally satisfactory.

Amenity

The proposal is compliant with the solar access and apartment layout guidelines. These aspects of the proposal are acceptable, however there is some concern with natural ventilation due to the windows and doors needing to be kept close to comply with the aircraft noise requirements.

Safety

There are vehicular access/manoeuvrability and associated safety concerns due to the non-compliant car parking layout as outlined within this report.

Housing Diversity and Social Interaction

The proposal provides an appropriate mix of 1, 2 and 3 bedroom dwellings. There are social interaction opportunities by virtue of the communal open space areas.

Aesthetics

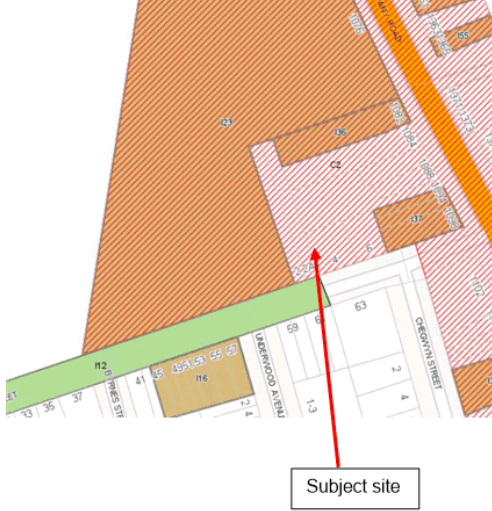
The revised design achieves an acceptable aesthetic quality.

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:

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned B2 Local Centre zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use as a residential flat building is permissible with Council's consent under the Botany Bay Local Environmental Plan 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is acceptable with respect of the objectives of the B2 Local Centre.
What is the height of the building? Does the height of the building comply with the maximum building height?	No – Refer to Note 1 below	A maximum height of 14 metres applies to the subject site. The maximum height of the development does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. Building A is proposed to contain a maximum height of 15.54m and Building B is proposed to contain a maximum height of 16.44m. A Clause 4.6 variation was provided with the application and is discussed in greater detail in the report below.
What is the proposed Floor Space Ratio? Does the Floor Space Ratio of the building comply with the	Yes	The maximum allowable Floor Space Ratio requirement is 2:1 (2638sqm). The proposed FSR is 1.26:1 (1671m ²).

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
maximum Floor Space Ratio?		
Is the site within land marked "Area 3" on the Floor Space Ratio Map? If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?	N/A	The site is not located in an Area 3 zone.
Is the land affected by road widening?	N/A	The subject site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes	The site is not a heritage item however is located in close proximity to a number of heritage items at 1076 Botany Road (I23 – Botany Public School), 1082 Botany Road (I36 – Hippo's Friends Child Care Centre), 1094-1098 Botany Road (I37 – Finnies buildings) and 45-57 Bay Street (I16 – House Group). The site is located within the Botany Township Heritage Conservation Area. Refer to diagram below for reference.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		 <p data-bbox="1054 1025 1182 1070">Subject site</p> <p data-bbox="767 1081 1262 1223">The design of the proposed development is not anticipated to cause any adverse impacts upon the nearby heritage listed items and/or the broader heritage conservation area (heritage items are highlighted and the conservation area hatched).</p>
<p data-bbox="347 1240 600 1352">The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul data-bbox="347 1368 600 1621" style="list-style-type: none"> <li data-bbox="347 1368 600 1424">• 6.1 – Acid Sulfate Soils <li data-bbox="347 1588 600 1621">• 6.2 – Earthworks 	<p data-bbox="663 1364 703 1397">Yes</p> <p data-bbox="663 1592 703 1626">Yes</p>	<p data-bbox="767 1368 1262 1480">The site is located within a Class 2 ASS zone. The proposed development is seeking to excavate greater than 2 metres below ground. A geotechnical report has been received.</p> <p data-bbox="767 1491 1262 1659">The proposal seeks one level of basement car parking. The proposal has provided the relevant reports to address excavation. The proposal was referred to Council's Environmental Scientist who does not object to the proposal on this basis, subject to conditions of consent.</p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
<ul style="list-style-type: none"> 6.3 – Stormwater Management 	No	The development proposes OSD however the proposal was referred to Council's Development Engineer who had issues with the stormwater system. Refer to BBDCP 2013 discussion later in this report.
<ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise 	Yes	The site falls within the 25-30 ANEF contour. The development provided an acoustic report which is acceptable.
<ul style="list-style-type: none"> 6.15 – Active Street frontage 	Yes	Whilst the subject site is within the B2 – Local Centre zone, it is not identified as being subject to the provisions of this clause.

Note 1: Non-compliance with Clause 4.4 – Building Height

The proposed development does not comply with the building height development standard of 14 metres under BBLEP 2013.

The requested variation is as follows:

- Building A: Roof line of the rear portion of the third floor - RL19.15 (exceedance range from 1.21m (northern and southern elevations and 1.54m (eastern and western elevation)
- Building B: lift overrun and shelters maximum height - RL20.05 (exceedance up to 2.44m)

The highest part of the proposed development would be 16.44m. The extent of the breach is 2.44m or 17.4%.

The following plan extract depicts the extent of the proposed breach along the western elevation:



Figure 3: Western elevation extract identifying non-compliant building height

Clause 4.6 provides flexibility to vary the development standards specified within the LEP where it can be demonstrated that the development standard is unreasonable or unnecessary in the circumstances of the case and where there are sufficient environmental grounds to justify the departure. Clause 4.6 states the following:

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument...

(3) 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.*

The applicant provided a clause 4.6 variation addressing the building height non-compliance which has been included as an attachment to this report. Some of the relevant extracts of that submission have been re-produced below:

"The applicant relies upon the first method demonstrating that compliance is unreasonable and unnecessary because the objectives of the development standard are achieved notwithstanding a variation with the standard.

In dealing with the control it is necessary to identify the purpose of the height control and then progress to dealing with the consistency or otherwise with the height objectives. The first consideration relates to overall scale of a building given that height determines the scale of a building to another building or natural feature. The visual fit of the building in this particular instance having regard to the variations sought is acceptable and appropriate for this site.

The site is an isolated site with an L-shaped configuration. It immediately adjoins land occupied by the Botany Public School. The school land immediately west of the site is a driveway access to a school carpark and open space, playing fields and cricket nets for students. To the east is an approved building within an area with an allowable height limit of 22m. Opposite the site is zoned B7 Business Park and permits redevelopment up to 12m in height.

The additional volume of built form arising from the proposed variations whether it be the roof element or the lift shaft will not be visible from most positions in the public domain or private lands. The built

form responds to its locational context having regard to its zoning, allowable building height, and existing and approved development on land immediately surrounding the subject site. These features create an individual set of circumstances that, when applied to this particular site, underpin the context for considering the proposed variation to the height.

In this case the roof element of Building A is setback over 7.5m from the Bay Street property boundary and constructed of a gun-metal grey material and glass. This creates a recessive appearance and volume to the roof envelope that is non-compliant when viewed from Bay Street this roof is not higher than the adjoining approved development to the east.

The lift shaft and stair overrun of Building A are also setback from each edge of the building. It is to be constructed of the same material (gun metal grey) as the Building A roof element, again appearing as a recessive roof element, located towards the middle of the building. The rooftop screening is semi-transparent, complemented by various plants and landscaping with lightweight shade structures for weather protection of residents.

These rooftop elements of Building B will be visible from a distance when viewed from the south-west along Bay Street and from the open space to the east towards Mill Pond. However, they will appear subservient to the higher development behind the subject site, not dominating the skyline or neighbouring school property. The remainder of the roof line and habitable floor levels of Building B is compliant.

Further insight into the purpose of the height standard can be obtained by investigating the objectives of the standard. The objectives in this case are weighted on amenity having regard to solar, visual and privacy impacts. When considered within the framework of the objectives the purpose of the height control requires the development to provide reasonable amenity impacts as a result of the building height and specifically the variation. The following justification relates to both the proposed variations on both buildings.

(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,

The proposal is a permissible development in this location. It is a logical development that is proposed upon a site which is essentially an isolated site and therefore does not impact on the development potential or logical redevelopment of land in the vicinity. The variation does not prejudice any adjoining site or affect the development potential of other sites. The objective is achieved.

(b) to ensure that taller buildings are appropriately located,

The proposed development is appropriately located as it provides a transition between the 22m height limit facing Botany Road and the open space, rear playing fields of the adjoining school grounds. Objective is satisfied.

(c) to ensure that building height is consistent with the desired future character of an area,

The majority of the development complies with the prescribed height limit. The height limit is nominated to provide the transition in this area. The proposal achieves this by stepping down from the adjoining large residential development that faces both Botany Road and Bay Street, directly adjoining the subject site to the school grounds adjoining to the west.

The proposal is consistent with the Botany Character Precinct provisions contained in the DCP. Objective is satisfied.

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The proposal does not disrupt views and is acceptable in terms of views to and from the site. The area of the non-compliance does not unduly affect any adjoining property. The overall height of the development is acceptable when viewed from Bay Street and other public domain viewpoints. Objective is satisfied.

(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

The maximum height of development permissible in the immediate area ranges from 12m on the R2 zoned school land up to 22m for the land adjoining the subject site (facing Botany Road). Therefore, the 14m height limit for this site sits towards the middle of the height range and is not the upper limit for the area.

The proposed built form is compatible with the desired future character for this area. There is no potential for this development to have a jarring effect in the streetscape, given the backdrop of the adjoining residential development facing Botany Road and the likely future redevelopment across the street (B7 Business Park with 12m height limit). Instead the built form proposed for this site mediates the higher and bulkier adjoining development.

The additional height occurs in two distinct areas at the top most level of Building A and Building B. The first is the recessed roof element of Building A and the second is the lift overrun, stair access and shade structures on the roof of Building B.

Specifically,

- Building A: Roof line of the rear portion of the third floor - RL19.15 (exceedance range from 1.21m (northern and southern elevations and 1.54m (eastern and western elevation)
- Building B: lift overrun and shelters maximum height – RL 20.05 (exceedance up to 2.44m)

The environmental planning grounds justification for the two variations is provided as follows:

- Building A: the habitable floor area of this building complies with the 14m height limit. It is only the rear portion of the third level roof that is non-compliant. This projection provides access to natural light to these units, enhancing their indoor/outdoor living spaces. The highlight windows face north and south, thereby accessing more natural light.
- The non-compliant portion of the roof is setback some 7.7m from the Bay Street property boundary.
- The material used for the upper roof of Building A is dark gun metal grey in colour, thereby creating a recessive structure when viewed from the street.
- The height of the roof is lower than the adjoining development which faces Botany Road, thereby appearing as a subservient element to this development when viewed from the west along Bay Street or from the open space area to the west.
- Building B: the habitable floor area and roof of this building complies with the 14m height limit, it is only the lift overrun, stairway and shade structures that project above the height limit.
- The highest point is the lift overrun. It is located in most desirable position – towards the centre of the roof and the building.
- The central location of the lift overrun maximises the setback to each elevation. This has many practical advantages and enables the basement to be designed with compliant and efficient ramps and isles that would not be achievable with a lift core located toward the edge of the building envelope. Inefficiencies in the use of the available floor area would result if the lift was relocated and made to comply.
- The lift overrun and stair structure is also needed to provide access to the rooftop common open space. This area is required to be accessible for all residents and guests, hence the need for the lift to be taller to provide access this level of the building.
- The rooftop common open space assists with facilitating the orderly and economic use of the land and provide open space with good solar access.
- The lightweight shade structures are required to provide some form of shading for the amenity of residents use all year round.
- The shadow diagrams (see BDAI shadow diagrams in Appendix B) demonstrate that the additional height for Building B does not result in any additional shadowing impact results from the lift position.
- The height variation to Building B predominantly occurs as a result of the need to provide full access to the rooftop open space, noting that the remainder of this building remains under the height control over the building footprint.

In the present circumstances the positive planning benefits associated with equitable access being provided to a high quality communal open space area and the ability to efficiently plan upper level of Building A to provide more access to natural light are considered sufficient in their own right to justify the variations to the height control in this particular case.

Additionally, there is a clear lack of adverse amenity impacts arising from the proposal as neither variation will not result in adverse overshadowing or privacy impacts on adjoining properties. The projections above the height limit do not have any flow-on negative planning impacts and the impacts that arise from the variation whilst extremely negligible or non-existent are nevertheless acceptable.

In summary, the HOB variation is considered to be in the public interest given its ability to not cause additional impacts but also because of its ability to provide the site specific environmental planning grounds demonstrating that strict compliance is unreasonable and unnecessary in the circumstances of this particular case. The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed development for this particular site and this particular design by BDAI is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment.

Notwithstanding the contravention of the development standard, the proposed development is consistent with the relevant objectives of the development standard pursuant to cl4.3 of the BBLEP 2013 and is consistent with the relevant objectives of the B2 Local Centre zone and therefore, the proposed development is in the public interest".

Comment:

The request to vary the building height development standard has been assessed in accordance with the provisions of Clause 4.6 and relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*). The proposal is consistent with the underlying objectives of the standard identified and is consistent with the objectives of the B2 – Local Centre zone. The proposal and Council's assessment has concluded that compliance with the building height 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.

In view of the above, the provisions of clause 4.6(4) of BBLEP 2013 are satisfied.

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

There are no current Draft EPIs applicable to this development

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

Botany Bay Development Control Plan 2013

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

Part 3A –Parking and Access

In accordance with the provisions of Part 3A of BBDCP 2013, the proposed development is required to provide car parking at the following rates:

Residential flat buildings	1 space/ studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; 1 designated visitor space / 5 dwellings; and 1 car wash bay (visitor parking may be equipped with cold water tap and sewer connection and used as a car wash bay)
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On the basis of 5 x 1 bedroom, 14 x 2 bedroom and 1 x 3 bedroom (total 20 units) the following car parking is required to be provided:

- 35 spaces for residents;
- 4 visitor spaces; and
- 1 car wash bay (this may be shared/dual use with a visitor space).

The total number of car parking spaces required is therefore a minimum of 39. The proposal provides a total of 30 spaces, 16 of which are accommodated within a triple deck car stacker system in the basement level. The proposal results in a car parking shortfall of 9 spaces which is not supported.

Council's Development Engineer has reviewed the updated traffic report and architectural drawings and raises the following concerns with respect to parking and vehicular access:

- 1) The submitted Traffic Report makes reference to 'Council's DCP 2013' and applies the car parking rates within Rockdale DCP 2011 which are not applicable to this site;
- 2) The architectural plans indicate elevating the driveway access at the boundary, this is not supported. The proposal must maintain boundary alignment levels. Additionally the internal circulation from the ramp access to the basement does not comply with Section 2.5.2C of AS2890.1. Intersections designed for use by one vehicle at a time must be able to do a single turn movement, and shall have enough space for two vehicles to pass each other. The current ramp access arrangement is not safe and is not feasible. An alternative location for the ramp to facilitate access to the basement is required; and
- 3) The depth provided in the basement would not accommodate a three level car stacker as per the product details provided. The car parking shortfall would therefore increase further.

Resolution of the abovementioned matters would require a significant re-design, particularly if the vehicular access point to the site is required to be re-located and a compliant amount of on-site car parking provided.

Part 3B – Heritage

The site is not a heritage item however is located in close proximity to a number of heritage items at 1076 Botany Road (I23 – Botany Public School), 1082 Botany Road (I36 – Hippo's Friends Child Care Centre), 1094-1098 Botany Road (I37 – Finnies buildings) and 45-57 Bay Street (I16 – House Group). The site is located within the Botany Township Heritage Conservation Area.

The initial plans were submitted to Council's Heritage Advisor who noted that the Heritage Impact Statement (HIS) provided is insufficient. The applicant submitted a revised HIS to

address the concerns raised. The proposed development would not cause any adverse impacts upon the surrounding heritage items and/or the conservation area.

Part 3C – Access and Mobility

The proposal provides for two accessible units, three disabled car parking spaces as well as appropriate lift access and ramp access throughout the building. The proposed development is compliant with this part of BBDCP 2013.

Part 3G- Stormwater Management

Stormwater

Council's Development Engineer reviewed the amended stormwater plans and has raised the following concerns:

The proposed onsite detention volume provided has not been calculated in accordance with Botany Bay Development Control Plan. The OSD volume is to be designed for a 1%AEP and be restricted to 20% AEP and be restricted to the state of nature condition.

Flooding

Council's Development Engineer reviewed the Flood Impact Assessment submitted on 7 February 2019 and has raised the following concerns:

The flood report provided had discussed multiple scenarios including consideration of the upstream proposed development. The flood report demonstrates little flood impact on adjacent lands.

However the consideration of the upstream development have demonstrated higher flood levels than what Council have suggested (and what is proposed in the current plans), also the ground floor parking is susceptible to flooding due to proposed door opening and possibly open cavities in the facade.

All habitable floor areas must have a minimum 500mm freeboard and the parking areas shall be protected up to 1%AEP plus 300mm freeboard.

The above requirements would have the effect of further elevating the finished levels of the proposed development. This would require a re-design of the proposal and further increase the extent of the breach to the building height development standard.

Part 3J – Aircraft Noise and OLS

The site is located within the 25-30 ANEF Contour. The application was supported by an acoustic assessment report which demonstrates that the development is capable of complying with the applicable noise criteria. However, the report states that compliance is contingent upon windows and doors being closed and a mechanical ventilation system would be required. This raises concerns with residential amenity as well as the performance of the development against the natural ventilation requirements in the ADG. In addition, specific details of a mechanical ventilation system have not been provided.

Part 3K – Contamination

Refer to SEPP 55 section above which discusses the contamination of the site.

Part 3L – Landscaping and Tree Management

The proposal was reviewed by Council's Landscape Architect who has indicated that the proposed landscaping outcomes are generally acceptable. No further concerns are raised in this regard.

Part 3N – Waste Minimisation and Management

The proposal incorporates suitable waste management facilities.

Part 4C – High Density Residential

The subject development is identified as a high density residential development. Part 5 of the BBDCP 2013 is more applicable to the development however there are some controls which relate to the site which are not included within Part 5 but rather in Part 4C. This is predominantly around family friendly controls. The proposal provides an acceptable dwelling mix as it incorporates a mixture of 1, 2 and 3 bedroom apartments. Whilst the design of some of the 2 and 3 bedroom units do not strictly satisfy the apartment layout guidelines within Part 4C.4.2 of BBDCP2013, they are compliant with the ADG provisions which supersede these controls.

Part 5 – Business Centre

The site is located within the Botany Local Centre. The following controls apply to the Botany Local Centre and are as follows:

Control	Proposed	Complies
5.2.2.7 Botany Local Centre		
C1 Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with Figure 24	The proposal provides for some landscaping opportunities in the ground floor terraces areas at the front of the site. The existing street tree is proposed to be retained.	Yes
C2 Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades are encouraged with redevelopment to improve pedestrian access, amenity and safety	There are no site links proposed and it is unreasonable to request any given the site circumstances.	Yes
C3 Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.	Site consolidation is not possible in this instance. This is because there is another development currently under construction immediately adjoining the site at No.6 Bay Street & 1084-1088 Botany Road.	Yes
C4 New development is to take into account and respond sympathetically to the established heritage streetscape, within the Botany Local Heritage Conservation Area, which exhibits strong architectural features and identity. New buildings are to	The development has been designed to be a satisfactory response to the heritage character of the street and the heritage conservation area in which the site is located.	Yes

reinforce these features and contribute to its character by incorporating traditional shopfronts and building facades.		
<p>C5 The design of development must be generally consistent with the desired future character of the centre identified in Figure 24 and the existing character of buildings within the Botany Township Heritage Conservation Area.</p>	<p>Figure 24 is not considered to be strictly applicable to the subject site as it only deals with buildings facing Botany Road and the subject site does not fall into this category. See extract below:</p> <p>Figure 24 - Desired Future Character - Botany Local Centre</p> <p>Street awning and verandahs Development includes a continuous solid suspended awning or verandah over the public footpath. Verandahs over the footpath are encouraged to improve residential amenity, passive surveillance of the street to provide weather protection for pedestrians.</p> <p>Building Articulation Building articulation at the street alignment is in the form of balconies, verandahs, or wall offsets.</p> <p>Street Wall Development provides 2 storeys built to the street alignment with a continuous and consistent parapet line and additional upper levels are setback from the street.</p> <p>Height and Setback Development must not exceed 14 metres in height and Levels 3 & 4 should be setback at both front and rear to create articulation of the street facades. The setback is to be determined subject to a detailed site analysis at DA stage.</p> <p>Public Domain Development must provide landscaping/street trees, lighting, paving and other infrastructure and improvements in the public domain in consultation with Council's landscape officer.</p> <p>Maximum height 14 metres</p> <p>West side East side</p>	Yes
<p>C6 New development is to take into account and respond sympathetically to an established heritage streetscape with strong architectural features and identity. New buildings are to reinforce these historic features and contribute to its character.</p>	<p>The proposal is an acceptable fit with the surrounding built form, noting that the street wall presentation of the building will be consistent with the adjoining development to the east (No.6 Bay Street) that is currently under construction. It is however noted that resolution of the flooding/parking/vehicular access matters would necessitate to a re-design which may affect this outcome.</p>	Yes
<p>C7 A maximum height of 14 metres applies under BBLEP 2013. Building height along the street frontage is a maximum of two stories, with Levels 3 and 4 to be setback from the street in accordance with the desired future character identified for the centre in Figure 24.</p>	<p>The development proposes a maximum height of 16.44 metres which does not comply with the 14 metre height limit. Refer to previous clause 4.6 discussion in this report. The building is comprised of three stories at the front of the site, consistent with the neighbouring building under construction.</p>	No
<p>C8 A setback to the rear may be required where a site adjoins a residential area and is to be determined following a detailed site</p>	<p>The site adjoins the Botany Public School at the rear. A 6m rear setback has been provided which is acceptable.</p>	Yes

analysis at development application stage. Applicants must therefore demonstrate to Council with the development application that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity.		
C9 Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties (refer to Figure 17).	The building entry is directly off Bay Street at the front of the site which is acceptable.	Yes
C10 Dwellings within a mixed use development and shop top housing are to have windows and/or verandahs in the street elevation to encourage surveillance of the street. If the Verandah is built over the street then a lease fee is payable to Council. The fee is set out in Council's Fees and Charges.	The proposal is not for a mixed use development or shop top housing. In any case, the proposed south facing units have their balconies and windows positioned looking onto Bay Street which provides passive surveillance.	Yes
C11 Alterations and additions are to reflect the architectural design of the existing building. Materials and finishes are to be compatible with the existing building.	No alterations and additions are proposed.	Yes
C12 New development when viewed from the street is to be compatible with the character of buildings within the site's visible locality by using similar shaped windows, doors and similar building materials.	The general building form is an acceptable response to the existing and likely future character of the locality.	Yes
C13 Building design is to ensure individual dwellings can be identified clearly from public streets.	The dwellings proposed along the southern (Bay Street) elevation can be clearly identified from the adjacent public street.	Yes
C14 A street number for the property is to be clearly identifiable from the street.	The development is capable of complying with this requirement.	Yes
C15 Awnings must be provided continuously along the shop frontages to provide pedestrian shelter to the footpath area.	An awning would not be required in this location, given the site does not have a frontage to Botany Road.	Yes
C16 Air conditioners must not be installed on street awnings or the front facade of buildings.	The development is capable of complying with this requirement.	Yes

C17 Development design is to encourage active street life while providing a high residential amenity		The proposal is not identified as being subject to the active street frontages clause in the LEP.	Yes
C18 Development must comply with Council's sustainable development requirements as identified in Part 3H - Sustainable Design.		A Basix Certificate has been provided however it is not valid for reasons previously identified in this report.	No
C19 Vehicular access on Botany Road must be avoided where access is available from a side street or rear laneway.		N/A	N/A
C20 Where a rear laneway exists loading and unloading must occur from the laneway.		N/A	N/A
C21 Development must comply with Part 3A - Car Parking.		The development does not comply with the car parking requirements outlined in BBDCP.	No – Refer to Part 3A above
C22 Through site links and arcades are encouraged with new development to improve pedestrian access and safety.		No site links proposed and are not warranted in the site circumstances.	Yes
5.3 General Controls			
5.3.1.2 Height	C2 & C3 In addition to C1, new buildings must also consider and respond to the predominant and characteristic height of buildings within the Centre; and consider the topography and shape of the site. In this regard, the maximum number of storeys must not exceed the maximum number of storeys identified in the relevant character statement for each Business Centre as set out in Part 5.2 - Character Statements for the Business Centres. If the maximum number of storeys is not identified in the Character Precinct, the maximum number of storeys must be consistent with the characteristic building height.	The development proposes a maximum height of 16.44 metres which does not comply with the 14 metre height limit. Refer to previous clause 4.6 discussion in this report.	No
5.3.1.3 Street Setbacks	C1 Buildings are to be aligned along the street frontage to create a consistent street wall no higher than two storeys. A variation to the two storey street wall height along the street frontage will only be permitted in certain	The proposal presents a 4 storey form along Bay Street that is setback 3m from the front (southern) boundary. This would be consistent with the scale and setbacks of the adjoining development under construction to the east.	Yes

	circumstances where the height of adjoining buildings on the street exceeds two storeys. In this instance, the applicant is to submit a written justification to Council for this variation and will be considered by Council on its merits.		
5.3.1.4 Side and Rear Setbacks and Building Separation	C1 Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity.	Refer to previous discussion under SEPP 65 regarding building separation.	Yes
	C2 Development to which SEPP 65 applies are to adhere to the Apartment Design Guide for building separation.	SEPP 65 and ADG assessment has been carried out elsewhere in this report.	Yes
5.3.1.5 Built Form and Streetscape	C2 Building must have a consistent street wall height and provide a continuous street frontage and awning height along the street frontage where appropriate.	The proposed street wall height is consistent with the height of the neighbouring building under construction at No.6 Bay Street.	Yes
5.3.2.1 Design Excellence	C2 The Development Application must identify how design excellence will be achieved in the proposed development.	The applicant has provided a SEPP 65 assessment.	Yes
5.3.2.2 Building Design	C2 All development applications that contain residential development or are adjacent to residential development must provide a design statement addressing privacy and overshadowing of residential dwellings from the business component.	The application provides sufficient information to undertake an assessment of these aspects of the development.	Yes
	C4 If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties.	Refer to Note 1 discussion below.	No. Acceptable on merit

	C7 A schedule of external finishes and materials must be submitted at development application stage to articulate the building's design complements the Business Centre.	A schedule of materials was submitted with the amended architectural plans.	Yes
5.3.2.3 Reflectivity	C3 The solar reflectance value of building materials must not exceed 20%.	This has not been considered.	No
5.3.2.4 Awnings and Verandahs	C1 New development must provide awnings above the footpath to provide weather protection for pedestrians.	An awning above the footpath is not required in this location.	Yes
5.3.2.5 Public Domain Interface at Ground Level	C1 Development must comply with the Desired Future Character objectives and controls identified in Part 5.2 - Character Statements for the Business Centres.	See earlier discussion.	Yes
	C2 Development must be designed so that it has a clearly definable entry and addresses the street.	The front entries to the building are distinguishable.	Yes
	C3 For mixed use development which contains residential dwellings, the primary area of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above.	The primary communal open space area is located on the roof top terrace.	Yes
5.3.2.6 Active Street Frontages	C1 Development is to provide active street frontages in accordance with the Active Street Frontages Map and Clause 6.15 Active Street Frontages under BBLEP 2013.	N/A	N/A
5.3.2.8 Interface between Business Zones and Adjoining Landuses	C1 Clear boundaries between the public and private domain must be created to enhance security, privacy and safety.	The design of the proposal is acceptable in this respect.	Yes
	C2 Shadow diagrams must be provided for all development proposals for the summer and winter solstices. Shadow diagrams must show shadow impacts	Shadow diagrams have been provided for the development. The overshadowing impacts generated by the development would not cause any adverse	Yes

	at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable.	impacts for neighbouring properties.	
5.3.2.9 Landscaped Area	C1 Residential setbacks from streets and parks are to support planting, at a scale that allows passive surveillance of the public domain. This requirement may vary with each block	The proposal provides a small front setback to Bay Street which enables some soft landscaping opportunities.	Yes
	C3 Provide a sufficient depth of soil on podium areas in accordance with the Councils Technical Guideline for Landscape in Development Sites.	Deep soil is provided which complies with the ADG requirements.	Yes
5.3.2.10 Private Open Space and Communal Open Space	C1 The primary area of outdoor private open space must not be located at grade on the street frontage.	The ground floor dwellings have front and rear private open space areas which is acceptable.	Yes
	C2 Communal open space can be provided at grade or on podiums and roof tops. The space must be appropriately landscaped and provided with a recreational facilities or features, for example BBQ area, seating, children's play area, landscape features or the like and must include pedestrian scale lighting, to be shown in the detailed landscape plan.	Communal open space is located on the level 1 podium and the roof top terrace area above Building B. The design of these spaces are acceptable.	Yes
5.3.2.12 Servicing	C1 New commercial or mixed use buildings must provide a loading dock on-site. Where this is not viable loading and unloading may be permitted from to a rear lane or side street subject to Council's engineer approval.	N/A – building is residential only	N/A
5.3.2.14 Access and Mobility	C1 Development must comply with Part 3C – Access and Mobility ▪ Residential flat buildings (RFB), conversion of non-residential buildings into RFBs, shop top housing, multi dwelling housing and live/work buildings –	The access and mobility requirements have been complied with.	Yes

	<p>Statement of consistency lodged.</p> <ul style="list-style-type: none"> ▪ In developments containing 10 or more dwellings, a minimum of 20% of the dwellings are to be adaptable dwellings designed in accordance with Adaptable Housing Australian Standard 4299 Class B. Refer to AS4299 Class B. ▪ Appropriate access for all persons through the principal entrance of a building and access to all common facilities. Refer to BCA and AS1428.1. ▪ In developments containing 10 or more dwellings, accessible resident parking is required at 10% to be allocated to adaptable dwellings with a preference for AS4299 designs for at least 80% of the accessible spaces and a maximum of 20% of spaces complying with AS2890.6. 		
5.3.3.1 Acoustic Privacy	C1 Dwellings close to high noise sources such as busy roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.	The proposal provided an acoustic report which addresses aircraft noise.	Yes
5.3.3.2 Visual Privacy	<p>C1 In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures:</p> <ul style="list-style-type: none"> (i) Fixed screens of a reasonable density (min 75% block out); (ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised); (iii) Appropriate screen planting or planter boxes. 	Refer to Note 1 below	Refer to Note 1 below

5.3.3.5 Solar Access & Shadow	<p>C1 Development must demonstrate:</p> <p>(i) Neighbouring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and</p> <p>(ii) 30% of any common open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.</p>	The overshadowing impacts generated by the development would not cause any adverse impacts for neighbouring properties.	Yes
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Note 1 – Privacy

Part 5.3.2.2 and Part 5.3.3.2 of BBDCP 2013 contain various objectives and controls with respect to privacy.

The potential privacy impacts of the development have been considered. The following comments are noted:

- There is sufficient building separation (15.24m) within the development (i.e. – between Building A and Building B) to preserve privacy;
- The rear of Building A (i.e – units 1A, 2A, 7, 8, 13, 14, 19 and 20) face a blank wall (under construction) associated with the re-development of the neighbouring site to the north;
- The eastern elevation of the Building B at the rear has been designed to restrict overlooking towards the adjoining development to the east. A setback of up to 4.17m is proposed and the windows are frosted glazing;
- Building B is setback 6m from the rear (northern) boundary, preserving the interface with the school grounds;
- The rooftop terrace has been cited away from the neighbouring development to the east as far as practically possible. There is landscaping planting proposed around the perimeter of the roof top terrace to provide screening opportunities; and
- It is noted that there are balconies proposed within Building B which have nil setback to the western side boundary. These balconies would overlook the adjacent school grounds. Concern has been raised by the school is the submissions received with respect to this aspect of the development. The balconies and windows are considered to provide additional passive surveillance over the school grounds and are thus acceptable.

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 AS2601:1991 Demolition of Structures when demolition of a building is involved. In this regard a condition of development consent can be imposed 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 likely impacts of the development have been outlined through the report and the proposal is found to be unacceptable in its current form.

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

The proposed development is not considered to be suitable for the site to the extent that the proposal does not provide a compliant level of car parking and has not demonstrated suitable vehicular access and manoeuvrability arrangements. It is considered that these shortfalls are a consequence of the irregular shape of the subject allotment and a re-design is required.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a thirty (30) day period from 3 May 2017 until 9 June 2017. Two (2) objections have been received and a summary of the issues is as below:

Concern: Insufficient geotechnical testing

Comment: This concern is concurred with. As a result, during the assessment of the application Council requested the applicant to provide a Stage 2 – Detailed Site Investigation which has been reviewed by Council's Environmental Scientist and is considered to be acceptable.

Concern: Traffic report and likely car parking/traffic impacts

Comment: Concerns have been raised with the submitted traffic report as identified throughout this report. Additionally, the proposed development does not comply with the minimum car parking requirements which is not supported.

Concern: The aircraft noise impact report requires doors within the development to remain closed. There are associated ventilation issues, given this requirement.

Comment: A mechanical ventilation system would be required, as identified within Part 5.4 of the Aircraft noise impact report. This is considered to be a compromised outcome for residential amenity.

Concern: The construction and waste management plan references a different property

Comment: This concern is capable of being addressed through conditions of consent.

Concern: Privacy impacts towards the adjoining public school.

Comment: This matter has been discussed elsewhere in this report.

Concern: Introduction of 'kiss and drop' facilities on Bay Street for the adjoining public school.

Comment: The subject DA is not a mechanism for the establishment of these facilities and is considered to be a separate matter.

The amended plans were re-notified and placed on public exhibition from 14 February 2019 until 25 March 2019. No submissions were received.

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

It is considered that granting approval to the proposed development would not be in the public interest, given the concerns raised with the design of the development.

Section 7.11 Contributions

The proposed development would generate Section 7.11 Contributions, should consent be granted.

Conclusion

Development Application No. 2017/1047 was lodged on 6 April 2017 seeking consent for an Integrated Development for the demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking at 2,2A and 4 Bay Street, Botany.

Since lodgement, the design of the development has been amended on a number of occasions, a Flood Impact Assessment has been submitted and other reports (traffic and heritage) have been re-issued for assessment to address a number of concerns which have been raised. The key issues identified in the assessment of the amended material submitted by the applicant fundamentally relates to matters of car parking, vehicular access/manoeuvrability, stormwater and flooding as assessed by Council's Development Engineer. Resolution of these matters would be likely to require a full re-design of the proposed development.

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

Attachment

Schedule 1 – Reasons for refusal

Premises: 2A, 2 and 4 Bay Street, Botany

DA No: DA-2017/1047

1. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following sections of the Botany Bay Development Control Plan 2013:
 - a) Part 3A – Car Parking and Access. The proposed development does not comply with the minimum car parking requirement under Table 1 of Part 3A.2- Parking Provisions of Specific Uses. Further, the depth provided would not accommodate the three level car stacker system proposed. The design of the driveway access fails to maintain boundary alignment levels and the internal circulation from the ramp access to the basement does not comply with Section 2.5.2C of AS2890.1
 - b) Part 3G – Stormwater Management. The proposed onsite detention volume has been calculated incorrectly. The design of the development does not achieve the floor levels stipulated in the submitted Flood Report and there are design aspects of the development susceptible to flooding which has not been addressed.
 - c) Part 3J – Aircraft Noise and OLS. Compliance with internal noise criteria is contingent upon windows and door remaining closed which would interfere with the natural ventilation of the proposed dwellings. Additionally, details of a suitable mechanical ventilation system have not been provided.
2. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, and having regard to the aforementioned reason of refusal, the site is not suitable for the development.
3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the submitted BASIX Certificate is not valid. The proposal therefore fails to satisfy the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
4. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.



drawing Proposed Roof Plan	
project ref 15118	date 20/05/2019
scale @ A1 1 : 100	dwg. no. DA 105
drawn FA	checked MB

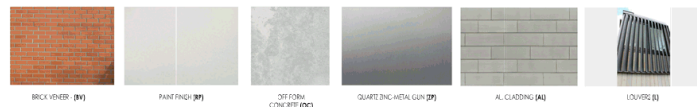
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Contractor shall verify all levels and dimensions as indicated to commence and stop drawings. Figures dimensions to be used - 1/8" = 1'-0" scale.

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FINISHES SCHEDULE



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-

ABBREVIATIONS
A: ANNE
BV: BRICK VENEER
AL: ALUMINUM CLADDING
BV: BRICK VENEER
CC: CONCRETE
QEG: QUARTZ ENGINEERED GLASS
PF: PAINT FINISH
L: LOUVER
CC: SET FORM CONCRETE
AL: ALUMINUM CLADDING
L: LOUVER
PF: PAINT FINISH
CC: SET FORM CONCRETE
AL: ALUMINUM CLADDING
L: LOUVER

project
Bay St Apartment
project address
2&2A - 4 BAY STREET,
BOTANY NSW 2019
COUNCIL ZONE
LOT DP

drawing
Southern Elevation
project ref
15118
date
20/05/2019
scale @ A1
1:100
drawn
FA
checked
MB

DA REVIEW

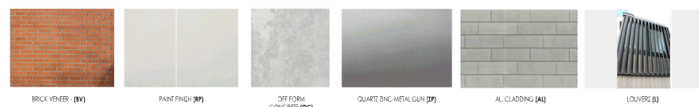
20/05/2019	ISSUE FOR REVIEW	A
20/05/2019	FLOOD LEVEL ADDED	B
20/05/2019	DA REVIEW	C
20/05/2019	REVISED LEVEL & PARKING	D

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1 Northern Elevation
1 : 100

FINISHES SCHEDULE



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ABBREVIATIONS
A: ANNE
B: BERT
C: CAROL
D: DAVID
E: EMILY
F: FRANK
G: GREG
H: HENRY
I: ISABELLA
J: JAMES
K: KATE
L: LUCAS
M: MICHAEL
N: NINA
O: OLIVIA
P: PETER
Q: QUINN
R: RICHARD
S: SARAH
T: TOM
U: URSULA
V: VICTORIA
W: WALTER
X: XAVIER
Y: YVES
Z: ZOE

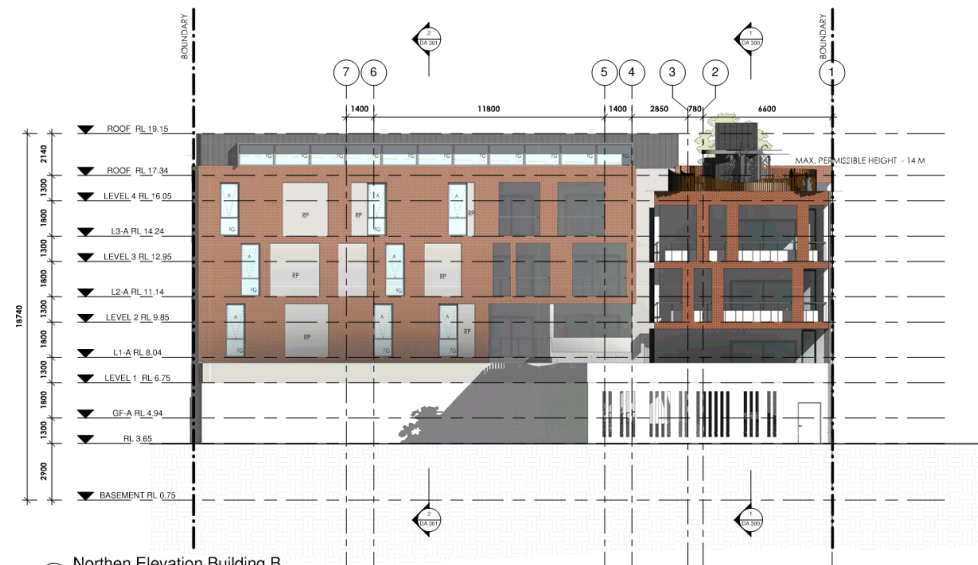
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Bay St Apartment
project address:
2&2A - 4 BAY STREET,
BOTANY NSW 2019
COUNCIL: ZONE:
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drawing:
Northern Elevation
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15118
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DA REVIEW

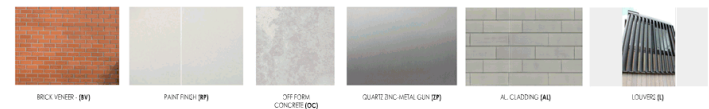
20/05/2019	ISSUE FOR REVIEW	A
20/05/2019	PLANNING LEVEL ADDED	B
20/05/2019	REVISED LEVEL & PARKING	C

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1 Northern Elevation Building B
1 : 100

FINISHES SCHEDULE



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Client:
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project:
Bay St Apartment
project address:
**2&2A - 4 BAY STREET,
BOTANY NSW 2019**

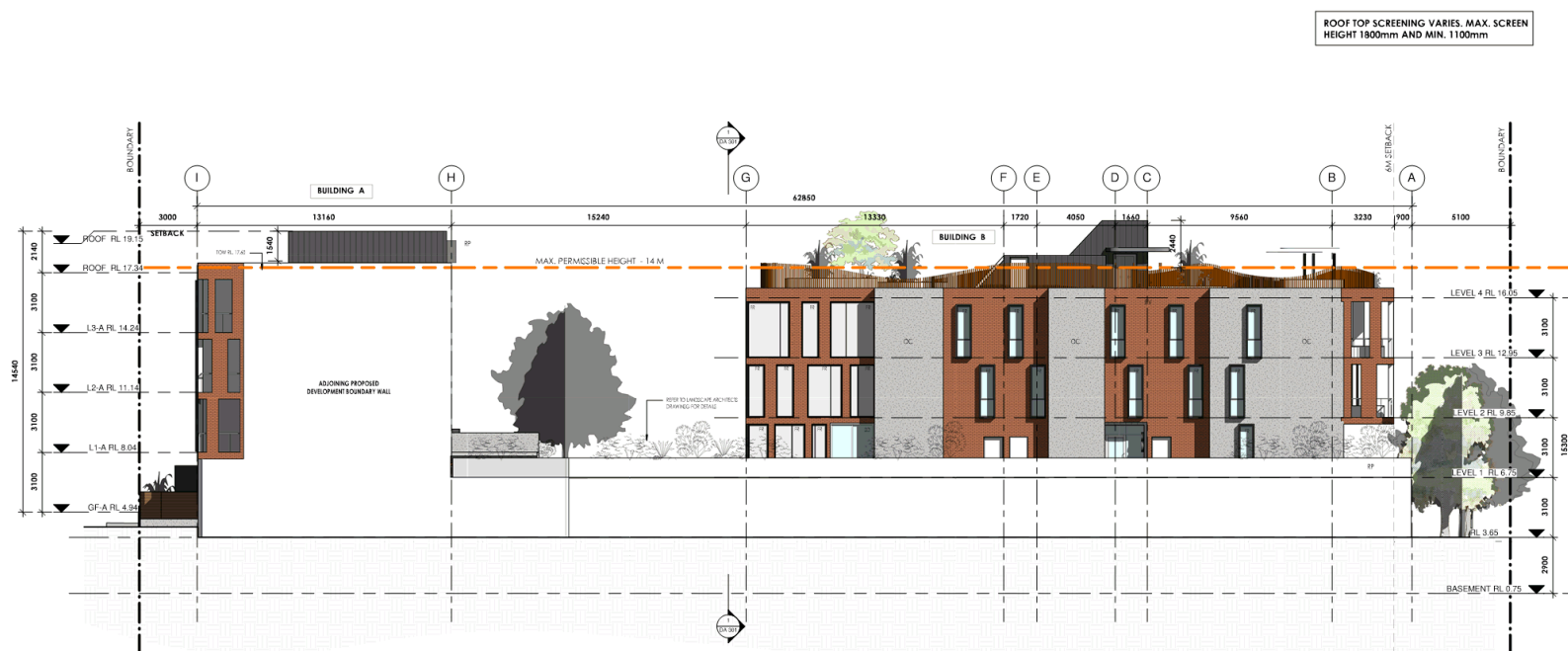
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LOT: DP:

drawing:
Northern Elevation Building B
project ref:
15118
date:
20/05/2019
scale @ A1:
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drawn:
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checked:
DA 201a
issue:
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Checker

DA REVIEW

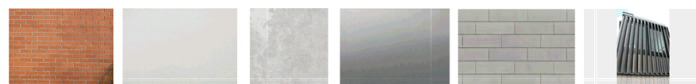
14/10/2018	NORTHERN ELEVATION B	A
20/05/2019	REVISED LEVEL & PARKING	B

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1 Eastern Elevation
1 : 100

FINISHES SCHEDULE



BRICK VENEER (BV) PAINT FINISH (PF) OFF FORM (OF) QUARTZ ZINC-METAL GUN (ZF) AL. CLADDING (AL) LOUVER (L)

BD
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Client

ABBREVIATIONS

A:	AXING
SR:	SUIT IN WARDROBE
AL:	ALUMINUM CLADDING
WC:	W.C. WASH
DA:	DIAMETER
FG:	FIBRO GLASS
FR:	FROSTED GLASS (FROD)
FL:	FINISHED FLOOR LEVEL
LD:	LANDY
OC:	OFF FORM CONCRETE
RL:	RELATIVE LEVEL
RD:	ROUNDER PLASTER
RP:	ROUND END AND PANEL
SD:	SLIDING DOOR
ST:	STORAGE
TOP:	TOP OF WALL

project
Bay St Apartment

project address
2&2A - 4 BAY STREET,
BOTANY NSW 2019

COUNCIL	ZONE
LOT	DP

drawing
Eastern Elevation

project ref 15118	date 20/05/2019	
scale @ A1 1 : 100	dwg. no. DA 202	issue D
drawn FA	checked MB	

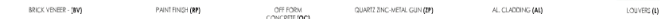
DA REVIEW

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FINISHES SCHEDULE



ABBREVIATIONS

AC	JAWING
RR	SUIT IN WARDROBE
AL	ALUMINUM CLADDING
WC	W/C KITCHEN
DA	DIAMETER
FG	FIBER GLASS
FR	FROSTED GLASS (FRS)
FL	FINISHED FLOOR LEVEL
LFL	LANDFILL
OC	OFF FORM CONCRETE
RL	RELATIVE LEVEL
RL	ROLLUP SHUTTER
RP	RINDEROED AND PANES
LD	SLIDING DOOR
STF	STORAGE
SW	SOP OF WALL
ZP	ZINC PANE

drawing Western Elevation		
project ref 15118	date 20/05/2019	
scale @ A1 1 : 100	dwg. no. DA 203	issue C
drawn FA	checked MB	

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Constructor shall verify all levels and dimensions on drawings are adequate to construct as noted shop drawings. Figure dimensions to be used - if not noted.

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CLAUSE 4.6 REQUEST FOR VARIATION TO

**CLAUSE 4.3 (2) (HEIGHT OF BUILDING) OF BOTANY BAY
LOCAL ENVIRONMENTAL PLAN 2013 (BBLEP)**

1.0 Introduction

- This is a request to vary a development standard pursuant to the provisions of Clause 4.6 of Botany Bay Local Environmental Plan 2013 (BBLEP 2013), the relevant clause being Clause 4.3(2) (Height of Building).
- The relevant maximum height of building control is 14.0m.
- The relevant Height of Building control is a *development standard* for the purposes of the EP & A Act 1979.
- This request to vary the height development standard considers the judgment in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* ("Initial Action").
- The relevant case law confirms that the consent authority not be directly satisfied that compliance is unreasonable or unnecessary and sufficient environmental planning grounds exist, but rather that it "*only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed*".
- The objectives of Clause 4.6 1(a) is to provide an appropriate degree of flexibility in applying certain development standards to particular development. The intent is to achieve better outcomes for and from development by allowing flexibility in particular circumstances in accordance with Clause 4.6 1(b).
- The relevant plans relied upon are those identified as the DA Plans prepared by BD Architecture Interiors (see Appendix C for plan list) with relevant Elevations and Section Plans as Appendix A and Shadow Diagrams as Appendix B.

2.0 Development Standard to be Varied – Height

The relevant *development standard* to be varied is the 14.0m height control under Clause 4.3(2). Clause 4.3 of BBLEP relevantly provides:

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
- (b) *to ensure that taller buildings are appropriately located,*
- (c) *to ensure that building height is consistent with the desired future character of an area,*
- (d) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (e) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.*

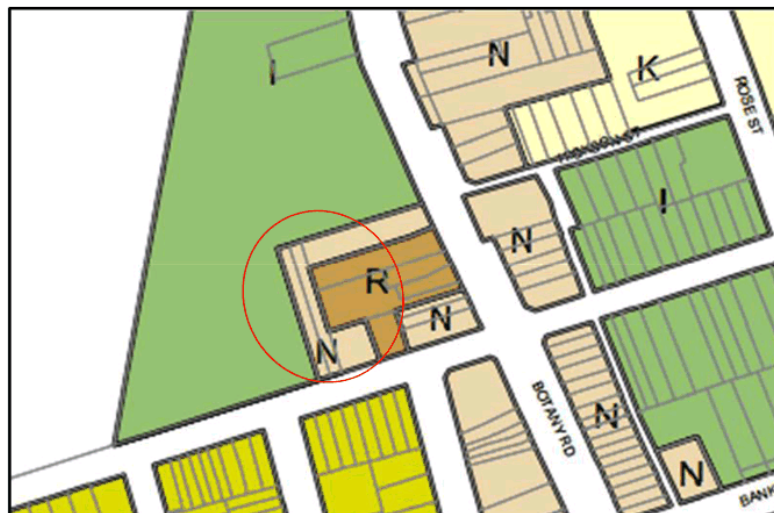
(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map but must not exceed 22 metres.*

(2B) *Subclause (2A) does not apply to land identified as "Area 1" on the Height of Buildings Map.*

(2C) *Despite subclause (2), if an area of land identified as "Area 2" on the Height of Buildings Map has a site area exceeding 1,900 square metres, the maximum height for a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map by no more than 2 metres.*

The relevant height of buildings map is identified below:



The subject site is shown on LEP Map as 14m ("N"). It is noted that "R" is 22m.

The site has a small crossfall (approximately 300mm) for building purposes. This is reflected in the orange HOB line shown on the northern elevation plan in Figure C below.

3.0 Nature of Variation Sought

The requested variation is as follows:

- Building A: Roof line of the rear portion of the third floor - RL19.15 (exceedance range from 1.21m (northern and southern elevations and 1.54m (eastern and western elevation)
- Building B: lift overrun and shelters maximum height - RL20.05 (exceedance up to 2.44m)

The following elevation drawings (prepared by BDAI) shows the 14.0m height limit prescribed under clause 4.3(2) of BBLEP 2013.



Figure A: Western Elevation

Note: the grey shaded area behind the subject development is the adjoining proposed development with a TOW of RL25.90.



Figure B: Eastern Elevation



Figure C: Northern Elevation



Figure D: Southern Elevation



Figures A – D above demonstrate that proposed Building A complies along the Bay Street frontage with a setback of approximately 7.7m from the Bay Street property boundary to the non-compliant roof. The habitable floor levels of Building B comply with the height limit. Only the lift and stair overrun, the common open space shade structures and parts of the COS area screen (which varies in height) are non-compliant.

4.0 Height – Development Standard

A development standard is defined in s1.4 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to mean:

"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) the cubic content or floor space of a building,*
- (e) the intensity or density of the use of any land, building or work,*
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) the volume, nature and type of traffic generated by the development,*
- (i) road patterns,*
- (j) drainage,*
- (k) the carrying out of earthworks,*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) the provision of services, facilities and amenities demanded by development,*
- (n) the emission of pollution and means for its prevention or control or mitigation, and*
- (o) such other matters as may be prescribed."*

The 14.0m maximum height standard is a *development standard* as defined under the *EP&A Act 1979*.

5.0 Clause 4.6 of Botany Bay Local Environmental Plan 2013

The following provides a response to relevant Clause 4.6 provisions:

Clause 4.6(2) provides that:

(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 HOB development standard is not expressly excluded from the operation of cl4.6 and accordingly, consent may be granted.

Clause 4.6(3) relates to the making of a written request to justify the contravention of a development standard and states:

- (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. (our emphasis)**

The proposed development does not comply with the HOB development standard pursuant to cl4.3 of the BBLEP 2013. However, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as detailed further in this written request.

Sufficient environmental planning grounds exist to justify contravening the development standard as detailed in section 3. There are two height variations. The first being the roof level of part of the third-floor level of Building A (facing Bay Street) and the second being the lift and stair overrun, the common open space shade structures and parts of the rooftop area screens (which varies in height) on Building B. The remainder of Building A and Building B are compliant.

Clause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*

Sections below of this written request address the matters required under cl4.6(4)(a) of the BBLEP 2013 and cl4.6(4)(b).

Clause 4.6(5) provides that:

- (5) In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*



Sections below of this written request addresses the matters required under cl4.6(5) of the BBLEP. Clauses 4.6(6) and (8) are not relevant to the proposed development and cl 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

5.0 Relevant Decisions

Initial Action

In the Judgment of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* ('Initial Action'), Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. For example, a building that exceeds a development standard that has adverse amenity impacts should not be assessed on the basis of whether a complying development will have no adverse impacts. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives of the zone and the objectives of the development standard. The relevant test is whether the environmental planning grounds relied upon and identified in the written request are "sufficient" to justify the non-compliance sought.

In addition, Preston CJ ruled that cl4.6 does not directly or indirectly establish a "test" that a development which contravenes a development standard results in a "*better environmental planning outcome*" relative to a development that complies with the development standard. There is no provision in BBLEP clause 4.6 that requires a development that contravenes a development standard to achieve better outcomes.

Furthermore, Preston CJ ruled that it is incorrect to hold that the lack of adverse amenity impacts on adjoining properties is not a sufficient ground justifying the development contravening the development standard, when one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts.

Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191 Moore J (herein referred to as Rebel MH)

In *Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191 Moore J* identifies the steps provided in *Initial Action* confirming what the consent authority must do in order to satisfy itself as follows:

"For me to grant development consent for this development as it contravenes the permitted maximum building height development standard, cl 4.6(4)(a) requires me to be satisfied that:

(1) The written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of this proposed development (cl 4.6(3)(a) and cl 4.6(4)(a)(i)); and

(2) The written request adequately establishes sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)); and

(3) The proposed development will be in the public interest because it is consistent with the objectives of the standard in question - set out in cl 4.3 of the LEP (cl 4.6(4)(a)(ii)); and



(4) The proposed development will be in the public interest because it is consistent with the objectives of the R4 High Density Residential Zone (cl 4.6(4)(a)(ii)),

For the first of the above matters, Preston CJ made it clear, in Initial Action at [25], that the Court need not be directly satisfied that compliance is unreasonable or unnecessary and sufficient environmental planning grounds exist, but rather that it "only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed those matters."

6.0 Clause 4.6(3)(a): Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

In dealing with the "unreasonable and unnecessary" Preston CJ identifies and validates the 5 options available to an applicant in *Wehbe v Pittwater Council* which can be adopted in dealing with the *unreasonable and unnecessary* test under **Cl. 4.6(3)(a)**.

Preston CJ at states as follows:

"As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe v Pittwater Council at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."

Based on the above the following identifies the first method identified in *Wehbe*:

"Ways of establishing that compliance is unreasonable or unnecessary

*42 An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the **objectives of the development standard are achieved notwithstanding non-compliance with the standard**. (our emphasis)*

Clause 4.6(3)(a) – UNREASONABLE AND UNNECESSARY

This clause 4.6 responds to the matters required to be demonstrated by sub-clause 4.6(3) namely:

- *that compliance with the 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.*

COMMENT:

Having considered the above the applicant relies upon the first method demonstrating that compliance is *unreasonable and unnecessary* because the objectives of the development standard are achieved notwithstanding a variation with the standard.

In dealing with the control it is necessary to identify the purpose of the height control and then progress to dealing with the consistency or otherwise with the height objectives. The first consideration relates to overall scale of a building given that height determines the scale of a building to another building or natural feature. The visual fit of the building in this particular instance having regard to the variations sought is acceptable and appropriate for this site.



The site is an isolated site with an L-shaped configuration. It immediately adjoins land occupied by the Botany Public School. The school land immediately west of the site is a driveway access to a school carpark and open space, playing fields and cricket nets for students. To the east is an approved building within an area with an allowable height limit of 22m. Opposite the site is zoned B7 Business Park and permits redevelopment up to 12m in height.

The additional volume of built form arising from the proposed variations whether it be the roof element or the lift shaft will not be visible from most positions in the public domain or private lands. The built form responds to its locational context having regard to its zoning, allowable building height, and existing and approved development on land immediately surrounding the subject site. These features create an individual set of circumstances that, when applied to this particular site, underpin the context for considering the proposed variation to the height.

In this case the roof element of Building A is setback over 7.5m from the Bay Street property boundary and constructed of a gun-metal grey material and glass. This creates a recessive appearance and volume to the roof envelope that is non-compliant. When viewed from Bay Street this roof is not higher than the adjoining approved development to the east.

The lift shaft and stair overrun of Building A are also setback from each edge of the building. It is to be constructed of the same material (gun metal grey) as the Building A roof element, again appearing as a recessive roof element, located towards the middle of the building. The rooftop screening is semi-transparent, complemented by various plants and landscaping with lightweight shade structures for weather protection of residents.

These rooftop elements of Building B will be visible from a distance when viewed from the south-west along Bay Street and from the open space to the east towards Mill Pond. However, they will appear subservient to the higher development behind the subject site, not dominating the skyline or neighbouring school property. The remainder of the roof line and habitable floor levels of Building B is compliant.

Further insight into the purpose of the height standard can be obtained by investigating the objectives of the standard. The objectives in this case are weighted on amenity having regard to solar, visual and privacy impacts. When considered within the framework of the objectives the purpose of the height control requires the development to provide reasonable amenity impacts as a result of the building height and specifically the variation. The following justification relates to both the proposed variations on both buildings.

(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,

The proposal is a permissible development in this location. It is a logical development that is proposed upon a site which is essentially an isolated site and therefore does not impact on the development potential or logical redevelopment of land in the vicinity. The variation does not prejudice any adjoining site or affect the development potential of other sites. The objective is achieved.

(b) to ensure that taller buildings are appropriately located,

The proposed development is appropriately located as it provides a transition between the 22m height limit facing Botany Road and the open space, rear playing fields of the adjoining school grounds. Objective is satisfied.



(c) to ensure that building height is consistent with the desired future character of an area,

The majority of the development complies with the prescribed height limit. The height limit is nominated to provide the transition in this area. The proposal achieves this by stepping down from the adjoining large residential development that faces both Botany Road and Bay Street, directly adjoining the subject site to the school grounds adjoining to the west. The proposal is consistent with the Botany Character Precinct provisions contained in the DCP. Objective is satisfied.

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The proposal does not disrupt views and is acceptable in terms of views to and from the site. The area of the non-compliance does not unduly affect any adjoining property. The overall height of the development is acceptable when viewed from Bay Street and other public domain viewpoints. Objective is satisfied.

(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

The maximum height of development permissible in the immediate area ranges from 12m on the R2 zoned school land up to 22m for the land adjoining the subject site (facing Botany Road). Therefore, the 14m height limit for this site sites towards the middle of the height range and is not the upper limit for the area.

The proposed built form is compatible with the desired future character for this area. There is no potential for this development to have a jarring effect in the streetscape, given the backdrop of the adjoining residential development facing Botany Road and the likely future redevelopment across the street (B7 Business Park with 12m height limit). Instead the built form proposed for this site mediates the higher and bulkier adjoining development.

7.0 4.6(3)(b) – SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The variation relates to height and as such calls upon those matters considered to be environmental planning grounds relevant to the subject matter. Justification provided for the variation applies to this particular application and not environmental planning grounds that could apply to all lands zoned B2 Local Centre.

The additional height occurs in two distinct areas at the top most level of Building A and Building B. The first is the recessed roof element of Building A and the second is the lift overrun, stair access and shade structures on the roof of Building B.

Specifically,

- Building A: Roof line of the rear portion of the third floor - RL19.15 (exceedance range from 1.21m (northern and southern elevations and 1.54m (eastern and western elevation)
- Building B: lift overrun and shelters maximum height – RL 20.05 (exceedance up to 2.44m)



The environmental planning grounds justification for the two variations is provided as follows:

- Building A: the habitable floor area of this building complies with the 14m height limit. It is only the rear portion of the third level roof that is non-compliant. This projection provides access to natural light to these units, enhancing their indoor/outdoor living spaces. The highlight windows face north and south, thereby accessing more natural light.
- The non-compliant portion of the roof is setback some 7.7m from the Bay Street property boundary.
- The material used for the upper roof of Building A is dark gun metal grey in colour, thereby creating a recessive structure when viewed from the street.
- The height of the roof is lower than the adjoining development which faces Botany Road, thereby appearing as a subservient element to this development when viewed from the west along Bay Street or from the open space area to the west.
- Building B: the habitable floor area and roof of this building complies with the 14m height limit, it is only the lift overrun, stairway and shade structures that project above the height limit.
- The highest point is the lift overrun. It is located in most desirable position – towards the centre of the roof and the building.
- The central location of the lift overrun maximises the setback to each elevation. This has many practical advantages and enables the basement to be designed with compliant and efficient ramps and isles that would not be achievable with a lift core located toward the edge of the building envelope. Inefficiencies in the use of the available floor area would result if the lift was relocated and made to comply.
- The lift overrun and stair structure is also needed to provide access to the rooftop common open space. This area is required to be accessible for all residents and guests, hence the need for the lift to be taller to provide access this level of the building.
- The rooftop common open space assists with facilitating the orderly and economic use of the land and provide open space with good solar access.
- The lightweight shade structures are required to provide some form of shading for the amenity of residents use all year round.
- The shadow diagrams (see BDAI shadow diagrams in Appendix B) demonstrate that the additional height for Building B does not result in any additional shadowing impact results from the lift position.
- The height variation to Building B predominantly occurs as a result of the need to provide full access to the rooftop open space, noting that the remainder of this building remains under the height control over the building footprint.

In dealing with the sufficient environmental planning grounds Preston CJ in Initial Action considers that it is available to the applicant to also deal with the Objectives of the Act under S1.3 in order to demonstrate that grounds exist to warrant a variation to height. Clause 1.3 of the EP and A Act 1979 relevantly provides:

“1.3 Objects of Act (cf previous s 5)

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. (emphasis added)

The plans by BDAI DA Plans and specifically the elevation drawings (extracts in Figure A – D above) satisfy the objectives in bold given that:

- The L-shaped configuration of the site is awkward in terms of layout and integration of the two buildings across one amalgamated site;
- The site is essentially an isolated parcel wherein the design, layout and built form proposed allows for its orderly and economic development;
- The design, layout and built form provide a transitional built form within the B2 Local Centre zone that provides for higher density housing in an accessible location;
- The proposal reflects Council's strategic planning direction for the Botany area;
- The additional roof height on Building A allows for enhance opportunities for natural light penetration into the upper floor units.
- The upper roof of Building A has been designed to be subservient to the height of the development immediately behind the site.
- The colours and materials used for the roof element and lift overrun structure is a dark colour in order to blend into the building and be recessive rather than bold.
- Its central lift location provides a more efficient floor plate at each level of Building B.
- The above design elements and locational characteristics predominantly auger towards addressing achieving objective (g) – good design and amenity of the development.

Based on the above the consent authority can be satisfied that there are sufficient environmental planning grounds to warrant the variation.

Notwithstanding the above, Preston CJ clarified in *Micaul and Initial Action*, that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts.

In the present circumstances the positive planning benefits associated with equitable access being provided to a high quality communal open space area and the ability to efficiently plan upper level of Building A to provide more access to natural light are considered sufficient in their own right to justify the variations to the height control in this particular case.

Additionally, there is a clear lack of adverse amenity impacts arising from the proposal as neither variation will not result in adverse overshadowing or privacy impacts on adjoining properties. The projections above the height limit do not have any flow-on negative planning impacts and the impacts that arise from the variation whilst extremely negligible or non-existent are nevertheless acceptable.

In summary, the HOB variation is considered to be in the public interest given its ability to not cause additional impacts but also because of its ability to provide the site specific environmental planning grounds demonstrating that strict compliance is unreasonable and unnecessary in the circumstances of this particular case.



Clause 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 of development within the zone within which the development is proposed to be carried out.

Consistency with the Zone Objectives

An enquiry is now made in relation to the ability of the proposal and the identified variations, as one departing from the HOB standard, to reasonably satisfy the stated objectives of the zone.

B2 Local Centre zone

The objectives of the B2 Local Centre zone are as follows:

Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The following provides a review of the zone objectives:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposal provides additional housing on land which permits this type and scale of residential development. The existing development on the site comprises low density dwellings and a small business. The proposal offers genuine housing for families or individuals in an accessible area. Bay Street is an easy walk to the local services and facilities, including public transport along Botany Road. The objective is achieved.

- *To encourage employment opportunities in accessible locations.*

The proposal supports local business with the increase of population on the site. The units generate additional population over and above the current situation. New residents will support local businesses and services in the area. The changing population base require greater access to walkable areas, public transport and access to employment opportunities.

- *To maximise public transport patronage and encourage walking and cycling.*

The proposal is well located in terms of public transport. The area is relatively flat which will encourage walking and cycling in the area.

Overall, the proposal achieves the B2 zone objectives by:

- Providing a built form which complements the future desired character and style of the area.
- The scale of development proposed is anticipated for this area and the additional height can be supported because it is in the public interest.
- The building design includes good quality design elements, layout and provision of facilities for residents while not compromising the amenity and future character of the area.



8.0 Other Matters For Consideration

Step 4 - Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under cl4.6 of the BBLEP.

The Court has power to grant development consent to the proposed development even though it contravenes the HOB development standard, without obtaining or assuming the concurrence of the Secretary by reason of s39(6) of the *Land and Environment Court Act 1979* (the Court Act).

Clause 4.6(5) - Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice, cl4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposed contravention of the HOB development standard has been considered in light of cl4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed development for this particular site and this particular design by BDAI (plan list at annexure C) is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated in Section 5.3, the proposed contravention of the development standard is considered to be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard.

The proposed development contravenes the Height of Building development standard under cl4.3 of BBLEP 2013 and the building control under cl4.3 of the BBLEP is a development standard and is not excluded from the application of cl4.6.

This written request to vary the development standard has been prepared in accordance with cl4.6(3) of the LEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the following reasons:

- Notwithstanding the contravention of the development standard, the proposed development is consistent with the relevant objectives of the development standard pursuant to cl4.3 of the BBLEP 2013 and is consistent with the relevant objectives of the B2 Local Centre zone and



therefore, the proposed development is in the public interest;

- Notwithstanding the contravention of the development standard, the proposed flat building will not result in adverse environmental harm in that the amenity of neighbouring properties will be reasonably maintained and there will be no adverse impacts on the solar amenity or visual privacy and streetscape of the locality;

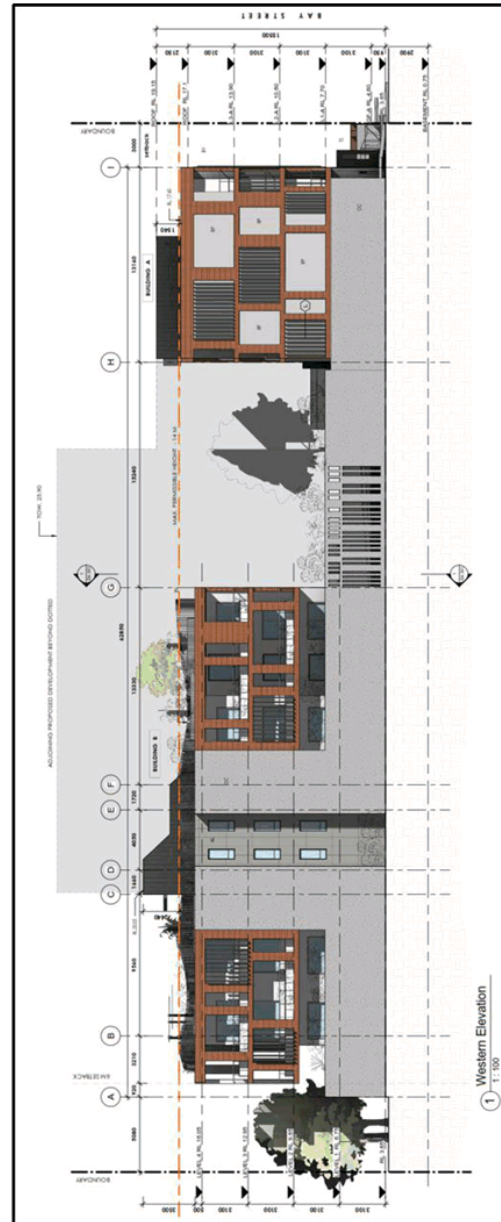
In addition, this written request outlines sufficient environmental planning grounds to justify the contravention of the HOB development standard including:

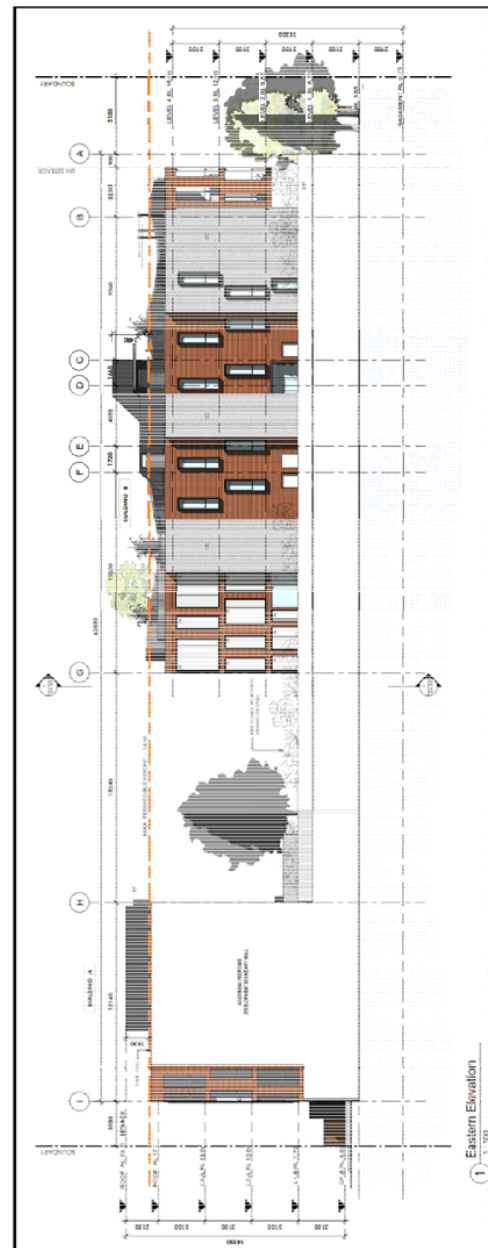
- a lack of adverse environmental amenity impacts such as privacy and solar;
- constructing a new contemporary building to satisfy the strategic planning imperatives available via the zoning of the site that allows for higher density development;
- the provision of high-quality residential living;
- provision of basement parking for residents;
- provision of a high-quality rooftop communal open space area for the amenity of residents.

A handwritten signature in black ink, appearing to read 'A Martin'.

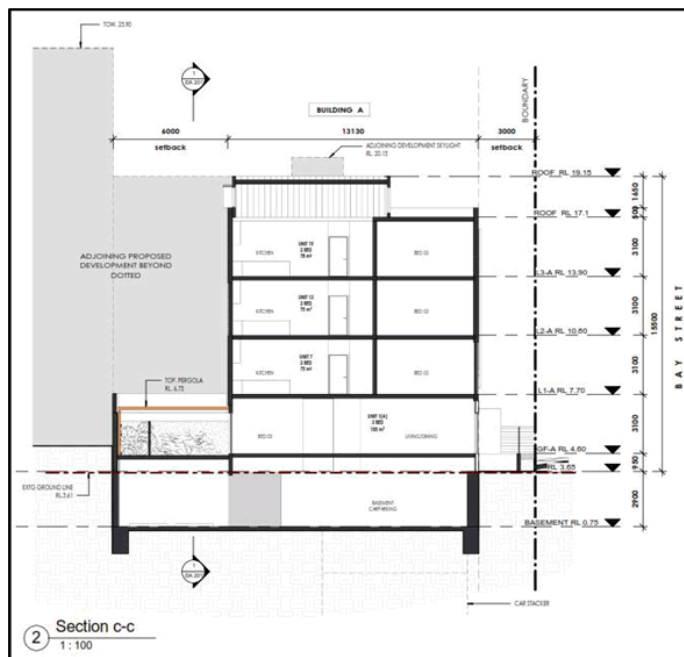
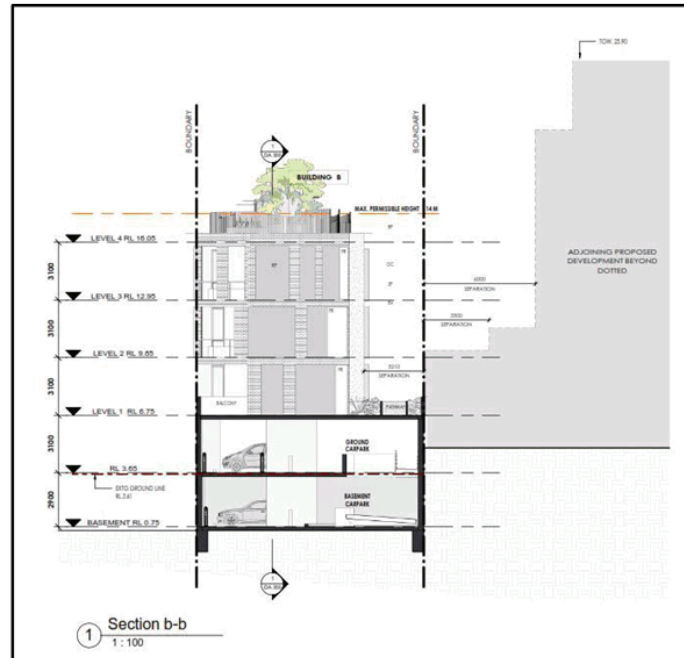
Andrew Martin *MPIA*
Planning Consultant

Annexure A – Elevations and Section Plans – BD Architecture Interiors

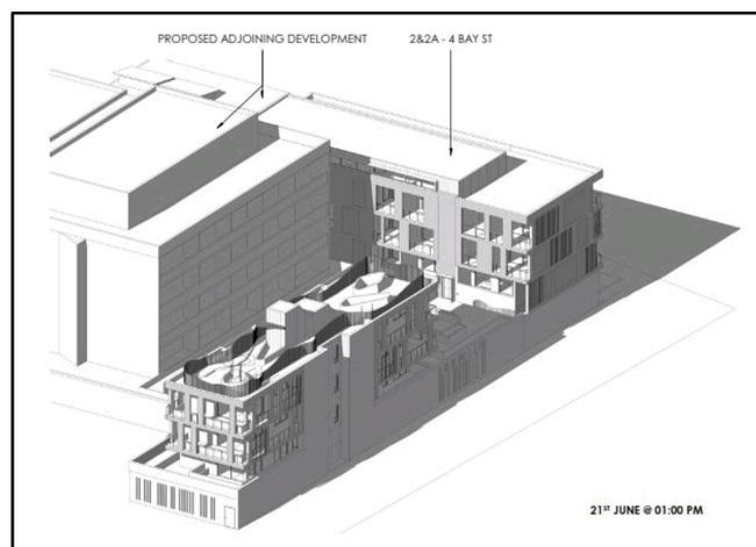
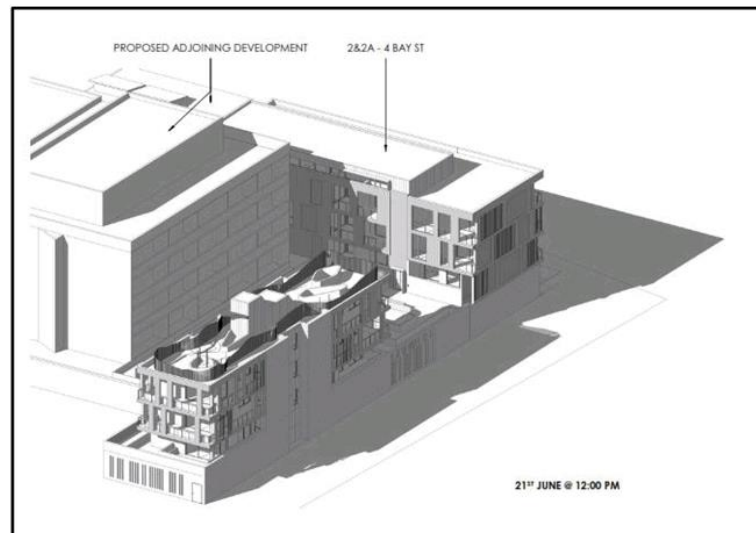


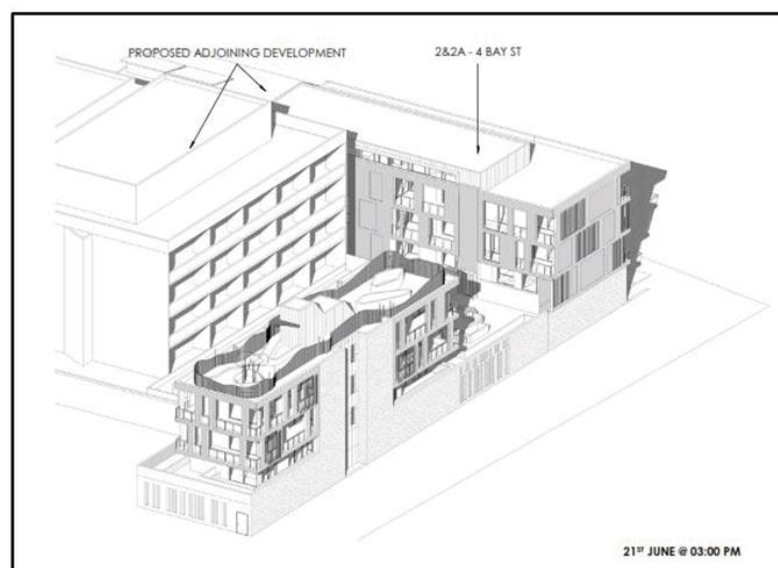
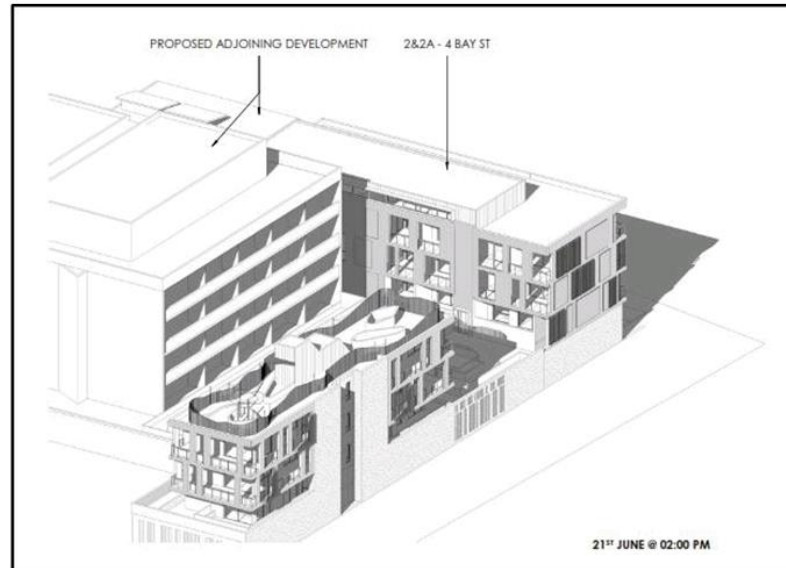






Annexure B – Solar Access Plan Overshadowing by BD Architecture Interiors






Annexure C - Plan list of plans by BDAI Architecture Interiors

Drawing No.	Drawing Title	Revision	Drawn By	Date
DA100	Proposed Basement	C	BDAI	14/12/2018
DA101	Proposed Ground Floor	C	BDAI	14/12/2018
DA102	Proposed First Floor	B	BDAI	30/08/2018
DA103	Proposed Second Floor	B	BDAI	30/08/2018
DA104	Proposed Third Floor	B	BDAI	30/08/2018
DA105	Proposed Roof Plan	C	BDAI	14/12/2018
DA200	Southern Elevation	C	BDAI	14/12/2018
DA201	Northern Elevation	C	BDAI	14/12/2018
DA201a	Northern Elevation Building B	A	BDAI	14/12/2018
DA202	Eastern Elevation	C	BDAI	14/12/2018
DA203	Western Elevation	C	BDAI	14/12/2018
DA300	Section A-A	C	BDAI	14/12/2018
DA301	Section B-B & C-C	C	BDAI	14/12/2018
DA400	Compliance Diagram 1	C	BDAI	14/12/2018
DA401	Compliance Diagram 2	B	BDAI	30/08/2018
DA402	Compliance Diagram 3	B	BDAI	30/08/2018
DA500	Shadow Diagrams	C	BDAI	14/12/2018
DA600	Perspective	B	BDAI	30/08/2018

**TRANSPORT AND TRAFFIC PLANNING ASSOCIATES**

Suite 502, Level 5, 282 Victoria Avenue, Chatswood NSW 2067
P (02) 9411 5660 F (02) 9904 6622 W ttpa.com.au E ross@ttpa.com.au

19 May 2019
Ref: 15240 (Rev B)

Mr Maurice Beraldo
BDAI

E: maurice@bdai.com.au
c.c. fakhry@bdai.com.au

Dear Mr Beraldo

**Proposed Development
2 – 4 Bay Street, Botany**

I have given further consideration to the concern expressed by Council in relation to the turning provision for cars accessing the basement level of the proposed development. The relevant considerations are as follows:

- It is not proposed to provide visitor parking on the basement level and it will only be residents parking on this level who will be entirely familiar with the access circumstances
- The great majority of resident cars will be small/medium size and these will be able to turn to/from the access ramp in a single movement
- Any potential large resident cars will be able to access with a slight reverse shuffle and this manoeuvre is not prohibited under AS2890.1. In fact, it is necessary for large cars to shuffle in this way to access parking spaces using 5.8m wide aisle under AS2890.1 which only states in relation to large cars that they must be able to "physically fit" when manoeuvring in a parking facility.
- The proposed provision of the turn table will obviate the need for any large cars to "reverse shuffle" (see attached SP3)
- There will be a traffic signal system provided for the single lane ramp

Traffic Engineering | Traffic Signal Design | Road Safety Audit

A Division of Monvale Pty Ltd ACN 060 653 125 ABN: 44 060 653 125

Transport and Traffic Planning Associates

Mr Maurice Beraldo – 19 May 2019

Page **2** of **2**

I trust that this advice will serve to allay Council's concerns.

Yours faithfully

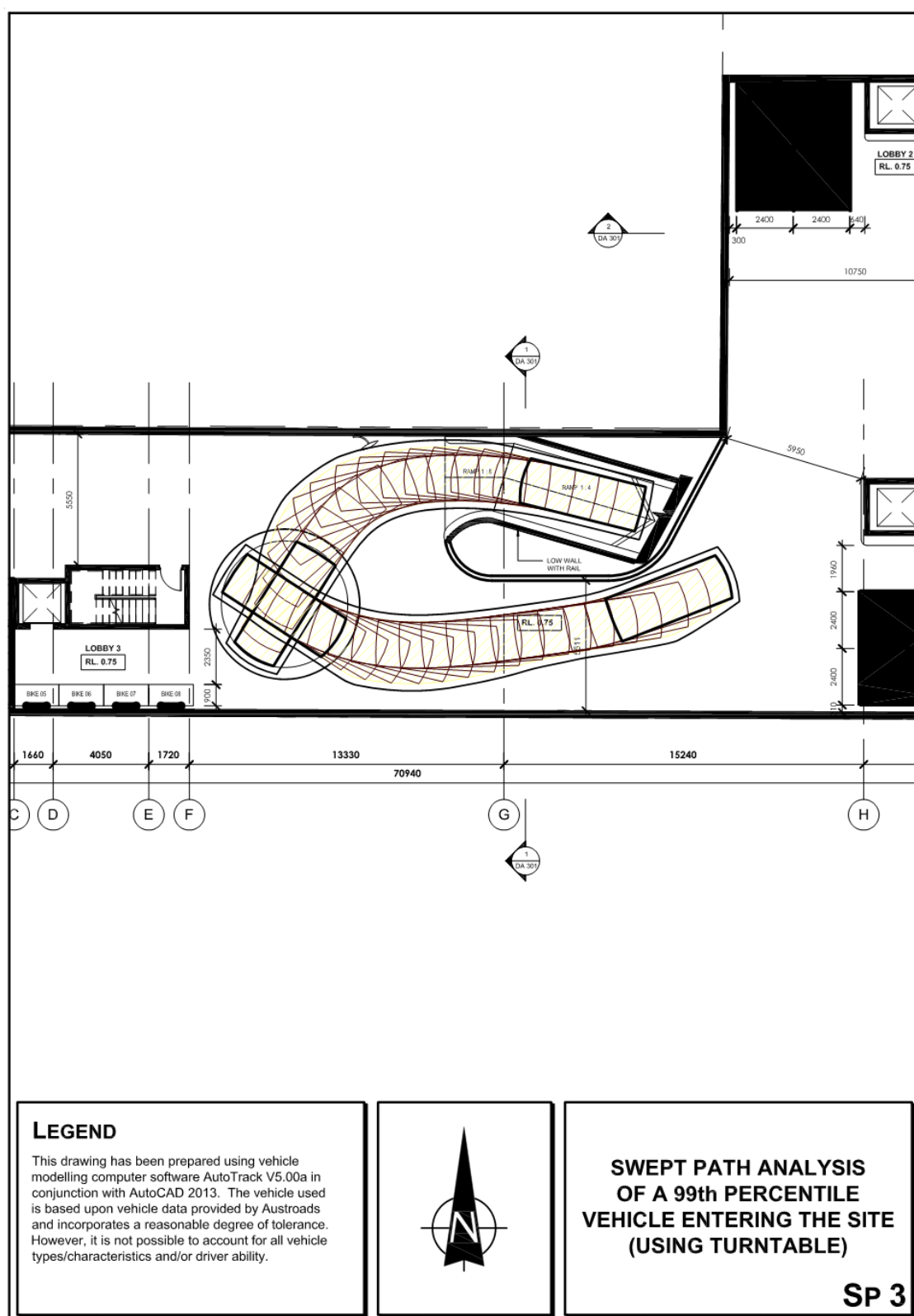


Ross Nettle

Director

Transport and Traffic Planning Associates

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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 3

Date of Panel Assessment:	19 October 2018
Applicant:	Beraldo Design
Architect:	Beraldo Design
Property Address:	2 & 2A, 4 Bay Street Botany
Description:	Integrated Development Application for demolition of the existing structures and construction of new residential flat buildings, containing 20 units and basement car park.
No. of Buildings:	1
No. of Storeys:	4
No. of Units:	20 units total - 5 x 1 bed units; 14 x 2 bed units and 1 x 3 bed unit
Consent Authority Responsible:	Bayside Council
Application No.:	DA-2017/1047
Declaration of Conflict of Interest:	Nil

The Panel inspected the site, reviewed the submitted documentation and met with representatives of the applicant including John Alafaci and Maurice Beraldo (Architect BDAI), Marta Gonzalez-Valdes (Council's Coordinator Development Assessment) and Patrick Nash (Council's Senior Development Assessment Planner).

[**Note:** Texts in *italics* were Minutes of the previous Design Review Panel meeting held on 23 November 2017].

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><i>The Panel concluded that it was extremely difficult to properly assess the proposed development given the poor quality of the documentation provided by the applicant which contains multiple inconsistencies and anomalies. Plans do not match elevations, elevations do not match sections, and the photomontage does not match any other drawing.</i></p> <p><i>The proposed development sits within a varied context, with single storey cottages on the opposite side of Bay Street to the south, Botany Public School playing fields to the west, and an approved six-storey apartment and mixed-use development (currently under construction) to the north and east.</i></p> <p><i>The subject site is an awkward "L" shape, not particularly well suited to the proposed development type which requires significant design skills and dexterity.</i></p> <p><i>The Panel considered that the proposed design responds poorly to its context and shows little regard for the desired future streetscape as expressed by Council codes.</i></p> <p>The Panel considers that revised design is a significant improvement on the previous design and is generally acceptable, however, more design resolution is required at the ground level of the development both to the side and front of the building.</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><i>The Panel considered that the design exceeds the permissible building height limit without justification and is poorly articulated to reduce the consequential impacts. It is likely that the actual exceedance is greater than that shown in the drawings provided by the applicant. For example, the lift overrun for building A is not properly dimensioned.</i></p> <p><i>The height of Building A should be reduced to comply with Council codes.</i></p> <p><i>The east façade of Building B presents an unarticulated face to the balconies and living rooms on the neighboring site – just 9m to the east. Articulation of the façade should be given further consideration by the applicant.</i></p> <p><i>The corner articulation (Bay Street and the school driveway) appears clumsy and, given the inconsistent presentation different drawings, cannot be properly assessed by the Panel.</i></p> <p>The Panel considers that revised design is a significant improvement on the previous design. The Panel supports the minor height increase to the building fronting Bay Street because it achieves a better interface with the development to the east. The Panel generally supports the improved elevational treatment above the ground floor.</p> <p>The Panel recommends that the rooftop of Building B should be utilized for communal open space, and notes that this would result in a minor height exceedance in order to provide the lift access and associated structures, which the Panel supports.</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</p>	<p><i>The Panel noted that the proposed development is well under the allowable FSR. However the design does not achieve a high level of amenity for the residents of each apartment.</i></p> <p>The Panel considers that the revised design is now acceptable in relation to density.</p>

Design Principle	Comments
infrastructure, public transport, access to jobs, community facilities and the environment.	
Sustainability <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 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><i>The Panel noted that the documentation provided by the applicant does not adequately demonstrate that 70% of the apartments will have access to 2 hours of sunlight in winter. This should be properly addressed by the applicant.</i></p> <p><i>In addition, further consideration should be given to harvesting of solar energy and rain water for reuse within the development.</i></p> <p>Sustainability was not discussed at the meeting. However, the Panel notes that there are 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>
Landscape <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><i>The Panel considered the landscape design proposal should be revised in response to the below comments and the revised response should consider the following:</i></p> <ul style="list-style-type: none"> <i>The provision of communal open space that provides opportunities for gathering and social exchange. Quality open space should be provided beyond the provision of seating within communal walkways and consider the inclusion of shade structures, barbecue facilities, seating, tables and softscape that enhances the communal open space</i> <i>The landscape design should provide separation and privacy between communal and private spaces</i> <i>Deep soil zones need to be adequate in area to support the structural root zone of proposed canopy trees</i> <i>The design should explore the screening of views on to the southern sheer wall of the adjoining development</i> <i>The design should better respond to the adjoining school site with a revised layout that provides for private balcony/terraces overlooking the playing fields</i> <i>Access to proposed landscape areas is essential for maintenance. Some of the proposed landscape areas are not readily accessible</i> <i>The landscape design could be enhanced by the provision of softscape treatment to the street frontage, in particular to the 1800mm fence/privacy screens that face Bay Street.</i> <p>The Panel considers that the revised landscape design is now generally acceptable at a conceptual level but requires a detailed landscape design for further assessment. The Panel recommends:</p> <ul style="list-style-type: none"> Making all landscape spaces (in particular those at the rear of the development) accessible so they can be maintained; Introducing planters or other landscaping to the Bay Street boundary fencing to soften this element; Utilising the rooftop of Building B to provide communal open space (as noted above);

Design Principle	Comments
	<ul style="list-style-type: none"> Reconfiguring the arrangement of public landscape and private landscape around Building B at the first floor to provide improved residential privacy to Unit 3 and Unit 4 (by providing more private open space to these units).
<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><i>Refer to comments above (Landscape).</i></p> <p><i>The Panel noted that the level of amenity provided for residents of the level 1 apartments of Building B, is substantially compromised by the lack of privacy from communal areas. This should be addressed by the applicant.</i></p> <p><i>The northerly outlook and solar access for residents of apartments on the ground floor and level 1 of Building A are likewise compromised by their proximity to the approximately 18-metre high sheer wall of the development to the north. This should be addressed by the applicant.</i></p> <p><i>As noted above, the quality of the communal open space provided is poor. This should be addressed by the applicant.</i></p> <p>The Panel does not support the design expression of the ground floor elevations:</p> <ul style="list-style-type: none"> The design relies on accessing light and views over the side boundary with the school. Whilst this cannot be guaranteed in perpetuity it is reasonable to assume the school's open space will be maintained for the foreseeable future. This means that the side elevation of the development will remain in public view for the foreseeable future and must be of an appropriately high design quality especially at the ground floor. The current expression of the ground floor as off form concrete with little or no articulation in relation to the built form above is not considered to be of an appropriately high quality and its design should be improved; The Bay Street ground level interface and building façade is not well resolved and is not considered appropriate to its locality given the diverse frontages extant in the streetscape; and A higher level of visual articulation and responsiveness is required to the ground level. A greater level of articulation of the whole ground level façade and highlighting and celebrating the entrance to the development is required.
<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> <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><i>Given the poor quality of the documentation provided by the applicant it is difficult for the Panel to determine if adequate consideration has been given to egress in the event of fire, particularly from Building B and the "communal open space" between the two buildings.</i></p> <p><i>A positive relationship between public and private spaces has not been achieved – particularly for Adaptable Unit A1.04, B1.02 and B1.01. This should be addressed by the applicant.</i></p> <p>The Panel notes there are potential issues in relation to:</p> <ul style="list-style-type: none"> How to turn vehicles within the basement given its narrow width; The egress pathway to open space from Building B fire stairs.

Design Principle	Comments
<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><i>The Panel considered the diversity of apartment types to be acceptable.</i></p> <p><i>However, as previously noted, the design does not provide appropriate types of communal spaces for a broad range of people or provide sufficient opportunities for social interaction among residents. This should be addressed by the applicant.</i></p> <p>The Panel considers the diversity of apartment types to be acceptable and will provide acceptable communal open space subject to the changes noted above.</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>	<p><i>The Panel considered that the proposed aesthetic of the development requires significant design input. While the elevational treatment does appear to provide a measure of articulation including recognition of the corner (Bay Street and the school driveway), given the inconsistencies between various drawings the Panel cannot properly assess the aesthetics of the building at this stage.</i></p> <p>The Panel considers that the revised design achieves an acceptable aesthetic quality subject to the changes identified above.</p>

RECOMMENDATION

- The Panel recommends that the above changes be made and be referred to Council for further consideration.

Bayside Local Planning Panel

25/06/2019

Item No	6.3
Application Type	DA
Application No	DA-2018/276
Lodgement Date	18/10/2018
Proposal	10 Earlwood Crescent, Bardwell Park - Demolition of existing structures and construction of a two (2) storey dwelling with basement garage, front fence and swimming pool.
Ward	Rockdale
Owner	Ms Nicmi Altundag, Mr Sait Altundag
Applicant	Ms Nicmi Altundag
Property	10 Earlwood Crescent, Bardwell Park
No. of Submissions	15
Cost of Development	\$1,179,970.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

- 1 That Development Application No.DA-2018/276 for the proposed demolition of existing structures and construction of a new two storey dwelling with basement parking, swimming pool and front fence at 10 Earlwood Crescent, Bardwell Park 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.
- 2 That the objectors be advised of the Bayside Planning Panel's decision.

Location Plan



Attachments

- 1 Assessment Report - 10 Earlwood Crescent Bardwell Park [↓](#)
- 2 Site Plan - 10 Earlwood Crescent Bardwell Park [↓](#)
- 3 East & West Elevations - 10 Earlwood Crescent Bardwell Park [↓](#)
- 4 North & South Elevations - 10 Earlwood Crescent Bardwell Park [↓](#)
- 5 3D Rendered Images - 10 Earlwood Crescent Bardwell Park [↓](#)
- 6 Shadow Diagrams - 10 Earlwood Crescent Bardwell Park [↓](#)
- 7 Elevational Shadow Diagrams - 10 Earlwood Crescent Bardwell Park [↓](#)
- 8 Landscape Plan - 10 Earlwood Crescent Bardwell Park [↓](#)
- 9 Statement of Environmental Effects - 10 Earlwood Crescent Bardwell Park [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/276
Date of Receipt:	18 October 2018
Property:	10 Earwood Crescent, BARDWELL PARK (Lot 138 DP 15625)
Owner(s):	Mrs Nicmi Altundag Mr Sait Altundag
Applicant:	Ms Nicmi Altundag
Proposal:	Demolition of existing structures and construction of a two (2) storey dwelling with basement garage, front fence and swimming pool
Recommendation:	Approved
No. of submissions:	15
Author:	Julia Hunt
Date of Report:	23 May 2019

Key Issues

The key issues related to this application are:

- The original proposed plans complied with height, FSR, landscape area, solar access, and ground floor setbacks.
- The site was identified as flood affected and amended plans were requested by Council's Engineer in order to comply with required freeboard level and stormwater code. Amended architectural plans were also requested regarding first floor side setbacks and privacy.
- 15 submissions were received following notification of the original proposed plans. The applicant submitted amended plans to Council to address flooding, storm water, first floor setbacks and visual privacy. The amended plans were re-notified in accordance with RDCP 2011 and 11 submissions were received. The submissions raised concerns including pitch roof style, proposed trees, visual privacy, management of excavation and construction, non-compliant first floor side setbacks, solar access, Rainwater tank and air con location, Nathers rating.
- The proposal as amended complies with LEP, DCP and Stormwater Code controls subject to conditions.

Recommendation

1. That the Development Application No.DA-2018/276 for the proposed demolition of existing structures and construction of a new two storey dwelling with basement parking, swimming pool and front fence at 10 Earlwood Crescent, Bardwell Park 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.
2. That the objectors be advised of the Bayside Planning Panel's decision.

Background

History

18/10/18- DA lodged

29/10/18 to 8 November 2018- Neighbour Notification period. 15 submissions received.

5/2/19- Amended plans requested from applicant regarding planning and flooding/storm water.

22/3/19- Amended plans submitted and referred to Engineers. Engineers required further changes.

27/3/19 to 10/4/19 - Amended architectural plans re-notified to neighbours and original objectors. 11 submissions received.

14/5/19 - Amended stormwater plans submitted and referred to Engineer's who support the amended proposal subject to conditions. The plans reduced potential impacts on site and surrounding properties and were not required to be re notified in accordance with RDCP.

Proposal

Council is in receipt of a development application DA-2018/276 at 10 Earlwood Crescent, Bardwell Park which seeks consent for:

- demolition of existing dwelling and structures;
- construction of a new two storey dwelling with basement garage;
- new swimming pool in rear setback;
- landscaping; and
- new front fence.

Site location and context

The subject site is known as Lot 138 DP 15625, 10 Earlwood Crescent, Bardwell Park. The site is an irregular shape with a front boundary of 13.71m, a rear boundary of 13.22m and a maximum allotment depth of 41.43m. The total site area is 530.2sq.m. The topography of the site slopes from the rear boundary towards the street.

The subject site contains a single storey brick dwelling and detached metal carport at the rear of the dwelling. The site is located on the south-eastern side of Earlwood Crescent between Devon Road and Stotts Avenue. Adjoining development to the sides includes a two storey flat roof dwelling on the left and a single storey pitch roof dwelling on the right. There is a mix of one storey and two storey residential buildings within the streetscape.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 945172S_03. The commitments made result in reductions in energy and water consumption. A condition has been imposed on the consent to ensure that these requirements are adhered to.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes - see discussion	Yes - see discussion
2.7 Demolition requires consent	Yes - see discussion	Yes - see discussion
4.3 Height of buildings	Yes - see discussion	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes - see discussion	Yes - see discussion
6.2 Earthworks	Yes - see discussion	Yes - see discussion
6.4 Airspace operations	Yes - see discussion	Yes - see discussion
6.6 Flood planning	Yes - see discussion	Yes - see discussion
6.7 Stormwater	Yes - see discussion	Yes - see discussion
6.12 Essential services	Yes - see discussion	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a Dwelling house which constitutes a permissible development only with development consent. The objectives of the zone are:

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

The proposed development is consistent with the objectives of the zone. The proposal provides for the housing needs of the community within a low density residential environment.

2.7 Demolition requires consent

The proposed development seeks consent for the demolition of the existing dwelling and associated structures and hence satisfies the provisions of this Clause.

4.3 Height of buildings

The maximum height of the proposed building is 8.5m and therefore does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map. Accordingly, the proposed height of the building satisfies the objectives of this clause.

4.4 Floor space ratio - Residential zones

The Gross floor area of the proposed development has been calculated as 257.2sqm over a site area of 530.2sqm. In this regard, the proposed floor space ratio (FSR) for the building is 0.48:1 and therefore does not exceed the maximum FSR for the land 0.5:1 as shown on the Floor Space Ratio Map. Accordingly, the proposed FSR for the development meets the objectives and satisfies the maximum FSR permitted by Clause 4.4 in RLEP 2011.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD.

6.2 Earthworks

The proposal involves excavation within the site to accommodate the basement garage. The impacts of the proposed earthworks have been considered in the assessment of this proposal. 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. The proposal meets the objectives of this clause.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51 metres to Australian Height Datum (AHD). The proposed building height is at 42.2 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.

6.6 Flood planning

The site is affected by flooding and the proposal has therefore been designed to ensure that the driveway crossing, habitable floor levels and other relevant components of the development are in accordance with the requirements contained in Council's Flood Advice Letter. The plans have been assessed by Council's Development Engineer, and appropriate conditions of consent have been incorporated in the draft Notice of Determination, including compliance with the submitted Flood Management Plan. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

6.7 Stormwater

The proposal involves the construction of an on site detention/retention system to manage stormwater. The proposed stormwater system has been approved by Council's development engineers subject to conditions and is consistent with 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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.3 Flood Risk Management	Yes - see discussion	Yes - see discussion
4.1.4 Soil Management	Yes - see discussion	Yes - see discussion
4.1.7 Tree Preservation	Yes - see discussion	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes - see discussion	Yes - see discussion
4.2 Streetscape and Site Context - Fencing	Yes - see discussion	Yes - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes - see discussion	Yes - see discussion
4.3.2 Private Open Space - Low density residential	Yes - see discussion	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes - see discussion	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	Yes - see discussion	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes - see discussion	Yes - see discussion
4.4.5 Visual privacy	Yes - see discussion	Yes - see discussion
4.4.5 Acoustic privacy		
4.6 Parking Rates - Dwelling House	Yes - see discussion	Yes - see discussion
4.6 Basement Parking - General	Yes - see discussion	Yes - see discussion
4.6 Driveway Widths	Yes - see discussion	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes - see discussion	Yes - see discussion
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes - see discussion	Yes - see discussion

4.1.3 Flood Risk Management

A concept stormwater plan was submitted and assessed by Council's Engineer. Council's Engineer identified the site is flood affected contrary to the flood study report submitted with the application prepared by Alpha Engineering. Council's draft flood study indicates the site is flood affected and the finished floor level was required to be amended to have a minimum 200 mm free board above the indicated flood levels. Additionally the basement was required to be protected from floodwaters and the western side setback must not be raised or adjusted so that overland flow floodwaters do not get redirected to adjacent lands. The proposal was also required to include a provision for On Site Detention and a ground water recharge trench in accordance with Rockdale Technical Specification Stormwater Management.

Amended plans were submitted including architectural and stormwater plans. The first set of amended

plans were not supported by Council's Engineer as all the requirements relating to flooding and storm water were not adhered to on the proposed plans. A request for further amended plans was sent to the applicant. The second set of amended plans submitted were referred to Council's Engineer who supported the proposed plans subject to conditions.

4.1.4 Soil Management

Conditions of consent are included in the draft notice of determination requiring erosion and sediment control strategies to be used to ensure that the potential for impact on adjoining land and surrounding waterways is minimised.

4.1.7 Tree Preservation

The development proposal does not involve the removal of any trees. Council's Tree Management Officer has recommended appropriate conditions that have been imposed in the draft Notice of Determination, regarding the protection and retention of existing trees on adjacent sites and the endorsement of the landscape plan which they deem proposes suitable tree planting.

The proposed landscape plan was also referred to Council's Landscape Officer for expert advice in regards to the objectors to this proposal raising concern over the trees proposed around the perimeter of the subject site in terms of mature height, root spread and future maintenance causing potential issues. Council's Landscape Officer assessed the proposed species and locations of trees on the landscape plan and made the following comments:

Landscape Officer:

The landscape proposal is generally acceptable for the proposed development. The landscape design seeks to address privacy and amenity. The proposed Magnolia grandiflora "Teddy Bear" is a cultivar that generally grows up to three (3) meters tall. This cultivar generally does not have root conflicts. The native tree Elaeocarpus eumundi (Eumundi Quandong) proposed along the rear and side boundaries in the rear garden is proposed to provide privacy between neighbours. The proposed species is a rainforest tree that usually grows up to 6 meters though it can be larger in rainforest environments, or when soil conditions are optimal. Although the tree selection has a narrow canopy and can work as a good screening species, is recommended in this particular situation to replace it with native screening shrub. The development application is appropriate for approval subject to conditions to replace the proposed tree Elaeocarpus eumundii with screen shrubs to reach minimum 2 meters tall, for example: Syzygium "Cascade", or other similar varieties of lilly pilly, Callistemon Dawson River Weeper, Callistemon citrinus, Callistemon Kings Park Special, or similar.

4.2 Streetscape and Site Context - General

The proposal is located in an R2 Zone. The immediate context is detached dwelling houses. A two storey dwelling with basement garage is located on the eastern side of the site, a single storey dwelling with basement garage is located on the western side of the site. The streetscape comprises a mix of two storey and single storey dwellings, the predominant roof form within the streetscape are pitched.

The proposed dwelling has a pitched roof, which is consistent with the predominant pitched roof form in the surrounding streetscape. The front setback is consistent with the variable setbacks of surrounding buildings and in this regard the residential streetscape will be retained. The proposed dwelling complies with the required building height and FSR controls. The proposed development has been

designed with appropriate use of articulation & modulation to the facades via the incorporation of balconies, pedestrian entries at ground level, upper level voids and a range of materials which adds visual interest to the facades.

The proposed development has a front door and windows addressing the street, with the building's frontage and entry points being readily apparent from the street. The proposal also includes compliant landscaping in the front setback and maintains the existing pattern of driveways leading to basement parking on the left hand side of street frontage, consistent with the surrounding properties on the southern side of Earlwood Crescent. Accordingly the proposal meets the objectives of this clause.

4.2 Streetscape and Site Context - Fencing

The proposal includes a sandstone retaining wall front boundary fence as the front setback slopes from west to east, the front wall varies from 1.2m to 1.4m high in part. The existing streetscape comprises low line front boundary walls, approximately 600mm in height above footpath level (refer to photo below). A condition of consent is included requiring the front fence be consistent with the surrounding streetscape by reducing the front sandstone retaining wall to a maximum height of 600mm above footpath level.



4.3.1 Open Space & Landscape Design - Low & medium density residential

RDCP requires a minimum 25% of deep soil landscaping, the proposal provides 36% deep soil landscaping which complies. Private open space in the rear setback is usable, accessible, clearly defined and will meet occupants requirements of privacy, solar access, outdoor activities and landscaping. The objectives of clause 4.3.1 include *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 proposed swimming pool is located in the rear setback is setback 1m from the eastern side boundary, 9.57m from the rear boundary and 8.8m from the western side boundary. The pool is suitably located and meets the objectives of the clause.

4.3.2 Private Open Space - Low density residential

The DCP requires a minimum 80sqm of private open space with minimum dimensions of 3m. The proposal includes 220sqm of private open space in the rear setback of the subject site with a minimum dimension of 13.22m which complies. The private open space is usable, accessible, clearly defined and will meet occupants requirements of privacy, solar access, outdoor activities and landscaping in accordance with the objectives of the clause.

4.4.1 Energy Efficiency - Residential

The applicant has submitted a BASIX Certificate for the proposed development. The commitments

made result in reductions in energy and water consumption, and will achieve the efficiency target set under SEPP BASIX.

4.4.2 Solar Access - Low and medium density residential

The DCP requires dwellings within the development site and adjoining properties should receive a minimum of 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm in mid winter. Shadow diagrams were submitted forecasting shadows cast by the proposed dwelling on the 22 June (mid winter) at 9am, midday and 3pm. The proposal complies with the required solar access to the site and surrounding properties by providing greater than 3 hours of direct solar access in mid winter to the surrounding properties and the subject site.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed development is designed to achieved natural ventilation and lighting, incorporating minimum ceiling heights of 2.6m to the first floor and 2.9m to the ground floor, with adequate windows allowing cross ventilation and natural light.

4.4.5 Visual privacy

The proposed first floor windows are offset from adjacent first floor windows on the dwelling on the eastern side of the site. The first floor windows are adjacent to/look across the roof of the adjacent dwelling to the west and are appropriate. The windows are to bedrooms which are deemed low use rooms and allow for natural light and ventilation into the dwelling and are considered suitable.

The eastern ground floor side elevation has only one kitchen bench height window below eye level which allows light into the kitchen without any direct viewing.

The proposed rear first floor bathroom window on the angled northeast elevation was required to be obscured glazing , amended plans were submitted to Council with obscure glazing proposed on this window as it faces towards the rear yard of the property to the east, which complies and provides privacy for neighbours and occupants.

The first floor rear elevation of the proposed dwelling is oriented towards the rear yard of the subject site. The large window in the centre of the rear elevation of the proposed dwelling allows natural light into the dwelling and has a void area behind it , the closest floor area where an occupant can stand being the hallway which is 4m away from the window, therefore there is no direct viewing outwards from this window and it is considered suitable.

The rear first floor balcony is small in size with a depth of 1.2m-1.7m and is accessed via the master bedroom, while the balcony is not considered a high use entertainment type area, in order to preserve privacy between occupants of the proposed balcony and the adjacent neighbouring rear private open space, a condition of consent is included to provide privacy screens at the eastern and western sides of the balcony to prevent angled viewing. Subject to conditions this is considered suitable.

In terms of visual privacy between private open space at the rear, standard 1.8m high boundary fences will obscure viewing between the rear yard and adjacent rear yards. A 2m high X 3.1m wide wall is proposed set in 900mm from the western side boundary providing additional visual and acoustic privacy between the proposed ground level alfresco courtyard and outdoor kitchen in the rear setback of the subject site. Notably the courtyard is not greatly elevated , sitting at 100mm-300mm above natural ground level and this area is considered suitable.

The swimming pool and surrounding tiled area is also suitably located in the rear yard close to natural ground level and is setback in accordance with the RDCP. The rear portion of the backyard is terraced and lawn with trees proposed around the perimeter of the yard for privacy and separation between neighbouring rear yards.

Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties. An appropriate condition is included in the draft notice of determination regarding the privacy screens at the sides of the first floor bedroom balcony.

4.6 Parking Rates - Dwelling House

RDCP requires 2 car spaces for dwellings with 3 or more bedrooms. The proposed dwelling has 5 bedrooms and therefore requires 2 car parking spaces in accordance with the DCP. The proposal provides 2 car spaces within the basement garage and complies with RDCP 2011. The development will have minimal impact on access, parking and traffic in the area.

4.6 Basement Parking - General

The DCP requires basements are located within the building footprint and construction must be carried out in a way to enable deep soil planting to be provided on the site. The proposed basement garage is located within the building footprint and the proposal includes more than the required deep soil landscaping onsite which complies.

The DCP requires basements be located primarily below natural ground level. Where site conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council. The subject site is flood affected, Council's Engineer requires a 200mm freeboard above the mapped flood levels for the ground floor of the dwelling and the basement. The basement protrudes 0.4m- 1m above the NGL, this design is to achieve the required minimum floor level of RL34.64 and complies. Council's Engineer has assessed the proposal in terms of egress and grades and supported the proposal subject to conditions.

4.6 Driveway Widths

The proposed driveway width and grade has been assessed by Council's Engineer who has provided conditions of consent including the driveway width shall comply the Council with Council's Technical Specification Traffic, Parking and Access. The width of the single driveway shall be a minimum of 3.0 metres and a maximum of 4.5 metres at the Boundary line and hence satisfies the provisions of this Clause.

4.7 Air Conditioning and Communication Structures

The plans do not depict the location of proposed residential air conditioning units on site. The BASIX certificate indicates the air conditioning unit location will be designed on Construction Certificate plans. 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.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The DCP requires front setbacks be a minimum 6m or consistent with surrounding dwellings in the

streetscape. The proposed front setback is a minimum 6.4m up to 9m from the front boundary, which is consistent with the prevailing street setback along which dwellings have staggered front setbacks with the angled street frontage on the western side of Earlwood Crescent. The adjacent dwelling to the south has a front setback of 4.3-7.8m, and the dwelling to north has a 5.2m-9.8m front setback. Accordingly the front setback is compliant with DCP2011.

DCP2011 requires a 900mm ground floor setback and 1.2m first floor setback. The proposed dwelling as amended on plans submitted to Council has minimum 1.2m side setbacks to both the ground and first floor which complies.

The DCP requires a minimum 6m rear setback. The proposed dwelling is setback 12.8m-16.5m and accordingly complies with the control.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - *Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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. Appropriate conditions of consent will be included in the consent to minimise impacts.

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 original proposed plans were notified in accordance with the provisions of Rockdale DCP 2011 from 29/10/18 to 8/11/18 and 15 submissions were received. The applicant submitted amended plans to Council on 22/3/19 which were re-notified in accordance with RDCP 2011 from 29/3/19 to 10/4/19 and 11 submissions were received. The issues raised in the submissions are discussed below:

- Lack of privacy screening for all doors and windows

Comment: The proposal has been assessed against Part 4.4.5 visual privacy objectives and controls of RDCP. The proposed rear bathroom window on the rear (east angled) elevation of the dwelling was required to be obscure glazing to preserve privacy as it is oriented towards the private open space of the adjacent property to the east. Conditions of consent for privacy screens at the eastern and western ends of the rear first floor balcony as an additional measure for privacy. All other windows have been addressed in Part 4.4.5 of this report and meet the objectives of the visual privacy controls.

- Non-compliance with first floor side setbacks

Comment: The original proposed plans had a first floor side setback of 900mm. The RDCP specifies a 1.2m first floor side setback and 900mm ground floor side setback. Council requested amended plans

be submitted with a compliant 1.2m side setback to the first floor. The applicant submitted amended plans setting back both the ground floor and first floor 1.2m from the side boundaries, which complies and reduces impacts and addresses this issue raised.

- Overshadowing impacts

Comment: The proposal has been assessed against the solar access controls in Part 4.4.2 of RDCP and complies. The DCP requires dwellings within the development site and adjoining properties should receive a minimum of 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm in mid winter. Elevation shadow diagrams were submitted to Council demonstrating compliance. Notably, the proposed dwelling meets the building height control, and has more than the required side setbacks with both the ground floor and first floor being setback 1200mm on amended plans. Accordingly the proposal meets the solar access objectives and controls under RDCP.

- Planting of large trees close to boundary line

Comment: The proposed landscape plan was referred to Council's Landscape Officer for expert advice in regards to the objectors to this proposal raising concern over the trees proposed around the perimeter of the subject site in terms of mature height, root spread and future maintenance causing potential issues. Council's Landscape Officer assessed the proposed species and locations of trees on the landscape plan and made the following comments:

The landscape proposal is generally acceptable for the proposed development. The landscape design seeks to address privacy and amenity. The proposed Magnolia grandiflora "Teddy Bear" is a cultivar that generally grows up to three (3) meters tall. This cultivar generally does not have root conflicts. The native tree Elaeocarpus eumundi (Eumundi Quandong) proposed along the rear and side boundaries in the rear garden is proposed to provide privacy between neighbours. The proposed species is a rainforest tree that usually grows up to 6 meters though it can be larger in rainforest environments, or when soil conditions are optimal. Although the tree selection has a narrow canopy and can work as a good screening species, is recommended in this particular situation to replace it with native screening shrub. The development application is appropriate for approval subject to conditions to replace the proposed tree Elaeocarpus eumundii with screen shrubs to reach minimum 2 meters tall, for example: Syzygium "Cascade", or other similar varieties of lilly pilly, Callistemon Dawson River Weeper, Callistemon citrinus, Callistemon Kings Park Special, or similar.

Conditions of consent have been included accordingly in line with Landscape Officer's expert advice.

- Lack of dust and noise management information

Comment: The management of dust, noise, sedimentation and handling of materials is controlled through standard conditions of consent. These conditions must be adhered to during the demolition, excavation and construction stage to minimise impacts on surrounding properties.

- Rainwater tank and air conditioning unit location not shown on plans

Comment: The location of air conditioning units is not shown on the DA plans. The BASIX certificate indicates air con units will be included on Construction Certificate plans. Standard conditions are included requiring any air conditioning units must comply with location and noise level controls. Amended stormwater plans were submitted to Council with rainwater tanks being located within the basement level, these were assessed by Council's Engineer and supported subject to conditions.

- Lack of detail on waste management

Comment: The management of waste is controlled through standard conditions of consent. These conditions must be adhered to during the demolition, excavation and construction stage to minimise impacts on surrounding properties.

- Seeking clarification of front setback requirement

Comment: The DCP requires front setbacks be a minimum 6m or consistent with surrounding dwellings in the streetscape. The front boundary lines of properties along the eastern side of Earwood Crescent are on an angle to the front elevation of dwellings with each dwelling staggered. The adjacent dwelling to the south has a front setback of 4.3-7.8m, and the dwelling to north has a 5.2m-9.8m front setback. The proposed front setback is a minimum 6.4m up to 9m from the front boundary, which is consistent with the prevailing street setback along which dwellings have staggered front setbacks with the angled street frontage on the eastern side of Earwood Crescent. Accordingly the front setback is compliant with DCP2011.

- Objection to pitch roof design would prefer flat roof

Comment: The predominant roof style within the streetscape are pitched roofs. The proposed dwelling complies with building height and solar access controls and therefore the applicants choice for a pitch roof design is acceptable. It is noted that the pitch of the roof is very low at 15 degrees, resulting in minimal perceptibility as viewed from the street. Also the parapet design presents as a similar style to the adjacent flat roof dwelling. Refer to 3D rendered image plans.

- Height of building

Comment: The objections acknowledge that while the proposed pitched roof of the development complies with the maximum height limit of 8.5m, they consider this too high and their preference is for a lower flat roof style. Given that the proposed dwelling complies with the height control and solar access controls under RDCP the design is acceptable and Council does not require the applicant to go beyond the required development controls.

- Seeking clarification of basement garage size and ventilation compliance

Comment: The proposed basement was shown on neighbour notified plans and is compliant with basement controls under Part 4.6 of the DCP.

- Alfresco area in rear setback close to bedroom on side boundary, request noise/light measures

Comment: The proposed alfresco area is located within the rear setback of the subject site adjacent to the existing garage and driveway of the adjacent property to the west. A 2m high wall is also proposed at the western end of the alfresco area setback 900mm from the western side boundary. This is an acceptable proposal within the rear setback of a property and measures have been included to block some noise and light from this area and is considered suitable by Council.

- Nathers certificate rating does not seem sufficient

Comments: In New South Wales, the online Building Sustainability Index (BASIX) accepts NATHERS software results as one way of meeting its separate targets for the heating and cooling performance of a building. The proposed dwelling complies with BASIX targets as demonstrated on the BASIX certificate and conditions of consent are included to ensure these sustainability targets are met.

- Concerned over groundwater seepage during excavation

Comments: The proposed basement and stormwater system has been assessed by Council's Engineer and meets Technical Specifications and is supported subject to conditions to minimise

impacts on surrounding properties.

- *Concerned over damage to neighbouring property during excavation*

Comments: Conditions of consent are included to ensure excavation works are carried out appropriately and adjacent properties are adequately protected during excavation.

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 in the report and through suitable conditions to minimise impacts. As such it is considered that the proposed development is in the public interest.

S7.12 Fixed development consent levies

Section 7.12 of the Environmental Planning and assessment Act 1979 (as amended) applies to the proposal. In this regard, a standard condition of development consent has been imposed in respect to a levy applied under this section.

Civil Aviation Act, 1988

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

Civil Aviation (Building Control) Regulations 1988

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

Section 5 Prohibition of the construction of buildings of more than 50 feet in height in specified areas

The proposed development is affected by the 15.23m Building Height Civil Aviation Regulations, however the proposed building height at maximum 8.5m will have minimal impact upon the height requirement in the regulations and therefore the proposal was not required to be referred to Sydney Airports for comment.

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
Demolition Plan, dwg. no. DA-00	Designs by M.I.	13/3/19	14/5/19
Site Plan, dwg no. DA-02	Designs by M.I.	9/5/19	14/5/19
Ground Floor Plan, dwg. no. DA-04	Designs by M.I.	8/5/19	14/5/19
First floor plan, dwg. no. DA-05	Designs by M.I.	21/3/19	14/5/19
Basement plan, dwg. no. DA-03	Designs by M.I.	8/5/19	14/5/19
Roof Plan, dwg. DA-06	Designs by M.I.	18/3/19	14/5/19
Sections, dwg. no. DA-07	Designs by M.I.	8/5/19	14/5/19
East and West elevation, dwg. no. DA-09	Designs by M.I.	8/5/19	14/5/19
North and South elevation, dwg. no. DA-08	Designs by M.I.	8/5/19	14/5/19
Schedule of finishes, dwg. no. DA-11	Designs by M.I.	13/3/19	14/5/19
Driveway profile, dwg. no. DA-16	Designs by M.I.	8/5/19	14/5/19
Landscape Plan, dwg. no. L/01	Designs by M.I.	9/8/18	14/5/19
Swimming pool plan, dwg. no. DA-20	Designs by M.I.	13/3/19	14/5/19
Swimming pool sections, dwg. no. DA-21	Designs by M.I.	13/3/19	14/5/19
Stormwater Plans, pages 1-6. Dwg. no's. A8290- cover, SW01, SW02, SW03, SW04 and SW05. Revision E	Alpha Engineering	13/5/19	14/5/19

Required amendments to Construction Certificate stage plans:

- a) Privacy screens shall be installed at the east and west sides of the rear first floor balcony. The screens shall be constructed of obscure glazing or louvres which are angled so as not to allow downward viewing of the adjacent properties.
- b) The front boundary fence shall be maximum 600mm high above the footpath level.
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 945172S_03 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>.

Development specific conditions

The following conditions are specific to the Development Application proposal.

6. A Public Domain Frontage Works application shall be submitted separately to Council, with Civil and Landscape works plans prior issue of Construction Certificate. Earlwood Crescent verge strip shall be planted with one (1) *Angophora bakeri* (Narrow-leaved Apple) as per Rockdale Street Tree Master Plan. All public domain landscape works shall be carried out as per Council specifications.
7. Prior to issue of any Construction Certificate, the Landscape Plan shall be amended replacing the proposed trees *Elaeocarpus eumundi* with screening shrubs to reach a minimum 2m tall, for example *Syzygium "Cascade"*, or other similar varieties of Lilly pilly, *Callistemon Dawson River Weeper*, *Callistemon citrinus*, *Callistemon Kings park Special* or similar.

Prior to issue of the construction certificate

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

8. 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 Management Technical Specification.
9. Prior to the issue of the Construction Certificate, the design and construction of the off-street car shall comply with Australian Standard AS 2890 parking series.
10. Driveway width shall comply the Council with Council's Technical Specification Traffic, Parking and Access. The width of the single driveway shall be a minimum of 3.0 metres and a maximum of 4.5 metres at the Boundary line.
11. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$2,640.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed

- Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
- ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$19.00.
12. 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.
13. a. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
- i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
 - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 6 certificate is to be issued until such time as these costs have been paid.
2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the Section 7.12 levy by reason of a Ministerial direction or an exemption specified in Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.

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

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

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

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

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

14. 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>

15. The western boundary setback along the main dwelling must maintain existing natural levels, so that no overland flow waters are diverted to adjacent private lands.

Prior to commencement of works

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

16. 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.
17. 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.

18. 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.
19. 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.

During demolition / excavation / construction

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

- 20. 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.
- 21. 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.
- 22. 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.
- 23. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i) after excavation for, and prior to the placement of, any footings,
 - a. Trench and steel for footings
 - b. Pier/pad holes, and
 - ii) prior to pouring any in-situ reinforced concrete building element,
 - a. Ground floor steel
 - b. First floor steel, and
 - iii) prior to covering the framework for any floor, wall, roof or other building element,
 - a. Bearers and joists
 - b. First floor joists
 - c. Framework
 - d. Damp proof course, and
 - iv) prior to covering waterproofing in any wet areas, and
 - v) prior to covering any stormwater drainage connections, and
 - vi) 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. If Council is appointed as the Principal Certifying Authority, 48 hours notice is to be given that the above works is ready for inspection.

24. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i) prior to pouring any in-situ reinforced concrete building element,
 - a. Steel reinforcement for structure concrete, and
 - b. Pool fencing and associated gates (before the filling of pool), and
 - ii) after the building work has been completed and prior to any occupation certificate being issued in relation to the building
 - a. After the construction of the swimming pool is completed and barrier (if one is required under the Swimming Pools Act 1992) has been erected and before the pool is filled with water, and
 - b. Completion of the pool before use incorporating depth markers and resuscitation chart.
- 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. If Council is appointed as the Principal Certifying Authority, 48 hours notice is to be given that the above works is ready for inspection.
25. 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.
26. 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.
27. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
28. 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.
29. 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.
30. Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
31. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.

Prior to issue of occupation certificate or commencement of use

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

32. 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.
33. Prior to the issue of an Occupation Certificate, An appropriate instrument 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. 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. 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.
34. Prior to the issue of an Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 1. construction of a concrete footpath and /or grass verge along the frontage of the development site;
 2. construction of a new fully constructed concrete vehicular entrance;
 3. removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;

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.

35. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
36. 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.

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. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass all matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. If Council is the Principal Certifying Authority for the development, a drainage inspection fee shall be paid prior to the issue of the 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.

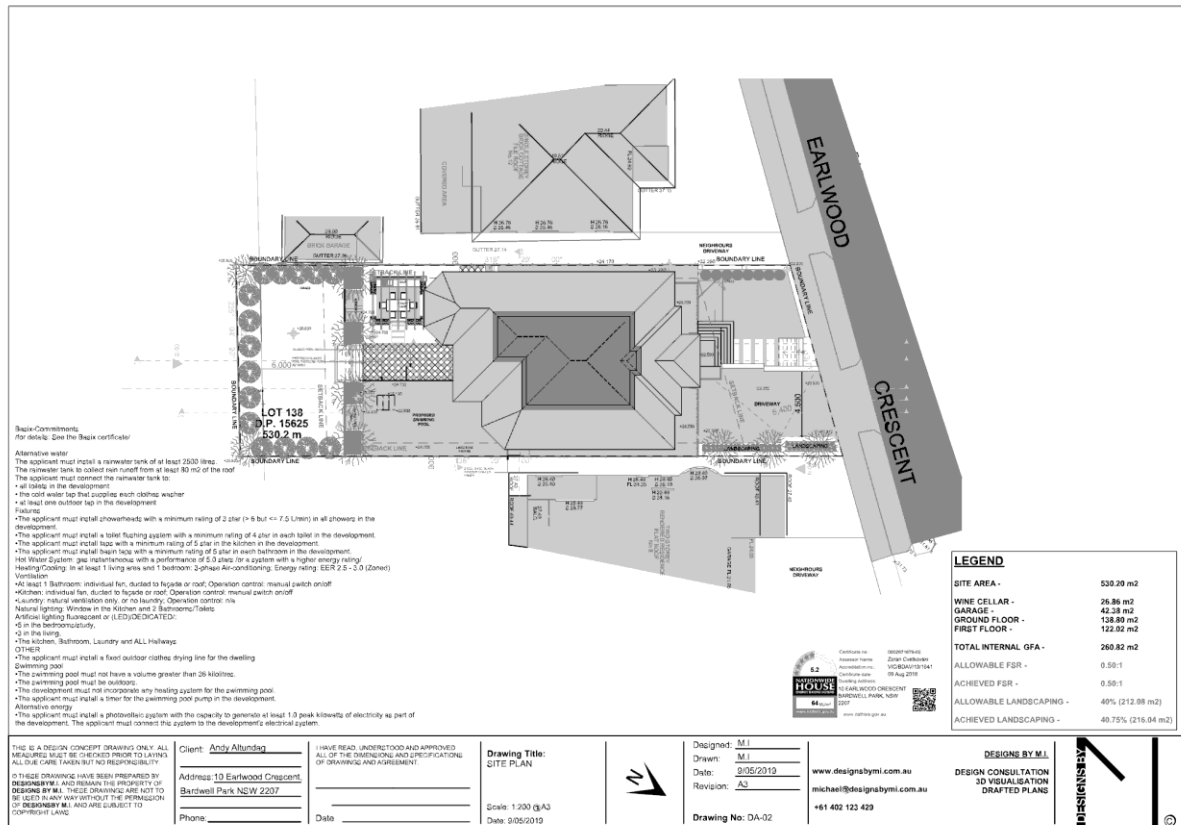
NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee is payable. A confined space entry will be required where:

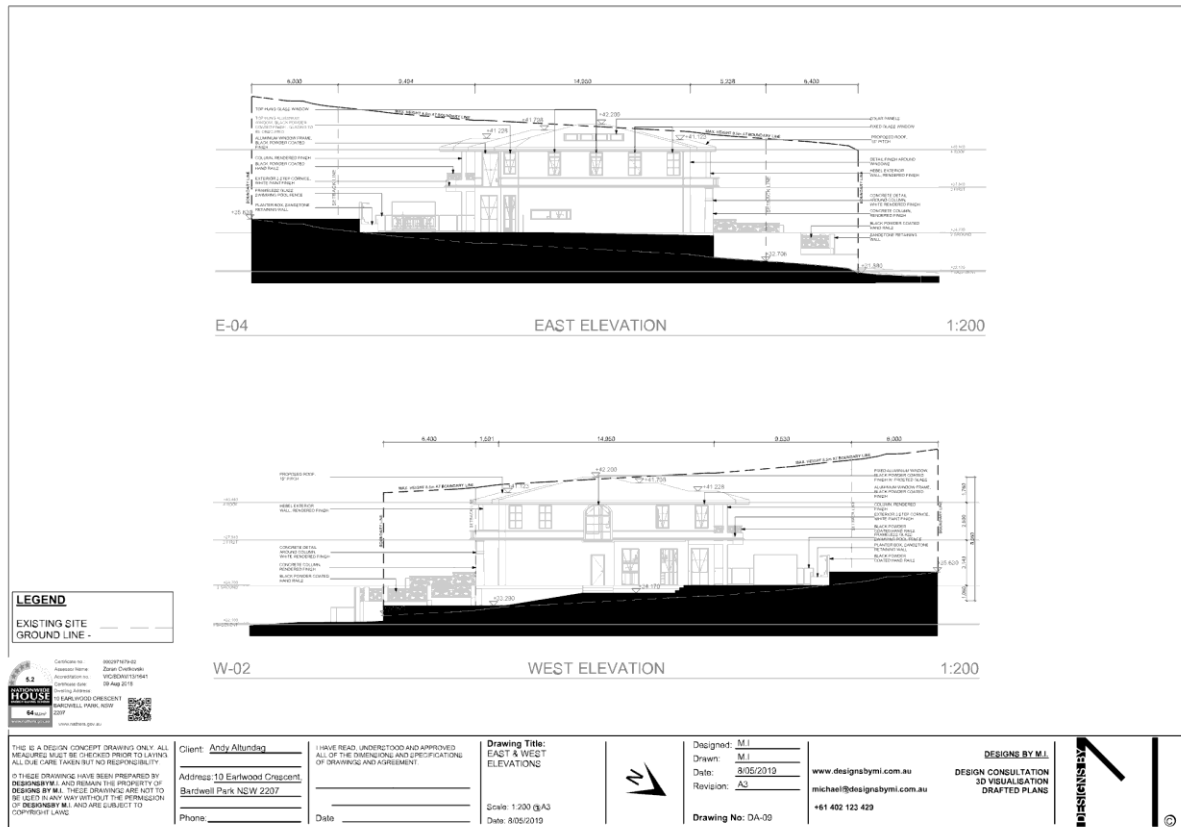
- a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
- b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.

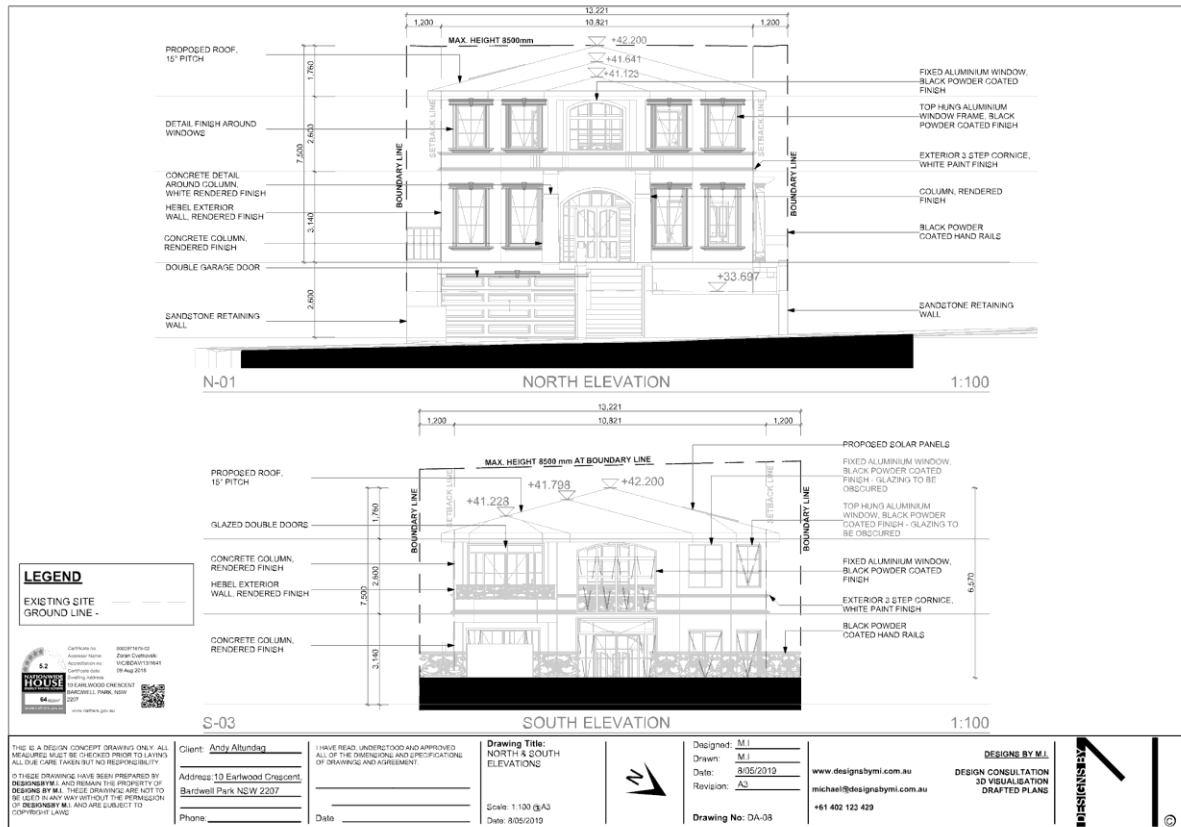
- f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 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.









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Client: Andy Altundag

Address 10 Earwood Crescent
Bardwell Park NSW 2207

Phone: _____

I HAVE READ, UNDERSTOOD AND APPROVED ALL OF THE DIMENSIONS AND SPECIFICATIONS OF DRAWINGS AND AGREEMENT.

Date: _____

Drawing Title: 3D RENDERED IMAGES

Scale: @A3

Date: 21/03/2019

Designed: M.I

Drawn: M.I

Date: 21/03/2019

Revision: A3

Drawing No: DA-10

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DESIGNS BY M.I.



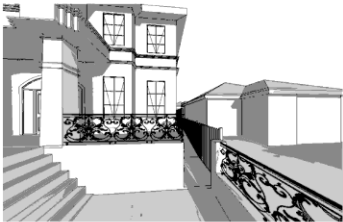



DESIGN CONSULTATION


3D VISUALISATION

DRAFTED PLANS

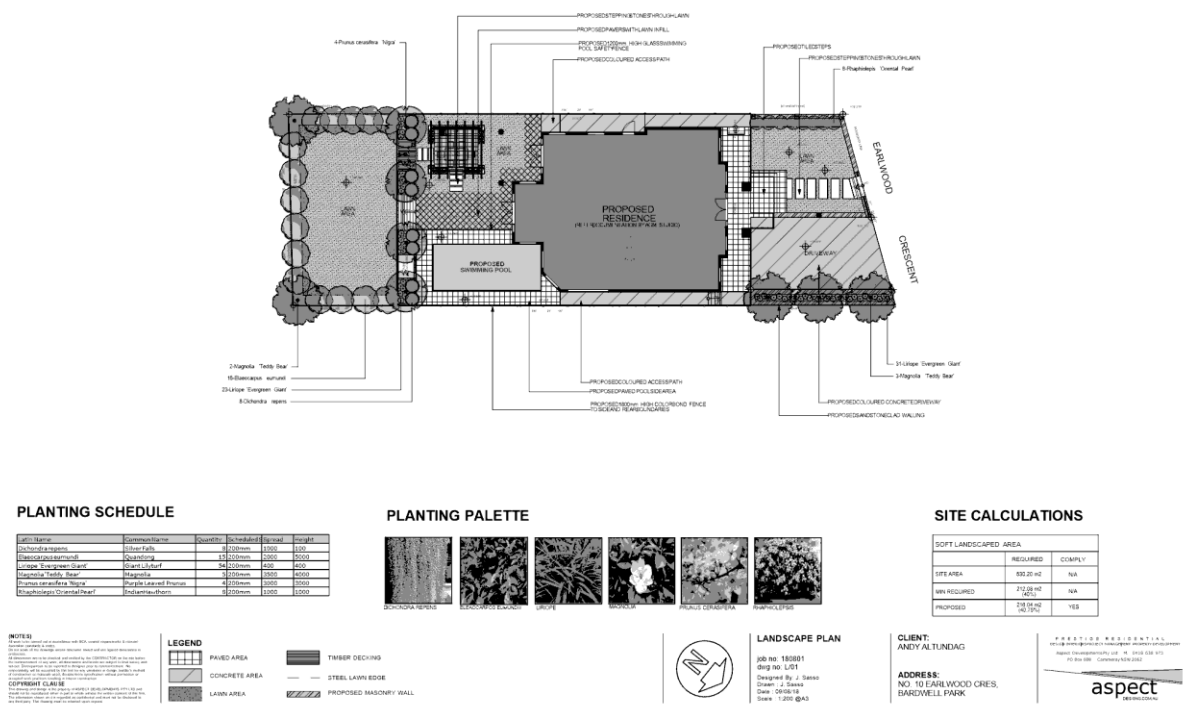
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JUNE 9AM	JUNE 12PM	JUNE 3PM
		
JUNE 9AM	JUNE 12PM	JUNE 3PM



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Corona Projects

Development Application
STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and
construction of new two storey dwelling house

10 Earlwood Crescent, Bardwell Park

August 2018

Corona Projects Pty Ltd | ABN 33 122 390 023 | Suite 106, Level 1, 35 Spring Street, Bondi Junction NSW 2022 | info@coronaprojects.com.au

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PROJECT DETAILS

Client: Designs by M.I.
Subject land: 10 Earwood Crescent, Bardwell Park 2207
Lot Description: 138/-/DP15625
Proposed development: Demolition of existing structures and construction of new two storey dwelling house

The report is prepared by Eunice Huang
Master of Urbanism (Urban & Regional Planning)

Date: 23 August 2018

Project Code: J000192

I certify that the contents of the Statement of Environmental Effects to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000;
- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared for Designs by M.I. to accompany a Development Application (DA) to Bayside Council (Council) for demolition of existing structures and construction of a two storey dwelling house.

The proposal is permissible with consent and is suitable for the site and the area. The proposal has been designed to relate to its site and to the streetscape in terms of appearance, envelope, setbacks, bulk and scale. The proposal will not introduce any new uses to the site and will operate without any significant impact to the amenity of neighbouring properties.

This statement assesses any numeric non-compliance as acceptable on merit, resulting in no adverse impacts and in compliance with all relevant DCP and LEP objectives.

The purpose of this SEE is to:

- Describe the site to which the application applies and its context;
- Describe the proposed development
- Describe the legislative framework against which the application is to be assessed and determined; and
- Provide an assessment of the environmental impacts in accordance with the Section 4.15 of the EP&A Act 1979.

This Statement has been prepared in reference to:

- Detail Survey prepared by Benchmark Surveys, dated 11 July 2018,
- Overland Floor Study & Floor Impact Report prepared by Alpha Engineering & Development dated 20 August 2018,
- Plans prepared by Design by M.I.:

Plan/Document	Drawing Number	Date
Site Analysis Plan	DA-01	08/08/2018
Site Plan	DA-02	08/08/2018
Basement Floor Plan	DA-03	08/08/2018
Ground Floor Plan	DA-04	08/08/2018
First Floor Plan	DA-05	08/08/2018
Roof Plan	DA-06	08/08/2018
Sections	DA-07	08/08/2018
North & South Elevations	DA-08	08/08/2018
North Elevation – Close Up	DA-08A	08/08/2018
East & West Elevations	DA-09	08/08/2018
3D Rendered Images	DA-10	08/08/2018

Schedule of Finished Materials	DA-11	08/08/2018
Shadow Diagrams 22 nd June – 9am, 12pm, 3pm	DA-12	08/08/2018
Elevational Shadow Diagrams 22 nd June – 9am, 12pm, 3pm	DA-13	08/08/2018
Shadow Diagrams 22 nd September - 9am, 12pm, 3pm	DA-14	08/08/2018
Elevational Diagrams 22 nd September – 9am, 12pm, 3pm	DA-15	08/08/2018

2.0 SITE ANALYSIS

2.1 The Site

The site is located at 10 Earlwood Crescent, Bardwell Park and is legally described as Lot 138 in Deposited Plan 15625. The site is located on the southern side of Earlwood Crescent.

The site is a rectangular in shape with a total area of 530.2 square metres, with a 13.715 metre street frontage to Earlwood Crescent and a rear boundary width of 13.255m. The western side boundary measures 38.435 metres and the eastern side boundary measures 41.435 metres. The site falls to the street from the rear by approximately 3 metres.

The site currently contains a one storey brick building at the front of the site. The front and rear of the site is landscaped with grass. The site does not contain any significant vegetation. Vehicular access to the site is provided by a driveway located near eastern boundary of the site leading to a metal carport.



Figure 1 – Site locality map (Source: Google Maps)



Figure 2 – Aerial map (Source: SIX Maps)

The land is zoned R2 Low Density Residential zone under the provisions of the Rockdale Local Environmental Plan (RLEP 2011). The site does not contain a heritage item nor is located within a Heritage Conservation Area. There are no heritage items within the vicinity of the site.

2.2 The Locality

The site is located within an established residential area. The locality is characterised by detached one to two storey dwelling houses. The site is adjoined by single storey dwelling houses to the south and west and a two storey dwelling house to the east.

The site is located 350m from Bardwell Park train station and 900m from Earlwood town centre.

2.3 Development History

A search on Council's DA Tracker returned no results for development applications associated with the site.



Figure 3 – Subject site as viewed from Earlwood Crescent (Source: Google Maps, dated October 2017)

3.0 THE PROPOSAL

3.1 Overview

The Development Application seeks consent for the works as follows:

- Demolition of existing structures
- Excavation for basement garage and level private open space area
- Construction of two storey dwelling house with basement double garage
- Construction of inground swimming pool to the rear
- Construction of pergola and bar to the rear
- Landscaping works

Please refer to drawings prepared by Designs by M.I. for further detail.

3.2 Numerical Overview

A brief numerical overview of the development parameters for the proposed development is provided in the following table.

Component	Proposal
Site area	530.2m ²
GFA	270.84m ²

FSR	0.5:1
Maximum height	8.277m
Boundary setbacks	
• Front	6.4m
• Rear	15.184m
• Side (west)	900mm
• Side (east)	900mm
Car spaces	2
Landscaped area	216.04m ² (40.75%)

3.3 Proposed dwelling

A detailed breakdown of uses within each level of the proposed dwelling is provided below.

Level	Use
Basement	Double garage
	Wine cellar
	Rainwater tank
	Staircase to ground level
Ground floor level	Pedestrian entry
	Theatre
	Guest room, with ensuite and walk-in wardrobe
	Laundry
	Toilet
	Kitchen, with pantry
	Dining room
	Living room
	Entry to private open space from dining and living room
	Stairs to basement and first floor level
First floor level	Master bedroom, with balcony and ensuite
	Bedroom 1, with walk-in wardrobe
	Bedroom 2, with walk-in wardrobe

	Bedroom 3, with walk-in wardrobe
	Bathroom
	Stairs to ground floor level

4.0 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

This Chapter provides an environmental assessment in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

4.1 Environmental Planning Instruments

The applicable environmental planning instruments are addressed in this section.

4.1.1 Sydney Environmental Planning Policy No 55 — Remediation of Land

The existing site has been used for residential purposes for many years. The site is unlikely to have been used for any purpose that would cause the site to be contaminated. No further considerations are hence required under the provisions of SEPP 55.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development and aims to encourage sustainable residential development.

A BASIX Certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy, and thermal efficiency targets.

4.1.3 Rockdale Local Environmental Plan 2011

The development complies with the provisions of Rockdale Local Environmental Plan (RLEP 2011).

Zoning and permissibility

The site is located in Zone R2 Low Density Residential pursuant to RLEP 2011.

The development is identified to be a *dwelling house*, which is permitted with consent in the R2 zone.

The objectives of the zone are:

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

The development supports the objectives of the R2 zone as follows:

- The proposal is an orderly and economic use and development of the site that is commensurate with the established low density residential character of the area
- The proposal has been designed to relate to its context in terms of character and amenity

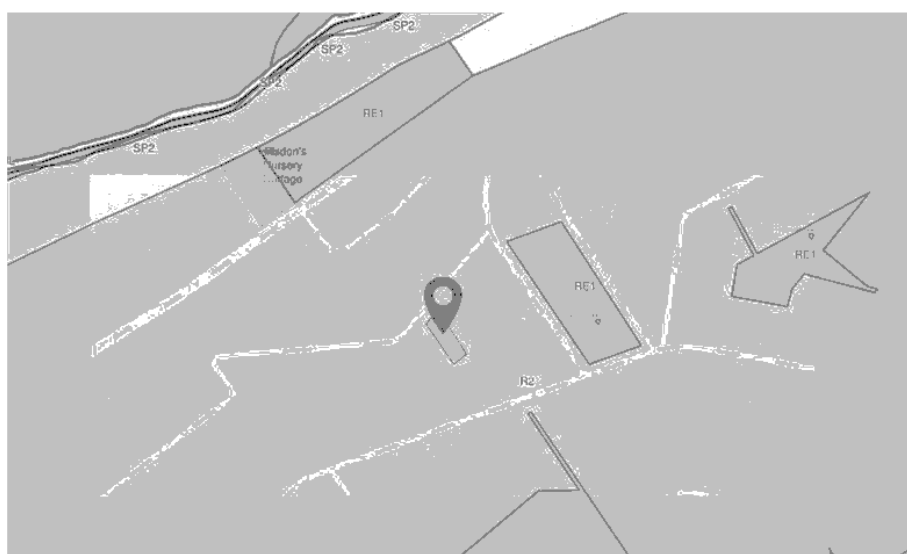


Figure 4 – R2 Low Density Residential Zone map (NSW Planning Portal)

Clause 4.3 Height of buildings

A height control of 8.5 metres applies to the subject site. The maximum height of the proposed is 8.277m. The development therefore complies with the development standards.

Clause 4.4 Floor space ratio

A floor space ratio control of 0.5:1 applies to the development. The proposed FSR is 0.5:1. The development therefore complies with the development standards.

Clause 6.1 Acid sulfate soils

The land contains Class 5 acid sulfate soils. Minor excavation is proposed. The proposal will not impact acid sulfate soils.

Clause 6.6 Flood planning

The land is located in a flood planning area. Alpha Engineering and Development concluded in their Overland Floor Study and Flood Impact Report that “the development poses no risks of flooding to the subject site and neighbouring properties.”

4.2 Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the site.

4.3 Development Control Plan

Rockdale Development Control Plan 2011

The development achieves a high level of compliance with the provisions of Rockdale Development Control Plan 2011.

Part 4 General Principles for Development

Controls	Assessment	Compliance
4.1 Site Planning		
4.1.9 Lot Size and Site Consolidation		
Lot Size and Minimum Site Frontage		
1b	For dwelling house development, a minimum lot size of 450m ² and a minimum width of 15m at the front building alignment is required. However, a dwelling house may be erected on: <ul style="list-style-type: none"> a parcel of land which existed as a separate parcel on 30 March 1973 	The lot has a total area of 530.2 m ² . The lot existed as a separate parcel on March 1973. A dwelling house is extant on the land and was erected prior to 1943.
		Yes
4.2 Streetscape and Site Context		
Site context		
1	Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.	The development is a two storey house that is designed to relate to its context in terms of scale, bulk, height, setbacks, character and amenity. There is minor excavation proposed to provide level, usable private open space and for the basement garage. The proposal does not impact district views.
		Yes
Streetscape Character		
4	The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.	The proposal is of an architectural style that complements the character of the local area. The dwelling house be composed of a neutral finish and
		Yes

Controls		Assessment	Compliance
		will have a pitch roof as commensurate with the streetscape.	
5	Building setbacks from the street boundary are to be consistent with prevailing setbacks of adjoining and nearby buildings.	The front setback of 6.4m is consistent with the prevailing setback of the street.	Yes
6	Access to garages should not necessitate a major alteration of the natural ground level at the front of the allotment. The front yard is to remain at natural ground level and be landscaped to enhance the front elevation.	The garage is located at basement level, similar to that of the adjoining property at 8 Earlwood Crescent.	Yes
9	Garages and carports are not permitted between the front building line and the front property boundary.	The garage is not located in front of the front building line.	Yes
Pedestrian Environment			
10	Residential buildings adjacent to the street must address the street by having a front door and/or living room or kitchen window addressing the street. The frontage of buildings and their entries are to be readily apparent from the street.	The front door of the dwelling house addresses the street. The frontage of the building and its entry is legible from the street.	Yes
11	Buildings are designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.	Windows on the front elevation provide casual surveillance from bedrooms, a guest room and the theatre room.	Yes
13	Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.	The property is defined by fencing and landscaping features.	Yes
14	Vehicle entries are discrete and minimise conflicts with pedestrians	No changes are made to the driveway location.	Yes
Fencing			

Controls		Assessment	Compliance
17	Front fences and walls are to enable surveillance of the street from the dwelling.	The front fence is of a height that enables casual surveillance of the street from the dwelling.	Yes
19	Open construction front fences (with minimum 30% transparency) to a maximum height of 1.8 m may be considered, such consideration will have regard to the circumstances of the case. The solid portion in open construction fences is to be no higher than 600mm.	The front fence reaches a height of 1.8. The solid portion is no higher than 600mm. The fence exceeds 30% transparency.	Yes
20	New fences and walls are to be constructed of robust and durable materials which reduce the possibility of graffiti.	All external retaining walls are to be constructed of sandstone block.	Yes
21	Fences should not be constructed in floodways. Where this is unavoidable fences are to be of open construction that will not restrict the flow of floodwaters.	The fence is of open construction.	Yes
24	Side and rear fences are to have a maximum height of 1.8m on level sites or 1.8m measured from the low side where there is a difference in level either side of the boundary.	Side and rear fences reach a height of 1.8m.	Yes
25	Side fences between the street alignment and the front wall of the building are to be a maximum height of 1.2m or up to 1.8m if they are of open construction.	Side fences are of open construction and reach a height of 1.8m	Yes

4.3 Landscape Planning and Design

4.3.1 Open Space and Landscape Design

18	Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates: 25%	40.75% landscaped area is achieved.	Yes
19	At least 20% of the front setback area of a residential development	More than 20% of the front setback area is landscaped area, with dimensions exceeding 1m.	Yes

Controls		Assessment	Compliance
	is to be provided as landscaped area. If it is provided between driveways/pathways and side boundaries, it must have a minimum width of 1m.		
20	Landscaped areas should adjoin the landscaped area of neighbouring properties so as to provide for a contiguous corridor of landscape and vegetation.	Landscaped area is located at the front and rear of the property to form a contiguous corridor of landscape with adjoining properties.	Yes
4.3.2 Private Open Space			
1	Each dwelling must be provided with a minimum private open space area as specified in the following table: Dwelling with GFA greater than 125m ² : 80m ² with minimum width of 3m.	More than 200sqm of private open space is provided, with a width exceeding 3m.	Yes
4	Private open space must take account of the visual and acoustic privacy of its occupants and neighbours. Development must ensure that the usability of private open space of adjoining buildings is not reduced through overlooking and overshadowing.	The private open space does not give rise to unreasonable privacy or overshadowing impact.	Yes
5	Private open space areas are to act as extensions of indoor living areas.	The private open space area is directly connected to the living room and dining room.	Yes
4.4 Sustainable Building Design			
4.4.1 Energy Efficiency			
1	A BASIX certificate is to be submitted with the development application for residential development.	A BASIX Certificate is submitted for this application.	Yes
4.4.2 Solar Access			
4	Development must have adequate solar access as per the following standards. Where existing adjoining properties currently receive less sunlight than these standards, sunlight must not be reduced by	Both the development and neighbouring properties receive more than 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm in mid- winter.	Yes

Controls		Assessment	Compliance
	more than 20%.		
	Dwellings within the development site and adjoining properties should receive a minimum of 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm in mid winter.		
4.4.3 Natural Lighting and Ventilation			
1	Buildings must comply with the following minimum ceiling heights to facilitate adequate natural lighting and ventilation. Residential – Minimum height habitable space: 2.7m Minimum height non-habitable space: 2.4m	Basement floor to ceiling height is 2.4m. Ground and first floor level meet the minimum requirement of 2.7m.	Yes
4.4.4 Glazing			
1	Areas of glazing are located to avoid energy loss and unwanted energy gain.	Glazing is primary located on the north and south elevations.	Yes
2	Development provides appropriate sun protection during summer for glazed areas facing north, west and east. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted windows are not acceptable.	Eaves, balconies and awnings provide protection.	Yes
4.4.5 Visual and Acoustic Privacy			
Visual Privacy			
1	The windows of a habitable room with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m:	Windows are offset for habitable room to prevent direct sightlines.	Yes

Controls		Assessment	Compliance
	b. are sufficiently off-set to preclude views into the windows of the adjacent building; or c. have sill heights of 1.7m above floor level; or d. have fixed obscure glazing in any part of the window below 1.7m above floor level.		
5	Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings	The balcony at the rear of the property does not facilitate overlooking.	Yes
Acoustic Privacy			
9	The location of driveways, open space and recreation areas and ancillary facilities external to the dwelling must be carefully planned to ensure minimal noise impact on adjoining residential properties.	The driveway location is as existing. The open space and pool area is located at the rear of the property, away from bedrooms of adjoining residential properties.	Yes
4.6 Car Parking, Access and Movement			
1	Parking rate: 2 spaces/dwelling with 3 bedrooms or more	2 parking spaces are located in the basement garage.	Yes
27	Basement car parking is to be: ab. adequately ventilated, preferably through natural ventilation; ac. located within the building footprint. Construction must be carried out in a way to enable deep soil planting to be provided on the site; ad. located fully below natural ground level. Where site conditions	The basement car park will have sufficient natural ventilation. It is located within the building footprint. The basement has been sited for minimal excavation. Pedestrian access on the site is clearly separated from vehicular access point.	Yes

Controls		Assessment	Compliance
	<p>mean that this is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council;</p> <p>ae. designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated; and</p> <p>af. provided with daylight where feasible.</p>		
39	Garage doors must be treated as an integrated element of the building design.	The garage door is integrated into the building design. Its style and finish will match the dwelling house.	Yes

Laundry Facilities and Drying Areas

14	Laundry facilities are to be incorporated into each dwelling unit.	The laundry is located on the ground floor of the dwelling house.	Yes
15	Drying areas are not to be located forward of the building line or within the setback to any street frontage and should be screened from public view.	The drying area is located in the rear setback, screened from public view.	Yes
16	Design should allow residents to hang clothes to dry in an open and preferably sunny part of the site.	The rear setback area allows clothes to dry in an open and sunny area.	Yes

Part 5 Building Types

Controls		Assessment	Compliance
5.1 Low and Medium Density Residential			
Storey Height and Setbacks			
1	Max height in storeys – two	Two storeys is proposed.	Yes
	Street setback: <ul style="list-style-type: none"> must be consistent with the prevailing setbacks in the street 	The setback is consistent with established.	Yes

Controls		Assessment	Compliance
	<ul style="list-style-type: none"> if there is not a consistent or established setback, a 6m setback applies 		
	Side setback: <ul style="list-style-type: none"> min 0.9m for ground floor of a two storey building min 1.5m for first floor of a two storey building except for lots with street frontages less than 15m, it may be set back a min of 1.2m. 	A setback of 0.9m is proposed for both the western and eastern side boundary, on the ground and first floor. The street frontage is less than 15m. The proposed setback does not facilitate unreasonable overshadowing or privacy impact.	Acceptable on merit
	Rear setback and rear lane setback <ul style="list-style-type: none"> min 3m for ground floor of a two storey building min 6m for first floor of a two storey building 	The rear setback is 15.184m.	Yes
Building design			
8	Large expanses of blank walls are to be avoided through the use of architectural design features, modelling and fenestration.	The dwelling house is appropriately articulated with fenestration and architectural design features.	Yes
10	Building heights should be sympathetic to the natural land form and topographical features of the site and to existing buildings in the immediate vicinity	The building height of 8.277m is suitable for the site and its context. The building height does not produce unreasonable bulk impact, overshadowing or privacy impact.	Yes
11	Staircases leading to the first floor should be internal.	Staircase is internal.	Yes
14	Garages must be integrated with the overall design of the building in terms of height, form, materials, detailing and colour. They should not be a dominant feature of the building façade and detract from the streetscape.	The garage is integrated into the building design. The garage door will be a subservient feature of the façade, due to its basement level location. The garage is lower than the street level, which reduces its visual impact.	Yes
15	Garages and carports are to be located a minimum distance of 300mm behind the front building line.	The garage is located beneath the dwelling house in the basement level, commensurate with the garage of the	Acceptable on merit

Controls		Assessment	Compliance
	The total width of the garage doors which address the street must be a maximum width of 6.3m or 40% of the site frontage width, whichever is lesser.	adjoining dwelling at 12 Earlwood Crescent. Its visual impact is therefore satisfactory. The garage door is 5m wide, which equates to 36% of the site frontage width.	Yes
16	Roof forms are to respond to the local context, in particular scale and pitch.	The proposed roof form is commensurate to existing roof forms characteristic of the streetscape.	Yes

4.4 Planning Agreements

No matters of relevance are raised in regard to the proposed development.

4.5 The Regulations

No matters of relevance are raised in regard to the proposed development.

4.6 Coastal Zone Management Plans

No matters of relevance are raised in regard to the proposed development.

4.7 The Likely Impacts of the Development

As noted in the above assessment against the provisions of the relevant Environmental Planning Instruments and Development Control Plan, the development is of an appropriate scale and nature, and does not present unreasonable environmental, social and economic impacts. The development does not impact upon native vegetation, soil conditions or the natural landform. Minor excavation is required for the basement and level private open space. The proposal incorporates a well-articulated design with materials and finishes that are compatible with the neighbourhood character. The development incorporates appropriate design considerations to ensure that there is no unreasonable impact upon the privacy and solar access of neighbouring properties.

4.8 Suitability of the Site

The subject site is considered suitable in size and shape to accommodate the development. The proposal does not introduce any incompatible uses to the site. The works are permissible under the R2 zone.

4.9 Submissions

This is a matter for Council in the consideration of this proposal.

4.10 The Public Interest

The proposal is not considered to be against the public interest due to its nominal negative environmental, social and economic impacts.

5.0 CONCLUSION

The Statement of Environmental Effects (SEE) has been prepared to consider the environmental, social and economic impacts of the proposed dwelling house at 10 Earlwood Crescent, Bardwell Park. The report has addressed the applicable policies and plans, and has provided an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The application proposes a permissible development within the subject site locality. The proposal incorporates appropriate design considerations to minimise any adverse impacts on the natural and built environment, and the amenity of the surrounding neighbourhood.

Given the benefits of the development and compliance with the relevant policies and plans, we conclude that the proposed development at 10 Earlwood Crescent, Bardwell Park as described in this application is reasonable and supportable, and worthy of approval by Bayside Council.

Bayside Local Planning Panel

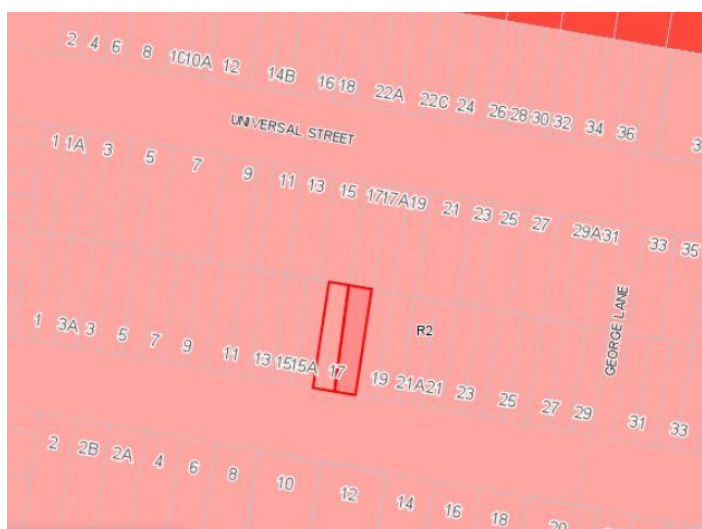
25/06/2019

Item No	6.4
Application Type	Development Application
Application No	DA-2018/327
Lodgement Date	29/11/2018
Proposal	17 George Street, Eastlakes - Demolition of existing structures and construction of 2 X 2 storey attached dwellings, landscaping and front fence.
Ward	Port Botany
Owner	D Mason, G Evans and J Evans
Applicant	Mr John Spiteri
Property	17 George Street, Eastlakes
No. of Submissions	7
Cost of Development	\$819,565.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 approves a variation to the floor space ratio prescribed by 4.4 Floor Space Ratio of the Botany Bay Local Environmental Plan 2013, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 of that Plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives for development within the zone.
 2. That development application DA-2018/327 for demolition of existing structures and construction of 2 X two storey attached dwellings, landscaping and front fence at 17 George Street, Eastlakes be APPROVED pursuant to s4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 3. That the submitters be notified of the Bayside Local Planning Panel's decision.
-

Location Plan



Attachments

- 1 Assessment Report - 17 George St Eastlakes [↓](#)
- 2 Site Plan - 17 George St Eastlakes [↓](#)
- 3 Roof Plan - 17 George St Eastlakes [↓](#)
- 4 South and North Elevations -17 George St [↓](#)
- 5 West and East Elevation - 17 George St [↓](#)
- 6 Landscape Plan - 17 George St [↓](#)
- 7 Statement of Environmental Effects including Clause 4.6 Variation to FSR Standard [↓](#)

BAYSIDE COUNCIL

Bayside Planning Panel Report

Application Details

Application Number:	DA-2018/327
Date of Receipt:	30/11/18
Property:	17 George Street, Eastlakes
Lot & DP/SP No:	Lot 115 & Lot 116 Sec A DP 3239
Owner:	D Mason, G Evans & J Evans
Applicant:	Mr J Spiteri
Proposal:	Demolition of existing structures and construction of two attached dwellings
Value:	\$819,565.00
Author:	J Hunt
Date of Report:	23/5/19
Present Use:	Residential dwelling
No. of submissions:	7
Recommendation:	Approval

Key Issues

The key issues with this application are:

- The proposal submits a Clause 4.6 Variation to the FSR standard. The proposed FSR is consistent with the FSR of previously approved attached dwellings in the surrounding area. The LEP requires a maximum FSR of 0.5:1. The proposed FSR is 0.84:1 for each dwelling which represents a 68% variation which must be determined by the Local Planning Panel.
- The proposal meets key development controls including height, landscaping, parking, solar access, privacy and setbacks.
- The proposal has been designed to meet the desired future character of the special H2 Area within the Eastlake's Precinct under BBDCP which encourages terrace style development with an attic that is 9m in height.
- Additionally, the Land and Environment Court Planning Principle "Building to the side boundary in residential areas" from *Galea v Marrickville Council* [2003] NSWLEC 113 has been addressed. Due to the character of the locality, the setbacks are appropriate for the sites.
- Amended plans were submitted to Council with obscure glazing awning style windows on the first floor side elevations to reduce visual privacy impact and therefore did not require renotification in accordance with Botany DCP.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 approves a variation to the floor space ratio prescribed by 4.4 Floor Space Ratio of the Botany Bay Local Environmental Plan 2013, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 of that Plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives for development within the zone.
2. That development application DA-2018/327 for demolition of existing structures and construction of 2 X two storey attached dwellings with landscaping at 17 George Street, Eastlakes be **APPROVED** pursuant to s4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
3. That the submitters be notified of the Bayside Local Planning Panel's decision.

Site Description

The subject site comprises two (2) rectangular shaped allotments located on the northern side of George Street between George Lane to the east and Maloney Street to the west. The subject site has a total area of 367.9m² and a 12.19m frontage to George Street, with each allotment comprising an area of 183.95m². The site is legally known as Lot 115 and Lot 116 Sec A DP3239. The site is relatively level and is located within the R2 zone.

A detached dwelling, garage, carport and swimming pool are currently located on site. There is one small street tree located at the front of the site and no trees located on the site.

Development surrounding the site consists of attached dwellings, multi dwelling housing and detached dwellings.



The site viewed from George Street in the context of adjoining semi-detached dwellings



Aerial photo of the site showing allotment pattern in the vicinity. Source: Intramaps 2018

Background

- 30/11/18- DA lodged to Council
- 7/12/18 – 20/12/18- Neighbour notification period. 7 submissions received.
- 6/12/18- Further info request sent to applicant regarding Engineer referral requirements
- 29/1/19 – Amended stormwater details submitted to council
- 2/4/19 – Request for further amendments sent to applicant
- 24/4/19- Geotechnical report and stormwater plans submitted to Council.
- 29/4/19- Amended plans submitted to council with frosted glazing awning style windows on first floor side elevations to reduce impact and therefore did not require renotification in accordance with Botany DCP.

Description of Development

The development application seeks consent for the demolition of the existing structures on the site and construction of 2 x two storey attached dwellings at 17 George Street, Eastlakes.

The specifics of the proposal are as follows:

- Demolition of all existing structures on the site
- Removal and replacement, or relocation of 1 street tree
- Construction of 2 x two storey attached dwelling houses with landscaping;

- Construction of 2 new driveway crossovers.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.15(1) - Matters for Consideration – General

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

The following Environmental Planning Instruments are relevant to this application:

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate Nos. 979008S and 979042S committing to environmental sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay 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.

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
Is the proposed use/works permitted with development consent?	Yes	The site is in the R2 zone under the BBLEP 2013. The proposed attached dwelling use is permissible with Council's consent under the BBLEP 2013.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the R2 zone objectives in the BBLEP 2013.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	No	NA
Maximum building height (Clause 4.3)	Yes	Maximum height: 10m Proposed max. Height: 9m
FSR (Clause 4.4A)	No	Located in Area 3 on FSR map
Area 3 on FSR map	Refer to Clause 4.6 variation justification provided by applicant assessed below .	Maximum FSR for attached dwelling 0.5:1 Proposed FSR: 0.84:1
Is the land affected by road widening? (Clause 5.1)	No	NA
Is the site listed in Schedule 5 as a heritage item or within a HCA?	No	NA
The following provisions in Part 6 of the LEP apply to the development–		
6.1 – Acid sulfate soils	NA	6.1 – The subject site is not affected by Acid sulfate soils on the LEP map.
6.3 – Stormwater management	Yes	6.3 – The proposal was referred to Council's Engineer who supports the proposed stormwater system subject to conditions.
6.9 – Development in areas subject to aircraft noise	Yes	6.9 – The site is within a contour of 20-25 on the ANEF 2039 map. Conditions of consent are included to ensure suitable noise attenuation measures are included in construction.

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 the Floor Space Ratio Standard

The site is located within 'Area 3' on the FSR map and therefore Clause 4.4A of the BBLEP 2013 applies to the proposal. The objectives of this clause are as follows:

- 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.

Under Clause 4.4A(3)(d), the proposal is defined as an 'attached dwelling' and not defined as a 'dwelling house' or 'multi-dwelling' housing, and as such would fall under the category of 'all other development for the purpose of residential accommodation'. Therefore the maximum permitted FSR is 0.5:1. The FSR for a dwelling house on a lot <200sqm is 0.85:1.

The proposal is for the demolition of the existing structures, and construction of two attached dwellings. The subject site is legally known as Lot 115 and Lot 116 Sec A DP3239. The site currently comprise one dwelling over the two lots, with the proposed development being for two attached dwellings, one on each lot. The following table demonstrates the relevant lot sizes, the proposed gross floor area and floor space ratio of the two allotments:

Proposed	Lot 115 (17 George Street)	Lot 116 (17A George Street)
Site Area	183.95sqm	183.95sqm
GFA	155.33sqm	155.33sqm
FSR control	0.5:1 (91.97sqm)	0.5:1 (91.97sqm)
Proposed FSR	0.84:1	0.84:1
Variation to Standard	63.35sqm (68%)	63.35sqm (68%)

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene this development standard, as the FSR development standard is not expressly excluded from this Clause (Cl 4.6(2)). The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013, which is considered below. The matters for consideration pursuant to Clause 4.6(4) and (5) are also considered below. Clause 4.6 (6), (7) and (8) are not relevant to the current proposal.

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 (Wehbe), the Land and Environment Court set out the following 5 different ways in which an objection to a development standard may be well founded:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (Four2Five), the Court established that the construction of Clause 4.6 is such that it is not sufficient for the applicant to demonstrate that there are sufficient environmental planning grounds to justify

contravening the development standards, as required by Clause 4.6(3)(b), or for the consent authority to be satisfied that the proposed development is consistent with the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, as required by Clause 4.6(4)(a)(ii). The Court outlines, that Clause 4.6 requires that in addition to the requirements listed above, the applicant must also establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as is required by Clause 4.6(3)(a). The applicant relies on reasons 1 and 2 outlined in Wehbe.

The requirements of all relevant parts of Clause 4.6 are each addressed separately below:

Under Subclause (3) of Clause 4.6, 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.***

Applicants justification regarding 4.6(3)(a):

"4.6(3)(a) Compliance with the development standard is unreasonable or unnecessary:

- *The proposed FSR for each attached dwelling is equivalent to the maximum floor space ratio for a dwelling house with a site area of less than 200sqm as per Clause 4.4A(3)(a) of the LEP.*
- *The proposed development is compatible with the bulk and scale of other attached development along George Street and the desired future character of the locality.*
- *The proposal is also consistent with several previous approvals where the FSR for attached dwellings have been exceeded including:*
 - 15 George Street, Eastlakes*
 - 19 George Street, Eastlakes*
 - 51 George street, Eastlakes*
 - 40 Universal Street, Eastlakes*
 - 41 Robinson Street, Eastlakes*
 - 26 Livingstone Avenue, Botany*
 - 62 High Street, Mascot*
 - 9 Middlemiss Street, Mascot*
- *The proposed development has been designed with a pitched roof, which is more sympathetic to the existing character of the locality and will contribute to the mixture of building style and size in the locality. The proposed development is also consistent with the established setbacks along George Street.*
- *The proposed development will not result in any significant adverse impacts upon the amenity of the adjoining dwellings in terms of overshadowing, loss of privacy or views. The rear yard of the adjoining neighbours will continue to receive adequate sunlight in midwinter.*

- *The proposal is consistent with the objectives of the floor space ratio standard, contained in Clause 4.4 of the LEP, in that it will provide an appropriately scaled development that is consistent with the existing surrounding built form.*
- *The proposed development also complies with all other planning controls of the DCP including deep soil and landscaping, site coverage and building height. "*

Council comment regarding 4.6(3)(a):

In respect to clause 4.6 (3)(a) it is considered the applicant has demonstrated the FSR standard is unreasonable or unnecessary in the circumstances of the case as numerous existing surrounding attached dwellings have varied the FSR standard including both the adjacent sites to the east and west which have been previously approved for attached dwellings with an FSR of 0.84:1. No. 15 George Street on the western side of the subject site had an FSR of 0.84:1 approved for each attached dwelling under DA-15(245). No. 19 George Street on the eastern side of the site had an FSR of 0.84:1 and 0.8:1 approved for each attached dwelling under DA-15(140). The proposal is compliant with other key controls including height, setbacks, solar access, private open space and landscaping development controls under BBLEP and BBDCP. The proposed development is compatible with the bulk and scale permitted for the area and the future desired character of the locality, particularly in the Eastlakes Precinct. The FSR is equivalent to the FSR allowable for a dwelling house on a site under 200sqm which allows 0.85:1 under Clause 4.4A(3)(a).

The development standard would be unreasonable in this instance in order to accommodate attached dwelling houses within the special H2 area under Part 8 of BBDCP which specifies the desired future character of the precinct within the H2 area is for heights of 9m and density in the form of terrace style housing. The proposed development meets this DCP objective with a height of 9m and a terrace style design. It is considered the applicant has demonstrated the FSR standard is unreasonable or unnecessary in the circumstances of the case

Applicants justification regarding 4.6(3)(b):

"4.6(3)(b) There are sufficient environmental planning grounds to justify contravening the development standard:

- *The proposed development is consistent with the relevant objectives of the R2 Low Density residential zone in that the proposed dwellings will provide the housing needs of the community within an established low density residential area.*
- *The proposal will create an appropriate built form, which is consistent with the bulk and scale of the existing development including the newer attached dwellings at no. 15 and 19 George Street.*
- *The proposal will complement with the predominant architectural style of existing residential development along George Street, which incorporates pitched roof and quality façade treatments and adequate articulation through the use of recessed balconies and verandas, window/door openings, roof form, and range of different building materials.*
- *The departure from the maximum FSR control will not result in any significant adverse impact upon the amenity of the adjoining neighbours in terms of overshadowing, loss of privacy or views.*

- *The proposed development has been designed with high internal amenity and complies with all other relevant planning controls including height, setbacks, site coverage, landscaped area, private open space, and stormwater management and respects the character of the streetscape. No undesirable precedent will be set that would allow unjustified non-compliance with the standard in future applications.*
- *The proposed variation to the floor space ratio standard does not conflict with any matters of State or Regional environmental planning significance, nor does it conflict with any state Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the broader area.*
- *The public interest would be best served by approval of the development application under consideration given the absence of any demonstrable adverse impacts resulting from the proposal.*
- *It is considered that due to the absence of any demonstrable adverse impacts arising from the proposed development, as argued elsewhere in this objection, adherence to the subject development standard would hinder the attainment of the objects of section 5(a)(i) and (ii) of the Environmental planning and Assessment Act 1979 (as amended). Further, the proposed development is consistent with the relevant objectives of the floor space ratio standard."*

Council comment regarding 4.6(3)(b):

The non-compliant floor space does not contribute to the attached dwellings being of unreasonable bulk and scale. The proposal is compliant with other key controls including height, setbacks, solar access, private open space and landscaping development controls under BBLEP and BBDCP. The proposed development is compatible with the bulk and scale permitted for the area and the future desired character of the locality, particularly in the Eastlakes Precinct. And as discussed previously, the FSR is less than the equivalent FSR allowable for a dwelling house on a site under 200sqm which allows 0.85:1 under Clause 4.4A(3)(a).

The proposal will create an appropriate built form which is consistent with the surrounding residential developments. The height of the development does not exceed the prescribed 9m terrace height under the DCP and is well below Council's maximum 10m height requirement under the LEP. The dwellings are articulated from the front, side and rear elevations, with a pitched roof which slopes away from the front elevation, and slopes away from the side elevations in the rear portion of the building, thereby minimising visible bulk and maintaining an appropriate visual relationship along the streetscape and the surrounding properties which predominantly comprise pitched roof forms.

Given that there are surrounding examples of previously approved attached dwellings with similar FSR to the proposal and that the site is located within the Special H2 Area within Part 8 and Part 4A of the Botany Bay Development Control Plan 2013 which earmarks this area for terrace style development to be built. DCP Controls relating to the H2 Area thereby establish the maximum density, intensity and form of land use along George Street. It is considered the applicant has provided sufficient environmental planning grounds to justify contravening the FSR development standard:

Cl. 4.6(4)(a)(ii): Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The following matters pursuant to Clause 4.6 are also considered :

- Objectives of Clause 4.6;
- Objectives of the Floor Space Ratio Standard;
- Objectives of the R2 Low Density Residential zone;
- Public Interest and public benefit of maintaining the development standard.

Objectives of Clause 4.6

The objectives of Clause 4.6 of the Botany Bay Local Environmental Plan 2013 are:

- a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,***
- b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.***

Council Comments:

Council recognises that the proposal meets the objectives of Clause 4.6 and those of the floor space ratio standard notwithstanding the proposed noncompliance. The proposal will facilitate 2 x two storey attached dwelling houses within the R2 Low Density Residential zone, which meets the required desired future character of the Eastlakes Precinct and the desired character of the Special H2 Area under BBDCP. The reasons outlined in the applicants Clause 4.6 variation are well founded and flexibility can be applied in the circumstance as it achieves the desired future character outcome for the site and surrounding streetscape.

Objectives of the Floor Space Ratio Standard

The objectives of the Floor Space Ratio Standard are:

- a) to establish standards for the maximum development density and intensity of land use,***
- b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,***
- c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,***
- d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,***
- e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,***
- f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,***
- g) to facilitate development that contributes to the economic growth of Botany Bay.***

Council Comments:

The proposal is consistent with the maximum FSR permissible for a dwelling house on a lot with a site area under 200sqm. The proposed attached dwelling houses are of a similar bulk and scale to surrounding attached dwelling houses and are of a lower density than the

existing multi dwelling development opposite the site on George Street. As the site falls within the Special H2 Area which specifies the desired future development is terrace style housing up to 9m in height, it is expected that similar development will occur which allows for terraced housing on the street with higher height and minimum street frontage widths. The proposal maintains an appropriate visual relationship within the streetscape and the existing and future character of the area. The size of the dwellings is substantively the same as would be permitted for single detached dwellings on the proposed allotments. The proposal meets the objectives of the FSR standard.

Objectives of the zone

The objectives of the R2 Low Density Residential zone are as follows:

- ***To provide for the housing needs of the community within a low density residential environment;***
- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents;***
- ***To encourage development that promotes walking and cycling.***

Council Comments:

The proposed attached dwelling houses are a permissible use within the R2 Low Density Residential zone and are in keeping and consistent with the zone objectives.

Public Interest and Public Benefit

Council comments:

The proposed variation to the floor space ratio standard will be in the public interest as it will provide two new attached dwellings on the subject site without unreasonable impacts on the streetscape and the locality. The proposal is consistent with the desired future character of sites along George Street and within the Special H2 Area as prescribed within Part 8-Character Precinct and Part 4A- Dwelling Houses of the Botany Bay Development Control Plan 2013.

Conclusion of CI 4.6 Assessment:

The Clause 4.6 exception to the floor space ratio control has been assessed in accordance with relevant case law, being the principles of *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 & NSW LEC 90 (*Four2Five*). The proposal is consistent with the underlying objectives of the standard identified. The proposed development has been assessed against Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 controls and are compliant with the majority.

It has been established that the proposed development is appropriate and strict adherence to the development standard in this instance is unreasonable and unnecessary. Maintaining and enforcing the development standard in this case is viewed as unreasonable.

The applicant's Clause 4.6 is well-founded and on this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the Botany Bay Local Environmental Plan 2013 should be varied in the circumstances as discussed above.

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

There are no current Draft EPIs applicable to this development

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

The following Development Control Plan is relevant to this application;

Botany Bay Development Control Plan 2013

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

Part 3A – Car Parking and Access

Control C2 of the Botany Bay Development Control Plan 2013 requires that attached dwelling houses are to provide 1 car parking space per dwelling.

The development proposes to provide 2 car parking spaces per dwelling on site, 1 in a single garage and 1 on the hardstand area in front of the garage, which complies.

Part 3L- Landscaping and Tree Management

The proposal was referred to Council's Tree Officer and Landscape Officer for their assessment, they provided suitable conditions of consent regarding trees and landscaping which are included in the draft notice of determination. Their comments are below:

Tree Officer:

- *There are no trees of significance on the property or adjoining lots that the proposed development will affect.*
- *However one (1) healthy and structurally sound Fraxinus griffithii (Evergreen Ash) is located in the Public Domain.*
- *Consent is granted for the removal and stump grinding of the Fraxinus griffithii (Evergreen Ash) that is in the way of the proposed crossover at the applicant's expense.*
- *A Dial-Before-You-Dig enquiry is required prior to stump grinding and shall occur without damage to Council infrastructure or underground services / utilities. Council takes no responsibility for any damage incurred to persons, property, or services during the tree removal works.*
- *The applicant is to supply and plant another Fraxinus griffithii (Evergreen Ash) of minimum root ball/pot size of 75 litres in the public domain between the proposed lots.*
- *The tree shall be sourced from a reputable supplier and grown to NATSPEC requirements*

Landscape Officer:

- *In order to ameliorate streetscape minimising the visual impact of the proposed built form the front setback shall include two (2) native trees, one in each dwelling, capable of reaching five meters in local conditions, one in each dwelling frontage setback.*

The applicant has included two trees in the front setback on the landscape plan, that is one tree in front of each dwelling on the site. This condition from the Landscape Officer is included in the draft notice of determination to ensure the proposed trees are suitable species and size. The Tree Officer's conditions are included requiring the replacement street tree on Council's nature strip between the two crossovers also.

Part 4A- Dwelling Houses

4A2.4- Streetscape presentation-

Special Area H2 – Two storeys Plus Attic Terrace Style Dwellings

The subject site is located in the Special Area H2 under the DCP. This area provides the opportunity for increased height and density in the form of terrace style housing which can have a maximum height of 9 metres (two stories, plus a third attic level). The proposal complies with this control, and is compatible with the streetscape, with respect to building siting and location, height, roof form, materials, design features, and streetscape presentation. The entrances to the dwellings are readily apparent from the street and windows to the street from habitable rooms encourage passive surveillance.

A minimum allotment frontage of 5 metres is permitted in the area. The existing site comprises Lot 115 and 116 in DP3239, with each Lot being 6.095m in width and compliant.

4A2.7- Site coverage-

For sites less than 200sqm, the maximum site coverage is assessed on merit taking into consideration the bulk of the development, impacts, setbacks, overshadowing and privacy, streetscape, parking and landscape requirements. Lot 17 is 183.95sqm and has site coverage of 59%. Lot 17A is 183.95sqm and has site coverage of 59%. The proposed terrace style attached dwellings are consistent with existing surrounding semidetached dwelling floor space ratios, meet the key controls which dictate site coverage including height, setbacks, landscaping, car parking and private open space area. Additionally the proposal meets solar access and privacy objectives and controls and therefore the proposed built form site coverage is considered appropriate.

4A2.8 - Setbacks-

Front setback-

The DCP requires to comply with the prevailing street setback or 6 metres (min). The proposed development is consistent with the existing prevailing street setback with a 5.5m setback to the ground floor and 4.4m to the first floor balcony. The adjacent attached dwelling at no. 19 George Street has a 4.3m setback to the first floor balcony and 5.5m to ground floor. The adjacent semi dwelling at no.15 George Street has a first floor balcony setback of 4.6m and a ground floor setback of 5.5m. Therefore the proposed semi in between these two existing semidetached dwellings is consistent with front alignments.

Side setbacks-

The DCP allows nil setbacks for common boundaries of semi-detached dwellings. The proposal complies with this, with a nil common boundary wall between 17 and 17A.

Part 4A.2.8 Control C9 states where terrace house dwelling forms are proposed, Council may grant consent to a development with a 0 metre setback to a side boundary if the proposal satisfactorily addresses the questions identified in the Land and Environment Court Planning Principle "Building to the side boundary in residential areas" established in *Galea v Marrickville Council [2003] NSWLEC 113* and consideration has been given to that statement. The proposal has nil side setbacks for part of the dwellings and these are assessed in relation to the *Galea v Marrickville* planning principle below:

"Is the street characterised by terrace housing?"

The street is not currently characterised by terrace housing however, the DCP controls encourage and require terrace style housing. The intended future character of the locality is for terrace housing. Furthermore, there are several approvals and applications on George Street and the surrounding H2 Special Area locality for terrace style housing and attached dwellings with zero side setbacks and close to zero side setbacks. The proposal provides a positive contribution to the streetscape and is consistent with the future desired character of the Eastlakes Character Precinct and Special Area H2.

"What is the height and length of the wall on the boundary?"

No. 17:

The proposed length of the boundary wall on the ground floor is 11.2m along a 30.17m site (37% of the overall site length) and 7.4m on the first floor (24% of the overall site length). The height of the wall on the boundary is 3m at ground floor level, 5.9m high to the underside of first floor guttering and 8.3m to the highest point of the gable end wall along the western boundary. The rest of the western side elevation is setback 1m from the side boundary at ground level and first floor level.

This western elevation is adjacent to No. 15 George Street which is setback 100mm to 900mm from the side boundary.

No 17A:

The proposed length of the boundary wall on the ground floor is 11.2m along a 30.17m site (37% of the overall site length) and 7.4m on the first floor (24% of the overall site length). The height of the wall on the boundary is 3m at ground floor level, 5.9m high to the underside of first floor guttering and 8.3m to the highest point of the gable end wall along the eastern boundary.

This eastern elevation is adjacent to No. 19 George Street which has a 14.2m long wall on the boundary at ground floor and 9.5m long on the boundary at first floor.

The length and height of the proposed walls on the side boundaries is less than existing adjacent attached dwellings. The boundary wall's are located to the front of the site and maintain privacy, amenity and solar access to the rear private open spaces of neighbouring dwellings.

"What are the impacts on the amenity and/or development potential of adjoining sites?"

There is minimal additional overshadowing on the adjoining sites due to the rear of the subject site facing north and the front of the site facing south. All side first floor windows are proposed as awning style windows with obscure glazing to minimise any potential privacy and amenity impacts on the adjoining dwellings. The proposed portions of the development on the side boundary are adjacent to existing nil setback walls on the site to the east and 100mm setback walls on the site to the west, therefore the proposal is consistent with existing attached dwellings with nil to 100mm side setbacks on adjacent sites. There are no significant impacts on the development potential of adjoining sites as both adjoining sites have recently built attached dwellings consistent with the proposed FSR and setbacks of the subject proposal. And are not expected to be redeveloped. Notably the proposal complies with the controls within the Special Area H2.

"Are there arrangements in place for the maintenance of the wall or gutters?"

The number of windows have been minimised and are easily accessible from within the site for maintenance. The material and finishes of the wall on the boundary will be low maintenance and require minimal repairs.

Accordingly the proposed extent of walls on the side boundary are considered acceptable.

Rear setback-

The DCP requires a minimum 4m rear setback. The proposal has a rear setback of 4m to the ground floor patio, min. 5.1m to the first floor wall, and 6.8m to the ground floor rear wall of dwellings which complies.

Notably the adjacent attached dwellings at 15 George Street have rear setbacks of 6.14m to ground floor and 4.78m to first floor. No. 19 George street has rear setbacks of 5.5m -6m. therefore the proposed dwellings are in between the two existing first floor setbacks of adjacent dwellings, and the proposal is setback further from the rear boundary at ground floor level than both existing adjacent dwellings thereby having lesser impact and being consistent with surrounds.

4A2.9- Landscaped Area-

The DCP requires sites < 250sqm provide 15% deep soil landscaping. The proposal provides 43.56sqm i.e. 23.6% landscape area on each allotment which complies.

The DCP also requires front setbacks are to be fully landscaped with trees and shrubs and 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 proposal complies with this requirement and on amended plans the applicant has included two trees within the front setback in accordance with DCP and Landscape Officer requirements.

4A.3.1 Materials and Finishes

The DCP requires materials, colours, architectural details and finishes must be sympathetic to the surrounding locality. 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. All materials and finishes must have low reflectivity. The proposed DA includes a description of the proposed colours and finishes to be used on the elevation plans. The proposal is for a charcoal grey colour tiled roof, blue/black face brick with white mortar, light grey railings on balcony facing street front, grey aluminium frame windows and doors and grey metal roller garage doors. These colours and finishes are consistent and sympathetic to the surrounding streetscape and are well used to articulate the dwellings and are low reflectivity colours and materials which are considered suitable.

4A.3.2- Roofs and Attics/Dormer-

The DCP requires *where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch.* The predominant roof form within George Street are pitched roofs, with the exception of flat roof attached dwellings adjacent to the subject site and a few examples of flat roofs in the street. The proposed pitched roof matches the predominant pitch roofs in the streetscape and notably meets the objectives of the special H2 zone to provide terrace style housing with pitch roof and attic. The DCP requires attics must be contained wholly within the roof form to the front elevation, excluding minor elements such as dormer windows. The proposed attic and dormer windows meet this control.

4A.3.3 -Fences-

Front fences are to compliment the period or architectural style of the existing dwelling house. Fences (or returns) that are higher than 1 metre are not encouraged along residential frontages but may be constructed to a maximum of 1.2 metres provided the top 600mm of the fence is 50% transparent or open style to allow for passive surveillance. The proposal includes a 1m high brick front boundary fence, with openings for pedestrian entry paths and driveways which comply.

4A.3.5 -Voids-

Void spaces must be designed so as not to be reasonably capable of future infill. 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 void spaces proposed in each dwelling are small in nature and are not capable of future infill, they simply allow natural light and ventilation into the ground floor next to the staircases.

4A.4.1 -Visual Privacy-

The DCP requires opportunities for overlooking between properties is minimised. The adjacent property at 15 George Street comprises 3 windows along its eastern elevation. The adjoining property at 19 George Street comprises of 3 windows along its western elevation.

The applicant was required to provide amended plans to council with first floor windows being obscure glazing and awning style to improve visual privacy between properties.

The proposed eastern and western elevations of the development will have on the ground floor 1 highlight window with 1.8m sill height (no overlooking impact), and sliding glass doors. These windows and doors are setback 1m from the side boundary and the doors will be obstructed by the existing side boundary fences.

The proposed amended eastern and western first floor side elevations have 3 windows. 1 being a highlight bathroom window with 1.8m sill height and having no overlooking impact. 2 of the windows being awning style wind out opening mechanism and obscure glazing having minimal potential for overlooking between properties.

The front elevations propose shallow 1.1m deep balconies with full height solid walls at either end of the balconies, thereby the balcony will only overlook the street and is considered suitable in terms of visual privacy.

The rear first floor elevations propose 1 bedroom window per dwelling. These windows are setback 5.4m from the rear boundary which is considered sufficient separation distance from properties located to the north (rear). Furthermore these are bedroom windows which are not high use entertaining type spaces and there are existing established trees between the subject site and the property to the rear providing visual screening between properties.

The rear ground floor elevations propose sliding glass doors close to ground level. These doors are setback 6.8m from the rear boundary and a patio roof extends over the doors up to 4m from the rear boundary which provides visual privacy obscuring viewing out of the doors, as well as the existing boundary fence obscuring any viewing between properties.

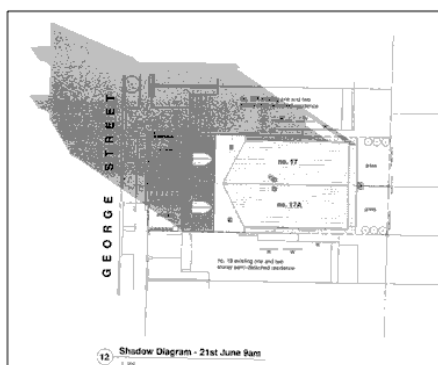
Considering the above, the proposed development is not considered to contribute to any negative overlooking onto the neighbouring properties and is acceptable.

4A.4.3 -Solar Access-

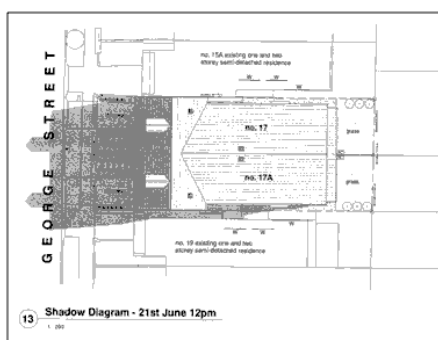
C1 Buildings (including alterations/ additions/ extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.

The subject allotment is north-south orientated with north being the rear of the site and south being the front of the site (George Street). Therefore any new two storey dwelling on the site would cast a shadow in the morning onto 15 George Street, during midday onto George Street and during the afternoon onto 19 George Street. In regards to the subject sites, the principal living areas have been orientated to the north of the dwellings where the rear yards are located.

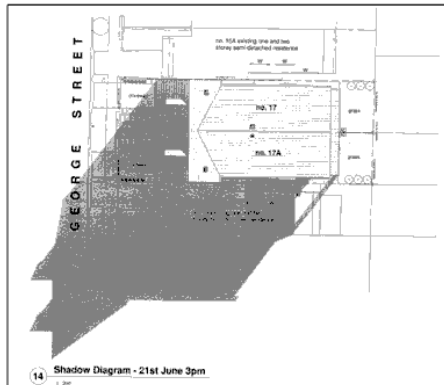
The applicant has provided shadow diagrams of the proposed development illustrating the shadow cast onto the subject sites and onto the neighbouring properties from the development itself. The rear yards of the subject sites are located to the north and will continue to receive the 2 hours of solar access during June 21. Both dwellings will receive 2 hours of sunlight to the principal living areas particularly to their living rooms. Compliant solar access to the surrounding sites and subject sites has been achieved.



Proposed shadow diagram 9am June 21



Proposed shadow diagram 12pm 21 June



Proposed shadow diagram 3pm 21 June

The adjacent property at 15 George Street comprises of 3 windows along their eastern elevation. The adjoining property at 19 George Street comprises of 3 windows along their western elevation.

The shadow diagrams demonstrate that 15 George Street will receive over 3 hours of direct solar access on 21 June. The diagrams demonstrate that 19 George Street will receive over 3 hours direct solar access to windows and private open space on 21 June. Accordingly the proposal complies.

4A.4.4- Private Open Space-

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;

C2 For sites less than 250sqm, a minimum area of 25sqm applies.

Each site is 183.95sqm in area therefore the 25sqm private open space requirement applies. The proposed dwellings have ground level private open space measuring 42sqm in area with minimum width of 6m and direct access from the internal living areas of the dwellings. The areas are at ground level to minimise overlooking and include pergolas to minimise overlooking from adjacent properties.

4A.4.5 Safety and security

The DCP requires dwellings must be designed to encourage passive surveillance of the street and comply with Part 3I - Crime Prevention, Safety and Security. The proposal includes doors, windows and balconies overlooking the street which provide opportunity for passive surveillance. The boundary between private and public space are defined and the proposal is considered suitable.

4A.4.6 Excavation

The DCP requires to ensure buildings respect the natural landform of a site. No significant excavation is proposed, which meets the provisions of this clause.

4A.4.7 -Vehicle Access-

C1 Driveways within a property shall have a minimum width of 3 metres.

Note: An additional clearance of 300mm is required (for each side) if the driveway is located adjacent to a solid structure (i.e. masonry wall).

C6 The number of vehicle crossings is to be limited to one (1) per allotment.

The proposal has one (1) crossing per dwelling which complies. The driveways are 3m wide within the property which complies.

Note the applicant was required to provide amended plans by Council Engineers, with 2.8m driveway crossovers where they cross the nature strip in order to allow for maintaining one on street car space in front of the site.

Part 8 – Eastlakes Character Precinct

The site is located within the H2 Area of the Eastlakes Precinct. The attached dwellings have been designed to address the desired future character of the H2 Area which specifies to encourage terrace style development which is 9m in height. As such the proposal is suitable for the site and is consistent with the desired future character of the Eastlakes Precinct pursuant to Botany Bay Development Control Plan Part 8 Character Precincts.

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

Clause 92 of the Regulation has been considered and there are no applicable provisions to the development.

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

The proposed development will have no adverse environmental, social or economic impacts in the locality. Likely impacts under SEPP, LEP and DCP controls 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 zoned R2 – Low Density Residential and currently accommodates an existing dwelling. Accordingly, the site is suitable to accommodate the 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 closing on 20 December 2018. Seven (7) submissions were received.

The objections received as the result of the notification raised the following concerns:

- *There is a 100mm setback from the side boundary to the existing semidetached dwelling at 15A George Street, construction must not encroach on neighbours site;*

Comment: A condition of consent is included specifying that the proposed development must not encroach onto adjoining properties. The proposed nil boundary setbacks have been addressed against the Land and Environment Court Planning Principle "Building to the side boundary in residential areas" established in *Galea v Marrickville Council [2003] NSWLEC 113* and supported in the Special H2 Area within Eastlakes Precinct under BBDCP.

- *Overshadowing;*

Comment: The applicant has provided shadow diagrams demonstrating that 15 George Street will receive over 3 hours of direct solar access on 21 June. The diagrams demonstrate that 19 George Street will receive over 3 hours direct solar access to windows and private open space on 21 June. Accordingly the proposal complies with the Solar Access controls under Part 4A.4.3 -Solar Access- of BBDCP which requires *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.*

- *Visual Privacy;*

Submissions raised concern over the window design should be reconsidered to offset windows from neighbouring semi detached dwellings.

Comment: The applicant submitted amended plans changing the first floor side elevation windows to obscure glazing awning style wind out windows to prevent any overlooking between properties. The proposed windows are centralised within the first floor bedroom walls and cannot be shifted as they would be off-centre, the measure of obscure glazing and awning style mechanism addresses visual privacy concerns more effectively than offsetting.

A submission raised concern over the proposed rear windows would directly face into the property to the rear.

Comment: The rear first floor elevations propose 1 bedroom window per dwelling. These windows are setback 5.4m from the rear boundary which is considered sufficient separation distance from properties located to the north (rear). Furthermore these are bedroom windows which are not high use entertaining type spaces and there are existing established trees between the subject site and the property to the rear providing visual screening between properties. The rear ground floor elevations propose sliding glass doors close to ground level. These doors are setback 6.8m from the rear boundary and a patio roof extends over the doors up to 4m from the rear boundary which provides visual privacy obscuring viewing out of the doors, as well as the existing boundary fence obscuring any viewing between properties. The proposal meets the visual privacy controls of Part 4A.4.1 of BBDCP.

- *Setbacks;*

A submission raised concern that the proposed 4m rear setback is too close to their rear boundary.

Comment: Botany DCP setback controls require a minimum 4m rear setback. The proposal has a rear setback of 4m to the ground floor patio, minimum 5.1m to the first floor wall, and 6.8m to the ground floor rear wall of dwellings which complies.

Notably the adjacent attached dwellings at 15 George Street have rear setbacks of 6.14m to ground floor and 4.78m to first floor. No.19 George Street has rear setbacks of 5.5m -6m. Therefore the proposed dwellings are in between the two existing first floor setbacks of adjacent semi dwellings, and the proposal is setback further from the rear boundary at ground floor level than both existing adjacent semi dwellings thereby having lesser impact. Accordingly council finds the proposed rear setbacks compliant.

A submission raised concern that the Front and rear setbacks should be reconsidered to align with adjoining properties.

Comment:

The proposed development is consistent with the existing prevailing street setback of adjacent attached dwellings with a 5.5m setback to the ground floor and 4.4m to the first floor balcony. The adjacent attached dwelling at no. 19 George Street has a 4.3m setback to the first floor balcony and 5.5m to ground floor. The adjacent semi dwelling at no.15 George Street has a first floor balcony setback of 4.6m and a ground floor setback of 5.5m. Therefore the proposed semi in between these two existing semidetached dwellings is consistent with front alignments.

Botany DCP setback controls require a minimum 4m rear setback. The proposal has a rear setback of 4m to the ground floor patio, minimum 5.1m to the first floor wall, and 6.8m to the ground floor rear wall of dwellings which complies. Notably the adjacent attached dwellings at 15 George Street have rear setbacks of 6.14m to ground floor and 4.78m to first floor. No.19 George Street has rear setbacks of 5.5m -6m. Therefore the proposed dwellings are in between the two existing first floor setbacks of adjacent semi dwellings, and the proposal is setback further from the rear boundary at ground floor level than both existing adjacent semi dwellings thereby having lesser impact. Accordingly council finds the proposed rear setbacks compliant.

A submission raised concern that the side setbacks may not be sufficient to prevent flow of stormwater onto adjacent sites.

Comment: Council's Engineer has assessed the proposed Stormwater system for the subject site considering Botany DCP Part 3G – Stormwater Management, Botany DCP Part 10 – Stormwater Management Technical Guidelines and Australian Standards and supports the proposal subject to conditions.

- *Built Form and Streetscape;*

Consider proposal too bulky and too high compared to flat roof semi's on adjacent sites.

Comment: The Botany LEP allows a maximum height of 10m on the subject site. Botany DCP controls earmark the subject H2 area the site is located within for terrace style housing 9m in height. The proposal has been designed in accordance with these LEP and DCP controls with a maximum height of 9m. While the adjacent attached dwellings have flat

contemporary roof style, the predominant roof form within the streetscape are pitched roofs. Notably the pitched roof form at the rear of the proposed dwellings slopes away to the centre of the subject site, therefore reducing the perceived bulk as viewed from adjacent sites, and this rear portion of the dwellings are setback 1m from the side boundaries further reducing the impact.

Submissions stated they would prefer a cubic contemporary design dwellings instead of pitched roof.

Comment: The subject site is located within the Special H2 Area in the Eastlakes Precinct under BDCP which earmarks the H2 area for terrace style housing 9m in height. The proposal has been designed in accordance with these LEP and DCP controls with a maximum height of 9m and terrace style design. While the adjacent attached dwellings have flat contemporary roof style, the predominant roof form within the streetscape are pitched roofs. The proposal meets the desired future character controls under part 8 of the BDCP and complies and is supported by council.

Concerned over view of pitched roof from adjacent dwellings side elevation windows.

Comment: The pitched roof at the rear of the proposed dwellings slopes away to the centre of the subject site, therefore reducing the perceived bulk as viewed from adjacent sites, and this rear portion of the dwellings are setback 1m from the side boundaries further reducing the impact.

The proposed eaves of the side elevations of the dwellings are RL19.88 and are setback 1m from the side boundaries, the pitched roof then slopes away from the adjacent sites towards the centre of the subject site up to a height of RL 21.9. The top of the parapet of No.15 George Street is RL 20.35, and the top of the parapet of No 19 George Street is RL 20.2 which are both higher than the proposed RL19.88 eaves. Notably the proposed dwellings are well below the allowable 10m height on the subject site, with a height of 7.4m to the ridge of the roof adjacent to side elevation windows of adjacent dwellings and are considered reasonable.

- *Parking;*

Concerned about loss of two car spaces on the street in an area where on street parking is in demand, development seems to provide one car space onsite but property owners always have two cars;

Comment: The applicant submitted amend plans adjusting the width of crossovers and distance between crossovers in order to retain one on street parking space in front of the subject site. This is a reasonable outcome supported by Council's Engineer. Notably the proposed dwellings provide two onsite car spaces each to accommodate occupants cars.

Believe proposed carspace is not large enough to accommodate car;

Comment: The garage of each dwelling is 5.7m in depth and the hardstand carspace in front of each dwelling is 5.5m in depth. The proposed car spaces have been assessed by Council's Engineer in accordance with BDCP and Australian standards and all car spaces comply with required dimensions.

- Construction impacts;

Concerned about trucks double parking in street and parking in vehicles and causing safety issues during construction, which happened previously when 15 George Street was redeveloped.

Comment: Conditions of consent are included requiring a construction management plan and for construction works to cause minimal disturbance to the surrounding properties. Any traffic/parking infringements of construction related vehicles can be reported to the Principal Certifier to address or Council Rangers to investigate.

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

Granting approval to the proposed development will have no adverse impact on the public interest. The proposal will facilitate the orderly development of the land.

Referrals

The development application was referred to Council's Development Engineer, Address and Road Naming Officer, Development Contributions Officer, Landscape Officer, and Tree Management Officer for comments. Appropriate conditions have been imposed on the development consent to address the relevant issues raised as discussed previously in this report and below:

Development Engineer:

The proposal was referred to Council's Engineer for assessment. The applicant was required to provide additional information by Council's Engineer and make amendments to plans accordingly.

Notably the applicant was required to amend the proposed driveway crossovers to be 2.8m wide and maintain minimum 5.1m distance between the driveways to retain one on street parking space in front of the subject site.

Following submission of a geotechnical report and amended stormwater and architectural plans to Council, Council's Engineer supports the proposal subject to conditions of consent included in the draft notice of determination.

Section 7.11 Contributions

The City of Botany Bay's Section 94 Development Contributions Plan 2016 became effective on 14 June 2016. The total Section 94 Contribution applicable to the proposed development is \$20,000.00. In accordance with the Plan and conditions of consent, the contribution is to be paid prior to the issue of the Construction Certificate.

Conclusion

Development Application No. 2018/327 for demolition of existing structures and construction of 2 X two storey attached dwellings with attics, landscaping and front fence at 17 George Street, Eastlakes has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 17 George Street, Eastlakes

DA No: 2018/327

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 N°	Author	Dated/Received
Site Plan. Dwg no. 18.145A, sheet no. A01	John Spiteri Design and Drafting	Dated 23/4/19 Received 29/4/19
Ground Floor Plan. Dwg no. 18.145A, sheet no. A02.		Dated 23/4/19 Received 29/4/19
First Floor Plan. Dwg no. 18.145A, sheet no. A03.		Dated 23/4/19 Received 29/4/19
Attic Plan, Dwg no. 18.145A, sheet no. A04.		Dated 23/4/19 Received 29/4/19
South and North Elevations, Dwg no. 18.145A, sheet no. A05.		Dated 23/4/19 Received 29/4/19
West and East elevations, Dwg no. 18.145A, sheet no. A06.		Dated 23/4/19 Received 29/4/19
Section A-A, Dwg no. 18.145A, sheet no. A07		Dated 23/4/19 Received 29/4/19
Street elevation, Dwg no. 18.145A, sheet no. A08.		Dated 23/4/19 Received 29/4/19
Concept landscape plan, Dwg no. 18.145A, sheet no. A18.		Dated 23/4/19 Received 29/4/19

Reference Documents	Author	Date Received
Statement of Environmental Effects including Clause 4.6 Variation to FSR	John Spiteri	Dated November 2018 Received 30/11/18

BASIX Certificate No. 979008S, and 979042S	Prepared by Max Brightwell	Dated 21/11/18
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No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

2. This Consent relates to land in Lot 115 & Lot 116 Sec A DP 3239 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. 979008S and Certificate no. 979042S dated 21 November 2018 received by Council on 31 November 2018 for the development are fulfilled.
 - a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
5. The consent given does not imply that works can commence until such time that: -
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent: -
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Conditions which must be satisfied prior to the demolition of any building or structure

6. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
 - 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.
7. Prior to the commencement of any demolition works the applicant shall submit to Council a full photographic survey showing the existing conditions of Council's infrastructure. The survey shall identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and in the vicinity of the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

DEVELOPMENT SPECIFIC CONDITIONS

8. The front setback of the subject site shall include two (2) native trees, one in each dwelling frontage setback, capable of reaching five meters in local conditions. The low wall proposed in the centre between the two front setbacks shall be deleted to allow for better tree growth.
9. Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.

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

10. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
11. The applicant must prior to the issue of the Construction Certificate pay the following fees:-
 - a) Builders Security Deposit \$2,640.00
 - b) Development Control \$1,325.00
 - c) Development Contributions \$20,000.00
12. A Section 7.11 contribution of \$20,000 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue

of any compliance certificate; subdivision certificate or construction certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below.

Community Facilities \$1,637.16

Recreation and Open Space \$16,890.83

Transport Facilities \$1,326.38

Administration \$145.62

Total in 2018/19 \$ 20,000.00

13. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath crossing Deposit of \$2,640.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's assets during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
14. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
15. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
16. Prior to the issue of a Construction Certificate for the development, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy. The form is available for download at:

<https://www.bayside.nsw.gov.au/sites/default/files/201810/Property%20Address%20Allocation%20Form.pdf>

 Derivation and production of address data components are governed by the NSW Addressing User Manual to ensure consistency of application.

http://www.gnb.nsw.gov.au/__data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final.pdf
17. 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 Plans by Zimmerman Engineers, Project Number 2566, Drawing Number S01, Issue A, dated January 2019

b) The onsite infiltration system shall have two (2) meters clearance from all side and rear boundaries

c) the provision for an Onsite Stormwater Infiltration System designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards, 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.

18. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
19. In order to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles, a rainwater tank system shall be provided with a minimum capacity of 2000L capacity. The rainwater tank shall service the toilets, clothes washers and any landscaping 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. Upon completion, certification from a licenced plumber shall be submitted to the Principal Certifying Authority certify this condition has been complied with.
20. The building shall be designed in accordance with AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. An acoustic report shall be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).

The report is to include any required noise attenuation to the structure of the building to meet the above standard and acoustically treated mechanical ventilation, if necessary, to comply with the above standard. If the applicant choses to install air conditioning to meet the mechanical ventilation requirements, the installation must be designed to meet the additional requirements, applying to air conditioners on residential properties contained in the Protection of the Environment Operations (Noise Control) Regulation 2000. (Information attached in the Advisory section). Details shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

21. Prior to the issue of any Construction Certificate, 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.

22. 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 E01, E04, E07 and E16.
23. As part of this development, two new concrete driveways shall be constructed. A 2.8 meters wide driveway layback shall be constructed as part of the new driveway in each lot. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. The two approved driveways shall be separated by a minimum distance of 5.1 meters when measured along the kerb.

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. The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.

24. 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/plumbingbuildingdeveloping/building/sydneywaterapin/index.htm>

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

25. The Principal Certifying Authority must be satisfied that: -
 - a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
26. 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.
27. The applicant must consult with Telstra and apply directly to Telstra for approval regarding the proposed relocation of Telstra pit/s in front of the site.

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.

- 28. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 29. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
- 30. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 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 required it:

i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:

ii. Adequate provision must be made for drainage.

32. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
33. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
 - c) Permit for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands

DURING WORKS

34. The proposed development shall comply with the following:
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
- b) Any such sign is to be removed when the work has been completed.
- 35. Demolition shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
- 36. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
- 37. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
 - a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 38. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
 - a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.

39. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
 - a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
40. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
41. No demolition materials shall be burnt or buried on the site.
42. 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: -
 - 1 The additional load on the system; and
 - 2 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.
43. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
44. 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.
45. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
46. 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.
 - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing,

or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

- c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.

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

- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

- c) Time Restrictions

- i) Monday to Friday 07:00am to 05:00pm
- ii) Saturday 08:00am to 01:00pm
- iii) No Construction to take place on Sundays or Public Holidays.

- d) Silencing

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

48. 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.

49.

- 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.
50. During demolition, excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
51. 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.
52. 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.
53. Consent is granted for the removal and stump grinding of the *Fraxinus griffithii* (Evergreen Ash) street tree located on the Council nature strip in front of the subject

site. A dial before you dig enquiry is required prior to stump grinding and shall occur without damage to Council infrastructure or underground services/utilities. Council takes no responsibility for any damage incurred to persons, property or services during the tree removal works.

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

54. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report in Condition No. 20 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. 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 Australia Acoustical Consultants).
55. Prior to the issue of any occupation certificate the applicant is to supply and plant a replacement *Fraxinus griffithii* (Evergreen Ash) of minimum root ball/pot size of 75 litres in the public domain in front of the subject site. The tree shall be sourced from a reputable supplier and grown to NATSPEC requirements.
56. 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.
57. 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.
58. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
59. Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
60. Prior to the issue of the Occupation Certificate, 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.
61. Prior to the issue of any Occupation Certificate(s), the applicant shall carry out the following works:
 - a) On George street, Eastlakes, adjacent to development, reconstruct existing Kerb and Gutter for the full length property in accordance with Council Infrastructure Specifications, and
 - b) On George street, Eastlakes, adjacent to development, reconstruct existing Footpath for the full length of the property in accordance with Council Infrastructure Specifications.
62. All modular drainage cell installations must be inspected prior to back filling and

proceeding to subsequent stages of construction to the satisfaction of principal Certifying Authority. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction.

63. Prior to the issue of any Occupation Certificate(s), documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management

construction plan(s) at Construction Certificate stage 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.

64. 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.

65. Prior to the issue of an occupation certificate, certification from a licenced plumber shall be provided certifying the installation of the required minimum capacity 2000L rainwater tank(s) in each lot in accordance with the requirements of Sydney Water and AS/NZS 3500 – National Plumbing and Drainage Code. The rainwater tanks shall be certified as servicing the toilets, clothes washers and all landscaping on the site. First flush device shall be installed & overflow from the rainwater tank shall connect to the proposed site drainage system.

66. 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:

· Restriction on Use of Land for On Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.

67. 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.

68. Landscaping shall be installed on the property in accordance with the approved landscape plan, prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape plan, the conditions of consent and Council's DCP at all times.

69. The Council nature strip shall be replaced in accordance with Council Specification at

the completion of all construction work at the Applicant's expense.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

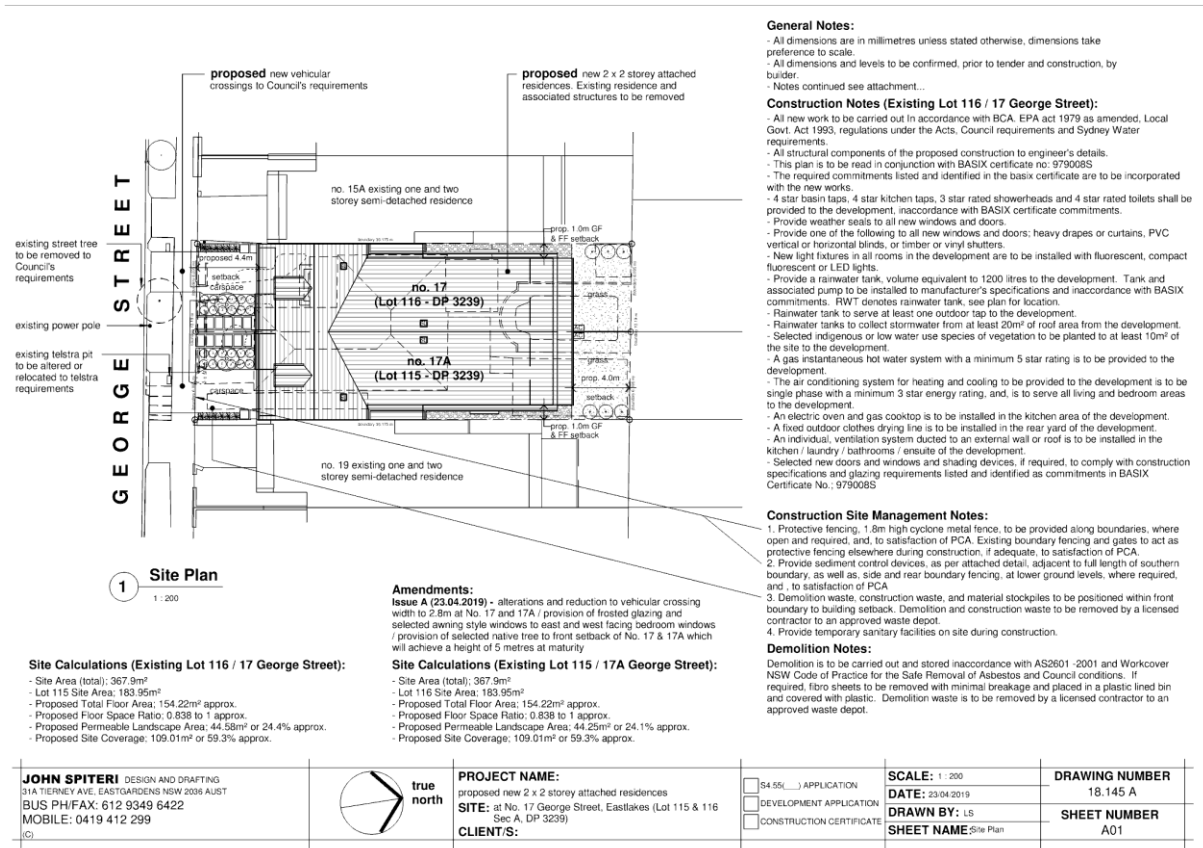
70. Ongoing maintenance of the grass nature strip shall be undertaken by the occupier or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance does not include pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.
71. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely desludged and all contents from the desludging process disposed. Solids shall be disposed to the waste disposal and desludged liquid shall be disposed to the sewer.
- 72.
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) Noise from any air-conditioning units (measured as the $L_{aeq\ 15\ minute}$) is not to exceed the background level (measured as the $L_{a90\ 15\ minute}$) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

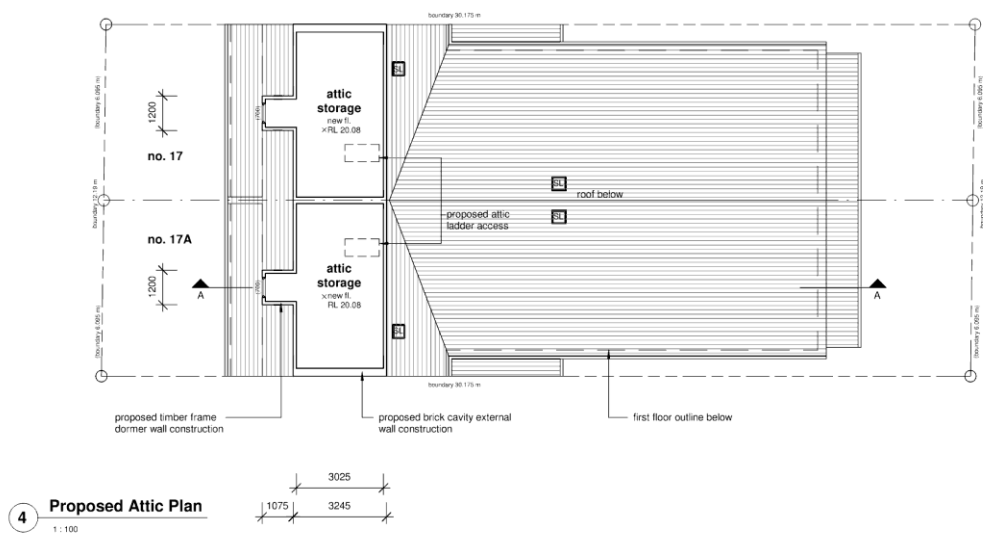
Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

DEVELOPMENT ADVICE

Consult with utility provider -

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.





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 (C)

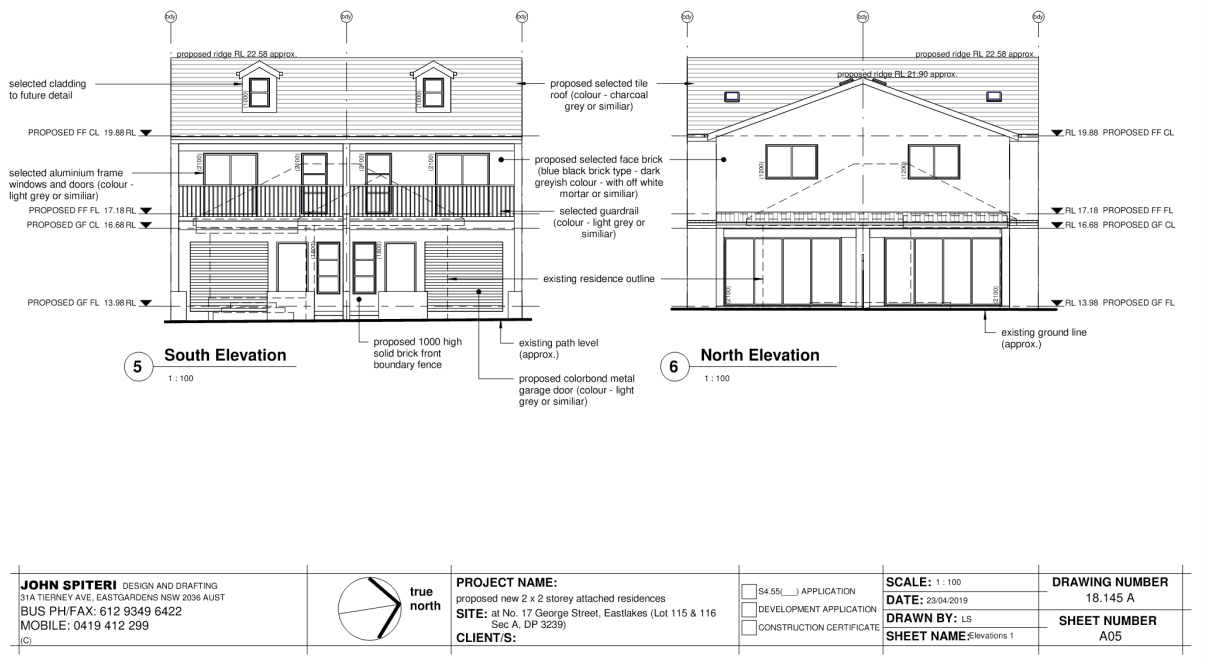


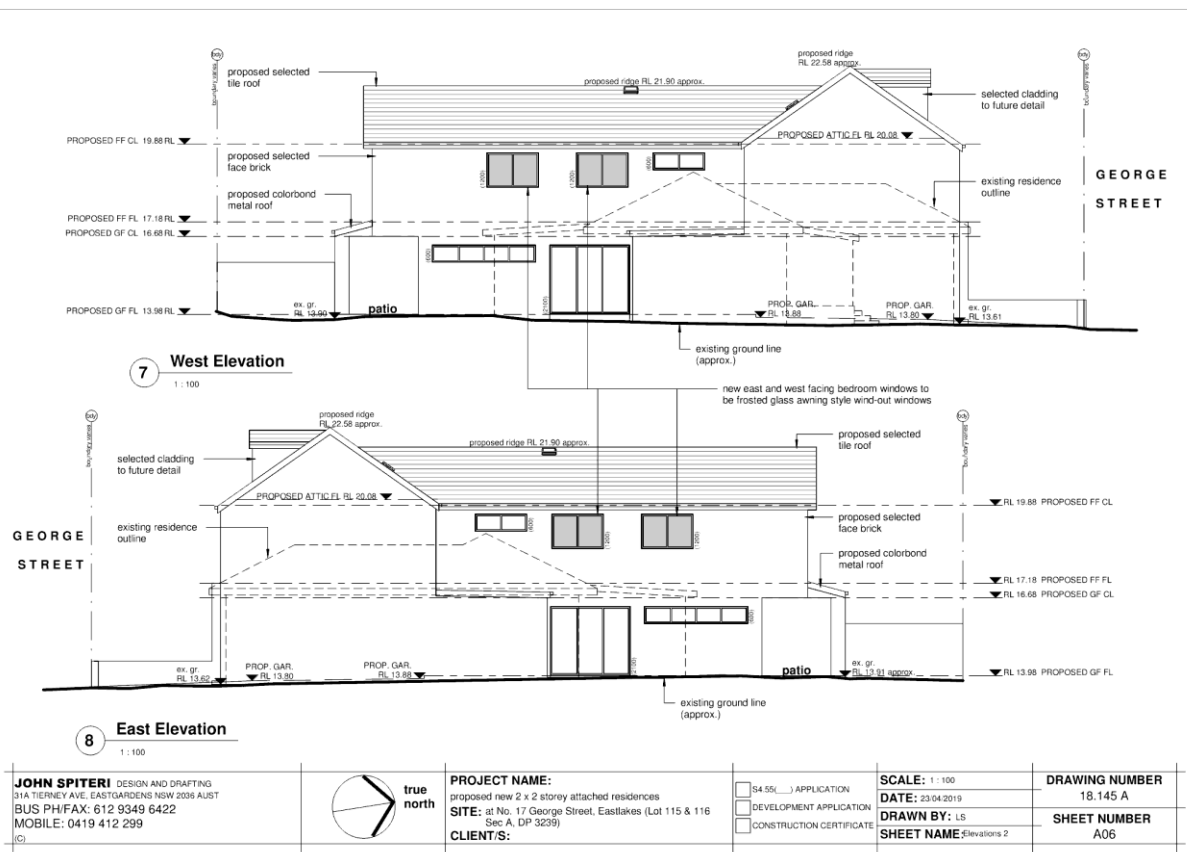
PROJECT NAME:
 proposed new 2 x 2 storey attached residences
SITE: at No. 17 George Street, Eastlakes (Lot 115 & 116
 Sec A, DP 3239)
CLIENT/S:

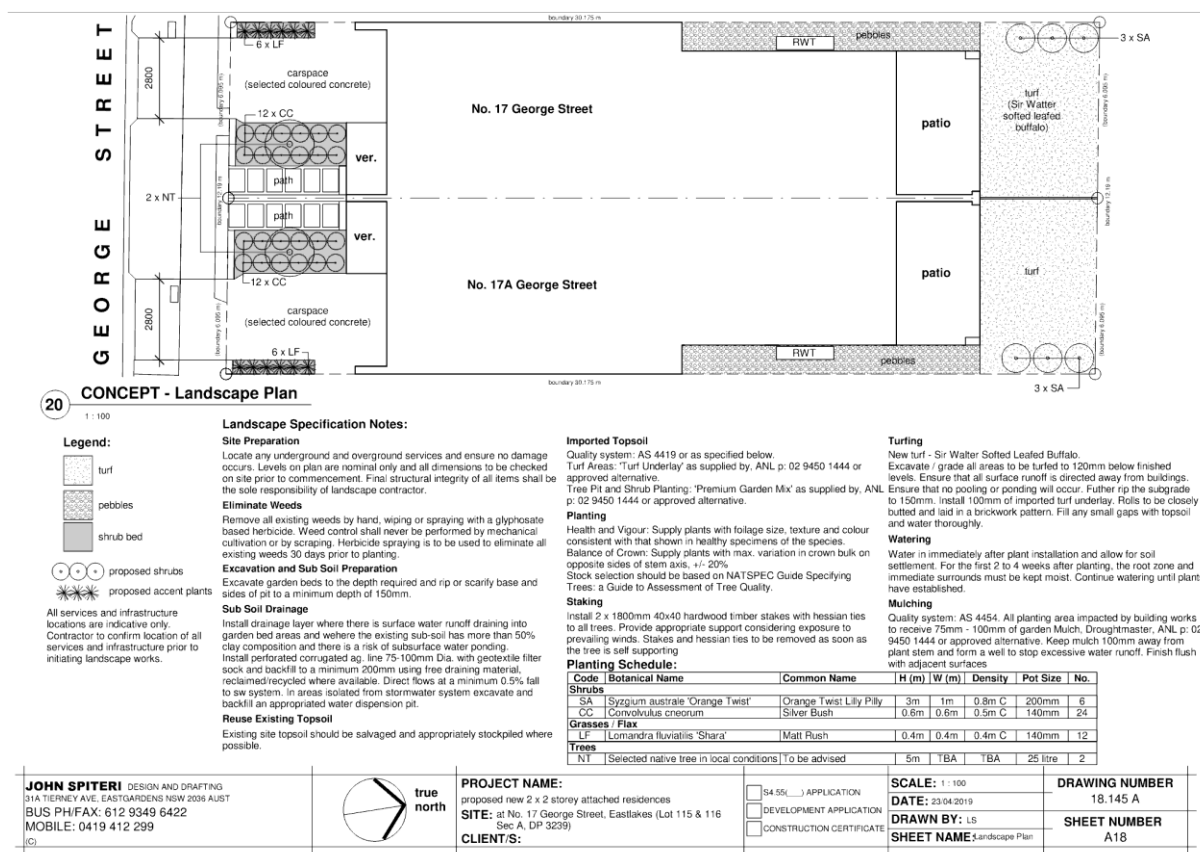
☐ S4.55() APPLICATION
☐ DEVELOPMENT APPLICATION
☐ CONSTRUCTION CERTIFICATE

SCALE: 1 : 100
DATE: 23/04/2019
DRAWN BY: LS
SHEET NAME: Prop. Attic Plan

DRAWING NUMBER
 18.145 A
SHEET NUMBER
 A04







STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

**DEMOLITION OF ALL STRUCTURES ON SITE AND
CONSTRUCTION OF 2 X TWO STOREY SEMI-DETACHED
DWELLINGS WITH ASSOCIATED SITE AND LANDSCAPE
WORKS**

AT

**17 GEORGE STREET, EASTLAKES
(LOTS 115 & 116, DP 3239)**

NOVEMBER 2018

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1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) accompanies a development application to Bayside Council for the consent to demolish all existing structures on site and construct 2 x two storey semi-detached dwellings at No. 17 George Street, Eastlakes.

This SEE will seek to address a number of issues relating to the proposal including a description of the subject site, the surrounding area and the proposal. The statutory and policy requirements within which the proposal is to be considered are then set out with an assessment of the environmental impact of the proposal, undertaken by reference to Section 4.15(1) of the Environmental Planning and Assessment Act, 1979, as amended.

This SEE must be read in conjunction with the architectural plans accompanied with the subject application and prepared by John Spiteri Design and Drafting.

The assessment demonstrates that the proposed development would be acceptable in the context of all the relevant matters for consideration.

2.0 DESCRIPTION OF SITE & SURROUNDS

The subject site consists of two allotments (Lots 115 and 116 in DP 3239) and is located on the northern side of George Street in Eastlakes. The site is occupied by an existing single storey dwelling house and a single garage at the rear of the site.

The existing lots are rectangular in shape and each lot has a frontage width of 6.095m to George Street, a maximum side boundary depth of 30.175m and the site area of 183.95m².

The immediate locality is characteristic by predominantly one and two storey freestanding dwelling houses and two storey multi dwelling housing along both sides of George Street.

It should be noted that George Street is located within the Special H2 Area, which has been earmarked for terrace style dwelling houses.

3.0 THE PROPOSAL

The proposal seeks consent to demolish all structures on site and construct 2 x two storey semi-detached dwellings with garage, associated site and landscape works.

The details of the proposed development on each lot are as follows:

Ground Floor Level:

- Front entry foyer facing George Street.
- Single garage with internal access facing George Street.
- Separate laundry and WC.
- Open plan kitchen with dining and living areas.
- Rear covered patio with direct access from internal living area.

First Floor Level:

- Four bedrooms with built-in-robies or walk-in-robe.
- Two bathrooms including an ensuite.
- Front balcony with direct access from bedroom.

Attic Level:

- Open storage area with dormer window fronting George Street.

The proposal also includes the removal of an existing street tree, alteration/relocation of an existing Telstra pit, erection of new boundary fence, vehicular crossing, associated site and landscaped works.

4.0 PLANNING CONTROLS

The proposal has been assessed in relation to compliance with the following relevant planning instruments:

- Environmental Planning and Assessment Act, 1979, as amended
- State Environment Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Botany Bay Local Environmental Plan 2013
- Botany Bay Development Control Plan 2013

5.0 SECTION 4.15 (1) ASSESSMENT

The following headings provide an assessment of the development application having regard to the relevant matters for consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979.

5.1 Section 4.15 (1) (A) - Statutory Considerations

5.1.1 Botany Bay Local Environmental Plan 2013 (LEP)

The site is zoned R2 – Low Density Residential and the proposed development are permissible with consent. The objectives of the R2 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 is consistent with the above objectives in that the character of the existing residential area will be maintained and the proposal will not result in any significant adverse impact upon the amenity of surrounding residential development or the character of the streetscape. It should be noted that the proposed development is consistent with bulk and scale of other residential development in the immediate vicinity of the site.

The following Clauses of the LEP are relevant to the subject application.

Table 1: Relevant LEP provisions

Clause	Required	Proposed	Compliance
4.3 – Height of buildings	10m (max). However, the site is located within Special Height Area H2 under the DCP and the maximum height for terrace house development is 9m.	Lot 115 = Up to approximately 8.9m Lot 116 = Up to approximately 9m	Yes
4.4A(3)(d) – Floor Space Ratio	The subject site is located within 'Area 3' on the FSR Map and the maximum FSR of 0.5:1 apply	Lot 115 = 0.84:1 Lot 116 = 0.84:1	No. See Clause 4.6 below
4.6 Exceptions to development standards	(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 proposal does not comply with the development standard for floor space ratio under Clause 4.4A(3) and therefore is subject to Clause 4.6 of the LEP.	See comments below

	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.		
6.2 - Earthworks	<p>(2) Development consent is required for earthworks unless the work is exempt development under this Plan or another applicable environmental planning instrument.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p>	All earthworks will be carried out in accordance with the relevant standards and Council requirements and will not result in any detrimental effect on the existing drainage patterns and soil stability in the locality. In addition, the proposed earthworks will not restrict the likely future redevelopment of the land.	Yes

	<p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.</p>		
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6.9 Development in areas subject to aircraft noise	(2) This clause applies to development that: (a) is on land that: (i) is near the Sydney (Kingsford Smith) Airport, and (ii) is in an ANEF contour of 20 or greater, and (b) the consent authority considers is likely to be adversely affected by aircraft noise.	The subject site is located within the ANEF contour of 20-25.	To be conditioned by Council.
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Clause 4.6 – Exception to Development Standards

The site is located within 'Area 3' on the FSR map and the floor space ratio standard under Clause 4.4A of the LEP applies to the proposal. The following is in relation to the non-compliance with the floor space ratio standard under Clause 4.4A(3)(d) of the LEP.

The proposed variation is summarised in the table below:

	Lot 115	Lot 116
Site Area (Lots 115 & 116):	183.95m ²	183.95m ²
Maximum allowable FSR/GFA:	0.5:1 or 91.975m ²	0.5:1 or 91.975m ²
Proposed FSR/GFA:	0.84:1 or 155.33m ²	0.84:1 or 155.33m ²
Proposed area exceeding maximum FSR/GFA:	0.34:1 or 63.355m ²	0.34:1 or 63.355m ²

As a result, an objection, under Clause 4.6 of the LEP is provided below to justify that the full compliance with the maximum floor space ratio standard contained in the LEP, in the circumstances, is unnecessary and unreasonable.

The objection to the identified standard is based upon Clause 4.6(3) and Clause 4.6(4) of the LEP, which states:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

In respect to Clause 4.6(3)(a) above, it is considered that strict compliance with the maximum floor space ratio standard is unreasonable and unnecessary in the circumstance of the case for the following reasons:

- The proposed FSR for each semi-detached dwelling is equivalent to the maximum floor space ratio for a dwelling house with a site area of less than 200sqm as per Clause 4.4A(3)(a) of the LEP.
- The proposed development is compatible with the bulk and scale of other semi-detached development along George Street and the desired future character of the locality.

-
- The proposal is also consistent with several previous approvals where the FSR for semi-detached dwellings have been exceeded including:
 - 15 George Street, Eastlakes
 - 19 George Street, Eastlakes
 - 51 George Street, Eastlakes
 - 40 Universal Street, Eastlakes
 - 41 Robinson Street, Eastlakes
 - 26 Livingstone Avenue, Botany
 - 62 High Street, Mascot
 - 9 Middlemiss Street, Mascot
 - The proposed development has been designed with pitched roof, which is more sympathetic to the existing character of the locality and will contribute to the mixture of building style and size in the locality. The proposed development is also consistent with the established setbacks along George Street.
 - The proposed development will not result in any significant adverse impacts upon the amenity of the adjoining dwellings in terms of overshadowing, loss of privacy or views. The rear yard of the adjoining neighbours will continue to receive adequate direct sunlight in mid winter.
 - The proposal is consistent with the objectives of the floor space ratio standard, contained in Clause 4.4 of the LEP, in that it will provide an appropriately scaled development that is consistent with the existing surrounding built form.
 - The proposed development also complies with all other planning controls of the DCP including deep soil and landscaping, site coverage and building height.

In addition, the proposed contravening of the development standard is considered to be in the public interest and supportable on the following environmental planning grounds as per Clause 4.6(3)(b) of the LEP:

- The proposed development is consistent with the relevant objectives of the R2 – Low Density Residential zone in that the proposed dwellings will provide the housing needs of the community within an established low density residential area.

-
- The proposal will create an appropriate built form, which is consistent with the bulk and scale of the existing development including the newer semi-detached dwellings at Nos. 15 and 19 George Street.
 - The proposal will complement with the predominant architectural style of existing residential development along George Street, which incorporates pitched roof and quality façade treatments and adequate articulation through the use of recessed balconies and verandahs, window/door openings, roof form, and range of different building materials.
 - The departure from the maximum FSR control will not result in any significant adverse impact upon the amenity of the adjoining neighbours in terms of overshadowing, loss of privacy or views.
 - The proposed development has been designed with high internal amenity and complies with all other relevant planning controls including height, setbacks, site coverage, landscaped area, private open space and stormwater management and respects the character of the streetscape. No undesirable precedent will be set that would allow unjustified non-compliance with the standard in future applications.
 - The proposed variation to the floor space ratio standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the broader Malabar area.
 - The public benefit would be best served by approval of the development application under consideration, given the absence of any demonstrable adverse impacts resulting from the proposal.
 - It is considered that due to the absence of any demonstrable adverse impacts arising from the proposed development, as argued elsewhere in this objection, adherence to the subject development standard would hinder the attainment of the objects of Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act 1979 (as amended). Further, the proposed development is consistent with the relevant objectives of the floor space ratio standard.

For the above reasons, it is considered that the objection under Clause 4.6 of the LEP satisfactorily demonstrates that strict adherence to the maximum floor space ratio standard is unreasonable and unnecessary in the subject application, and consent to the proposed development, would be in the public interest.

5.1.2 Relevant State Environmental Planning Policies

5.1.2.1 State Environment Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)

SEPP BASIX aims to promote sustainable residential design to meet water and energy efficiency requirements.

A BASIX certificate is provided for each dwelling house demonstrating the applicant's commitments in achieving the objectives of the state government's policy and the compliance with the current targets set for thermal comfort, energy and water conservation and the required measures are shown on the plans to ensure these targets are maintained through to construction stage.

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

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

- The site appears to have been continuously used for residential purposes.
- The adjoining and adjacent properties are currently used for residential purposes.

- The subject site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land planning guide in SEPP 55, in particular industrial, agricultural or defence uses.
- The subject site and surrounding properties have not been previously used by any potentially contaminating land uses or involved activities that may have posed a threat of contamination.

Accordingly, the site is suitable in its present state for the proposed residential development. No further investigations of land contamination are necessary.

5.1.3 Draft Environmental Planning Instruments

None applicable.

5.1.4 Botany Bay Development Control Plan 2013 (DCP)

The DCP provides planning controls for various types of development within Botany Bay LGA. The proposal's compliance and non-compliances with the relevant controls and guidelines of the DCP are summarised in the table below:

Table 2: DCP Compliance Table

Controls		Proposed	Compliance (Yes/No/NA)
Part 3A - Parking	Semi-detached dwelling: 1 space / dwelling	Lots 115 & 116 = single garage and driveway car space	Yes
	The minimum width of the access driveway at the property boundary shall be:- (i) For dwelling houses: - 3 metres	The driveway for each dwelling is 3m in width.	Yes
Part 3G – Stormwater Management	Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater	Refer to the concept stormwater plans accompanied with the subject	Yes

	drainage works.	application.	
Part 3H – Sustainable Design	For all proposed residential development where BASIX applies, the application is to be accompanied by a BASIX Certificate.	Refer to the BASIX Certificates accompanied with the subject application.	Yes
Part 3J – Aircraft Noise and OLS	Where the building site is classified as "conditional" under Table 2.1 of AS2021-2000, development may take place, subject to Council consent and compliance with the requirements of AS2021-2000.	The subject site is located within the ANEF contour of 20-25.	To be conditioned by Council.
Part 3K – Contamination	To ensure that the development of contaminated or potentially contaminated land does not pose a risk to human health or the environment	Refer to Section 5.1.2.2 of this report.	Yes
Part 3L – Landscaping and Tree Management	Landscape documentation is required to be submitted in accordance with Table 1.	Refer to the landscape plan accompanied with the subject application.	Yes
Part 4A.2.4 Streetscape Presentation	Special Area H2 – Two storeys Plus Attic Terrace Style Dwellings Special Area H2 is located within Eastlakes and is characterised by narrow residential streets, lack of onsite parking and a mixture of reasonably high density developments ranging from semi-detached dwellings, newer terrace style housing on narrow allotments, single storey dwellings and some 3 storey	The subject site is located within the Special Area 'H2', which allows for terrace style dwelling houses with a maximum height up to 9m. The proposed development been designed to incorporate	Yes

	<p>walk up residential flat buildings which were developed under Schedule 7 of the Local Government Act.</p> <p>This area provides the opportunity for increased height and density in the form of terrace style housing.</p> <p>Development within Special Area H2 must comply with the following controls in addition to the other controls outlined in this part:</p> <p>C28 New dwellings within Special Height Area H2 can take the form of a terrace house as identified in Figure 8.</p> <p>C29 Terrace house development in Special Area H2 can have a maximum height of 9 metres (two stories, plus a third attic level) to minimise impacts on the streetscape (also refer to Part 4A.3.3 - Roofs and Attics/Dormers).</p> <p>C30 A minimum allotment frontage of 5 metres is permitted in Special Area H2 (refer to Part 3E - Subdivision and Amalgamation).</p> <p>C31 New development must comply with the minimum parking requirements in Part 3A - Car Parking. Setbacks for new dwellings in Special Area H2 are to be determined following a detailed site analysis at Development Application stage</p>	<p>similar bulk and scale as other existing two storey residential dwellings along George Street and will not result in any significant adverse impact upon the amenity of the neighbouring properties in terms of overshadowing, loss of privacy or views. The proposal also respect the architectural character and built form of other two storey dwellings in the vicinity of the site and will contribute positively to the streetscape character of the locality.</p>	
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	and must satisfy Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity. Applicants must therefore demonstrate with the development application that impacts on the surrounding residential area are minimised.		
Part 4A.2.5 – Height	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 (i.e. 8.5m)	Refer to table under Section 5.1.1 and the comments above.	Yes
Part 4A.2.6 – Floor Space Ratio	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 table under Section 5.1.1 above.	Yes
Part 4A.2.7 – Site Coverage	For sites less than 200sqm, the maximum site coverage will be assessed on merit.	The proposed site coverage is approximately 59.3% for each lot and is consistent with other semi-detached dwellings in the immediate vicinity (i.e. 15 and 19 George Street)	Yes

Part 4A.2.8 – Building Setback	<p><u>Lot width less than 12.5m:</u></p> <p>Front setback = comply with the prevailing street setback or 6m (min)</p> <p>Side setback = asses on merit based</p> <p>Rear setback = 4m</p>	<p>Front setback = consistent with the existing development at Nos. 15 and 19 George Street</p> <p>Side setback = Part of the dwelling is built up to the side boundaries at both levels and the remaining portion of the dwelling is setback 1,000mm from the side boundaries and is consistent with the side setbacks of the adjoining dwellings.</p> <p>Rear setback = Each dwelling is setback 4m from the rear boundary.</p>	Yes
Part 4A.2.9 – Landscaped Area	Minimum landscaped area = 15%	<p>Lot 115 = 24.1%</p> <p>Lot 116 = 24.4%</p>	Yes

Part 4A.3.1 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works	Refer to the Schedule of Finishes accompanied with the subject application.	Yes
Part 4A.3.2 Roofs and Attics/Dormers	C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The proposed roof form is consistent with the predominant roof form of existing dwellings along George Street.	Yes
	C5 Attics must be contained wholly within the roof form to the front elevation, excluding minor elements such as dormer windows.	The proposed attic storage is contained wholly within the roof form.	Yes
	C9 Dormer windows must: (i) Be positioned a minimum of 300mm below the main roof ridge height; (ii) Not occupy any more than 40% of the face of any gable end or gable wall and not occupy more than 25% of the face of any roof or slope for a dormer or gable window; and (iii) Not extend beyond the external wall of the dwelling.	The proposed dormer window for each dwelling has been designed to comply with the DCP controls.	Yes
Part 4A.3.3 – Fences	Front fences are to compliment the period or architectural style of the existing dwelling house.	The proposed front fence design will compliment the proposed dwellings.	Yes

	Fences that are higher than 1m are not encouraged along residential frontages but may be constructed to a maximum of 1.2m provided the top 600mm of the fence is 50% transparent or open style to allow for passive surveillance.	The proposed front fence for each dwelling is 1m in height.	Yes
Part 4A.4.1 – Visual privacy	The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling and where appropriate incorporate the privacy measures	There are no proposed windows that will overlook into neighbour's internal living area or private open space. Additional privacy measures can be provided if required by Council.	Yes
Part 4A.4.3 – Solar Access	Buildings (including alterations/additions/extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	The proposed development has been designed to minimise the overshadowing impact on the neighbouring properties by ensuring the development complies with the height and setback controls of the DCP.	Yes

Part 4A.4.4 – Private Open Space	C2 Sites less than 250sqm may have a minimum area of 25sqm.	Approximately 42sqm of private open space including the covered patio is provided at the rear of each dwelling.	Yes
Part 4A.4.7 – Vehicle Access	Driveway within a property shall have a minimum width of 3m.	The width of the proposed driveway for each dwelling is 3m.	Yes
	The number of vehicle crossings is to be limited to one (1) per allotment.	Only one driveway is provided for each dwelling.	Yes
Part 4A.4.8 – Car Parking	Development must comply with Part 3A – Car Parking	The proposal provides at least one car space for each dwelling.	Yes
	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.	The garage is slightly recessed behind the front building line and is not considered to dominate the street or the site.	Yes
Part 8.1 – Eastlakes Character Precinct			
The proposed development has been designed to respect the existing local character of Eastlakes Precinct and is also consistent with the desired future character criteria as outlined under Part 8.1.2 of the DCP in that the overall built form including the setback, height, bulk and scale are consistent with other similar two storey dwellings within the vicinity of the subject site (i.e. 15 and 19 George Street) and will not result in any significant adverse impact upon the environmental amenity of the neighbouring residents.			

5.2 Section 4.15 (1) (B) – Impact of the Development

The proposal will not result in any significant adverse impact upon the amenity of the adjoining development and the character of the streetscape.

5.3 Section 4.15 (1) (C) – Suitability of the Site

The proposed development is permissible and is also consistent with the relevant objectives of the R2 – Low Density Residential Zone. There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.

5.4 Section 4.15 (1) (D) – Any Submission Made

None applicable.

5.5 Section 4.15 (1) (E) – The Public Interest

The proposal will not give rise to any significant environmental impacts on adjoining properties and will not adversely impact the visual amenity and character of the streetscape. The proposal is therefore considered to be in the public interest.

6.0 CONCLUSION

The proposed development has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979 and all relevant environmental planning instruments.

The proposed development is permissible with consent in the R2 zone and complies with the relevant provisions of the Botany Bay Local Environmental Plan 2013 except for the variation to the floor space ratio standard. Notwithstanding, a Clause 4.6 has been provided that demonstrates the strict compliance with the floor space ratio standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to support the contravention.

The proposal is consistent with the relevant development controls of the Botany Bay Development Control Plan 2013 and will not result in any significant adverse impacts to neighbouring residential properties in terms of overshadowing, privacy, view loss and visual bulk, and will not detract from the character of the streetscape and the heritage setting and significance of the heritage item in the vicinity of the site.

In light of the merits of the proposal and the absence of any adverse environmental impacts, the subject application is worthy of Council's support.

Bayside Local Planning Panel

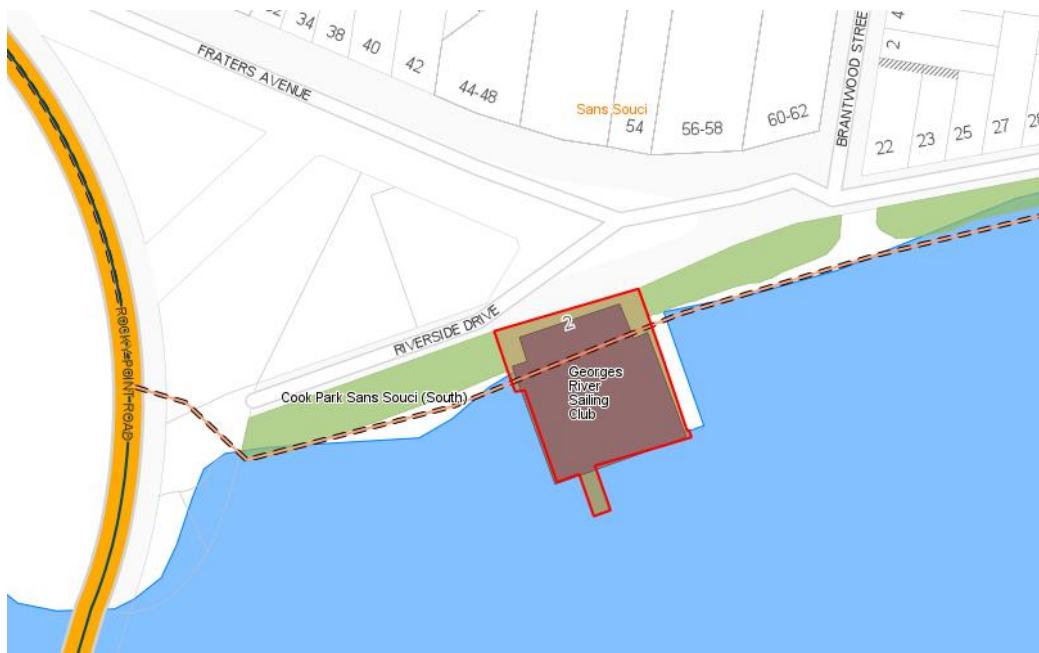
25/06/2019

Item No	6.5
Application Type	Demolition and construction of a sailing club
Application No	DA-2018/243
Lodgement Date	20/09/2018
Proposal	2 Riverside Drive, Sans Souci - Integrated Development - Demolition of existing structures and construction of a new sailing club with associated decks, jetty, boat shed, change rooms, service areas and retention of existing liquor licencing and club operating hours
Ward	Botany Bay
Owner	Waterways Authority/Bayside Council
Applicant	Robinson Urban Planning Pty Ltd
Property	2 Riverside Drive, Sans Souci
No. of Submissions	Nil
Cost of Development	\$12,037,683.00
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That Development Application No. 2018/243 for demolition of the existing structures and construction of a new sailing club with associated decks, jetty, boat shed, change rooms, service areas and retention of existing liquor licencing and club operating hours at 2 Riverside Drive, Sans Souci, be APPROVED subject to the conditions attached to this report.

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Site Plan [↓](#)
- 3 Elevations and Sections [↓](#)
- 4 Existing Site and Demolition Plan [↓](#)
- 5 Photomontages [↓](#)
- 6 Landscape Plans [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/243
Date of Receipt:	20 September 2018
Property:	2 Riverside Drive, SANS SOUCI (Lot 100 DP 1097159)
Owner:	Waterways Authority
Applicant:	Robinson Urban Planning Pty Ltd
Proposal:	Integrated Development - Demolition of existing structures and construction of a new sailing club with associated decks, jetty, boat shed, change rooms, service areas and retention of existing liquor licencing and club operating hours
Recommendation:	Approved
No. of submissions:	Nil
Author:	Angela Lazaridis
Date of Report:	6 June 2019

Key Issues

Key issues in the assessment of the development application include existing use rights and car parking.

The site is partially located within the RE1- Public Recreation zone with the remainder of the site/building over the waterway located within unzoned land. The proposal has identified the works as defined as boat launching ramps, boat shed, jetties, kiosks, recreation facilities (outdoor) and registered club. Pursuant to the Rockdale LEP, registered clubs and boat sheds are a prohibited form of development within the subject zone. An assessment on existing use rights has been carried out and the site benefits from existing use rights for the proposed development.

In regards to the car parking, the site does not have any off-street car parking which is an existing non-compliance on the site. The proposal will continue to rely on the public car park that is RMS owned located to the north of the site. Registered clubs do not have a specific car parking rate within the Rockdale DCP therefore the proposal has relied on merit in this instance. The car park has approximately 170 car spaces (unmarked). It is considered the car parking arrangement is acceptable in this instance.

The application was exhibited and no submissions were received during the public exhibition.

The proposal is recommended for approval, subject to compliance with the conditions of consent.

Recommendation

1. That the Development Application No.DA-2018/243 for the proposed demolition of existing structures and construction of a new sailing club with associated decks, jetty, boat shed, change rooms, service areas and retention of existing liquor licencing and club operating hours at 2 Riverside Drive, Sans Souci, 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.

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:

- BA-970/1954 for a new first floor addition comprising sail loft, meeting room and store room was approved in June 1954.
- BA-479/1979 for alterations to existing bar to the St George Sailing Club was approved on 27 August 1979.
- DA-538/1984 for alterations and additions to the sailing club was approved on 7 August 1984.
- BA-935/1985 for internal alterations and additions was approved on 24 December 1985.
- DA No. 8/00 for internal refurbishments to the Club was approved on 17 August 1999.
- DA-2008/133 for the addition of a smokers' balcony and boat access ramp to the western side of St George Sailing Club.
- PDA-2017/49 for the demolition of existing structures, except for part of the existing substructure and construction of a new building to include new jetty and decks, pontoons and piles, boat shed, public thoroughfare between boat shed and club building, change rooms, club entry with coffee cart, office, kitchen and dining, gaming, function room, store rooms, toilet facilities, covered and uncovered decks.

Development Application History

- 19 October to 19 November 2018 - Development Application was publically notified. One submission was received.
- 30 October 2018 - Site inspection carried out
- 30 November 2018 - Additional information email was sent regarding to concerns raised relating to mechanical exhaust ventilation, acoustic report, landscape plans, aboriginal heritage due diligence report, statement of heritage report and further coastal management assessment.

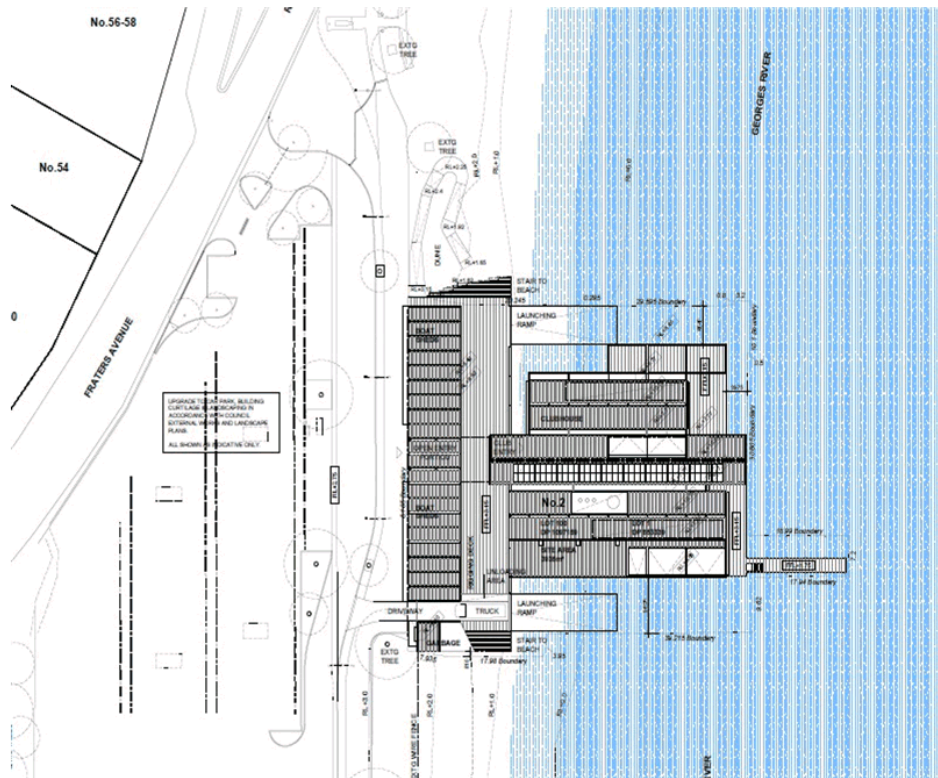
- 31 January 2019 - Further additional information relating to clarification on GFA calculation, plan of management, swept path diagram, services plan, stormwater sewer and clarification on owners consent.
- 20 February - 27 February 2019 - Additional information as listed above was submitted including reports and justification of planning issues

Proposal

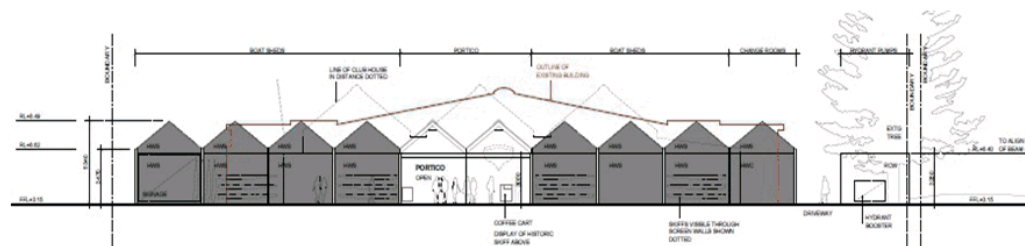
Council is in receipt of a development application DA-2018/243 at 2 Riverside Drive, Sans Souci, which seeks consent to carry out the demolition of the existing structures and construction of a new sailing club with associated decks, jetty, boat shed, change rooms, service areas and retention of existing liquor licencing and club operating hours.

Specifically, the proposal consists of:

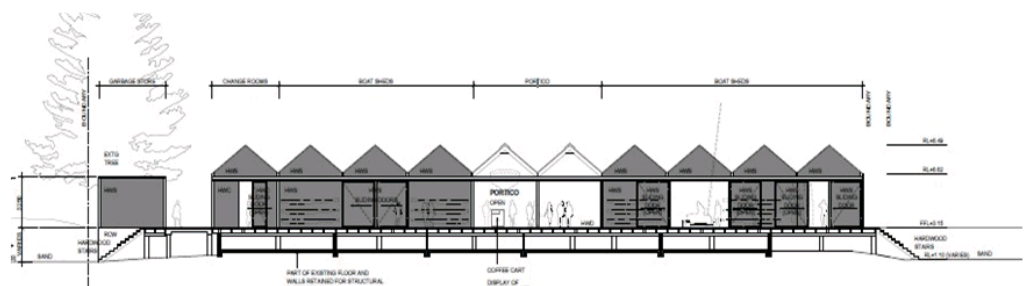
1. Demolition of the existing building, jetties, decks and structures on the site
2. Construction of a new single storey replacement Club building with surrounding decks and a jetty to accommodate:
 - a) New jetty and decks, pontoons and piles
 - b) A public thoroughfare between the boat shed and club building
 - c) Office
 - d) Kitchen and Dining
 - e) Gaming
 - f) Function Room
 - g) Store Room
 - h) Toilet Facilities
 - i) Covered and uncovered decks
3. Construction of a separate single storey building accommodating boat sheds comprising of the following:
 - a) Boat storage (for skiffs and small craft)
 - b) Change rooms
 - c) Garbage Room
 - d) Club entry with coffee cart
4. Signage strategy (roof and wall signage)
5. Use of the site as follows:
 - a) Capacity for up to 550 patrons and 50 staff
 - b) Operating between:
 - i) Club hours: 10:30am - 10:30pm Monday to Wednesday, 10:30am - 11:00pm Thursday, 10:30am - 12:00 midnight Friday to Saturday and 8:00am - 10:30pm Sunday
 - ii) Functions and events: 7:00am to close Monday to Sunday
 - iii) Sailing Operations: 7:00am to 10:00pm Monday to Sunday



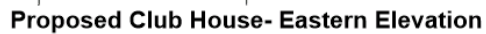
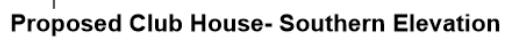
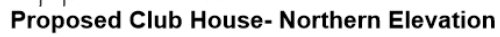
Site Plan



Proposed Northern Elevation of Boat Sheds



Proposed Western Elevation of Boat Sheds





Rigging Deck- Looking West



Entry Portico- View from Car Park

Site location and context

The subject site is known as Lot 100 in DP 1097159 and is known as 2 Riverside Drive San Souci. The site is located on the southern side of Riverside Drive between Brantwood Street and Fraters Avenue and has a north-west to south-east orientation. Directly to the north of the site is a public car park that is owned by RMS and Cook Park and to the south is the waters of Georges River. Further west of the site is the Georges River and Captain Cook Bridge. The building on the site is currently a part single and two storey sailing club with associated sheds and jetty. The site has an overall site area of 3,939sqm.

The site is flood affected and adjoins heritage item 227- Cook Park.



Cadastre Map of subject site



Aerial Map of subject site

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S4.46 - Development that is Integrated Development

The proposed development constitutes Integrated Development under Section 4.46(1) of the Environmental Planning and Assessment Act 1979 and is required to be referred to the NSW Department of Primary Industries as the development requires a permit under the Fisheries Management Act 1994. The development application was referred to the Department of Primary Industries- Fisheries on 12 December 2018 and GTAs were received on 17 December 2018. These have been included within the draft conditions of consent.

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:

Greater Metropolitan REP No. 2 – Georges River Catchment

The proposal is consistent with Council's requirements for the disposal of stormwater in the catchment. Therefore, it is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies. The proposal is consistent with the aims and objectives of the Georges River Catchment Deemed (SEPP).

State Environmental Planning Policy (Coastal Management) 2018

In accordance with the Coastal Management SEPP, the site is located within the Coastal Zone and the provisions of the SEPP apply to the site and the development proposal.

The aim of the SEPP is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.

In addition to being located within the Coastal zone, the site is also located within a Coastal Use Area and within the Coastal Environment Area.

Part 2 of the SEPP relates to specific controls for development that is influenced by the Coastal Management SEPP. The below clauses apply to the development proposal and are discussed in greater detail below:

Clause 13 - Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

(2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

(3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

Applicants' Comment:

"Consistent with the provisions, the proposal:

- a) *Will have minimal and acceptable impacts on the hydrological and ecological environment*
- b) *Will have minimal and acceptable impacts on water quality of the marine estate*
- c) *Improves existing open space and safe access along the foreshore*
- d) *Will not impact on any Aboriginal or European cultural heritage practices or places*
- e) *Will not impact on the use and natural systems of the surf zone*
- f) *Refer to Ecological Assessment Report and SEE for further comment"*

Officers Comment:

The site is impacted by Aboriginal Cultural Heritage and this is further discussed in detail in Clause 5.10 of the Rockdale LEP 2011 section of the report.

Clause 14 - Development on land within the coastal use area

(1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

- (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#)*

Applicants' Comment:

"Consistent with the provisions, the proposal:

- a) *Does not impede or restrict access to and along the foreshore*
- b) *Has minimal and acceptable impacts by way of overshadowing and view loss*
- c) *Respects the visual amenity and scenic qualities of the coastline*
- d) *Will not impact on any Aboriginal or European cultural heritage practices or places*
- e) *Is designed, sited and managed to avoid any adverse impacts within the coastal area*
- f) *Has a bulk and scale consistent with the existing building on site"*

Clause 15 - Development in coastal zone generally - development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Applicants' Comment:

"Refer to Geotechnical Report and Section 5.3.11 for details

- *Conditions: – Pavements and fill - Around the northern end of the existing clubhouse were concrete and asphalt pavements. The concrete cored at BH3 was 170mm thick and the asphaltic concrete in the car park at BH1 was 60mm thick. Beneath the pavements in BH1 and BH3 sandy fill was encountered to depths of 0.6m (BH1) and 1.5m (BH3). The fill, where assessed, appeared to be poorly compacted.*
- *Marine Sands - In all boreholes either from surface (BH2 and BH4) or below the fill (BH1 and BH3) marine sands were encountered to depths between 1.9m and 3.25m. In BHs 2 to 4 the*

initial 0.5m to 1.0m of sand was assessed as being loose to medium dense becoming very loose to the top of bedrock. In BH1 the sand was assessed as being medium dense throughout the profile. Inclusions of shell fragments were observed in the two boreholes drilled on the beach. The DCP results indicate mainly loose to very loose conditions.

- *Sandstone - Weathered sandstone bedrock was encountered below the marine sands in all boreholes. The sandstone was assessed as being distinctly to slightly weathered from initial contact to the termination depths except BH2 where the rock was assessed as fresh from 6.00m below existing surface levels. The rock was initially of low strength in BH1 and BH4 becoming medium strength at depths of 4.0m and 3.6m respectively. In BH2 and BH3 the sandstone remained medium strength from initial contact to the termination depth.*
- *Defects were more common in BH1 and BH4 particularly in the upper 1m where core loss zones and seams up to 0.23m thick were encountered. Occasional joints between 50° and 80° and bedding partings were also present.*

Ground water: Groundwater seepage was encountered during drilling at depths between 0.3m and 2.6m. The groundwater across the site is expected to be tidal due to its location on Georges River"

Clause 16 - Development in coastal zone generally - coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Applicants' Comment:

"Refer to Ecological Assessment Report and Section 5.3.6 for details.

" Marine Pollution Research carried out an aquatic ecological review of the proposal (see attached). In summary, the aquatic review concluded the following:

The aquatic habitats at the project site comprises intertidal to shallow sub-tidal sand to silty sand habitat offshore that supports dune habitat, sandy beach habitat and intertidal sand flat habitat with patchy Zostera cover inshore and Zostera beds offshore. Zostera is a protected species under the NSW Fisheries Management Act 1994 and the locality is within the feeding and roosting range of shorebirds protected as an EEC (the Taren Point Shorebird Community) plus shorebirds utilising the Towra Point Reserve network also protected under Commonwealth and International Agreements (JAMBA, CAMBA and ROKAMBA). A number of the shorebirds are also listed as threatened under both State and Commonwealth legislation. A number of listed marine mammals and reptiles are also known from Botany Bay and the waters adjacent the club site could be utilised by several of these species.

Few of the threatened fauna species that may occur in the vicinity of the St Georges Sailing Club site would be utilising the resources of the site to any great extent and would generally be in the locality

as transients or opportunistic feeders. The site does not provide any significant habitat features for shore birds (i.e., high value food resources or roosting space), with the closest high value shore-bird habitat being the rock rubble intertidal reef at Rocky Point to the west and the intertidal mud flats off Bardo-Berong Creek to the east.

There would not be any threatened species residing at the site and listed shore birds from the Taren Point Shore Bird Community EEC would only use the immediate surrounding intertidal resources around the site opportunistically, with usage limited by tide, weather and to periods of low human disturbance. The site does not constitute important or critical habitat for these birds.

It is concluded that there are low or negligible risks to individuals of threatened species from the locality and that no populations or communities of threatened species are at risk from the proposal. Possible low risks related to specific construction activities and operations of the club are identified and addressed with risk mitigation measures provided. It is concluded that six-part testing under the EPBC and seven-part testing under the BCA/FMA is not required for the proposed rebuilding of the St Georges Sailing Club.

As the project re-build will be confined to the existing building outline (and smaller) the identified marine habitats would not be directly impacted by the proposed works.

As the proposal does not include dredging or reclamation, and, provided that mitigation measures to prevent physical damage impacts to adjacent marine vegetation as outlined in this report are adopted, the risk of loss of seagrass to water-based construction activities can be reduced from medium-high to low. Notwithstanding, given the higher initial risk associated with water-based construction activities the project is likely to require a permit to harm marine vegetation under the FMA.

Provided that the construction and operational risk mitigation measures provided in this report are adopted, it is concluded that the construction works and the club operation can be undertaken in such a way so as to achieve the aims of aquatic ecological conservation of the Fisheries Management Act (1994), the Georges River Estuary Coastal Zone Management Plan Goal and Aims, and the SEPP (Coastal Management) 2018 Coastal Environment Area Clause 13 provisions."

Officers' Comment:

Consideration of the above clause was carried out by Council's Environmental Strategy officer after review of the ecological and hydrological reports and appropriate conditions have been imposed in the draft notice of determination. It is considered that there will no significant impact onto the waterways, aboriginal heritage, biological elements and surf zone. It is considered that the objectives of the Coastal Management SEPP have been addressed by the applicant and Council is satisfied with the proposal.

State Environmental Planning Policy (Infrastructure) 2007

The subject land is not on land in or adjacent to the road corridor for a freeway, a tollway or a transitway, nor is the land adjacent to a busy road with an annual average daily traffic (AADT) volume of more than 40,000 vehicles or any other road with an (AADT) volume of more than 20,000 vehicles or high level truck movements or bus traffic. The development does not involve penetration of the ground to a depth of at least 3m below ground floor level.

Further, the subject land is not on land adjacent to a rail corridor.

Accordingly, the proposal is consistent with the provisions of the SEPP and is acceptable in this regard.

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

The State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent and applies to the Sydney and Newcastle, metropolitan areas. The aims of the policy are (A) to protect the biodiversity values of trees and other vegetation in non-rules of the State and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument – Principal Local Environmental Plan and substantially reproduces the effect of these clauses in the Vegetation SEPP. Council will continue to regulate the clearing of vegetation (including native vegetation below the BOS thresholds through the DCP).

An arborist report prepared by Stuart Pittendigh Consultant Arborist dated December 2017 was provided with the development application. The proposal does not seek to remove any trees within the site however the works proposed are considered to be in close proximity to an existing Norfolk Island Pine Tree located on the western corner of the site. The report details methodology in retaining the tree particularly as the development is located within the zone of influence of the tree.

Council's Tree Management Officer has recommended appropriate conditions that have been imposed in the draft Notice of Determination, regarding the protection and retention of existing trees and the removal of site trees subject to suitable replacement trees being planted in appropriate locations.

Subject to compliance with the conditions of consent, the proposal is satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 2017 and Clause 4.1.7 of the Rockdale DCP 2011

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. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated, if it is contaminated is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use. The site has a history of being a registered club and recreational facility. Additionally there is no significant excavation proposed for the development as the majority of the building is located over the water. The application was not required to be referred to Council's Environmental Scientist for comment due to the works proposed and as the site has an extended use of a sailing club, the site is considered suitable for development and satisfied SEPP No. 55.

State Environmental Planning Policy No 64—Advertising and Signage

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

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

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

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

The proposed development seeks consent for the four (4) signs with two wall signs and two roof signs. The all signage will indicate the name of the club and will be located at strategic entry points to the building. The roof signage indicating the name of the club is based on the signage evident on a historical photo of the St George Sailing Club circa 1930. Accordingly, the application is considered against Schedule 1 of SEPP 64 - Advertising and Signage.

Assessment Criteria		Comment	Compliance
1) Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is compatible with the existing and desired future character of the site. The signage will provide a high degree of visual interest and information to the community.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is reflective of the proposed use as a registered club and boat sheds.	Yes
2) Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive area,s heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage will protect the visual quality of the Georges River and the surrounding area. as the signage is well placed and in keeping with the use of the site.	Yes
3) Views and Vistas	Does the proposal obscure or compromise important views?	The signage does not obscure or compromise any views as they are proposed to be flush against the roof or wall.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will not dominate the skyline as they are flush against the building or reduce the quality of vistas	Yes
	Does the proposal respect the viewing rights of other advertisers?	There is no concerns relating to viewing right of other advertisers as the signage proposed is building identification signage	Yes
4) Streetscape setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, portion and form of the signage is appropriate for the streetscape.	Yes

	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage provides visual interest and community information regarding the club and tries to emulate signs that were established in the previous sailing club prior to its move in the 1950s to its current location.	Yes
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing advertising on the site.	Yes
	Does the proposal screen unsightliness?	The signage is mounted on the walls or on the roof and is not considered to screen unsightliness	Yes
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs do not protrude over or above the building or its structures as it is flush against the building	Yes
	Does the proposal require ongoing vegetation management?	The signage does not trigger ongoing vegetation management.	Yes
5) Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are considered to be appropriate in scale and does not dominate or detract from the building.	Yes
6) Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices, platforms or lighting devices have been included as part of the signage structures.	Yes
7) Illumination	Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illuminated subject to a curfew?	The signs are not proposed to be illuminated therefore there is no issues relating to glare and detract from the amenity of the surrounding properties.	Yes
8) Safety	Would the proposal reduce safety for any public road?	Signage has been carefully designed to ensure road safety.	

	Would the proposal reduce the safety for pedestrians or cyclists?	The signage is not considered a safety hazard for pedestrians and cyclists and does not obscure sightlines from public areas.	Yes
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The proposed signage is consistent with the aims and objectives of the SEPP and is compatible with the amenity and character of the recreational zone, provides valuable information to the community regarding the use of the site and displays high quality design and finishes. The objectives of SEPP 64 has been satisfied.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone RE1 Public Recreation	No - see discussion	No - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 4	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.6 Flood planning	Yes	Yes - see discussion
6.8 Biodiversity protection	Yes	Yes - see discussion
6.9 Riparian land, watercourses and artificial waterbodies	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone RE1 Public Recreation

The site is partially located within the RE1- Public Recreation zone with the remainder of the site/building over the waterway located within unzoned land. For the benefits of assessing the permissibility of the use, the proposed will be assessed against the objectives of the RE1 zone. The proposal has identified the works as defined as boat launching ramps, boat shed, jetties, kiosks, recreation facilities (outdoor) and registered club. Pursuant to the Rockdale LEP, registered clubs and boat sheds are a prohibited form of development within the subject zone. However, as the proposal seeks to demolish the current club and reconstruct within a similar building envelope, the site benefits from existing use rights as regulated under Division 4.11 of the EP&A Act and Part 5 of the EP&A Regulations.

Part 4.65 of the EP&A Act 1979 defines existing use as:

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land:*
- (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

Additionally, any proposal that relies on this clause is to ensure that the following have been satisfied:

1. The use was lawfully commenced
2. The use was made prohibited by a subsequent LEP
3. The use has been continuous and not been abandoned for more than 12 months

The applicant has provided a justification below establishing that there is a case of relying on existing use rights:

"The use was lawfully commenced"

A Building Application (BA) 970/1954 was approved (under the provisions of the Local Government Act 1919) for a new first floor addition comprising sail loft, meeting room and store rooms to the existing St George Sailing Club. Further building and development approvals took place over the subsequent years as described in Section 3.1.

The use was made prohibited by a subsequent LEP

On 25 August 2000, Rockdale Local Environment Plan 2000 (Rockdale LEP 2000) was published. On this date, the portion of the site located above the MHWL was within Zone 6(a) Existing Open Space, and the remaining portion of the site below the MHWL was unzoned land.

Pursuant to Rockdale LEP 2000 Registered Clubs, Boat shed, Jetties, Kiosks, Recreation facilities (outdoor) and Boat launching ramps were all prohibited forms of development within the 6(a) Open Space Zone.

On 5 December 2011, Rockdale LEP 2011 commenced. On this date, the portion of the site located above the MHWL was within Zone RE1 Public Recreation, and the remaining portion of the site below the MHWL was unzoned land.

Pursuant to Rockdale LEP 2011, a Registered Club and Boat shed are prohibited forms of development within Zone RE1 Public Recreation.

However, the following uses Jetties, Kiosks, Recreation facilities (outdoor) and Boat launching ramps are all permissible forms of development within the RE1 Public Recreation Zone.

The use has been continuous and not been abandoned for more than 12 months

As detailed in Section 3.1, since the building's construction there have been a number of development approvals in relation to the site's ongoing use and operation as a Registered club and Boat shed.

In addition, Council has also formally acknowledged the site's reliance on EURs. In support of DA 208/133, Council's Delegated Authority Report confirmed that the site benefits from existing use

rights.

Furthermore, the existing uses on site have not been abandoned for more than 12 months demonstrated by the Club's current 2018 membership with approximately 2780 active members currently registered. The building on the site can therefore rely on the provision of EURs.

In particular, s. 4.66 of the EP&A Act which states that where the land was lawfully used for a purpose at the time an environmental plan came into force, which subsequently prohibited that use, nothing in an environmental planning instruments (EPI) prevents a continuance of that use."

Clause 4.66 of the EP&A Act 1979 in addition to Clause 41 of the EP&A Regulations 2000 stipulates the continuance of and limitations on existing uses and provides that:

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

1. *Be enlarged, expanded or intensified*
2. *Be altered or extended*
3. *Be rebuilt*
4. *Be changed to another use, but only if that other use is a use permitted under the Act*
5. *If it is a commercial use —be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act).*

However, an existing commercial use must not be changed unless that change:

1. *Involves only alterations or additions that are minor in nature*
2. *Does not involve an increase of more than 10% in the floor space associated with the existing use*
3. *Does not involve the rebuilding of the premises associated with the existing use, and*
4. *Does not involve a significant intensification of that existing use.*

The applicant's justification in addressing the above is as follows:

"The existing non-confirming use is defined as Registered club which falls outside the commercial group term and a Boat shed which is also falls outside the recreational land use group term. Therefore, there is nothing preventing these existing uses from being rebuilt or expanded. The proposal under the above provisions, may therefore be demolished, replaced and expanded by the same use, being a Registered Club and Boat shed."

This view is generally supported by Council and should be applied.

Planning principles in relation to the assessment of development applications based on existing use rights were stated by Senior Commissioner Roseth in *Fodor Investments v Hornsby Shire Council* (2005) 141 LGERA 14 at 17 and have been assessed against the proposal as follows:

'How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?'

Due to the zoning of the land, the site is not subjected to an FSR and height control or any other development standards where deemed necessary. The site is also not located adjoining to any other built forms therefore there is no consistent height or floor areas that could be accounted for within the assessment. Regardless, the proposed boat shed will be reconstructed with a height 2.12 metres less than the current height of the existing structure while the clubhouse proposes a slight increase in height to the existing structure however remains within the confines of what would be deemed acceptable for the area. The proposal is generally consistent with the relevant provisions as assessed on merit.

'What is the relevance of the building in which the existing use takes place?'

The proposal does not seek to change the use that is currently operating within the existing club/boatsheds and will be retained as part of this proposal. As mentioned above, the proposal seeks a bulk and scale less than the established building footprint of the existing club. The proposal was subject to an assessment by the design review panel prior to the lodgement of the development application where the bulk and scale was generally supported by the Panel.

'What are the impacts on adjoining land?'

The land immediately to the west and east is a heritage listed public park, to the north is an RMS owned car park while to the south is the Georges River. There is no physical impact based on bulk and scale, onto the adjoining land. All measures have been undertaken to ensure that the proposal does not create any adverse impact on the biodiversity or heritage nature of the adjoining land.

'What is the internal amenity?'

The proposal provides for excellent internal amenity with the inclusion of large windows and doors leading out to decks for natural ventilation as well as constant sunlight, considering its location over the water and away from any built form.

In summary, the site is considered to satisfy the definition for existing uses as per the Act, in that the site was lawfully used for a club, prior to the introduction of the LEP 2011, which would have otherwise prohibited such uses.

Therefore, despite the use being prohibited as per the Rockdale LEP, the site benefits from existing use rights and is permissible under this Act.

2.7 Demolition requires consent

The proposed development seeks consent for the demolition of the existing sailing club and hence satisfies the provisions of this Clause.

5.10 Heritage conservation

The site is not identified as a heritage item or is located within a heritage conservation area however is adjoining Item 227 - Cook Park as identified within Schedule 5 of the RLEP 2011. Additionally the subject site is in the vicinity of an Aboriginal site registered on the Aboriginal Heritage Information Management System manager by the Office of Environment and Heritage under the National Parks and Wildlife Act 1974.

The applicant provided a Statement of Heritage Impact prepared by Heritage 21 and a Due Diligence Aboriginal Archaeological Assessment prepared by AMAC Archaeological which has been assessed

by Councils' Heritage Advisor. The following comments have been provided by the advisor:

The St George Sailing Club development is within the vicinity of a heritage item listed on schedule 5 of the Rockdale Local Environmental Plan 2011 as I227 "Cook Park", Riverside Drive, Sans Souci. A Statement of Heritage Impact has assessed the existing the heritage significance of the sailing club building as having social value and historic association. The fabric of the building is not considered to have significance. The demolition of the sailing club building is acceptable. The design of the new building has a traditional boatshed aesthetic, albeit on a larger scale. It allows a connection through the building which helps to link the heritage item/park on either side. The new building will enliven the area and allow greater appreciation of the heritage item. The development is therefore supported on heritage grounds.

In addition to the comments above, the heritage advisor has proposed conditions to be included within the consent relating to an aboriginal heritage impact permit, full Aboriginal cultural heritage assessment, preservation of soils and preservation of human remains in the instance any are found during construction.

Therefore, Council has considered the effect of the proposed development on the heritage significance of the adjoining item in accordance with this clause. It is considered that the heritage significance of the adjoining heritage item will be conserved and in this regard the proposed development is considered to meet the objectives and requirements of this clause.

6.1 Acid Sulfate Soil - Class 3

Acid Sulfate Soils (ASS) – Class 3 affects part of the property. The proposal does not seek to excavate greater than 1 metre below ground level therefore an Acid Sulphate Soils Management Plan is not warranted. Therefore, the proposal is consistent with the objectives and requirements of clause 6.1.

6.1 Acid Sulfate Soil - Class 4

Acid Sulfate Soils (ASS) – Class 4 affects part of the property. Similar to above, the proposal does not seek excavation greater than 2 metres below natural ground level therefore an acid sulphate soils management plan is not warranted. Therefore, the proposal is consistent with the objectives and requirements of clause 6.1.

6.2 Earthworks

Earthworks including minimal excavation for footings are required on site. The applicant provided a geotechnical report prepared by JK Geotechnics prepared in May 2018 which has proposed recommendations. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. It is considered that the proposed earthworks and excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. However, notwithstanding, relevant conditions are included in the draft Notice of Determination to ensure that the environmental amenity of surrounding land is maintained, and soil erosion, sedimentation, and drainage impacts are minimised.

6.6 Flood planning

The site is affected by flooding. The proposal will be partially built over the waterway therefore the design has been assessed to comply with appropriate levels to avoid any habitable area from being flood affected. The plans have been assessed by Council's Development Engineer, and appropriate conditions of consent have been incorporated in the draft Notice of Determination. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

6.8 Biodiversity protection

A small portion of the land is identified as Environmentally Sensitive Land – Biodiversity on the Natural Resource – Biodiversity Map. The proposal does not seek to impact on the biodiversity land use particularly to the native ecological communities or their habitats. Therefore the proposal satisfies Clause 6.8 of the Rockdale LEP 2011.

6.9 Riparian land, watercourses and artificial waterbodies

The site is located within 40 metres of the top of the bank of a watercourse (Georges River). The proposal is generally consistent with the objectives of the clause and will not have an adverse impact on the water quality, aquatic and riparian species, the stability of the bed and shore, the free passage of fish and other organisms. Therefore the proposal satisfies Clause 6.9.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.3 Flood Risk 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
4.1.8 Biodiversity	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development	Yes	Yes - see discussion
4.4.2 Solar Access - General Controls	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.6 Noise Impact - Non-residential	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates - Restaurants	Yes	No - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.6 Car Park Location and Design	Yes	No - see discussion
4.6 Access to Parking	Yes	Yes - see discussion
4.6 Design of Loading 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
6.4 Advertising and Signage	Yes	Yes - see discussion

4.1.1 Views and Vista

The form is appropriately at single storey and the siting of the proposed building will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjacent residents, particularly as the overall built form is reduced in area than the current building.



Photomontage of proposal with Captain Cook Bridge in the background

4.1.2 Heritage Conservation - Vicinity of Heritage Item

The proposed development is in the vicinity of a heritage item (227 - Cook Park). 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

A stormwater management report prepared by Wood and Grieve Engineers which demonstrates that the subject site discharges directly into the Georges River and does not affect any downstream stormwater assets. Additionally the proposed redevelopment does not increase impervious area on the site and does not increase stormwater runoff as the size of the replacement building (decking and roof space) is smaller in size when compared to the existing building on the site to be demolished. Therefore as there is no increase to the existing stormwater runoff, the proposal is supported and the

satisfies this clause.

4.1.3 Flood Risk Management

The site has been identified as being flood affected. The applicant has submitted a flooding and coastal engineering report which states that the finished floor level is 3.15 AHD is satisfactory in this case and that it is recommended that 2.7m AHD is adopted as the flood planning level for the site which is the upper limit 1% AEP wave crest at 2068, which also includes consideration of sea level rise for the most conservative intergovernmental panel on climate change (IPCC) projection. The proposal adopts these levels. The application was referred to Council's Development Engineer who had no issues with the proposal subject to conditions within the draft notice of determination.

4.1.3 Groundwater Protection

The site is affected by the Groundwater Protection Zone 3, however there is no excavation proposed as part of the proposal other than minor footings less than 1 metre deep. Additionally the building will continue to be predominantly located over the water therefore the proposal satisfies this clause.

4.1.4 Soil Management

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

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

4.1.7 Tree Preservation

The development proposal does not seek to remove any trees however there is one Norfolk Island Pine Tree in close proximity to the site which is to be retained. As stated in the report above, an arborist report was provided with the development application which provides recommendations in preserving the tree. Council's Tree Management Officer has recommended appropriate conditions that have been imposed in the draft Notice of Determination, regarding the protection and retention of existing trees.

4.1.8 Biodiversity

The proposed site is partially within a Biodiversity sensitive area. An ecological assessment report prepared by Marine Pollution Research who assessed the potential impacts on seagrass beds and shorebird populations in addition to intertidal and rocky reef habitats. The report finds that the project does not require the clearing of any vegetation or habitat or impact on the shorebird population. The application was referred to Council's Environmental Strategy department who had no objection to the proposal subject to the imposition of conditions within the draft notice of determination therefore this clause is satisfied.

4.2 Streetscape and Site Context - General

The new club seeks to replace an old, dilapidated building and shed with a new modern building within a reduced building footprint. In its current location, there is no established streetscape as there is a park and waterway adjoining the site, with no built structures in close proximity. As the building maintains a reasonable built form, the proposal is acceptable.

The public domain visual catchment is moderate, given its setting on the river foreshore, relatively flat topography and large open space surrounding the site. The scale and massing of the proposal is

similar to the existing built form on the site and to other contemporary boat shed developments within the region. Overall the potential visual effects and impacts of the proposal would not impact the adjoining residential dwellings which are located over 60 metres away from the premises.

4.3.1 Open Space and Landscape Design

Prior to the lodgement of the development application, there was agreement between the applicant and Council to upgrade the public domain around the sailing club particularly relating to kerb, lighting, street furniture. While this is not within the confines of the site or within the scope of assessment, it is clear to note that there are works around the site. The existing club does not have any significant open space and landscaping area and the new proposal also does not provide greater landscaping. However this is due to the size of location of the building over the water.

4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development

An energy and water efficiency report was submitted with the development application in addition to a Section J report which demonstrates that the proposal complies with the requirements of the NCC particularly relating to glazing. The proposal satisfies the clause.

4.4.2 Solar Access - General Controls

The proposal results in a reduced building footprint and a reduced building bulk. Furthermore, given the site's unique setting and location on the river foreshore, any additional overshadowing as a result of the proposal will be cast over the waters of Georges River to the south of the site. These impacts (if any) are expected to be minimal and not result in a perceivable difference to current conditions. No properties or private open space will be impacted by the proposal

4.4.5 Acoustic privacy

The development application was accompanied by an acoustic report prepared by JHA Consulting Engineers dated 20 December 2018 which has been conditioned within the draft notice of determination.

4.4.6 Noise Impact - Non-residential

Noise impacts from the proposal are likely to be consistent with existing conditions as the area accommodating the proposed buildings are presently used as a club. The applicant has stated that within the club, the volume of music will be low and controlled in order to encourage conversation and maintain a healthy environment within the premises and surrounding areas. Background music will be played at a controlled setting. Patrons will be encouraged to leave the premises in a quiet and orderly fashion. Loitering in the front of the premises and carpark will be actively discouraged. The hours of operation that have been proposed are considered appropriate.

4.5.2 Social Equity - Equitable Access

The development application was accompanied by an access report prepared by Code Performance dated 9 August 2018 which states that the proposal is readily capable of achieving compliance in combination with the deemed-to-satisfy provisions and the performance requirements as nominated within the BCA. All areas at ground level are accessible in addition to the boat sheds. Access between the car parking area and the site is via a pedestrian access. One of the reasons to demolish the building and reconstruct is that the existing building does not comply with the access provisions of the BCA or the Disability Discrimination Act (DD Act) The proposed raised levels of the new building are consistent with the level of the adjoining car park and will provide direct wheelchair access to the new building.

4.6 Parking Rates - Restaurants

The Rockdale DCP 2011 does not have specific controls in relation to clubs and licensed premises therefore the car parking assessment will be based on a merit assessment. An assessment against the RMS Guide to traffic generating development also does not have a specific car parking rate on the basis that it is difficult to generalise on the traffic generation due to the diversified nature of clubs. The RMS document states that a traffic generation assessment of new clubs should be based on recent surveys of similar clubs and for extensions to an existing club, the assessment should be based on the relevant club.

The proposal seeks to demolish the existing club and replace with a new club in the same location with a smaller building footprint. The site has an existing constraint in that it does not have any car parking spaces within the premises. The advantage for the club is that there is a public car parking area owned by RMS that is directly to the north of the site and has been predominantly used to cater for patronage of the club. Approval has been provided by RMS for the application and use. There is no works proposed to the car park and falls outside of any physical scope of development other than its use. The car park does not have line markings however it is estimated that 170 car parking spaces are accommodated within this space. The club is proposing to allow a maximum of 550 patrons. Therefore, considering the number of car parking spaces provided, that would fall to one car space for every 3.23 people.

The applicant has provided a traffic report prepared by ARUP and in summary, the proposal provides the following:

- The proposed redevelopment is a predominantly recreational scheme. The sailing club is a low traffic generating land use category on weekdays and it overall will generate traffic volumes that are comparable to recreational and tourist facilities.
- The proposed sailing club is expected to generate a total of 153 vehicles/hour during the peak period (worst case scenario). These trips have been shown to be readily able to be accommodated with minimal impacts on the surrounding road system.
- With 170 parking spaces, the centre will contain the assessed peak parking demand within the site. In future when car parking is formalised, a slight reduction to 165 spaces will still provide adequate car parking.
- The provision of the public car park results in reducing traffic manoeuvring and circulation in the immediate locality, in particular, movements associated with the drivers searching for available on-street parking.

The report also goes into detail relating to assessment of peak parking demand of the existing club and the proposed club and it was found that the typical peak use would occur on weekends rather than weekdays. When sailing is occurring, it is anticipated that there will be lesser club activity. Additionally, it is key to note that the new boat storage sheds are being included within the front of the building so that all boats can be stored on site. This will eliminate the majority of boat trailers from the car park releasing additional car parking spaces for patrons. It is anticipated from the proposed development that the combined demand is 166 spaces and as the existing car park area has approximately 170 spaces, this will accommodate peak demand.

Therefore, the car parking arrangement is considered acceptable.

4.6 Car Park Location and Design

As stated above, the site does not comprise of a car parking area which is an existing constraint. However, directly adjacent to the site to the north, on the opposite side of Riverside Drive, is a car park

owned by the RMS and maintained by Council. The car park which currently services club patrons is connected to the site by a pedestrian crossing and accommodates approximately 170 car parking spaces (unmarked).

4.6 Access to Parking

Vehicular entry to the on-site loading area is provided off the western side of the site via a vehicular crossover to Riverside Drive which replaces the existing vehicle crossover in a similar location.

4.6 Design of Loading Facilities

A loading is provided on the western side of the site which is accessed via a vehicle crossing off Riverside Drive. The applicant has indicated that all of the clubs servicing and garbage collection activities will take place via the loading dock which allows an HRV to be accommodated. Appropriate conditions of consent have been imposed within the draft notice of determination in regards to the safety of pedestrians around the loading bay as well as ingress and egress from the space.

In regards to deliveries, food deliveries will most likely take place via a small or medium delivery vans contained in cardboard boxes and will utilise this loading area. Drink deliveries will take place via medium or heavy vehicles between 8am to 7pm approximately 3 to 5 times per week.

4.6 Pedestrian Access and Sustainable Transport

The main pedestrian access to the club and boatsheds will be via the pedestrian entry off Riverside Drive which connects directly with the existing pedestrian crossing to the public car park on the opposite side of Riverside Drive. This arrangement is existing with the current club.

4.7 Air Conditioning and Communication Structures

Appropriate air conditioning and mechanical equipment are proposed to be installed as part of the proposal. Appropriate conditions have been included in the draft notice of determination as attached.

4.7 Waste Storage and Recycling Facilities

A waste management plan was submitted with the development application and considers the waste generated during demolition and construction as well as the operational waste from the club and boatshed. Waste and recycling from the club is proposed to be stored within the waste storage room located to the west of the site adjacent to Riverside Drive and the new vehicle crossover and driveway where on-site loading/unloading will take place.

6.4 Advertising and Signage

A signage strategy has been prepared which recognises the historical associations of the site and its uses. Further discussions relating to signage have been discussed within SEPP 64 section of the report above.

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

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

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions 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)(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. The site is flood affected and adjoins a heritage item. As assessed above, the new structures provide a reduced bulk than what is currently on the site therefore it is not anticipated that the new development will create any issues in regards to bulk and scale, diminish heritage significance of the item or be impacted by flooding. Additionally, the site is located within the coastal management SEPP and is affected by biodiversity. This has been appropriately been assessed and conditioned within the draft notice of determination.

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

Originally one submission was received during the development application process however the submission was formally withdrawn.

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 and waterway. Furthermore, the proposal does not create unreasonable impacts on the adjoining heritage item and biodiversity corridor. As such it is considered that the development application is in the public interest.

S7.12 Fixed development consent levies

A Section 7.12 payment of \$120,376.83 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
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DA02 Rev B - Site Plan	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA10 Rev I - Ground Floor Plan	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA11 Rev E - First Floor Plan	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA12 Rev D - Roof Plan	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA20 Rev E - Boat Sheds - North and South Elevations	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA21 Rev E - Clubhouse - North and South Elevations	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA22 Rev D - East and West Elevations	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA23 Rev C - Sections A and B	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA24 Rev C - Section C	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA30 Rev A - Gross Floor Area Diagrams	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	24 July 2018	20 September 2018
DA31 Rev A - Materials and Finishes	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	1 August 2018	20 September 2018
DA40 Rev A - Site Analysis Plan	Jon Jacka Architects Pty Ltd/Andrew Andersons Architect	1 August 2018	20 September 2018
CI-070-01 Rev C - Erosion and Sediment Control Plan	Wood and Grieve Engineers	19 September 2018	20 September 2018
CI-076-01 Rev C - Erosion and Sediment Control Details	Wood and Grieve Engineers	19 September 2018	20 September 2018

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
5. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
6. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
7. New building work shall not commence without the prior Development Consent of Council.

8. The balconies/deck shall not be enclosed at any future time without prior development consent.
9. 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.
10. Excavation, filling of the site or construction of retaining walls are not permitted unless approved by a separate Development Consent 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. All works are to be carried out in accordance with the integrated development conditions provided by Department of Primary Industries - Fisheries and listed at the end of this consent.
13. Pumps attached to the development must be housed in a soundproof enclosure.

Development specific conditions

The following conditions are specific to the Development Application proposal.

14. The hours of operation of the approved use shall be restricted as follows:
 - a) Club hours: 10.30am - 10.30pm Monday to Wednesday, 10.30am - 11.00pm Thursday, 10.30am - 12.00 midnight Friday and Saturday and 8.00am - 10.30pm Sunday
 - b) Functions and events: 7.00am to close Monday to Sunday
 - c) Sailing Operations: 7.00am - 10.00pm Monday to Sunday
15. The maximum number of persons working on the premises shall be limited to 50
16. Approval for the footpath dining is not expressed or implied and a separate approval is required for the footpath dining. In this regard you are advised to contact Council to obtain a copy of the licensing agreement entitled *Outdoor Dining Licensing Agreement*.
17. Coin-operated amusement machines shall not be installed on the premises.
18. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
19. Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.
20. 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.
21. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
22. Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of a high rigid vehicle from AS2890.2:2002. Commercial vehicles greater in size and mass than for a high rigid vehicle are not permitted to enter the site.
23. Vehicles shall not be parked, stored or displayed on the public footpath at any time.
24. 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.
25. 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.
 26. The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.
 27. 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.
 28. 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.
 29. 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.
 30. 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.
 31. Noise emitted from Liquor-Licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight to 7.00am. Where this condition is inconsistent with the requirements imposed by the Office of Liquor, Gaming and Racing or Casino, Liquor and Gaming Control Authority, the more stringent condition shall apply.
 32. Any discharge to the sewer from the subject premises shall be in accordance with the requirements of Sydney Water.
 33. 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.
 34. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 35. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
 36. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
 37. 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.
 38. Hot and cold water hose cocks shall be installed to the garbage room.
 39. This consent does not provide approval for footpath dining. Footpath dining is regulated through a licensing agreement with Council. In this regard, you are advised to contact Council's Customer Service Centre to obtain a copy of a licensing agreement entitled *Outdoor Dining Licensing Agreement*.

40. Services or utility systems shall not be located in the garbage room.
41. (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.
42. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
43. The proposed signs must not have / use:
 - flashing lights
 - electronically changeable messages
 - animated display, moving parts or simulated movement
 - a method and level of illumination that distracts or dazzles
44. Receptacles are to be provided in commercial development for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and maintenance of the receptacles is the responsibility of the building owner/manager.
45. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
46. 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".
47. Adopt and implement all recommendations contained in the acoustic report titled 'Acoustic Report for Development Application: St Georg Sailing Club Redevelopment' (project Number: 180036) prepared by JHA Consulting Engineers dated 20 December 2018.
48. 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.

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

Note:

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

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

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

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

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

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

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

- writing that the proposed development is exempt from the levy.
51. A certificate from a practising Structural Engineer shall be submitted prior to the issue of the construction certificate confirming that the existing building elements are structurally adequate to support all proposed additional loads.
 52. If Council is appointed as the Principal Certifying Authority (PCA) then structural engineer's details shall be submitted prior to the issue of the Construction Certificate; such structural drawings shall be certified by the Structural Engineer that the design complies with the relevant S.A.A. Codes for the following:
 - i. the footings of the proposed structure;
 - ii. the footings of the slab-on-ground (having due regard to the possible differential settlement of the cut and fill areas);
 - iii. all reinforced concrete floor slabs;
 - iv. all reinforced concrete stairs;
 - v. the piers to natural ground or rock, detailing the size and position of the piers;
 - vi. the proposed retaining wall;
 - vii. the work required to stabilise the excavation;
 - viii. the work required to stabilise the footpath area;
 - ix. the design of each roof truss type showing the layout of each truss on a marking plan and the method of connecting each truss to its supporting members of the method of bracing;
 - x. all structural steel work;
 - xi. first floor joists;
 - xii. fire rated ceilings/fire protective ceilings.
 53. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.
 54. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
 55. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
 56. To ensure the development is compatible with the surrounding environment, colours and finishes of the roof and walls are to be submitted to Council prior to the issue of the Construction Certificate. Council will advise you on the suitability of the selected samples.
 57. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to application for a Construction Certificate.
 58. Provide hose reels to the existing building in accordance with the relevant provisions of Part E1.4 of the Building Code of Australia and AS 2441:1988. Details of the location shall be submitted for approval prior to installation.
 59. 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.
 60. 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.
 61. 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.

62. The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
63. 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.
64. 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>

65. Prior to the issue of a Construction Certificate, a public domain improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.
66. The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and kitchen exhaust fans) and equipment including air-conditioners which meet the NSW EPA Noise Policy for Industry and Protection Of Environment Operations Act 1997 noise emission criteria 'Acoustic Report for Development Application: St Georg Sailing Club Redevelopment' (project Number: 180036) prepared by JHA Consulting Engineers dated 20 December 2018 has been carried out.

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

- a) the name and qualifications or experience of the person(s) preparing the report
- b) the project description, including proposed or approved hours of operation
- c) relevant guideline or policy that has been applied

- d) results of background and any other noise measurements taken from most noise affected location at the boundary line
- e) meteorological conditions and other relevant details at the time of the measurements
- f) details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- g) a site map showing noise sources, measurement locations and potential noise receivers
- h) noise criteria applied to the project
- i) noise predictions for the proposed activity
- j) a comparison of noise predictions against noise criteria
- k) a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- l) how compliance can be determined practically

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

- 67. 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.
- 68. The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1-1998 & 1668.2-2002.
- 69. All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, polyvinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices.
- 70. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste.
- 71. The surface finish of the ceiling shall not be perforated and shall be finished in an impervious material which is free from open joints, cracks, crevices, (in accordance with AS 4674-2004, acoustic and decorative panels are not to be used in wet areas, food preparation areas, bin storage areas or other areas where open food is

- displayed or served). The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The intersection of walls and the ceiling shall be tight jointed, sealed and dust-proof.
72. A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h.
 73. The Accredited Certifier shall not issue a Construction Certificate until all structural or equipment requirements for food premises specified in the conditions of development consent, the structural requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 "Design, Construction and Fitout of Food Premises" have been incorporated in the plans and specifications for the Construction Certificate.
 74. 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 works

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

75. 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.
76. 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.

77. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Access to the site for construction purposes via the existing council carpark is not permitted. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The

Construction Management Plan shall be implemented during demolition, excavation and construction.

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

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

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

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

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

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

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

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

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

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

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes

part of a building and any structure or part of a structure”.

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

79. 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.
80. 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.
81. 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.
82. Prior to the commencement of work, a Tree Protection Zone shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected at least 9 metres from the trunk around the tree which is 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 Zone at any time.
83. 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.
84. 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.
85. 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.

86. 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.
87. (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.
88. 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.
89. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 ii) where the erection of gates or fences has restricted access to metering equipment.

During demolition / excavation / construction

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

90. 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.
91. 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.
92. 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.
93. 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.
94. For Class 5-9 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for and before the placement of, any footing, and
 - ii. prior to covering any stormwater drainage connections, and
 - iii. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.
95. 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.
96. 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.
97. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
98. 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.

99. 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.

100. 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.
101. 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.
102. 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.
103. If groundwater is encountered during construction of the pool the pumped discharge from temporary dewatering shall be reinjected by either of the following methods:
- Discharge to the approved absorption system for the development site, or
 - Discharge to a temporary absorption system designed and certified by a qualified Engineer. The absorption system must comply with Rockdale Technical Specification Stormwater Management and be designed for rainfall over the excavated area and the expected pump rate for the dewatering operation.
104. 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.
105. 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.
106. 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.
 107. The existing Norfolk Island Pine Tree located on the western side of the site shall be retained and protected throughout all stages of the project. All other existing site trees may be removed.
 108. The Norfolk Island Pine tree located approximately 10 Metres to the south west of the current building 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.
 109. 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.

- 110. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
- 111. All recommendations contained in the Arborist's report by Stuart Pittendrigh dated December 2017 shall be implemented and complied with.

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.

- 112. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 113. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 114. 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.
- 115. 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.
- 116. 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.
- 117. 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.
- 118. 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.
- 119. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
- 120. 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.
- 121. At least three (3) native or ornamental trees of at least 75 litre pot size and capable of growing to a minimum height of three (3) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection. In this regard the attached Landscape Plan lodged with this Development Application is considered appropriate for the site.
- 122. 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.
- 123. 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.

124. The width of the single driveway shall be a minimum of 2.5 metres and a maximum of 3.0 metres.

(OR)

The width of the double driveway at the boundary shall be a maximum of 6 metres.

Note: Council's Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5 metres.

125. 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.

126. 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.
127. The noise reduction measures specified in the noise report prepared by JHA Consulting Engineers dated 20 December 2018 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.
128. 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.
129. 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.
130. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.
131. 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.
132. 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.

133. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council.
134. 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.

135. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
136. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
 - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - The overflow from the rainwater tank shall be directed to the storm water system.
 - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
 - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
137. The operations of the site must at all times fully comply with the requirements of the approved Plan of Management for the site

Integrated development/external authorities

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

138. NSW POLICE CONDITIONS

The following conditions are specific to the NSW Police requirements:

- a) The premises is to be operated at all times in accordance with the Plan of Management date April 6, 2018, as may be varied from time to time after

consultation with the Local Area Commander of NSW Police Force. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, or liquor and gaming NSW inspector.

- b) When ever the licensed premises operates beyond 10.30pm, Uniformed security guards are to continually patrol the car park, portico, rigging deck and vicinity of the licensed premises to encourage patrons to move on. Such patrols are to continue until the last patron has left the licensed premises AND vicinity of the licensed premises.
- c) Signage is to be erected in a prominent position near the main entry to the premises reminding patrons to leave quietly
- d) The licensee must ensure no open alcohol containers are taken off the premises.
- e) The sale and supply of liquor on the licensed premises must be in accordance with the terms and conditions of the approved liquor licence issued by Liquor and Gaming NSW in respect to the premises.
- f) The total number of patrons on the premises at any time must not exceed 550 patrons.
- g) In the event of a complaint being received by the licensee from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the licensee must notify Council of the complaint for inclusion on the complaints register within 48 hours. It remains the responsibility of the licensee to respond appropriately to complaints.
- h) A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or Liquor and Gaming Authorised Officers.
- i) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements;
 - i) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements;
 - a) the system must record continuously from opening time until one hour after the premises is required to close or in the case of premises that is not required to cease trading, continuously at all times
 - b) recordings must be in a digital format and at a minimum of ten frames per second (15 fps)
 - c) any recorded image must specify the time and date of the recorded image
 - d) the systems cameras must cover the following areas;
 - i) all entry and exit points on the premises
 - ii) the footpath immediately adjacent to the premises and
 - iii) all publicly accessible areas (other than toilets) on the property, including boat sheds, rigging deck, ramps, jetty and car park.

- ii) The licensee must also;
 - a) keep all recordings made by the CCTV system for at least 30 days
 - b) ensure that the CCTV system is accessible at all times the system is required to operate by at least one person able to access and fully operate the system
 including downloading and producing recordings of CCTV footage

and

 - c) provide any recordings made by the system to a police officer of authorised officer within 24 hours of any request by a police officer or authorised officer

139. **DEPARTMENT OF PRIMARY INDUSTRIES- FISHERIES CONDITIONS**

The following conditions are specific to the NSW Department of Primary Industries- Fisheries requirements:

- a) The proponent must apply for and obtain a Part 7 permit for harm marine vegetation, for potential impacts to seagrass during construction, under the FM Act from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>. Please note that this permit will require an accompanying Construction and Environmental Management Plan that includes an Erosion and Sediment Control Plan and a Vessel management and Mooring Plan; and
- b) Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

140. **ROADS AND MARITIME SERVICES CONDITIONS**

The following conditions are specific to the NSW Police requirements:

- a) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Rocky Point Road boundary.
- b) The proponent should be advised that the subject property is within a broad area currently under investigation for the proposed F6 Extension (F6E) Corridor. For further information about the corridor please contact the F6 Team on 1800 789 297 or by email on F6Extension@rms.nsw.gov.au, or by visiting the following url link <http://www.rms.nsw.gov.au/projects/sydney-south/f6/index.html>

141.

SYDNEY WATER CONDITIONS

The following conditions are specific to Sydney Water requirements:

Building Plan Approval

The approved plans must be submitted to the Sydney Water **Tap in™** online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. *The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.* The **Tap in™** service provides 24/7 access to a range of services, including:

- a) building plan approvals
- b) connection and disconnection approvals
- c) diagrams
- d) trade waste approvals
- e) pressure information
- f) water meter installations
- g) pressure boosting and pump approvals
- h) changes to an existing service or asset, e.g. relocating or moving an asset.
- i) 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

- a) 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

142. 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.

143. 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.
144. 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.
145. All works associated with the proposed development shall be at no cost to the RMS.

Development consent advice

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

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au 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. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass all matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. If Council is the Principal Certifying Authority for the development, a drainage inspection fee shall be paid prior to the issue of the 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.

NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee is payable. A confined space entry will be required where:

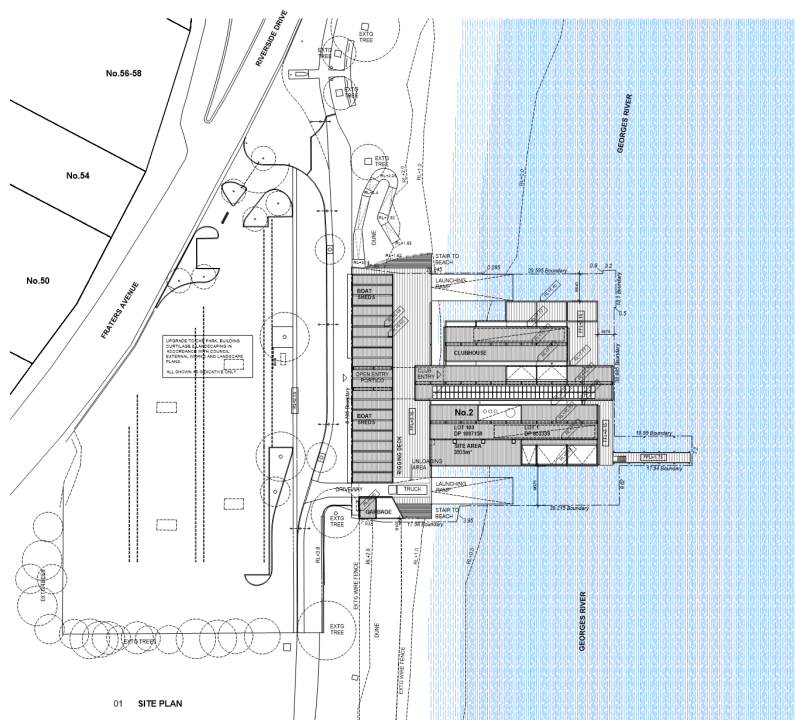
- a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
 - b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.
- f. All 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. If the development is not subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development not subject to BASIX are specified in Council's DCP 78.
- k. 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".
- l. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- m. 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.



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PH 0422 91 385
MAIL@JOHNJACKA.COM

Nominations Australia - July 2008
NEW! Reg No: 8187

PROJECT

ST GEORGE DALLIN CLUB
100 WARRIMUN RD, DALLIN (VIC)

CLIENT

ORALLY 180° BOPP DALLIN CLUB LTD

DRAW TITLE

SITE PLAN

SCALE 1:500 / A2
DATE 24.07.18

PROJECT NO

1705

DRAW NO

DA 02

REV

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DA 02	B
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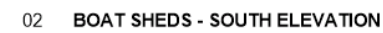
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MATERIAL & LEGEND

WHERE REQUIRED, REFER TO MATERIALS BOARD FOR DETAILED DESCRIPTION

DP	DOWNPIPE
FC	FIBRE CEMENT
FG	FIXED GLAZING
HWB	STAINLESS STEEL WIRE BALUSTRADE
HWC	HARDWOOD CLADDING
HWD	HARDWOOD DECKING
HWB	HARDWOOD BATTEN SCREEN
PD	PIVOT DOORS
RCR	REINFORCED CONCRETE SLAB
RCW	REINFORCED CONCRETE WALL
SR	RETRACTABLE WIND SCREEN
SR	STEEL ROOF SHEET
WBC	WEATHERBOARD CLADDING

01 BOAT SHEDS - NORTH ELEVATION



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mail@jonjacka.com

Nominated Architect - Jon Jacka
NEW Reg No 8167

PROJECT

ST GEORGES SAILING CLUB
2 RIVERSIDE DR, GANS SGOUCI

CLIENT

MANLY 16FT SKIFF SAILING CLUB LTD

DWG TITLE

BOAT SHEDS -
NORTH & SOUTH ELEVATIONS

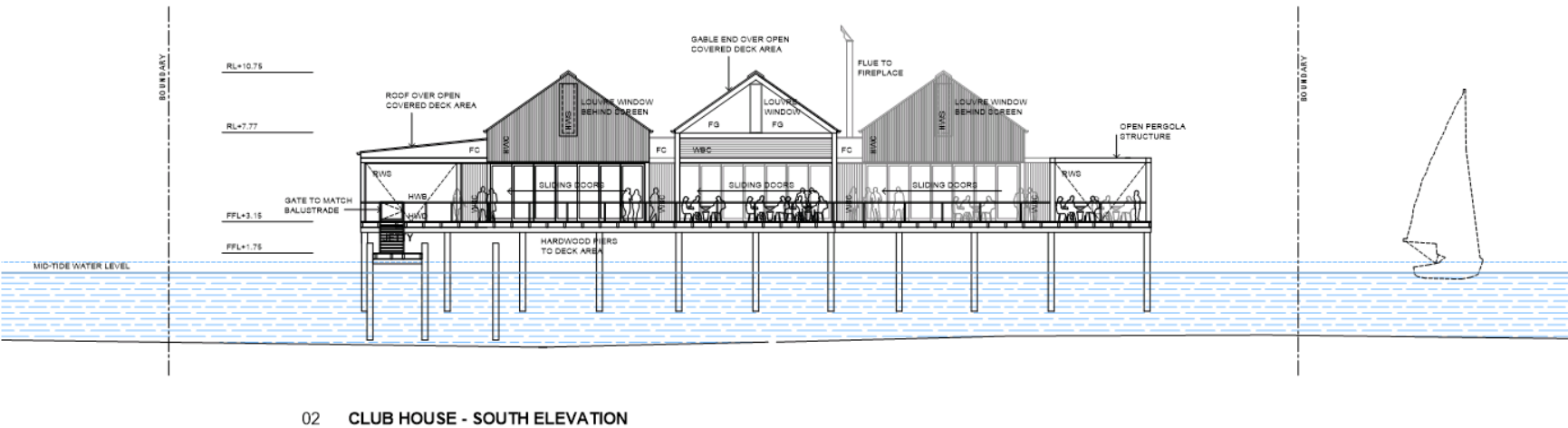
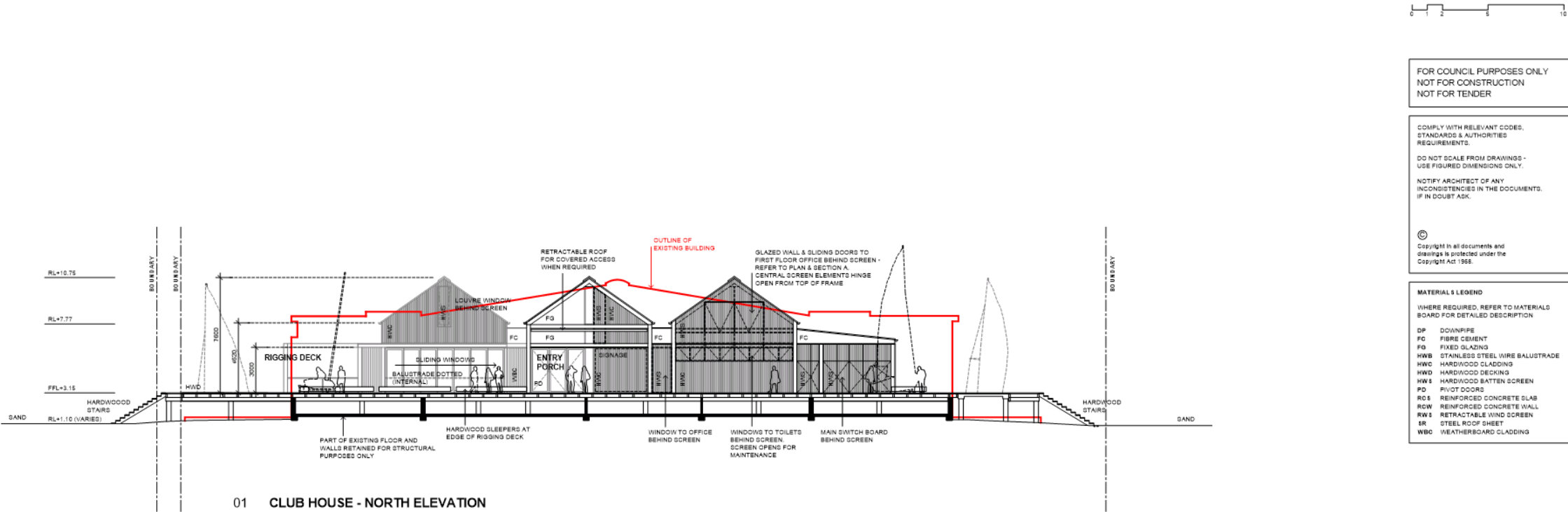
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DATE 24.07.18

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DA 20 E



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Nominated Architect - Jon Jacka
NSW Reg No. 8167

PROJECT

ST GEORGE SAILING CLUB
2 RIVERSIDE DR, SANDS SOUND

CLIENT

MANLY 16FT SKIFF SAILING CLUB LTD

DWG TITLE

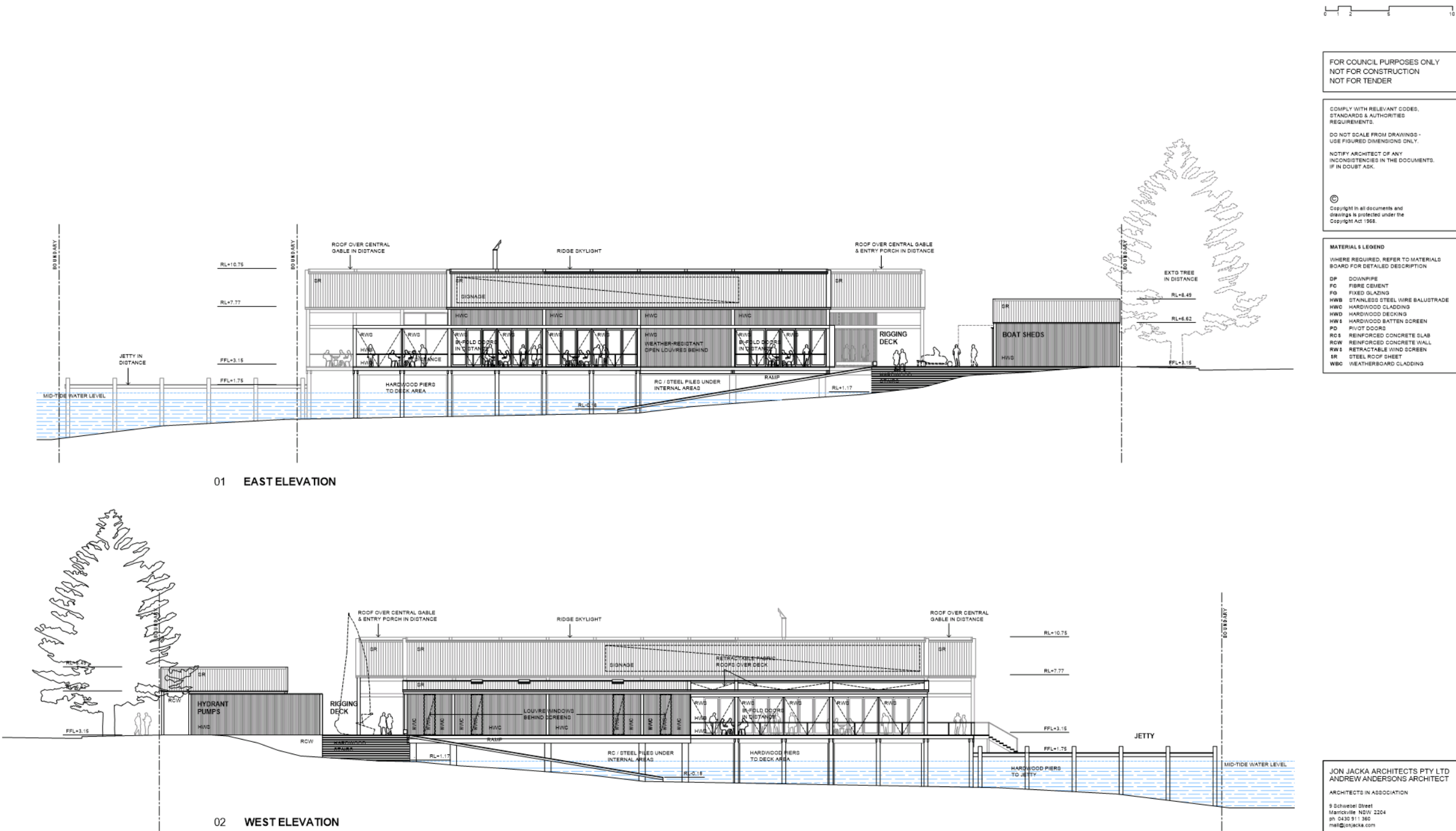
CLUB HOUSE -
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1705

DWG NO DA 21 **REV** E





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PROJECT

ST GEORGES SAILING CLUB
2 RIVERSIDE DR, GANS GOUCI

CLIENT

MANLY 16FT SKIFF SAILING CLUB LTD

DWG TITLE

SECTIONS A & B

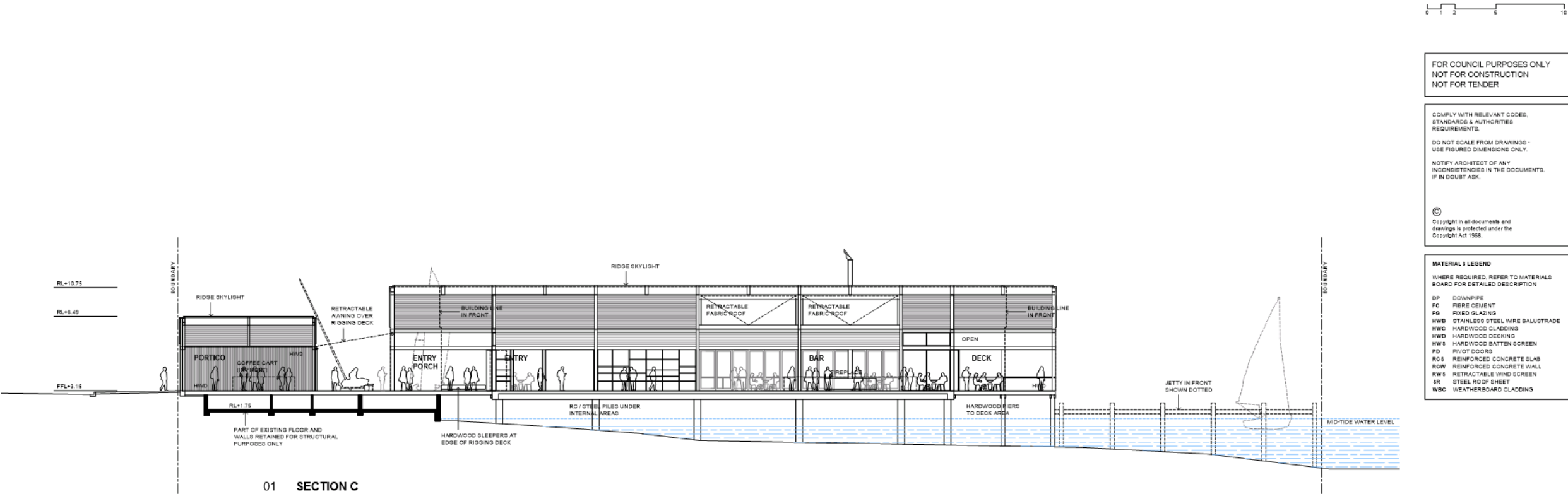
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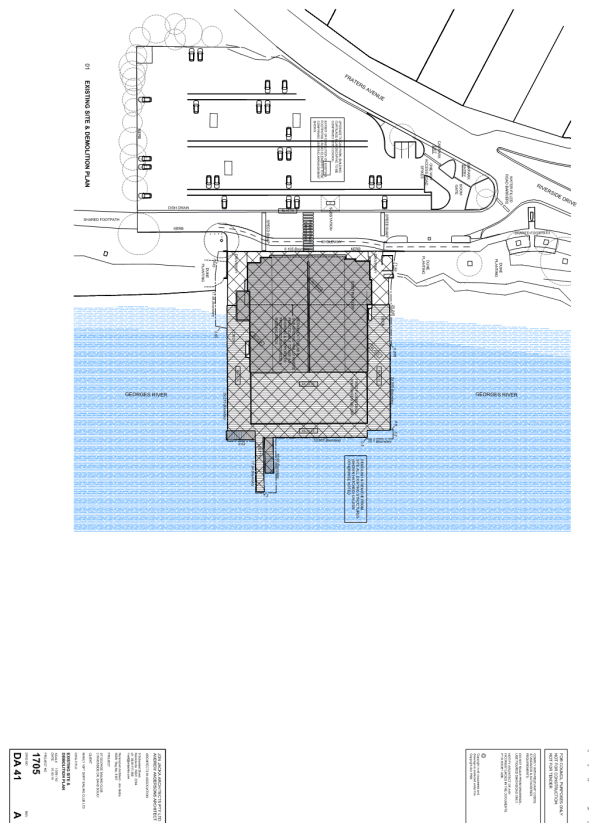
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HWS HARDWOOD BATTEN SCREEN
PD PIVOT DOORS
RCS REINFORCED CONCRETE SLAB
RCW REINFORCED CONCRETE WALL
RWS RETRACTABLE WIND SCREEN
RS STEEL ROOF SHEET
WBC WEATHERBOARD CLADDING

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PROJECT
ST GEORGE SAILING CLUB
2 RIVERSIDE DR, SANDS SOUND
CLIENT
MANLY 16FT SKIFF SAILING CLUB LTD
DWG TITLE
SECTION C
SCALE 1:200 (A2)
DATE 24/07/18
PROJECT NO
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DWG NO DA 24 REV C





RIGGING DECK - LOOKING WEST

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PROJECT

ST GEORGE SAILING CLUB
2 RIVERSIDE DR, SANDS SOUND

CLIENT

MANLY 18FT SKIFF SAILING CLUB LTD

DWG TITLE

PERSPECTIVES 1

SCALE

DATE 08.06.18

PROJECT NO

1705

DWG NO

DA 60

REV

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ENTRY PORTICO - VIEW FROM CAR PARK

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PROJECT
ST GEORGE SAILING CLUB
2 RIVERSIDE DR, SANDS BAY

CLIENT
MANLY 16FT SKIFF SAILING CLUB LTD

DWG TITLE
PERSPECTIVES 2

SCALE
DATE 08.06.18

PROJECT NO
1705

DWG NO
DA 61

REV
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PROPOSED - VIEW FROM EAST

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EXISTING - VIEW FROM EAST

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PROJECT

ST GEORGE SAILING CLUB
2 RIVERSIDE DR, SANDS BAY

CLIENT

MANLY 18FT SKIFF SAILING CLUB LTD

DWG TITLE

PERSPECTIVES 3

SCALE

DATE 08.08.18

PROJECT NO

1705

DWG NO

DA 62

REV

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PROPOSED - VIEW FROM WEST

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EXISTING - VIEW FROM WEST

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Nominated Architect - Jon Jacka
NSW Reg No. 8167

PROJECT

ST GEORGE SAILING CLUB
2 RIVERSIDE DR, SANDS SOUND

CLIENT

MANLY 18FT SKIFF SAILING CLUB LTD

DWG TITLE

PERSPECTIVES 4

SCALE

DATE 08.06.18

PROJECT NO

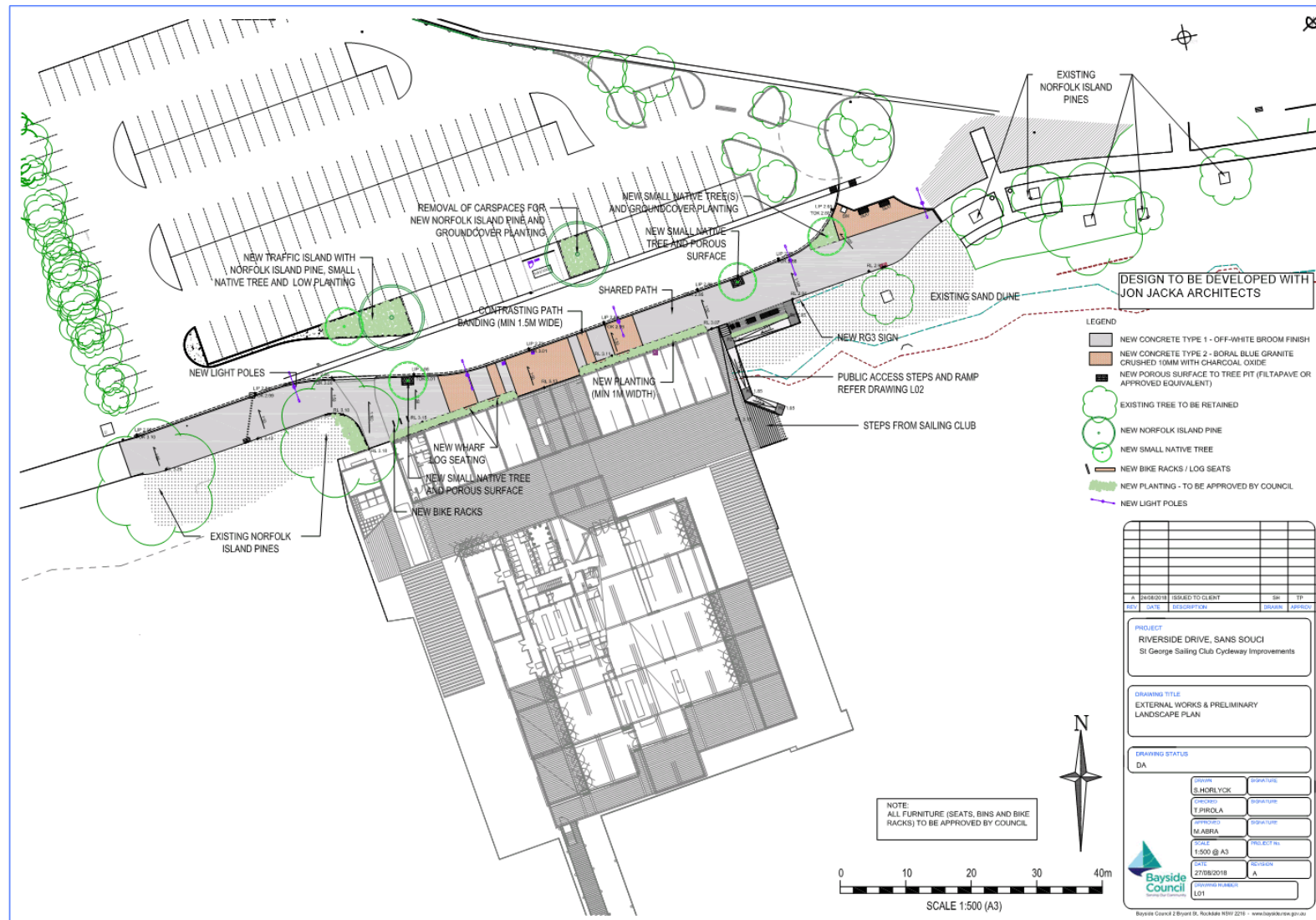
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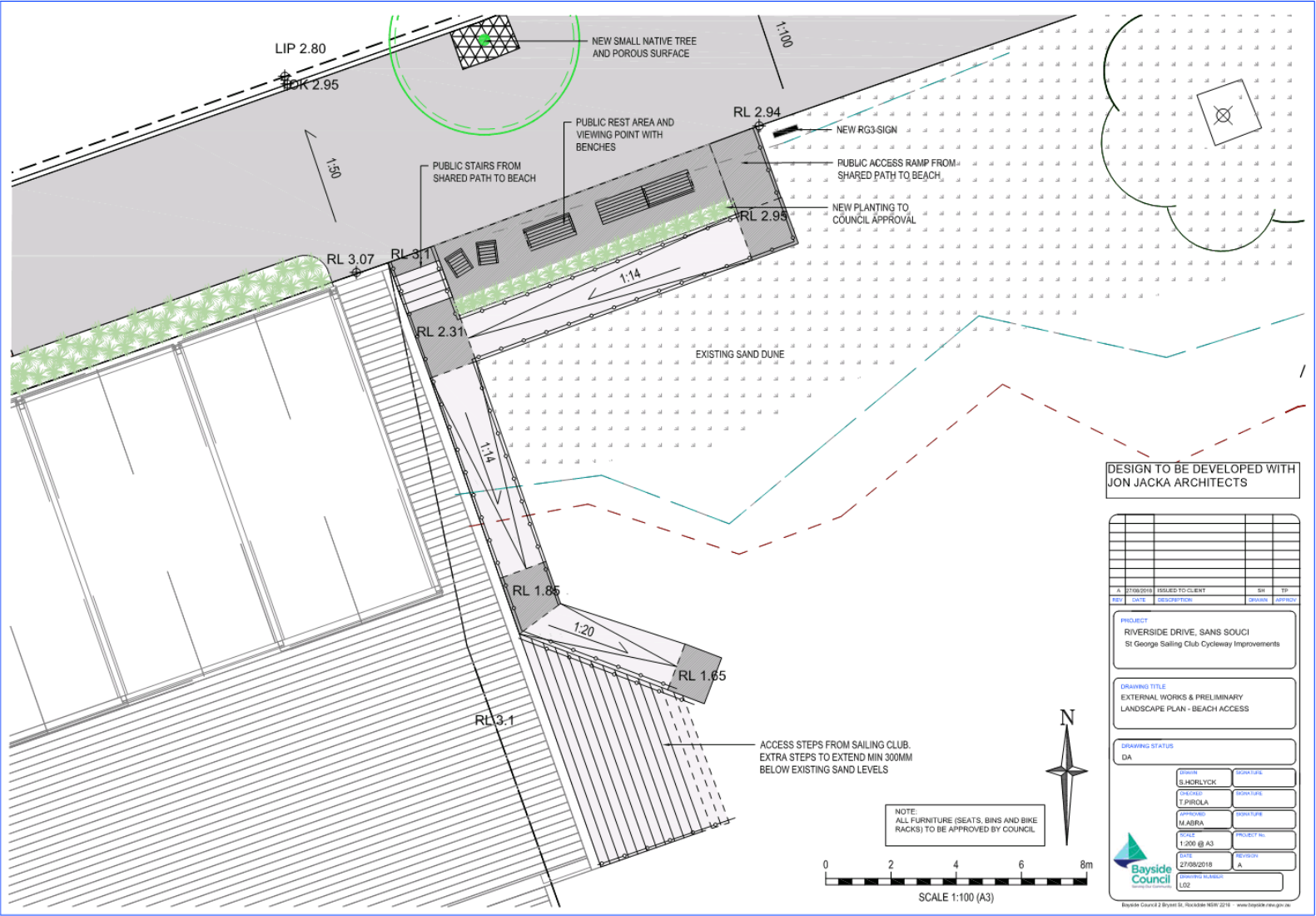
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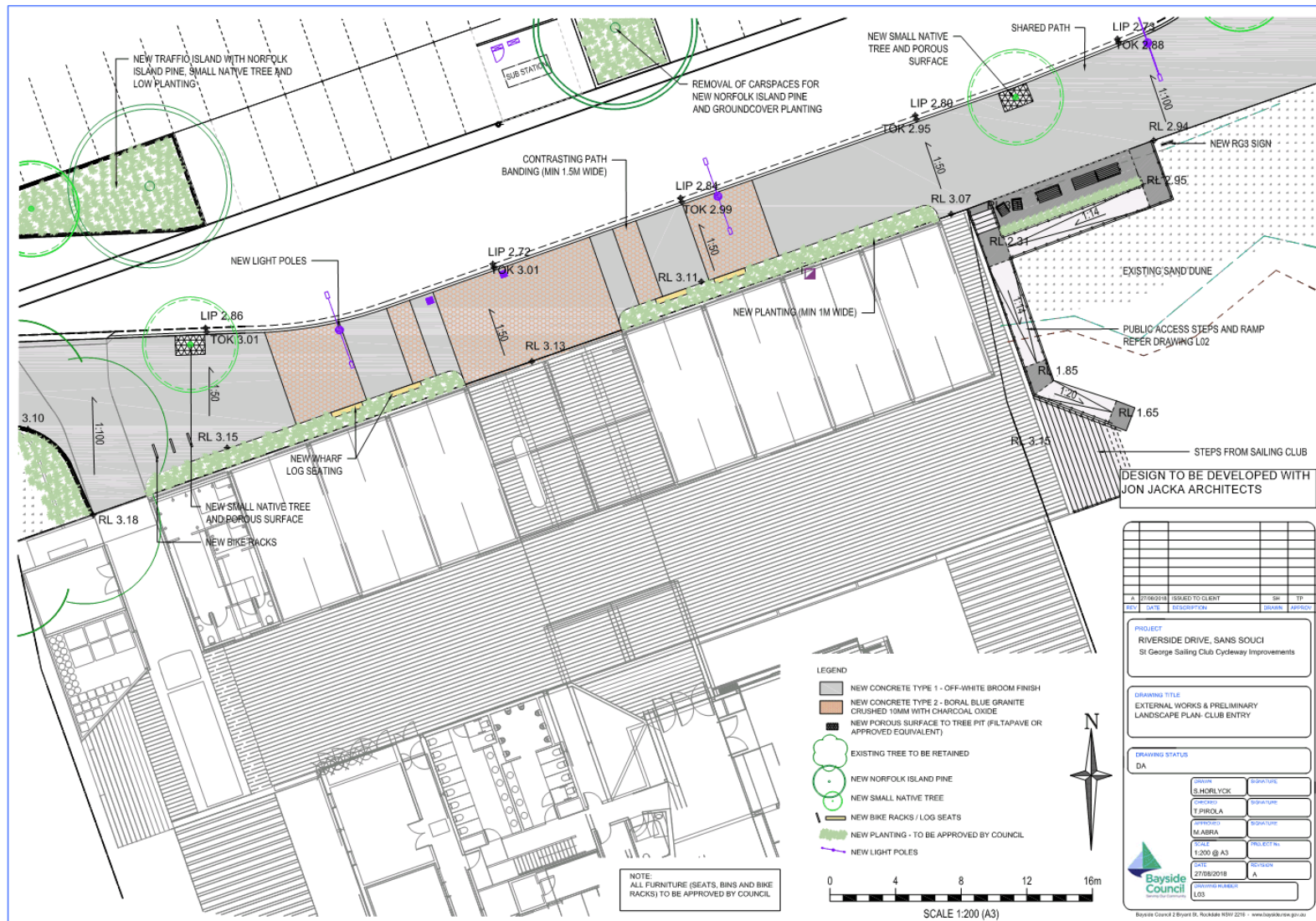
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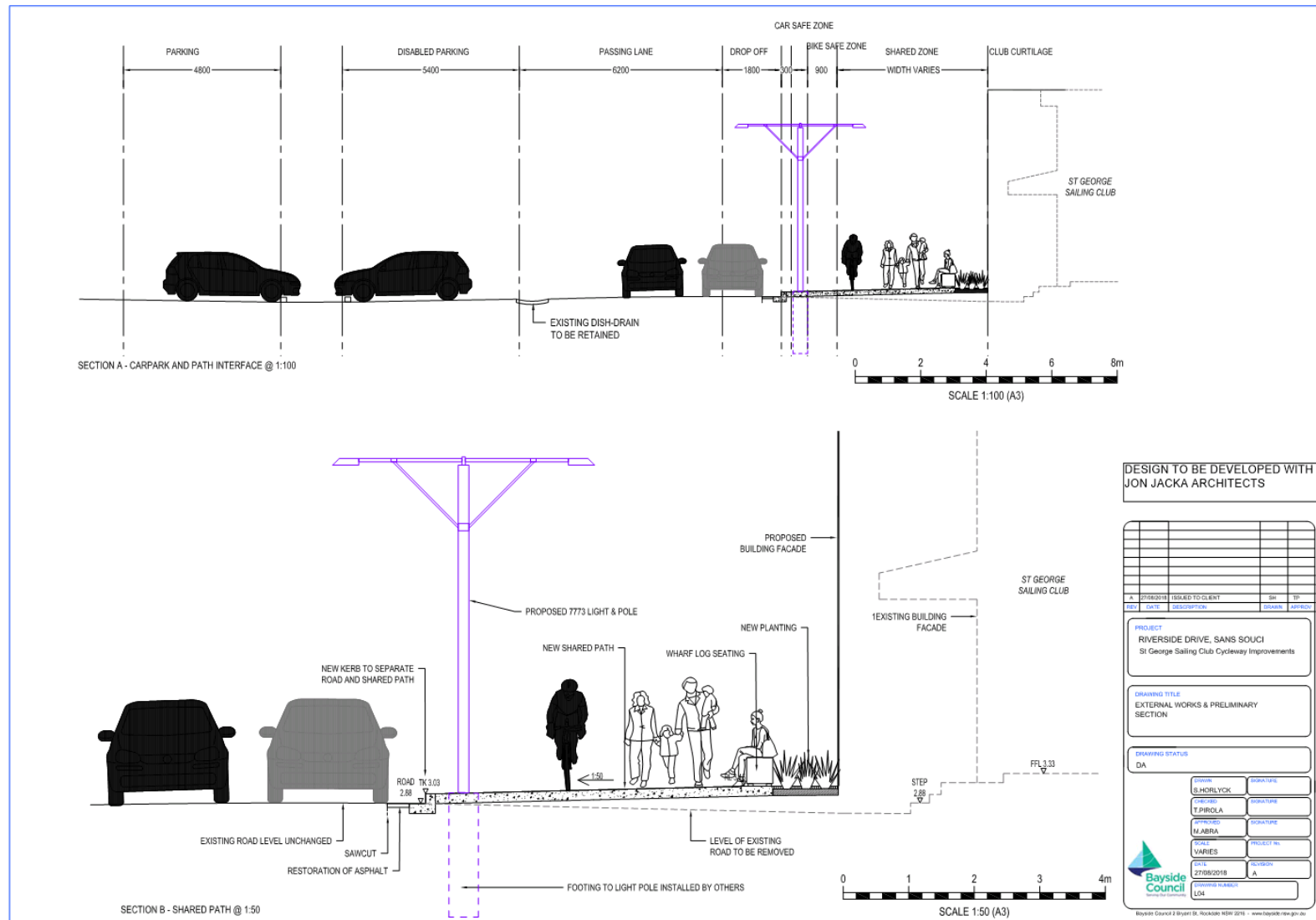
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Bayside Local Planning Panel

25/06/2019

Item No	6.6
Application Type	Development Application
Application No	DA-2018/88
Lodgement Date	02/04/2018
Proposal	16-20 Shaw Street, Bexley North - Demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units, basement parking and loading.
Ward	Rockdale
Owner	Est Late Mrs Joyce Zyleta Molyneux, Mr Peter Tuck & Pyntwo Pty Ltd
Applicant	Aurora Design – Mr Maurice Mandalinic
Property	16-20 Shaw Street, Bexley North
No. of Submissions	17
Cost of Development	\$6,856,000
Report by	Michael McCabe, Director City Futures

Officer Recommendation

1. That Development Application No. 2018/88 for the demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units, basement parking and loading at 16-20 Shaw Street, Bexley North, 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)(b) of the Environmental Planning and Assessment Act 1979, legal vehicular access to the site remains unresolved and the proposal does not accommodate vehicular access to the site via a publicly dedicated road.
 - b. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the development in its current form, given that the site does not benefit from a Right of Way over the adjoining western lots (22 and 23 of DP 1222081).
 - c. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with State Environmental Planning Policy 65 in respect of:
 - i. Principle 4 – Sustainability
 - ii. Principle 5 - Landscape
 - iii. Principle 6 - Amenity.
-

- d. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with the Apartment Design Guide in respect of:
 - i. 3D - Communal Open Space
 - ii. 3E - Deep Soil Provision
 - iii. 3F - Visual Privacy
 - e. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with the provisions and objectives of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
 - f. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.7 - Stormwater of Rockdale Local Environmental Plan 2011.
 - g. 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 area available on site for the loading and unloading of goods.
 - h. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the above matters, the proposed development is not in the public interest.
2. That the objectors be informed of the Bayside Local Planning Panel determination.
-

Location Plan



Attachments

- 1 Planning Report [↓](#)
- 2 Title Search Lot 23 DP1222081 [↓](#)
- 3 History on Shaw Lane Closure [↓](#)
- 4 Statement of Environmental Effects [↓](#)
- 5 Clause 4.6 Height and FSR Variation [↓](#)
- 6 Applicant Response to Sydney Trains Issues [↓](#)
- 7 Design Verification Statement (SEPP 65) [↓](#)
- 8 DRP Minutes 19 June 2018 [↓](#)
- 9 Site Analysis [↓](#)
- 10 Elevations [↓](#)
- 11 Sections [↓](#)
- 12 Roof Plan [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/88
Date of Receipt:	20 April 2018
Property:	16 Shaw Street, BEXLEY NORTH (Lot 26 DP 1222081) 18 Shaw Street, BEXLEY NORTH (Lot 25 DP 1222081) 20 Shaw Street, BEXLEY NORTH (Lot 24 DP 1222081)
Owner(s):	Est Late Mrs Joyce Zyleta Molyneux Pyntwo Pty Ltd Mr Peter Stanley Tuck
Applicant:	Aurora Design
Proposal:	16-20 Shaw Street, BEXLEY NORTH NSW 2207 - Demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units, basement parking and loading
Recommendation:	Refused
No. of submissions:	17 (16 opposed / 1 in support)
Author:	Fiona Prodromou
Date of Report:	5 June 2019

Key Issues

Nil legal vehicular access to the subject site or its eastern neighbours currently exists. Existing vehicular access to the site is via Shaw Lane to the rear of the property, through Council land, being 22 and 22A Shaw Street, located directly adjoining the site to the west.

Whilst the portion of Shaw Lane to west of the subject site physically exists, it is not a dedicated public road. The western portion of Shaw Lane directly adjoining the site, is legally known as Lot 22 and Lot 23 DP 1222081 and is in Council ownership. The subject site does not benefit from an easement granting right of way over Council land.

Legal vehicular access for the subject site and adjoining lots to the east, did exist prior to 2005, adjoining Bexley Road to the east, however this access was severed by the RMS as there was a history of traffic accidents at this corner with a clash between vehicles wanting to turn out from Shaw Street into Bexley Road and vehicles wanting to turn left off Bexley Road into Shaw Lane. Further, the RMS in conjunction with City Rail sought to improve pedestrian access to Bexley North Station from Shaw Street. As a result of the aforementioned, the RMS severed access from Shaw Street to the east into Shaw Lane.

Given the above, the proposal cannot be supported given the constraints of the site and the design of

the development with relies on vehicular access from the rear of the property. It is worth noting that the proposal in its current form provides building openings directly upon the common side western boundary with Council land and as such the development would not comply with the requirements of the Building Code of Australia with respect of fire separation.

The proposed development seeks to vary the maximum 16m height limit for the site to a portion of the rear top floor of the development by 0.455m (2.8%). A variation is also proposed to the maximum 2:1 FSR standard for the site, with the development comprising an FSR of 2.02:1, being 13.3sq/m (1.1%) in excess of that permitted. A Clause 4.6 Exceptions to Development Standards has been submitted by the applicant and is supported in this instance for the reasons discussed within this report. The overall height, bulk, scale and massing of the development is deemed to be satisfactory.

The proposal illustrates a deficiency on site with respect of 1 commercial car parking space, however should the proposal have been supported for approval, s7.11 car parking contributions could be levied.

The proposal does not accommodate a designated loading / unloading area on site for the proposed development, this is unsatisfactory.

The proposal was publicly notified in accordance with the requirements of Rockdale DCP 2011, a total of 17 submissions (16 opposing / 1 in support) were received by Council. Issues raised in submissions have been addressed in this report.

Given the issues associated with the subject site and proposed development, it cannot be stated that the site is suitable for the proposal in its current form. In this regard the proposal is recommended for Refusal.

Recommendation

1. That Development Application No. 2018/88 for the demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units, basement parking and loading at 16-20 Shaw Street, Bexley North, 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)(b) of the Environmental Planning and Assessment Act 1979, legal vehicular access to the site remains unresolved and the the proposal does not accommodate vehicular access to the site via a publicly dedicated road.

B) Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the development in its current form, given that the site does not benefit from a Right of Way over the adjoining western lots (22 and 23 of DP 1222081).

C) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with State Environmental Planning Policy 65 in respect of;

i) Principle 4 - Sustainability

- ii) Principle 5 - Landscape
- iii) Principle 6 - Amenity.

D) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with the Apartment Design Guide in respect of;

- i) 3D - Communal Open Space
- ii) 3E - Deep Soil Provision
- iii) 3F - Visual Privacy

E) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with the provisions and objectives of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

F) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.7 - Stormwater of Rockdale Local Environmental Plan 2011.

G) 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 area available on site for the loading and unloading of goods.

H) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the above matters, the proposed development is not in the public interest.

2) That the objectors be informed of the Bayside Local Planning Panel determination.

Background

History

20 April 2018

DA submitted to Council

3-23 May 2018

Public notification of proposal

16 May 2018

Applicant advised of Sydney Trains concerns of open balconies within 20m of railway line.

13 June 2018

Applicant advised of nil legal vehicular access to the subject site as a result of RMS road closure. Applicant requested to clarify legal access, seek further information from RMS and contact Councils Property Manager to ascertain whether a Right of Way / Easement can be granted over Council Land i.e. Shaw Lane. Council requests DA be withdrawn.

June - November

Applicant liaises with Council Project Officer in relation to obtaining easement over council lots or

potential purchase of lots and provision of alternative right of way for eastern neighbours. Negotiations remain unresolved.

17 October 2018

Council correspondence issued to applicant, again requesting DA be withdrawn given access issue and other concerns.

5 December 2018

Amended plans and information submitted to Council.

11 April 2019

Meeting with applicant to discuss way forward for DA in terms of access issue. Applicant suggests and would consider a Voluntary Planning Agreement as an option.

9 May 2019

Applicant advised via email that the mechanism to achieve an easement would be via a Voluntary Planning Agreement (VPA) in principle and that this is a separate process to the DA. Applicant requested to provide Council with a response by 24th May, in order to enable the DA to be processed.

27 May 2019

Given nil response from applicant, assessing officer follows up. Applicant via email requests further information of RMS road closure, this is provided again to the applicant. Applicant is advised that this DA will now be determined and recommended for Refusal.

Proposal

The proposed development seeks to undertake the demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units and semi below basement parking. The proposed development comprises as follows in more detail;

Semi Basement Level

18 car spaces (including 3 accessible and 1 dual carwash, loading and unloading bay), vehicular and pedestrian circulation areas, planter adjoining the north western boundary of the site to Shaw Lane, associated residential storage areas, bike racks, fire egress, residential and commercial garbage rooms, services, lift access, services and underground on site detention tank.

Ground Floor

Three (3) commercial premises fronting Shaw Street with awning along the front of the site. Retail space 3 wraps to Shaw Lane and setback to facilitate a walkway within the site. Hydrant booster with adjoining planter to Shaw Lane, fire exit and main residential entry with awning from Shaw Lane to the west. Units G01 & G02 whilst raised given the fall of the site to the rear form part of the ground floor. An accessible toilet, grease arrestor, service cupboards and residential storage cages are also proposed. Plans illustrate the removal of 8 existing pines to Shaw Lane to the west within Council land and replacement with 4 x small new trees in new path nature strip.

First Floor

Four (4) residential units (3 x 2 bed & 1 x 1 bed) with associated balconies and balcony planters. Central landscaped communal courtyard with void above, lift and stair access and service cupboards. The communal open space area incorporates an outdoor bbq area with kitchen sink and bench top,

fixed timber benches and planters with a range of planting to a height of up to 8m at maturity.

Second Floor

Three (3) residential units (1 x 1 bed / 1 x 2 bed / 1 x 3 bed) with associated balconies and balcony planters. Open communal circulation space provides lift and stair access and incorporates service cupboards.

Third Floor

Three (3) residential units (1 x 1 bed / 2 x 2 bed) with associated balconies and balcony planters. Open communal circulation space provides lift and stair access and incorporates service cupboards.

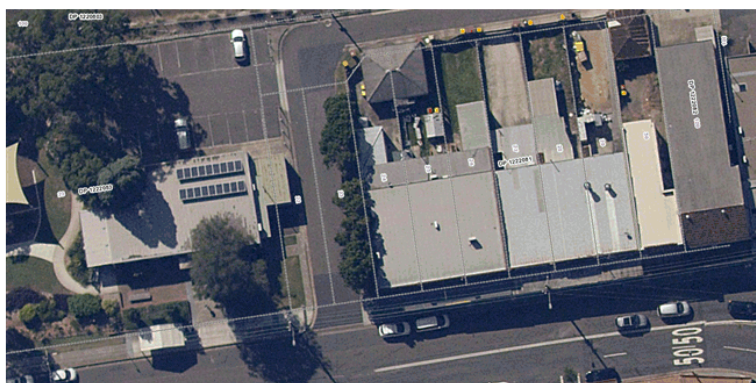
The proposal includes stormwater works on site and the provision of new vehicular access via Shaw Lane to the rear of the property.



Site location and context

The subject site is a rectangular shaped allotment with a splayed north western corner adjoining Shaw Lane. The site comprises 3 lots with a total frontage of 18.2m to Shaw Street and site area of 600.6sq/m. Nil trees exist on site, yet 8 pine trees adjoin the western boundary of the property, within Council land, known as Shaw Lane. The site is zoned B4 – Mixed Use and the site has a fall up to 3m towards the rear of the site. The site is occupied by three single storey shops with associated garaging and outbuildings.

Existing vehicular access is via Shaw Lane to the rear of the site. Whilst Shaw Lane physically exists in an L shape configuration, the portion of Shaw Lane directly adjoining the site to the west is not a dedicated public road and legally known as Lots 22 and 23 DP 1222081. These lots are in Council ownership, are not burdened and are also zoned B4 - Mixed Use with a maximum permissible height of 16m and 2:1 FSR applicable. These lots have an approximate frontage of 12m and site area of approximately 360sq/m.



Aerial with Lot & DP information

The subject site does not benefit from an easement granting right of way over Council land. It is noted that legal vehicular access did exist a number of years ago adjoining Bexley Road to the east i.e. 2005, however this access was severed by the RMS as there was a history of traffic accidents at this corner with a clash between vehicles wanting to turn out from Shaw Street into Bexley Road and vehicles wanting to turn left off Bexley Road into Shaw Lane. It is understood that the RMS in conjunction with Sydney Trains sought to improve pedestrian access to Bexley North Station from Shaw Street, which was another reason that access into Shaw Lane was closed.



Pre 2003 Road Network



Current context & Road Network

Directly adjoining the site to the east are a number of single storey shops, opposite the site are two storey buildings with commercial at ground and residential above. Further to the east on the opposite side of Bexley Road is a 5 storey mixed use development with ground level commercial and upper level residential. Further to the south west exists a Council car park and number of shops, with residential components above, these building forms are generally up to 5 storeys in height.

The site is located within close proximity to the railway line to the rear and Bexley North railway station. To the west opposite Shaw Lane is Bexley North library and Shaw Street Reserve, which comprises a children's playground. Further to the west / south west are a mix of residential dwellings, primarily single and two storey detached houses, with isolated instances of 1 x 3 storey older style flat building and a townhouse development.

At the Shaw Street frontage of the site a power pole, public seat / bench, gas and electrical connections exist. The subject site slopes up to 3m to the rear and also has a cross fall from west to east of up to 1m.

The immediately surrounding commercial area within Bexley North is not as yet developed to its full potential as permitted by the current planning controls.

The subject site is affected by;

- Railway Line to the north opposite Shaw Lane to the rear
- 45.72m Building Height Civil Aviation Regulations
- Class 5 Acid Sulfate Soils
- Active Street Frontage

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S4.15 (1) - Matters for Consideration - General**S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 866591M_02. The commitments made result in reductions in energy and water consumption. The proposal complies with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007**Clause 85 - Development adjacent to rail corridors**

This clause applies to development on land that is in or adjacent to a rail corridor, if the development:

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is located adjacent, within a 6m distance, boundary to boundary, of an existing railway corridor to the rear of the site.

The proposal was referred to Sydney Trains as it was considered that the development had the potential to result in an adverse effect on rail safety as stated in (a) above, particularly given the proposed edge of residential balconies to the rear of the site, which are positioned 9.2m from the edge of the existing railway line.

Sydney Trains did not raise objection to the proposal, subject to the imposition of specific conditions of consent in relation to the following matters, should the proposal have been supported for Approval.

- i) Noise and Vibration*
- ii) Stray currents and Electrolysis from Rail Operations*
- iii) Geotechnical and Structural Stability and Integrity*
- iv) Building, Balconies and Window Design (i.e. balcony enclosures)*
- v) Derailment Protection of Structures*
- vi) Use of Lights and Reflective Materials*
- vii) Demolition, Excavation and Construction Impacts*
- viii) Crane and other Aerial Operations*
- ix) Scaffolding.*

Clause 87 - Impact of rail noise or vibration on non rail development (for residential

development)

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

Whilst not directly adjacent, the rear boundary of the subject site is located 6m from the existing railway corridor, as such the provisions of 1(a) above are deemed to apply.

The proposal was accompanied by an Acoustic Report, dated 18/12/2017 and prepared by Renzo Tonin & Associates. The report considered the potential impact of rail noise and vibration on the proposed development and provided recommendations, which if imposed would ensure compliance with the relevant requirements of this clause.

Should the proposal have been supported for approval, conditions could be imposed to ensure the development is appropriately acoustically ameliorated.

Clause 45 - Works within the vicinity of electricity infrastructure

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure, being power poles and lines at the Shaw Street frontage of the site. In accordance with clause 45(2) written notice was provided to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risk. Accordingly, the proposal was referred to Ausgrid, who raised no objections to the proposed development subject to the imposition of standard conditions of consent should the proposal be supported for approval.

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. Adjoining the site to the west are a total of eight (8) pines trees within council land, which whilst proposed to be retained, are located within close proximity to the proposed basement excavation which is directly upon the western boundary of the subject site.

Excavation as proposed is likely to adversely impact upon the root system of the existing pine trees.

The applicant has not submitted an Arboricultural Impact Assessment report addressing this issue nor have the provisions of this SEPP been considered in the submitted SEE.

As such, concern is raised in relation to the health and stability of the aforementioned trees given the proposed development. Given the aforementioned, it cannot be stated that the proposal satisfies the requirements of the SEPP.

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

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

following:

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

The proposal was referred to the Design Review Panel as a Pre DA in August 2017. Feedback from the DRP was incorporated into final revised plans and subsequently submitted as a DA to Council. The DA plans were reviewed by the DRP on 19 June 2018.

The Panel generally supported the application subject to the resolution of the vehicular access issue and minor amendments to the design.

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 Neighborhood Character

"The Panel consider the submitted documentation had taken into account the contextual two storey built commercial buildings in the precinct and supported the design approach that has been adopted. In particular the curved form of the lower two storey structure together with the sensitive design resolution which provided for pedestrian access to the residential components of the building was supported by the Panel."

Comment: The subject site is zoned B4 Mixed Use and located within the Bexley North Town Centre. The subject site is the first redevelopment proposed, within a local strip of commercial properties, which are similarly zoned, yet remain undeveloped to their full potential. Current planning controls permit shop top housing developments to a height of 16m and with an FSR of 2:1, this can accommodate 5 storey developments.

The proposed development seeks to provide a building form which is sympathetic in its overall mass, scale and setbacks to the nature of existing building forms within the local neighborhood centre. The proposal provides an appropriate and well resolved design response to all street frontages, given its corner location.

The proposal presents as a street wall periphery development for a height of three storeys to Shaw Street and Lane, with the top level recessed from Shaw Street and Shaw Lane in order to reduce the visual prominence, bulk and scale of the development.

The design of the proposed building form is considered to achieve the future desired character of the local commercial centre, as envisaged by the current planning controls, is contextually appropriate and does not result in unreasonable adverse built form or design impacts to neighbouring properties.

The DRP raised no objection to the proposed building form as designed with respect of context and neighborhood character. The proposal is satisfactory with regards to this principle.

Principle 2 – Built Form and Scale

The DRP supported the proposal in relation to this principle.

Comment: The design of the proposal facilitates a pattern of built form that has regard to adjoining lots to the east, which are not as yet developed to their full potential. The proposal is consistent with the desired future character of the Bexley North Town Centre in terms of its overall bulk and scale, noting a minor variation to the height and FSR standards of the site.

The scale, footprint and mass of the development fits appropriately within the existing local centre. The proposed development is consistent with the scale & density of development anticipated by the planning controls. The proposal is satisfactory in regards to this principle.

Principle 3 – Density

The DRP supported the proposal in relation to this principle and considered the density appropriate.

Comment: The proposal seeks a minor variation to density, this is further detailed within Clause 4.6 of this report. The proposal is deemed to be satisfactory with regards to this principle.

Principle 4 - Sustainability

The Panel noted that there are further unaddressed opportunities for sustainability initiatives in the design above and beyond those required by BASIX, in particular solar energy generation and rainwater harvesting.

Comment: The aforementioned remains unresolved. It cannot be confidently stated that the proposal satisfied this principle.

Principle 5 – Landscape

The Panel notes the applicant has provided for several improvements in to the Landscape, in particular within the communal open space.

The Panel however notes the following with regards to the landscape:

- *Inaccuracies within the plant schedule including incorrect plant sizing's and missing species*
- *The landscape in the communal open space provides for minimal verticality and no exploration of green walls, climbers on trellis or tall, thin, linear planting has been provided in this area*
- *The large tree proposed to the center of the communal open space is not considered to be a suitable species in this location and typically grows to 12-15 meters tall. The plans does not have confirmation of the size of the proposed planter, in particular proposed soil depth, to support a large tree. It is recommended to revise the selection to a medium sized tree*
- *The Landscape Plan has several deficiencies including an inaccurate planting schedule and repeated inclusion of one species of plant which is a weed species in NSW. The trailing groundcover, Aptenia cordifolia, should be replaced with a more appropriate species*

Comment: Revised landscape plans were submitted to Council, these have been reviewed by Councils Landscape Architect whom noted that whilst some of the issues raised by the DRP have been resolved, concerns remain in relation to the size, design, detail and location of the proposed COS area.

The assessing officer and Councils Landscape Architect are of the view that both the deep soil and communal open space areas proposed on site can be significantly improved. Refer to discussion below within 3D - Communal Open Space and 3E - Deep Soil Planting. The proposal in its current form is unsatisfactory and does not satisfy this principle.

Principle 6 – Amenity

The Panel notes the following amenity issues:

- *Apartment 203 (1B) has a narrow access width between the interior wall and the proposed laundry, this should be widened to provide better internal access*
- *Overlooking from terrace areas to each Foyer level into the living rooms of apartments should be addressed to provide screening and privacy from the communal areas.*
- *The panel notes that the rear balconies may need to be provided with some form of screened enclosure due to the proximity to the railway line, and while this may technically increase the gross floor area any such additions are not considered to be significant.*

Comment: The issues raised above by the panel have not been resolved in amended plans. Additionally, the assessing officer raises the following concerns which have the potential to result in adverse amenity impacts;

- The lack of a designated loading / unloading area on site for removalist vans and / or commercial premises.
- Lack of solar access to communal open space areas on site.
- Deficient communal open space provision on site.
- Visual and acoustic privacy concerns with respect of residential entries and kitchen windows to units 104 and 101 which adjoin or are accessed via the communal open space area at level 1.
- Lack of facilities and poor design to communal areas on site.
- Insufficient information with respect of building access and security measures.
- Overlooking into the corridor of unit 203 at level 2 via communal terrace / foyer.

The above matters require further resolution and as such it cannot be stated that the proposal satisfies this principle.

Principle 7 - Safety

The DRP supported the proposal in relation to this principle.

Comment: Car parking areas on site are proposed to be secured with a perimeter security gate. Should the proposal have been supported, conditions in relation to the provision of appropriately designed lighting and CCTV surveillance could be imposed, to enhance the sense of security on site.

Principle 8 - Housing Diversity and Social Interaction

The DRP supported the proposal in relation to this principle.

Comment: The proposal provides for a varied range and size of units within the development in an accessible area close to public transport and facilities, and is capable of accommodating a varied

demographic and different household types. The proposal provides communal facilities on site which are designed to encourage social interaction. The assessing officer is supportive of the proposal in regards to this principle.

Principle 9 – Aesthetics

The panel considers *"the resulting design form provides for a very well resolved design layout and building articulation. The Panel is also highly supportive of the significant area of glazing to the ground floor which has the potential to contribute positively to the streetscape by allowing extensive views into the ground floor tenancies."*

Comment: The proposal incorporates a varied palette of colours and materials to including but not limited to face brick, painted render, clear glazing and aluminium framed windows / doors. Materials proposed are satisfactory, and the aesthetic design of the proposal is well resolved.

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	PROPOSAL	COMPLIES
3D - Communal Open Space	25% Site Area (150sq/m) 50% (75sq/m) COS to receive 2 hours solar access in midwinter between 9am - 3pm	86sq/m COS area <2 hours solar access in midwinter	No - 64sq/m deficient. Refer to discussion below.
3E - Deep Soil Zone	7% (42sq/m) Site Area	5.8sq/m (0.7%)	No - refer to discussion below
3J - Bicycle and Car Parking	<i>RMS Guide to Traffic Generating Development</i> (site within 800m Bexley North Railway Station) Residential = 11 spaces Visitor = 3 spaces	11 residential 3 visitor	Yes
4D – Apartment size and layout	Apartment type	1 bed = 56.2sq/m - 62.7sq/m 2 bed = 73sq/m - 93.6sq/m 3 bed = 106.9sq/m	Yes
	Min internal area		
	1 bedroom		
	2 bedroom		
	3 bedroom		

4C – Ceiling heights	Minimum ceiling heights:			Ground & First Floor 3.3m floor to ceiling height Upper levels Habitable 2.7m / Non Habitable 2.4m	Yes Yes
	Habitable	2.7m			
	Non-habitable	2.4m			
	Mixed use area	3.3m for ground and first floor			
3F Visual Privacy	Building height	Habitable rooms and balconies	Non habitable rooms	8.76m separation to all levels	No - refer to discussion below.
	Up to 12m (4 storeys)	6m	3m		
	Up to 25m (5-8 Storeys)	9m	4.5m		
4A – Solar and daylight access	Living rooms + POS of at least 70% (9 of 12) of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter Max 15% (2 of 12) apartments receive no direct sunlight b/w 9am & 3pm mid-winter			83% (10 of 12) units receive sufficient solar access 17% (2 of 12) do not receive direct sunlight in midwinter	Yes No - minor variation not unreasonable
4F – Common circulation and spaces	Max apartments off a circulation core on a single level is eight.			<8 units off a single core	Yes
4E – Private open space and balconies	Dwelling type	Minimum area	Minimum depth	All units provided with minimum balcony sizes as required by the ADG.	Yes
	1 bed	8m²	2m		
	2 bed	10m²	2m		
	3+ bed	12m²	2.4m		
4B – Natural ventilation	Min 60% (8 of 12) of apartments are naturally cross ventilated Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.			83% (10 of 12) units are naturally cross ventilated 13.2m max building depth	Yes Yes
4G – Storage	Dwelling type		Storage size volume	Suitable internal storage provision, with additional proposed in basement level.	Yes
	1 bed		6M²		
	2 bed		8m²		
	3 bed		10m²		

Non Compliance**3D - Communal Open Space**

As per the provisions of this part, an area 150sq/m in size on site is to be provided as communal open space for the proposed development. Additionally this COS area is to receive a minimum of 2 hours of solar access in midwinter between the hours of 9am - 3pm.

As designed, plans illustrate the provision of an 86sq/m COS area at level 1. This area is 64sq/m deficient of the minimum required. Given the design of the proposed development and location of the proposed COS area, less than 2 hours of solar access is achieved to this communal space in midwinter.

Notwithstanding the arguments of the applicant i.e. park is located nearby, seating / bbq facilities are proposed and that larger balconies are provided to residential units, the assessing officer is of the view that the design, detail, size and location of the proposed COS area is unsatisfactory and can be significantly improved. Concerns of the assessing officer include but are not limited to the following matters;

- COS area is undersized
- COS area adjoins the front doors and kitchen windows of units 101 and 104.
- Excessive hard paving is proposed.
- Nil weather protection is provided,
- Lack in variation of spaces for residents.
- Levels to top of walls are inaccurate. i.e. Finish level is 17.885, top of walls 22.90. Wrong RL for level 1.
- No inclusion of BBQ canopy or pergola to maximize the use of common area.
- Circulation within common area is constrained by proposed circular pots.

Given the above, the proposed non compliance with respect of communal open space provision on site is not supported.

3E - Deep Soil Zone

The proposal has not sought to maximize deep soil planting on site, nor accommodate the minimum required by the ADG. A total of 4.7sq/m being 0.7% of a 600.6sq.m site is proposed as deep soil planting. This is a significant variation to the minimum 7% (42sq/m) required by the provisions of this part.

The applicant argues that the site is a constrained lot and that the central courtyard provides superior amenity including landscaping and vertical climbers.

The assessing officer is of the view that the minimum deep soil planting provision required, could be accommodated on this site, should the basement foot print of the development be reduced and located within the building footprint of the development.

The inclusion of an additional part basement level on site would enable the provision of all required carparking on the property, including bicycle and motorbike, facilitate the provision of a loading /

unloading area and enable additional deep soil planting within the rear portion of the site.

Provision of additional deep soil within the rear of the site, would enable the planting of trees which would assist in providing amenity to those units fronting the rear lane and railway line to the north.

Given the unacceptable level of deep soil planting proposed and considering there are design solutions to maximize deep soil planting on site, the variation as proposed is not supported.

3F - Visual Privacy

As designed the proposal illustrates a reduced building separation of 8.76m on site in lieu of that required by the ADG.

Documents and plans as submitted illustrate as follows, which gives rise to concerns in relation to visual and acoustic privacy.

- Overlooking from terrace areas to each foyer level into the living rooms of apartments should be addressed to provide screening and privacy from the communal areas.
- Visual and acoustic privacy concerns with respect of residential entries and kitchen windows to units 104 and 101 which adjoin or are accessed via the communal open space area at level 1.
- Overlooking into the corridor of unit 203 at level 2 via communal terrace / foyer.

The above matters require further resolution and as such it cannot be stated that the proposal complies with this requirement, nor that the reduced building separation on site is satisfactory.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes
4.3 Height of buildings	Yes - see discussion	No - see discussion
4.4 Floor space ratio - Bexley North	Yes - see discussion	No - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	No - see discussion	No - see discussion
6.11 Active Street Frontages	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. The proposal comprises commercial premises and shop top housing which are permissible uses within the subject zone with consent. The proposed development is consistent with the objectives and requirements of the B4 zone.

4.3 Height of buildings

The subject site benefits from a maximum height of 16m. The proposal illustrates a maximum height of;

- a) 33.389RL top lift overrun (15.88m height)
- b) 32.455RL parapet / metal roof sheeting on insulation (16.455m - northern rear top floor of development only. i.e. units 303 / 302 only). The remainder of building height is compliant with the standard.



As evident from the above, the proposed development illustrates both compliance and variations to the height limit applicable. This is a direct result of the natural topography of the site and the design of the proposed development. The above represents a 2.8% variation to the height standard, for a small portion of the development as proposed.

The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed exceedance. The above has been addressed within Clause 4.6 of this report.

4.4 Floor space ratio - Bexley North

The subject site benefits from a maximum 2:1 FSR, this equates to a maximum gross floor area of 1201.2sq/m. The proposal illustrates a gross floor area of 1,214.5sq/m, this equates to an FSR of 2.02:1 and is a proposed excess of gross floor area of 13.3sq/m across the site. The proposal seeks to therefore provide a 1.1% variation to the FSR standard.

Further to the above, given the proximity of the subject site from the Railway Line, should the proposal have been supported for approval, Sydney Trains would require that north facing balconies to eight (8) units within the development be enclosed or screened, for safety reasons. It is noted that this could be undertaken in various ways, including the provision of louvres which are unable to be fully closed, and in accordance with the decision of Haralambis Management Pty Ltd v Council of the City of Sydney (2013) NSWLEC 1009, balconies of which the walls are not external should not be included in the calculation of GFA.

The applicant has been advised of Sydney Trains position regarding the north facing balconies, however has not provided further detail to confirm how this issue can be resolved. Depending on how the applicant addresses this matter, balconies may or may not constitute additional gross floor area and FSR.

Notwithstanding the above, the applicant has submitted a clause 4.6 variation to development standard in relation to the proposed 13.3sq/m exceedance which falls within the existing building footprint. The above has been addressed within Clause 4.6 of this report.

4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and*
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.*

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.*

- 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*
- 5(b) the public benefit of maintaining the development standard.*

Consideration has been given to a number of Land & Environment Court judgement in the assessment of the application, which specifically relate to variations of development standards.

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 (Wehbe), the Land and Environment Court set out 5 different ways in which an objection to a development standard may be well founded.

Consideration has also been given to the Land and Environment court judgement *Four2Five v Ashfield Council* [2015] NSWLEC 90 where it was established that justification was required in order to determine whether the development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of the development standard. Consideration is to be given to the particular site circumstances of the proposal.

Finally, consideration has further been given to *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, which seeks to ensure that the applicants request adequately addresses clause 4.6 and whether the proposed contravention is in the public interest.

A. Building Height

As stated within Clause 4.3 Height of Buildings, the proposal seeks to vary the 16m height standard applicable to the subject site. The proposal illustrates a partial variation to the height limit on site by 0.455m to the northern rear top floor of the development only. i.e. units 303 / 302. The remainder of the development complies with the height standard. This represents a 2.8% variation to the height standard, for a small portion of the development as proposed.

A summary of the key arguments of the applicant's clause 4.6 arguments in respect of the height development standard are as follows;

- *The proposal is generally in accordance with the 16m height limit, with the exception of Level 3 which provides a minor encroachment, generally as a result of the topography of the site. Level 3 provides residential accommodation, which fronts Shaw Lane, to the rear. As this setback fronts Shaw Lane which directly overlooks Bexley North train station, the impact in terms of the minor encroachment is considered minimal, having regard to the adjoining land uses.*
- *The minor area which encroaches upon the permitted height limit is as a result of the*

difference in levels. To ensure adequate floor to ceiling heights are provided for the rear apartments and to maximize the amenity provided to the residential dwellings within the proposal, having regard to the slope of the land, a minor encroachment results. To ensure adequate residential accommodation is provided in addition to providing active ground floor retail spaces, as prescribed by Clause 6.11 of the LEP, variation to the development standard relating to height is proposed.

- *The non-conforming section, at its closest point, is set back 3m from the boundary to Shaw Lane. The primary frontage, to Shaw Street, provides a height compliant with the development standard. However, as a result of the topography of the site, which falls away from Shaw Street, a minor-non-compliance occurs to the rear.*
- *The minor non-compliance allows for an appropriate transition between the built form and the natural ground level afforded to the site.*
- *The highest point of the building is located to the rear of the site which fronts Shaw Lane and directly adjoins Bexley North rail corridor.*
- *The proposed height is a derivative of the fall of the land from the south (Shaw Street) to the north (Shaw Lane). This is evidenced by the elevation fronting Shaw Lane (northern elevation), which demonstrates that only a minor portion of the building extends beyond the maximum height limit, when viewed from Shaw Lane.*
- *The Shaw Street Streetscape Elevation which accompanies the architectural package, demonstrates that when the development is viewed from Shaw Street, the form cannot be seen, as it is consistent with the fall of the land. Therefore, the proposed development will not appear adversely in terms of the bulk and scale when viewed from both the surrounding street frontages.*
- *The built form which extends beyond the permitted height generally consists of awnings, metal cladding and brick materials provided for the façade. No openings are provided within the non-complying area and therefore, will result in limited impact on neighbouring properties.*
- *The design approach was supported by the Design Review Panel, as it had taken into consideration the contextual form of the two storey, brick, commercial buildings in the precinct.*
- *The upper levels of the development have been recessed to ensure that the bulk and scale of the proposed development does not dominate the skyline and provides a built form outcome that is sympathetic to the surrounding retail uses.*
- *The curved form of the lower two storeys, together with the sensitive design resolution of pedestrian access to the residential components of the building, was supported. A walkway is provided along the western elevation which provides access to the rear of the retail shops and to the residential component of the development, which is clearly defined from retail access, accessed from Shaw Street.*
- *The non-compliant element of the built form is north facing and therefore reduces the risk of overshadowing to neighbouring properties & will not impact the neighbouring park, Shaw Street Reserve.*
- *The proposed height, whilst non-compliant, is generally consistent with existing development surrounding the site and is of a scale that is not so out of proportion with the expectations of building height moving forward, such as to warrant refusal of the application.*

The applicants written request is satisfactory in regard to addressing clause 4.6(3). Following a review of the application, it is considered that the height variation as proposed is acceptable for the following reasons:

- a) The natural topography of the site is as such that the site falls to the north (rear) up to 3m. The ground floor level of the development has been designed so as to be as close to natural existing ground level

as possible to the Shaw Street frontage of the site, to provide an appropriate public domain interface within the Bexley North Town Centre.

Given the topography, the ground floor level within the rear portion of the site is designed to function as a carparking area, resulting in the building being raised up to 3m above existing ground level. The design of the proposal seeks to respond to the topography and constraints of the site and as such a minor breach of the height standard arises. The height breach is directly correlated to the topography of the site.

- b) The proposal is consistent with the objectives of Clause 4.3 – Height of Buildings of Rockdale LEP 2011, in that the development is a high quality urban form & retains appropriate sky exposure and solar access to neighbouring properties. Furthermore, the height of the proposal is not inconsistent with the aims of the Building Height control as referred to within the Apartment Design Guide.
- c) The additional height proposed is positioned to the rear of the site, is minor in its extent and does not result in detrimental environmental planning outcomes to neighbouring properties. The predominant building envelope complies with the standard & the proposed development reflects the likely building form and streetscape presentation that will be provided by future developments within the subject street block, as future developments are to be designed to acknowledge the fall of the land.
- d) The proposed additional height does not add to the overall bulk or scale of the building given its design. The proposed extent of height non compliance to the building is not considered to result in a size or scale of development that is incompatible with the desired future character of the locality.
- e) The proposal is consistent with the objectives of the zone, providing redevelopment of a site located within a highly accessible location. The proposed development responds to the future desired character as envisaged by the applicable planning controls.
- f) The site has the capacity to accommodate increased height without having an adverse impact on the streetscape or amenity of adjoining properties. The height proposed allows for an appropriate and sustainable density to be achieved which reflects the site location.
- g) The proposed development is a high quality mixed use building that is well articulated using architectural elements, varied setbacks and materials to ensure that the development contributes positively to the existing and future desired streetscape character.

Given the above, the flexible application of the Height standard is not inappropriate in this instance.

The written submission provided by the applicant in relation to the proposed height variation is satisfactory in the context of Clause 4.6. The height variation does not create an undesirable outcome, the objectives of clause 4.3 and 4.6 have been met and the proposal is deemed to be in the public interest, given the public benefit of orderly development of the site outweighs strict adherence to the numeric standards presented by the height control of RLEP 2011. The height development standard is deemed unreasonable and unnecessary in this instance for the reasons noted above and there are sufficient environmental planning grounds in which to justify the contravention of the height standard for the site.

B. Floor Space Ratio

The subject site benefits from a maximum 2:1 FSR, this equates to a maximum gross floor area of 1201.2sq/m. The proposal illustrates a gross floor area of 1,214.5sq/m, this equates to an FSR of 2.02:1 and is a proposed excess of gross floor area of 13.3sq/m across the site. The proposal seeks to therefore provide a 1.1% variation to the FSR standard, this does not include any further exceedance which may arise, as a result of balcony enclosures to north facing balconies as a result of Sydney Trains requirements.

A summary of the key arguments of the applicant's clause 4.6 arguments in respect of FSR are as follows;

- *The area which represents the non-compliance is minor and, as such, will not provide substantial area to result in the provision of one or more additional units, the non-compliance is acceptable.*
- *The additional area, will ensure the amenity of the inhabitants is not compromised as a result of a numeric control. This area will contribute to providing sufficient apartment sizes and services for the development.*
- *Whilst a non-compliance will result, it is acceptable in this instance as the proposed FSR still results in a development which is compatible with the emerging scale of development in close proximity to the site.*
- *The proposal is consistent with the objective of the B4 Mixed Use zone*
- *The proposal provides a mixture of residential and retail land uses that are compatible with each other and with the context of the surrounding site*
- *The retail uses proposed will continue to assist in local economic development, while providing residential accommodation. The proposal is designed to be of a form, scale and character that are consistent with both the existing and emerging character of surrounding development, within the vicinity of the site.*
- *Non-compliance does not result in adverse impact to neighbouring properties, particularly in terms of bulk, scale and overshadowing.*
- *The proposal will not set a precedent for future cases, as the impact of the non-compliance is limited and without compromise to neighbouring properties, nor the streetscape appearance surrounding the site.*
- *The scale of development is generally consistent with built form directly adjoining the subject site and, aside from the height and FSR non-compliance, is consistent with the prescribed planning controls, achieving a positive outcome, consistent with the desired future character of the area.*
- *The impacts in terms of the proposed FSR whilst providing additional area than that prescribed by the control, provides residential accommodation, whilst also maintaining retail development, in a highly accessible location to both train and bus services.*
- *The location of the floor area, which is contributing to the height non-compliance, is located to the rear of the site, adjoining Shaw Lane, to reduce its visual appearance.*
- *The proposal is in the public interest, as it will provide a better quality outcome in design terms, as well as underpinning the commercial/retail viability of the proposal, and supplying residential accommodation for people who live and work in the area.*

The applicants written request is satisfactory in regard to addressing clause 4.6(3). Following a review of the application, the FSR variation as proposed is acceptable for the following reasons:

- a) Although the proposal exceeds the maximum density permitted on the subject site the resulting height, bulk, scale, mass, form and public domain response of the development as proposed is entirely

consistent with the future desired character of area as envisaged by the relevant planning controls. Furthermore the subject site is of a depth which facilitates and accommodates the proposed building footprint without resulting in adverse environmental impacts to neighbouring properties.

b) The proposal is consistent with the following and is in the public interest:

- i. Objectives of SEPP 65,
- ii. Aims of Part 2D – Floor Space Ratio of the Apartment Design Guide.
- iii. Objectives of the B4 – Mixed Use zone.
- iv. Objectives of Clause 4.4 – FSR

c) Apartment layouts as designed maximize solar access, cross ventilation and outlook to optimize internal amenity for future occupants.

d) The size of the numerical departure does not materially add to the bulk and scale of the built form or footprint. Removing the non compliance would not significantly alter the perceived scale or density of the development when viewed from the public domain or surrounding development.

e) The proposed built form has been designed to complement existing building forms within the Bexley North Town Centre. The proposal provides visual interest through vertical and horizontal modulation and incorporates a two storey parapet which is sympathetic to existing shopfronts.

f) The site is proportioned to allow the efficient realization and internalization of the impacts of the additional floor space without an adverse visual impact or perceived built form dominance.

g) The proposed development will not set an undue precedent given the circumstances of the site and development as noted above.

Given the above, the provisions of clause 4.6(4) have been achieved and that the clause 4.6 is well founded.

The FSR & Height standard in the circumstances of this case are considered to be unreasonable and unnecessary and the proposed variations are supported on the basis of the above by the assessing officer.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD.

6.2 Earthworks

The proposal involves excavation within the site to accommodate the basement level. The impacts of the proposed earthworks have been considered in the assessment of this proposal. Should the proposal have been supported, conditions of consent to minimise the impact of earthworks could be imposed.

6.4 Airspace operations

The subject site is affected by the 90AHD Obstacle Limitation Surface (OLS). The proposed maximum building height is at 33.389AHD and in this regard the proposed development will have minimal adverse impact on the OLS and is hence acceptable with regards to this clause.

6.7 Stormwater

Councils Development Engineer has advised that the proposed stormwater system is not supported by Council for the following reasons;

a) The basement stormwater drainage system is subject to stormwater runoff overflow before the runoff is directed to the laneway kerb. This issue may result in the basement being inundated due to pipe blockages.

The above issue requires resolution. Given the aforementioned, it cannot be stated that the proposal satisfies the requirements of this clause.

6.11 Active Street Frontages

Plans illustrate the provision of three (3) commercial tenancies fronting Shaw Street with the western most tenancy wrapping the corner to Shaw Lane. The proposal as designed appropriately activates the frontage of the site within the Bexley North local neighbourhood centre and satisfies the provisions of this clause.

6.12 Essential services

Services will generally be available on the site. The proposal is satisfactory with regards to this clause.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	No - see discussion	No - see discussion
4.1.3 Water Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
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
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
4.4.5 Acoustic privacy	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 - Shops	No - see discussion	No - see discussion
4.6 Car Park Location and Design	No - see discussion	Yes - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes - see discussion
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.6 Basement Parking - Residential Flat Buildings	Yes	Yes
4.6 Access to Parking	No - see discussion	No - see discussion
4.6 Design of Loading Facilities	No - see discussion	No - see discussion
4.6 Car Wash Facilities	Yes	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes
4.7 Air Conditioning and Communication Structures	No - see discussion	No - see discussion
4.7 Waste Storage and Recycling Facilities	No - see discussion	No - see discussion
4.7 Service Lines/Cables	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	No - see discussion	No - see discussion
5.2 RFB - Lift Size and Access	Yes	Yes
5.3 Mixed Use - Front Setbacks	Yes	Yes - see discussion
5.3 Mixed Use - Side Setbacks	Yes	No - see discussion
5.3 Mixed Use - Rear Setbacks	Yes	Yes
5.3 Mixed Use - Ground Level Uses	Yes	Yes
5.3 Mixed Use - Retail	Yes	Yes - see discussion
5.3 Mixed Use - Ground Floor Articulation	Yes	Yes
5.3 Mixed Use - Access to Premises	Yes	Yes
5.3 Mixed Use - Visual Connections	Yes	Yes - see discussion
5.3 Mixed Use - Awnings	Yes	Yes
5.3 Mixed Use - Secured Access to Parking	Yes	Yes - see discussion

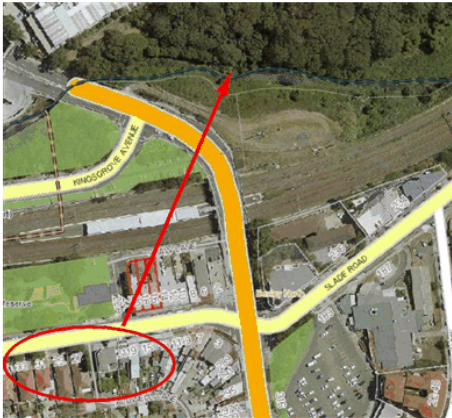
4.1.1 Views and Vista

The applicants Statement of Environmental Effects has not undertaken an assessment of potential view loss impacts.

It is noted that a submission received during the public notification period details potential loss of district views to the *'escarpment and Illoura Reserve, for residents of 17-33 Shaw Street'*.

The level of existing views from the buildings referred to on the above sites by the objector is unclear as nil photographic evidence was submitted to Council and access to these properties was not possible. Additionally it is unclear what rooms and windows these alleged views are from.

Notwithstanding, the above, it is noted that the commercially zoned properties within the Bexley North town centre are zoned to permit a height of between 16m - 19m dependent on the site area of a development site. As such there is likely to be some loss of district views at a future time.



Properties referred to by objector and potential views to north east

4.1.9 Lot size and Site Consolidation - Mixed use

The provisions of this clause require a minimum frontage width of 18m for mixed use development of 4 or more storeys. The subject site comprises a frontage of 18.25m to Shaw Street and 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 require that 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. Given the orientation of the site, the commercial nature of the local centre and shadow diagrams submitted with the proposed development, it is evident that the proposal ensures a minimum of 3 hours of solar access is provided to neighbouring properties in midwinter. The proposal satisfies and complies with the requirements and objectives of this clause.



Midwinter shadow diagrams

4.4.4 Glazing - General Controls

The proposed development provides appropriate sun protection/shading devices during summer for glazed areas facing north and west, including the use of eaves.

4.4.5 Acoustic privacy

Plans indicate the provision of a minimum 3.085m floor to floor height, which will ensure appropriate acoustic amenity is retained between inter tenancy units within the development. An Acoustic Report prepared by Renzo Tonin & Associates dated 18 December 2017, further confirms that the proposed

development can be designed to achieve appropriate internal acoustic levels for future occupants.

Given the above, the proposal is considered to be consistent with the objectives and requirements of this clause.

4.5.1 Social Equity - Housing Diversity and Choice

The proposal is required to provide the following unit mix as per the provisions of this clause.

<i>Control</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Complies</i>
10% - 30% Studio – 1 bed	2 - 4	3 x 1 bed	Yes (25%)
50% - 75% - 2 bed	6 – 9	8 x 2 bed	Yes (66.6%)
10% - 20% - 3 bed	2 - 3	1 x 3 bed	No (8.4%)

The proposal indicates a minor non compliance with regards to the provision of 3 bedroom units on site. Notwithstanding the above, the proposal provides for a varied range and size of units within the development in order to cater for a varied demographic and different household types. As such the proposed development satisfies the objectives of the requirement and is satisfactory in this regard.

4.5.2 Social Equity - Equitable Access

As per the provisions of this clause a minimum of 10% (2) of the residential units within the development are to be provided as adaptable dwellings. Documents submitted indicate that units 101 & 203 (1 bed) are provided as accessible units.

Plans indicate the provision of level ramped walkways, lifts and accessible car parking spaces on site, in order to ensure appropriate access for persons with a disability / mobility impairment is provided.

The proposal is satisfactory in this regard and complies with the provisions of this clause.

4.6 Parking Rates - Shops

Commercial car parking on site has been assessed as follows;

<i>Proposal</i>	<i>DCP Requirement</i>	<i>Proposed</i>	<i>Complies</i>
Retail	5 spaces	4	No - 1 space deficient
Motorbike	2 spaces (1 commercial / 1 residential)	0	No - 2 spaces deficient
Bicycle	3 (1 commercial / 2 residential)	2	No - 1 space deficient

The proposal illustrates a deficiency of 1 commercial car parking space on site. It is noted however that should the proposal have been supported for approval, s7.11 car parking contributions are payable for this deficiency and the proposal could have been appropriately conditioned.

Current 2018-2019 contributions for a car parking space within Bexley North are currently \$24,647.61.

This amount increases to \$25,023.16 per car parking space as at 1 July 2019.

Further to the above, the proposal remains deficient with respect of motorbike and bicycle parking, yet again, should the proposal have been supported for approval, this matter can be resolved via appropriate conditions.

Given the above however, it cannot be stated that the proposal complies with the requirements and objectives of this clause.

4.6 Car Park Location and Design

The location of the proposed parking is not unreasonable, however as previously discussed in this report, legal vehicular access to the site remains problematic and the proposal comprises a shortfall in visitor, motorbike, bicycle parking and designated loading / unloading areas on site.

Given the above, it cannot be stated that the proposal complies with the following objectives of this clause;

A. To provide sufficient, convenient and safe on-site car parking while encouraging alternative modes of transport, such as walking and cycling

D. To ensure adequate egress and ingress to the site and parking facilities.

4.6 Vehicles Enter and Exit in a Forward Direction

The semi basement level has been designed to enable forward entry and exit on site. The proposal is considered to satisfy the requirements of this clause.

4.6 Access to Parking

Nil legal vehicular access to the subject site or its eastern neighbours currently exists. Existing vehicular access to the site is via Shaw Lane to the rear of the property, through Council land, being 22 and 22A Shaw Street, located directly adjoining the site to the west.

Whilst the portion of Shaw Lane to west of the subject site physically exists, it is not a dedicated public road. The western portion of Shaw Lane directly adjoining the site, is legally known as Lot 22 and Lot 23 DP 1222081 and is in Council ownership. The subject site does not benefit from an easement granting right of way over Council land.

Legal vehicular access for the subject site and adjoining lots to the east, did exist prior to 2005, adjoining Bexley Road to the east, however this access was severed by the RMS as there was a history of traffic accidents at this corner with a clash between vehicles wanting to turn out from Shaw Street into Bexley Road and vehicles wanting to turn left off Bexley Road into Shaw Lane. Further, the RMS in conjunction with City Rail sought to improve pedestrian access to Bexley North Station from Shaw Street. As a result of the aforementioned, the RMS severed access from Shaw Street to the east into Shaw Lane.

Given the above, the proposal does not satisfy the objectives of this clause as adequate egress and ingress to the site and proposed parking facilities is unable to be provided given the constraints of the site.

4.6 Design of Loading Facilities

As per the provisions of this clause, and associated Technical Specifications, the development is

required to provide a designated SRV loading / unloading bay with a head height clearance of 3.3m on site.

The proposal does not demonstrate compliance with the above, and in particular proposes a head height clearance of 2.5m to the proposed shared multi use loading / unloading area on site.

The aforementioned is unsatisfactory and the proposal does not comply with the requirements or objectives of this clause.

4.6 Car Wash Facilities

Plans illustrate the provision of an appropriately sized and located car wash space on site with adjoining grated drainage. The proposal is satisfactory in this regard.

4.7 Air Conditioning and Communication Structures

Plans as submitted do not illustrate the location of air conditioning units to residential dwellings. Should the proposal have been supported, this matter can be resolved via appropriate conditions.

4.7 Waste Storage and Recycling Facilities

The applicant has noted that bin rooms as designed are sufficient for the proposed development.

Councils Waste Officer has raised concern that the size of the rooms are insufficient for the number of dwellings and commercial premises proposed, with lack of dedicated bulk waste storage on site.

Further, to the above, whilst it is understood that garbage collection occurs at present from Shaw Lane to the rear of the site, the assessing officer and development engineer raise concern in relation to the narrow width of this lane, intensification of the subject site and the location and storage of bins for collection which may impede vehicular access and be problematic within this narrow lane.

Given the above, it cannot be confidently stated that matters in relation to waste collection have been resolved as part of the proposed development.

4.7 Letterboxes

Plans illustrate the provision of a letterbox area adjoining the covered residential entry of the development. The proposed letter box is integrated into the development and satisfactory.

4.7 Hot Water Systems

Plans as submitted do not illustrate the location of hot water systems. The applicant has advised these are to be located within residential dwellings. Should the proposal have been supported, this matter can be resolved via appropriate conditions.

5.3 Mixed Use - Front Setbacks

As per the provisions of this clause, development shall have a zero setback for at least the first three levels. A setback may be provided above the third level to ameliorate the impact of traffic noise and pollution. It is noted that the aforementioned setback is discretionary, given adequate acoustic attenuation and streetscape presentation.

Plans illustrate the provision of a three storey building form fronting Shaw Street, with the fourth level recessed a further 2.25m from the Shaw Street frontage of the site. This results in a recessed top level, and stepped building form which reduces the mass and scale of the development, as required by the

provisions of this clause. The proposal as designed is satisfactory in relation to the provisions and objectives of this clause.

5.3 Mixed Use - Side Setbacks

As per the requirements of this clause a minimum 3m side setback is required for buildings up to three storeys, with 4.5m side setbacks for all levels above the third storey. Plans illustrate proposed party wall construction to the common eastern boundary of the site. This is a non compliance with respect of side setbacks is proposed to all levels.

Given the size and width of the subject site, its location within a neighborhood centre, and the limited number of properties within the subject street block bound by Shaw Lane, Shaw Street and Bexley Road, it is the assessing officers view that party wall construction as proposed is satisfactory, in order to facilitate a street wall periphery development.

Party wall construction as proposed would facilitate the design of future development upon the adjoining eastern lots in a similar manner, with a central courtyard and building form. The above would facilitate consistency in built form across this street block.

As designed, the proposal is deemed to be satisfactory with respect of the objectives of this clause.

5.3 Mixed Use - Retail

As per the provisions of this clause, a minimum of 10% (120sq/m) of the gross floor area of a mixed use development is to be for retail and/or commercial uses. Plans illustrate the provision of three commercial premises with a total of 197.5sq/m of retail floor space proposed. This equates to 16.4% of the permissible gross floor area provided as retail space and the proposed development complies with the requirements and objectives of this clause.

5.3 Mixed Use - Visual Connections

Clear glazing with an aluminium perimeter frame is proposed to shopfronts facing both Shaw Street and a portion of Shaw Lane to the west. The proposal is satisfactory in this regard.

5.3 Mixed Use - Secured Access to Parking

Plans illustrate the provision of residential car spaces on site behind a recessed mesh roller shutter. This ensures that residential car parking spaces are secure and separate from non residential parking and servicing areas for retail premises as proposed. The proposal is satisfactory in this regard.

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

Fire Hydrant Booster

Plans illustrate the provision of an enclosed fire hydrant booster cupboard adjoining the western boundary of the site at ground level. Given that 'Shaw Lane' adjoining the site to the west is not a dedicated public road, concern is raised in relation to whether this location is appropriate in regards to access for emergency services and compliance with the relevant Australian Standard 2419.1:2017 - Fire Hydrant Installations.

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

Given the issues associated with the proposed development and subject site as previously discussed within this report, it cannot be stated that the site is suitable for the proposal in its current form.

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and a total of 17 submissions were received, being 16 opposed and 1 in support of the proposed development. The issues raised in the submission are discussed below:

All other shops are 2 storeys in height / Excessive building Height / Proposal will set a precedent and destroy pocket village shops / Height is out of character with existing shops and surrounding buildings / Proposal will create a precedent

Comment: The matter of height has been previously addressed within this report. It is reiterated that the subject site is not as yet developed to its full potential as per the current planning controls for the site. Proposed variation to the height control is not considered to set an undesirable precedent for the reasons previously discussed in part 4.3 - Height of Buildings within this report.

Over development of the subject site / Over development of the suburb / Bulk and scale are out of character with existing shops and buildings

Comment: The matter of FSR has been previously discussed in this report. It is reiterated that the subject site is not as yet developed to its full potential as per the current planning controls for the site.

Insufficient parking for units / Traffic issues and congestion / No traffic report with DA / Traffic report claims proposal will reduce traffic movements this is not feasible / How does council propose to manage the intersections of Shaw Lane, Shaw Street and Caldwell Lane / Local lanes and streets are used as a rat run / Development will add to existing congestion of the M5

Comment: Council's Development Engineer assessed the application in relation to parking and traffic generation. It was determined that Shaw Street and the local surrounding road network including Bexley Road, a classified road, are capable of accommodating the associated traffic likely to be generated by the proposed development.

Public transport and infrastructure are already strained / How are the roads, public transport, schools, hospitals, police and emergency services going to cope if this and all the other proposed developments get approved?

Comment: Nil evidence was submitted to Council by the objectors to substantiate the above. It is reiterated that the subject site is not as yet developed to its full potential as per the current planning controls for the site.

Why do government / council not really plan long term

Comment: This comment is beyond the scope of this application.

How does council propose to ensure that the library car park remains dedicated to community use and not a default carpark for the new residents, their partners or their spare vehicles?

Comment: The proposal complies with the visitor car parking requirements of Rockdale DCP 2011. Three visitor car spaces are proposed on site.

The assessment of 'The Public Interest' and the 'Visual Assessment' is superficial

Comment: The public interest has been considered in the assessment of this application. With regards to the visual impact of the proposal, the development was peer reviewed by the Design Review Panel, whom supported the proposed design, aesthetics and material selection of the proposed development.

Proposal does not comply with parking, solar access, building heights, tree preservation and visual impact.

Comment: These matters have been previously discussed in this report.

Does Bexley North need a station lift with disabled access?

Comment: This matter is beyond the scope of this application and is a matter for Sydney Trains.

Nil information on what / how many shops will be built

Comment: Plans illustrate the provision of three new retail spaces fronting Shaw Street.

What happens to business that are already there

Comment: This matter is beyond the scope of this application.

Council must consider all proposed DA's and rezoning applications as a whole to consider traffic impact on the suburb, not individually

Comment: Development applications submitted to Council are assessed individually against the relevant legislative requirements and on their merits. Planning proposals and rezonings are required to undertake a separate process from development applications.

What strategic benefit to the established residents of Bexley North does the introduction 100 new units at the petrol station in New Illawarra Rd, the development of the Bexley North hotel and now this 5 storey mixed use building at 16-20 Shaw St bring

Comment: The proposal at the subject site is permissible subject to Council consent. The additional proposals referred to by the objector are beyond the scope of this application.

Does Bexley North want or need to box itself in by screening out its regional topography and pleasant northerly aspect with 5 storey buildings and permanent shadow footprints?

Comment: The application was accompanied by Shadow Diagrams, which clearly indicate the overshadowing impacts of the proposed development. The proposal does not result in the overshadowing of nearby residential dwellings which are located further to the south west and west of the site.

Views to, from and across the new site will be interrupted. Council is asked to review the degree to which the pleasant green outlook toward the escarpment and Illoura Reserve above the Wolli Creek Valley is to be preserved, particularly for the existing residents of 17 & 33 Shaw St. DCP Requires that habitable rooms of residences across Shaw St retain sharing of existing views by proposed building forms also seem not to be compliant.

Comment: The matter of view loss has been addressed previously within this report.

Does Bexley North want to believe that replacing 8 mature (40 year old) with 4 pavement compliant species is a marvelous landscaping legacy for the community?

Comment: The revised scheme retains the existing trees adjoining the western boundary. The matter of these trees has been previously discussed in this report.

Does Bayside Council have a duty of care to users of council facilities? Casual surveillance from the development to the park, bus stop etc as they are locations where minors visit unsupervised

Comment: The provision of balconies and window openings addressing the street provide casual passive surveillance and are deemed to be a positive outcome and consistent with crime prevention through environmental design principles.

What kind of interference does council predict the proposed building process will cause and for what length of time? How will traffic be managed? What effects will excavation have on the immediate vicinity? How much parking will be out of action?

Comment: Should the proposal have been supported for approval, conditions of consent could be imposed in relation to the creation of a traffic management plan, dilapidation report and clarification of any proposed loading and unloading zones, which would provide clarification to the above and mitigate adverse traffic, carparking and earthworks impacts to neighbours and local residents.

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.

Whilst the proposal seeks a minor variation to the height & FSR standards of the site, it is considered that the design scheme for the site is satisfactory and that amenity impacts on site and to surrounding properties as a result of the proposed non compliances are not unreasonable.

The proposal is permissible in the zone and provides a mix of residential and commercial tenancies, which will support the future character and function of the Bexley North Town Centre.

The proposal will allow the development of the site in accordance with its environmental capacity & will provide for a high quality building that will add architectural value to the existing streetscape & future desired character of the Town Centre. 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

Should the proposal have been supported, it would be conditioned to require the payment of relevant s7.11 contributions for the resultant increase in density on site.

Schedule 1 - Draft Conditions of consent

12/06/2018

Order — Property Information



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 23/1222081

SEARCH DATE	TIME	EDITION NO	DATE
12/6/2018	10:44 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 23 IN DEPOSITED PLAN 1222081
AT BEXLEY NORTH
LOCAL GOVERNMENT AREA BAYSIDE
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1222081

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF ROCKDALE

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- * 2 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN DP1222081
- * 3 C722193 COVENANT

NOTATIONS

CERTIFICATE OF TITLE NOT ISSUED. LODGED DEALINGS MUST BE ACCOMPANIED
BY PRIOR CERTIFICATE OF TITLE VOL. 7944 FOL. 23

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

rccprop

PRINTED ON 12/6/2018

Obtained from NSW LRS on 12 June 2018 10:44 AM AEST

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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<https://online.globalx.com.au/propertyinformation/>

1/1

Council Meeting

Meeting Date 18/05/2005

Public

Report Header

Item Number:	CW15
Subject:	BEXLEY ROAD, ROAD IMPROVEMENT PROJECT AT BEXLEY NORTH
File Number:	R17/0083
Report by:	Manager - Transport & Infrastructure (Richard Jarvis)
Contributors:	
Community Engagement:	
Financial Implications:	No

Precis

The Roads and Traffic Authority (RTA) are now exhibiting an improvement project to widen the approaches to the bridge over the East Hills railway line at Bexley North, and submissions are invited. The rail overbridge was widened and lengthened during the rail amplification project in 2000, and temporary traffic and pedestrian access measures have been in place since then.

The exhibited project will widen the approaches to utilise the four lanes of the bridge. Traffic signals will be installed at the Kingsgrove Avenue intersection, and a central median crash barrier will be constructed. The access into Shaw Lane will be lifted with the construction of a ramp, and a new footpath constructed alongside the Funeral Parlour. The recent development application for the Funeral Parlour included provisions for the future RTA works.

These works will improve traffic conditions and pedestrian safety and amenity around Bexley North Station. The proposal is indicated in the RTA exhibition documents in the attached files.

This project will not address the flood hazard for motorists using Bexley Road over Wolli Creek. Occupants of cars have been rescued from flood waters over Bexley Road in May 2003 and February 2005. It is unacceptable that Sydney's primary Orbital Road Route is accessed from a main road across an adjacent culvert that overtops in rainfall events of less than 1 in 2 year recurrent intervals. A 1 in 100 year interval storm would cover Bexley Road by 2.6 metres depth of water. The speed with which the water rises does not permit time for emergency organisations to respond and erect road closure barriers, so the unwary will continue to be caught in floods. If the raising of the road cannot be achieved in the short period before another flood event, then the installation of automatic illuminated flood warning signs and barriers that close the roadway at the low point should be undertaken immediately as an interim safety measure.

This project also does not include widening of Bexley Road south of Slade Road/Shaw Street to provide a right hand turn bay for traffic turning into Slade Road. The existing land use zoning provides for a road widening to facilitate this traffic improvement.

Deficiencies with the detailed design for drainage and the footpath have been communicated to the RTA and will be further pursued by Council officers.

It is recommended that Council commend the current proposed improvements, and again request the

raising of Bexley Road over Wolli Creek and the provision of a right turn bay into Slade Road.

Council Resolution

RESOLVED on the motion of Councillors Poulos and Anestis.

That the recommendation of the Committee-of-the-Whole held on 18 May 2005 be adopted.

Committee Recommendation

RECOMMENDED on the motion of Councillors Poulos and Anestis

- 1 That the report on the Bexley Road Improvement Project at Bexley North be received and noted.
- 2 That the Council write to the Minister for Roads thanking him for this project to complete the Bexley North Rail overbridge approach works to use the widened bridge built in 2000, and request his urgent attention to extend the scope of the project to include the essential works to complete the road safety needs in the locality as follows:-
 - a the raising of Bexley Road over Wolli Creek to eliminate the recurring incidents of motorists being rescued from flood waters, as has occurred twice in the past two years
 - b the necessary widening of Bexley Road and intersection works at Slade Road/Shaw Street to provide two lanes for traffic each way, an additional right turn bay lane from Bexley Road into Slade Road and any other necessary traffic measures needed to accommodate buses stopping on Bexley Road
 - c the addressing of noted deficiencies with the planned widening of the bridge as has been communicated to the RTA
- 3 That Council once again write to our Local Members for Canterbury, Kogarah and Rockdale seeking their support on these essential works which need to be integrated with the widened bridge project.
- 4 That Council reiterates its support for the previous resolution urging the RTA's Crash and Safety Investigation Section be requested to investigate traffic measures along Bexley Road, Bexley North.

Officer Recommendation

- 1 That the report on the Bexley Road Improvement Project at Bexley North be received and noted.
- 2 That the Council write to the Minister for Roads thanking him for this project to complete the Bexley North Rail overbridge approach works to use the widened bridge built in 2000, and requesting his urgent attention to extend the scope of the project to include the essential works to complete the road safety needs in the locality:
 - (1) the raising of Bexley Road over Wolli Creek to eliminate the recurring incidents of motorists being rescued from flood waters, as has occurred twice in the past two years, and
 - (2) the provision of a right turn bay from Bexley Road into Slade Road.

Report Background

Community Engagement

Financial Implications

Additional Comments

Supporting Information

Action From Resolution
File Attachments

Action raised by Richard Jarvis on 12/04/2005



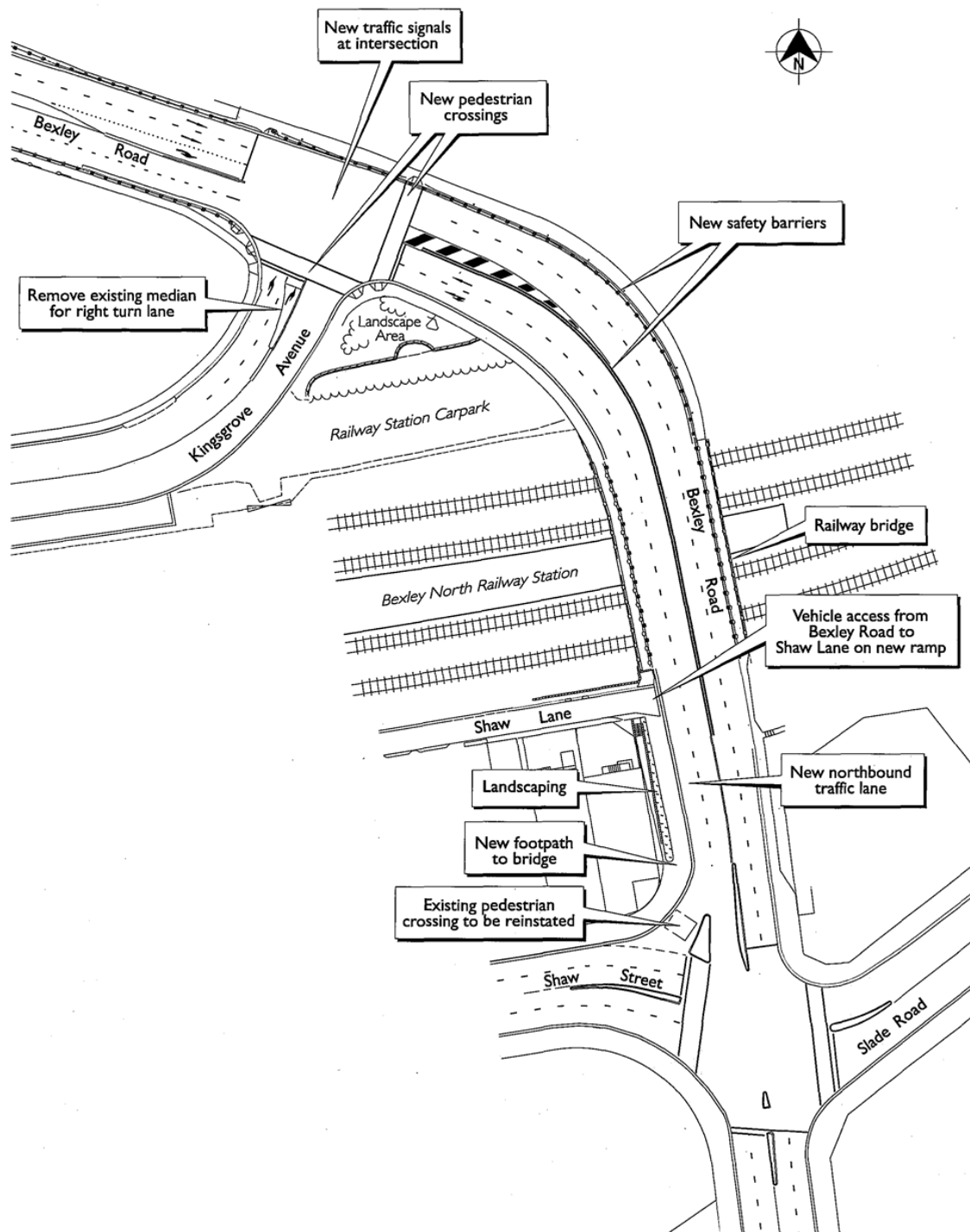
BexleyRd_Update_back.pdf



BexleyRd_CommunityUpdate_front.pdf



Bexley_Road_upgrade_display.pdf



Community Update

April 2005



Bexley Road Upgrade – Shaw Street to Kingsgrove Avenue, Bexley North. Display of the preferred option.

Background

A few years ago, the Bexley North railway overbridge was widened when the East Hills railway line was expanded to four tracks. Temporary pedestrian and traffic arrangements were installed as part of these works. The RTA is proposing to upgrade the section of Bexley Road between Shaw Street and Kingsgrove Avenue.

Key features of the upgrade

- An additional northbound traffic lane on Bexley Road between Shaw Street and the railway bridge.
- A new footpath to the bridge from Shaw Street.
- The intersection of Kingsgrove Avenue and Bexley Road will be upgraded with the installation of traffic lights and pedestrian crossings.
- The section of Shaw Lane parallel to Bexley Road will be closed off and a new vehicle access ramp will be constructed to connect Shaw Lane directly to Bexley Road.

Benefits of the project

- Safer conditions with improved pedestrian access to Bexley North railway station.
- Reduced traffic congestion with new lane.
- Improved access for road users at the intersection of Bexley Road and Kingsgrove Avenue.
- Improved sight distance and horizontal alignment of the road in this section.

Community liaison

Four concept options were put on display for community comment in 2003 and over 200 submissions were received. There was strong support for the provision of four lanes across the railway bridge and an even number of responses for and against access to Shaw Lane from Bexley Road. Responses favoured signalisation of Kingsgrove Avenue and Bexley Road to allow for all traffic movements, with support for the alternate option of closing access to Kingsgrove Avenue from Bexley Road.

A review of environmental factors is now being prepared that considers the environmental, economic and community issues of this proposal.

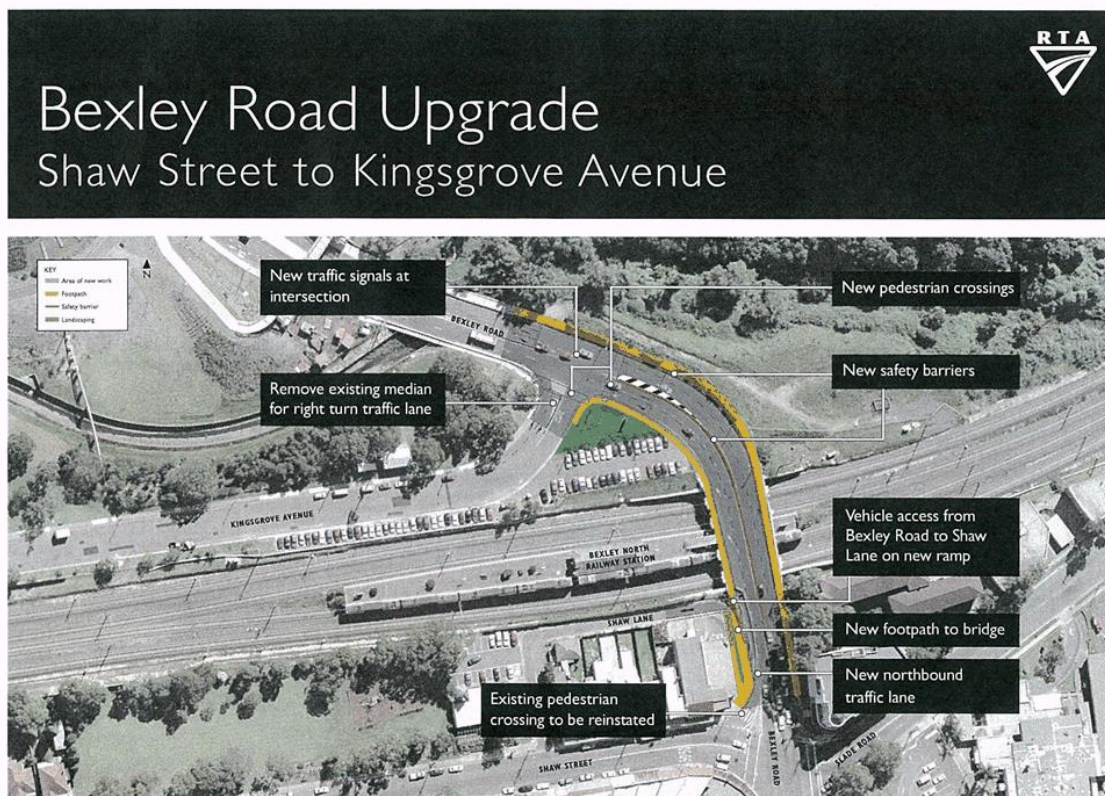
What happens next?

A plan of the preferred option will be on display from Thursday 14 April to Thursday 5 May 2005 at:

- Rockdale City Council
2 Bryant St, Rockdale
Mon to Fri 8.30am – 4.30pm
- Bexley North Library
24 Shaw St, Bexley North
Mon to Fri 10am – 6pm; Sat 10am – 1pm
- Rockdale Motor Registry
Shop 6, Mezzanine Level, Rockdale Plaza
1 Rockdale Plaza Drive, Rockdale
Mon to Fri 8.30am – 5pm; Sat 8.30am – 12pm

For further information

Please contact the Project Development Manager, David Wilson, on 02 8814 2949 or email David_Wilson@rta.nsw.gov.au



The Bexley North railway overbridge was widened when the East Hills railway line was extended to four tracks. Temporary pedestrian and traffic arrangements were installed as part of these works.

The Roads and Traffic Authority (RTA) is proposing to upgrade the section of Bexley Road between Kingsgrove Avenue and Shaw Street.

In developing the preferred option the RTA considered over 200 submissions from the community.

Key features of the proposed upgrade include new footpath access to the bridge, an additional northbound traffic lane, new traffic signals at Kingsgrove Avenue and Bexley Road intersection, and construction of a vehicle access ramp from Bexley Road to Shaw Lane.

A review of environmental factors is now being prepared.

BENEFITS OF THE UPGRADE

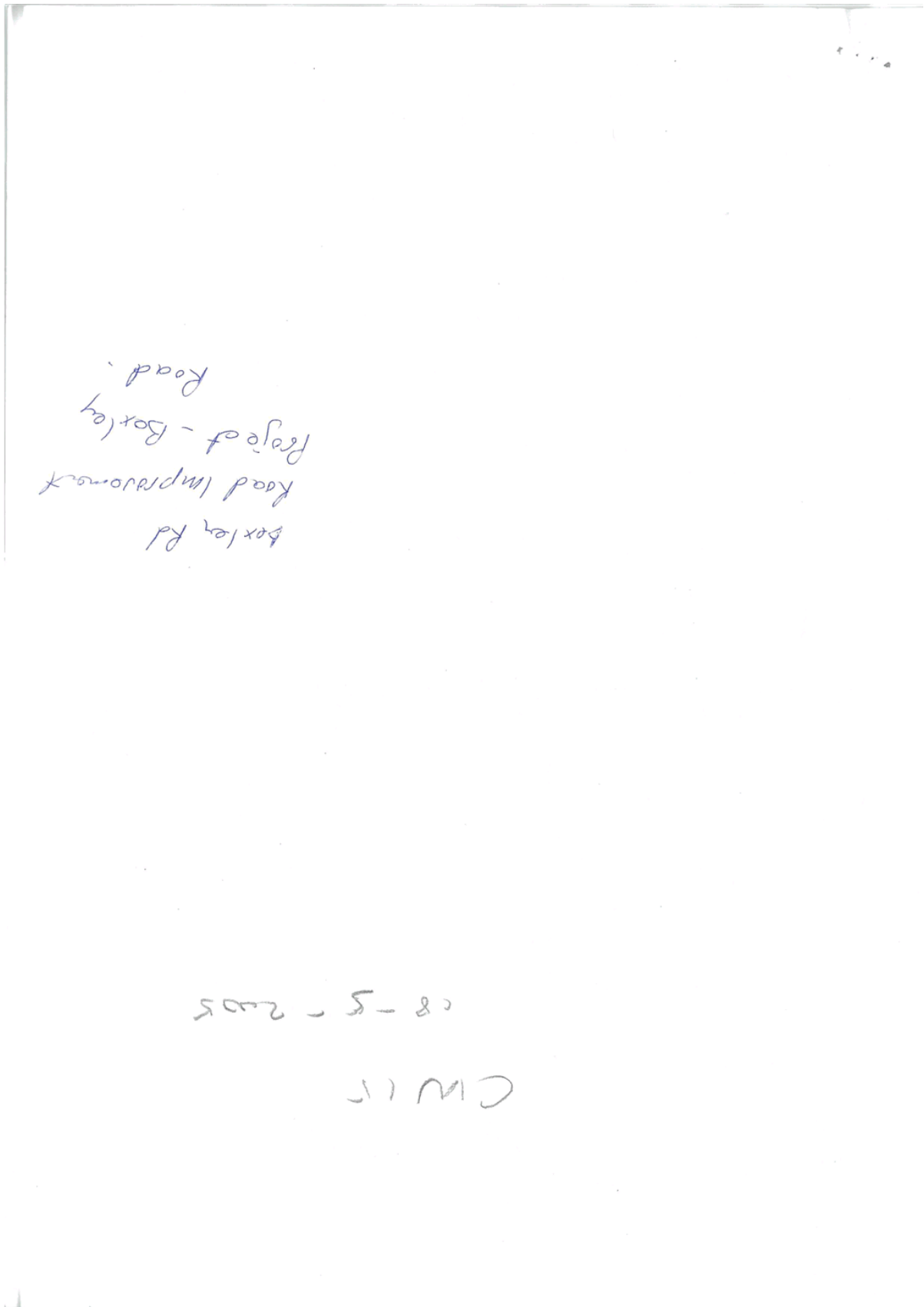
- Safer conditions with improved pedestrian access to Bexley North railway station.
- Reduced traffic congestion with new lanes.
- Improved access for road users at the intersection of Bexley Road and Kingsgrove Avenue.

➔ For more information please contact the Project Development Manager, David Wilson

☎ (02) 8814 2949

✉ David_Wilson@rta.nsw.gov.au





Statement of Environmental Effects

Development Application

16-20 Shaw Street, Bexley North 2207

18 January 2018



PREPARED BY

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PROJECT PARTICULARS

Project No.	2017213
Client	Aurora Design
Site Address	16-20 Shaw Street, Bexley North
Document Name	Statement of Environmental Effects
Prepared By	Rachel Condon
Review By	Kristy Hodgkinson

Date	Document Name	Authorisation	
		Name/Position	Signature
17 January 2018	Rep001(Draft)	Rachel Condon Associate	
6 November 2017	Rep001(Final)	Kristy Hodgkinson Director	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.



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1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by our client, Aurora Design on behalf of Peter Tuck and Margaret Quigley, in relation to the development application for the site known as No. 16-20 Shaw Street, Bexley North (the site).

The development application is for the demolition of the existing single storey buildings, excavation for the provision of one level of basement parking and associated building services and the construction of a mixed use development comprising of 3 ground floor retail/commercial tenancies and twelve (12) apartments, 3, 1-bedroom apartments, 8, 2-bedroom and 1, 3-bedroom apartment and associated basement parking. Landscaping and public domain improvement works are also proposed.

The purpose of the development application is to utilise the economic opportunity of the site that is afforded by the relevant environmental planning controls, utilising the proximate location of numerous modes of public transport, while improving upon the appearance of the existing built form, with an architecturally designed mixed use development outcome that accords with more contemporary developments that are evident within the locality in recent times.

The site is located in Zone B4 Mixed Use, pursuant to the Rockdale Local Environmental Plan (LEP) 2011 and the proposed shop top housing development is permissible with consent under this planning instrument.

The current design presentation is a reflection of the pre-development application meeting that was undertaken with Bayside Council (the Council). Particular consideration has also been given as a result of the meeting with the Bayside Design Review Panel. The proposal has been amended to reflect the advice provided by the Council during both discussions.

This report therefore provides the following:

- a description of the site and the locality surrounding this;
- a description of the proposed development, including the proposal's response to the pre-lodgement meeting minutes;
- the proposal's response to the relevant environmental planning controls, including specific matters relating to SEPP 65 and the Apartment Design Guide (ADG); and
- conclusions and recommendations relating to the proposal.

We trust that the enclosed information is sufficient for Council's consideration of the matter and look forward to working with Council during assessment of the development application.



2. THE SITE & ITS LOCALITY

The table below provides the key information relating to the site.

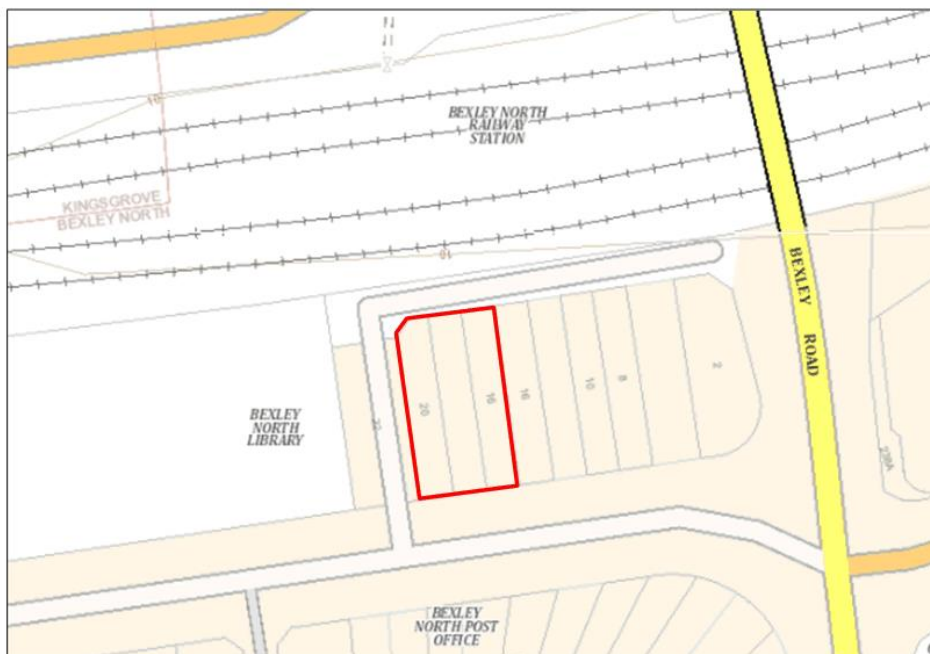
Table 1: Site Details

Property Address	16-20 Shaw Street, Bexley North	
Legal Description	Lots 24,25 and 26, DP 122081	
Site Area	600.6 m ²	
Site Boundaries	North	19.560m
	East	32.910m
	South	18.285m
	West	29.820m
Slope Direction	South to North	
Fall of Land (M)	Approximately 2.6m from south to north	
Existing Use	Retail premises	
Critical Habitat	No	
Conservation Area	No	
Coastal Protection	No	
Mine Subsidence	No	
Road Widening or Realignment	No	
Hazard Risk Restriction	No	
Flood Planning	No	
Acquisition	No	
Biodiversity Certified Land	No	
Bushfire Prone Land	No	
Property Vegetation Plan	No	
Contamination	No, taking into consideration the long-term use of the land for retail purposes.	

Note: The aforementioned information is taken from the relevant Section 149 Certificates, Certificate No.48865, dated 20 October 2017, Certificate No.48943 dated 1 November 2017 and Certificate No.48950, dated 1 November 2017.

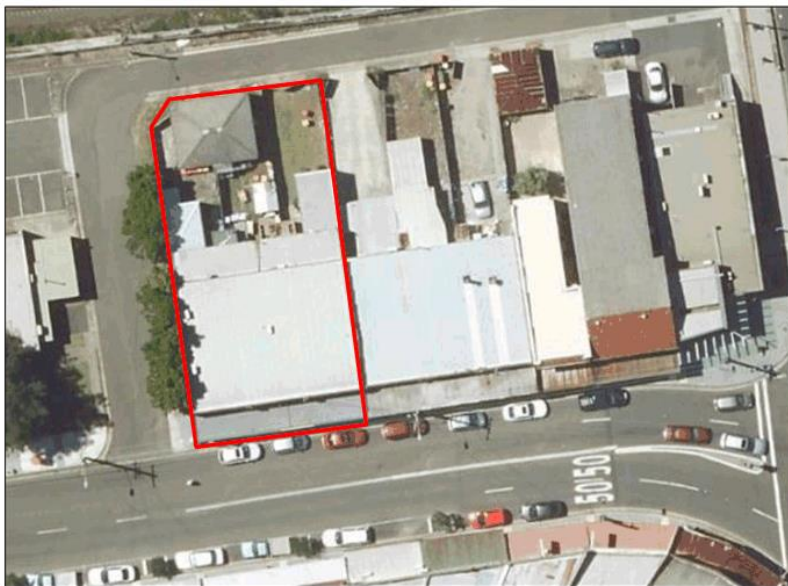


Figure 1: Subject Site - 16-20 Shaw Street, Bexley North



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

Figure 2: Aerial photograph of subject site



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



Figure 3: Title Certificate



Statement of Environmental Effects – 16-20 | Shaw Street | Bexley North

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8

Site & Context Description

The subject site is located on the northern side of Shaw Street and to the south of Bexley North train station. Kingsgrove train station is located 1.2km west of the site also. Surrounding uses consist of retail uses, restaurants and shops. The Bexley North Library and Street Reserve are located to the west of the site, separated by Shaw Lane. A range of residential dwellings consisting of one, two and three storeys, are located along the opposite side of Shaw Street to the west of the subject site. More recently, development has taken place within the vicinity of the site, providing integrated forms of residential development, above ground floor active uses.

The development site benefits from a dual frontage to both Shaw Street and Shaw Lane, which assists significantly in the design outcome for the site, particularly to ensure that it does not require vehicular access from Shaw Street to service the development.

Photograph 1: Site frontage to Shaw Street



Photograph 2: Western elevation of 20 Shaw Street fronting Shaw Lane



Photograph 3: Three storey development located at 33 Shaw Street, Bexley North



Photograph 4: Two storey development located at 35 Shaw Street, Bexley North



Photograph 5: Five storey mixed use development located at 238 Slade Road, Bexley North



Photograph 6: Mixed Use development located at 232-234 Slade Road, Bexley North



Photograph 7: Existing mixed use development located at 2A Sarsfield Circuit, Bexley North



In recent years, the area has displayed a significant degree of transformation, with some sites being redeveloped into multi-level shop top developments. For example, 2A Sarsfield Circuit, Bexley North is provided with a mixed use commercial and residential development. A recent fitout was undertaken for a



Woolworths Metro Store located at 2-6 Sarsfield Circuit, Bexley North. Bexley North Hotel and some retail uses are also located to the north of Sarsfield Court. Bexley North car park is located to the north of the mixed use development which access is gained *via* Slade Road.

Similar outcomes, to a comparable scale, are also evident along Slade Road, which provides mixed use developments, as illustrated above at Photographs 5 and 6.



3. THE PROPOSED DEVELOPMENT

The Proposed Use

The proposed use of the site, which is located in Zone B4 -Mixed Use zone is for a *mixed use development*, which is defined as *a building or place comprising 2 or more different land uses*. It is the intention of the development that this will comprise *commercial premises use and a residential flat building*. A *residential flat building* is not highlighted as a permitted use under the B4 Mixed Use zone however, as it is not expressly outlined as prohibited, it is therefore permitted with development consent.

A *commercial premises* is defined as:

commercial premises means any of the following:

- (a) *business premises,*
- (c) *retail premises*

A *residential flat building* is defined as:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Residential flat buildings are a type of residential accommodation¹.

The proposed uses achieve the objectives of the zone as set out below:

- *To provide a mixture of compatible land uses.*

The proposal provides a mixture of residential and retail land uses that are compatible with each other and with the context of the surrounding site.

- *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 proposal is located along Shaw Street, which connects to Bexley Road which is a state significant road, and is located approximately 70m from the subject site. This will provide opportunities for vehicular access, as well as the existing public transport services, by way of bus services that stretch from Burwood to Bondi

¹ *Residential accommodation* is defined as:

means a building or place used predominantly as a place of residence, and includes any of the following:

- (h) *residential flat buildings*



Junction and Hurstville to Marsfield. Notwithstanding the above, as previously mentioned, the Bexley North train station is also located approximately 150m from the subject site. The integrated nature of the development provides a diverse offering of land uses and walking and cycling opportunities are presented as part of the development proposal.

The retail uses proposed will continue to assist in local economic development, while providing residential accommodation. The proposal is designed to be of a form, scale and character that are consistent with both the existing and emerging character of surrounding development, within the vicinity of the site.

The proposed use will therefore be consistent with the zone objectives and the use of the site is permissible with development consent.

The Proposed Works

As detailed previously, the proposal will generally comprise the following:

- demolition of the existing improvements;
- excavation of the site for one basement level;
- vehicular access to the basement *via* Shaw Lane which provides retail and residential car parking and an on-site loading bay;
- construction of a part 5 and part 4-storey mixed use development comprising of 3 retail shops on the ground floor, 12 residential apartments (2, 1-bedroom apartment, 8, 2-bedroom apartments and 1, 3-bedroom apartment),
- landscaping and new kerb, gutter and footpath

A detailed description of the proposal is provided below.

Basement Level

The basement levels will comprise car parking for all uses within the building, along with bicycle parking, as set out below.

Table 2: Proposed Basement Configuration

Basement Level	Parking Purpose	Car Parking Spaces	Accessible Spaces (included in Car Parking spaces)	Bicycle Parking	Motorcycle Parking
1	Residential	12 (including 1 visitor)	2	2	0
	Retail	6 including 1 visitor. One additional space is provided and dedicated as	1	0	1



		a wash bay/loading bay/visitor space(shared))			
--	--	---	--	--	--

In addition to the above, lift access, fire stairs, a garbage storage area and associated services are provided in the residential component of the parking area. Vehicular access is gained *via* the northern elevation on Shaw Lane.

Storage is also provided to the rear of each of the residential parking spaces.

Ground Floor

The ground floor level is provided with an approximate 3m level difference from the rear (north) to the front (south) of the site. The ground floor configuration optimises two street frontages, providing retail space to both Shaw Street and Shaw Lane. As Shaw Lane wraps around the northern and western elevations of the site, it could be noted that technically the site is provided with three street frontages.

To the Shaw Street frontage, there are three separate retail tenancies provided, ranging in size from 50-85m². Each of the three tenancies propose access from Shaw Street. The retail shops are provided with glazed shopfronts, with perimeter aluminium framing. Proposed retail shop 3 provides glazing to both Shaw Street and Shaw Lane, in addition to two windows located on the western elevation. A walkway is provided along the western elevation which provides access to the rear of the retail shops and to the residential component of the development. A rendered and painted balustrade wall is provided for the walkway from the glazing of the shopfront located on the western elevation to the doorway. Access to this area is also provided along the western elevation *via* stairs.

Other facilities located on this level include, an accessible toilet, storage cages, lift, fire stairs, associated services and a grease arrestor room.

Two apartments are provided to the rear of the development on the ground floor level. However, as a result of the topography of the site, when viewed from the rear of Shaw Lane, the ground floor level is located 3m above the natural ground floor level.

One lift, provides access to the residential component of the development above the ground floor, and the residential parking area located in the basement below.

(Drawing Reference A201)

Level 1

Level 1 contains four residential apartments, two being located on the northern and western side of the building and the remaining two on the southern and western side of the building.

At Level 1 a landscaped courtyard is provided, which then forms a void space to the balance of the building.



On this level, 3, 2-bedroom apartments and 1, 1-bedroom apartment is proposed which ranges in size from approximately 56m² to 86m². Each apartment is provided with a balcony, being a minimum area of 8m².

Apartment 101 which fronts Shaw Street, is provided as an adaptable unit.

All apartments are dual aspect apartments, to ensure that adequate cross ventilation is achieved along with maximum solar accessibility, particularly for the south-facing apartments.

(Drawing Reference A202)

Levels 2-3

Level 2 and 3 are both provided with three apartments on each floor. However, the configuration and footprint of both floors vary in size.

Apartment 201, which is located on Level 2, is a 3-bedroom apartment and is 106.9m². The balcony area is 46.5m² which fronts Shaw Street predominantly.

Apartment 202 is located to the south of the site, consists of an area of 76.4m² and is a two-bedroom apartment. Three balconies are provided, located on the northern and western elevations.

Apartment 203, is a 1-bedroom apartment located to the north of the site and is provided as an adaptable unit, with an area of 62.7m². One balcony, which has a northern aspect, is provided for this unit.

To reduce the impact of Level 3, the setbacks provided vary from 2.525m to 5.225m. The setback from the street frontage to the footprint of level 2 is 2.525m.

Apartment 301 which is provided with frontages to Shaw Street to the south and Shaw Lane to the west, consists of a 2-bedroom apartment and has an area of 86.3m². The balcony provided has an area of 14.28m² and planter boxes align the southern and western side of the balcony perimeter to provide a positive interface to the street frontage of Shaw Street and to soften the visual appearance from the street. The north facing apartments on Level 3 consist of a 1 and 2-bedroom apartment which are provided with areas ranging from 62.6m² to 76.4m². Both units are provided with balconies which are north facing.

(Drawing Reference A203 & A204)

External Materials & Finishes

The predominant external wall material will be face brickwork with brick pattern band articulation as detailed on the elevation drawings. Metal cladding is proposed on the upper levels and prefinished metal is proposed for the infill panels provided between the window frames of the upper levels located on the southern and western elevations. Prefinished metal is proposed to be provided as the roof sheeting.

(Drawing Reference A600, A601, A602 & A603)



Landscape & Public Domain Works

The proposed landscaping and footpath works are in accordance with the landscape plans prepared by Glenice Buck Designs Pty Ltd.

Stormwater & Drainage Works

The proposed stormwater and drainage works are in accordance with the plans prepared by RGH Consulting Group.

Waste Management

Waste management will be in accordance with the Waste Management Plan which accompanies this application.

Pre-Lodgement Advice

A pre-lodgement meeting was held in relation to the development of the subject site with Bayside Council on 13 September 2016. Minutes of the meeting received from the Council have been taken into consideration and the amended architectural plans are considered to adequately address the issues raised.

Bayside Design Review Panel

More recently, the amended design was brought before the Bayside Design Review Panel to receive additional feedback on the proposed development, based on the amended plans. The following table details comments outlined by the said Panel.

Table 3: Response to Pre-Lodgement Advice

Design Principle	Comment	Plan or Reference
<p>Content and Neighbourhood Character</p> <p><i>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.</i></p> <p><i>Responding to the 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.</i></p>	<p>The panel considered that the submitted documentation had taken into account the contextual two storey brick commercial buildings in the precinct and supported the design approach that had been adopted. The curved form of the lower two storeys, together with the sensitive design resolution of pedestrian access to the residential components of the building was supported by the Panel.</p>	<p>A201, A600, A601</p>



<p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified change.</i></p>		
<p>Built Form and Scale</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the buildings purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>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.</i></p>	<p>The Panel suggested consideration of the following issues:</p> <ul style="list-style-type: none"> • Review of the building setback from the rear lane to the north in the eastern sector of the site • Minimising the visibility of basement car parking from the residential apartments above • Potential expansion of the landscape courtyard to the north to help address the limited quantum of communal open space and to enhance the environmental quality of the development • Examine the potential displacement eastward of the western wall to the units 201 and 301 to provide an increased separation between the lower face brickwork and the standing seam metal cladding and upper levels 	<p>A200, A201, A202, A203 & A601</p> <p>A200 & A601</p> <p>A202 & A603</p> <p>A203, A204, A601 & A602</p>
<p>Density</p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing proposed infrastructure, public transport, access to jobs community facilities and the environment.</i></p>	<p>The Panel considered the density to be appropriate for the site.</p>	
<p>Sustainability</p> <p><i>Good design combines positive, environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling, reducing reliance on</i></p>	<p>The Panel considers the development could benefit from rainwater harvesting, photovoltaic panels and broader sustainability initiatives beyond the minimum required by BASIX.</p> <p>The Panel suggests that it may be possible to provide for enhanced solar access to the southern apartments as a consequence of increasing the width of the internal</p>	<p>BASIX Certificate accompanies the application</p> <p>Central courtyard area has been</p>



<p>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 courtyard and separation between apartments.</p> <p>Consideration could also be given to a review of the internal layouts of the southern apartments to achieve a higher level of solar accessibility.</p>	<p>increased from 6m to 8.76m - A202 & A303</p>
<p>Landscape</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The Panel considers that an increase in the width of the landscape courtyard will provide opportunity to explore enhanced amenity of the communal open space including the following:</p> <ul style="list-style-type: none"> • Opportunity for provision of BBQ facilities • Planter boxes to provide opportunities for screening to Level 1 apartment windows • Planter boxes with a depth of a minimum 1000mm capable of supporting small trees • Greater opportunities for green walls within the courtyard <p>The Panel suggested that the landscape plan should provide further details on the streetscape treatment.</p>	<p>A202</p> <p>A603</p> <p>Green wall proposed, as detailed in the landscape plan specifications document</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>Subject to the comments above, with regard solar access and the potential increase in the width of the landscaped courtyard, the Panel considered the amenity provided is acceptable.</p>	<p>A202</p>
<p>Safety</p>	<p>The Panel recommended that the safety and security of the retail and visitor</p>	<p>Additional motorised</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 the surveillance of public and communal areas promote safety.</p> <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>parking be increased by the provision of a perimeter security gate to help limit unauthorised access and/or concealment.</p>	<p>gate provided - A200</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>The proposed apartment mix was deemed acceptable.</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>	<p>Subject to the comments under 'Built Form and Scale' the Panel supported the design approach.</p>	

Recommendation

- The Panel supported the application subject to the changes described above.



4. ENVIRONMENTAL PLANNING ASSESSMENT

The proposal is subject to the requirements of section 79C(1) of the Act, which are the matters for consideration in assessing a development application. These matters are addressed below.

The Provisions of any Environmental Planning Instrument

Section 79C(1)(a) requires consideration of any environmental planning instrument. Those relevant are:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65);
- State Environmental Planning Policy (BASIX: Building Sustainability Index) 2004;
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP);
- the LEP;
- Apartment Design Guide (ADG); and
- Rockdale Development Control Plan 2011 (the DCP).

The proposal is considered below having regard to these requirements.

SEPP 55

Clause 7 requires an applicant to demonstrate whether or not a parcel of land is contaminated. Given the long term and consistent use of the property for commercial and retail uses, it is not considered likely that the land would be contaminated.

Therefore, no further consideration is required under SEPP 55.

SEPP 65

The Aims of SEPP 65 seek to ensure improvement in the design quality of residential apartment development, having regard to high quality outcomes that contribute to economic, environmental, cultural and social development. The proposal employs a high quality of architectural standard and design through the layout of the proposal itself, the proposed materials and finishes treatment, the extent of building articulation and the diversity of uses contained therein. Further, the diversity in apartment mix assists to provide for a contrasting range of economic and social circumstances.

The proposal will provide a long-term asset to the neighbourhood through the continuation of active uses being provided at street level that will generate local employment opportunities, as well as providing affordable accommodation in a location that is accessible to local facilities and services, in addition to the proximate location of the site to Bexley North train station.

The proposed design resolution has had careful regard for the streetscapes surrounding the site, in particular the proposed improvement works, through the location of built form, building setbacks and awning



structures, so as not to compromise the intended outcomes, which have taken into consideration the comments outlined by the Design Review Panel.

The diversity in apartment sizes ensures that an increasing level of demand is catered for, reflecting the changing social and demographic profile of the community. This also ensures a sound contribution to housing affordability. This is reinforced with the number of apartments proposed that, in conjunction with active lower level uses, will promote the safety and security of residents and workers within the site itself and on neighbouring properties, through maximised opportunities for natural and passive surveillance to the street frontages, in addition to appropriate security measures being provided for the proposed car parking areas.

The proposal will therefore achieve the Aims of the SEPP.

Schedule 1 of the SEPP outlines 9 design quality principles that provide a guide to achieving a good quality design. These principles are responded to by Aurora Design Architecture and Interiors, as the Principal Architect for the project and are accompanied by the required SEPP 65 Design Verification Statement.

In addition, the Apartment Design Guide (ADG) compliance table, located within the Design Quality of Residential Flat Development & Apartment Design Guide Assessment Report which accompanies this application, provides a detailed assessment of development controls that aid the achievement of the design principles.

In summary, the proposed development is consistent with the requirements of the SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

The aim of the policy is to encourage sustainable residential development and requires the submission of a BASIX certificate with an application of this nature.

The relevant BASIX certificate accompanies this application.

SEPP (Infrastructure) 2007

Clause 86 Excavation in, above or adjacent to rail corridors

As the development proposes excavation to facilitate a basement car park to a depth in excess of 2m below ground level, located within 25m of a rail corridor, Clause 86 of the ISEPP is applicable.

The proposed development therefore requires concurrence from RailCorp and development consent cannot be granted without this being provided in accordance with section 86(3).

The matters to be considered, in accordance with section 86(4) include:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*



- (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*

(b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

The application is to be referred within seven days of lodgement, by the Council and terms of concurrence are to be returned within 21 days.

Clause 88 is not applicable as the subject site is not identified on the Rail Corridors Map.



The LEP

The relevant provisions of the LEP are addressed below, having regard to the proposal.

Table 4: LEP Compliance Assessment

Clause	Objective/Development Standards	Comment	Proposed	Complies
Clause 2.1 Zone B4	As described	Objectives of the LEP are complied with, as previously outlined in this report.		Complies
Clause 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. (2A) Additional 6m provided the site has a minimum area of 1,200m and is located within Area C. As site area is less than 1,200m ² , the provision is not applicable.	Control: 16m	16.75m – exceeds by 950mm	No Refer to Clause 4.6 request
Clause 4.4 Floor Space Ratio	(2) The maximum for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map	Control: 2:1 (1201.2m ²)	1,215.9m ² - exceeds by 14.7m ²	No Refer to Clause 4.6 request
Clause 6.1 Acid Sulfate Soils	(2) Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land	The subject site is not located within 500m of Class 1, 2, 3 or 4 land.		Complies
6.2 Earthworks	(3) Before granting development consent for earthworks, the consent authority must consider the following matters:	Development consent is sought for the earthworks to facilitate the proposed basement car park.		Complies



	<p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>			
6.7 Stormwater	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) will include, where practicable, on-site stormwater retention for</p>	Stormwater accompany application.	plans this	Complies



	<p>use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) will avoid, or if a disturbance or impact cannot be avoided, will minimise and mitigate, any disturbance or impact of stormwater runoff on:</p> <p>(i) properties adjoining the land on which the development is proposed to be carried out, and</p> <p>(ii) native bushland, and</p> <p>(iii) receiving waters.</p>			
6.11 Active Street Frontages in zone B4 Mixed Use	<p>(2) This clause applies to land identified as “Active street frontages” on the Active Street Frontages Map.</p> <p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p>	Shaw Street is identified as land which should be provided with an active street frontage.	An active Street frontage is proposed to Shaw Street.	Complies

The proposal therefore achieves the requirements of the LEP.



The DCP

The relevant provisions of the DCP are addressed below, having regard to the proposal.

Part B of the DCP has not been addressed as the requirements stipulated in the ADG are considered more appropriate in this instance.

Table 5: DCP Compliance Assessment

Rockdale DCP 2011 - Compliance Table

Part 4 – General Principles for Development

4.1 – SITE PLANNING

4.1.1 Views and Vistas

Controls	Comments	Complies
1. Development must consider any significant views to, from and across the site	No views to and from the site will be interrupted as a result of the development.	Complies
2. Development must retain existing views to Botany Bay, and where possible enhance views through site planning and building design.	Not applicable	
3. Development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character of the area and its skyline.	Not applicable	
4. View corridors to landmarks and significant heritage items must be protected where possible. Applicants may be required to prepare photo montages of the proposed development to illustrate the impact on views.	Not applicable. A distance of 450m is provided between the subject site and the closest Heritage item. In addition, no significant views are identified from the Bexley North area, as identified on page 4 6 of the DCP.	Complies
5. Building forms and setbacks permit views from public streets and open spaces. In particular, views from public open spaces to the bay and district are preserved.	No views to Botany Bay will be obstructed from the site as a result of the proposal.	Complies
6. Roof forms on the low side of streets are well articulated to allow public views and add interest to the scenic outlook. Large, flat expansive roofs with vents, air conditioning units and similar structures are inappropriate.	The roof form provided for the site is sympathetic to the surrounding context and provides appropriate setbacks to the upper levels. No air conditioning units, vents or the like are proposed on the roof.	Complies
7. Building forms enable a sharing of views with surrounding residences, particularly from the main habitable rooms of surrounding residences.	Generally commercial and retail development is located immediately adjoining the site. Taking into consideration the	Complies



	distance provided between residential uses across Shaw Street (approx. 20m) and the site, the proposed development will not compromise the views received by the main habitable rooms of the surrounding residential development.	
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4.1.3 – Water Management

Stormwater Management

Controls	Comments	Complies
1. Development must comply with Council's Technical Specification – Stormwater Management which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	Refer to accompanying Stormwater Drawings.	Complies
2. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention and landscaping and in the design of development.	Refer to accompanying Stormwater Drawings.	Complies

4.1.6 – Development on Sloping Sites

Controls	Comment	Complies
1. The building footprint is designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	The proposed development is designed to sympathetically follow the natural slope of the site.	Complies
2. To minimise cut and fill on sloping sites and to encourage good quality internal environments, any habitable room of a dwelling must have at least one external wall entirely above existing ground level.	As a result of the significant difference in levels which is provided between the south (front) and rear (north) of the site, a degree of cut is required. Notwithstanding this, maintaining the natural landform of the site has been carefully considered to ensure the extent of cut is not excessive and the development responds to the topography of the site.	Complies

4.1.7 – Tree Preservation

Controls	Comment	Complies
1. Council consent is required to undertake tree work including removing, pruning, cutting down, lopping, and ringbarking of any tree if the tree: <ul style="list-style-type: none"> is more than 3 metres tall, or 	Eight trees along the western boundary of the site are proposed to be removed. Four trees are proposed in place of these trees along the western	



<ul style="list-style-type: none"> has a circumference in excess of 300mm at a height of 1 metre above the ground. 	boundary. One additional tree is proposed to be located to the rear of the development, in the north-western corner of the site.	
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4.1.9 – Lot size and Site Consolidation

Mixed Use Controls	Comment	Complies
g. For all development of 4 storeys or greater, a minimum frontage width of 18m is required.	A site frontage of 18.285m is provided.	Complies

4.3 LANDSCAPE PLANNING AND DESIGN

4.3.1 – Open Space and Landscape Design

Controls	Comments	Complies
1. Development must comply with Council's Technical Specification - Landscape.	Noted - see accompanying Landscape Plan and specifications.	Yes
2. Council requires a Landscape Plan prepared by a qualified Landscape Architect to be included with development applications for all developments except single dwelling houses and secondary dwellings.	Noted - see accompanying Landscape Plan and specifications.	Yes
3. Significant existing trees and natural features such as rock formations should be retained and incorporated into the design of the development wherever possible.	Noted - see accompanying Landscape Plan and specifications.	Existing trees to be replaced and a new kerb, gutter and footpath proposed.
4. The amount of hard surface area is to be minimised to reduce run-off by <ul style="list-style-type: none"> a. directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and b. utilising semi-pervious paving materials wherever possible 	Noted - see accompanying Landscape Plan and specifications.	Yes
5. Landscape must relate to building scale and assist integration of the development with the existing street character.	Noted - see accompanying Landscape Plan and specifications.	Yes
6. Planting design solutions are to: <ul style="list-style-type: none"> a. provide shaded areas in summer, especially to west facing windows and open car parking areas; b. provide screening for visually obtrusive land uses or building elements; 	Noted - see accompanying Landscape Plan and specifications.	Yes



<div><div><div><div>c. provide vegetation and tree cover within large expense of car parking areas;</div><div>d. provide privacy between dwellings;</div><div>e. not cause overshadowing of solar collectors on rooftops;</div><div>f. incorporate plant species in locations and in densities appropriate for their expected size at maturity;</div><div>g. rely primarily on plants that have a low water demand and nil or low fertilizer requirements; and</div><div>h. use appropriate indigenous plant species wherever possible.</div></div></div></div>		
7. Trees must be planted within properties to maximise tree cover.	Noted - see accompanying Landscape Plan.	
8. Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates :	60m ² required to be provided as landscaped area. (Landscaped courtyard provided with approx. 96m ² landscaping)	Yes
<div><div><div>Development/Building Type</div><div>Minimum landscaped area (of the site area)</div></div><div><div>Mixed use (with shoptop housing)</div><div>10%</div></div><div>Note: Landscaping above basement car park is not to be calculated as part of the landscape area.</div></div>		
4.3.2 Private Open Space		
Controls	Comments	Complies
1. Each dwelling must be provided with a minimum private open space area as specified in the following table:	Refer to ADG.	
<div><div><div>Dwelling Type</div><div>Minimum Private Open Space Required</div><div>Required Dimensions</div></div><div><div>Residential Flat Building / Shoptop Housing</div><div>as per recommended external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code</div><div>Each dwelling</div><div>Minimum depth of 2m</div></div></div>		
2. For residential flat building and shop top housing, private open space is to be provided for each dwelling in the form of balconies, roof terraces or in the case of ground floor units, courtyards. The primary private open space of each unit must directly connect to the living area.	Noted.	Yes
4.3.3 Communal Open Space		
Controls	Comments	Complies



1. A primary communal open space area of adequate dimensions must be provided for use by all residents, for c. shoptop housing or a mixed use development which has 12 or more dwellings.	As 12 units are provided, sufficient communal open space is provided on Level 1 as a landscaped courtyard area.	Yes.
2. The development must provide a communal area for the benefits of its residents at the rate of 5m ² for each dwelling within the development. Where a development is unable to reasonably meet this minimum requirement (or a development containing less than 12 dwellings) an equivalent area of additional private open space is to be provided for each dwelling.	A minimum of 60m ² is required to be provided. 96m ² is provided on level one of the development.(82.5m ² excluding all circulation areas)	
3. Communal areas should: a. contribute positively to the amenity of the development, b. be conceived as part of the overall design of the building, c. be north facing and receive adequate solar access, d. have a minimum area of 40% that has sunlight at 1pm on 21 June, e. be clearly defined to distinguish between communal and private open space, f. be of dimensions to suit the proposed use and requirements of the occupants, g. provide for a range of recreational uses and activities, act as a catalyst for social interaction, and be supplemented with seating and shading, h. be cost effective to maintain, and i. contribute to stormwater management and be integrated with the on-site drainage detention system.	The communal area provided does not receive the minimum 40% solar access at 1pm on 21 June. However, in excess of the minimum is received at 9am and considered acceptable to service the development. Therefore, the amenity of the development is considered acceptable in this instance. However, 83% of the units receive adequate solar access.	No
5. Communal open space may be accommodated on a podium or roof in a residential mixed use building provided it has adequate amenity and convenient access.	The communal space has been provided in this form which receives adequate solar access and is easily accessed.	Yes

4.4 SUSTAINABLE BUILDING DESIGN

4.4.2 Solar Access	Refer to ADG
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4.4.3 Natural Lighting and Ventilation	Refer to ADG	
4.4.4 Glazing		
Controls	Comments	Complies
1. Areas of glazing are located to avoid energy loss and unwanted energy gain.	Appropriate sun protection in the form of awnings is provided to the north and west elevations to ensure protection from the sun during the summer period whilst still allowing for the winter sun to seep through the proposed window openings.	
2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted windows are not acceptable.	Awnings and balconies have been provided to the north and west elevations of the site to provide sun protection. Face brickwork which provides openings for the balconies have also been provided for the site.	
4.4.5 Visual and Acoustic Privacy	Refer to ADG.	
<ul style="list-style-type: none"> Acoustic Privacy Building Separation 		
4.4.6 Noise Impact	Refer below comment.	

The accompanying acoustic report prepared by Renzo Tonin & Associates outlines:

ground-borne rail noise inside the proposed residential dwellings comply with Department of Planning publication "Development Near Rail Corridors & Busy Roads – Interim Guideline 2008". In addition, our analysis has also shown floor induced vibration the proposed development due to train pass-bys to comply with the British Standard BS6472:1992 "Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz)" and day and night VDV values to be within the acceptable values set by the OEH guideline as required by the Department of Planning.

In order to control the ingress of airborne rail noise and traffic noise into the proposed development and to comply with the nominated noise criteria recommendations in terms of the provisions of materials have been provided in Section 4 of the accompanying report.

4.5 SOCIAL EQUITY

4.5.1 Housing Diversity and Choice

Controls	Comments	Complies
1. Residential flat buildings and shoptop housing are to comply with the following dwelling mix:	The proposed mix of apartments was deemed appropriate by the Design Review Panel.	Yes



<table><tr><th>Dwelling type</th><th>Of total dwellings</th></tr><tr><td>3 bedroom and/or more</td><td>10%-20%</td></tr><tr><td>2 bedroom</td><td>50%-75%</td></tr><tr><td>1 bedroom and/or studio</td><td>10%-30%</td></tr></table>	Dwelling type	Of total dwellings	3 bedroom and/or more	10%-20%	2 bedroom	50%-75%	1 bedroom and/or studio	10%-30%	Notwithstanding this, the proposed development complies with the control: 3 x 1-bedroom (25%) 8 x 2-bedroom (66%) 1 x 3-bedroom (9%)	
Dwelling type	Of total dwellings									
3 bedroom and/or more	10%-20%									
2 bedroom	50%-75%									
1 bedroom and/or studio	10%-30%									
2. The required dwelling mix may be refined having regard to: <ul style="list-style-type: none">a. the location of the development in relation to public transport, public facilities, employment areas, schools and retail areas;b. population trends; andc. whether the development is for the purpose of public housing or the applicant is a community housing or not-for-profit organisation.	The proposed development has provided an apartment mix suitable to the social context which will facilitate the existing and future social mix.	Yes								
3. Developments containing less than 10 dwellings may vary the required dwelling mix, providing a range of dwelling sizes are represented.	Not applicable.									
4. For multi-dwelling housing, residential flat buildings and shoptop housing, adaptable housing complying with AS 4299 is to be provided in accordance with the following: <table><tr><th>No of dwellings in development</th><th>No of adaptable dwellings required</th></tr><tr><td>less than 10</td><td>1</td></tr><tr><td>10 - 30</td><td>2</td></tr><tr><td>more than 30</td><td>10%</td></tr></table>	No of dwellings in development	No of adaptable dwellings required	less than 10	1	10 - 30	2	more than 30	10%	2 adaptable units have been provided.	Yes.
No of dwellings in development	No of adaptable dwellings required									
less than 10	1									
10 - 30	2									
more than 30	10%									
5. For residential flat buildings and shoptop housing, development is to provide barrier free access to at least 20% of dwellings.	See accompanying access report.	Yes.								
4.5.2 Equitable Access										
Controls	Comment	Complies								
1. The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. Access is to meet the requirements of the Disability Discrimination Act, the relevant Australian standards and the Building Code of Australia.	Suitable access is provided for the development.	Yes.								
2. An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies.	Access report accompanies the application.	Yes.								



Note: Compliance with this DCP, the Australian Standards and the Building Code of Australia does not necessarily guarantee that a development will meet the full requirements of the DDA. Applicants should make the necessary enquiries to ensure that all aspects of the DDA legislation are met.		
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4.6 CAR PARKING, ACCESS AND MOVEMENT	Comments	Complies
Parking Rates	One parking space is required per 1 and 2 bedroom apartment Two parking spaces are required per 3 bedroom apartment Visitor parking spaces per 5 dwellings	Yes. Refer to pre-DA comments in terms of parking required.
Car Wash Facilities Control		
20. For buildings with 5 dwellings or more, at least one visitor car parking space is to be equipped with car wash facilities which has a cold water tap and is connected to the sewer system.	Provided at basement level.	Yes.
21. Bicycle	1 space per 10 dwellings – 2 spaces provided	Yes.
22. Motorcycle	1 space per 15 dwellings	No.

4.7 SITE FACILITIES

Waste Storage and Recycling Facilities		
Control	Comments	Complies
3. Development must comply with Council's Technical Specification – Waste Minimisation and Management regarding construction waste and on-going management of waste facilities	Noted.	Yes.
7. For mixed uses, industrial and other non-residential, waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.	See accompanying waste management plan.	Yes.

Laundry Facilities and Drying Areas

Control	Comments	Complies
11. Laundry facilities are to be incorporated into each dwelling unit.	Provided.	Yes.
12. Drying areas are not to be located forward of the building line or within the setback to any street frontage and should be screened from public view.	Noted.	Yes.



13. Design should allow residents to hang clothes to dry in an open and preferably sunny part of the site.	Balcony provided to each unit.	Yes.
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Storage Areas

Control	Comments	Complies
18. For residential flat buildings and shop top housing, a minimum of 10m ³ storage area must be provided for each apartment. The storage area is to be exclusive of bedroom wardrobes, kitchen cupboards and services. At least 50% of the required storage within each apartment must be accessible from either the hall or living area.	Refer to ADG.	Yes.

Part 5 Building Types

5.3 MIXED USE

DEVELOPMENT SETBACKS	Refer to ADG.	
<ul style="list-style-type: none"> • Front Setbacks • Side and rear setbacks 		

BUILDING USES

Ground Level uses

Control	Comment	Complies
8. Building uses fronting the public domain at ground level are to be active uses wherever possible.	Provided.	Yes.
9. Residential uses are prohibited on the ground floor with the exception of access to upper level residential uses.	No residential uses located on the ground floor (As a result of the topography, the ground floor plan does illustrate this label however, the residential component is located in excess of 2.5m above the finished floor level of the basement)	Yes.
10. Access to upper level uses does not occupy more than 20% of the ground floor frontage.	No access to upper levels provided on the ground floor frontage to Shaw Street.	Yes.

Retail

Control	Comment	Complies
14. A minimum of 10% of the gross floor area of a mixed use development is to be for retail and/or commercial uses.	In excess of 10% of the GFA is provided as retail. 120m ² required and 197m ² is provided.	Yes.
15. Retail premises are to be regularly shaped with minimal intrusions from building services and circulation. All retail premises	Provided.	Yes.



must have internal access to the loading dock if provided.		
16. Retail premises of less than 200m ² must have a depth to width ratio between 1:1 and 3:1.	The retail units range between 1:1 and 3:1.	Yes.
Flexible space		
Control	Comment	Complies
22. Where upper level commercial is not provided, the first floor must be designed as flexible space to allow future adaptation. It must have a minimum floor to ceiling height of 3.3m	3.3m floor to ceiling heights provided on first floor level.	Yes.
23. Flexible space is to include design features which allow future adaptability including: minimisation of structural internal walls, co-location of services, design of window and external door locations that allow multiple configurations, and larger bedroom spaces or multiple living areas for future home office areas. The applicant is to provide an alternative scheme that shows how the development could be modified for other uses.	Alternative design provided in architectural package.	Yes.
BUILDING DESIGN		
Control	Comment	Complies
26. Façade and roof design is to comply with relevant controls in Section 5.2 Residential Flat Buildings of this DCP.	Noted. A change in building articulation, material colour and roof expression is provided. The façade design has incorporated and responded to environmental conditions and the location of balconies have been strategically placed to ensure to respond to such environmental conditions.	Yes.
27. Blank party walls should be avoided and some modelling is to be provided to party walls.	Noted. Blank party walls have not been provided.	Yes.
28. Adjacent to a highway or railway line, the building articulation is to be a lightly modelled street wall building using recessed balconies, expressed openings, projecting sills, roof overhangs and the like.	Noted. Recessed balconies, expressed openings and	Yes.
29. On retail streets, the building articulation is to be a heavily modelled street wall building, using projecting and/or recessed balconies, expressed window openings, deep reveals, roof overhangs and the like.	Noted. Recessed balconies provided to the upper levels fronting Shaw Street.	Yes.



31. Where buildings are situated on a corner site they have greater visual prominence and are to be designed to respond to street geometry, topography and sightlines. The façade treatment at the corner is to be designed to differentiate it from the street facades.	Noted. Comments have been provided from the Design Review Panel and incorporated into the design which confirms this.	Yes.
32. The massing of a building on a corner site is to be distributed to enhance the street corner.	The curved form of the lower storeys and the sensitive design provided to the residential access, in addition to recesses provided for the upper levels, results in a design that enhances the existing street corner.	Yes.
PUBLIC DOMAIN INTERFACE		
Ground floor articulation	Refer to ADG	
Access to premises		
Controls	Comments	Complies
38. Buildings must provide access to all ground floor retail or commercial premises which front the street. This must be the primary means of accessing a given tenancy. On sloping sites, the levels must be contiguous at the entries, but may vary elsewhere by no more than 600mm.	Noted. Primary access to the retail shops are provided from Shaw Street and provide contiguous levels at the entry.	Yes.
39. At pedestrian access points, the ground floor façade may be set back up to 1.2m provided that the resulting space is at footpath level (or graded from footpath level to the building entry) and has a depth to frontage (at building line) ratio of not more than 1:2.	Not applicable.	
41. Garage doors should be set back. All vehicle entries are to have security shutters and be designed to integrate with the overall façade composition.	The garage doors are located to the rear of the property from Shaw Lane. The motorised gate is setback approximately 300mm from the boundary.	Yes.
Visual connection		
Controls	Comments	Complies
42. Development includes display windows with clear glazing to ground floor retail and commercial premises with a maximum window sill height of 700mm. Glazing is not to be frosted or otherwise obscured at eye level; between the heights of 0.7-2.1m.	Glazed window shopfronts are provided with a dimension of 2.1m. No window sills are proposed for the ground floor retail.	Yes.
43. Upper level building uses are to be designed so that they overlook the public	Yes, casual surveillance will be provided as a result of the	Yes.



domain particularly where continuous awnings are not provided, allowing opportunities for casual surveillance.	balconies and habitable rooms which are provided on these elevations.	
44. All ground floor lobbies are to have direct visual connection with the street, with clear sight lines.	No ground floor lobby is proposed facing the street frontage of Shaw Street.	Complies
Awnings		
Controls	Comments	Complies
53. Continuous awnings are to be provided to all retail streets and are to provide protection from both sun and rain	Awning provided over the retail uses fronting Shaw Street.	Yes.
54. Awnings meet the following requirements: a. minimum soffit height of 3.3m; b. maximum fascia height of 600mm; c. minimum setback from edge of kerb of 600mm; and d. maximum step of 900mm on sloping sites, which must not compromise environmental protection.	Yes Yes, 470mm Yes, 700mm Not applicable	Yes.
55. Awning height provides continuity with adjoining properties and follows the street gradient. It is to be of sufficient depth to provide good shade and shelter to pedestrians.	The awnings located on Shaw Street vary in height. As provided on the accompanying Shaw Street Streetscape elevation, the proposed awning will not be in line with the neighbouring property. However, as the difference in heights are generally minor (900mm) and consistent with the existing pattern, the awning provided for the proposed development is considered acceptable. However, the awning is not too dissimilar to the awnings located at 8 and 10 Shaw Street.	No, but considered acceptable
56. Under awning lighting is included, either recessed into the soffit of the awning or wall mounted on the building.	Details will be provided at Construction Certificate Stage.	
57. Variation in the awning treatment at lobbies and entries to upper level building uses is encouraged to improve the legibility of the building.	Complies. Painted reinforced concrete awnings provided at street level. Solid cantilevered awnings, with a white finish provided on the upper levels.	Yes.
Parking		
Controls	Comments	Complies
58. Where a building contains residential and non-residential uses, separate lift access must be provided from basement car	Separate lift access is provided to ensure access to the residential component of the building is	No, but considered acceptable



parking to the residential and non-residential areas.	separated, securely from the non-residential areas. As a result of the smaller scale nature of the development, the provision of one lift is considered acceptable in this instance. In addition, as a result of the following control (59), access to the lift can only be provided to the residential component of the basement car park.	
59. Residential parking spaces must be secure and separate from non- residential vehicle parking and servicing areas.	Provided.	Yes.

The Likely Impacts

Section 79C(1)(b) requires consideration of:

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 assessment contained herein identifies that there are no adverse environmental impacts on the natural and built environment as a result of this proposal. The outcomes will be derived through thorough construction processes to ensure protection to life and property as a result of its implementation.

The proposal does not contain any key natural features that require retention as a result of the proposed built form and the traffic and parking implications associated with the proposal are minor considering the dual frontage offered to the site. Therefore, the development will not result in adverse environmental outcomes on the natural environment.

In terms of social benefit, the provision of a diverse form of accommodation will provide a range of affordable offerings to the market place to cater for various socio-economic groups, while also providing retail spaces that will create attractive environments to the surrounding street network and encourage social interaction through activated street frontages.

The economic benefits of the proposal will be derived through both the construction and operation of the development. During construction a workforce will be employed and sourced locally, where possible. Once completed, the residents of the building will assist to underpin the economic activity of the precinct and employment will be generated by the retail spaces within the building.

Therefore, the proposal will derive positive, environmental, economic and social outcomes.



Site Suitability

Section 79C(1)(c) requires consideration of:

the suitability of the site for the development,

The site is suited to the development, having regard to the zoning of the location, which promotes a form of mixed use development thereon, while providing active frontages to the surrounding street networks that surround the site to ensure an active public domain for the Bexley North area, as directed by the LEP.

The scale and form of the development, as proposed, is consistent with the density of development surrounding the site and, again, generally accords with the development standards.

Further, the traffic impacts associated with the proposal are limited and sufficient car parking is provided on the site to ensure that it does not place undue pressure on the surrounding street network or other nearby parking areas, within immediate vicinity of the site

It is therefore considered that the site is suited to the form and scale of development, as proposed.

Public Interest

Section 79C(1)(e) requires consideration of:

the public interest.

As the proposal will result in an employment generating activity, during construction and operation, from an economic and social perspective, the proposal is well within the public interest.

The proposal is therefore considered to be well within the public interest.



5. CONCLUSIONS & RECOMMENDATIONS

Hamptons has been retained by our client Auroora Design on behalf of Peter Tuck and Margaret Quigley, in relation to the land known as 16-20 Shaw Street, Bexley North.

The development application is for the demolition of existing improvements, excavation to provide for one basement level and associated building services and construction of a mixed use development comprising of 3 ground floor commercial tenancies and 12 apartments.

The purpose of the development application is to utilise the economic opportunity of the site that is afforded by the relevant environmental planning controls, while improving upon the appearance of the existing built form, with an architecturally designed, mixed use development outcome that accords with the more contemporary developments that are evident within the vicinity of the site. The proposal also seeks to provide a strong contribution to urban consolidation, with the implementation of 12 apartments, in an area that is well serviced by public transport, particularly train services which are located 150m from the site.

The site is located in Zone B4 Mixed Use, pursuant to the Rockdale Local Environmental Plan (LEP) 2011 and the proposed shop top housing development is permissible with consent under this planning instrument.

The current design presentation is a reflection of the pre-development application meeting that was undertaken with the Council and a subsequent Design Review Panel. The proposal has been amended to reflect the advice provided by the Council during those processes.

The proposal is consistent with the zone objectives and will not compromise the desired outcomes under the various planning instruments. While it does not comply with the development standard for height and FSR as set out in the LEP, the non-compliance is limited and significantly minor and generally will be without effect to neighbouring properties.

Aside from the above, the proposal achieves the relevant technical requirements in relation to car parking, traffic, its associated impact and sensitivity in relation to building design, BCA and access requirements.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans and the Council's standard conditions of development consent.





**ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011
 CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS
 DEVELOPMENT APPLICATION FOR 16-20 SHAW STREET, BEXLEY NORTH**

AMALGAMATION OF THREE LOTS, DEMOLITION OF THE EXISTING IMPROVEMENTS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT, BASEMENT CAR PARK AND ASSOCIATED WORKS.

The Development Application

1. This development application is for the construction of a mixed use development located at 16-20 Shaw Street, Bexley North.
2. The proposal seeks to amalgamate the existing titles, being lots 24, 25 and 26 in DP 122081, into a single allotment.
3. The proposed development is located in the B4 Mixed Use Zone.
4. The proposal seeks to provide ground floor commercial shops fronting Shaw Street, subject to separate tenancy applications.
5. 12 residential apartments and a new basement car park to facilitate 18 parking spaces, accommodating both the residential and retail components of the development are proposed.
6. The proposed development, results in non-compliance with the development standards for height and floor space ratio (FSR).
7. The request seeks an exception to these development standards, namely that relating to building height, (Clause 4.3) and a minor exception to floor space ratio (Clause 4.4) of the Rockdale Local Environmental Plan 2011 (the LEP).

The Permitted Building Height

8. The development standard limits the height of a building to 16m across the site.

The Definition of Building Height

9. The definition of building height is contained at the Dictionary to the LEP and states as follows:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The Proposed Building Height

10. The proposed maximum height of the building is 16.75m.
11. The proposal is generally in accordance with the 16m height limit, with the exception of Level 3 which provides a minor encroachment, generally as a result of the topography of the site. Level 3 provides residential accommodation, which fronts Shaw Lane, to the rear. As this setback fronts Shaw Lane which

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directly overlooks Bexley North train station, the impact in terms of the minor encroachment is considered minimal, having regard to the adjoining land uses.

12. The minor area which encroaches upon the permitted height limit is as a result of the difference in levels. To ensure adequate floor to ceiling heights are provided for the rear apartments and to maximise the amenity provided to the residential dwellings within the proposal, having regard to the slope of the land, a minor encroachment results. To ensure adequate residential accommodation is provided in addition to providing active ground floor retail spaces, as prescribed by Clause 6.11 of the LEP, variation to the development standard relating to height is proposed.

The Permitted FSR

13. The development standard limits the FSR of a building to 2:1.
14. The development proposes an FSR of 2.02:1.

The Definition of FSR

15. The definition of floor space ratio is contained in clause 4.5(2) of the LEP which is defined as:

(a) The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

The Proposed FSR

16. The proposed maximum FSR of the building is 2.02:1, representing a non-compliance of 14.7m² (1.2%).
17. It is acknowledged that the proposed form will exceed the permitted FSR control; however, considering the area which represents the non-compliance is minor and, as such, will not provide substantial area to result in the provision of one or more additional units, the non-compliance is acceptable.
18. The additional area, which represents approximately 14.7m², will ensure the amenity of the inhabitants is not compromised as a result of a numeric control. This area will contribute to providing sufficient apartment sizes and services for the development.
19. Therefore, whilst a non-compliance will result, it is acceptable in this instance as the proposed FSR still results in a development which is compatible with the emerging scale of development in close proximity to the site.

Clause 4.6 – Variation to Development Standards

20. Clause 4.6 of the LEP allows for a development standard to be varied, allowing for a degree of flexibility in association with a particular type of development to enable a better outcome to be achieved.
21. A request to vary a development standard must be made by the applicant (Clause 4.6(3)) and demonstrate:
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.*
22. The Clause goes on to state that in granting consent for a proposal that deviates from a development standard, a consent authority must be satisfied that:
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*
23. Clause 4.6(5) states that:
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- Clause 4.6 – Written Request**
24. Section 4 of the EP&A Act defines 'development standards' as
- provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*
- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or*
 - (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
 - (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
 - (d) *the cubic content or floor space of a building,*
 - (e) *the intensity or density of the use of any land, building or work*
25. Both the height and FSR provisions are set out at Part 4 of the LEP entitled 'Principal Development Standards'.
26. Clause 4.6 only applies where the development standard is not excluded in accordance with clause 4.6(2). Neither the height control, nor the FSR control, contained at Clause 4.3 and Clause 4.4, are expressly excluded from the operation of Clause 4.6.



27. Clauses 4.3 (2A) and 4.4 (2A) are expressly excluded from the exception to development standards however, as these clauses are not relevant to the proposal, no further consideration in this regard is required.

28. Therefore, it is open to the applicant to seek a variation to these development standards.

29. This is consistent with Paragraph 26 of the decision in *Winten Property Group Limited V North Sydney Council [2001] NSWLEC 46* case (the *Winten case*) which requires consideration as to whether the control is, in fact, a development standard.

30. It is assumed that the Council accepts that the height and FSR controls are development standards.

The objectives of the development standards

31. Clause 4.3 of the LEP provides the objectives of the development standard for height and states 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*

32. Clause 4.4 of the LEP provided the objectives of the development standard for floor space ratio and states as follows:

- a) *To establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale*
- b) *To minimise adverse environmental effects on the use or enjoyment of adjoining properties*
- c) *To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation*

Consistency with objectives of the standard (clause 4.6.4(a)(ii))

33. The proposed development is consistent with the objectives of the development standard for height.

To establish the maximum limit within which buildings can be designed and floor space can be achieved

34. The part of the building which exceeds the development standard, is up to 750mm above the maximum limit. The non-conforming section, at its closest point, is set back 3m from the boundary to Shaw Lane. The primary frontage, to Shaw Street, provides a height compliant with the development standard. However, as a result of the topography of the site, which falls away from Shaw Street, a minor-non-compliance occurs to the rear.

35. The minor non-compliance allows for an appropriate transition between the built form and the natural ground level afforded to the site.

36. The minor non-compliance also results in a modest breach to the FSR standard, which is discussed under the objectives of the said control.



37. It should be noted that the highest point of the building, which is 750mm above the development standard, is located to the rear of the site which fronts Shaw Lane and directly adjoins Bexley North rail corridor.
38. Generally, the majority of the remaining portions of the building, including the lift overrun, do not extend beyond the maximum height limit.
39. The proposed height is a derivative of the fall of the land from the south (Shaw Street) to the north (Shaw Lane). This is evidenced by the elevation fronting Shaw Lane (northern elevation), which demonstrates that only a minor portion of the building extends beyond the maximum height limit, when viewed from Shaw Lane.
40. The Shaw Street Streetscape Elevation which accompanies the architectural package, demonstrates that when the development is viewed from Shaw Street, the form cannot be seen, as it is consistent with the fall of the land.
41. Therefore, the proposed development will not appear adversely in terms of the bulk and scale when viewed from both the surrounding street frontages.
42. The built form which extends beyond the permitted height generally consists of awnings, metal cladding and brick materials provided for the façade. No openings are provided within the non-complying area and therefore, will result in limited impact on neighbouring properties.
43. Therefore in both circumstances, when viewed from Shaw Lane and Shaw Street, the section of the building which is non-compliant with the height standard will go unnoticed and will not contribute to the bulk and scale of the building.
44. Therefore, as a building located in the Mixed Use zone, which seeks to extend the provision of retail space and provide an active frontage to Shaw Street, as well as providing residential accommodation, in a highly accessible location, the bulk and scale of the building, which results in a non-compliance with the development standard for height is acceptable having regard to this objective.

To permit building heights that encourage high quality urban form

45. As per the comments provided by the Design Review Panel, the design approach was supported as it had taken into consideration the contextual form of the two storey, brick, commercial buildings in the precinct.
46. The upper levels of the development have been recessed to ensure that the bulk and scale of the proposed development does not dominate the skyline and provides a built form outcome that is sympathetic to the surrounding retail uses.
47. Comments provided by the Panel also outlined that the curved form of the lower two storeys, together with the sensitive design resolution of pedestrian access to the residential components of the building, was supported. A walkway is provided along the western elevation which provides access to the rear of the retail shops and to the residential component of the development, which is clearly defined from retail access, accessed from Shaw Street.

To provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain



48. The height of the non-compliant section of the building will not adversely impact any views enjoyed from neighbouring buildings.

49. No window openings are provided within the non-complying area, as the non-compliance is minimal and will only facilitate a minor portion of the built form located to the rear of the site.

50. In terms of solar access, the proposal has very limited impact considering the three frontages that the site is provided with. In addition, the non-compliant element of the built form is north facing and therefore reduces the risk of overshadowing to neighbouring properties. As a result of the proposed height, the majority of change will be directed towards Shaw Lane itself.

Commented [RC1]: More comments may be provided once shadow diagrams are received & shadow diagrams can be inserted.

51. To ensure sufficient sky exposure is provided to the development itself, a courtyard is provided on Level 1 which also assists in the receipt of solar access internally and, in particular, to the south facing units.

52. The proposal will not impact the neighbouring park, Shaw Street Reserve.

53. The analysis above supports this position and demonstrates that the proposal is acceptable due to its limited impact, despite non-compliance with the development standards.

To nominate heights that will provide an appropriate transition in built form and land use intensity

54. To relevantly consider this objective, one must have regard for the zoning, height and floor space provisions within the vicinity of the site, which allow for identification of transitional locations within the vicinity.

55. To the south of the site, the existing commercial development is also located within the B1 Neighbourhood zone. All other properties surrounding the site have a different zoning; however, the height limit remains consistent.

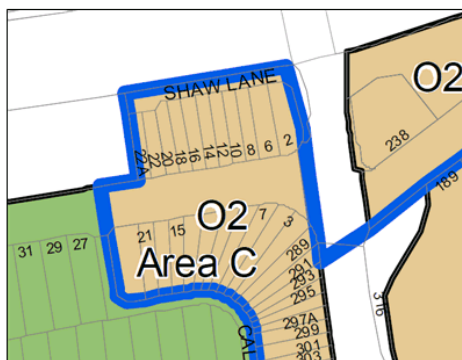
56. Therefore, the proposed height, whilst non-compliant, is generally consistent with existing development surrounding the site and is of a scale that is not so out of proportion with the expectations of building height moving forward, such as to warrant refusal of the application.

57. The proposal responds to the slope of the land, as the form is provided which is generally respectful of the controls, despite non-compliance with the development standard.

58. It should also be noted, as the site is identified as being located in "Area C" of the LEP Height map, an additional height of 6m could be awarded to the site if the minimum site area of 1,200m² was provided. Should sites within the immediate vicinity of the site elect to amalgamate to provide a minimum area of 1,200m², a building height of 22m would be permitted. Therefore, although the subject site does not meet the minimum site area as per the clause, the non-complying element of 750mm is considered acceptable in this regard having regard to the intent of the planning controls for this location.



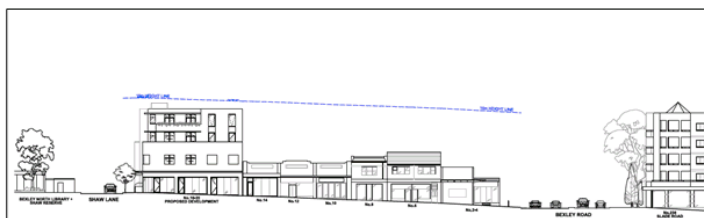
Height Map



59. The proposed form, being framed by the existing development to the east, albeit not exceeding the maximum height control, is generally consistent with the built form by delivering a high quality design consistent with the existing form within the vicinity of the site and a land use intensity that is prevalent in recent times and proximate to the site.

60. As highlighted below, the non-complying elements of the built form are located to the rear of the site, on the secondary frontage, to reduce any perceived impact when viewed from the primary frontage.

Shaw Street Streetscape elevation highlighting the maximum height control when viewed from Shaw Street, and demonstrating the compliant building height of the proposal from this elevation.



61. The proposal is therefore acceptable in this regard.

62. The proposed development is consistent with the objectives of the development standard for Floor Space Ratio.



To establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale

- 63. As three retail/business spaces will continue to be provided, consistent with the existing situation, an increase in deliveries will not occur. In addition, a commercial loading area will be provided within the basement car park which will result in an improved outcome over the existing situation, as it will remove the loading zone from the street, therefore improving opportunities for on-street parking.
- 64. All parking required for both the residential and non-residential component of the development will be off-street in the proposed basement car park.
- 65. On-street parking will continue to be provided as per existing arrangements on Shaw Street.
- 66. It is assumed likely that, as a result of the proposal, the operating capacity of the Shaw Lane and Shaw Street intersection will remain at the same level of service regardless of the development, taking into consideration the proximity of Bexley North train station. The size and scale of the commercial component of the development is not such as to result in a significant increase in retail trade, but instead akin to the expectation of land zoned for mixed use purposes.
- 67. The proposed access is located to the rear of Shaw Lane, which provides an improved layout over the existing situation, which requires on-street parking or use of the parking lot located north-west of the site, behind Bexley North library.
- 68. The accompanying traffic report also outlines that, as a result of the development, a reduced traffic volume of 9 peak hour vehicle trips will occur.
- 69. Therefore, the effect of the development will be minimal in these terms and the non-complying elements of the project would have limited, if any, effect, in this regard.

To minimise adverse environmental effects on the use or enjoyment of adjoining properties

- 70. The non-compliant components of the proposed building will not result in any adverse environmental effects, nor the development itself.

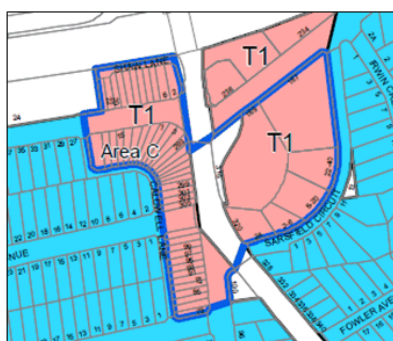
To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation

- 71. Regardless of the non-compliance, the proposed development provides an appropriate mix of residential and retail/business uses, with additional employment and residential accommodation suitable to the subject site being provided.
- 72. Although a variation is proposed, an appropriate response to the location of the site, which is within a highly accessible location, is acceptable in this instance.
- 73. Further, as the site is in "Area C" of the LEP FSR map (see below), the floor space ratio may exceed the maximum by 0.5:1 if a minimum site area of 1,200m² is provided. Should sites within the immediate vicinity of the site choose to amalgamate to provide a minimum area of 1,200m², a maximum FSR of



2.5:1 would be permitted. Therefore, although the subject site does not meet the minimum site area as per the clause, the non-complying floor space area is considered acceptable in this regard, having regard for the intended future development capacity within the immediate vicinity of the site.

FSR MAP



Consistency with Zone Objectives – clause 4.6(4)(a)(ii)

74. In relation to whether a proposal is consistent with the objectives of a zone, the test for consistency is set out in *Coffs Harbour Environment Centre v Coffs Harbour City Council* (1991) 74 LGRA 185 (the *Coffs Harbour case*). The principles for determining what is meant by consistent are as follows:

- a development that is consistent with zone objectives does not need to promote the objective concerned strictly, but also encompasses development which may be complementary or ancillary to development which promotes the objective concerned; and
- a development is not consistent with zone objectives if it is antipathetic to those objectives, irrespective of whether efforts have been made to minimise the extent to which it is antipathetic

75. Thus, development will be consistent with zone objectives if it is not antipathetic to them. It is not necessary to show that the development promotes, or is ancillary to, those objectives, nor even show it is compatible, *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21.

76. The proposal is consistent with the objective of the B4 Mixed Use zone as follows:

- a) To provide a mixture of compatible land uses.

77. The proposal provides a mixture of residential and retail land uses that are compatible with each other and with the context of the surrounding site.

- b) 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.



hamptons
property services

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78. The proposal is located along Shaw Street, which connects to Bexley Road. This is a state significant road, and is located approximately 70m from the subject site. This will provide opportunities for vehicular access, as well as the existing public transport services, by way of bus services, that stretch from Burwood to Bondi Junction and Hurstville to Marsfield.
79. Notwithstanding the above, Bexley North train station is also located approximately 150m from the subject site. The integrated nature of the development provides a diverse offering of land uses and walking and cycling opportunities are presented as part of the development proposal.
80. The retail uses proposed will continue to assist in local economic development, while providing residential accommodation. The proposal is designed to be of a form, scale and character that are consistent with both the existing and emerging character of surrounding development, within the vicinity of the site.

Environmental Planning Grounds to Justify Contravening the Development Standards (clause 4.6(3)(b))?

81. The proposal seeks to provide additional retail/business space and residential accommodation to respond to market demand.
82. The proposal also seeks to provide additional residential accommodation to service local housing needs which are of increasing demand in this location.
83. The proposal will assist to meet that demand, while maximising the planning potential availed to the site and maintaining the status of the mixed-use zone.
84. Non-compliance does not result in adverse impact to neighbouring properties, particularly in terms of bulk, scale and overshadowing.
85. The proposed outcome provides development more consistent with the objectives of the zone, with an active street frontage provided to Shaw Street in an economically viable manner, whilst delivering residential accommodation to provide for the existing and future needs of the community.
86. The proposal will not set a precedent for future cases, as the impact of the non-compliances are limited and without compromise to neighbouring properties, nor the streetscape appearance surrounding the site.
87. The non-compliance, in terms of height, is merely a derivative of the slope of the land.
88. The non-compliance with regards the provision of floor space ratio is considerably minor, as it represents only 14.7m² (1.2%) of the floor area, and will not result in any adverse environmental impacts.
89. Therefore, as there is no impact on adjoining properties, or the street network surrounding the proposal, there are sufficient environmental planning grounds to justify the departure.

Compliance with the development standard is unreasonable or unnecessary?

90. Compliance with the standard is unreasonable and unnecessary (clause 4.6(3)(a)).



91. The grounds for establishing that strict application of a development standard is unreasonable and unnecessary in the context of a SEPP 1 objection are set out in *Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe)* as follows:

- (a) *The objectives of the development standards are achieved notwithstanding the non-compliances.*
- (b) *The underlying objectives or purposes of the standards are not relevant to the development with the consequence that compliance is unnecessary*
- (c) *To establish that the underlying objective or purpose of the standard would be defeated if compliance was required and hence compliance would be unreasonable*
- (d) *To establish that the development standard has been virtually abandoned or destroyed by Council's own decisions departing from the standard, and hence compliance with it is unreasonable and unnecessary*
- (e) *To establish that the zoning of the particular land was an anomaly or inappropriate and as a result the development standard is also an anomaly and so compliance with it is unreasonable or unnecessary.*

92. (a) and (b) are relevant.

93. In relation to (a), the express objectives of the standards are met, as set out previously. Accordingly, compliance with the standards becomes unnecessary, considering the minor departures proposed.

94. In relation to (b), the proposal achieves the objectives of the aforementioned standards as the scale of development is generally consistent with built form directly adjoining the subject site and, aside from the height and FSR non-compliance, is consistent with the prescribed planning controls, achieving a positive outcome, consistent with the desired future character of the area.

95. While not as of right, these development standards have been utilised to ensure a built form that accords with the expectations of the standards and enables the proposal to make a positive contribution, which will provide for the needs of the community and will remain consistent with the desired future character of the area, within the retail and residential hierarchy of the local government area.

96. The impacts in terms of the proposed FSR whilst providing additional area than that prescribed by the control, provides residential accommodation, whilst also maintaining retail development, in a highly accessible location to both train and bus services.

97. Hence, compliance is both unreasonable and unnecessary.

Is the proposed development, which does not comply with the standard, in the public interest because it is consistent with the underlying purpose or object of the standard and the objectives for development in the zone in which it is proposed to be carried out?

98. The additional height proposes to cater for an appropriate amount of retail/business space and residential accommodation which will not impact upon existing infrastructure or neighbouring properties, whilst ensuring viability from a commercial perspective. The location of the floor area, which is contributing to the height non-compliance, is located to the rear of the site, adjoining Shaw Lane, to reduce its visual appearance.



99. The proposal is in response to market demand in terms of commercial viability and the need for such residential accommodation in this area, which will, in turn, maximise the potential of the site.
100. The proposed non compliances will allow for a more favourable solution, making it a more attractive development than existing improvements, due to the quality of the space afforded, as a result of the amalgamation of the allotment, in addition to the provision of residential accommodation which was not previously located on the site. This space may be provided without impact to neighbouring properties and the general public, due to its design and location as previously demonstrated.
101. Therefore approving an exemption to the height and FSR standards are in the public interest, as it will provide a better quality outcome in design terms, as well as underpinning the commercial/retail viability of the proposal, and supplying residential accommodation for people who live and work in the area.
102. There is no adverse consequence as a result of this proposal from the public domain. An active frontage will continue to be provided, and access to the site for the retail uses will no longer be required to rely on Shaw Street for parking, therefore having a material improvement to the context of the site.
103. The scale of the development will not cause adverse consequence on the environment, nor surrounding road network.
104. It is therefore requested that the variation to the height and FSR control be supported as it is well within the public interest.





27.11.2018

Bayside Council
152 Bunnerong Road
Eastgardens NSW 2036

Attention: Fiona Prodromou

RE: 16 – 20 Shaw Street, Bexley North (DA-2018/88)
Response for Further Information – Item D: Sydney Trains

Dear Fiona

We write in regard to the abovementioned Development Application (DA) and refer to your correspondence dated 17 October 2018 requesting further information.

We provide the following in response to Item D in council's correspondence, which states:

D. Sydney Trains

The subject site is located within close proximity of the Railway line to the north, as such the proposal was referred to Sydney Trains for comment. Sydney Trains noted as follows:

To ensure the safety of passenger rail services, balconies, rooftop terraces and windows in the proposed development, must be designed to prevent objects being thrown or blown onto Sydney Trains facilities. Alien objects can damage overhead power lines, cause injury to others and initiate derailment.

In order to maintain the safety of the occupants of the new development, all balcony and window design should meet the relevant BCA standards, and the Sydney Trains Electrical Standards. These standards will provide appropriate separation of the building and its occupants from the electrified infrastructure.

Balconies overlooking Sydney Trains facilities should not be serviced with outside taps, and rainwater should be piped down the face of the building overlooking the Sydney Trains facilities.

Sydney Trains has concerns with the design of the balconies/windows/rooftop terraces as objects can be thrown onto the rail corridor risking passenger safety. Sydney Trains requests that the Applicant be required to re-design the balconies/windows to ensure that this risk is minimised.

Given the above, plans are to be amended to include i.e. awning windows, louvres and enclosed balconies etc. which prevent the throwing of objects onto the rail corridor.

The concerns from Sydney Trains raises the following key issues

1. Compliance with electrical safe approach distances in relation to the proposed exposed balconies and windows.
2. Removal of water taps on balconies.
3. Foreign Object Safety upon train operation originating from the proposed exposed balconies and windows.

These issues are further assessed below:

Development Controls

NSW Transport has the following Engineering Standards applicable to the development:

- *Standard T HR CI 12080 ST 'External Developments', Version 1.0, dated 5 February 2015.*
- *System Guide SMS-06-GD-0268 'Working around Electrical Equipment', dated 16 May 2016.*

NSW Department of Planning has the following 'Draft Guideline':

- *Development Near Rail Corridors and Busy Roads – Interim Guidelines.*

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1. Electrical Safe Approach Distance (SAD)

The Safe Approach Distance (SAD) for the completed building, and any occupant within the balconies is 3 meters in accordance with **Table 1** and **Table 2** of *System Guide SMS-06-GD-0268 'Working around Electrical Equipment'*

The Safe Approach Distance for any temporary scaffolding during construction is 4 meters in accordance with **Table A** of *System Guide SMS-06-GD-0268 'Working around Electrical Equipment'*.

The nearest electrical equipment is the aerial electrical lines located directly over the train track. There are no electrical substations or 33KV service lines located along the Shaw Lane boundary.

The track aerial lines are located 11.5 metres from the rear boundary of the site. The proposed building (including balconies) is further setback 3.045 metres from the rear boundary, resulting in a total setback of 14.545 metres from the electrical aerial lines (Refer to **Attachment No.1**).

Accordingly, the proposed building is situated 10.545 metres from the electrical exclusion zone, and it is impossible that construction workers and the future occupants of the building will encroach this zone. The building as designed does not raise any safety risk for electrical electrocution for workers or occupants. The electrical operation of the train network will remain unaffected.

2. Water Taps

There are no NSW Transport Engineering Standards, Council controls, or BCA requirements that restricts water taps from being installed on a balcony within an apartment complex. There is no justifiable reasons that a water tap would cause impacts upon train safety. Furthermore, the installation of taps do not require planning or building approval. Sydney Trains request to remove taps from a balcony is unreasonable and unjustified.

3. Foreign Object Safety

Part 5.6 (Vandalism) of the NSW Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines* provides a recommended approach to avoid vandalism, and is not a one size fits all approach, as each site is unique in its characteristics. It is noted that this Part applies to both railway and road corridors. It suggests that 'open balconies and windows should preferably be a minimum of 20 metres from busy roads or rail lines'.

The NSW Transport for NSW Engineering Standards includes the following Standard: 'The design of balconies and windows shall mitigate the risk of debris being thrown onto railway infrastructure'. This Standard does not specify any numeric controls or specific restriction for open balconies. Instead it adopts a risk management approach to the design of buildings adjoining a railway corridor.

These documents override the NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

There are two types of incidents in which foreign objects from the neighbouring development can interfere with train operations, this includes 'accidental dropping' or 'deliberate vandalism'. The Standard does not require consideration of environmental events such as windy weather. NSW Transport acknowledges that a building can not be designed to prevent items from blowing onto the train track.

In regards to 'accidental dropping', the exposed balconies are setback 3.045 metres from the rear boundary, and separated by a public Laneway from the railway corridor. Overall, the balconies are

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setback 14.454 metres from the nearest railway track. Any accidental dropping of objects will fall within the rear of the site or upon the Laneway. It is unlikely that any accidental dropping of an object will travel over 14 metres in a horizontal distance and land within the train track.

In regards to 'deliberate vandalism', this is generally caused by a group of people or a single person becoming aggravated. The site is located directly opposite the Bexley North Station platform and is ideally sited with excellent casual surveillance by waiting train passengers and Sydney Train staff. This constant surveillance will identify early on the behaviour of any occupants that would be in an aggravated state. Accordingly, it will be known by Sydney Train staff if the behaviour of a person/group of people would cause an impact upon train operation, similar to a train station platform environment, and appropriate action can be undertaken.

Further, considering the railway boundary fence along Shaw Lane and Council carpark is at 1.2 – 1.4m above ground level, it is acknowledged that Sydney Trains considers that this location is not of high risk to train safety given the excellent causal surveillance provided from the train station platform.

In regards to windows, all habitable bedroom windows facing the train corridor are awning windows and are restricted in opening in accordance with BCA requirements in relation to child safety.

Conclusion

The development as proposed is appropriately setback from the railway corridor and is considered to be of low safety risk to train operation. No further design changes such as further setting back the building or the enclosure of balconies are required.

The proposed design is considered acceptable for the following reasons:

1. It is impossible that construction workers and the future occupants of the building will encroach the electrical exclusion zone, and the electrical electrocution for workers or occupants is unlikely to occur.
2. It is unlikely that 'accidental dropping' of foreign objects upon the train tracks will occur given the substantial 14.454 metre distance of the balconies from the train track.
3. Any 'deliberate vandalism' is appropriately mitigated by the constant direct surveillance of the building by station staff and train passengers from the Bexley North Train Station platform.

Should you wish to discuss any aspect of the above please do not hesitate to contact me on 02 8668 4878 or by email at steve@queconsulting.com.au

Regards

A handwritten signature in black ink, appearing to read 'Steve Querin'.

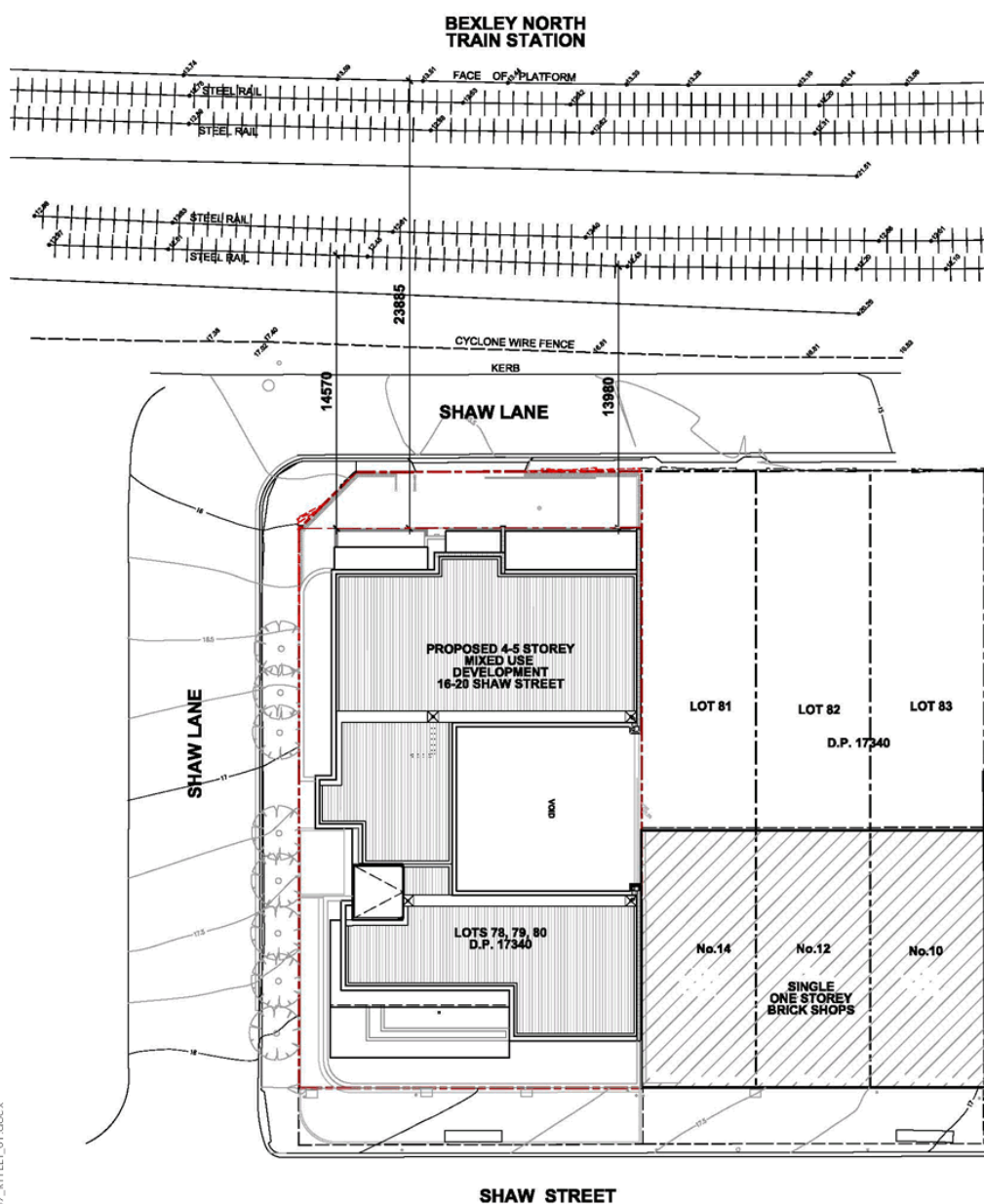
Steve Querin
Director

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Attachment No.1

Separation Distance from Railway Infrastructure.



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AURORA DESIGN

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Monday, 15 January 2018

SEPP 65 DESIGN VERIFICATION STATEMENT

Prepared to accompany the Development Application to Bayside Council.

16 – 20 Shaw Street Bexley North

Prepared on behalf:
Peter Tuck and Margaret QuigleyPrepared by:
Maurice Mandalinic Registration Number: 9098

Design Principle	Principle				
1.Context and Neighbourhood Character	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>				
	<table> <tr> <th>Consistent</th><th>Response</th></tr> <tr> <td>Yes</td><td> <p>The proposed building contributes positively not only to the key built features of the area, but also the desired future character as identified in the Controls of the Rockdale Development Control Plan 2011 (DCP 2011) and advice from the Design Review Panel Meeting.</p> <p>By creating a podium with a strong parapet line due to the set back of the upper levels, the podium becomes the dominant feature and is an appropriate design response. This podium is finished in brick that ties in with the surrounding context. This textured brick podium offers character and warmth which will positively contribute to the streetscape.</p> <p>Residential units are introduced to the first, second and third floor levels. The upper levels are setback from the podium and finished with metal cladding so that the podium becomes the predominant form. This design response respects the context and future character of the Bexley North Town Centre</p> </td></tr> </table>	Consistent	Response	Yes	<p>The proposed building contributes positively not only to the key built features of the area, but also the desired future character as identified in the Controls of the Rockdale Development Control Plan 2011 (DCP 2011) and advice from the Design Review Panel Meeting.</p> <p>By creating a podium with a strong parapet line due to the set back of the upper levels, the podium becomes the dominant feature and is an appropriate design response. This podium is finished in brick that ties in with the surrounding context. This textured brick podium offers character and warmth which will positively contribute to the streetscape.</p> <p>Residential units are introduced to the first, second and third floor levels. The upper levels are setback from the podium and finished with metal cladding so that the podium becomes the predominant form. This design response respects the context and future character of the Bexley North Town Centre</p>
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SEPP 65 Design Verification Statement DA.docx

1 of 5

Design Principle	Principle			
2.Built Form and Scale	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>			
	<table><tr><th>Consistent</th><th>Response</th></tr><tr><td>Yes</td><td><p>The scale and bulk of the proposed building is appropriate for the area, whilst the prevailing and future desired height in the area is maintained.</p><p>The articulation of the building’s built form that expresses its mixed use nature contributes positively to the existing and desired future character of the area.</p><p>The Public Domain is defined by the podium which with its scale, bulk and height achieves a design that is appropriate to the streetscape character.</p></td></tr></table>	Consistent	Response	Yes
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Design Principle	Principle			
3.Density	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>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.</i></p>			
	<table><tr><th>Consistent</th><th>Response</th></tr><tr><td>Yes</td><td><p>It is envisaged that a maximum of 34 residents will live on the site, given that there are 22 bedrooms. This density is appropriate for the site and can be sustained by the existing infrastructure, community facilities, public transport and access to jobs.</p><p>There is one (1) communal area for the use of residents, in addition to the balconies provided as private open space giving a high level of amenity.</p><p>The development, being located in the Bexley North Town Centre, is also suitable and appropriate for the stated desired future density of the area.</p></td></tr></table>	Consistent	Response	Yes
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Design Principle	Principle			
4. Sustainability	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of 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.</i></p>			
	<table><tr><th>Consistent</th><th>Response</th></tr><tr><td>Yes</td><td><p>A high level of passive thermal design and natural cross ventilation has been achieved with the proposed design.</p></td></tr></table>	Consistent	Response	Yes
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Yes	<p>A high level of passive thermal design and natural cross ventilation has been achieved with the proposed design.</p>			

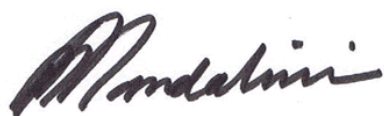
		<p>Passive solar design is achieved for 83% of the units.</p> <p>Natural cross ventilation is achieved in eleven (11) out of twelve (12) units.</p> <p>Waste and recycling room is located in the basement car park adjacent the lift for easy access.</p>
Design Principle	Principle	
5.Landscape	<p><i>Good 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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
	Consistent	Response
	Yes	<p>The proposed building is located in the Bexley North Town Centre and hard landscaping has been included.</p> <p>This landscaping includes planters to nine (9) units and the two (2) internal terraces that form the access ways from the Unit entries to the Lift.</p> <p>The main landscape feature is an internal landscaped courtyard on Level One for the communal use of residents. This area represents 14% of the total site area.</p>
Design Principle	Principle	
6.Amenity	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>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.</i></p>	
	Consistent	Response
	Yes	<p>All unit layouts have introduced a spatial amenity and efficiency that works with the proposed design.</p> <p>These unit layouts have been designed to maximise day lighting and cross ventilation. An external private open space is provided for all units. Only two (2) units will have limited access to sunlight due to its southern orientation.</p> <p>All units have been considered in terms of overall area provided, practical floor plans, minimum dimensions and shape to allow good furniture arrangement and uses.</p> <p>Sound isolation and visual screening between units, and to the neighbouring site will ensure maximum possible privacy.</p>

		<p>Storage is provided in the units; a dedicated area on the Ground Floor and also in storage units at the end of each parking space.</p> <p>Visual privacy and good outlook is achieved by the nature of the site being located with three (3) road frontages and having only one (1) adjoining boundary with its neighbour.</p>
Design Principle	Principle	
7.Safety	<p><i>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.</i></p> <p><i>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.</i></p>	
	Consistent	Response
	Yes	<p>Access to the units is via clear direct entry point from the corner of Shaw Street and Shaw Lane. This entry point is clearly visible and forms part of the activity on a busy road and laneway.</p> <p>Access to the building will be via card readers to the entry foyer and roller grille in the basement car park.</p> <p>External lighting will be provided by under awning lights to the entry access point to provide security and amenity. Passive surveillance is given by locating the walkway entry adjacent the corner retail shop.</p>
Design Principle	Principle	
8.Housing Diversity and Social Interaction	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p>	
	Consistent	Response
	Yes	<p>Three (3) One Bedroom Units, eight (8) Two Bedroom Units and one (1) Three Bedroom unit are proposed. Two (2) units are designed for adaptable use. This is a suitable response to the desired future community by adding residents to the town centre.</p> <p>This mix of unit types will encourage Individuals, couples and smaller family units to take up residence. These residents would suit and positively contribute to the social mix of the Bexley North Town Centre.</p> <p>The location of this development in the Bexley North Town Centre and proximity to its amenity will provide the opportunities for social interaction among residents and the local population. This will also assist small local business during and after business hours.</p>
Design Principle	Principle	
9.Aesthetics	<p><i>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.</i></p> <p><i>The visual appearance of a well designed apartment development responds</i></p>	

<i>to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>		
	Consistent	Response
	Yes	<p>The proposed development will positively impact on the streetscape presentation.</p> <p>The upper levels are set back from the building's main brick facade/podium and by introducing a complementary finish, it enhances the qualities of each other.</p> <p>The proposal has a good human scale and proportion that not only externally expresses the internal layout, but also responds to the future local context.</p> <p>Further, the breakup of the building's design also contributes to its external appearance by achieving the "base, middle and top" typology encouraged by the SEPP 65 guidelines.</p> <p>Finally, by fitting into the existing and future context, the proposal significantly enhances Bexley North Town Centre's identity and sense of place.</p>

Mr Maurice Mandalinic has directed the design and reviewed the architectural drawings forming the proposed Development Application and;

Is satisfied that the design meets the intent of the design quality principles as set out in Schedule 1 of the State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.



Maurice Mandalinic
Registered Architect
Registration Number: 9098

Bayside Design Review Panel

REPORT OF THE BAYSIDE DESIGN REVIEW PANEL

Meeting held on Tuesday, 19 June 2018 at Bayside Council

Panel members: Alan Cadogan, Sam Crawford and Dean Boone

ITEM 3

Date of Panel Assessment:	19 June 2018
Applicant:	Maurice Mandalinic
Architect:	Aurora Design Architecture & Interiors
Property Address:	16-20 Shaw Street, BEXLEY NORTH NSW 2207
Description:	Demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units, basement parking and loading
No. of Buildings:	2
No. of Storeys:	Part 4 / Part 5
No. of Units:	3 Retail Shops and 12 residential units
Consent Authority Responsible:	Bayside Council
Application No.:	DA-2018/88
Declaration of Conflict of Interest:	Nil

The Panel inspected the site, reviewed the submitted documentation. However, the applicant was unable to attend the meeting. Also present were Chris Mackey - Council's Coordinator Development Assessment and Fiona Prodromou – Development Assessment Planner.

Note: Text in italics were Minutes of the previous Design Review Panel meeting held on 3 August 2017.

The Panel has been made aware that this site, and all adjoining sites in this locality do not have a legal carriageway into their site from the formed road, which rests over two lots, adjoining this subject lot and the existing library, which currently provides the only access into Shaw Lane. Shaw lane is effectively a land locked road and access has not been provided by RMS off Bexley Road during recent upgrade works. It is the Panel's view that Council should, in the community's interest, resolve this issue and provide access to the rear of all lots affected adjoining Shaw Lane, and recommends creating the appropriate legal road reservations that reflect the existing arrangements.

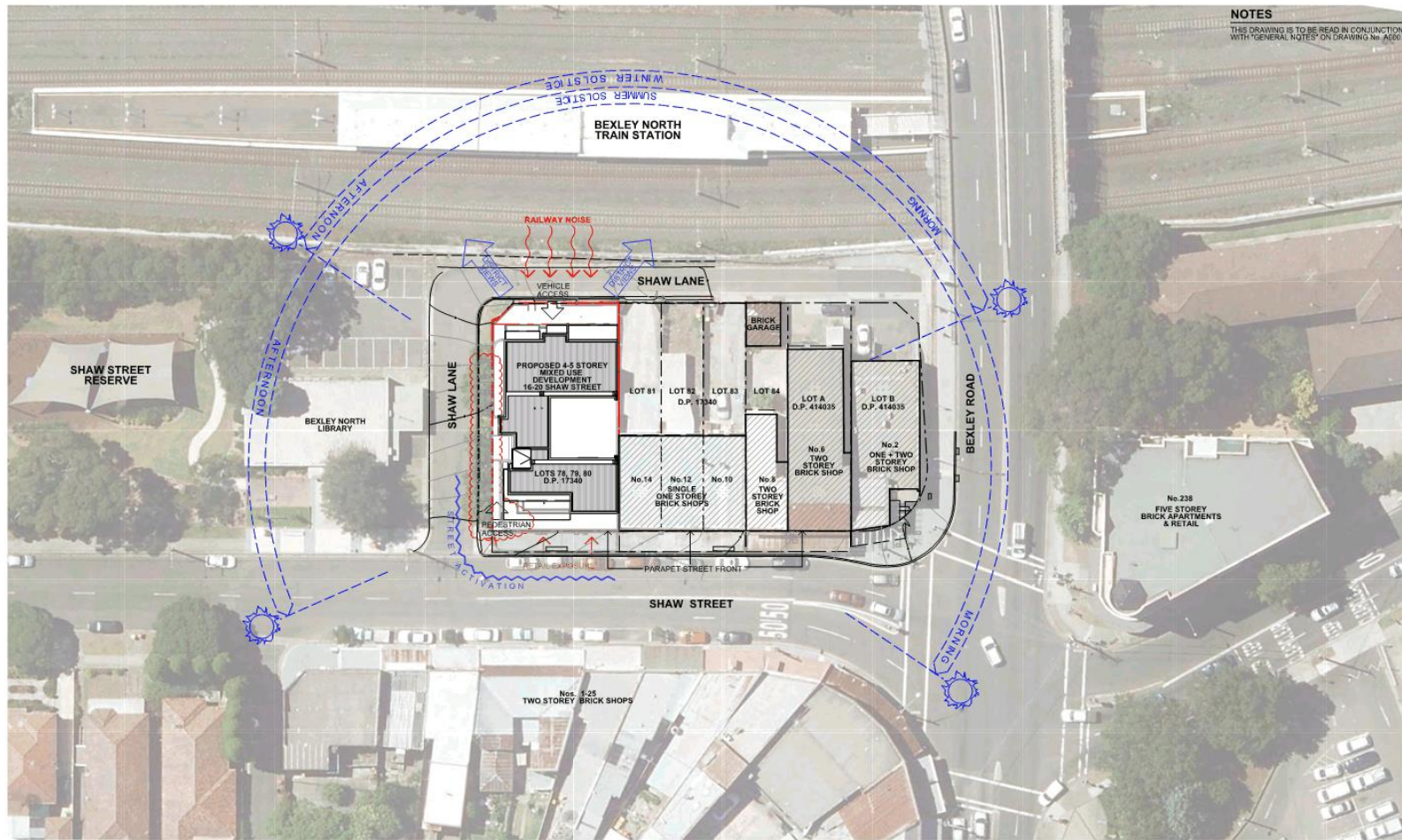
Design Principle	Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental 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><i>The Panel consider the submitted documentation had taken into account the contextual two storey built commercial buildings in the precinct and supported the design approach that has been adopted.</i></p> <p><i>In particular the curved form of the lower two storey structure together with the sensitive design resolution which provided for pedestrian access to the residential components of the building was supported by the Panel.</i></p> <p>The Panel continues to support the above comments and notes that further design resolution has occurred producing a well-considered and resolved design presentation to all frontages.</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><i>The Panel would like consideration of the following:</i></p> <ul style="list-style-type: none"> <i>Review and potential reduction of the building setback of the rear lane to the north</i> <i>Minimising the visibility of carparking at the lower level from the residential apartments above</i> <i>Potential expansion of the landscape courtyard to the north to help address the limited quantum of communal open space and to enhance the environmental quality of the development</i> <i>Examine the potential displacement of the western wall to the units 201 and 301 to provide an increased separation between the lower face brickwork and the standing seam metal cladding at the upper levels</i> <p>The Panel considers all of the above points have been addressed and an improved, functional layout has been produced.</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><i>The Panel considers that the density is appropriate.</i></p> <p>The Panel continues to support the above comment.</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>	<p><i>The Panel considers the development could benefit from rainwater harvesting, photovoltaic panels and broader sustainability initiatives beyond the minimum required by BASIX.</i></p> <p><i>The Panel suggests that it may be possible to provide for enhanced solar access to the southern apartments as a consequence of increasing the width of the internal landscape courtyard and separation between apartments.</i></p>

Design Principle	Comments
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><i>Consideration could also be given to a review of the internal layouts of the southern apartments to achieve a higher level of solar accessibility.</i></p> <p>The Panel notes that there are further unaddressed opportunities for sustainability initiatives in the design above and beyond those required by BASIX, in particular solar energy generation and rainwater harvesting..</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, coordinating 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><i>The Panel considers that an increase in the width of the landscape courtyard will provide opportunity to explore better amenity to the communal open space including the following:</i></p> <ul style="list-style-type: none"> • <i>Opportunity for provision of BBQ facilities</i> • <i>Planter boxes to provide opportunities for screening to Level 1 apartment windows</i> • <i>Planter boxes with a depth of a minimum 1000 mm capable of supporting small trees</i> • <i>Greater opportunities for green walls within the courtyard</i> <p><i>The Panel considers that the landscape plan should provide further details on the treatment to the streetscape.</i></p> <p>The Panel notes the applicant has provided for several improvements in to the Landscape, in particular within the communal open space. The Panel however notes the following with regards to the landscape:</p> <ul style="list-style-type: none"> • Inaccuracies within the plant schedule including incorrect plant sizing's and missing species • The landscape in the communal open space provides for minimal verticality and no exploration of green walls, climbers on trellis or tall, thin, linear planting has been provided in this area • The large tree proposed to the center of the communal open space is not considered to be a suitable species in this location and typically grows to 12-15 meters tall. The plans does not have confirmation of the size of the proposed planter, in particular proposed soil depth, to support a large tree. It is recommended to revise the selection to a medium sized tree • The Landscape Plan has several deficiencies including an inaccurate planting schedule and repeated inclusion of one species of plant which is a weed species in NSW. The trailing groundcover, <i>Aptenia cordifolia</i>, should be replaced with a more appropriate species
<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</p>	<p><i>Subject to the comments above with regards to solar access and the width of the landscaped courtyard, the Panel considers the amenity provided is acceptable.</i></p> <p>The Panel considers the above concern to now be addressed. The Panel notes the following amenity issues:</p> <ul style="list-style-type: none"> • Apartment 203 (1B) has a narrow access width between the interior wall and the proposed laundry, this should be widened to provide better internal access • Overlooking from terrace areas to each Foyer level into the living rooms of apartments should be addressed to provide screening and privacy from the communal areas. • The panel notes that the rear balconies may need to be provided with some form of screened enclosure due to the

Design Principle	Comments
access for all age groups and degrees of mobility.	proximity to the railway line, and while this may technically increase the gross floor area any such additions are not considered to be significant.
Safety 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. 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.	<i>Consideration should be given to safety and security of the retail and visitor parking by provision of perimeter security gate to limit potential opportunities for concealment.</i> The Panel considers this has now been addressed
Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. 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.	<i>Acceptable</i> As above
Aesthetics 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. 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.	<i>Subject to the comments under 'Built Form and Scale' the Panel supports the design approach.</i> The panel considers the resulting design form provides for a very well resolved design layout and building articulation. The Panel is also highly supportive of the significant area of glazing to the ground floor which has the potential to contribute positively to the streetscape by allowing extensive views into the ground floor tenancies.

RECOMMENDATION

- The Panel supports the application subject to the changes described above.



PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST, BEXLEY NORTH NSW
LOTS: 78, 79, 80 DP 17340
CLIENT:
PETER TUCK +
MARGARET GUILGLEY

**DEVELOPMENT
APPLICATION**

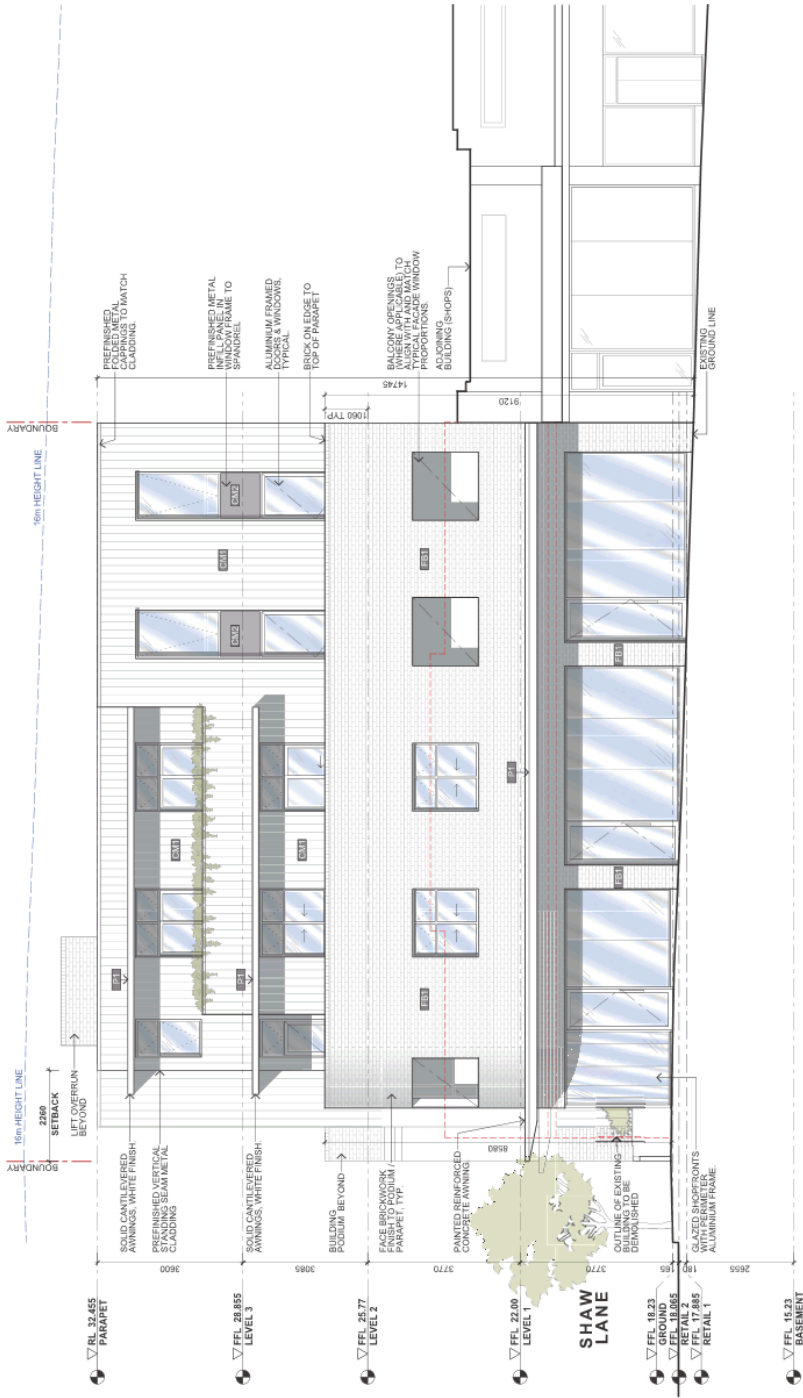


SITE + CONTEXT ANALYSIS			
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B	D.A. AMENDMENTS	12.11.18	SCALE: 1:500 @ A3
A	DEVELOPMENT APPLICATION	05.01.18	PROJECT No.: 17-007
DESCRIPTION:		DATE:	MAY, 2017
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		A050 B	



FINISHES SCHEDULE

01-01	PANT FINISH
01-02	DULUX SATIN
01-03	DULUX QUARTER
01-04	PREFINISHED METAL
01-05	ROOF SHEETING
01-06	ROOF SHEETING
01-07	ROOF SHEETING
01-08	ROOF SHEETING
01-09	ROOF SHEETING
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01-11	ROOF SHEETING
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01-99	ROOF SHEETING
01-100	ROOF SHEETING



SOUTH ELEVATION (SHAW STREET)

PROJECT	4-5 STOREY MIXED USE DEVELOPMENT
CLIENT	PETER TUCK + MARGARET QUIGLEY
ARCHITECT	AURORA DESIGN
DATE	17/07/2017
SCALE	1:100 @ A3
PROJECT NO.	A600
DATE	MAY 2017

APPLCATION DEVELOPMENT

000206810
VICBDAV/13/1543
27 October 2017
16-20 SHAW ST
BEXLEY NORTH, NSW
2207
www.nsh.gov.au

4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST, BEXLEY NORTH NSW
LOTS: 78.79.80 DP 17240
PETER TUCK + MARGARET QUIGLEY



PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST. BEXLEY NORTH NSW
LOTS: 78, 79, 80 DP 17340

CLIENT:
PETER TUCK +
MARGARET QUIGLEY



Certificate no.: 0002086810
Assessor Name: iulie contigiani
Accreditation no.: VIC/DAV13/1543
Certificate date: 27 October 2017
Dwelling Address: 16-20 SHAW ST BEXLEY NORTH, NSW 2207

www.nathers.gov.au

DEVELOPMENT APPLICATION

NORTH ELEVATION (REAR LANEWAY)

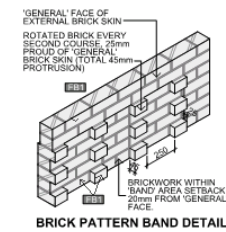
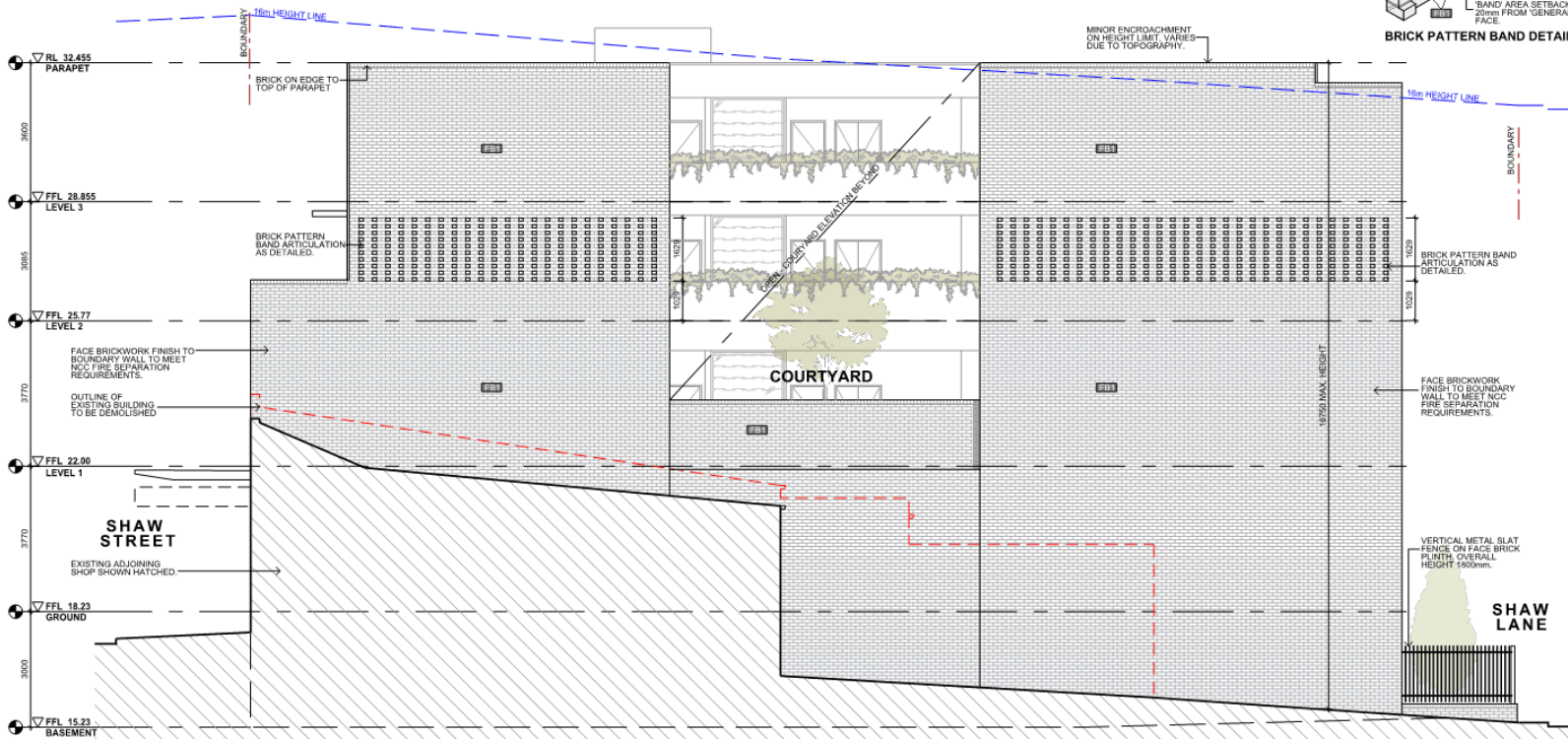
A DEVELOPMENT APPLICATION		05.01.18
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A602 A

FINISHES SCHEDULE

 1001 PAINT FINISH SIMILAR TO DULUX 514811 LEXICON QUARTER	 1002 STANDING SEAM METAL CLADDING TO COMPLY WITH BCA FINISH SIMILAR TO COLORBOND WINDSPRAY	 1003 ALUMINIUM DOORS & WINDOWS SIMILAR TO COLORBOND MONUMENT
 1004 PREFINISHED METAL ROOF SHEETING COLORBOND SURFMIST	 1005 PAINT FINISH SIMILAR TO DULUX C19 IRONSTONE	 1006 FACE BRICK SIMILAR TO PGH ALTITUDE COLOUR APOLLO
 1007 PAINT FINISH SIMILAR TO DULUX 5148110 GREY PEBBLE QUARTER	 1008 PREFINISHED METAL SIMILAR TO COLORBOND IRONSTONE	



PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST, BEXLEY NORTH NSW
LOTS: 78, 79, 80 DP 17340

CLIENT:
PETER TUCK +
MARGARET GUILGLEY



Certificate no.: 0002086810
Assessor Name: Iuis contigiani
Accreditation no.: VIC/BDV13/1543
Certificate date: 27 October 2017
Dwelling Address: 16-20 SHAW ST
BEXLEY NORTH, NSW
2207

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DEVELOPMENT APPLICATION

A DEVELOPMENT APPLICATION 05.01.18
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SCALE: 1:100 @ A3
PROJECT No.: 17-007
DATE: MAY, 2017

DRAWING No.: **A603** **A**



FINISHES SCHEDULE

[Symbol]	PAINT FINISH SIMILAR TO DULUX SW1E1 LEADCON QUARTER
[Symbol]	PREFINISHED METAL ROOF SHEETING: COLORBOND SURFMIST
[Symbol]	PAINT FINISH SIMILAR TO DULUX S14810 GREY PEBBLE QUARTER
[Symbol]	STANDING SEAM METAL CLADDING TO COMPLY WITH RCA FINISH SIMILAR TO COLORBOND WINDSPRAY
[Symbol]	PAINT FINISH SIMILAR TO DULUX C19 IRONSTONE
[Symbol]	PREFINISHED METAL SIMILAR TO COLORBOND IRONSTONE
[Symbol]	ALUMINIUM DOORS & WINDOWS SIMILAR TO COLORBOND MONUMENT
[Symbol]	FACE BRICK SIMILAR TO PGH ALTITUDE COLOUR: APOLLO
[Symbol]	PAINTED REINFORCED CONCRETE CANTILEVERED AWNING
[Symbol]	GLAZED SHOPFRONTS WITH PERIMETER ALUMINIUM FRAME

PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST. BEXLEY NORTH NSW
LOTS: 76, 79, 80 DP 17340
CLIENT:
PETER TUCK +
MARGARET GUILGLEY

**DEVELOPMENT
APPLICATION**

WEST ELEVATION (SIDE LANEWAY)

B	D.A. AMENDMENTS EX TREES RETAINED	14.11.18
A	DEVELOPMENT APPLICATION	05.01.18
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PROJECT No.:	17-007	A601 B
DATE:	MAY, 2017	



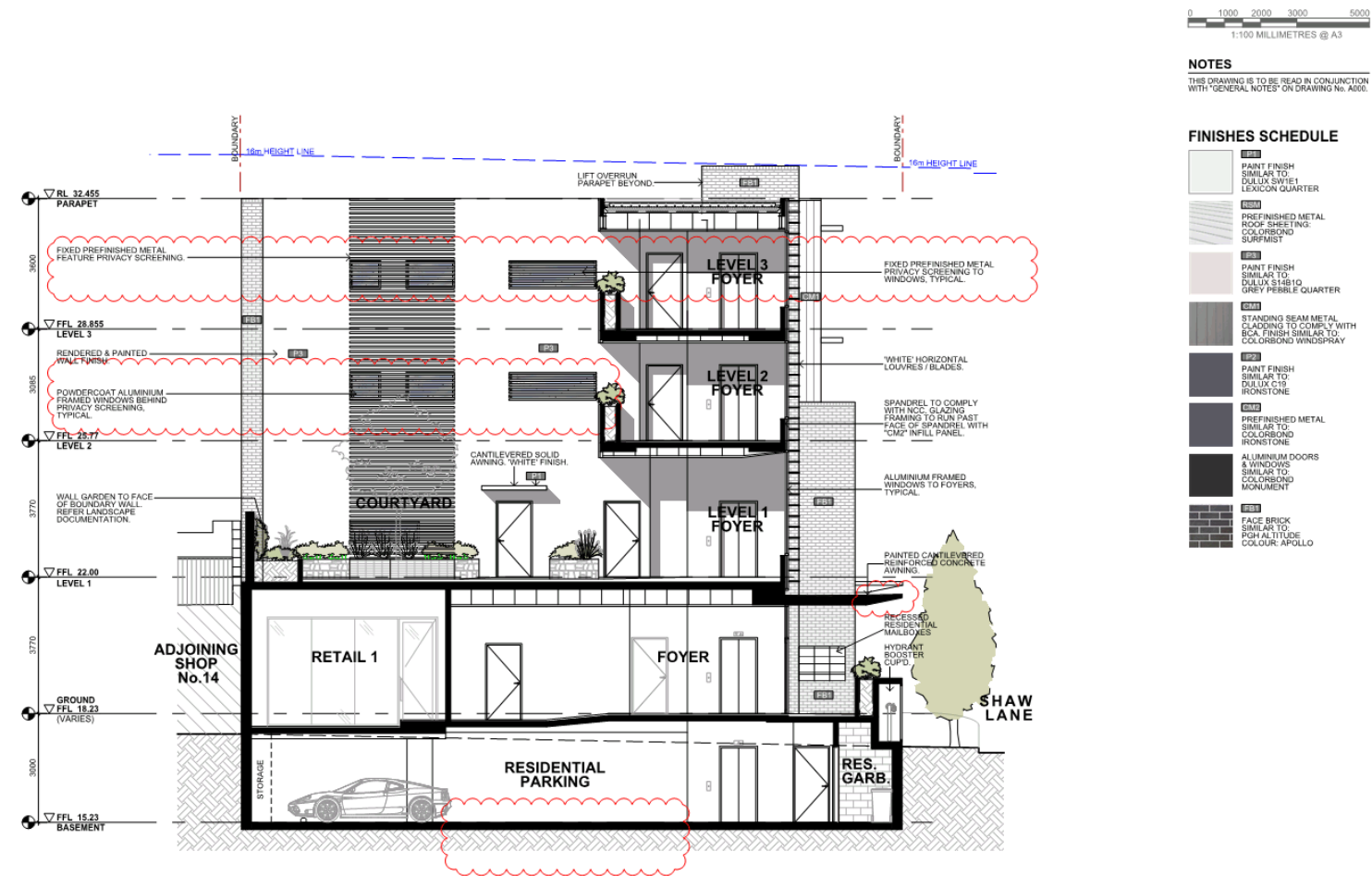
THIS DRAWING IS TO BE READ IN CONJUNCTION
WITH "GENERAL NOTES" ON DRAWING No. A000

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SCALE: 1:100 @ A3	DRAWING No. A500	REVISION
PROJECT No. 17-007		B
DATE: MAY, 2017		

DEVELOPMENT APPLICATION

B	D.A. AMENDMENTS	15.11.18
	OSD & OSR TANKS MOVED	
A	DEVELOPMENT APPLICATION	05.01.18
REVISION	DESCRIPTION	DATE
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FINISHES SCHEDULE

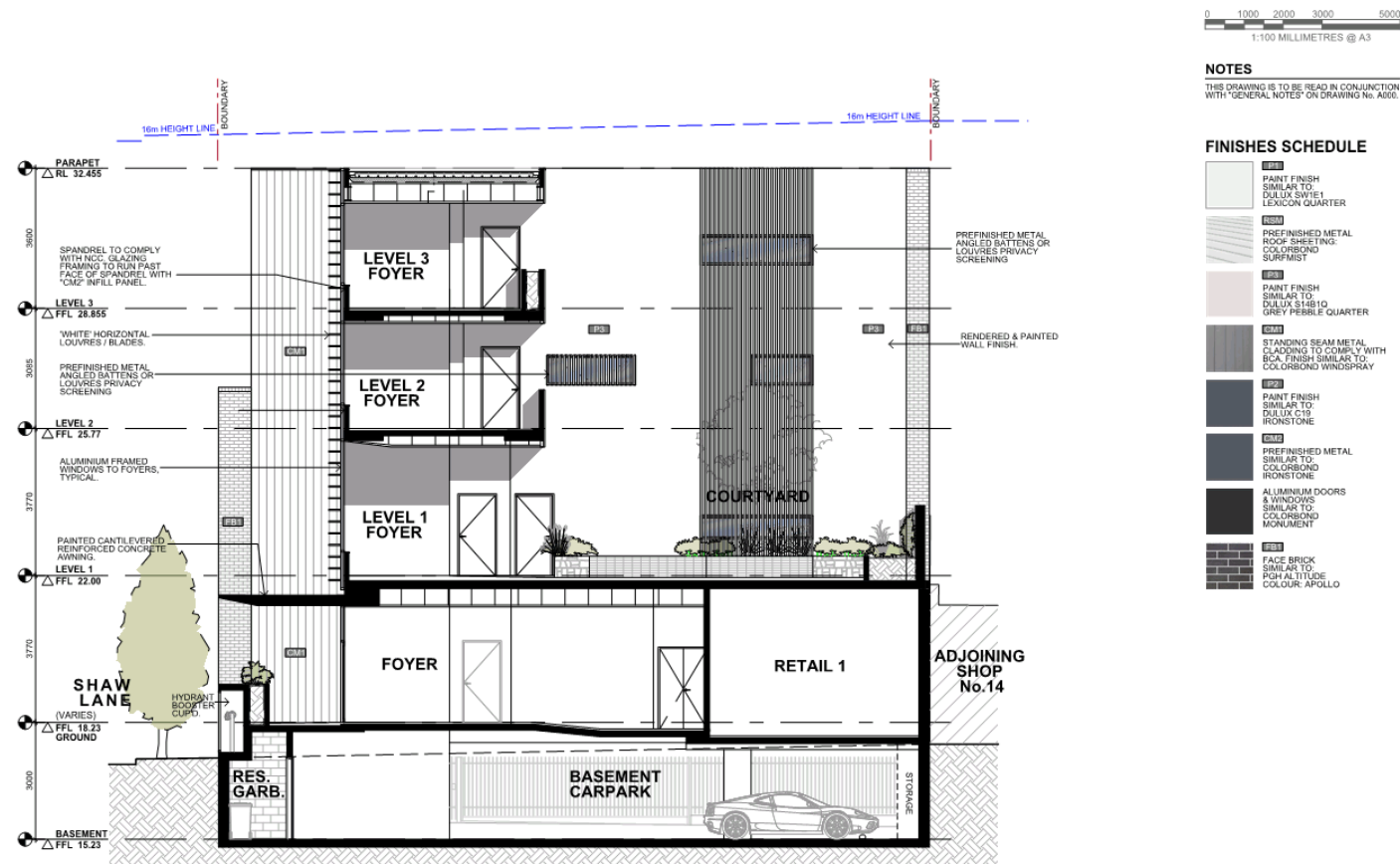
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	PREFINISHED METAL ROOF SHEETING: COLORBOND SURFMIST
	PAINT FINISH SIMILAR TO DULUX S14810 GREY PEBBLE QUARTER
	STANDING SEAM METAL CLADDING TO COMPLY WITH BCA. FINISH SIMILAR TO COLORBOND WINDSPRAY
	PAINT FINISH SIMILAR TO DULUX C19 IRONSTONE
	PREFINISHED METAL SIMILAR TO COLORBOND IRONSTONE
	ALUMINUM DOORS & WINDOWS SIMILAR TO COLORBOND MONUMENT
	FACE BRICK SIMILAR TO PGH ALTITUDE COLOUR: APOLLO

SECTION B-B / COURTYARD NORTH ELEVATION

PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST. BEXLEY NORTH NSW
LOTS: 76,79,80 DP 17340
CLIENT:
PETER TUCK +
MARGARET QUIGLEY

DEVELOPMENT APPLICATION

B	D.A. AMENDMENTS	14.11.18
A	COURTYARD WINDOW SCREENING	
A	DEVELOPMENT APPLICATION	05.01.18
DESCRIPTION:		
REVISION:		
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SCALE:	1:100 @ A3	REVISION:
PROJECT No.:	17-007	A501 B
DATE:	MAY, 2017	



SECTION C-C / COURTYARD SOUTH ELEVATION

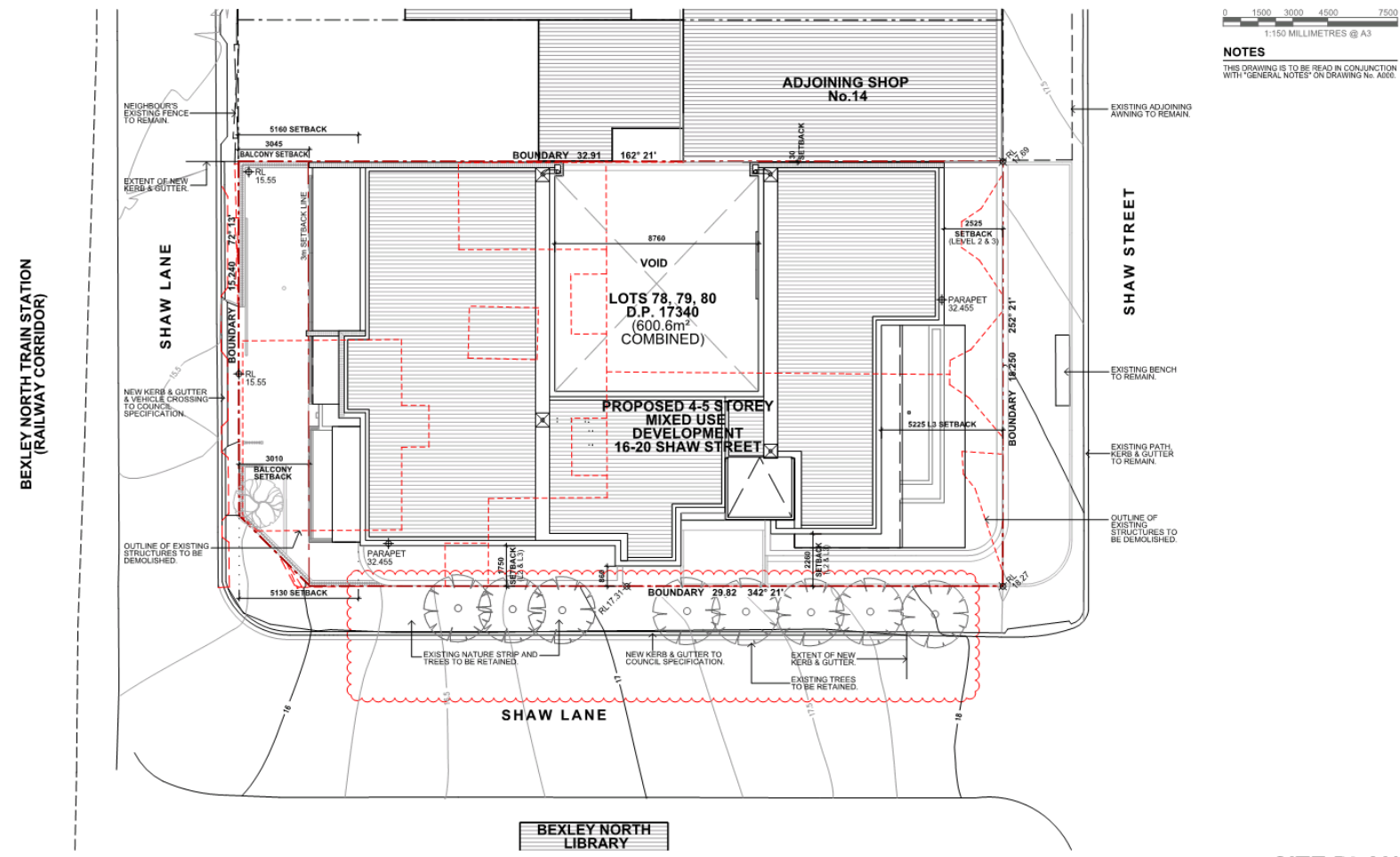
PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST. BEXLEY NORTH NSW
LOTS: 76,79,80 DP 17340

CLIENT:
PETER TUCK +
MARGARET QUIGLEY

**DEVELOPMENT
APPLICATION**

DATE: 14.11.18
D.A. AMENDMENTS
DESCRIPTION:
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SCALE: 1:100 @ A3
PROJECT No.: 17-007
DATE: MAY, 2017
A502 A



PROJECT:
4-5 STOREY MIXED USE DEVELOPMENT
16-20 SHAW ST, BEXLEY NORTH NSW
LOTS: 78, 79, 80 DP 17340

CLIENT:
PETER TUCK +
MARGARET QUIGLEY

DEVELOPMENT APPLICATION



B	D.A. AMENDMENTS	14.11.18
A	EXISTING TREES RETAINED	05.01.18
A	DEVELOPMENT APPLICATION	05.01.18
DESCRIPTION:		
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SITE PLAN

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SCALE: 1:150 @ A3
PROJECT No.: 17-007
DATE: MAY, 2017

DRAWING No.: **A100**
REVISION: **B**

Bayside Local Planning Panel

25/06/2019

Item No	6.7
Application Type	Section 8.2 Review of Determination
Application No	S82-2019/2
Lodgement Date	05/03/2019
Proposal	53 Johnson Street, Mascot - Review of Determination - Refusal of DA-2018/1120 for the conversion of existing garage to secondary dwelling
Ward	Mascot
Owner	Jan Elias
Applicant	Jan Elias
Property	53 Johnson Street, Mascot 2020
No. of Submissions	NIL
Cost of Development	\$20,000
Report by	Michael McCabe, Director City Futures

Officer Recommendation

That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to Division 8.2 relating to application No. S82-2019/2 for a review of determination, resolve to confirm previous decision for refusal of development application DA-2018/1120, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979, with the following modified reasons:

- 1 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a valid BASIX certificate has not been provided.
 - 2 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate if the parking requirements in accordance with Botany Bay DCP2013 can be achieved.
 - 3 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a valid Flood Management Plan has not been submitted as required by Council's Flood Advice Letter.
 - 4 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a survey plan has not been provided to confirm the floor levels as required by Council's Flood Advice Letter.
 - 5 The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is prohibited development within the R2 Low Density Residential zone under the Botany Bay Local Environmental Plan 2013.
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- 6 The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the Botany Bay Local Environmental Plan 2013 with respect to Clause 6.9 – *Development in areas subject to aircraft* noise. The acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 20 December 2018) states that the development will result in an exceedance of the AS 2021-2015 standards for aircraft noise levels.
 - 7 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 Part 3A.2 - Car Parking of the Botany Development Control Plan 2013. There is insufficient information to determine if the two (2) parking spaces required in accordance with Botany Bay DCP2013 can be achieved.
 - 8 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 Part - 3A.2 Car Parking of the Botany Development Control Plan 2013. The car parking design obstructs direct pedestrian access to and from the secondary dwelling.
 - 9 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Part 3J –Aircraft Noise and OLS of the Botany Development Control Plan 2013. The development will result in an exceedance of the AS 2021-2015 standards for aircraft noise levels.
 - 10 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 Part 4A.5.2 - Secondary Dwellings of the Botany Development Control Plan 2013. The proposed development does not provide sufficient private open space for the secondary dwelling.
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Location Plan

Attachments

- 1 S82-2019/2 Bayside Local Planning Panel Report - 53 Johnson Street MASCOT [↓](#)
- 2 Delegated Assessment Report for DA-2018/1120 [↓](#)
- 3 Notice of Refusal for DA-2018/1120 [↓](#)
- 4 Flood Advice Letter - 53 Johnson Street, Mascot [↓](#)
- 5 S82-2019/2 Statement of Environmental Effects - 53 Johnson Street, Mascot [↓](#)
- 6 Survey Plan - 53 Johnson Street MASCOT [↓](#)
- 7 Location Plan - 53 Johnson Street, Mascot [↓](#)
- 8 Site Analysis and Stormwater - 53 Johnson Street, Mascot [↓](#)
- 9 Landscape and Site Plan - 53 Johnson Street, Mascot [↓](#)
- 10 REDACTED Floor plan & Finishes/materials - 53 Johnson Street MASCOT [↓](#)
- 11 REDACTED Floor Plans, Elevations & Section - 53 Johnson Street MASCOT [↓](#)
- 12 Acoustic Report - 53 Johnson Street, Mascot [↓](#)
- 13 Flood Management Plan - 53 Johnson Street MASCOT [↓](#)
- 14 AMENDED Acoustic Report - 53 Johnson Street MASCOT [↓](#)

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Application Details

Application Number:	S82-2019/2
Date of Receipt:	Tuesday 5 March 2019
Property:	53 Johnson Street, Mascot
Lot & DP/SP No:	Lot 14 DP 1034462
Owner:	Jan Elias
Applicant:	Jan Elias
Applicant Address:	53 Johnson Street, Mascot NSW 2020
Proposal:	Conversion of an existing garage to a secondary dwelling
Property Location:	East side of Johnson Street between Wentworth Avenue and Hollingshed Lane
Value:	\$20,000.00
Zoning:	R2 low density residential - Botany Bay Local Environmental Plan 2013
Author:	Gary Choice
Date of Report:	10 May 2019
Classification of Building:	1a
Present Use:	Secondary dwelling
No. of submissions:	Nil
Recommendation:	Refusal

Key Issues

The key issues with this application are:

- The applicant has not provided a quantity surveyors report to support the estimated \$20,000 cost of works.
- A valid BASIX certificate has not been provided for the revised proposal. There is insufficient information to determine whether the proposal can achieve BASIX targets;
- The proposed secondary dwelling is to occupy the existing garage. The proposal includes two (2) tandem car parking spaces, however it is unclear how cars could enter and exit from the proposed vehicle entrance when a car is parked on the opposite side of Hollingshed Lane. Therefore, there is insufficient information to determine if the parking requirements in accordance with Botany Bay DCP2013 can or cannot be met;
- A valid Flood Management Plan has not been submitted as required by Council's Flood Advice Letter FA-2018/151 (dated 30 November 2018);

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- The amended acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 23 April 2019) contains recommendations to achieve acceptable AS 2021-2015 and/or AS 2021-2000 standards for aircraft noise levels. These recommendations would require a significant deviation from the plans submitted with this application ; and
- The private open space provided for the secondary dwelling is 9.5m² and does not comply with this BBDCP controls. Furthermore, the proposed car spaces which belong to the principal dwelling disqualify the nominated POS.

Recommendation

That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to Division 8.2 relating to development application S82-2019/2 for a review of determination, resolve to confirm previous decision for refusal of the development application DA-2018/1120, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979, with the following modified reasons:

1. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a valid BASIX certificate has not been provided.
2. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate if the parking requirements in accordance with Botany Bay DCP2013 can be achieved.
3. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a valid Flood Management Plan has not been submitted as required by Council's Flood Advice Letter.
4. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is prohibited development within the R2 Low Density Residential zone under the Botany Bay Local Environmental Plan 2013.
5. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the Botany Bay Local Environmental Plan 2013 with respect to Clause 6.9 – *Development in areas subject to aircraft noise*.
6. 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 Part 3A.2 - Car Parking of the Botany Development Control Plan 2013. There is insufficient information to determine if the two (2) parking spaces required in accordance with Botany Bay DCP2013 can be achieved.
7. 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 Part - 3A.2 Car Parking of the Botany Development Control Plan 2013. The car parking design obstructs direct pedestrian access to and from the secondary dwelling.
8. 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 Part 3J –

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Aircraft Noise and OLS of the Botany Development Control Plan 2013. The development will result in an exceedance of the AS 2021-2015 standards for aircraft noise levels.

9. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Part 4A.5.2 - Secondary Dwellings of the Botany Development Control Plan 2013. The proposed development does not provide sufficient private open space for the secondary dwelling.

Site Description

The subject site is located on the east side of Johnson Street, between Hollingshed Lane and Wentworth Avenue. The subject site is rectangular in shape with an area of 447m² and 12.19m frontage to Johnson Street, a 12.19m frontage to Frogmore Lane at the rear, and a 36.6m frontage to Hollingshed Lane on the north side. The site is relatively flat with a small fall to the rear. The site is located within the R2 – low density residential zone. A single storey, detached dwelling and detached secondary dwelling (previously a single garage) are currently located on site.

A location map is below.

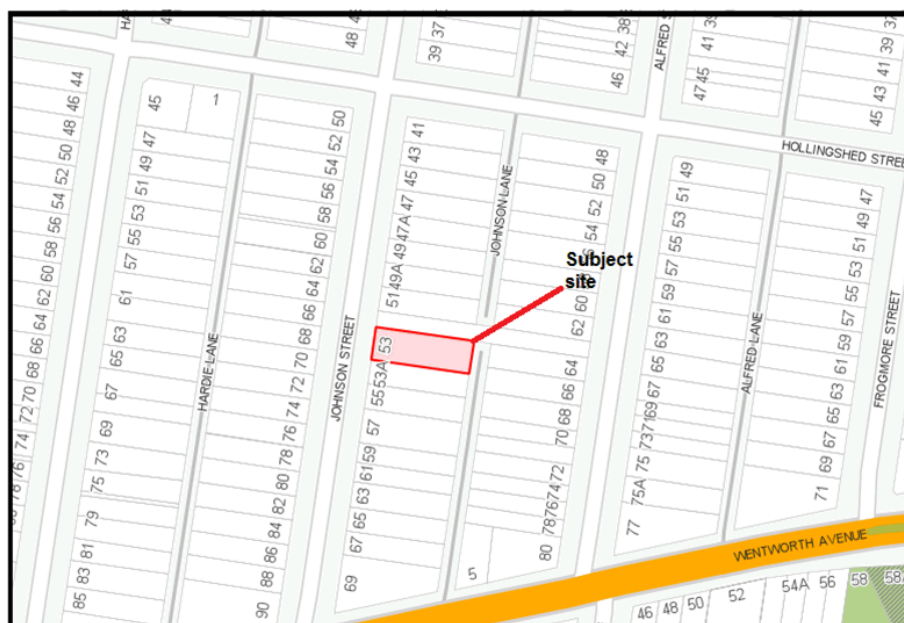


Figure 1: Site locality map

Development surrounding the site consists of a mix of single-storey and two-storey detached dwellings located within the low density zone. Johnson Lane is predominately single and double garages giving vehicular access to the properties on the surrounding streets.

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Site History

Development application DA-2018/1120 was lodged on 4 July 2018 for the conversion of an existing garage to a secondary dwelling and refused on 10 January 2019.

There are no other applications related to this site.

Background

According to the Delegated Planning Assessment Report (dated 2 January 2019), DA-2018/1120 was refused for the following reasons:

1. The proposal was not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the proposed secondary dwelling being prohibited in accordance with Clause 22(3)(b) which requires a floor area no larger than 60m².
2. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information (Flood advice letter, landscape plan, site plan showing car parking, certificate to show safe supply of electricity, and Aircraft Noise report) was 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.
3. The proposed development was not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the proposed secondary dwelling not being established in conjunction with another dwelling in accordance with Clause 19 Note (a).
4. The proposed development was not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the site area being less than the 450m² required in Clause 22(4)(a)(ii).
5. The proposed development, pursuant to provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is prohibited development within the R2 Low density residential zone under Botany Bay Local Environmental Plan 2013.
6. 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 is not consistent with the controls of Botany Bay Development Control Plan, including Clause 3A.2 Parking provision, which requires two on-site car parking spaces for the principal dwelling. The proposal would remove all car parking from the subject site.
7. Pursuant to the provisions of Section 4.2(1) of the Environmental Planning and Assessment Act 1979, the works to which this application are related were carried out without first obtaining a development consent and without first a development consent being in force.

This Section 8.2 Application was lodged on 5 March 2019 and notified between 11 March 2019 and 27 March 2019.

The site was inspected and photographed by the Assessing Officer on 21 March 2019.

Following a preliminary assessment of the application, the following issues were identified:

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1. The recommendations provided in the *Building Components* table (p.5) of the original acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 20 December 2018) show an exceedance of the AS 2021-2015 standards for aircraft noise levels. An application that does not satisfy Australian Standards cannot be supported;
2. The response summary submitted with the subject application states that based on Council's Flood Advice Letter: 'a survey check of the floor level for the proposed conversion of the building indicates that the floor level of the secondary dwelling achieves the 7.10m RL and would not warrant any further work.' The application is without a detailed survey plan showing all Reduced Levels related to Australian Height Datum or proper certification from a qualified Surveyor to support this claim;
3. The application was without a Flood Management Plan as per the requirements of Council's Flood Advice Letter FA-2018/151 (dated 30 November 2018);
4. On the advice of Council's Engineers, it is unclear how cars could enter and exit from the proposed vehicle entrance when a car is parked on the opposite side of Hollingshed Lane;
5. A number of inconsistencies are shown on the plans which prevents a proper and thorough assessment of the application; and
6. The original cost of works for DA-2018/1120 was estimated at \$20,000. It is determined that this is an insufficient figure considering the scope of works involved to adequately convert an existing garage into a habitable dwelling.

A letter outlining the above mentioned issues with the application and requesting the withdrawal of the application was issued to the Applicant on 16 April 2019. The Applicant refused to withdraw the application and has since submitted additional documents which have been considered as part of the review.

Description of Development

The development application seeks Council consent for the conversion of an existing single car garage to a secondary dwelling.

The specifics of the proposal are as follows:

- Unauthorised conversion of the garage to a two (2) bedroom, two (2) bathroom secondary dwelling with a kitchen, living space and alfresco.
- A walled courtyard garden along the long western wall containing a laundry cupboard and outdoor space.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.15(1) - Matters for Consideration – General

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

The following Environmental Planning Instruments are relevant to this application:

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. A valid BASIX certificate has not been provided for the revised proposal. There is insufficient information to determine whether the proposal can achieve BASIX targets.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is subject to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. An assessment of the proposal against the ARHSEPP had been carried out as follows:

In accordance with Part 2, Division 2, Clause 19 of the SEPP:

The standard instrument defines secondary dwelling as follows:

Secondary dwelling means a self-contained dwelling that:

(a) is established in conjunction with another dwelling (the **principal dwelling**)

The proposed secondary dwelling will be accessible from the principal dwelling via a central gate in the rear yard.

In accordance with Part 2, Division 2, Clause 22 of the SEPP:

(2) a consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.

The proposed development will not result in any dwelling other than the principal dwelling and the secondary dwelling.

(3) A consent authority must not consent to development to which this Division applies unless:

(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument

The gross floor area of the principal dwelling and secondary dwelling has been calculated as 163.6m² over a site area of 447m². In this regard, the proposed floor space ratio (FSR) for the

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building is 0.37:1 and therefore does not exceed the maximum FSR of the land (0.7:1) and compliant with the maximum floor area permitted under Clause 4.4 Botany Bay Local Environmental Plan 2013

(b) the total floor area of the secondary dwelling is calculated as 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

The total floor area of the proposed secondary dwelling is 53.6m², which satisfies the permitted 60m² in Clause 5.4(9) of the BBLEP 2013.

No other EPI permits secondary dwellings, regardless of size within the Botany Bay Local Environmental Plan area.

(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

Clause 22(4)

(a) site area

If:

- (i) The secondary dwelling is located within, or attached to, the principal dwelling,*
or
- (ii) The site area is at least 450 square metres.*

The proposed secondary dwelling is not located within or attached to the principal dwelling and the site area is less than 450m², being 447m². The 3m² shortfall is considered a marginal difference and, on balance, would not warrant a refusal in its own right.

(b) parking

If no additional parking is to be provided on the site.

The proposed secondary dwelling is to occupy the existing garage. The proposal includes two (2) tandem car parking spaces, however it is unclear how cars could enter and exit from the proposed vehicle entrance when a vehicle is parked on the opposite side of Hollingshed Lane (see **Figure 2**). Therefore, there is insufficient information to determine if the parking requirements in accordance with Botany Bay DCP2013 can or cannot be met.

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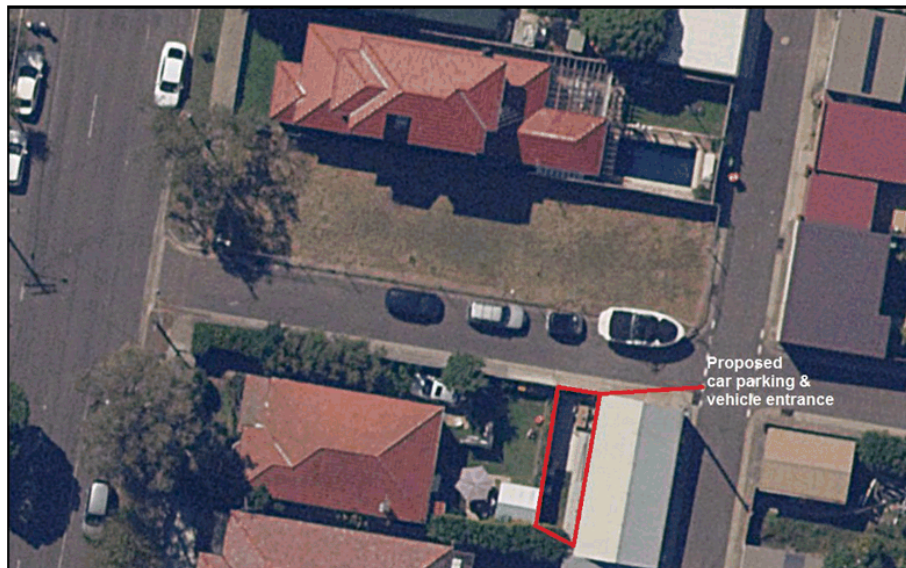


Figure 2: Proposed car parking with vehicles parked in Hollingshed Lane (SixMaps)

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

The proposed development is not considered acceptable due to the reduced amenity and non-compliances with BBLEP 2013 and BBDCP 2103 which will result.

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.

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Botany Bay Local Environmental Plan 2013

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

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
2.1 Landuse Zone		The site is zoned R2 Low density residential under the BBLEP 2013.
Land Use Table permissibility. Is the proposed use/works permitted with development consent?	No	Botany Bay LEP 2013 does not permit secondary dwellings in the R2 low density residential zone. State Environmental Planning Policy (Affordable Rental Housing) 2009 overrides the prohibition in BBLEP2013, making the proposed use permissible in the zone
Land Use Table objectives. Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the following objectives in the BBLEP 2013: <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment.
4.3 Height of buildings 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	Yes	Accurate RLs cannot be determined due to insufficient information provided by the applicant. The highest point of the proposed development is 4.6m at the ridge of the roof, which does not exceed the permitted maximum of 9m. This may be subject to change pending a survey of existing RLs for habitable areas.
4.4 Floor space ratio The maximum floor space ratio for a building on any land is not to exceed the floor space ration shown for the land on the Floor Space Ratio Map.	Yes	Site area: 447m ² Principal dwelling GFA: 110m ² Secondary dwelling GFA: 53.6m ² Total site GFA : 163.6m ² Proposed FSR : 0.37:1 Permissible FSR : 0.7:1 (Area H)
4.4A Is the site within land marked "Area 3" on the FSR Map?	N/A	The site is not within an identified 'Area 3'
Clause 5.1 Is the land affected by road widening?	Yes	The land is not affected by an identified acquisition.

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Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Clause 5.10 Heritage conservation	Yes	The subject site is not heritage listed nor is it within a heritage conservation area. No. 68 Johnson Street, opposite the subject site is heritage listed. The proposed development is not anticipated to result in a negative effect on the heritage item.
The following provisions in Part 6 of the LEP apply to the development–		
• 6.1 – Acid sulfate soils	Yes	6.1 The site is classified as acid sulphate soil class 4.
• 6.2 - Earthworks	Yes	6.2 No earthworks are required for the proposal.
• 6.3 – Stormwater management	No	6.3 The site is flood affected. The Flood Management Plan submitted is based on a flood study of the Rockdale catchment and is, therefore, unsuitable for the subject site located in Mascot.
• 6.9 – Development in areas subject to aircraft noise	No	6.9 An amended acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 23 April 2019) provides recommendations as shown in the <i>Building Components</i> table (p.5) to achieve acceptable AS 2021-2000 requirements for aircraft noise levels. The plans submitted deviate significantly from the acoustic report recommendations for building materials.

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

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

There are no current Draft EPIs applicable to this development.

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

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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	Proposed	Complies
3A.2 Parking Provisions of Specific Uses		
C1 Car parking provision shall be provided in accordance with Table 1: Dwelling houses with more than 2 bedrooms = 2 spaces Secondary dwellings = as per SEPP (ARH) 2009; nil	C1 Pedestrian access is provided via the tandem carpark, blocking access. Not supported.	No
C13 Pedestrian entrances and exits shall be separated from vehicular access paths.	C13 - The car parking design blocks direct pedestrian access to the secondary dwelling.	Yes

Part 3G – Stormwater Management

Control	Proposed	Complies
3G.2 Stormwater Management		
C1 – Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater drainage works.	The secondary dwelling is to connect to the existing stormwater system. Council Engineers have deemed this sufficient with the installation of a 1180L rainwater tank.	Yes
C2 – Stormwater runoff generated from the development site shall be collected and discharged in accordance with Council's Part 10 – Stormwater Management Technical Guidelines	A stormwater management plan was not submitted with the development application.	

Part 3L- Landscaping and Tree Management

The proposed development will not change the existing open space, landscape area or vegetation on site at the time Council inspected the site because the garage had already been converted and the courtyard constructed. It is not possible to determine whether any trees or other vegetation were removed when the courtyard was constructed. Provision of private open space is discussed later in this report.

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Part 3J – Aircraft Noise and OLS

The recommendations provided in the *Building Components* table (p.5) of the original acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 20 December 2018) result in an exceedance of the 39 dB(A) Aircraft Noise Reduction for sleeping areas to comply with AS 2021-2000 for aircraft noise levels. An amended acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 23 April 2019) provides recommendations as shown in the *Building Components* table (p.5) which achieve the 39 dB(A) to satisfy AS 2021-2000 requirements for aircraft noise levels.

The plans submitted which show the existing unauthorised secondary dwelling deviate significantly from the building design and materials recommended by the amended acoustics report. The lack of a valid BASIX certificate creates further uncertainty, as the building sustainability targets cannot be verified in conjunction with the recommendations of the acoustics report. It is considered that 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 with regard to aircraft noise.

Part 3N- Waste Minimisation and Management

The application relates to an already existing unauthorised secondary dwelling and a waste management plan was not submitted with the development application.

Part 4A.5 – Ancillary Development (Secondary dwelling)

Control	Proposed	Complies
4A.5 Ancillary Development		
C1 - Principal dwelling plus any ancillary structures are to comply with the controls for site coverage, minimum landscape area, open space, setback and height controls	See below where each matter is addressed separately.	
C5 - Ancillary structure to comply with:		
a. maximum street wall height of 3.6m	a. maximum wall height = 2.6m	Yes
b. maximum roof height of 6m	b. maximum roof height = 4.6m	Yes
c. maximum roof pitch 36 degrees	c. maximum roof pitch = 28.5m ⁰ .	Yes
d. dormer window to have total width of 25% of the roof width or 1200mm, whichever is lesser.	d. No dormer windows proposed. See 4.3 of BBLEP table for additional comments.	N/A
C6 - Compliance with Figure 28 required	Proposed design complies with window and roof pitch orientation not facing towards adjoining properties.	Yes
4A.5.1 Buildings on Side or Rear Lanes		
C2 - A building on a rear or side lane is to maximise solar access to adjoining development and must	The proposed development will not change the solar access presently	Yes

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not overshadow habitable rooms or private open space	enjoyed by adjoining properties as the existing building will not change.	
C5 - Siting of the building to a lane is to allow adequate private open space for the principal dwelling, and maximise solar access to the private open space of the principal dwelling and to adjoining development.	The proposal provides 106.5m ² of private open space to the principal dwelling, in the rear garden. Solar access is maximised due to the orientation of the open spaces to the north.	Yes
4A.5.2 Secondary dwellings		
C1 - Secondary dwellings are to comply with all other sections within Part 4A – Dwelling Houses	An assessment of the proposed development in accordance with relevant Part 4A Controls appears below.	
C3 - A secondary dwelling must be accessed via the primary street to which the principal dwelling house presents.	The proposed secondary dwelling is accessed from Johnson Street via the rear yard.	Yes
C4 - Secondary dwellings must be designed to reflect the relevant Desired Future Character Statements in Part 8 – Character Precincts.	A Part 8 Character Precincts assessment appears below.	No
C5 – Secondary dwellings must be designed to capture predominant roof lines and patterns of the existing streetscape.	The predominant roof structures in Johnson Lane is flat or low angle skillion roofs on single or double garages. The garages are single storey. See 4.3 of BBLEP table for additional comments.	No
C6 – For properties with rear lane access, a detached secondary dwelling may present, and be visible from the lane.	The existing building is built to the boundary of the site along Johnson Lane and Hollingshed Lane. The secondary dwelling is accessible from Hollingshed Lane.	Yes
C8 - Secondary dwellings are to comply with the setbacks in Table 1 in Part 4A.2.8 – Building Setbacks. Lot width less than 12.5m:		
• Front = prevailing street or 6m	Front = prevailing, zero lot line for rear lane garages.	Yes
• Side = merit	Side = zero lot line	Yes
• Rear = 4m	Rear = zero lot line	No
		No

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<ul style="list-style-type: none"> Zero lot lines based on merit and open space provisions Eaves = 450mm 	<p>Zero lot lines proposed to Johnson and Hollingshed Lanes.</p> <p>Eaves = no eaves to Hollingshed Lane (north) elevation and neighbouring property to the south, eaves created by guttering to Johnson Lane (east) elevation.</p> <p>Despite the non-compliance with the required setbacks the proposed setbacks are consistent with development on Johnson Lane and are unlikely to result in negative impacts to the streetscape or the subject or adjoining lots.</p>	No
C8 – A secondary dwelling located to the rear of a site must provide deep soil planting within the rear setback, including trees that contribute to the tree canopy.	The proposed development is built to the rear boundary allowing no opportunity for deep soil planting.	No
C9 – Side and rear setbacks should be stepped or modulated, and long walls articulated by projecting or recessing architectural elements to avoid bulky or monotonous development.	The proposal does not modulate or articulate the secondary dwelling side and rear elevations. However, the size of the building does not result in bulky or monotonous development.	Yes
<p>C15 – One primary private open space is to be provided for the secondary dwelling. This is in addition to the private open space required for the principal dwelling.</p> <p>C16 – The primary private open space may be provided as a balcony, or at ground level, at the rates specified in Table 3.</p> <p>1 Bedroom = 8m² and minimum dimension of 2m</p> <p>C17 - Private open space area is to be:</p> <ol style="list-style-type: none"> Located with direct access to the internal living area of the dwelling maximise solar access level and usable appropriately landscaped adequate privacy 	<p>The proposal nominates private open space in the rear garden of the principal dwelling and alfresco for the secondary dwelling.</p> <p>Extrapolating the requirement of 8m² of private open space for a one bedroom secondary dwelling to a two bedroom dwelling, the required open space is 16m².</p> <p>The private open space provided for the secondary dwelling is 9.5m² and does not comply with this control. Furthermore, the proposed car spaces which belong to the principal dwelling disqualify the alfresco area from POS.</p>	No
C19 - Minimum landscape area for lots 400-450m ² is 35% of the site area.	The site is 447m ² and the proposed landscape area is 44.3% (198m ²) of that site area.	Yes

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Part 8 – Mascot Character Precinct

The site is located within a residential area of the Mascot Character Precinct between King Street and Wentworth Avenue.

The secondary dwelling is an existing converted, side lane accessed garage which is non-compliant with car parking and access controls in the BBDCP 2013. The development is compliant with BBLEP 2013 development standards for height and floor space ratio, however, the proposal is considered to be unsuitable for the site and is inconsistent with the desired future character of the Mascot Precinct.

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

The applicable Clauses of the Regulation have been considered and addressed in this report.

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

The proposed development is likely to have detrimental environmental, social and economic impacts for the residents and the community because the development application does not address potential flood effects on the site and the development, all on-site car parking spaces will be removed increasing the demand for on-street car parking, and the proposal does not satisfy Australian Standards for aircraft noise levels. The application cannot be supported.

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

The subject site is between the 25 and 30 ANEF contours and flood affected. The development does not satisfy the AS 2021-2015 standards for aircraft noise levels. The flood affectation constraint on the site has not been sufficiently addressed by the development application and as such the suitability of the site cannot be fully determined. Until a flood management plan has been provided; accurate RLs have been confirmed by a building survey; the development is proven to satisfy AS 2021-2015 standards for aircraft noise levels; and a swept path analysis is provided to demonstrate how cars can enter and exit the site whilst other vehicles are parked in Hollingshed Lane, the site cannot be considered suitable for 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.

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 11 March 2019 to 27 March 2019. No submissions were received.

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

The proposal is prohibited under BBLEP 2013. Granting approval to the proposed development will have adverse impacts on the site and the community from adverse flood events, non-compliance with the Building Code of Australia (BCA) and non-compliance with development controls contained in the BBLEP 2013 and BBDCP 2013.

BAYSIDE COUNCIL

Local Planning Panel Report

The proposed development is not in the public interest.

Section 7.11 Contributions

Section 7.11 contributions are applicable for this proposed development. Council's S7.11 Planner advises that \$20,000.00 is the required contribution for the proposed development.

Conclusion

Section 8.2 Application for Review of Determination for the conversion of an existing garage to a secondary dwelling at 53 Johnson Street, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Application Details

Application Number:	DA-2018/1120
Date of Receipt:	4 July 2018
Property:	53 Johnson Street, Mascot
Lot & DP/SP No:	Lot 14 DP 1034462
Owner:	Jan Elias
Applicant:	Jan Elias
Applicant Address:	53 Johnson Street, Mascot NSW 2020
Proposal:	Conversion of an existing garage to a secondary dwelling
Property Location:	East side of Johnson Street between Wentworth Avenue and Hollingshed Lane
Value:	\$20,000.00
Zoning:	R2 low density residential - Botany Bay Local Environmental Plan 2013
Author:	Petra Blumkaitis
Date of Report:	2 January 2019
Classification of Building:	1a
Present Use:	Secondary dwelling
No. of submissions:	Nil

Author's initials on clearance Under delegated authority, the abovementioned application is hereby refused in accordance with the Coordinator's recommendation.



.....
Luis Melim

MANAGER - DEVELOPMENT SERVICES

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Key Issues

The key issues with this application are:

1. Insufficient information to permit assessment (landscape plan, certificate confirming supply of electricity is compliant with laws and regulations, details of smoke alarms, and Noise/Acoustic report.)
2. Non-compliances with SEPP (Affordable rental Housing) 2009,
3. Flood advice letter absent,
4. The work is already complete, and
5. Various non-compliances with;
 - a) BBLEP 2013: secondary dwellings are not permissible in the R2 low density residential zone, the site being flood affected and the proposal not addressing this matter, the site being within the 25-30 ANEF contour and this matter not being addressed,
 - b) BBDCP 2013: no on-site car parking for the principal dwelling, inadequate addressing of stormwater management, non-compliance with setbacks, no deep soil landscaping, undetermined roof pitch, overdevelopment of the site, access to the secondary dwelling is not from the primary street, the proposal is inconsistent with the streetscape and the Precinct character, and
 - c) BCA: electricity supply, smoke alarms, potential flooding impacts.

Recommendation

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for REFUSAL.

Reasons for refusal:

1. The proposal is not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the proposed secondary dwelling being prohibited in accordance with Clause 22(3)(b) which requires a floor area no larger than 60m².
2. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information (Flood advice letter, landscape plan, site plan showing car parking, certificate to show safe supply of electricity, and Aircraft Noise report) 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.
3. The proposed development is not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the proposed secondary dwelling not being established in conjunction with another dwelling in accordance with Clause 19 Note (a).
4. The proposed development is not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the site area being less than the 450m² required in Clause 22(4)(a)(ii).

BAYSIDE COUNCIL

Delegated Planning Assessment Report

5. The proposed development, pursuant to provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is prohibited development within the R2 Low density residential zone under Botany Bay Local Environmental Plan 2013.
6. 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 is not consistent with the controls of Botany Bay Development Control Plan, including Clause 3A.2 Parking provision, which requires two on-site car parking spaces for the principal dwelling and the proposal will remove all car parking from the subject site.
7. Pursuant to the provisions of Section 4.2(1) of the Environmental Planning and Assessment Act 1979, the works to which this application are related have been carried out without first obtaining a development consent and without first a development consent being in force.

Site Description

The subject site is located on the east side of Johnson Street, between Hollingshed Lane and Wentworth Avenue. The subject site is a regular rectangle in shape with an area of 447m² and 12.19m frontage to Johnson Street, a 12.19m frontage to Frogmore Lane at the rear and a 36.6m frontage to Hollingshed Lane on the north side. The site is nearly level with a small fall to the rear. The site is located within the R2 – low density residential zone. A single storey, detached dwelling and detached secondary dwelling (previously a single garage) are currently located on site.

A location map is below.



BAYSIDE COUNCIL

Delegated Planning Assessment Report

Figure 1: Location map

Development surrounding the site consists of a mix of single storey and two storey detached dwellings located within the low density zone. Johnson Lane is developed with single and double garages giving vehicular access to the properties on the surrounding streets.

Site History

There are no historic applications relating to the subject site. The site has an extended history of residential use.

Description of Development

The development application seeks Council consent for the conversion of an existing single car garage to a secondary dwelling.

The specifics of the proposal are as follow:

- Conversion of the garage to a three bedroom, two bathroom secondary dwelling with a kitchen and living space.
- A walled courtyard garden along the long western wall containing a laundry cupboard and outdoor space.

Background

The development application was lodged on 4 July 2018 and notified between 10 July 2018 and 25 July 2018.

Council's Building Certifier advised following a site inspection on 27 July 2018 that the proposed works are complete.

A site inspection conducted by Council's Planner on 30 August 2018 confirmed the work is complete and the secondary dwelling is occupied.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.15(1) - Matters for Consideration – General

BAYSIDE COUNCIL

Delegated Planning Assessment Report

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

The following Environmental Planning Instruments are relevant to this application:

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 939409S committing to environmental sustainable measures.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is subject to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. An assessment of the proposal against the ARHSEPP had been carried out as follows:

In accordance with Part 2, Division 2, Clause 19 of the SEPP:

The standard instrument defines secondary dwelling as follows:

Secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**)

The proposed secondary dwelling will not be developed and occupied in conjunction with the principal dwelling because they will operate independently of each other with no shared access or open space area.

In accordance with Part 2, Division 2, Clause 22 of the SEPP:

(2) *a consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

The proposed development will not result in any dwelling other than the principal dwelling and the secondary dwelling.

(3) *A consent authority must not consent to development to which this Division applies unless:*

(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument

The gross floor area of the principal dwelling and secondary dwelling has been calculated as 177m² over a site area of 447m². In this regard, the proposed floor space ratio (FSR) for the building is 0.7:1 and therefore does not exceed the maximum FSR of the land (0.7:1) and the accordingly is no more than the maximum floor area permitted by Clause 4.4 Botany Bay Local Environmental Plan 2013

(b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

BAYSIDE COUNCIL

Delegated Planning Assessment Report

The total floor area of the proposed secondary dwelling is 67m², which exceeds the permitted 60m² in Clause 5.4(9) of the BBLEP 2013.

No other EPI permits secondary dwellings, regardless of size within the Botany Bay Local Environmental Plan area.

(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

Clause 22(4)

(a) **site area**

If:

- (i) *The secondary dwelling is located within, or attached to, the principal dwelling,*
or
- (ii) *The site area is at least 450 square metres.*

The proposed secondary dwelling is not located within or attached to the principal dwelling and the site area is less than 450m², being 447m².

(b) **parking**

If no additional parking is to be provided on the site.

The proposed secondary dwelling is to occupy the existing garage. There is no other car parking available on the site and as such the proposal removes all available parking on the site. Therefore the parking requirements in accordance with Botany Bay DCP2013 cannot be met.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

The proposed development is not considered acceptable due to the reduced amenity and non-compliances with BBLEP 2013 and BBDCP 2103 which will result.

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.

BAYSIDE COUNCIL

Delegated Planning Assessment Report

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
2.1 Landuse Zone		The site is zoned R2 Low density residential under the BBLEP 2013.
Land Use Table permissibility. Is the proposed use/works permitted with development consent?	No	Botany Bay LEP 2013 does not permit secondary dwellings in the R2 low density residential zone. State Environmental Planning Policy (Affordable Rental Housing) 2009 overrides the prohibition in BBLEP2013, making the proposed use permissible in the zone. However the proposed floor area of the secondary dwelling is greater than 60m ² (67m ²) making the proposal prohibited in accordance with Clause 22(3)(b).
Land Use Table objectives. Does the proposed use/works meet the objectives of the zones?	Yes	The proposed development is consistent with the following objectives in the BBLEP 2013: <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment.
4.3 Height of buildings 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	Yes	The highest point of the proposed development is 4.6m at the ridge of the roof, which does not exceed the permitted maximum of 9m.
4.4 Floor space ratio The maximum floor space ratio for a building on any land is not to exceed the floor space ration shown for the land on the Floor Space Ratio Map.	Yes	Site area: 447m ² Principal dwelling GFA: 110m ² Secondary dwelling GFA: 67m ² Total site GFA : 177m ² Proposed FSR : 0.7:1 Permissible FSR : 0.7:1 (Area H)
4.4A Is the site within land marked "Area 3" on the FSR Map?	N/A	The site is not within an identified 'Area 3'

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Clause 5.1 Is the land affected by road widening?	Yes	The land is not affected by an identified acquisition.
Clause 5.10 Heritage conservation	Yes	The subject site is not heritage listed nor is it within a heritage conservation area. No. 68 Johnson Street, opposite the subject site is heritage listed. The proposed development is not anticipated to result in a negative effect on the heritage item.
The following provisions in Part 6 of the LEP apply to the development– <ul style="list-style-type: none"> 6.1 – Acid sulfate soils 6.2 – Earthworks 6.3 – Stormwater management 6.9 – Development in areas subject to aircraft noise 	 Yes No No	 6.1 - The site is classified as acid sulphate soil class 4. 6.2 – No earthworks are required for the proposal. 6.3 – The site is flood affected however no flood advice letter was submitted with the development application. Council's Development Engineer does not support the proposal. 6.9 - The site is within the 25-30 ANEF contour. No acoustic report was submitted with the development application.

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.

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

There are no current Draft EPIs applicable to this development

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

The following Development Control Plan is relevant to this application;

BAYSIDE COUNCIL

Delegated Planning Assessment Report

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	Proposed	Complies
3A.2 Parking Provisions of Specific Uses		
C1 Car parking provision shall be provided in accordance with Table 1:		
Dwelling houses with more than 2 bedrooms = 2 spaces	Nil, the proposal will delete the existing onsite single parking space, exacerbating an already insufficient provision.	No
Secondary dwellings = as per SEPP (ARH) 2009; nil	Nil	Yes

Part 3G – Stormwater Management

Control	Proposed	Complies
3G.2 Stormwater Management		
C1 – Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater drainage works.	A stormwater management plan was not submitted with the development application.	No
C2 – Stormwater runoff generated from the development site shall be collected and discharged in accordance with Council's Part 10 – Stormwater Management Technical Guidelines	A stormwater management plan was not submitted with the development application.	No

Part 3L- Landscaping and Tree Management

The proposed development will not change the existing open space, landscape area or vegetation on site at the time Council inspected the site because the garage had already been converted and the courtyard constructed. It is not possible to determine whether any trees or other vegetation were removed when the courtyard was constructed.

Part 3J – Aircraft Noise and OLS

No Aircraft Noise Intrusion Assessment report was submitted with the development application. The classification of the proposal under Table 2.1 of AS2021-2015 is not known and an appropriate assessment cannot be made on the suitability and compliance of the development.

Part 3N- Waste Minimisation and Management

A waste management plan was not submitted with the development application.

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Part 4A.5 – Ancillary Development (Secondary dwelling)

Control	Proposed	Complies
4A.5 Ancillary Development		
C1 - Principal dwelling plus any ancillary structures are to comply with the controls for site coverage, minimum landscape area, open space, setback and height controls.	See below where each matter is addressed separately.	
C5 - Ancillary structure to comply with: a. maximum street wall height of 3.6m b. maximum roof height of 6m c. maximum roof pitch 36 degrees d. dormer window to have total width of 25% of the roof width or 1200mm, whichever is lesser.	a. maximum wall height = 2.6m b. maximum roof height = 4.6m c. maximum roof pitch = not shown d. no dormer windows proposed.	Yes Yes No N/A
C6 - Compliance with Figure 28 required	Proposed design complies with window and roof pitch orientation not facing towards adjoining properties.	Yes
4A.5.1 Buildings on Side or Rear Lanes		
C2 - A building on a rear or side lane is to maximise solar access to adjoining development and must not overshadow habitable rooms or private open space	The proposed development will not change the solar access presently enjoyed by adjoining properties as the existing building will not change.	Yes
C5 -Siting of the building to a lane is to allow adequate private open space to for the principal dwelling, and maximise solar access to the private open space of the principal dwelling and to adjoining development.	The proposal provides 104m ² of private open space to the principal dwelling, in the rear garden and 36m ² of private open space in the courtyard for the secondary dwelling. Solar access is maximised due to the orientation of the open spaces to the north.	Yes
4A.5.2 Secondary dwellings		
C1 - Secondary dwellings are to comply with all other sections within Part 4A – Dwelling Houses	An assessment of the proposed development in accordance with relevant Part 4A Controls appears below.	
C2 - A secondary dwelling must not result in overdevelopment of the site	The proposed secondary dwelling is an overdevelopment of the site as it	No

BAYSIDE COUNCIL

Delegated Planning Assessment Report

	removes all car parking from the site.	
C3 - A secondary dwelling must be access via the primary street to which the principal dwelling house presents.	The proposed secondary dwelling is accessed from Hollingshed Lane, not Johnson Street.	No
C4 - Secondary dwellings must be designed to reflect the relevant Desired Future Character Statements in Part 8 – Character Precincts.	A Part 8 Character Precincts assessment appears below.	No
C5 – Secondary dwellings must be designed to capture predominant roof lines and patterns of the existing streetscape.	The predominant roof structures in Johnson Lane is flat or low angle skillion roofs on single or double garages. The garages are single storey.	No
C6 – For properties with rear lane access, a detached secondary dwelling may present, and be visible from the lane.	The existing building is built to the boundary of the site along Johnson Lane and Hollingshed Lane. The secondary dwelling is accessible from Hollingshed Lane.	Yes
C7 - Secondary dwellings are to comply with the setbacks in Table 1 in Part 4A.2.8 – Building Setbacks. Lot width less than 12.5m: <ul style="list-style-type: none"> • Front = prevailing street or 6m • Side = merit • Rear = 4m • Zero lot lines based on merit and open space provisions • Eaves = 450mm 	Front = prevailing, zero lot line for rear lane garages. Side = zero lot line Rear = zero lot line Zero lot lines proposed to Johnson and Hollingshed Lanes. Eaves = no eaves to Hollingshed Lane (north) elevation and neighbouring property to the south, eaves created by guttering to Johnson Lane (east) elevation. Despite the non-compliances with the required setbacks the proposed setbacks are consistent with development on Johnson Lane and are unlikely to result in negative impacts to the streetscape or the subject or adjoining lots.	Yes Yes No No No

BAYSIDE COUNCIL

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C8 – A secondary dwelling located to the rear of a site must provide deep soil planting within the rear setback, including trees that contribute to the tree canopy.	The proposed development is built to the rear boundary allowing no opportunity for deep soil planting.	No
C9 – Side and rear setbacks should be stepped or modulated, and long walls articulated by projecting or recessing architectural elements to avoid bulky or monotonous development.	The proposal does not modulate or articulate the secondary dwelling side and rear elevations. However the size of the building does not result in bulky or monotonous development.	Yes
C15 – One primary private open space is to be provided for the secondary dwelling. This is in addition to the private open space required for the principal dwelling.	A private open space is provided for both the principal (rear garden) and secondary (walled courtyard) dwellings.	Yes
C16 – The primary private open space may be provided as a balcony, or at ground level, at the rates specified in Table 3. 1 Bedroom = 8m ² and minimum dimension of 2m	Extrapolating the requirement of 8m ² of private open space for a one bedroom secondary dwelling to a three bedroom dwelling, the required open space is 24m ² . The private open space provided for the secondary dwelling is 36m ² .	Yes
C17 - Private open space area is to be: i. Located with direct access to the internal living area of the dwelling ii. maximise solar access iii. level and usable iv. appropriately landscaped v. adequate privacy	The private open space for the proposed secondary dwelling is private being a walled courtyard, appropriately landscaped, level and usable, and is oriented to the north to maximise solar access.	Yes
C19 - Minimum landscape area for lots 400-450m ² is 35% of the site area.	The site is 447m ² and the proposed landscape area is 47% of that site area.	Yes

Part 8 – Mascot Character Precinct

The site is located within a residential area of the Mascot Character Precinct between King Street and Wentworth Avenue.

The secondary dwelling is an existing converted, side lane accessed garage which is non-compliant with setback, landscaping, car parking and access controls in the BBDCP 2013. The development is compliant with BBLEP 2013 development standards for height and floor space ratio.

The proposal is considered to be unsuitable for the site and is inconsistent with the desired future character of the Mascot Precinct.

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

The applicable Clauses of the Regulation have been considered and addressed in this report.

BAYSIDE COUNCIL

Delegated Planning Assessment Report

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

The proposed development is likely to have detrimental environmental, social and economic impacts for the residents and the community because the development application does not address potential flood effects on the site and the development, and all on-site car parking spaces will be removed increasing the demand for on-street car parking.

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

The subject site is between the 25 and 30 ANEF contours and flood affected. The flood affectation constraint on the site was not addressed by the development application and as such the suitability of the site cannot be fully determined. Until the flood affectation is addressed the site cannot be considered suitable for 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.

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 22 May 2018 to 7 June 2018. No submissions were received.

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

The proposal is prohibited under BBLEP 2013 and SEPP (Affordable Rental Housing) 2009. Granting approval to the proposed development will have adverse impacts on the site and the community from adverse flood events, non-compliance with the Building Code of Australia (BCA) and non-compliance with development controls contained in the BBLEP 2013 and BBDCP 2013.

The proposed development is not in the public interest.

Section 7.11 Contributions

Section 7.11 contributions are applicable for this proposed development. Council's S7.11 Planner advises that \$20,000.00 is the required contribution for the proposed development.

Conclusion

Development Application No. 2018/1120 for the conversion of an existing garage to a secondary dwelling at 53 Johnson Street, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.



Our Ref: Marta Gonzalez-Valdes/hm: DA-2018/1120



Bayside Council

Serving Our Community

Jan Elias
53 Johnson Street
MASCOT NSW 2020

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ISSUED UNDER THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 -SECTION 4.16 (1) (b)**

NOTICE OF REFUSAL

<u>DEVELOPMENT APPLICATION NO.</u>	DA-2018/1120
Applicant Name:	Jan Elias
Date of Application:	4 July 2018
Land to be Developed - Address:	53 Johnson Street, Mascot Lot 14 in DP 1034462
Development:	Conversion of an existing garage to a secondary dwelling

DETERMINATION

Made on:	10 January 2019
Determination:	Application formally refused on account of the reasons listed in the attached schedule.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

Eastgardens Customer Service Centre
Westfield Eastgardens
152 Bunnerong Road
Eastgardens NSW 2036, Australia
ABN 80 690 785 443 Branch 004

Rockdale Customer Service Centre
444-446 Princes Highway
Rockdale NSW 2216, Australia
ABN 80 690 785 443 Branch 003
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Phone 1300 581 299
T (02) 9562 1666 F 9562 1777
E council@bayside.nsw.gov.au
W www.bayside.nsw.gov.au

Postal address: PO Box 21, Rockdale NSW 2216



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

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REVIEW OF DETERMINATION

In accordance with Section 8.2 of the Environmental Planning and Assessment Act 1979, the applicant may within six (6) months after the date on which notice of determination was received, request the Council to Review its determination in respect of the application. (NB Section 8.2 is not applicable to Integrated, Designated development or, Development determined by the Joint Regional Planning Panel)

SIGNED

On behalf of the Consent Authority

Yours faithfully

A handwritten signature in black ink, appearing to read 'L. Melim', followed by a long horizontal flourish.

Luis Melim
Manager – Development Services

Premises: 53 Johnson Street, Mascot

DA No: 2018/1120

REASONS FOR REFUSAL

1. The proposal is not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the proposed secondary dwelling being prohibited in accordance with Clause 22(3)(b) which requires a floor area no larger than 60m².
2. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information (Flood advice letter, landscape plan, site plan showing car parking, certificate to show safe supply of electricity, and Aircraft Noise report) 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.
3. The proposed development is not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the proposed secondary dwelling not being established in conjunction with another dwelling in accordance with Clause 19 Note (a).
4. The proposed development is not consistent with SEPP (Affordable Rental Housing) 2009 with respect to the site area being less than the 450m² required in Clause 22(4)(a)(ii).
5. The proposed development, pursuant to provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is prohibited development within the R2 Low density residential zone under Botany Bay Local Environmental Plan 2013.
6. 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 is not consistent with the controls of Botany Bay Development Control Plan, including Clause 3A.2 Parking provision, which requires two on-site car parking spaces for the principal dwelling and the proposal will remove all car parking from the subject site.
7. Pursuant to the provisions of Section 4.2(1) of the Environmental Planning and Assessment Act 1979, the works to which this application are related have been carried out without first obtaining a development consent and without first a development consent being in force.

Certified by Luis Melim
Manager, Development Services





30 November 2018

Our Ref: FA-2018/151
Contact: Pulak Saha

Mr J Elias
27 Bancroft Rd
ABBOTSBURY NSW 2176

Dear Mr Elias

Re: Flood Advice Letter for 53 Johnson Street, MASCOT

When lodging a Development Application you must enclose a copy of this letter.

FLOOD NOTATION	Council has notated this property as being affected by the 1% Annual Exceedance Probability (AEP) flood. The 1% AEP flood means there is a 1% (i.e. a 1 in 100) chance of a flood of this height, or higher occurring in any one year.
FLOOD STUDY	The Council Flood Study applicable to the property is: Mascot, Rosebery & Eastlakes Flood Study, WMA Water Ltd, 2015
FLOOD LEVELS	1% AEP Flood level: 6.60m Australian Height Datum (AHD) Probable Maximum Flood (PMF) Level: 7.64m AHD
FLOOD RISK EXPOSURE	The Flood Risk Exposure of the site has been assessed as Overland Flooding: Flood Fringe: Low Hazard
FLOOD COMMENTARY	<ul style="list-style-type: none"> Refer to figure 1 for flood extent map. No accurate information is recorded regarding the impact of tsunamis in the Bayside Local Government area

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Τηλεφωνικές Υπηρεσίες Διερμηνείας

بخدمه الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

FLOOD PLANNING LEVEL (FPL)

The Flood Planning Level (FPL) is a height used to set floor levels for property development in flood prone areas. It is generally defined as the 1% AEP flood level plus an appropriate freeboard.

For the design of new developments on this land the minimum habitable floor level is: 7.10m AHD

The minimum level for non-habitable buildings and structures such as garages and ramps to basement car parking is: 6.90m AHD

As noted these floor levels are minimums, floor levels higher than these are allowable subject to normal planning rules. In order to relate these levels to your property you will need to obtain a survey to determine the ground level to AHD at the site.

OVERLAND FLOW

Any new development is not to increase the water level or hazard on adjoining properties. Opportunities should be investigated to design a development that is clear of the overland floodway and acts to reduce the impacts of these flows, possibly by removing inappropriate travel paths and/or reducing the hazard.

Where a new development may impact on flood behaviour a civil/hydraulic engineer is to be engaged to assess the impacts of the overland flows before and after development using Manning's Equation or a hydraulic model. A TUFLOW model has been created by WMA Water Pty Ltd for Bayside Council reflecting catchment conditions in 2015. The model will be made available to a nominated Consulting Engineer subject to entering a Model and Data Licence Agreement and payment of the required fee as listed in Council's fees and charges — Flood studies/ GIS drainage.

FLOW THROUGH FENCING

Flow through open form fencing (louvres or pool fencing) is required for all new fencing up to the 1% AEP Flood level to allow flood water flow through.

FLOOD RELATED DEVELOPMENT CONTROLS

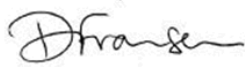
The following additional flood related development controls apply:

1. Any portion of the building or structure lower than the applicable flood planning level (FPL) shall be built from flood compatible materials to be specified by a Structural Engineer.
2. All services associated with the development shall be flood proofed to the applicable FPL.
3. Filling on this land may impact on the flood behaviour and may increase the hazard on adjoining properties. A qualified civil/hydraulic engineer is to be engaged to assess the impacts of these overland flows before and after development using Manning's Equation or a hydraulic model.
4. A suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, debris and buoyancy in a 1% AEP flood event.
5. A Flood Management Plan is required to be lodged with the DA which will detail whether evacuation procedures are required and if so how they will be initiated, warning signs and preservation of flood awareness as owners and/or occupants change through time. An example is attached.

Council considers that this is the best information currently available on flooding in the area, but Council cannot comment on the accuracy of the result.

Should you require any further information, please contact Council's Strategic Floodplain Engineer, Pulak Saha on 9562 1652.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dfransen', with a stylized flourish at the end.

Debbie Fransen
COORDINATOR ASSET STRATEGY

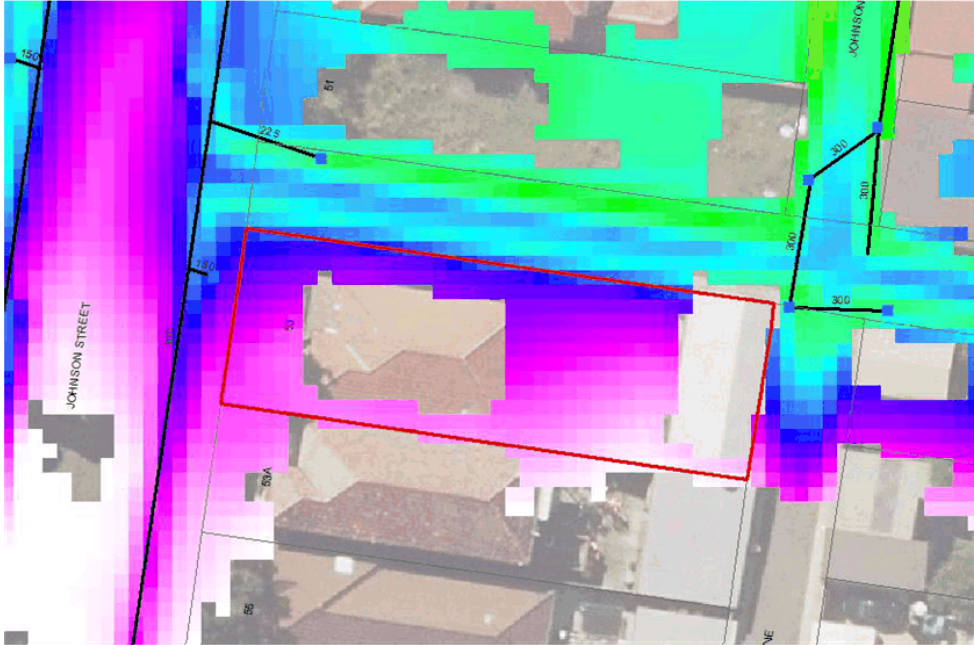


Figure 1: 1% AEP Flood extent map (green colour indicates greater depth of water and pale pink colour indicates shallower depth, black line indicates approximate location and diameter of stormwater pipes)

FLOOD MANAGEMENT PLAN FOR**Background**

Council has advised that this property is subject to flooding in a 1% AEP (1 in 100 year AEP) storm event. The Probable Maximum Flood (PMF) is the highest flood level that is ever likely to occur, however it is extremely rare.

Council has no information regarding Tsunami in Bayside Local Government.

Relevant levels are: *Complete as appropriate for your property*

1% AEP Flood Level =	m Australian Height Datum (AHD)
Probable Maximum Flood =	m AHD
Garage Floor Level =	m AHD
Driveway Crest Level =	m AHD (below ground garages only)
Habitable Floor Level =	m AHD
Second Floor Level =	m AHD
Front Boundary Level =	m AHD
Lowest Ground Level =	m AHD at

The above levels give an indication of how the various floods will impact this property and what level of protection is provided. Habitable living areas are designed to be a minimum of 0.5 m above the 1% AEP Flood Level and staying within the home will provide protection for a wide range of floods.

Procedure

1. Floods in Bayside Local Government are considered as "flash floods" and no warning system is available. Storms leading to major flooding are typically 2 hours long, however shorter storms as little as 30 minutes long can produce significant flooding. Once the storm passes floodwaters usually disappear rapidly.

2. During floods many local and major streets and roads will be cut by floodwaters.

Traveling through floodwaters on foot, or in a vehicle can be very dangerous as the water may be polluted, obstructions can be hidden under the floodwaters, or you could be swept away. Council recommends staying within the home as much as practical as this is the safest option. If you need to leave the home do so early in the flood event, before the flood level reaches *(the trigger location for your property)*

3. Develop your own family flood plan and be prepared if flooding should occur while the kids are coming home from school or when you are returning from work. Talk to the Council to determine the safer travel routes that are less likely to be cut by floodwaters.

4. For below ground garages do not attempt to save the car if floodwaters start to enter the garage, it is too dangerous as water levels will rise rapidly and you could be trapped.

5. As the flood level approaches the garage floor level (but only if safe to do so) relocate any items that may be damaged by water, or poisons, or wastes to as high a level as possible.

6. As the flood level approaches the habitable floor level:

i) gather medicines, special requirements for babies or the elderly, mobile phones, first aid kit, special papers and any valuables into one location,

ii) put on strong shoes, raise any items within the home that may be damaged by water (e.g. photo albums) to as high a level as possible, with electrical items on top. Turn off and disconnect any large electrical items such as a TV that cannot be raised.

iii) place wet towels across the bottom and lower sides of external doors to slow down the entry of water through the door.

7. In the very rare event that floodwaters may enter the home collect items from 6.i) above and move to an upper level if possible, or if in a single level dwelling provide a chair in the kitchen to enable access to the kitchen bench preferably adjacent to the window. Ensure window is not locked or key readily available. Do not evacuate the home unless instructed to do so by the SES or the Police. Remember floodwaters are much deeper and flow much faster outside.

8. In the case of a medical emergency ring 000 as normal, but explain about the flooding.

9. A laminated copy of this flood plan should be permanently attached (glued) on an inside cupboard door in the kitchen and laundry and to the inside of the electrical meter box.
10. This flood management plan should be reviewed every 5 years, particularly with the potential effects of Climate Change with sea level rise and increased rainfall intensities.

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

**PROPOSED CHANGE OF USE OF AN
EXISTING GARAGE TO A SECONDARY DWELLING**

53 JOHNSON STREET, MASCOT
NSW 2020

Dated: JUNE 2018
Revised: January 2019

PREPARED BY

A & H BUILDING DESIGNERS PTY LTD

A & H BUILDING DESIGNERS – JUNE 2018 – STATEMENT OF ENVIRONMENTAL EFFECTS

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Background

Our clients (Jan Elias) intention was to build this for his parents for their retirement and keep them close by; but after health complications his parents opted for alternative accommodation. In good faith he decided to proceed with councils correct procedures and submit this application as a retrospective build in the event he leased it out. He didn't want any unnecessary attention to council or Bay Side stakeholders and have peace of mind. The build is of an exceptional standard with high end finishes and quality (refer to attachment; 53 Johnson Street Mascot – Photos). He's had no complaints from neighbours and in fact, the neighbours have provided positive feedback on numerous occasions as Jan has taken initiatives to continually clean, look after & even install CCTV along Johnson Lane as this property was subject continual illegal disposal of rubbish due to its orientation. He is aware that what he has done was incorrect and moving forward, he would like to follow the correct procedure.

Introduction

This Statement of Environmental Effects has been prepared in addition to the submitted building design drawings for the proposed change of use of an existing garage to a secondary dwelling at 53 Johnson Street, Mascot NSW 2020.

This statement forms part of a Development Application to Botany Bay Council and should be read in conjunction with the drawings submitted with this application. The existing site comes under the zoning of R2 - Low Density Residential according to Botany Bay Council LEP 2013 and has a site area of approx. 447sqm.

Definition of Zone R2 – Low Density Residential:

Objectives of zone

- a) To provide for the housing needs of the community within a low-density residential environment.
- b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- c) To encourage development that promotes walking and cycling.

Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings;

In light of the above - Attached dwellings, Boarding house, Dwelling Houses, Group homes, Multi dwelling housing, Residential flat buildings and semi-detached dwellings are all forms of residential accommodation permitted within the R2 zone.

The proposed secondary dwelling is another form of accommodation which is considered to be of lower intensity to the majority of homes listed above and can be considered to be permitted within the Zone.

Clause 20 of the ARH SEPP - This Division applies to land within an R2 use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land in which a secondary dwelling is considered as a dwelling house and used primarily for residential purposes.

Part 4 Principal development standards

LEP Requirements:

- a) FSR – 0.7:1 – 70% of Site Area = 312.9m²
- b) Existing FSR on site = 177m²

Existing structures/buildings onsite are compliant with the allowable FSR according to Botany Bay Council's LEP 2013.

4A.4.2 Visual and Acoustic Privacy Objective

New development and alterations/additions to existing houses are to ensure adequate acoustic privacy levels for neighbours and residents of the proposed dwelling.

Existing Garage structure in context



Fig. 1: View of existing garage structure North of Johnson Lane looking towards the South (source: Google Earth)

The proposed change of use retains the existing character of the existing garage structure which blends in well with the surrounding building and structures within its vicinity. The external brick face provides good acoustics as well as visual privacy with windows having an existing sill height (towards Johns and Hollington Lane) of about 1.7m high.



Fig. 2: View of existing garage along Johnson Lane South (source: A & H)

The secondary dwelling is not exposed to any high noise levels from any streets as it is located along quiet and non-high traffic street lanes. All external walls are of masonry construction.

4A.4.3 Solar Access Objective

- a) To maximise solar access and energy efficiency through appropriate siting and design;
- b) To ensure that private open space and living areas receive adequate solar access and sunlight;
- c) To minimise overshadowing impact to adjoining dwellings.



Fig. 3: View from Hollingshed Lane for vehicle entry. Pedestrian entrance to be from Johnson Street. (source: A & H)

The existing building receives solar access into all habitable spaces as well as towards the existing private open space. The north and north-western sun provides adequate sunlight within the master bedroom as well within the main living areas (facing the private open space). The private open space receives adequate morning sunlight during the morning and afternoon hours of the day and does not reduce any solar access to any adjoining properties.

The existing structure does not overpower any of the adjoining properties in terms of bulk and or scale, however, the structure is located on the corner of Hollingshed and Johnson Lane.

Streetscape and Character



Fig. 4: View of existing garage structure North of Johnson Lane looking towards the South (source: Google Earth)

The proposed change of use retains the existing character of the existing garage structure which blends in well with the surrounding building and structures within its vicinity. The laneways are predominantly surrounded by masonry structures and buildings.

Secondary Dwellings on Rear Lanes

The existing structure is located on the corner of Hollingshed and Johnson Lane and vehicular access is off Hollingshed Lane and the main access for pedestrians to be from Johnson Street.

Setbacks and Building Articulation

The proposed change of use retains the existing character of the existing garage structure which has a zero boundary setback from both Johnson and Hollingshed Lane. This is repeated within all garage structures throughout the adjoining properties with the laneways being predominantly of masonry construction. There are no exiting window openings that are directly located towards any adjoining properties.

Car Parking

Carparking on the site will be via Hollingshed lane with 2 tandem hardstand spaces proposed at the rear of the property to serve both the main dwelling and proposed secondary dwelling.

Private Open Space

The proposed change of use utilises the existing private open space which equates to more than 50m². This satisfies the minimum 8m² of private open space for a two (2) bedroom secondary dwelling.

Site Analysis

Primary pedestrian access to the site to the secondary dwelling is gained off Hollingshed Lane situated towards the northern side of the property. The existing building structure is constructed of masonry walls and metal roof. The allotment is described as Lot 14 in Deposited Plan (DP) No: 1034462.

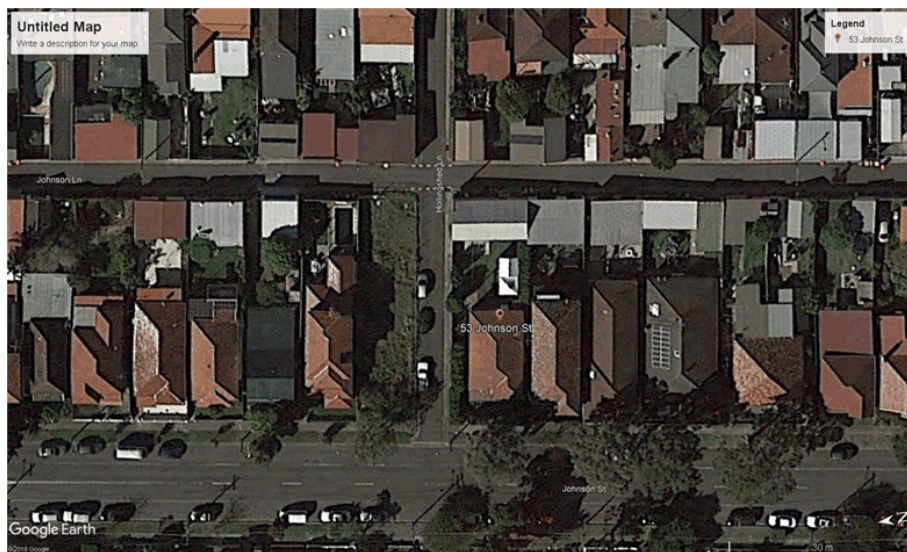


Fig. 1: Location of site (source: Google Earth)

Vegetation on the site is mainly located along Hollingshed Lane. The existing secondary dwelling is situated towards the eastern boundary of the property and shares a generous private open space with the existing primary dwelling. Constant winds to the site present themselves in the winter months from the southwest and the summer breeze prevails from northeast. The site is accessible via Johnson Street and Hollingshed Lane.

As shown within Fig. 2, the new change of use shows the previous garage structure with double swing timber doors for vehicle access. The windows and external timber doors have remained however the internal space immediately behind this feature has been converted into a master bedroom.



Fig. 2: Vehicle access off Hollingshed Lane to the existing Secondary Dwelling (source: A & H)



Fig. 3: Existing external brick face of existing secondary dwelling as viewed from Johnson Lane (source: A & H)

As shown within Fig. 3, the garage structure is located directly on the eastern and southern boundary lines. The external finish is brick face with timber framed windows with metal pitch roof sheeting.

Heritage Assessment

The site is not a heritage item however the property No. 68 Johnson Street, Mascot is considered as heritage item.

The garage has already been converted into a habitable secondary dwelling which has been in use for some time.

This DA is seeking a change of use to legitimize the use from a garage to a habitable dwelling only. With no building works and as such proposed, the change of use will have little to no impact on the streetscape or surrounding heritage items along Johnson Street as the external character of the external structure of the garage will remain as is.

As the garage is an existing approved structure and location of the Heritage item is located at the opposite side of Johnson Street, the change of use will have no adverse impacts on the property.



Fig. 4: Heritage Item No. 68 Johnson Street Mascot (source: Google Street Maps)



Fig. 5: Heritage Item No. 68 Johnson Street Mascot (source: Google Street Maps)



Fig. 6: Existing internal view (source: A & H)

Flood Planning

In relation to councils Flood Advice letter dated 30NOV2018 and Mascot, Rosebery & Eastlakes Flood Study, WMA Water Ltd, 2015 any new development would require a minimum FFL of 7.10m AHD.

A survey check of the floor level for the proposed conversion of the building indicates that the floor level of the secondary dwelling achieves the 7.10m RL and would not warrant any further work. Refer to floor report attached "53 Johnson Street - Flood Advice Letter Response"

Development Proposal

The proposed development application seeks to obtain consent from council for the change of use of an existing garage structure into a habitable secondary dwelling.

The secondary dwelling consists will consist of two (2) bedrooms with the north facing bedroom being the master bedroom and ensuite. The kitchen, dining space and living space are centrally situated within the building and the outdoor sitting is located towards the western side of the building.

Building Materials for Acoustic Measures

External walls are of masonry construction with the internal walls are composed of timber frame. The internal flooring material is tiled with the existing roof is metal roof sheeting. Below are the specifications that have been utilised within the secondary dwelling for acoustic purposes.

Existing External wall -

- * 75mm thick 11kg/m³ insulation to cavity
- * 2x13mm Soundchek plasterboard insulation internal lining for the bedroom

Existing Internall wall -

- * 1x13mm Soundchek plasterboard lining for the remainder of all other areas

Ceilings -

- * 2x13mm Soundchek plasterboard ceiling to bedroom. 1x13mm elsewhere

Glazing -

- * Installed 10.38mm glass for bedrooms, 6mm elsewhere.

State Environmental Planning Policy (Affordable Rental Housing)

The proposed secondary dwelling is established in conjunction with principal by within the meaning of Clause 19 of the ARH SEPP as it is an existing approved building being converted to a secondary dwelling as defined by Clause 19 (a) which states - *the erection of, or alterations or additions to, a secondary dwelling;*

Amended plans have been updated which indicate that the floor area of the proposed secondary dwelling has been reduced to no greater than 60sqm as required by ARH SEPP.

In accordance with Clause 13(1) for the purpose of a secondary dwelling must result in either the principal dwelling or the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road in which this achieves, where access to the secondary dwelling can be made via Johnson street through a dedicated walkway located to the left side of the primary dwelling.

Variations to ARH SEPP:

1. Clause 2 (1)(b)(i) requires a site to be a minimum of 450sqm for the purpose of a secondary dwelling. The site measures approximately 447sqm which falls 3sqm short of the minimum requirement. It is requested that Council grant a variation to this clause as there is no major development or construction works proposed.

The extent of non-compliance is very minor and does not hinder the consistency with the objective, which is to encourage development to be compatible with the future character of the area. Johnson Street, Mascot comprises a number of newly renovated dwellings. The proposed works will result in a lot being compliant with regard the 450sqm lot size. This variation will have little to no impact on the amenity of the surrounding neighbourhood and will not create any visual or environmental impacts. Further, the lot is situated adjacent 3 roads along the boundaries as this also creates a buffer towards the adjoining residential property situated within the area.

The extent of non-compliance will be minor and negligible. In addition, the building is existing and the proposed change of use will not impact on any street frontage and will positively blend in the streetscape, which will positively contribute to the future character of the area.

In our opinion, the proposal satisfies lot size as it is considerably close to the required 450sqm lot size required scale and that is contextually appropriate with the built form and desired future character of the neighborhood.

It is our opinion that the underlying object of purpose outlined above would be defeated if compliance with the minimum lot size was necessary.

In our opinion, the density and footprint of the development is appropriate in this instance. As mentioned, the existing dwelling is surrounded by other medium density developments built upon a similar topography. The siting of the proposed building, the proposed design measures and compliance with the majority of the size contribute to a favorable relationship with the surrounding residential uses. In particular, the proposal will reinvigorate a site which currently detracts from the desired built form character of the surrounding area.

Strict compliance would jeopardise the internal amenity for the occupants of the site and will result in a dwelling which will not be consistent with the pattern of other dwelling houses along within the area. Importantly the proposal will preserve the amenity to neighboring properties and this is further detailed in the SEE.

The proposal is an appropriate and necessary response to the context of the locality. For these reasons, compliance with the development standard is unnecessary.

There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard.

The proposal is permissible within the R2 Residential zone and is consistent with the relevant zone objective which is to provide for the housing needs of the community within a low-density residential environment.

It is our opinion that the proposal is consistent with the relevant zone objectives and satisfies a number of the 'unreasonable and unnecessary' tests established by the Court. In addition, it is our opinion that the proposal is unlikely to result in significant adverse amenity impacts in terms of privacy, overshadowing or view loss.

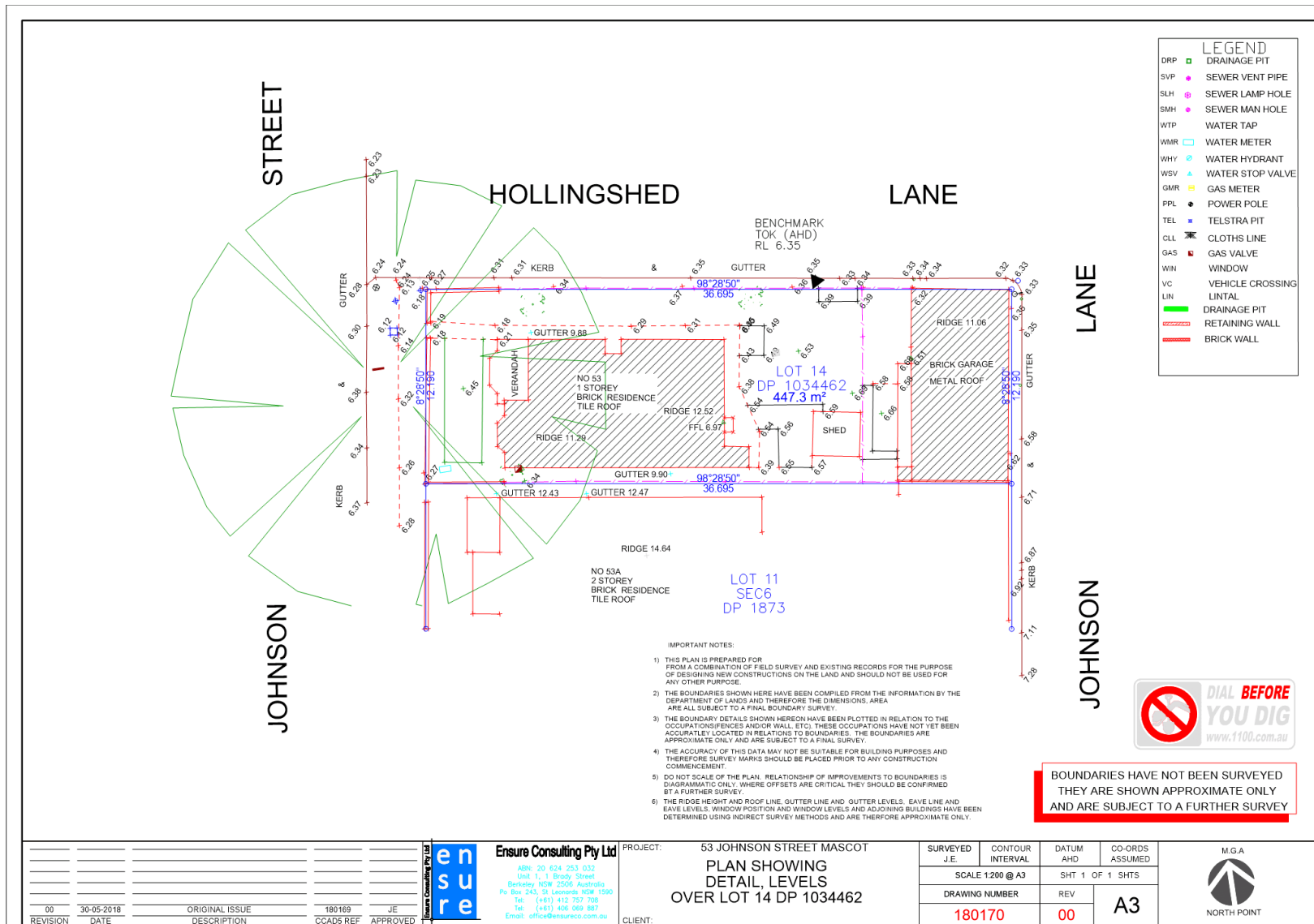
These are considered in detail in the submitted SEE. For these reasons, it is considered that the minimum lot size non-compliance is unlikely to have adverse impacts and the proposal is in the public interest.

The proposal will remain consistent with the existing and emerging housing types along Johnson Street and is therefore providing for the housing needs of the community by further developing the variety of dwellings within the precinct.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and future planning objectives for the locality. For these reasons outlined above, it is our opinion that there are sufficient environmental planning grounds to justify contravening the development standard in the particular circumstances of the case.

Summary

The proposed development will provide a positive benefit and addition to the existing dwelling. The overall proposal has been well designed and thoughtfully arranged within the existing site.



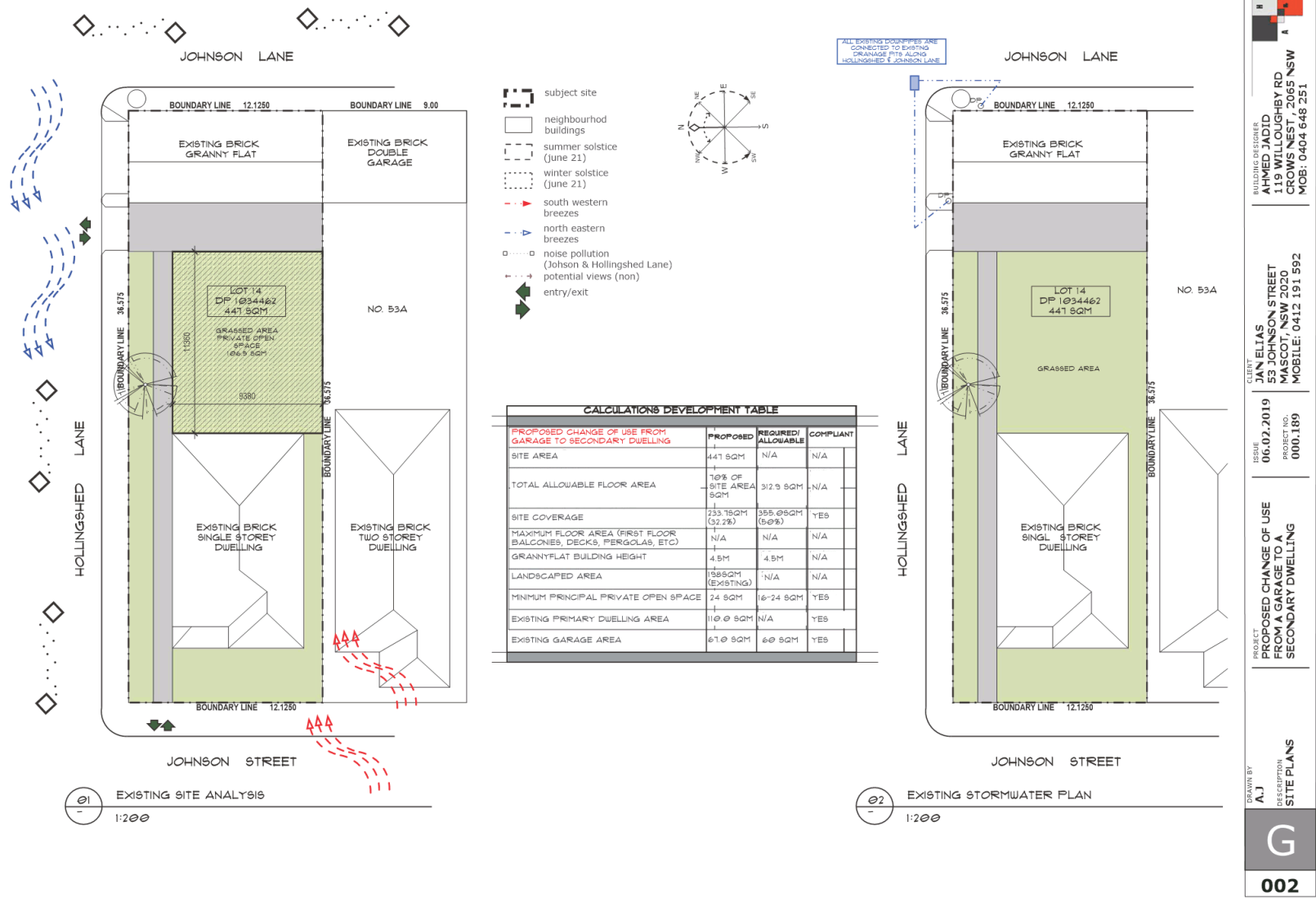
001	COVER PAGE
002	SITE ANALYSIS & STORMWATER PLAN
003	PROPOSED SITE PLAN & ROOF PLAN
004	PROPOSED LANDSCAPE PLAN
005	PROPOSED SITE/GROUND FLOOR PLAN & ELEVATIONS
006	PROPOSED ELEVATIONS & SECTION + SCHEDULE
007	PROPOSED DETAILS & BASIS REQUIREMENTS

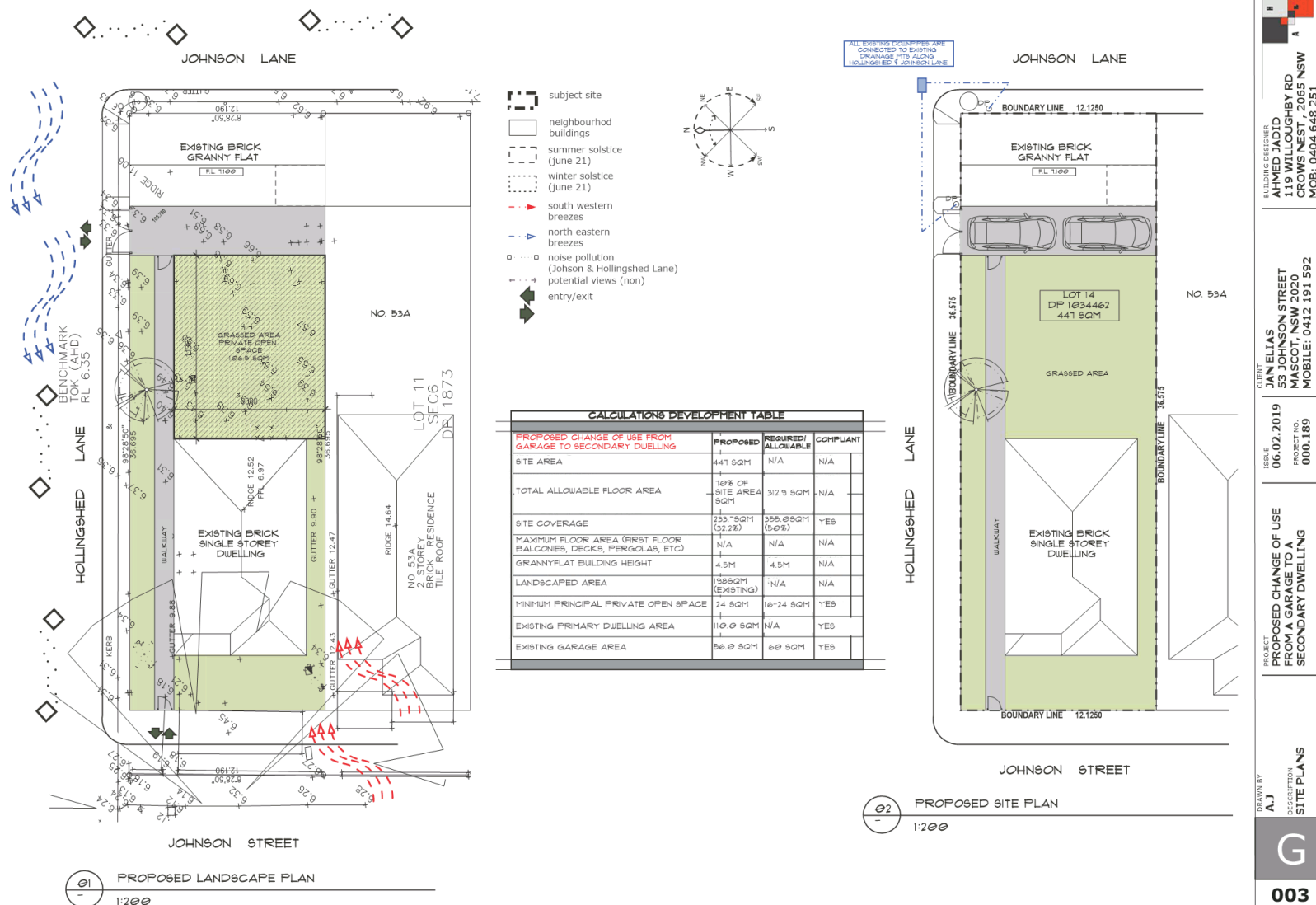
53 JOHNSON STREET

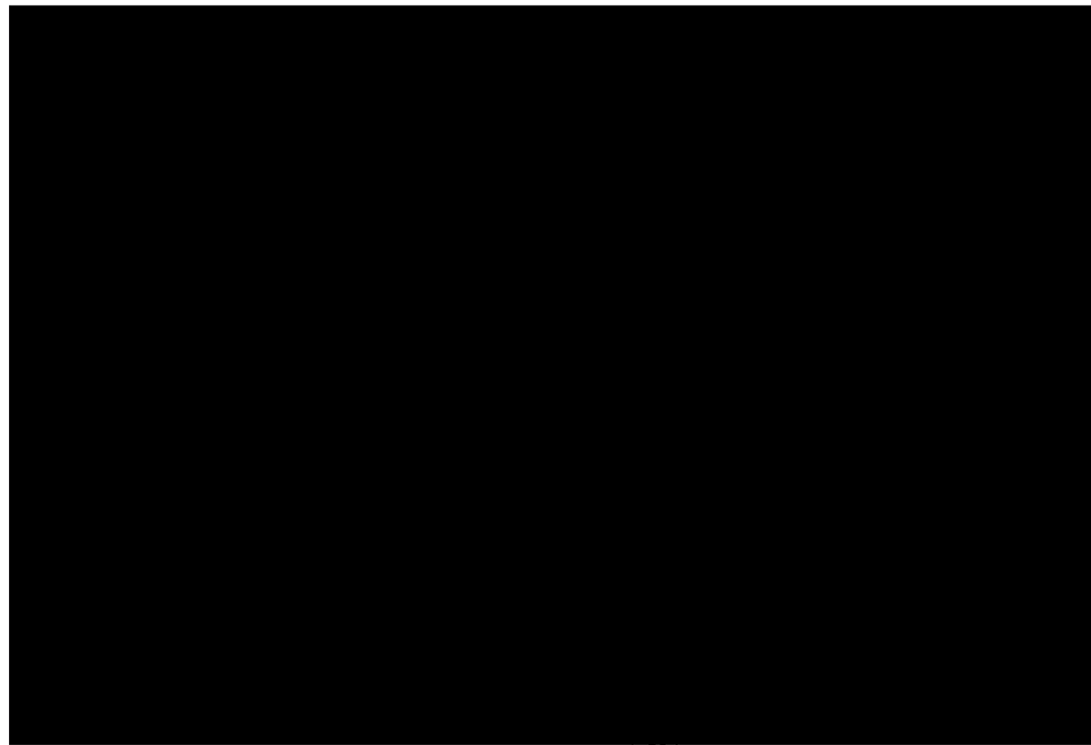
An aerial photograph of a residential neighborhood. A red rectangle highlights a specific property. A red location pin is placed on the property, with the text '53 Johnson St' next to it. The street 'Hollingshead Ln' is labeled vertically on the left side of the image, and 'Johnson St' is labeled horizontally at the bottom right. The property within the red rectangle appears to be a large, light-colored building or structure.

1 LOCATION PLAN
N.T.S

<div>001</div>	<div>G</div>	<div>DRAWN BY</div> <div>A.J</div>	<div>PROJECT</div> <div>PROPOSED CHANGE OF USE FROM A GARAGE TO A SECONDARY DWELLING</div>	<div>ISSUE</div> <div>06.02.2019</div>	<div>CLIENT</div> <div> <div>JAN ELIAS</div> <div>55 JOHNSON STREET</div> <div>MASCOT, NSW 2020</div> <div>MOBILE: 0412 191 592</div> </div>	<div>BUILDING DESIGNER</div> <div> <div>AHMED JADID</div> <div>119 WILLOUGHBY RD</div> <div>CROWS NEST, 2065 NSW</div> <div>MOB: 0404 648 251</div> </div>	
		<div>DESCRIPTION</div> <div>COVER PAGE</div>					







CALCULATIONS DEVELOPMENT TABLE			
PROPOSED CHANGE OF USE FROM GARAGE TO SECONDARY DWELLING	PROPOSED	REQUIRED/ALLOWABLE	COMPLIANT
SITE AREA	441 SQM	N/A	N/A
TOTAL ALLOWABLE FLOOR AREA	10% OF SITE AREA 44.1 SQM	312.9 SQM	N/A
SITE COVERAGE	233.18SQM (52.2%)	355.05SQM (80%)	YES
MAXIMUM FLOOR AREA (FIRST FLOOR BALCONES, DECKS, PERGOLAS, ETC)	N/A	N/A	N/A
GRANNYFLAT BUILDING HEIGHT	4.5M	4.5M	N/A
LANDSCAPED AREA	138SQM (EXISTING)	N/A	N/A
MINIMUM PRINCIPAL PRIVATE OPEN SPACE	24 SQM	16-24 SQM	YES
EXISTING PRIMARY DWELLING AREA	110.0 SQM	N/A	YES
EXISTING GARAGE AREA	96.0 SQM	60 SQM	YES

Existing External wall -
 * 75mm thick 11kg/m3 insulation to cavity
 * 2x13mm Soundchek Plasterboard insulation internal lining for the bedroom









Existing Internal wall -
 * 1x13mm Soundchek Plasterboard lining for the remainder of all other areas

Ceilings -
 * 2x13mm Soundchek Plasterboard lining ceiling to bedroom.
 1x13mm Soundchek Plasterboard lining elsewhere

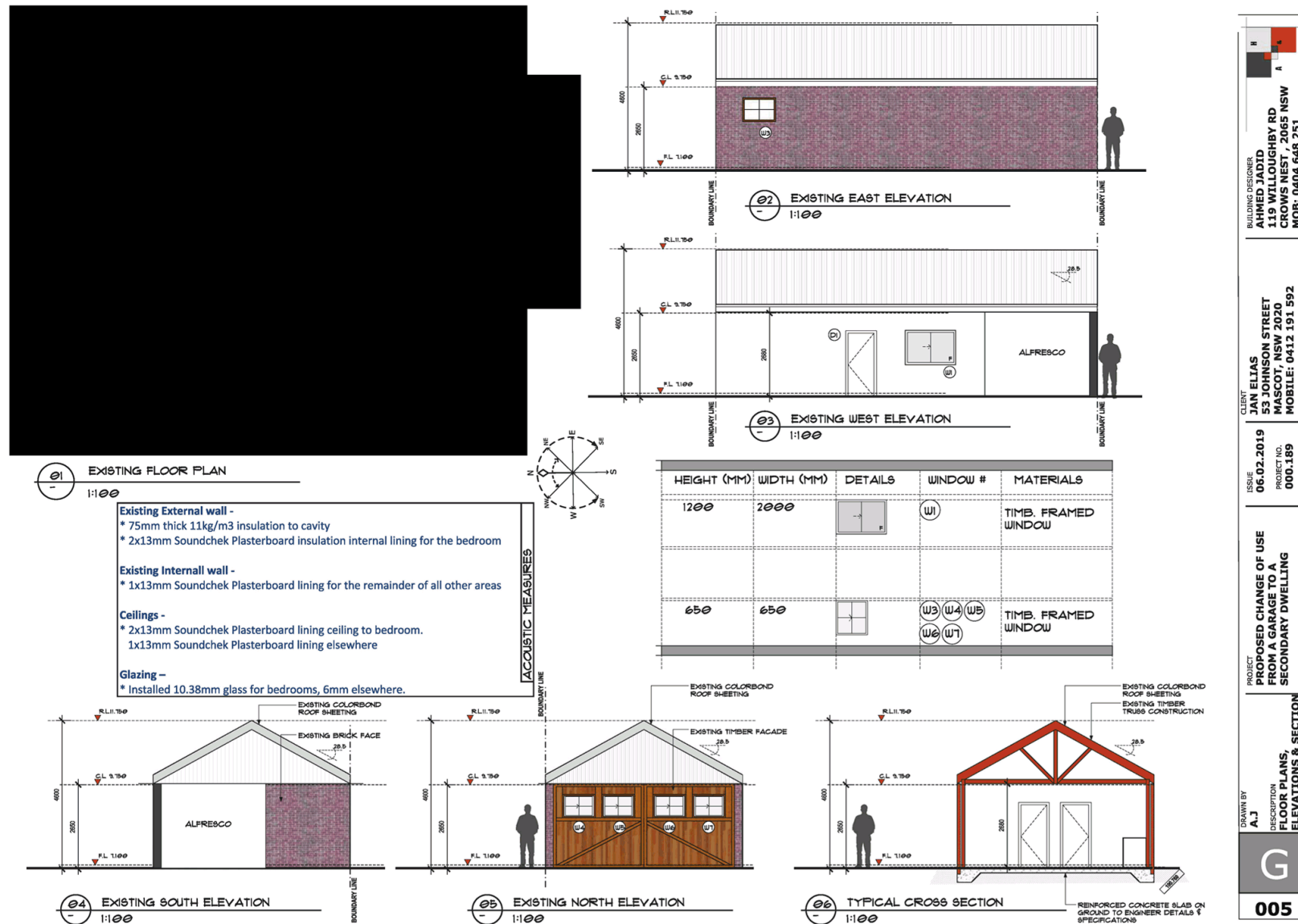
Glazing -
 * Installed 10.38mm glass for bedrooms, 6mm elsewhere.

ACOUSTIC MEASURES

FINISHES & MATERIALS

-  **A** SLAB ON GROUND CONSTRUCTION
-  **B** 90MM X 45MM TIMBER STUD @450-600 CENTERS
-  **C** 13MM PLASTERBOARD LINING
-  **D** FACE BRICK FINISH
-  **E** CEMENT RENDER & EXTERNAL APPLICATION PAINT FINISH
-  **F** COLORBOND ROOF SHEETING
-  **G** DULUX - NATURAL WHITE (NATURAL WALL FINISH)
-  **H** TIMBER FRAME WINDOWS

BUILDING DESIGNER AHMED JADID 135 MILLICENT RD COWS HILL, 2065 NSW MOB: 0404 648 251	CLIENT JAN ELIAS 53 JOHNSON STREET MASCOT, NSW 2020 MOBILE: 0412 191 592	ISSUE 06.02.2019 PROJECT NO. 000.189	PROJECT PROPOSED CHANGE OF USE FROM A GARAGE TO A SECONDARY DWELLING DESCRIPTION FLOOR PLANS & FINISHES/MATERIALS
		G	
		004	



Acoustic Report – No. 53 Johnson Street, Mascot
Reference No.: 2018-485



ACOUSTIC, VIBRATION & NOISE Pty Ltd

Suite 2B, 34 Macmahon St, Hurstville NSW 2220 ABN: 22 615 582 002
Phone: 9793 1393 Email: info@acousticsolutions.com.au

*Acoustic Report
- Aircraft Noise -*

For the development at

No. 53 Johnson Street, Mascot

Prepared By: Domeniki Tsagaris (M.I.E. Aust), B.E.UNSW

Australian Acoustical Society (Sub).

Approved By: Moussa Zaioor (M.I.E. Aust), CPENG

Australian Acoustical Society (Member).

Date: December 20, 2018

Reference No.: 2018-485

Acoustic Report – No. 53 Johnson Street, Mascot
Reference No.: 2018-485

**DOCUMENT CONTROL**

<i>Date</i>	<i>Revision History</i>	<i>Prepared By:</i>	<i>Reviewed and Authorised by:</i>
20/11/2018	Initial Report	Domeniki Tsagaris	Moussa Zaioor
20/12/2018	Final Report	Domeniki Tsagaris	Moussa Zaioor

Acoustic Report – No. 53 Johnson Street, Mascot
Reference No.: 2018-485



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Acoustic Report – No. 53 Johnson Street, Mascot
Reference No.: 2018-485



1.0 INTRODUCTION

The aim of this report is to determine the building materials to be used and the construction methods to be adopted such that the proposed development at No. 53 Johnson Street, Mascot is built to achieve the internal noise and vibration levels as specified in AS 2021-2000 “Acoustics-Aircraft Noise Intrusion –Building Siting and Construction” and Bayside Council Conditions/Requirements.

As the acoustical study below shows, we certify that the internal noise attenuation levels for the proposed development at the above address will satisfy the requirements of the AS 2021-2000 and Bayside Council Conditions and Requirements, provided that the materials to be used in the construction comply with the specifications presented in this report.

The site is situated on Johnson Street in the suburb of Mascot (Figure 1 – Site Location). The architectural plans by A. J dated the 26th June, 2018 are for the proposed changes of use from garage to secondary dwelling.

2.0 ACOUSTICAL STUDY

The site is located east of Sydney Airport, between the NEF 25 and NEF 30 contours. According to Table 2.1 of the above code, any home unit development is not usually permitted. Note 4 under Table 2.1 states that 'This Standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary, it is recommended that such development should achieve the required ANR determined according to Clause 3.2'.

The noise attenuation proposed in this report and the building components treatments described below will result in a residence that is more acoustically sound than surrounding houses and existing residence.

All aircraft noise attenuation to be expected from the proposed construction is determined in accordance with Clause 3.3. Maximum allowable indoor noise level as determined from Table 3.3 is 50dB (A) for relaxing and sleeping areas, 55 dB (A) for other habitable areas and 60dB (A) for toilets and kitchen.

- DT, DL, DS determined as per Figure 3.1 page 15 of the above code are as follows:

Critical Runway (metres)	
DS	295
DL	603
DT	3351

***Figure 2 – Critical Runway**

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The maximum aircraft noise level as determined from Table 3.51(B) is **89 dB (A)** for typical light general aviation aircraft on take-off.

- The Aircraft Noise Reduction, in sleeping areas and dedicated lounges is **89-50= 39 dB(A)**
- The Aircraft Noise Reduction in any other habitable spaces is **89 -55= 34 dB(A)**
- The Aircraft Noise Reduction in bathrooms, toilets and laundries **89-60= 29 dB(A)**

3.0 RECOMMENDATIONS

3.1 Windows/Sliders, Doors, External Walls and Roof

Building Component	Rw Rating Achieved
Windows & Sliding Doors in Living/Dining/Kitchen Area & all bedroom Areas are to be 12mm laminated with full perimeter Schlegel Q-Lon acoustic seals (Ph: 8707-2000). ⁽¹⁾	36-38
Windows & Sliders in all other Areas (Bathrooms, Laundry, Stairwell etc) are unrestricted and to be in accordance with AS 2047 (Windows in Buildings). ⁽¹⁾	-
External Doors to be Solid Core 42mm thick, soft plastic gasket around sides, top & drop seal at base or any other combination having an STC of minimum 30. ⁽²⁾	30-33
External Walls are to be Double skin cavity brick walls minimum 270/250 mm, Brick Veneer construction or any other method of wall construction with an Rw of 44	43
Roof is to be Colorbond Steel Roofing, on 2x13mm plasterboard ceiling & 75mm thick, 11kg/m ³ insulation, in ceiling cavity. ⁽²⁾	40-44

NB: This report is to be read in conjunction with the BASIX certificate and any other related building specification.

⁽¹⁾ No weep holes in windows/sliders. All gaps between window & door frames and the masonry walls are to be sealed using acoustic foam Hilti CP620 or similar. Glass wool batts can be applied prior to the application of the foam to seal larger gaps. ⁽²⁾ All gaps are to be acoustically sealed.

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4.0 CONCLUSION

As the acoustical study above shows, we certify that the internal noise attenuation levels for the proposed development at No. 53 Johnson Avenue, Mascot will satisfy the requirements of the AS 2021-2000 “Acoustics-Aircraft Noise Intrusion –Building Siting and Construction” and Bayside Council Conditions/Requirements, provided that the above recommended materials are used in construction. The internal noise levels in the proposed units will enable reasonable amenity for the occupants.

We hope this report meets your requirements. Should you require further explanations, please do not hesitate to contact us.

Yours sincerely,

M. Zaioor
M.S. Eng'g Sci. (UNSW).
M.I.E.(Aust), CPEng.
Australian Acoustical Society (Member).

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Figure 1 - Site Location

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Figure 2 – Critical Runway



KD STORMWATER Pty. Ltd.
ACN 605 367 548
www.kdstormwater.com

Date: 14 May 2019

FLOOD MANAGEMENT PLAN FOR 53 Johnson Street, Mascot

Background

Council has advised that this property is subject to flooding in a 1% AEP (1 in 100 year ARI) storm event. The Probable Maximum Flood (PMF) is the highest flood level that is ever likely to occur, however it is extremely rare. Council has no information regarding Tsunamis in Rockdale. Relevant levels are:

Complete as appropriate for your property

1% AEP Flood Level = 6.60 m Australian Height Datum (AHD)
Probable Maximum Flood = 7.64 m AHD
Garage Floor Level = m AHD
Driveway Crest Level = m AHD (below ground garages only)
Habitable Floor Level = 7.10 m AHD
Second Floor Level = m AHD (not applicable)
Front Boundary Level = 6.18 m AHD
Lowest Ground Level = 6.18 m AHD at the front

The above levels give an indication of how the various floods will impact this property. Habitable living areas are designed to be a minimum of 0.5 m above the 1% AEP Flood Level and staying within the home will provide protection for a wide range of floods.

Procedure

1. Floods in Rockdale are considered as "flash floods" and no warning system is available. Storms leading to major flooding are typically 2 hours long, however shorter storms as little as a ½ hour long can produce significant flooding. Once the storm passes floodwaters usually disappear rapidly.
2. During floods many local and major streets and roads will be cut by floodwaters. Traveling through floodwaters on foot, or in a vehicle can be very dangerous as the water may be polluted, obstructions can be hidden under the floodwaters, or you could be swept away. Council recommends staying within the home as much as practical as this is the safest option. If you need to leave the home do so early in the flood event, before the flood level reaches
3. Develop your own family flood plan and be prepared if flooding should occur while the kids are coming home from school or when you are returning from work. Talk to the Council to determine the safer travel routes that are less likely to be cut by floodwaters.
4. For below ground garages do not attempt to save the car if floodwaters start to enter the garage, it is too dangerous as water levels will rise rapidly and you could be trapped.
5. As the flood level approaches the garage floor level (but only if safe to do so) relocate any items that may be damaged by water, or poisons, or wastes to as high a level as possible.
6. As the flood level approaches the habitable floor level:
 - i) gather medicines, special requirements for babies or the elderly, mobile phones, first aid kit, special papers and any valuables into one location,
 - ii) put on strong shoes, raise any items within the home that may be damaged by water (e.g. photo albums) to as high a level as possible, with electrical items on top. Turn off and disconnect any large electrical items such as a TV that cannot be raised.
 - iii) place wet towels across the bottom and lower sides of external doors to slow down the entry of water through the door.
7. In the very rare event that floodwaters may enter the home collect items from 6.i) above and move to an upper level if possible, or if in a single level dwelling provide a chair in the kitchen to enable access to the kitchen bench preferably adjacent to the window. Ensure window is not locked or key readily available. Do not evacuate the home unless instructed to do so by the SES or the Police. Remember floodwaters are much deeper and flow much faster outside.
8. In the case of a medical emergency ring 000 as normal, but explain about the flooding.
9. A laminated copy of this flood plan should be permanently attached (glued) on an inside cupboard door in the kitchen and laundry and to the inside of the electrical meter box.
10. This flood management plan should be reviewed every 5 years, particularly with the potential sea level rise due to Climate Change.



Engineer

A handwritten signature in blue ink, appearing to read 'Ky Tran', with a horizontal line extending to the left.

Ky Tran
BSc, MEngSc, MIEAust, CPEng, NER (No.3109482)
For KD Stormwater Pty.Ltd.
Contact number 0432 211 421

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ACOUSTIC, VIBRATION & NOISE Pty Ltd

Suite 2B, 34 Macmahon St, Hurstville NSW 2220 ABN: 22 615 582 002
Phone: 9793 1393 Email: info@acousticsolutions.com.au

*Acoustic Report
- Aircraft Noise -*

For the development at

No. 53 Johnson Street, Mascot

Prepared By: Domeniki Tsagaris (M.I.E. Aust), B.E.UNSW

Australian Acoustical Society (Sub).

Approved By: Moussa Zaioor (M.I.E. Aust), CPENG

Australian Acoustical Society (Member).

Date: December 20, 2018

Amended Date: April 23rd, 2019

Reference No.: 2018-485

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**DOCUMENT CONTROL**

<i>Date</i>	<i>Revision History</i>	<i>Prepared By:</i>	<i>Reviewed and Authorised by:</i>
20/11/2018	Initial Report	Domeniki Tsagaris	Moussa Zaioor
20/12/2018	Final Report	Domeniki Tsagaris	Moussa Zaioor
23/04/2019	Rev.1	Domeniki Tsagaris	Moussa Zaioor

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1.0 INTRODUCTION

The aim of this report is to determine the building materials to be used and the construction methods to be adopted such that the proposed development at No. 53 Johnson Street, Mascot is built to achieve the internal noise and vibration levels as specified in AS 2021-2000 “Acoustics-Aircraft Noise Intrusion –Building Siting and Construction” and Bayside Council Conditions/Requirements.

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3.0 RECOMMENDATIONS

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Building Component	Rw Rating Achieved
Windows & Sliding Doors in Living/Dining/Kitchen Area & all bedroom Areas are to be are to be double glazed system that is 6mm laminated with 50mm air gap then followed by 6mm laminated with full perimeter Schlegel Q-Lon acoustic seals (Ph: 8707-2000) ⁽¹⁾ (i.e Double glazed system in one frame) - or a 6mm laminated window/slider followed by another min 6mm secondary window at a 50mm gap (i.e two separate glazing frame) or any other window system that achieves an Rw of 39-41.	39-41
Windows & Sliders in all other Areas (Bathrooms, Laundry, Stairwell etc) are unrestricted and to be in accordance with AS 2047 (Windows in Buildings). ⁽¹⁾	-
External Doors to be Solid Core 42mm thick, soft plastic gasket around sides, top & drop seal at base or any other combination having an STC of minimum 30. ⁽²⁾	30-33
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Figure 1 - Site Location

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Figure 2 – Critical Runway