

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 12 November 2019 at 6.00 pm**

ON-SITE INSPECTIONS

On-site inspection/s will precede the meeting.

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council respects the traditional custodians of the land, elders past, present and emerging, 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 - 22 October 2019	2
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5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1	S82-2019/9 - 29 Caledonian Street, Bexley	10
6.2	DA-2016/86/D - 15-17 Gertrude Street, Wolli Creek	82
6.3	DA-2018/151 - 238-242 Rocky Point Road, Ramsgate	128
6.4	DA-2016/150/A - 401-405 Princes Highway, Rockdale	256
6.5	DA-2019/117 - 19 Gladstone Street, Bexley	501

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

12/11/2019

Item No	4.1
Subject	Minutes of the Bayside Local Planning Panel Meeting - 22 October 2019
Report by	Michael McCabe, Director City Futures
File	SF18/3009

Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 22 October 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Jan Murrell, Chairperson
Marcia Doheny, Independent Expert Member
Robert Montgomery, Independent Expert Member
Thomass Wong, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Patrick Nash, Senior Development Assessment Planner
Ana Trifunovska, Development Assessment Planner
Helen Lai, Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Lauren Thomas, Governance Officer
Suhradam Patel, IT Technical Support Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:01 pm.

1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council and the Panel respects the traditional custodians of the land, elders past, present and emerging, 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 - 8 October 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 8 October 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-2015/10216/G - 8 Galloway Street, Mascot

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

The following person spoke:

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

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, and pursuant to S4.55(1A) of the Environmental Planning and Assessment Act 1979 is satisfied that the proposed modification:
 - a. is of minimal environmental impact;
 - b. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - c. has been assessed having regard to the relevant matters in s4.15 of the Environmental Planning and Assessment Act 1979.
- 2 That modification application DA-2015/10216/G seeking to modify Development Consent No. 2015/216 to amend Condition No. 39 regarding the damage deposit at 8 Galloway Street, Mascot is APPROVED. The proposal is modified as follows:

By amending Condition No. 39 to state the following:

39. Prior to the issue of the Construction Certificate for above ground works, the applicant shall lodge a Damage Deposit of \$157,500.00 (GST Exempt) by the way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of 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 Occupation Certificate has been issued for the final building under DA16/117 DA15/216.

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

Reason for Panel Determination

- The Panel is satisfied that the modification will not have adverse impacts on the environment and is of a minor nature.

6.2 DA-2019/160 - 10/30 Stephen Road, Botany

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

The following person spoke:

- Mr Melvin Li, applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 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, approve a variation to the building height prescribed by Clause 4.3 - Height of Buildings 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 Clause 4.6 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.
- That development application, DA-2019/160, for conversion of the attic storage area into a bedroom and alterations to the existing roof at 10/30 Stephen Road, Botany, be APPROVED pursuant to s4.16(1)(a) of the Environmental Planning

and Assessment Act 1979, subject to the conditions of consent attached to this report and subject to the following amendment:

A condition is imposed to clarify the height of the window sill to be 1.5 metres from finished floor level and capable of opening to allow ventilation into the bedroom.

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

Reason for Panel Determination

- The Panel is satisfied that the conversion of the attic to a bedroom is reasonable in the circumstances and will not have privacy implications for the townhouse opposite.

6.3 DA-2018/378 - 13A-17 Swinbourne Street, Botany

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

The following people spoke:

- Mr Patrick Nicholas, Architect, spoke for the officer's recommendation and responded to the Panel's questions.
- Ms Alison Davidson, Town Planner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 approved a variation to the building height prescribed by clause 4.3 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 clause 4.6 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 No. DA-2018/378 for demolition of existing structures and construction of a three (3) storey shop top housing development comprising one (1) ground floor commercial tenancies, 20 dwellings, basement and ground floor parking and stratum subdivision, 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 except that condition 133 is to be amended to refer to condition 39.

3. That the submitters be notified of the Bayside Local Planning Panel's decision.

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

Reason for Panel Determination

- The Panel agrees with the officer's assessment of the amended proposal.
- The Panel acknowledges that the applicant has provided design amendments as previously requested, and the Panel is satisfied with those amendments.
- The Panel notes that the design amendments will provide superior amenity for the future residents of the development and surrounding properties.

6.4 DA-2018/368 - 1449 Botany Road, Botany

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

The following people spoke:

- Mr Troy Nicholson, affected neighbour, spoke for the officer's recommendation of refusal.
- Mark Probert, affected neighbour, spoke for the officer's recommendation of refusal.
- Roland Stephens, affected neighbour, spoke for the officer's recommendation of refusal.

Determination

1. That development application DA-2018/368 for the demolition of the existing building and construction of a four storey mixed use development containing nine (9) units with basement parking and associated landscaping at 1449 Botany Road, Botany is REFUSED pursuant to s4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a) 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 State Environmental Planning Policy – BASIX as the applicant has failed to provide an amended BASIX Certificate.

- b) 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 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment and the design criteria and guidelines of the following sections of the Apartment Design Guide with respect to the following:
 - (i) Part 4C - Ceiling Heights – the proposed development does not comply with the 3.3 metre floor to ceiling height for the ground floor commercial/office premises;
 - (ii) Part 4K – Unit Mix – the proposed development has not demonstrated a variety of unit types.
- c) 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 6.15- Active Street frontages of the Botany Bay Local Environmental Plan 2013 as the development provides insufficient active street frontage along Botany Road.
- d) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the following sections of the Botany Bay Development Control Plan 2013 with respect to the following:
 - (i) 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 and does not provide loading and unloading facilities on site. The basement car parking level does not provide an appropriate layout and manoeuvring;
 - (ii) Part 3B – Heritage. The proposed development is not compatible or consistent with the existing built form and character of the Botany Township Heritage Conservation Area in addition to conserving the existing dwelling on the site;
 - (iii) Part 3C – Access and Mobility. The proposed development does not provide appropriate pedestrian access to units and has not allocated any units as adaptable units;
 - (iv) Part 3G – Stormwater Management. The proposed development does not comply with Section 7.1(i) of Part 10 of the Botany Bay Development Control Plan 2013 and does not provide sufficient detail as to the On-site detention system proposed on the site;
 - (v) Part 3N – Waste Minimisation and Management. The proposed development does not comply with the required garbage bins required as well as does not distinguish between the residential and commercial uses;
 - (vi) Part 4C.4.2- Family Friendly Apartment Buildings within High Density Residential. The proposed development does not comply with the family friendly controls relating to separate living areas,

waterproofing common areas, having two separate bathrooms and storage space requirements;

- (vii) Part 5 – Business Centres. The proposed development do not comply with the objectives and controls of Part 5.2.2.7- Botany Local Centre of the Botany Bay Development Control Plan 2013 relating to site consolidation, desired future character, setbacks, material choice, car parking, design excellence, building design, active street frontage, solar amenity, servicing.
- e) Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant, including stormwater plans, landscape plans, Access Report, Acoustic Report and Traffic report, to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.
- f) The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, is unsatisfactory given the inadequate proposed means of access to and from the development site and the area available for the loading and unloading of goods and manoeuvring of vehicles.
- g) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory as it fails to demonstrate acceptable disposal of stormwater from the subject land.
- h) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in terms of bulk, scale, size, height, density, inconsistent with local character and would adversely impact upon the amenity of the locality.
- i) The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site, in terms of its size of the site and density proposed in correlation with the existing heritage context of the street and is likely to adversely impact on the adjoining heritage items and heritage conservation area.
- j) Having regard to the advice received from Roads and Maritime Services, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the development application cannot be supported on the basis of sightlines and right turn access.
- k) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

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

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

Reason for Panel Determination

- The Panel concurs with the officer's report and recommendation and is of the opinion the proposal is inappropriate in the context of this conservation area.

The Chairperson closed the meeting at 6:38 pm.

Certified as true and correct.

Jan Murrell
Chairperson

Bayside Local Planning Panel

12/11/2019

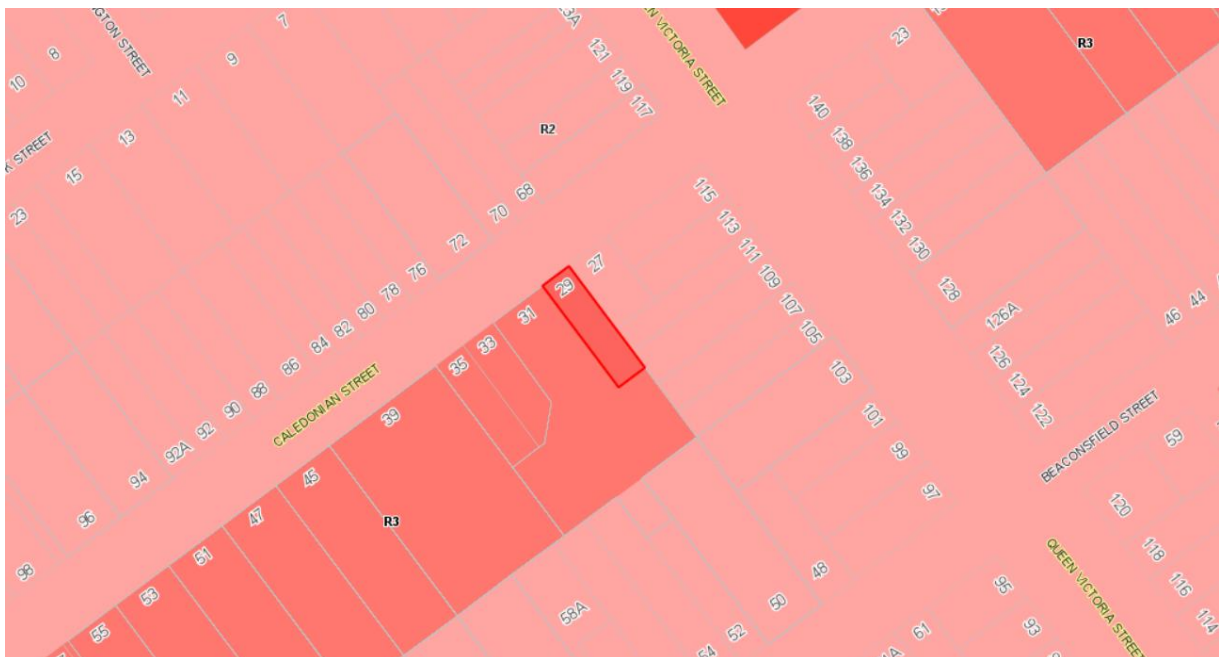
Item No	6.1
Application Type	Development Application
Application No	S82-2019/9
Lodgement Date	26/11/2019
Property	29 Caledonian Street, Bexley
Ward	Ward 1
Owner	Mr Moussa Hamadi
Applicant	Mr Moudda Hamadi
Proposal	Review of determination of DA-2017/216/A relating to the rear retaining wall setbacks
No. of Submissions	One (1)
Cost of Development	N/A
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 Division 8.2 relating to development application No. S82-2019/9 for a review of determination, resolve to confirm previous decision for refusal of the development application DA-017/216/A, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979.
 - 2 That development application DA-2019/216/A for the modification to reduce retaining wall setback from side boundary at the rear at 29 Caledonian Street, Bexley be REFUSED pursuant to s4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a. The proposal is not of minimal environmental impact and therefore does not satisfy the provisions of Section 4.55(1A)(a) of the *Environmental Planning and Assessment Act 1979*.
 - b. The location and amount of fill proposed is a significant variation to the original approval as shown in the approved plans and as required by Conditions of consent, particularly with regards to Condition 10. The proposed development is therefore not substantially the same development as the development for which consent was originally granted and does not satisfy the provisions of Section 4.55(1A)(b) of the *Environmental Planning and Assessment Act 1979*.
 - c. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the amenity impacts on adjoining properties resulting from the proposal do not satisfy the objectives of the R3 - Medium Density Residential zone in *Rockdale Local Environmental Plan 2011*, including:
-

- *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.*
- d. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following Clauses under the Rockdale Local Environmental Plan 2011:
- Clause 6.2 - Earthworks
 - Clause 6.6 - Flood planning
 - Clause 6.7 – Stormwater
- e. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 insufficient information has been provided to demonstrate that the proposed development will not result in the following adverse environmental impacts:
- Natural Environment – quality of, and stability of, significant filling carried out on site.
 - Built Environment – Structural adequacy of retaining wall, and failure to demonstrate acceptable disposal of stormwater from the filled part of the land.
- f. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the issues raised in the submission made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.
- 3 That the submitter be notified of the Bayside Local Planning Panel's decision.

Location Plan



Attachments

- 1 S8.2 Planning Report [↓](#)
- 2 Planning Report DA-2017/216 [↓](#)
- 3 Notice of Approval DA-2017/216 [↓](#)
- 4 S4.55 Refusal Report DA-2017/216/A [↓](#)
- 5 Site Plan [↓](#)
- 6 Original Survey Plan [↓](#)
- 7 Redacted Structural Certificate [↓](#)
- 8 Statement of Environmental Effects [↓](#)
- 9 Western Elevation [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	S82-2019/9
Date of Receipt:	12 August 2019
Property:	29 Caledonian Street, BEXLEY (Lot 34 DP 964468)
Owner:	Mr Moussa Hamadi
Applicant:	Mr Moussa Hamadi
Proposal:	Review of determination of DA 2017/216/A relating to the rear retaining wall setbacks
Recommendation:	Refused
No. of submissions:	One (1)
Author:	Christopher Lazaro
Date of Report:	22 October 2019

Key Issues

The key issues related to this application are:

- Unauthorised filling of site and construction of retaining walls;
- Insufficient information submitted with regards to structural adequacy, stormwater management and fill material of the unauthorised works;
- Whilst the review application is substantially the same development as the development refused in the proposed modification (DA-2017/216/A) , the the modification application is not considered to be substantially the same development as the approved development under DA-2017/216; and
- The review of the decision must be finalised by 24 November 2019.

Recommendation

1. 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 S8.2-2019/9 for a review of determination, resolve to confirm previous decision for refusal of the development application DA-2017/216/A, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979.
2. That development application DA-2019/216/A for the modification to reduce retaining wall setback from side boundary at the rear at 29 Caledonian Street, Bexley be REFUSED pursuant to s4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- a. The proposal is not of minimal environmental impact and therefore does not satisfy the provisions of Section 4.55(1A)(a) of the *Environmental Planning and Assessment Act 1979*.
 - b. The location and amount of fill proposed is a significant variation to the original approval as shown in the approved plans and as required by Conditions of consent, particularly with regards to Condition 10. The proposed development is therefore not substantially the same development as the development for which consent was originally granted and does not satisfy the provisions of Section 4.55(1A)(b) of the *Environmental Planning and Assessment Act 1979*.
 - c. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the amenity impacts on adjoining properties resulting from the proposal do not satisfy the objectives of the R3 - Medium Density Residential zone in *Rockdale Local Environmental Plan 2011*, including:
 - *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.*
 - d. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following Clauses under the *Rockdale Local Environmental Plan 2011*:
 - Clause 6.2 - Earthworks
 - Clause 6.6 - Flood planning
 - Clause 6.7 - Stormwater
 - e. Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* insufficient information has been provided to demonstrate that the proposed development will not result in the following adverse environmental impacts:
 - Natural Environment – quality of, and stability of, significant filling carried out on site.
 - Built Environment – Structural adequacy of retaining wall, and failure to demonstrate acceptable disposal of stormwater from the filled part of the land.
 - f. Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, and in consideration of the issues raised in the submission made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.
3. That the submitter be notified of the Bayside Local Planning Panel's decision.

Background

History

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

DA-2017/216 for the alterations and additions to existing dwelling including rear extension and new hard stand carspace and vehicular footway crossing, APPROVED on 29 March 2017;

DA-2017/216/A for the modification to reduce the retaining wall setback from side boundary at the rear, REFUSED on 24 May 2019; and

S82-2019/9 for the review of determination of DA-2017/216/A, received 12 August 2019, the subject of this application.

Application History

Development Application No 2017/216 sought consent for the alterations and additions to existing dwelling including rear extension and new hard stand carspace and vehicular footway crossing. In addition to this, filling of the site was permitted to a maximum height of 600mm above NGL and a retaining wall was to be constructed 900mm from the south-west boundary at the rear of the site in accordance with Condition 10 and 12 of the consent. Prior to determination, a retaining wall was illegally constructed 380mm from the boundary. Insufficient information was submitted to determine the exact height of the unauthorised fill, however, based on revised architectural drawings received on 21 December 2018, it appears the fill is higher than the permitted 600mm as required by Condition 10 of DA-2017/216.

DA-2017/216/A was lodged on 15 September 2018 to seek approval for the reduction in the retaining wall setback from 900mm to 380mm to match what was illegally constructed. As part of the assessment, a Request for Additional Information letter was issued on 12 November 2018 requiring the applicant to submit documentation on the following issues:

- *Geotechnical / Land stability*

A suitably qualified structural engineer is to certify that the retaining structure can withstand the forces of fill, existing retaining structures/foundations within and beyond the site, floodwater, debris and buoyancy in a 1% AEP flood event with supporting structural design and calculations. In addition, to certify the filling on site.

- *Filling of Site*

The rear yard has been filled with materials that have been brought to the site. Unless documentation can be provided to Council which demonstrate that the fill material satisfies the legislation listed below, then the fill material must be tested and validated by a suitably qualified and experienced contaminated land consultant who is a Certified Environmental Practitioner to certify that the fill material is suitable for residential use.

The relevant legislation is as follows:

- 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 2005.

- *Stormwater Management*

A stormwater construction certification with supporting Works-as-Executed Plan for Stormwater Drainage for the onsite stormwater system shall be provided from a professional engineer.

The drainage plans must show how the discharge of surface runoff and drainage for retaining structures will be managed. Council's Technical Specification – Stormwater Management sets out Council's minimum requirements for design details and documentation submissions.

- *Privacy*

Filling of the site 600mm above the natural ground level and the height of the constructed retaining wall provides opportunities for direct overlooking into the rear windows and habitable space of the villas at 29 Caledonian Street. Plans shall be amended to include privacy measures to reduce overlooking into the adjoining properties. Visual privacy may be enhanced by additional fencing above the retaining wall and tree screening.

Notwithstanding, of the requested documentation, only the *filling on site* and *privacy* points were addressed and the application was subsequently refused.

Following the refusal, the applicant was advised to submit this information as part of the S8.2 Review Application.

Proposal

The subject application is a Division 8.2 Review of Determination of Development Application No. DA-2017/216/A under Section 8.3 of the *Environmental Planning and Assessment Act, 1979*. The application addresses the Reasons for Refusal, determined on 24 May 2019 under delegated authority as well as an assessment of proposal under Section 4.15 of the Act.

The description of DA-2017/216/A which is the subject of this Section 8.2 review is '*modification to reduce retaining wall setback from side boundary at the rear*'. The proposal has been accompanied by a statement justifying the reasons for review titled *Section 8.2 Review of Determination*, prepared by Corona Projects.

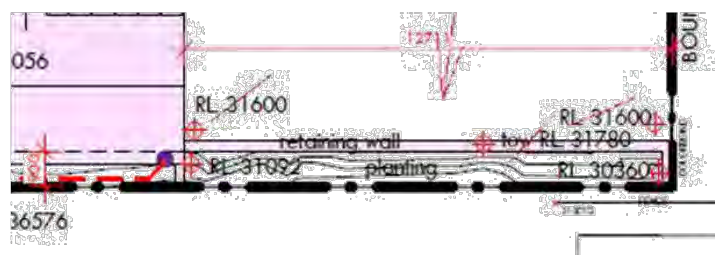


Figure 1 - Retaining wall setback approved under DA-2017/216 (Original application)

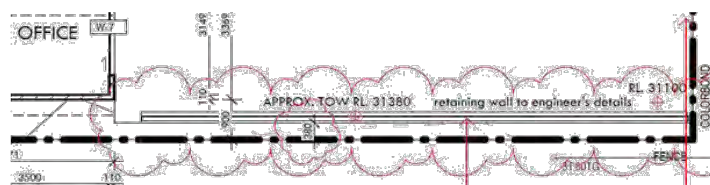


Figure 2- Proposed retaining wall setback refused under DA-2017/216/A (Modification application)

The following documentation accompanies the application seeking to address the issues raised in DA-2017/216/A:

- Soil Assessment Report dated 21 December 2018 by EI Australia;
- Structural Inspection Certificate dated June 2019 by Smart Structures Australia; and
- Storm-water Detailed Plan Certification dated 25 July 2019 by AE Consulting Engineers.

The statement also mentions the application is to include a privacy screen on the boundary fence between 29 and 31 Caledonia Street. Plans have not been submitted as part of this application, however, were submitted as part of DA-2017/216/A.

Notwithstanding, the information requested on 12 November 2018 under DA-2017/216/A has still not been provided. The Structural Inspection Certificate does not certify the retaining structure can withstand the forces of fill, existing retaining structures / foundations within and beyond the site, floodwater, debris and buoyancy in a 1% AEP flood event. Additionally, Works-as-Executed Plans have not been submitted.

Site location and context

The subject site is known as Lot 34 DP 964468, 29 Caledonian Street, Bexley. The site is rectangular in shape and is oriented north to south with north being the front of the site. The eastern and western boundaries have lengths of 36.57m respectively and the southern and northern boundaries have widths of 10.05m. The site area is approximately 367.53sq.m. and has a relatively steep topography to the rear. However, unauthorised filling of the rear of the site has made the rear yard relatively level. The ground level of 31 Caledonian Street (adjoining site to the south-west) is approximately 1m lower than the subject property. A 1m high retaining wall on the boundary supports a 1.8m high dividing fence.

The site is located on the south-east side of Caledonian Street and contains an existing single-storey dwelling. Adjoining properties include a single storey villa to the east and a two-storey dwelling to the west. The existing streetscape consists predominantly of single and two storey dwellings as well as villas and townhouses characterised by pitched and gable roofs. There are no significant trees on site. Whilst the site is not a heritage item, it is located in the vicinity of a nearby heritage item, identified as street trees.



Figure 3 - Site Locality

The site is located in the R3 - Medium Density Residential zone. The subject land is affected by Acid Sulfate Soils (ASS) Class 5 and Obstacle Limitation Surface (OLS).

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*.

S8.2 - Review of Determination

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

This Review Application is lodged pursuant to Section 8.3(1) of the EP&A Act and it may amend the proposal but only if the consent authority is satisfied that it is substantially the same development (S8.3(3) of the EP&A Act). It is considered that the proposal is substantially the same development as DA-2017/216/A which is the refused S4.55 Modification subject to a S8.2 Review.

The time within which the review application must be made is six (6) months pursuant to Section 8.10 and 8.3(2)(a) of the EP&A Act. Since the development application was refused on 24 May 2019, a decision on whether or not to review the determination must be made by Council/the Panel within 6 months of the date of the original decision.

S4.55(1A) - Modification

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

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

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

Comment: The proposed modification is not of minimal environmental impact as demonstrated in this report as there are current and potential future impacts imposed on the amenity of the adjoining property.

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

Comment: The S4.55 Modification that was refused as well as the S8.2 Review concludes that the proposal was not substantially the same development as the original Development Application due to the significant loss of amenity imposed on the neighbouring site as a result of the reduced setback of the retaining wall.

c) it has notified the application in accordance with:

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

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

Comment: The application has been notified in accordance with the provisions of Rockdale DCP 2011.

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

Comment: One (1) letter of objection was received for both the S4.55 Modification and S8.2 Review. These issues are discussed further below in the assessment of Section 4.15(c) of the EP&A Act.

S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

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

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

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

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

The following Environmental Planning Instruments are relevant to this application:

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	No - see discussion	No - see discussion
4.3 Height of buildings	Yes	Yes
4.4 Floor space ratio - Residential zones	Yes	Yes
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	No - see discussion	No - see discussion
6.6 Flood planning	No - see discussion	No - see discussion
6.7 Stormwater	No - see discussion	No - see discussion

2.3 Zone R3 Medium Density Residential

The subject site is zoned R3 - Medium Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed retaining wall is ancillary to the dwelling house which constitutes a permissible development only with development consent. The objectives of this zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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 not consistent with Objective 4 as it is a type of development that will result in considerable impacts on the amenity of the area and to adjoining properties, most particularly to Villa 1 at No. 31 Caledonian Street, Bexley. Insufficient information has been provided related to the structural adequacy of the retaining wall and details of the stormwater design and drainage from the filled area at the rear has not been provided by the applicant. The proposed development will set an undesirable precedence within the area and creates impacts to adjoining properties. As such, the proposal is not consistent with Objective 4 where land uses are to be carried out in a context and setting that minimises any impact on the amenity of the area.

5.10 Heritage conservation

The proposed development is located in the vicinity of heritage item 107 - Street plantings along Caledonian Street. The proposed development will not affect the integrity or character of the heritage

item and the qualities that makes the heritage item and it's setting significant.

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

Clause 6.2 of RDCP2011 require consideration to be given to the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, the quality of the fill, the effect of the proposed development on the existing and likely amenity of adjoining properties and the source of any fill material.

The development for alterations and additions as part of DA-2017/216 was approved subject to conditions to permit parts of the rear of the site to be filled in accordance with the approved plans and Conditions 10 & 12 which permitted a maximum cut and/or fill of 600mm in the rear yard above and/or below the existing site levels shown in the survey plan submitted with the application. Based on the information submitted to Council it appears that the maximum height of the retaining wall is 1.37m from natural ground level. However, neither the Section 4.55 application, nor the Section 8.2 review was accompanied by a survey with the current finished surface levels and therefore insufficient information has been submitted to demonstrate that the filling carried out in the rear yard complies with the maximum 600mm permitted by Condition 10 of the consent.

The applicant was also requested to test and validate the fill material on site by a suitably qualified and experienced contaminated land consultant. A Soil Assessment Report, prepared by EI Australia and dated 21 December 2018 was received concluding that soil contamination was not identified. However, it should be noted that conclusions presented in the Soil Assessment Report as indicated by EI Australia are based on a limited investigation of conditions, with specific sampling locations chosen to be as representative as possible under the given circumstances. Additionally, the Soil Assessment Report does not address the source of materials used for fill.

Lastly, a suitably qualified structural engineer was to certify the retaining structure can withstand the forced of fill, existing retaining structures/foundations within and beyond the site, floodwater, debris and buoyancy in a 1% AEP flood event with supporting structural design and calculations as well as to certify the filling on the site. A Structural Inspection Certificate prepared on 17 June 2019 accompanies the S8.2 Review seeking to address this request made as part of DA-2017/216/A. The report concludes that the retaining wall is adequate to fulfil its structural role, however, does not address the remaining items requiring certification.

As insufficient information has been provided, determination cannot be made on the suitability of the fill and the types of materials that have been used. In this regard, the application is not supported.

6.6 Flood planning

The site is affected by flooding and the proposal was therefore referred to Council's Strategic Floodplain Engineer for comment as part of DA-2017/216/A. Council's Strategic Floodplain Engineer did not raise any issues in relation to flooding for the proposed development.

Notwithstanding, The Request for Additional Information Letter issued on 12 November 2018 advised the applicant needed to certify that the retaining structure can withstand bouyancy in a 1% AEP flood event. The required documentation has not been submitted as part of S8.2 Review and therefore the

application is not supported by Council's Development Engineer.

6.7 Stormwater

The Request for Additional Information letter issued on 12 November 2018 requesting a Stormwater Construction Certificate with supporting Works-As-Executed Plan for Stormwater Drainage for the onsite stormwater system was to be submitted as part of DA-2017/216/A. The Stormwater Drainage Plans were to show how the discharge of surface runoff and drainage for the retaining structure will be managed. Further, a suitably qualified structural engineer was to certify that the retaining structure can withstand the forces of fill, existing retaining structures/foundations within and beyond the site, floodwater, debris and buoyancy in a 1% AEP flood event with supporting structural design and calculations.

The above requested information has not been provided as part of the S8.2 Review. Due to insufficient information, Council's Development Engineer does not support the proposed development.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.4.5 Visual privacy	Yes - see discussion	Yes - see discussion

4.4.5 Visual privacy

The unauthorised filling of the site and non-compliant height (1.37m) and setback (380mm) of the retaining wall has resulted in significant visual privacy impacts to the south-western neighbours at 31 Caledonian Street. The approved filling to a maximum height of 600mm and retaining wall setback of 900mm will reduce the visual privacy impacts currently imposed on the neighbour as a result of the unauthorised construction.

Notwithstanding, revised plans received by Council on 21 December 2018 show a 1.8m colourbond fence to be installed above the retaining wall which would mitigate the visual privacy impacts currently experienced. In this regard, compliance with this control can be achieved by way of condition.

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

The relevant provisions of the Regulations have been considered.

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls and are addressed in the relevant parts of this report. The proposal will result in adverse impacts to adjoining properties and the locality and is not supported.

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

The relevant matters pertaining to the suitability of the site for the proposed modifications have been considered in the assessment of the application and is not considered suitable to the context of the site. As such, the application is not supported.

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

The development was notified in accordance with the provisions of Rockdale DCP 2011 for a fourteen (14) day period from 22 August 2019 to 5 September 2019. One (1) submission was received. The relevant issues raised in the submission are discussed below:

Issue 1: Unsafe construction of the illegal retaining wall.

Issue 2: Illegal fill material used.

Issue 3: Storm water Management - Insufficient information provided, impacts onto neighbouring property.

The issues raised in the submission have been taken into consideration. The applicant has not addressed valid issues raised in the submission received. These issues have been addressed previously in the assessment of the DCP and LEP above.

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

The S8.2 Review is not supported 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 have not been adequately addressed. Approval of the application would result in an undesirable precedent and as such it is considered that the proposed development is not in the public interest.

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/216
Date of Receipt:	15 December 2016
Property:	29 Caledonian Street, BEXLEY NSW 2207 Lot 34 DP 964468
Owner:	Mr Moussa Hamadi
Applicant:	Space 0.618:1
Proposal:	Alterations and additions to existing dwelling including rear extension and new hard stand carspace and vehicular footway crossing
Recommendation:	Approved
No. of submissions:	0
Author:	Pengfei Cheng
Date of Report:	29 March 2017

Key Issues

Refer to the discussion under "Earthworks" regarding:

- filling of the site; and
- retaining wall being constructed along the side boundary without approval.

Recommendation

That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Background

History

Nil

Proposal

The application seeks development consent for alterations and additions to the existing dwelling including single storey rear extension and new hard stand carspace and vehicular footway crossing.

Particularly in relation to the proposed alterations and additions, the proposal will create additional family room, TV room, office room and rear alfresco to the existing three bedroom dwelling house.

Site location and context

The subject site is identified as Lot 34 DP 964468, 29 Caledonian Street, Bexley. The site has a rectangular shape (approximately 10.1m wide and 36.6m long) and has an overall site area of approximately 367.8m². The site falls from its north eastern side boundary (approx. RL31.30) to its south western side boundary (approx. RL30.00)

Located on the south eastern side of Caledonia Street, the site is currently occupied by a single storey dwelling house. Surrounding the site is a mix of residential buildings of various styles, including dwelling houses to one side and a single storey townhouse (villa) development to the other side and rear. The site does not contain any significant trees or vegetation.

The street plantings in Caledonia Street are listed as a heritage item by Rockdale Local Environmental Plan 2011. However, no mature trees or significant vegetation have been identified in Council's nature strip in front of the 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*.

S.79C(1) - Matters for Consideration - General

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

The following Environmental Planning Instruments are relevant to this application:

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

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out in the Certificate. A condition has been included 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 R3 Medium Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion

2.3 Zone R3 Medium Density Residential

The subject site is zoned R3 - Medium Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is a permissible development with development consent. The objectives of this zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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.

4.3 Height of buildings

The maximum height of the proposed single storey extension is approximately 5.1m (RL36.056 - RL31) and therefore does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map.

Further, the proposed development will result in a high quality urban form, maintain satisfactory sky exposure and daylight to buildings, key areas and public domain, and will provide an appropriate transition in built form and land use intensity. Accordingly, the proposed height of the building satisfies the objectives of this clause.

4.4 Floor space ratio - Residential zones

The gross floor area of the proposed development has been calculated as 126sqm (over a site area of 367.8sqm) In this regard, the proposed floor space ratio (FSR) for the building is 0.34: 1 and therefore does not exceed the maximum FSR for the land (0.55:1) permitted by Clause 4.4 in RLEP 2011.

Further, the proposed density is in accordance with the desired future character of Rockdale, will have minimal adverse environmental effects on the use or enjoyment of adjoining properties, and will maintain an appropriate visual relationship between new development and the existing character of area.

Accordingly, the proposed FSR for the development meets the objectives of the Clause.

5.10 Heritage conservation

The street plantings in Caledonia Street are listed as a heritage item by Rockdale Local Environmental Plan 2011. According to the heritage inventory, the street plantings in Caledonia Street demonstrate the Municipal approach to urban beautification in the Ocean View subdivision. The tree planting, whilst not the original trees, commemorated the reign of Queen Victoria which was also reflected in the subdivision. The trees have aesthetic value as they contribute to the character and amenity of the area.

As identified in the site inspection, no mature trees or significant vegetation exist in Council's nature strip in front of the site. Having further regard to its location and scale, the proposed development, i.e. rear extension, new hard stand car space and vehicular footway crossing, is expected to have negligible impacts on the heritage significance of the street plantings in Caledonia Street.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. The development is expected to have minimal impacts on ASS 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 construction of retaining walls and filling of the open space at the rear of up to 1.3m.

As identified in the site inspections, a retaining wall has been constructed along the south western side boundary which is without development approval and inconsistent with the submitted plans in terms of the setback. It is noted from Council's system that the unauthorised works are being investigated by Council's Compliance Section pending on the outcome of this development application. It is also observed from the site inspection that should the land be filled to the level indicated on the drawings and to the full extent of the site as anticipated by the unauthorised retaining wall, the adjoining properties to the south western side, which are at the lower level of the land, would be adversely impacted by ways of overlooking and overshadowing.

The submitted plans indicate construction of retail wall at the rear yard. However different from the unauthorised works, the proposed retailing wall will be 0.9m away from the side boundary. The proposed 0.9m setback is considered appropriate and necessary, as it will help minimise amenity impacts on the adjoining properties. However, the proposed fill is considered excessive and inconsistent with the objectives of the DCP. As such, a condition in line with Council's Development Engineers' advice is recommended to restrict filling of the land be a maximum of 0.6m above the existing ground level.

6.6 Flood Planning Land

The site is within flood planning area as identified on the Flood Planning Map, and accordingly, the proposed development will require protection from possible flooding.

The applicant has submitted a Flood Advice Letter obtained from Council, indicating the requirements for the proposed development with respect to flood controls. The proposal has been designed to the recommended floor levels. The plans were referred to the Council's Engineer and appropriate conditions of consent have been incorporated in the draft consent, including compliance with the Flood Management Plan. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

6.7 Stormwater

The development provides for adequate drainage design as proposed hard paving is minimal, therefore reducing the amount of urban runoff and ensuring stormwater surface flows are effectively controlled. No stormwater concept plan has been provided. As such, standard conditions in line with Council's Development Engineers' advice are to be included in the draft consent that the discharge of stormwater will be required to comply with Rockdale Technical Specification for Stormwater Management with appropriate certification and checklist completed and received prior to release of the Construction Certificate.

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

No proposed instruments are relevant to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The 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
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes
4.4.5 Visual privacy	Yes	Yes - see discussion
4.6 Parking Provisions - Alterations and additions	Yes	Yes - see discussion
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes	Yes - see discussion
5.1 Building Design - General	Yes	Yes - see discussion

4.3.1 Open Space & Landscape Design - Low & medium density residential

The proposal provides adequate landscaped area (approximately 150sqm or the 40% of the site area in total and minimal 40% of the front setback area), with capability to contain storm water runoff. Private open spaces are usable, accessible, clearly defined and will meet occupants requirements of privacy, solar access, outdoor activities and landscaping.

4.4.5 Visual privacy

The proposed single storey additions is not expected to cause unreasonable privacy impacts on the adjoining properties.

4.6 Parking Provisions - Alterations and additions

The existing dwelling is historically deficient in parking. The proposal will create an additional parking space on site improving the current situation therefore is supported. The proposed hard stand car space and vehicular crossing are also supported by Council's Development Engineers subject to conditions. Accordingly, the recommended conditions have been included in the draft consent.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The proposed development will comply with the DCP height control and will not alter the existing front building setbacks.

Consistent with the DCP side and rear setback requirements, the proposed additions will be:

- set back 1.3m from the north eastern side boundary and 0.9m from the south western side boundary;
- and
- set back 12.7m from the rear boundary.

5.1 Building Design - General**S.79C(1)(a)(iv) - Provisions of regulations**

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

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

Natural Hazards

The property is affected with the 1% AEP flood. According to Council's Development Engineers' advice, the proposed earthworks are not considered to cause adverse impact from flooding point of view. Nevertheless, standard conditions have been included to prevent damages to the adjoining properties from the proposed works.

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

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

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions on this proposal.

S.79C(1)(e) - Public interest

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

S94A Fixed development consent levies

Section 94A 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.

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 following plans listed, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site plan / 1-01	Space 0.618:1	-	15 December 2016
Demolition plan / 1-001	Space 0.618:1	-	15 December 2016
Proposed ground floor plan / 2-01	Space 0.618:1	-	15 December 2016
Elevations / 3-00, 01, 02 & 03	Space 0.618:1	-	15 December 2016
Section / 3-49	Space 0.618:1	-	15 December 2016

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 A269071 other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
 Note: For further information please see <http://www.basix.nsw.gov.au>.
6. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
7. The patio/alfresco shall not be enclosed at any future time without prior development consent.
8. The dwelling shall be used as a single occupancy only.
9. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.

10. Excavation and filling of the site (with the exception of the area immediately under the building envelope) shall be no more than 600mm below or above the existing ground level identified on the Survey Plan dated 22 October 2016 and submitted to Council on 15 December 2016. Construction of retaining walls is not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

Details demonstrating compliance with the above requirements shall be provided to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
12. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

Prior to issue of the construction certificate

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

13. 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 \$1,628.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
14. 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.
15. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.

A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
16. a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979

and Rockdale Section 94A 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 4A certificate is to be issued until such time as these costs have been paid.

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

b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a section 94A levy is to be paid to Council for the following amount:

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

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

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

Note: This requirement to pay the section 94A 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.

17. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
18. In the case of additions to an existing dwelling which propose to extend in line with the existing setbacks, a current check survey is to be submitted to the principal certifying authority prior to the issue of the construction certificate.
19. 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.
20. All new building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All new 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.
21. 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>

22. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
23. 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.

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.

Prior to commencement of works

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

24. 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.

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. Consultation with Ausgrid is essential prior to commencement of work to ensure their requirements are met.

During demolition / excavation / construction

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

31. 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.
32. 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.
33. 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.
34. 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.
35. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan and Rockdale Technical Specification - Waste Minimisation and Management.
36. 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.
37. 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.

38. 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.
39. 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.
40. 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.
41. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution. 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. 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 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.
42. 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.

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.

- 43. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 44. 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.
- 45. 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.
- 46. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
- 47. 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.
- 48. 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.

49. The width of the single driveway shall be minimum width of 3.0m and maximum of 4.5m at the property boundary. Vehicular crossing shall have separation of 0.5m from the existing utility pit and 1.2m from existing tree trunk.
50. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
51. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
52. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the car parking level is either constructed at or above 1% A.E.P Annual Exceedance Probability (AEP) Flood Level OR [in the case of the car parking level being below the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level] the garage floor/parking level is protected from inundation to a minimum of 500mm above the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
53. Prior to occupation a Qualified Civil 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.
54. 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 on 4 November 2016.

Roads Act

55. 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.

56. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
57. 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.
58. 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.
59. 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.
60. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

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

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

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

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility

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

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

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

- e. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. The 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".

- h. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- i. 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.

Bayside Council

Serving Our Community

29 March 2017

Our Ref: DA-2017/216
Contact: Pengfei Cheng 9562 1666

444-446 Princes Highway Rockdale NSW 2216
PO Box 21 Rockdale NSW 2216
T 1300 581 299 F 9562 1777
rcc@rockdale.nsw.gov.au
www.bayside.nsw.gov.au

Space 0.618:1
53 Station St
ARNCLIFFE NSW 2205

NOTICE OF DETERMINATION

Issued in accordance with section 81(1a) of the *Environmental Planning and Assessment Act, 1979*

Application Number:	DA-2017/216
Property:	29 Caledonian Street, BEXLEY NSW 2207 Lot 34 DP 964468
Proposal:	Alterations and additions to existing dwelling including rear extension and new hard stand carspace and vehicular footway crossing
Authority:	Delegated
Determination:	Approved
Date of determination:	29 March 2017
Date consent commences:	29 March 2017
Date consent lapses:	29 March 2022

The above development is approved subject to the following conditions:

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of 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 following plans listed, 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:

Mascot Customer Service Centre
141 Coward Street
Mascot NSW 2020, Australia
ABN 80 690 765 443 Branch 002
DX 4108 Maroubra Junction

Rockdale Customer Service Centre
444-446 Princes Highway
Rockdale NSW 2216, Australia
ABN 80 690 765 443 Branch 005
DX 26398 Rockdale

T 1300 581 299 F 02 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

Telugu, Hindi, Vietnamese, Arabic, Urdu

بخدمت الترجمة الهاتفية

電話傳譯服務

Chynda sampenezyana no tenehon

1 of 13

Plan/Dwg No.	Drawn by	Dated	Received by Council
Site plan / 1-01	Space 0.618:1	-	15 December 2016
Demolition plan / 1-001	Space 0.618:1	-	15 December 2016
Proposed ground floor plan / 2-01	Space 0.618:1	-	15 December 2016
Elevations / 3-00, 01, 02 & 03	Space 0.618:1	-	15 December 2016
Section / 3-49	Space 0.618:1	-	15 December 2016

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 A269071 other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
7. The patio/alfresco shall not be enclosed at any future time without prior development consent.
8. The dwelling shall be used as a single occupancy only.
9. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
10. Excavation and filling of the site (with the exception of the area immediately under the building envelope) shall be no more than 600mm below or above the existing ground level identified on the Survey Plan dated 22 October 2016 and submitted to Council on 15 December 2016. Construction of retaining walls is not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

Details demonstrating compliance with the above requirements shall be provided to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
12. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

Prior to issue of the construction certificate

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

13. 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 \$1,628.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.50.
14. 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.
15. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
16. a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A 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 4A certificate is to be issued until such time as these costs have been paid.

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

b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a section 94A levy is to be paid to Council for the following amount:

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

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

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

Note: This requirement to pay the section 94A 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.

17. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
18. In the case of additions to an existing dwelling which propose to extend in line with the existing setbacks, a current check survey is to be submitted to the principal certifying authority prior to the issue of the construction certificate.
19. 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.
20. All new building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All new 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.

21. 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>

22. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
23. 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.

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.

Prior to commencement of works

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

24. 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.

25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. Consultation with Ausgrid is essential prior to commencement of work to ensure their requirements are met.

During demolition / excavation / construction

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

31. 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.
32. 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.
33. 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.
34. 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.
35. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan and Rockdale Technical Specification - Waste Minimisation and Management.
36. 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.

37. 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.

38. 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.
39. 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.
40. 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.
41. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution. 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. 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 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.
42. 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.

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.

- 43. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 44. 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.
- 45. 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.
- 46. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
- 47. 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.
- 48. 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.
- 49. The width of the single driveway shall be minimum width of 3.0m and maximum of 4.5m at the property boundary. Vehicular crossing shall have separation of 0.5m from the existing utility pit and 1.2m from existing tree trunk.
- 50. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile

- shall be provided to Council if Council is not the Principal Certifying Authority.
51. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
 52. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the car parking level is either constructed at or above 1% A.E.P Annual Exceedance Probability (AEP) Flood Level OR [in the case of the car parking level being below the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level] the garage floor/parking level is protected from inundation to a minimum of 500mm above the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
 53. Prior to occupation a Qualified Civil 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.
 54. 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 on 4 November 2016.

Roads Act

55. 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.
56. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;

- v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
57. 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.
 58. 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.
 59. 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.
 60. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

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

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

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

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

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

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

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

- e. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. The 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".
- h. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- i. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

Additional Information

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Pengfei Cheng on 9562 1666



Thomas Kulchar
Coordinator - Development and Certification

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/216/A
Date of Receipt:	15 September 2018
Property:	29 Caledonian Street, BEXLEY (Lot 34 DP 964468)
Owner:	Mr Moussa Hamadi
Applicant:	Space 0.618:1 Pty Ltd
Proposal:	Modification to reduce retaining wall setback from side boundary at the rear
Recommendation:	Refused
No. of submissions:	One (1).
Author:	Helen Lai
Date of Report:	1 May 2019

Key Issues

The key issues related to this application are:

- Setbacks of filled land and resulting privacy, and other, impacts
- Geotechnical / Land and Soil Stability
- Inconsistency with relevant objectives of the R3 Medium Density Residential zone
- Stormwater
- Excessive and unauthorised filling of the site
- Fill material (quality of fill material not known)

The matter will be referred to Council's compliance team for action following issue of the Notice of Refusal.

Recommendation

That the Section 4.55(1A) Application, DA-2015/190/02, to reduce the retaining wall setback from the western side boundary at 29 Caledonian Street, Bexley, be **REFUSED** for the following reasons:

1. The proposal is not of minimal environmental impact and therefore does not satisfy the provisions of Section 4.55(1A)(a) of the *Environmental Planning and Assessment Act 1979*.
2. The location and amount of fill proposed is a significant variation to the original approval as shown in the approved plans and as required by Conditions of consent, particularly with regards to Condition 10. The proposed development is therefore not substantially the same development as the development for

which consent was originally granted and does not satisfy the provisions of Section 4.55(1A)(b) of the *Environmental Planning and Assessment Act 1979*.

3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the amenity impacts on adjoining properties resulting from the proposal do not satisfy the objectives of the R3 - Medium Density Residential zone in *Rockdale Local Environmental Plan 2011*, including:

- *To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.*

4. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following Clauses under the *Rockdale Local Environmental Plan 2011*:

- Clause 6.2 - Earthworks
- Clause 6.6 - Flood planning
- Clause 6.7 - Stormwater

5. Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* insufficient information has been provided to demonstrate that the proposed development will not result in the following adverse environmental impacts:

- Natural Environment – quality of, and stability of, significant filling carried out on site.
- Built Environment – Structural adequacy of retaining wall, and failure to demonstrate acceptable disposal of stormwater from the filled part of the land.

6. Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the development adversely impacts upon the amenity of adjoining properties, particularly in terms of privacy and visual impacts.

7. Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, and in consideration of the issues raised in the submission made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

Background

History

Council's records show that the following application was previously approved at the site:

- DA-2017/216 - Alterations and additions to existing dwelling including rear extension and new hard stand car space and vehicular footway crossing, approved on 29 March 2017.

The development as originally approved, included the construction of a retaining wall located 900mm from the western boundary and some filling to the rear of the site. The retaining wall has already been constructed however with a maximum setback of 380mm from the sites western boundary. This S4.55(1A) application seeks to modify the side setback of the retaining wall on the western boundary

from 900mm to 380mm.

It is worth noting that Condition 10 of the original consent DA-2017/216 restricted excavation and filling of the site to a maximum of 600mm below or above the existing ground level, and Condition 12 required that any retaining walls over 600mm in height be designed by a suitably qualified structural engineer, and that insufficient information has been provided to demonstrate that the proposal complies with these conditions.

Conditions 10 and 12 read as follows:

10. Excavation and filling of the site (with the exception of the area immediately under the building envelope) shall be no more than 600mm below or above the existing ground level identified on the Survey Plan dated 22 October 2016 and submitted to Council on 15 December 2016. Construction of retaining walls is not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

Details demonstrating compliance with the above requirements shall be provided to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.

12. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

Proposal

Council is in receipt of a Section 4.55(1A) Modification Application, DA-2017/216/A, at 29 Caledonian Street, Bexley which seeks consent to reduce the approved retaining wall setback from the western boundary at the rear of the site.

Specifically, the proposal consists of:

- Reducing the western side setback of the retaining wall from 900mm to 380mm.



Figure 1 - Constructed retaining wall

The retaining wall has already been constructed (**Figure 1**) and based on a site inspection to the neighbouring property at No. 31 Caledonian Street, the setback of parts of the retaining wall appears to be less than 380mm toward its base (**Figure 2**). .



Figure 2 - Parts of the retaining wall as viewed from No. 31 Caledonian Street, constructed on / near existing retaining wall of adjoining property.

Revised plans and additional information received by Council on 21 December 2018 including:

- plans showing a 1.8m colorbond fence above retaining wall;
- a Soil Assessment Report, prepared by EI Australia and dated 21 December 2018.

Site location and context

The subject site is known as Lot 34 DP 964468, 29 Caledonian Street, Bexley. The site is rectangular in shape. The site is oriented south to north with north being the front of the site. The eastern and western boundaries have lengths of 36.57m respectively and the southern and northern boundaries have widths of 10.05m. The site area is approximately 367.53sq.m. The topography of the site is relatively steep to the rear, however, the rear of the site has been filled to be level.

The site contains an existing single-storey dwelling. The site is located to the south-east of Caledonian Street. Adjoining properties include a single storey villa to the east and a two-storey to the west. The existing streetscape consists predominantly of single and two storey dwellings as well as villas and townhouses characterised by pitched and gable roofs.

There are no significant trees on site.

The site is not a heritage item, however, is located in the vicinity of a heritage item.

The site is located in the R3 - Medium Density Residential zone. The subject land is affected by Acid Sulfate Soils (ASS) Class 5 and Obstacle Limitation Surface (OLS).

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S4.55 (1A) - Modification

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

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

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

Comment: The proposed modification is not considered minor in nature / impacts for the reasons provided later in this report and has actual, and potential future, impacts on the amenity of adjoining properties. It is not satisfied that the proposal will be of minimal environmental impact.

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

Comment: The application requests approval to reduce the side setback of the approved retaining wall from 900mm to 380mm. Based on a site inspection the retaining wall appears to have a nil setback at parts, and based on the submitted plans the site appears to have been filled substantially in excess of the 600mm permitted by Condition 10 of the original approval. While the proposal will remain as previously approved, namely for alterations and additions to an existing single storey dwelling, given the significant variation to the amount and location of fill within the site, and given the increased impacts associated with the development which has been moved closer to the neighbouring properties, the proposal is not considered to be substantially the same development. The level and location of fill should be amended to comply with the original approval.

c) it has notified the application in accordance with:

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

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

Comment: The application has been notified in accordance with the provisions of Rockdale DCP 2011.

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

Comment: One (1) letter of objection was received by Council. Several of the issues raised in the submission are considered to be valid concerns which have not been addressed by the applicant. These issues are discussed further below in the assessment of Section 4.15(c) of the EP&A Act.

S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

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

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

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

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

The following Environmental Planning Instruments are relevant to this application:

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	No - see discussion	No - see discussion
4.3 Height of buildings	No - see discussion	No - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	No - see discussion	No - see discussion
6.6 Flood planning	No - see discussion	No - see discussion
6.7 Stormwater	No - see discussion	No - see discussion
6.12 Essential services	Yes	Yes

2.3 Zone R3 Medium Density Residential

The subject site is zoned R3 - Medium Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed retaining wall is ancillary to the dwelling house which constitutes a permissible development only with development consent. The objectives of this zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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 not consistent with Objective 4 as it is a type of development that will result in considerable impacts on the amenity of the area and to adjoining properties, most particularly to Villa 1 at No. 31 Caledonian Street, Bexley. The proposal results in privacy impacts to the adjoining villas, and insufficient information has been provided related to the structural adequacy of the retaining

wall and details of the stormwater design and drainage from the filled area at the rear has not been provided by the applicant. The proposed development will set an undesirable precedence within the area and creates impacts to adjoining properties. As such, the proposal is not consistent with Objective 4 where land uses are to be carried out in a context and setting that minimises any impact on the amenity of the area.

4.3 Height of buildings

The maximum height shown for the land on the Height of Buildings Map is 8.5m.

There are no proposed changes to the existing building height of the dwelling.

4.4 Floor space ratio - Residential zones

The maximum FSR shown on the Floor Space Ratio Map is 0.55:1.

The proposal does not involve an increase in gross floor area. The floor space ratio will remain as previously approved at 0.34:1.

5.10 Heritage conservation

The proposed development is located in the vicinity of heritage item 107 - Street plantings along Caledonian Street. The proposed development is not considered to dominate the heritage item being located at the rear, therefore, will not be visible from the street. The proposed development will not affect the integrity or character of the heritage item and the qualities that makes the heritage item and it's setting significant.

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

Clause 6.2 of RDCP2011 require consideration to be given to the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, the quality of the fill, the effect of the proposed development on the existing and likely amenity of adjoining properties and the source of any fill material.

The development for alterations and additions part of DA-2017/216 was approved with permission to fill parts of the rear of the site in accordance with the submitted plans and in accordance with Conditions 10 & 12 which permitted a maximum cut and/or fill of 600mm in the rear yard above and/or below the existing site levels shown in the survey plan submitted with the Application. Based on the information submitted to Council it appears that the maximum height of the retaining wall is 1.37m from natural ground level. However the Section 4.55 application was not accompanied by a survey with the current finished surface levels and therefore insufficient information has been submitted to demonstrate that the filling carried out in the rear yard complies with the maximum 600mm permitted by Condition 10 of the consent.

The applicant was also requested to test and validate the fill material on site by a suitably qualified and experienced contaminated land consultant. On 21 December 2018 a Soil Assessment Report, prepared by EI Australia and dated 21 December 2018 was received concluding that soil contamination was not identified. However, it should be noted that conclusions presented in the Soil Assessment Report as indicated by EI Australia are based on a limited investigation of conditions, with

specific sampling locations chosen to be as representative as possible under the given circumstances.

The applicant was requested to certify the filling on site, however, information on this has not been received to date. The Soil Assessment Report does not address the source of materials used for fill. As insufficient information has been provided, determination cannot be made on the suitability of the fill and the types of materials that have been used. In this regard, the proposed development is not supported.

6.6 Flood planning

The site is affected by flooding and the proposal was therefore referred to Council's Strategic Floodplain Engineer for comment. Council's Strategic Floodplain Engineer has not raised any issues in relation to flooding for the proposed development, however, the applicant has not submitted documentation to certify that the retaining structure can withstand buoyancy in a 1% AEP flood event. As such, the proposed development is not supported by Council's Development Engineer.

6.7 Stormwater

An additional information letter was emailed to the applicant on 12 November 2018 requesting a Stormwater Construction Certificate with supporting Works-As-Executed Plan for Stormwater Drainage for the onsite stormwater system to be provided from a qualified engineer. The drainage places were to show how the discharge of surface runoff and drainage for the retaining structure will be managed. Further, a suitably qualified structural engineer was to certify that the retaining structure can withstand the forces of fill, existing retaining structures/foundations within and beyond the site, floodwater, debris and buoyancy in a 1% AEP flood event with supporting structural design and calculations.

The above requested information has not been provided. Due to insufficient information, Council's Development Engineer does not support the proposed development.

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
4.2 Streetscape and Site Context - General	Yes	Yes
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes
4.4.2 Solar Access - Low and medium density residential	Yes	Yes
4.4.5 Visual privacy	Yes	Yes - see discussion
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	No - see discussion	No - see discussion

4.4.5 Visual privacy

Filling of the site and the constructed height of the retaining wall to 1.37m provides opportunities for direct overlooking into the rear windows and habitable space of the villas at No. 29 Caledonian Street. Insufficient information has been provided to demonstrate that the maximum amount of filling complies with Condition 10 of the original approval (i.e. absence of a survey plan), however based on the information submitted the filling significantly exceeds the maximum 600mm permitted which, combined with the decreased side setback, result in adverse privacy impacts to the neighbouring villas. Revised plans received by Council on 21 December 2018 show a 1.8m colourbond fence to be installed above the retaining wall which is considered to result in adverse scale impacts. It is therefore considered that the amount of fill and location of the retaining wall should be amended to comply with the original approval to ensure impacts to visual privacy are minimised without compromising the neighbours amenity.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The proposed setback are as follows:

DCP2011	PROPOSED	COMPLIES?
Ground floor side setback 900mm	Western side = 380mm	No.

The proposed western side setback of the retaining wall does not comply with Clause 5.1 of RDCP2011.

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

Clause 92-94 of the Regulations outline the matters to be considered in the assessment of a development application.

The proposed development is not supported for the reasons included in this assessment report, particularly impacts on the amenity of adjoining properties.

Compliance action will be undertaken following refusal of this application for the retaining wall to be reconstructed with a 900mm side setback as previously approved.

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls and are addressed in the relevant parts of this report. The proposal will result in adverse impacts to adjoining properties and the locality and is not supported.

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

The relevant matters pertaining to the suitability of the site for the proposed modifications have been considered in the assessment of the proposal and is not considered suitable to the context of the site. As such, the proposal is not supported.

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

The development was notified in accordance with the provisions of Rockdale DCP 2011 for a fourteen (14) day period from 24 September 2018 to 10 October 2018. One (1) submission was received. The issues raised in the submission are discussed below:

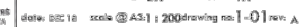
Issue 1: Retaining wall not built in accordance with approved plans.
Issue 2: Construction of the retaining wall commenced prior to the DA being approved and Construction Certificate issued.
Issue 3: No approved engineering details of the retaining wall available.
Issue 4: Side setback does not comply.
Issue 5: Amenity and privacy impacts
Issue 6: Suitability of landfill material used.

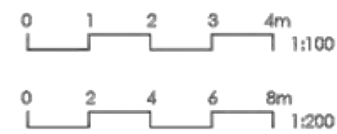
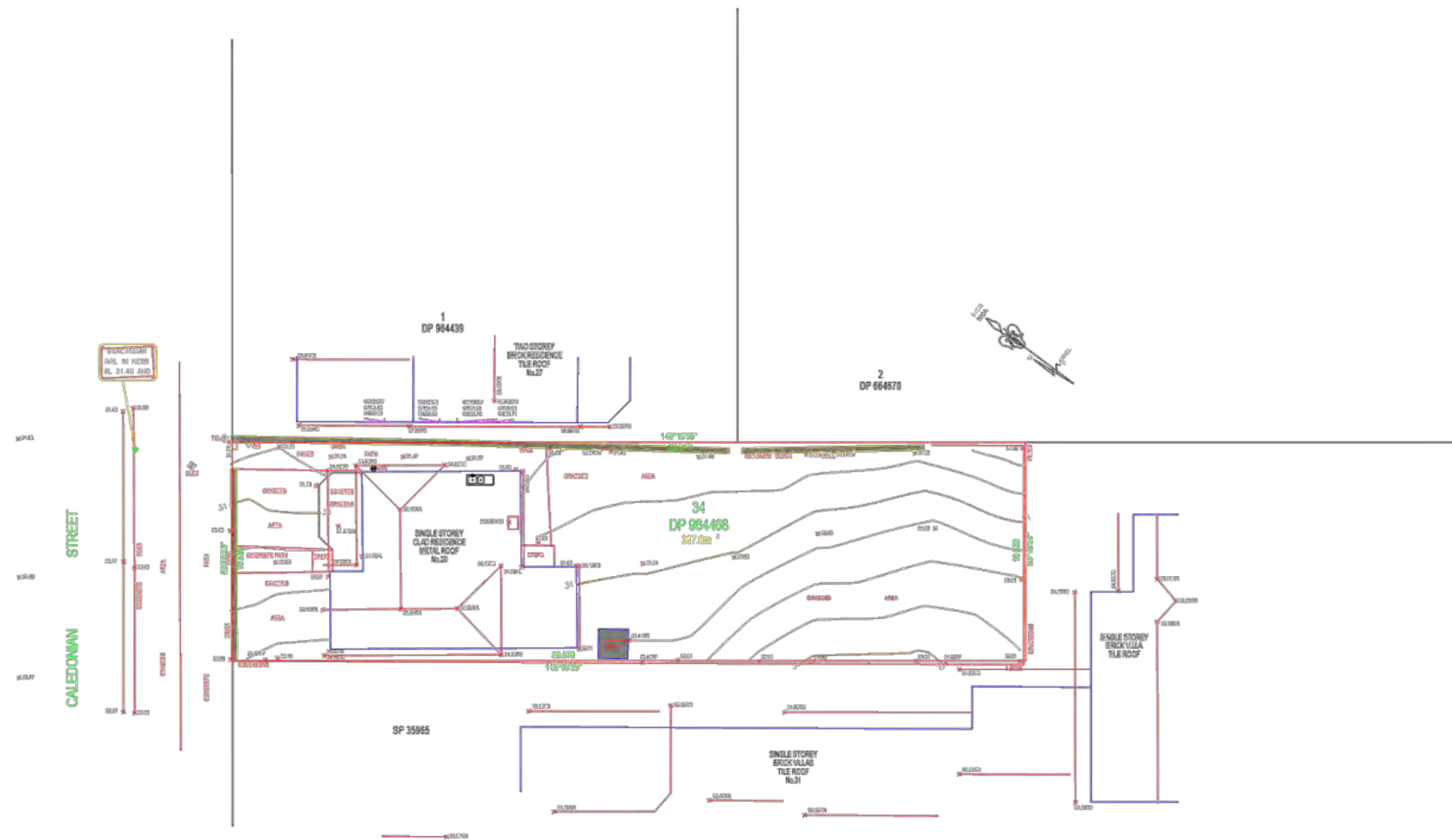
The issues raised in the submission have been taken into consideration. The applicant has not addressed valid issues raised in the submission received. These issues have been addressed previously in the assessment of the DCP and LEP above.

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

The proposed development is not supported 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 have not been adequately addressed. Approval of the proposal would result in an undesirable precedent. As such it is considered that the proposed development is not in the public interest.

Schedule 1 - Draft Conditions of consent





Date	Rev	Amendment
------	-----	-----------

\$4.55 - NOT FOR CONSTRUCTION
Verify all dimensions on the books preceding all construction. Do not
develop. Work to within dimensions, report any discrepancies for needed
work to the architect or in accordance with relevant parts of the BSA and
Structural Planning and Assessment Act and regulations under the Act.
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date: SEP 18 scale @ A3:1 : 200 drawing no: 1-00 rev: A



ABN 91 621 842 466

Date: 17-06-2019
Ref: INC-190181-1

Subject: Structural Inspection Certificate
Address: 29 Caledonian St, Bexley, NSW
Client: Weesam Matter, Quantum Building
Elements: Retaining Wall at the back yard

As requested by the Client, Shahab Rad from this office, inspected the retaining wall at the backyard of above addressed property on the 5th June 2019.

The retaining wall is approximately 800mm high and made of 190mm core filled blocks. We also noted that the base of the retaining wall is approximately 1m higher than the base of the adjacent neighbouring land. According to our observation, the neighbouring building has a retaining wall which is extended from base of their land to underside of the subject retaining wall. Our certificate does not assess the integrity of this retaining wall.

Following statements was confirmed by the client through attached Statutory Declaration:

- The wall was built in 2017 (advised verbally)
- The wall has N16-400 as vertical and N12-400 as horizontal steel reinforcement
- The retaining wall has been built on strip footing of 450mm wide and 450mm thick with 4-112TM
- The concrete strength for the wall and footing is 25MPa

According to the findings in our site inspections and the information that was provided by the client, we confirm the subject retaining wall is adequate to fulfil its structural role.

Note:

This certificate shall not be construed as relieving any other party of their responsibilities, liabilities or contractual obligations.

Yours truly,

Smart Structures Australia
Per:

A black rectangular box redacting the signature of Shahab Rad.

Shahab Rad

B.E(Civil) | M.E(STR) | FIEAUST | CPEng | NER | RPEQ
Managing Director

A black rectangular box redacting a signature.

Contract management

Statutory Declaration (to be completed by a Subcontractor or Supplier)

Caths Act 1900 (INSTA)

1. Wasson Motor (full name)
 of 36 Edward Street Bexley North 1207 (address)
 (occupation)

do solemnly and sincerely declare that:

1. I am the representative of Quartern Building (name of Subcontractor or Supplier and AEM if applicable)
In the Office Bearer capacity of ... (position)
the said corporation having carried out work on* / supplied materials for* the
29 Caledonian Street Parking (insert the Contract name)
for Quartern Building (insert the name of the Contractor)
and I am in a position to know the facts attested to.

(Insert full details of amounts outstanding, date payment was due and include details of the work performed / materials supplied in respect of which payment has not been made. Use a separate numbered paragraph for each relevant fact).

2. ...confirming that I built the retaining wall with the following specification:

- The height of the retained soil reaches 0.8m at the back yard of 29 Caledonian
- The land on 29 Caledonian is about 1m higher than the neighbouring land
- The retaining wall is a 190mm core filled concrete with N16-400 vertical and N12-400 horizontal bars
- The retaining wall has been built on a strip footing of 450 thick and 450mm wide with 4-L12TM.
- The wall and slab have poured with 25 MPa concrete

And I make this solemn declaration, as to the matter aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilful false statement in any such declaration.

THESEUS AT THE BRIDGE

Signature of legally authorized person
where the contractor is not

Name and title of person(s) before whom the
affirmation is made:

Notes

NOTES

Contract management

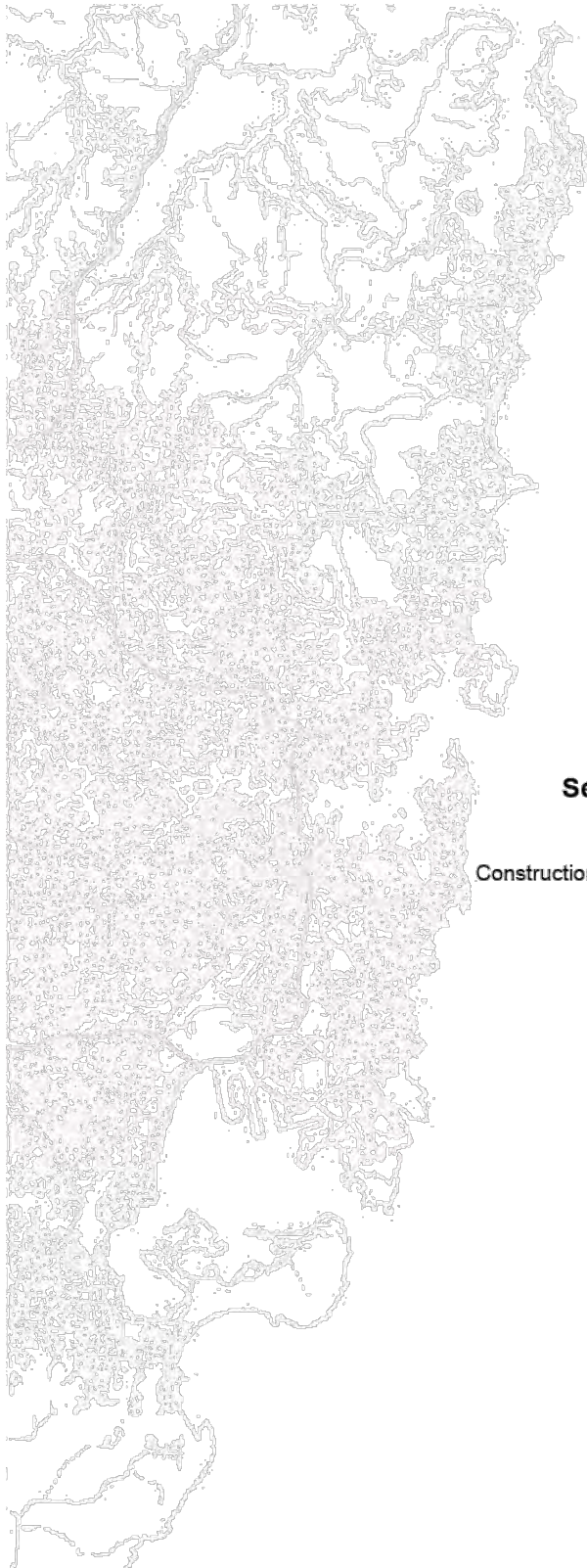
1. *where the declaration is sworn within the State of New South Wales:*
 - (1) *a justice of the peace of the State of New South Wales;*
 - (2) *a magistrate of the Supreme Court of New South Wales with a current practicing certificate; or*
 - (3) *a notary public;*
2. *where the declaration is sworn in a place outside the State of New South Wales:*
 - (1) *a notary public; or*
 - (2) *any person having authority to administer an oath in that place.*

□ ■

Charbel Kazzl

Date of NSW Admission	09/12/2016
Practising Certificate Type	Corporate Legal Practitioner (Supervised)
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Class	Corporate
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Firm Email	
Region	ST GEORGE-SUTHERLAND
Languages other than English spoken in the firm	ARABIC

[< Back](#)



Corona Projects

DA2017/216/A

Section 8.2 Review of Determination

Construction of retaining wall and colorbond privacy fence.

29 Caledonian Street, Bexley

August 2019

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:	Mr Moussa Hamadi
Subject land:	29 Caledonian Street, Bexley NSW 2207
Lot Description:	Lot 34, DP 964468
Description:	Construction of retaining wall and addition of colorbond privacy fence.
Proposed modification:	Submission of soil assessment, stormwater detail plan certification and structural inspection certificate addressing reasons for refusal
Environmental Planning Instrument:	Rockdale Local Environmental Plan 2011
Development Control Plan:	Rockdale Development Control Plan 2011
The report is prepared by	Emma Rogerson Bachelor of Architecture and Environments (USYD) Town Planner
The report is reviewed by	Joseph Chan Student of Bachelor of City Planning (Hons) (UNSW)
Project Code:	J000328

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 8.2 of the Environmental Planning and Assessment Act 1979;
- The statement contains all available information that is relevant to the environmental impact assessment of the development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

Quality Management

	Name	Date	Signature
Prepared by	Emma Rogerson	07.08.2019	
Checked by	Joseph Chan	07.08.2019	
Approved for issue by	Emma Rogerson	07.08.2019	

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1.0 INTRODUCTION

This statement is prepared in support of a Section 8.2 Review of Determination application, requesting Bayside Council to review the refusal of development application DA2017/216/A under Section 8.2 of the Environmental Planning and Assessment Act 1979 (the Act).

On 24 May 2019, Council determined the above development application by refusing development consent for the modification to reduce retaining wall setback from side boundary at the rear.

The primary reasons for refusal relate to:

- Setbacks of filled land and resulting privacy, and other impacts
- Lack of information regarding Geotechnical / Land and Soil Stability, Stormwater and Structural integrity.
- Excessive and unauthorised filling of the site
- Fill material (quality of fill material not known)
- Inconsistency with relevant objectives of the R3 Medium Density Residential zone

This statement supports the following documents:

- Soil Assessment Report dated 21 December 2018 by EI Australia; and
- Structural Inspection Certificate dated 17 June 2019 by Smart Structures Australia; and
- Stormwater Detailed Plan Certification dated 25 July 2019 by A.E Consulting Engineers.

2.0 SITE CONTEXT

2.1 The Site

The site is located at 29 Caledonian Street, Bexley and is legally described Lot 34 in Deposited Plan 964468. The site is located on the southern side of Caledonian Street, between Verdun Street and Queen Victoria Street.

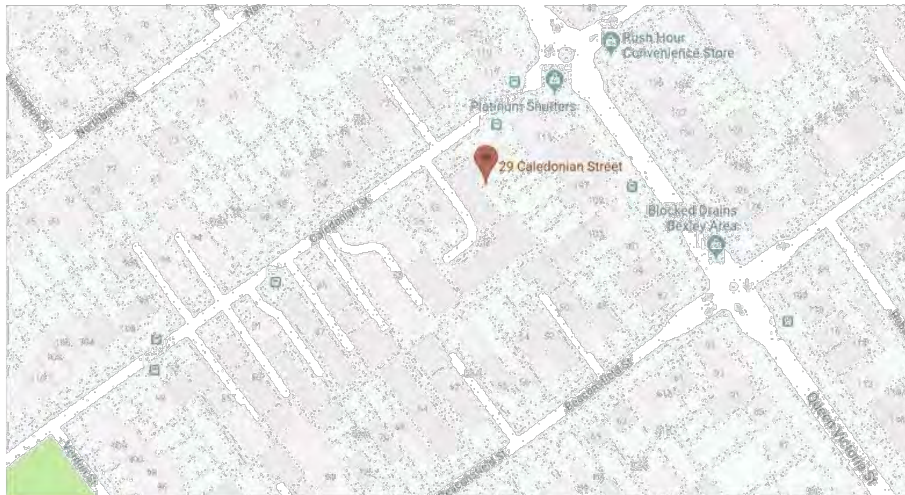


Figure 1 – Site locality map (Google Maps)



Figure 2 – Aerial map (SIX Maps)

The site is mostly rectangular with a total area of 367.8 square metres by survey, with a 10.058 metre street frontage to Caledonian Street. The western side boundary measures 36.576 metres and the eastern side boundary measures 36.576 metres. The rear boundary measures 10.058 metres.

The site currently contains a single-storey residential dwelling. The site is landscaped to the rear. There is no on-site vehicle parking.

The land is zoned R3 – Medium Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (LEP 2011). The site adjoins a heritage item to the front, namely street plantings along Caledonian Street. The proposed development affects the rear of the site; thus, no heritage impact is produced.

The site is located within an established residential suburb of Bexley. The locality predominately comprises of dwelling houses with a mix of heights and architectural styles.

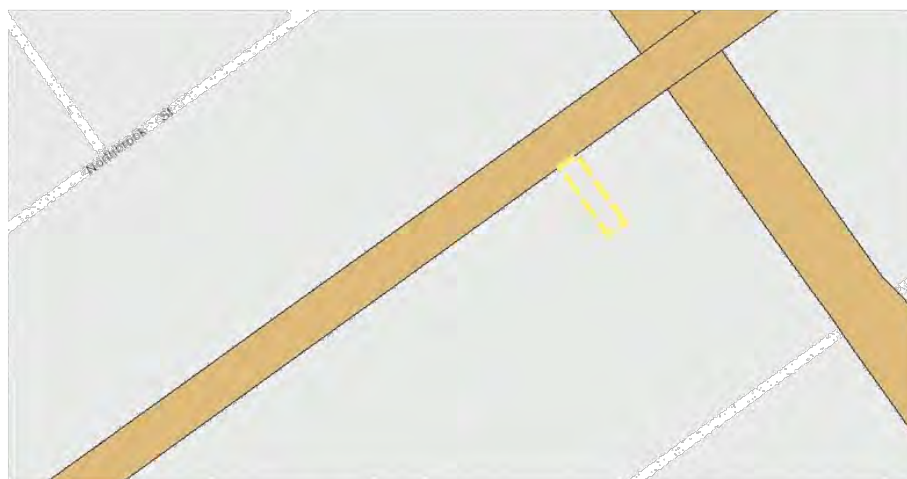


Figure 3 – Heritage Map (NSW Planning Portal)

3.0 THE PROPOSAL

3.1 Overview

The original proposal involves the modification to reduce retaining wall setback from side boundary at the rear. More specifically, the original proposal comprises the following development:

- Reduction of the setback of the western-side rear retaining wall to 380mm from the existing colorbond fence from 900mm.

4.0 GROUNDS FOR REVIEW

In accordance with Section 8.2 of the Act, the applicant is permitted to amend a development application or provide additional information provided that the consent authority is satisfied that the development, as amended, is substantially the same development as that described in the original application.

The principal purpose of the original s4.55 application was for a modification to reduce the retaining wall setback from side boundary at the rear and addition of colorbond fence to ensure privacy is protected. The purpose and nature of development does not change under the application for review. The grounds for review are presented as follow:

Reason for refusal	Response
1 The proposal is not of minimal environmental impact and therefore does not satisfy the provisions of Section 4.55(1A)(a) of the Environmental Planning and Assessment Act 1979.	The proposal is reasonable and of minimal environmental impact as the environmental concerns raised by Council have been addressed by the Soil Assessment Report, Structural Inspection Certificate and The Stormwater Detailed Plan Certification accompanying this Statement of Environmental Effects.
2 The location and amount of fill proposed is a significant variation to the original approval as shown in the approved plans and as required by Conditions of consent, particularly with regards to Condition 10. The proposed development is therefore not substantially the same development as the development for which consent was originally granted and does not satisfy the provisions of Section 4.55(1A)(b) of the Environmental Planning and Assessment Act 1979.	<p>The originally approved development DA2017/216 for "alterations and additions to existing dwelling including rear extension and new hard stand car space and vehicular footway crossing" had a focus on the dwelling house. The retaining wall was an ancillary item within the original application.</p> <p>As the predominant feature of the approved Development Application, the dwelling, is unaltered in this modification application, the new amendments proposed still render the development substantially the same as the original. In this respect, Section 4.55(1A)(b) of the Environmental Planning and Assessment Act 1979 is met.</p> <p>The Meck v Waverley Council (No, 2) [2005] court case concerned altering the original approval for a three-storey dual occupancy to include a basement level. The Court found that the modifications were "substantially the same", as the external appearance of the building did not appreciably change. The subject modification at 29 Caledonian Street, Bexley will not result in any change to the appearance of the site from the street, and is thus comparable in nature.</p>
3 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the amenity impacts on adjoining properties	<p>The objectives of the R3 – Medium Density Residential zone under the Rockdale Local Environmental Plan 2011 are as follows:</p> <ol style="list-style-type: none"> 1. To provide for the housing needs of the community within a medium density residential environment. 2. To provide a variety of housing types within a medium density residential environment.

Reason for refusal	Response
<p>resulting from the proposal do not satisfy the objectives of the R3 - Medium Density Residential zone in Rockdale Local Environmental Plan 2011, including: 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.</p>	<p>3. To enable other land uses that provide facilities or services to meet the day to day needs of residents.</p> <p>4. 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.</p> <p>Council's primary concern is with objective 4, relating to the proposals impact on privacy, structural adequacy and stormwater drainage of the adjoining properties.</p> <p>As detailed in amended plans submitted to Council on 21 December 2018, a colorbond fence of 1.8m high is proposed to be installed above the retaining wall to ensure that overlooking between the subject site and rear windows and habitable space of the villas at No. 31 Caledonian Street is prevented. Council raised concerns regarding the likelihood of adverse impacts from this colorbond fence addition. This fence addition is not visible from the streetscape due to the minimal setback of the main dwelling to the fence on the western side and the heavy neighbouring landscaping which shields this setback. The large amount of vegetation planted along the street frontage for No. 31 Caledonian Street have screened the fence from being visible from the street. Thus, the proposal does not produce any additional visual bulk or scale issue to the streetscape. Due to the unobtrusive and hidden nature of the retaining wall relocation and colorbond fence addition, the character and amenity of the area is not affected and zone objective 4 is met.</p> <p>Pursuant to Control 4 of Part 4.3.2 of Rockdale DCP 2011, it stipulates <i>"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"</i>. The proposal is inline with the control as it provides substantial amount of privacy to both No. 29 and No. 31. Occupants of No. 29 cannot be seen when using their private open space and No. 31 cannot be overlooked when they are in their room. The fence will then enhance the level of amenity of the site and its neighbouring properties.</p> <p>A Structural Inspection Certificate dated 17 June 2019 by Smart Structures Australia and Stormwater Detailed Plan Certification dated 25 July 2019 by A.E Consulting Engineers has been submitted alongside this Statement of Environmental Effects. The structural certificate concludes that the retaining wall is adequate to fulfil its</p>

Reason for refusal	Response
	<p>structural role and the stormwater certificate highlights that the stormwater design and drainage satisfies the relevant Technical Specification and RDCP 2011 standards.</p> <p>It is made clear from these documents that the amenity of the area is not compromised by the proposal as structural and stormwater standards are complied with, rendering the development a positive contribution to the locality.</p>
<p>4 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following Clauses under the Rockdale Local Environmental Plan 2011:</p> <ul style="list-style-type: none"> • Clause 6.2 - Earthworks • Clause 6.6 - Flood planning • Clause 6.7 - Stormwater 	<p>Clause 6.2 Earthworks:</p> <p>The objectives of Clause 6.2 are:</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>The Soil Assessment report dated 21 December 2018 by EI Australia which concludes that the subject soil is suitable for the low-density residential land use has been subject of concern for Council as the source of the fill materials was not identified and the location/quantity of the boreholes for testing were insufficient. The source of materials, however, does not affect the suitability of the soil for its proposed use and the boreholes tested do successfully provide the assessors with an adequate overview of the conditions from numerous, well-spaced, rear yard locations. Additional testing points would be unnecessary.</p> <p>Council also rejected the s4.55 application as DA conditions 10 and 12 were not clearly met. These DA conditions 10 and 12 are satisfied with the suitably qualified structural engineers certification, Structural Inspection Certificate dated 17 June 2019 by Smart Structures Australia. This additional certification warrants a retaining wall higher than 600mm, thus a new survey is not needed.</p> <p>Clause 6.6 Flood Planning and Clause 6.7 Stormwater:</p> <p>The retaining structure is confirmed to be "adequate to fulfil its structural role" by A.E Consulting Engineers in the attached Stormwater Detailed Plan Certification dated 25 July 2019. The 1% AEP flood event concerns the retaining walls structure. By this merit, the flood event should be considered inclusive of the subject walls "structural role" and therefore Council concerns regarding structural integrity are met.</p>

Reason for refusal	Response
<p>5 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 insufficient information has been provided to demonstrate that the proposed development will not result in the following adverse environmental impacts:</p> <ul style="list-style-type: none"> • Natural Environment — quality of, and stability of, significant filling carried out on site. • Built Environment — Structural adequacy of retaining wall, and failure to demonstrate acceptable disposal of stormwater from the filled part of the land. 	<p>The attached Soil Assessment Report dated 21 December 2018 by EI Australia, Structural Inspection Certificate dated 17 June 2019 by Smart Structures Australia and Stormwater Detailed Plan Certification dated 25 July 2019 by A.E Consulting Engineers provide sufficient information to demonstrate that the proposal will not result in any adverse environmental impacts, particularly the natural and built environment.</p>
<p>6 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the development adversely impacts upon the amenity of adjoining properties, particularly in terms of privacy and visual impacts.</p>	<p>The privacy and visual impacts of the subject development to the adjoining properties are nominal. Overlooking concerns into No. 31 Caledonian Street are dealt with by the installation of a colorbond privacy screen. The fence provides adequate screening for occupants of No. 29 when they are assessing their private open space.</p> <p>Concerns raised related to bulk in the Planning Assessment Report dated 1 May 2019 have been acknowledged. The colorbond fence addition has, however, a nominal impact on the streetscape and is further addressed above in point 3.</p>
<p>7 Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the issues raised in the submission made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.</p>	<p>With the presentation of new information in the form of the three attached documents alongside this SEE, the proposed development is in the public interest as it successfully meets relevant stormwater, soil and structural integrity standards and sets a positive precedent for the locality to continue upholding these standards in future development.</p> <p>The concerns raised by public submissions and the impacts on the adjoining properties have been carefully considered and met in this 8.2 review application. The changes in the s4.55 application are purposefully not visible from the streetscape in order to retain the existing character of the overall neighbourhood.</p>

As demonstrated in the above table, the additional three documents submitted alongside this SEE for this Section 8.2 application demonstrate full compliance with the provisions of the Rockdale Local Environmental Plan 2011 and Rockdale Development Control Plan 2011.

5.0 CONCLUSION

This application for the modification for construction of retaining wall and colorbond privacy screen, as revised, is considered to overcome the reasons for refusal. Three additional documents - a Soil Assessment Report, Structural Inspection Certificate and a Stormwater Detailed Plan Certification alongside this SEE have been provided. The revised application is wholly in line with the objectives of Rockdale Local Environmental Plan and Rockdale Development Control Plan 2011. The additional information addresses amenity, stormwater, soil quality and structural concerns. It is considered that the application, as amended by this review, will not cause any unreasonable detrimental impacts to the surrounding properties or local environment.

We therefore ask that Council review the determination of the application based on the facts and merits of the case and the additional certification provided. The reasons for refusal have been appropriately addressed in this submission and we ask that Council support this application for review under Section 8.2 of the EP&A Act.



Bayside Local Planning Panel

12/11/2019

Item No	6.2
Application Type	S4.55(1A) Modification
Application No	DA-2016/86/D
Lodgement Date	04/07/2019
Property	15-17 Gertrude Street, Wolli Creek
Ward	Ward 2
Owner	MGC Wealth Pty Ltd
Applicant	Mr Joseph Calavassy
Proposal	Modification to convert approved two storey, three bedroom apartment to one single storey, two bedroom apartment and a common room
No. of Submissions	Nil
Cost of Development	0
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 S4.55(1A) of the Environmental Planning and Assessment Act 1979 be satisfied that the proposed modification:
 - i is of minimal environmental impact;
 - ii is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - iii has not been notified because notification is not required;
 - iv has been assessed having regard to the relevant matters in s4.15(1) and (3A) of the Environmental Planning and Assessment Act 1979.
- 2 That the Bayside Local Planning Panel takes into account the reasons of the consent authority that granted the consent which is sought to be modified.
- 3 That modification application DA-2016/86/D seeking to modify development consent DA-2016/86 to convert approved two storey, three bedroom apartment to one single storey two bedroom apartment and a common room at 15-17 Gertrude Street, Wolli Creek be APPROVED and the proposal is modified in the following manner:
 - i By amending condition number 2 to read:

Plan. Dwg No.	Drawn by	Dated	Received by Council
Site Plan Rev P	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Basement Level Plan Rev R	Pagano Architects Pty Ltd	21/07/2016	21/07/2016
Ground Level Plan Rev R as amended by Plan	Pagano Architects Pty Ltd	21/07/2016	21/07/2016

<i>Job No. 2298CC, Issue B dated 16.09.2019 and received 17.09.2019</i>			
Floor Level 2/3/6/7 Rev O	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
<i>Floor Level 1 Rev O as amended by Plan Job No. 2298CC, Issue B dated 16.09.2019 and received 17.09.2019</i>	<i>Pagano Architects Pty Ltd</i>	<i>15/06/2016</i>	<i>22/06/2016</i>
Floor Levels 4/5 Rev R	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Level 8 Rev Y	Pagano Architects Pty Ltd	12/04/2018	12/04/2018
Elevations, Roof Terrace Detail, Letter Box Details Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Roof Plan, Sections, Window Schedule Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Material and Finishes Rev E	Pagano Architects Pty Ltd	26/04/2016	16/06/2016

ii By amending the following condition:

87. A by-law shall be registered and maintained for the life of the development, which requires that :

- (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
- (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
- (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.
- "(d) *All common areas shown on the Strata Plan are to be available for use by the residents of the building.*"

iii By inserting the following conditions:

Condition 2a - Prior to the issue of the final Occupation Certificate the two apartments on level 8 (Lots 21 and 22) shall be converted to a dual key apartment and registered on the Strata Plan as a single lot.

Condition 8b - The common room located on the ground floor shall be identified as common property in the Strata Plan. Prior to issue of the Final Occupation Certificate, the amended Strata Plan shall be registered with the Land and Property Information Centre.

Condition 83a - Prior to the issue of an Occupation Certificate a Building Information Certificate shall be obtained for the unauthorised works to the ground level and level 1 (two bedroom unit and common room) of the approved building.

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Plans Unit 2 & Proposed Common Room [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/86/D
Date of Receipt:	4 July 2019
Property:	15 - 17 Gertrude Street, WOLLI CREEK
Owner:	MGC Wealth Pty Ltd
Applicant:	MGC Wealth Pty Ltd
Proposal:	Modification to approved residential flat building including internal alterations to Unit 2 to create 1 x (2) two bedroom unit and 1 x common room
Recommendation:	Approved
No. of submissions:	Nil
Author:	Petra Blumkaitis
Date of Report:	28 October 2019

Key Issues

- The use of the space as a common room will improve the amenity within the building.
- The proposal requires amendments to the strata plan.
- The proposal results in the loss of three bedroom units.
- Unauthorised building works.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S4.55(1A) of the Environmental Planning and Assessment Act 1979 be satisfied that the proposed modification:
 - i. is of minimal environmental impact;
 - ii. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - iii. has not been notified because notification is not required;
 - iv. has been assessed having regard to the relevant matters in s4.15(1) and (3A) of the Environmental Planning and Assessment Act 1979.
2. That the Bayside Local Planning Panel take into account the reasons of the consent authority that granted the consent which is sought to be modified.
3. That modification application DA-2016/86/D seeking to modify development consent DA-2016/86 to a residential flat building at 15-17 Gertrude Street, Wolli Creek be APPROVED. The proposal is modified in the following manner:

i. By amending condition number 2 to read:

Plan. Dwg No.	Drawn by	Dated	Received by Council
Site Plan Rev P	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Basement Level Plan Rev R	Pagano Architects Pty Ltd	21/07/2016	21/07/2016
<i>Ground Level Plan Rev R as amended by Plan Job No. 2298CC, Issue B dated 16.09.2019 and received 17.09.2019</i>	Pagano Architects Pty Ltd	21/07/2016	21/07/2016
Floor Levels 2/3/6/7 Rev O	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
<i>Floor Level 1 Rev O as amended by Plan Job No.2298CC, Issue B dated 16.09.2019 and received 17.09.2019</i>	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Levels 4/5 Rev R	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Level 8 Rev Y	Pagano Architects Pty Ltd	12/04/2018	12/04/2018
Elevations, Roof Terrace Detail, Letter Box Details Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Roof Plan, Sections, Window Schedule Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Material and Finishes Rev E	Pagano Architects Pty Ltd	26/04/2016	16/06/2016

ii. By amending the following condition:

87. A by-law shall be registered and maintained for the life of the development, which requires that :

- (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
- (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
- (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L_{nT,w} 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

"(d) All common areas shown on the Strata Plan are to be available for use by the residents of the building."

Reason: To ensure the common room is available for use by the residents of the building at all times.

iii. By inserting the following conditions:

- *Condition 2a - Prior to the issue of the Final Occupation Certificate the two apartments on level 8 (Lots 21 and 22) shall be converted to a dual key apartment and registered on the Strata Plan as a single lot.*

Reason: To ensure a three (3) bedroom unit is maintained within the building and the requirements of the Apartment Design Guide part 4K and Clause 4.5.1 Housing Diversity and Choice in Rockdale Development Control Plan 2011 are met.

- *Condition 8b - The common room located on the ground floor shall be identified as common property in the Strata Plan. Prior to issue of the Final Occupation Certificate, the amended Strata Plan shall be registered with the Land and Property Information Centre.*

Reason: To ensure all common areas as registered on the Strata Plan are available to all residents of the building.

- *Condition 83a - Prior to the issue of an Occupation Certificate a Building Information Certificate shall be obtained for the unauthorised works to the ground level and level 1 (two bedroom unit and common room) of the approved building."*

Reason: To ensure the completed work is satisfactory, certified and compliant with relevant legislation.

Background

History

Council's records show that the following applications were previously lodged:

DA-2016/86 for a residential flat building, approved 20 April 2016, as a deferred commencement, which was satisfied on 22 June 2016.

DA-2016/86/A for modifications (internal layouts to units 1 - 21 and reallocation of car parking spaces) to the approved RFB, approved 4 August 2016.

DA-2016/86/B for modifications (to condition 2) to the approved RFB, approved 20 December 2016.

DA-2016/86/C for modifications comprising the reconfiguration of Level 8 to create a dual key apartment and alterations to rooftop communal open space area, approved by the Bayside Local Planning Panel (BPP) on 24 April 2018.

At the meeting the BPP resolved:

'Allowing a two bedroom and a one bedroom unit on the upper level without the need for a dual key configuration; the number of units approved in the development being increased from 21 to 22; and allowing for the marked dual key door to be deleted.'

The above modification resulted in Unit 2 (the subject of this proposed modification) being the only three(3) bedroom unit in the development.

CD-2019/12 for the strata subdivision of the building into 22 lots was issued by a private certifier 21 February 2019.

DA-2016/86/D - The current modification application was lodged to convert an approved three bedroom unit into a two bedroom unit and separate studio apartment. Following negotiation with the applicant the modification was changed so that the proposed studio is now proposed as a common room for the use of all residents of the building.

Waratah Strata Management Pty Ltd, the company managing the strata, advised Council that Strata Plan 94964 consented to the subdivision of the lot to a two bedroom unit and a common room, and will accept the maintenance of the common room.

Proposal

Council is in receipt of a modification application DA-2016/86/D at 15-17 Gertrude Street, Wolli Creek, which seeks consent to convert an approved three bedroom, two storey apartment into a two bedroom, single storey apartment and common room.

Specifically, the proposal consists of:

- Deleting the internal spiral staircase between the ground floor (bedroom and ensuite bathroom) and the first floor (remainder of apartment) of an approved three bedroom apartment,
- Creating a two bedroom apartment on the first floor which deletes the approved study and relocates the bathroom, and
- Creating a common room on the ground floor, with bathroom and kitchen.

Note: These works are completed.

The applicant states that the spiral staircase could not be installed in the approved 3 bedroom unit on the ground and first floors due to structural changes which arose during construction of the building. As such the third bedroom (and ensuite bathroom) on the ground floor was 'cut off' from the remainder of the unit on the first floor.

The unit mix within the building will be:

7 x 1 bedroom
15 x 2 bedroom

Which previously was:

7 x 1 bedroom
14 x 2 bedroom
1 x 3 bedroom

The proposed changes to the approved floor plan are shown coloured in Figure 1 below.

There is no proposed change to car parking provision or allocation.



Figure 1. Approved floor plan and proposed floor plan, coloured yellow.

Site location and context

The subject site is known as Lot 2 in SP 94964, 15-17 Gertrude Street, Wolli Creek.

Lot 2 of the Strata Plan (not including the car parking space) is split between the ground floor and the first floor. The first floor contains a kitchen and living space, study, two bedrooms, laundry and a bathroom. The ground floor contains a bedroom and bathroom.

Lot 2 as constructed provides no staircase or link between the ground and first floors. The first floor contains a kitchen and living space, two bedrooms, laundry and a bathroom. The ground floor contains a bedroom, bathroom with clothes washing machine space and a kitchenette.



Figure: Site context and zones

The subject site contains an eight storey residential flat building. The site is located on the south side of Gertrude Street, between Princes Highway and Robert Lane. Adjoining development to the sides includes apartment buildings and a parking lot. Detached dwellings houses along Innesdale Road, adjoin the site to the rear. Cahill Park is on the opposite side of Gertrude Street, to the north. The locality is characterised by apartment buildings, hotels, Cahill Park fronting Cooks River, mixed developments along Princes Highway and detached dwelling houses in streets to the south.

Statutory Considerations***Environmental Planning and Assessment Act, 1979***

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

S4.55 (1A) - Modification

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

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

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

Comment: The proposed modifications are minor in nature, being the separation of an approved two-storey, three bedroom apartment in to a single level two bedroom apartment and a common room. The external appearance of the building will not change. In this regard, the proposed modifications are of minimal environmental impact.

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

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

c) it has notified the application in accordance with:

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

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

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

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

Comment: No submissions were received.

S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

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

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

The proposed modification will not change the sustainability outcomes for the approved building.

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

Referral to the Design Review Panel (DRP) was not considered necessary as the proposed modification to the approved flat building is minor. The proposed modification will not affect the building outcomes for most of the relevant Clauses of the SEPP. However the proposal is considered inconsistent with the unit mix objectives and requirements of Part 4K of the ADG because no three bedroom units will remain in the building. The proximity of the site to recreation facilities, schools, retail outlets and public transport make it a desirable location for families who would be more adequately housed in a three bedroom unit. To maintain at least one three bedroom apartment within the development a consent condition is proposed which will require the two apartments on level 8 be converted to a dual key apartment and registered as a single lot on the Strata Plan.

The amenity for residents and social interaction between residents is considered to be improved by the addition of a common room which may accommodate activities such as strata committee meetings, residents meetings or wet-weather activities which may otherwise not be offered in the out door common areas on the roof top and level one (1).

Subject to the addition of the three bedroom apartment, the proposal is consistent with the objectives and requirements under SEPP 65.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
5.1A Development on land intended to be acquired for a public purpose	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R4 High Density Residential

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

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed modification is consistent with the objectives of the zone as it provides a facility to meet the day to day needs of residents.

4.4 Floor space ratio - Residential zones

The modification will not change the gross floor area or the FSR of the approved building.

5.1A Development on land intended to be acquired for a public purpose

Robert Lane, which adjoins the subject site along its eastern boundary, is identified for road widening. The proposed modification will not affect future road widening.

6.12 Essential services

Essential services are provided to the building and the proposed common room.

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
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.3 Communal Open Space	Yes	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes - see discussion
4.4.5 Visual privacy	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
4.6 Parking Provisions - Alterations and additions	Yes	Yes - see discussion
5.1 Building Design - General	Yes	Yes - see discussion
5.2 RFB - Apartment Size	Yes	Yes - see discussion
7.1.2 Wolli Creek Vision	Yes	Yes - see discussion

4.2 Streetscape and Site Context - General

The proposed modification will not change the external appearance of the approved building.

4.3.3 Communal Open Space

The proposed common room is accessed from the internal building car park and from the street. It is not located on the same floor as the outdoor common areas however it is provided with both a bathroom and kitchenette which can support a range of uses.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

The proposed common room and two bedroom apartment face north and will have adequate solar access.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed common room has a single orientation which is less than ideal in achieving cross ventilation however as it is not a habitable space and does benefit from a north-facing, sliding door the degree of ventilation and natural light penetration is acceptable.

4.4.5 Visual privacy

The modification will not change the visual privacy enjoyed by the apartment.

4.4.5 Acoustic privacy

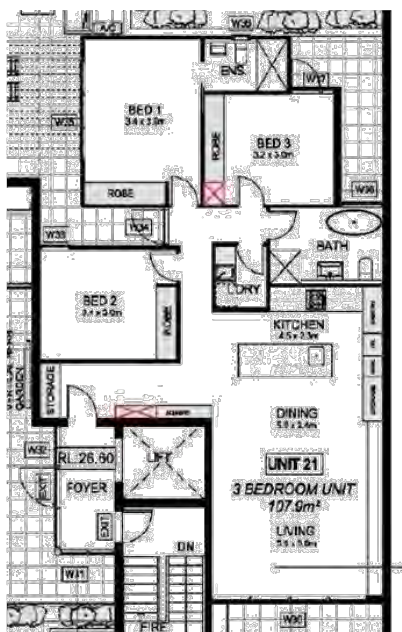
The proposed common room is located directly below Unit 2. The floor between the apartment and the common room has been advised to Council to be a structural element of the building and is likely therefore to provide sufficient acoustic privacy between the common room and the apartment above. The common room does not adjoining any habitable rooms on the same level.

4.5.1 Social Equity - Housing Diversity and Choice

Part 4.5 of RDCP 2011 contains objectives and controls that aim to ensure that apartments in mixed use developments are flexible, maximise housing choice and provide equality of access. The proposal is considered to satisfy the relevant objectives and requirements. Compliance with the key controls are discussed below:

- Provision of 10%-30% 1 bedroom units, 50-75% 2 bedroom units, and 10-20% 3 bedroom units.

The development comprised two(2) x three bedroom units, being Unit 2 (the subject of this modification) and Unit 21 at Level 8. Refer to approved layout of Unit 21 below.



As such the proposal had a slight variation to the total 3 bedroom units within the development (9%).

Modification application DA-2016/86/C requested the conversion of the three bedroom unit in Level 8 to a dual key unit. The proposed modification was approved by the BPP with the following recommendation:

2 That Development Application No 2016/86/C, being a Section 4.55(2) application to amend Development Consent Number 2016/86 for modifications comprising the reconfiguration of level 8 to create a dual key apartment and alterations to rooftop communal open space area at 15-17 Gertrude Street Wolli Creek be APPROVED and the conditions as recommended being amended in the following manner: A By including a condition, approved by the General Manager (or nominee), that gives effect to the following:

- *Allowing a two bedroom and a one bedroom unit on the upper level without the need for a dual key configuration; the number of units approved in the development being increased from 21 to 22; and allowing for the marked dual key door to be deleted.*

Therefore following this last modification, the proposal comprised one(1) x three bedroom unit (Unit 2 the subject of this proposed modification). Further the number of units within the building has been increased to 22. Refer to approved layout of Unit 21 below.



The proposed unit mix does not comply with the requirements of RDCP 2011. In this case, the proposal includes 32% one-bedroom units (7), 68% two-bedroom units (15) and no three bedroom units.

It is noted that Units 21 and 22 have been identified in the strata plan as separate lots and are both under the same ownership. To compensate for the total loss of three bedroom units in the development it is proposed that Units 21 and 22 on level 8 be returned to a dual key apartment and registered on the Strata plan as a single lot.

- Minimum 10% of units being adaptable in accordance with AS 4299, and barrier free access to be provided to a minimum of 20% of apartments.

The provision of adaptable units within the building will not be changed by the proposed modification.

Subject to inclusion of recommended conditions, the proposal is therefore supported in regard to unit mix.

4.6 Parking Provisions - Alterations and additions

The proposed modification will not require additional car parking as no bedrooms are being added to the development. Lot 2 has been allocated one car parking space in the strata plan.

5.1 Building Design - General

The modification will not change the appearance and design of the approved building, aside from deleting the internal staircase joining the existing apartment and the proposed common room, and not creating an opening for the staircase to pass through.

5.2 RFB - Apartment Size

The modification will reduce an approved three bedroom apartment to a two bedroom apartment with an internal area of 90m², and external area of 28m², which is in excess of that required by the ADG.

7.1.2 Wolli Creek Vision

The proposed modification will not make any change on the approved building contributing to the vision

goals for Wolli Creek.

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 as modified. A consent condition has been included which requires the obtaining of a Building Information Certificate for the unauthorised completed works.

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

The relevant matters pertaining to the likely impacts of the development have been assessed under the original proposal. There are no further matters raised in this application that would alter the conclusions reached in the original assessment

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional consent conditions are proposed to control the use of the common room.

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

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

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

The proposed modification is considered satisfactory having regard to the objectives and requirements of Rockdale Local Environmental Plan 2011 and Development Control Plan 2011. As such it is considered that the proposed development is in the public interest.

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

The s94 contribution fee for DA-2016/86 was calculated and indexed to \$386,532.05, which was paid in full on 3 January 2017.

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
Site Plan Rev P	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Basement Level Plan Rev R	Pagano Architects Pty Ltd	21/07/2016	21/07/2016
<i>Ground Level Plan Rev R as amended by Plan Job No. 2298CC, Issue B dated 16.09.2019 and received 17.09.2019</i>	Pagano Architects Pty Ltd	21/07/2016	21/07/2016
Floor Levels 2/3/6/7 Rev O	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
<i>Floor Level 1 Rev O as amended by Plan Job No. 2298CC, Issue B dated 16.09.2019 and received 17.09.2019</i>	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Levels 4/5 Rev R	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Level 8 Rev Y	Pagano Architects Pty Ltd	12/04/2018	12/04/2018
Elevations, Roof Terrace Detail, Letter Box Details Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Roof Plan, Sections, Window Schedule Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Materials and Finishes Rev E	Pagano Architects Pty Ltd	26/04/2016	16/06/2016

[Amendment A-S96(1A) amended on 4 August 2016]

[Amendment B-S96(1) amended on 20 December 2016]

[Amendment C-S96(2) amended on 24 April 2018]

[Amendment D-S4.55(1a) amended on]

- 2a. Prior to the issue of the final Occupation Certificate the two apartment on level 8 (Lots 21 and 22) shall be converted to a dual key apartment and registered on the Strata Plan as a single lot.

[Amendment A - S96(1A) inserted on]

Reason for additional condition 2a is to ensure a three (3) bedroom unit is maintained within the building and the requirements of the Apartment Design Guide part 4K and Clause 4.5.1 Housing Diversity and Choice in Rockdale Development Control Plan 2011 are met.

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 649218M other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. Balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
- 8a. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

- 1 bedroom units - 0.6 spaces per dwelling
- 2 bedroom units - 0.9 spaces per dwelling
- 3 bedroom apartments - 1.4 spaces per dwelling

Non-Allocated Spaces

- Visitor Spaces - 1 space per 5 apartments
- 1 x car wash bay shared within a visitor space
- 1 x loading / unloading area on site shared within a visitor space

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

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Reason for the additional condition: To ensure adequate allocation of on site carparking for residents and visitors on site.

[Amendment A - S96(1A) amended on 4 August 2016]

- 8b. *The common room located on the ground floor shall be identified as common property in the Strata Plan. Prior to issue of the Final Occupation Certificate, the*

amended Strata Plan shall be registered with the Land and Property Information Centre.

[Amendment A - S4.55(1A) inserted on]

Reason for additional condition is to ensure all common areas as registered on the Strata Plan are available to all residents of the building.

9. INTEGRATED DEVELOPMENT / EXTERNAL AUTHORITIES

SYDNEY AIRPORT CORPORATION LIMITED

SACL has approved the maximum height of the proposed building at 31, relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units. For further information on Height Restrictions please contact SACL on 9667 9246.

NSW OFFICE OF WATER

General

- i. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- ii. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- iii. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - B. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- iv. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be

dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

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

Prior to excavation

vi. The following shall be included in the initial report:

(a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. (DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes)

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

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

ix. Groundwater quality testing generally in accordance with Clause 8, shall be

undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

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

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

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

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

During excavation

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

xv. 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.

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

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

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

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

xx. Access to groundwater management works used in the activity is to be provided

to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

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

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

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

Development specific conditions

The following conditions are specific to the Development Application proposal.

- 10. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. One of the visitor's bay within the shared access shall be shared as a SRV loading bay.
- 11. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- 12. Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of a Small Rigid Vehicle from AS2890.2:2002. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site.
- 13. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

Bicycle parking facilities shall be designed in accordance with AS2890.3:1993. Off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.

- 14. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- (i) permit stormwater to be temporarily detained and pumped by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the

- time and in the manner specified in written notice issued by the Council;
- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
15. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
 16. The 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.
 17. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
 18. Temporary dewatering of the site to enable the construction of the subsurface structure shall not be carried out unless a permit has been issued pursuant to the Water Management Act 2000, and, in the case where water is to be pumped into the public road, a permit has been issued pursuant to the Roads Act 1993.
 19. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
 20. 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.
 21. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
 22. The development shall comply with the recommendations of the Acoustic Report prepared by Acoustic Noise & Vibration Solutions Pty Ltd, dated 2nd July 2015 and achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.
 - 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
 - 4 Star for timber flooring in any area.
 - 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

23. a) In order to ensure the design quality excellence of the development is retained:
 - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorized by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.
 b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.
24. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
25. Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW Environment Protection Authority's Environmental Guidelines: Waste Classification Guidelines (2009).
26. The recommendations of the Access Report prepared by AE & D Access Pty Ltd, dated July 2015 are to be implemented on site.
27. The fire hydrant booster shall be relocated to the Robert Lane frontage of the site and be screened from public view. Details are to be submitted to and approved by the PCA prior to the issue of the Construction Certificate.
28. The management of acid sulfate soils on site shall be in accordance with the treatment and contingency measures specified within the Acid Sulfate Soils Assessment prepared by Sullivan Environmental Sciences dated 28 January 2016.

Prior to issue of the construction certificate

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

29. 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 \$6,681.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed

Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
- iii. A Soil and Water Management Sign of \$17.00.

30. Safety & Security

- Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8 prior to the issue of the Occupation Certificate.
- Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
- Graffiti resistant materials are to be used to all ground floor external surface areas. Details to be provided prior to the issue of the Construction Certificate.
- Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development prior to the issue of the Occupation Certificate.

31. The following recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 1st July 2015 are to be implemented on site.

- Balcony/terrace balustrades – preferably of masonry/concrete construction with no openings.
- Pergolas, canopies and awnings over open areas
- Landscaping such as dense shrubs and trees.
- Canopy or pergola on the roof terrace.

Details to be approved by the PCA prior to the issue of the Construction Certificate.

- 32. 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.
- 33. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- 34. Council requires a bond to be paid to cover the partial cost of the works relating to road widening new RC Council drainage pipe and pits, and footpath and pavement restorations. Where the works are undertaken by a Private Licensed Contractor. Contact Council for details of the value of the bond to be paid to Council.
- 35. The connection of storm water drainage pipes to the existing kerb inlet pit in

Gertrude Street must be inspected by Council prior to backfilling. A payment is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.

36. A Section 94 contribution of \$356 884.62 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$194 666.36
Community Services & Facilities	\$10 105.43
Town Centre & Streetscape Improvements	\$22 399.75
Roads Traffic Management & Public Parking	\$75 447.94
Flood Mitigation & Stormwater	\$34 534.04
Pedestrian & Cyclist	\$11 566.70
Administration & Management	\$6 164.40

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

37. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
38. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
39. 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.
40. 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.
41. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within two (2) residential units (10 and 13), and between these units and their allocated carparking spaces. The allocated parking spaces shall be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the

essential (Type C) requirements of AS4299.

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

(Amendment A - S96(1A) amended 4 August 2016)

42. The applicant shall confer with Ausgrid to determine if:

- a. An electricity distribution substation is required.
- b. Installation of electricity conduits in the foot way is required.

Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

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.

Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.

43. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid's requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
44. The approved plans must be submitted to Sydney Water to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifying Authority must ensure that Sydney Water has approved the plans before issue of any Construction Certificate. For more information, visit www.sydneywater.com.au.
45. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
- i) Construction of drainage pits and pipes.
 - ii) Construction of footpath and streetscape works.
 - iii) Construction of a vehicular entrance.

46. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
47. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
48. **Safety & Security**
 - a. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels
 - b. Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners
 - c. A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.
 - d. Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
 - e. Graffiti resistant materials are to be used to all ground floor external surface areas. Details to be provided prior to the issue of the Construction Certificate.
 - f. Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
49. Amended stormwater plans shall be submitted to the PCA for assessment and approval prior to Construction Certificate. The amended design shall address the following issues:
 - (a) Detailed plans showing the basement levels as tanked system.
 - (b) In accordance with section 7.1.9 of Councils DCP 2011 where within the Wollie Creek area a development is required to capture the first 10-20mm of stormwater runoff and detained for re-use purposes, a rainwater tank is required.
 - (c) The stormwater reuse from proposed rain tanks.
 - (d) To incorporate an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.
 - (e) Rain tanks within the basement areas are not recommended and shall be located within the deep soil area or at grade.
 - (f) The design shall identify, and discuss in detail, the measures put in place to re-use water, maintain groundwater quality, minimise at source generation of water pollutants, and convey stormwater flows through the site.

Numerical design standards

- The size of the rainwater storage tank should be sized such that water can be reused without supply from town water for the majority of the year. As a minimum, the storage tank should be capable of storing the first 10-20mm of runoff from the site. Rainwater should be used for landscape irrigation, car washing, and toilet flushing in apartments and general cold water supply at lower levels. NB: The ;
- The rainwater tank should have an overflow at or above the minimum habitable floor level (2.85m AHD).
- The piped drainage within the site should be capable of conveying the 5% AEP flow; and
- Overland flow paths (i.e. situated internally within the building and used when the flow in the piped drainage exceeds the 5% AEP flow) should be capable of conveying the 1% AEP flows.

General design standards

- All piped drainage within the development should discharge to the rainwater storage tank; and
- All surface runoff from car park areas should be directed through a proprietary oil treatment system prior to discharge to the rainwater storage tank. NB: Information regarding the treatment system should be supplied including the type of system to be used and the compatibility of the system with regard to the rainwater reuse objective for the development. The proprietary oil treatment system must provide a high quality of water.

General controls

- The design should meet water sensitive urban design principles.
50. Prior to the issue of the Construction Certificate a Flood Evacuation Management Plan shall be submitted to Principal Certifying Authority (PCA) for assessment and approval. The Flood Evacuation Management Plan shall demonstrate whether evacuation provisions are required, and if so how they will be managed.
Alternatively, where it is recommended that occupants stay within the building, how is this to be communicated to occupants. In this situation occupants need to escape above the PMF level plus 0.5 m. The plan is also to detail how the flood awareness of owners, residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitably qualified and experienced Flood/Hydraulic Engineer.
 51. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
 52. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than

300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

53. A visitor car space shall also operate as a car wash bay. The external car wash bay shall be covered, appropriately signposted with a fixed sign stating 'Visitor Car Space and Car Wash Bay', have a cold water tap and waterproof power outlet. Runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

[Amendment A - S96 (1A) amended 4 August 2016]

54. A revised landscape plan shall be submitted to Council for approval prior to the issue of the Construction Certificate. The landscape plan shall incorporate 'tuckeroo' trees within the landscaped area of the site adjoining the rear boundary of the property in lieu of 'spotted gums'.

The landscape plan shall provide details and elevations on proposed timber privacy screening within communal areas. Details of paving, colours, finishes, planter edging, lighting and the like are to be submitted to Council for approval prior to the issue of the Construction Certificate.

The plan shall be at a scale of 1:100 or 1:200 and comply with Rockdale Technical Specification Landscape and all other relevant conditions of this Consent.

55. The plans submitted with the Construction Certificate shall demonstrate compliance with the following:
 - a. Glass balustrades shall be provided as frosted or opaque.
 - b. Hot water systems upon balconies of dwellings be encased in a recessed box with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
 - c. All plumbing, shall be concealed within the brickwork of the building.
 - d. 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 metres as measured vertically from finished floor level to the underside of the ceiling.
 - e. Relevant objectives and design code requirements of the Building Code of Australia 2015 / DDA Premises Standard pertaining to accessible common domain areas and access to all apartments and the Adaptable Housing standard AS4299 for two (2) adaptable units.
 - f. A minimum ground floor level of 2.85RL shall be provided within the development.
 - g. Structures on the western boundary of the site adjoining the location of the approved vehicular access way shall be of temporary construction. This is to enable future vehicular access to the adjoining sites at 11 / 13 Gertrude Street. Details of any retaining walls and / or fencing or structures on the boundary are to be submitted to the PCA for approval prior to the issue of the Construction Certificate.
 - h. The deletion of the dual key entry door at level 8 as marked in red on the approved plans.

[Amendment C - S96(2) amended on 24 April 2018]

Prior to commencement of works

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

56. 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.
57. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

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

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

58. 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 Gertrude Street 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.

59. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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.
65. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,
- Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
- Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
 - (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.
- The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

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

- 66. 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.
- 67. 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.
- 68. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

During demolition / excavation / construction

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

- 69. 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.
- 70. 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.
- 71. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
 - Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

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

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

73. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
74. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
75. 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.
76. 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.
77. 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.
78. 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.
79. 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.
80. 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.
- 81. 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.
 - 82. 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.

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.

- 83. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 83A. • *Prior to the issue of an Occupation Certificate a Building Information Certificate shall be obtained for the unauthorised works to the ground level and level 1 (two bedroom unit and common room) of the approved building.*

[Amendment A - S4.55(1A) inserted on]

Reason for additional condition 83a is: to ensure the completed work is satisfactory, certified and compliant with relevant legislation.

84. Lot 33 DP 4301 and Lot 32 DP 4301 shall be consolidated into one allotment. A copy of the plan of consolidation shall be submitted to Council prior to release of the Occupation Certificate.
85. 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.
86. 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.
87. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

(d) All common areas shown on the Strata Plan are to be available for use by the residents of the building.

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

(Amendment D-S4.55(1a) amended on)

Reason: To ensure the common room is available for use by the residents of the building at all times.

88. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
89. 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.
90. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at

all times.

91. 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.
 92. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
 93. The vehicular entry in Robert Lane is to be clearly marked and signposted ("entry" or "no entry") from the street and ("exit" or "no exit") internally.
 94. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
 95. 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.
 96. The dedication to Council of land for road widening purposes as follows:
 - A strip of land 2m in width, running the length of the Robert Lane frontage of the site.
 - A 3m x 3m splay corner at the intersection of Robert Lane and Gertrude Street.
 - A drainage easement to Council along open drainage channel – 0.875m wide.
- Council requires proof of lodgement of the signed Linen Plan and 88B Instrument with the Land Titles Office.
97. 22 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, maneuvering areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
 98. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
 99. Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with conditions of this consent. A report is to be prepared, including details & finishes of the walls and floors separating apartments, results of testing and compliance with conditions of this consent. The report is to be submitted to Council prior to the issue of the Occupation Certificate.
 100. Prior to issue of Occupation Certificate the applicant shall submit to the Principal

Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'Acoustic insulation between floors and walls; Star Rating; and Mechanical Ventilation System for the proposed development at 15-17 Gertrude Street Wolli Creek by Acoustic Noise & Vibration Solutions P/L reference No. 2015-341 dated the July 2, 2015' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

101. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
102. 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.
103. 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.
104. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
105. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
106. 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.
107. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
108. 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.
109. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
 110. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
 111. 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 on 10 July 2014.
 112. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater pump and treatment facility to provide for the maintenance of the pump and treatment facility.
 113. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
 114. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
 115. 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.

Roads Act

116. 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.

117. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
118. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in Robert Lane will be required to be undertaken at the applicant's expense:
- i) Construction of stormwater pits and pipes in Robert Lane and drainage easement;
 - ii) Construction of streetscape works in Robert Lane and Gertrude Street.
- Note:** Detailed plans, including plans and longsections of the pipes, are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate. In addition to engineering plans, detailed traffic management plans and erosion and sediment control plans are required. Traffic management plans are required to be prepared in accordance with AS1742 and RTA guidelines. Erosion and sediment control plans shall be prepared in accordance with the Department of Housing "Blue Book".
119. 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.
120. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
121. Where the works are undertaken by a Private licensed Contractor, the contractor shall:
- i) Undertake quality system testing as specified in Specification CQS of AUS-SPEC. Records of quality testing shall be made available to Council at the completion of the works;
 - ii) Engage a supervising engineer (superintendent). The supervising engineer shall, upon completion of the works, submit an engineering certificate for the completed works;

iii) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor.;

iv) A payment to Council shall be made for inspection of the works. The payment shall be determined by Council's City Assets Department and made prior to the commencement of works. If payment is to be made after the end of financial year, this amount shall be adjusted in accordance with Council's adopted fees and charges;

v) Provide Council with 48 hours notice of the following:

- a) Commencement of the works
- b) Completion of Sub base
- c) Completion of drainage trench before backfilling
- d) Completion of base course and
- e) Completion of works.

Note: An inspection by Council is required at each of these stages. Works shall not continue until inspected by Council. Inspection by Council does not relieve the responsibility of a Private Licensed Contractor to undertake quality testing in accordance with the Council's Construction Specifications (AUS-SPEC), have the works inspected by the superintendent and have the superintendent submit an engineering certificate.

vi) Maintain the works for the duration of the Defects Correction Period, which shall be 6 months. (The Defects Correction Period commences on the date of acceptance of the completed works by Council). During this period the contractor shall:

- a) Keep the works clean and free of silt, rubbish and debris;
- b) Maintain, renew and repair, either in whole or in part, defective works as identified in written notice by the Council so that the works function 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;
- c) Carry out the matters referred to in paragraphs (i) and (ii) at the contractor's expense;
- d) Not make alterations to the system or elements thereof without prior consent in writing of the Council;
- e) Comply with the terms of any written notice issued by the Council in respect to the requirements of this condition within the time stated in the notice.

In the event of the contractor failing to comply with the terms of any written notice served in respect of the matters in this condition the Council or its authorised agents may carry out any work required to ensure the safe and efficient operation of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees).

- 122. 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.
- 123. 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.

124. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.
125. Council requires a bond to be paid to cover the partial cost of the works relating to the road widening, kerb and gutter and footpath and pavement restorations, where the works are undertaken by a Private Licensed Contractor. A bond equal to 20% of the full construction cost shall be provided to Council prior to the completion of the works. The bond may be provided as a monetary payment or as a bank guarantee.

The operation of the bond commences on the date of completion of the works, being the date of instruction by Council that works have been completed in accordance with any consent provided by Council pursuant to the Roads Act 1993. The bond is obtained to enable Council to retain and expend money to make good incorrectly or inadequately constructed works or to construct incomplete non-constructed works or parts of them associated with the new RC Council drainage pipe and pits, and footpath and pavement restorations as determined by Council.

The bond shall remain in force for not less than six (6) months from the date of completion of the works. Council is not obliged to release the bond or any part of it whilst the bond is in force as described above.

Development consent advice

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

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

- d. 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. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

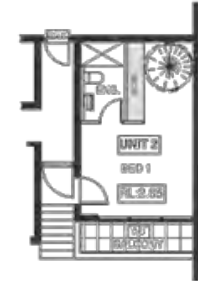
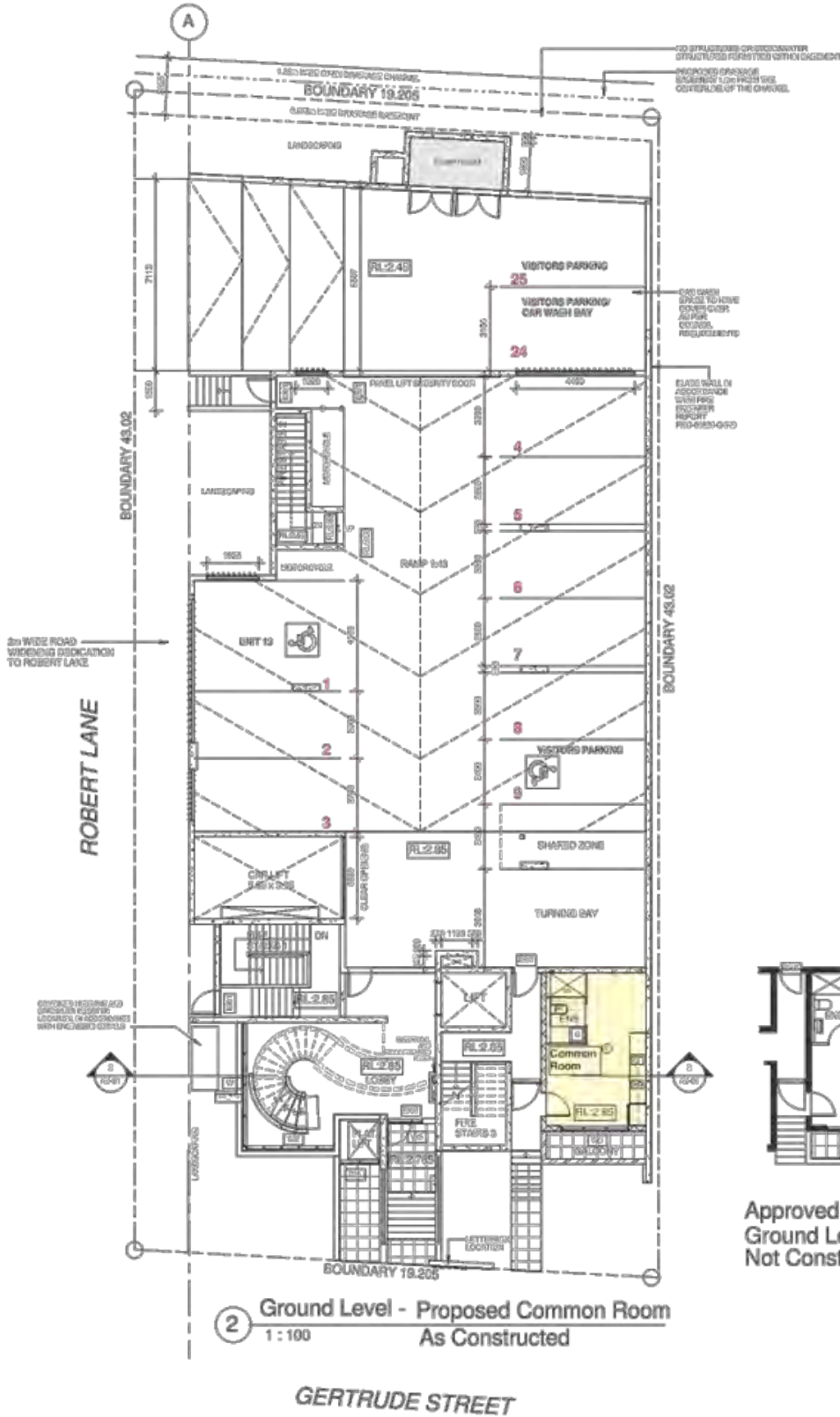
All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the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

- g. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- h. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- i. The water from the rainwater tank should not be used for drinking, Sydney Water

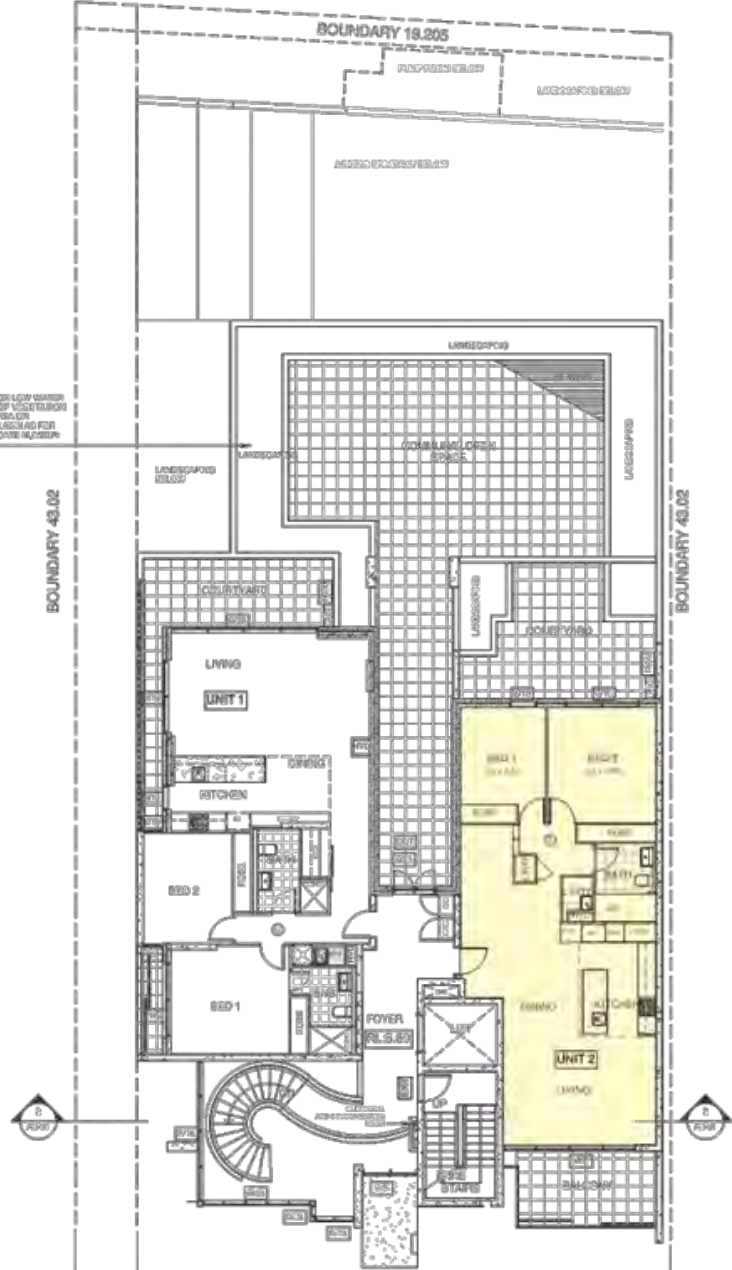
shall be advised of the installation of the rainwater tank.

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.

- j. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- k. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.



Approved Layout Unit 2
Ground Level 1:100
Not Constructed



Level 1 Unit 2
1:100 As Constructed



Approved Layout Unit 2
Level One 1:100
Not Constructed

No.	Description	Date	Notes	AS CONSTRUCTED UNIT 2 INTERNAL ALTERATIONS & PROPOSED COMMON ROOM	15-17 GERTRUDE STREET, WOLLONGONG
A	4.05 1(A) Internal Alterations and Proposed Subdivision of Unit 2	08.07.2019	Notes: This drawing is a preliminary drawing. It is not to be used for construction purposes. It is for information only. It is not to be used for any other purpose.	15-17 Gertrude Street, Wollongong NSW 2520	15-17 Gertrude Street, Wollongong NSW 2520
B	Revised 4.05 1(A) Proposed Common Room	18.09.2019			

04.07.19
Scale of A1
1:100

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DN

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Bayside Local Planning Panel

12/11/2019

Item No	6.3
Application Type	Development Application
Application No	DA-2018/151
Lodgement Date	07/06/2018
Property	238-242 Rocky Point Road, Ramsgate
Ward	Ward 5
Owner	Soliel Luxury Apartments Pty Ltd
Applicant	CMT Architects Australia Pty Ltd
Proposal	Integrated Development: Demolition of existing buildings, construction of a 5 storey mixed use development comprising 2 commercial tenancies and a boarding house containing 70 rooms and basement car parking
No. of Submissions	27 in the first round, 35 in the second round
Cost of Development	\$9,693,258
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 building height prescribed by Clause 4.4 - Floor Space Ratio of the Rockdale Local Environmental Plan 2011, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development would 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-2018/151 for Integrated Development: demolition of existing buildings, construction of a 5 storey mixed use development comprising of 2 commercial tenancies and a boarding house containing 70 rooms and basement car parking at 238-242 Rocky Point Road, Ramsgate 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 Planning Assessment Report [↓](#)
- 2 Site Plan [↓](#)
- 3 Basement Plans [↓](#)
- 4 Elevations and Sections [↓](#)
- 5 Landscape Plans [↓](#)
- 6 Clause 4.6 statement - height [↓](#)
- 7 Route 476 bus timetable
- 8 Boarding House Plan of Management [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2018/151
Date of Receipt:	7 June 2018
Property:	238 Rocky Point Road, RAMSGATE (PT B DP 102921) 242 Rocky Point Road, RAMSGATE (Lot C DP 102921)
Owner:	Soleil Luxury Apartments Pty Ltd
Applicant:	CMT Architects Australia Pty Ltd
Proposal:	238-242 Rocky Point Road, RAMSGATE NSW 2217 - AMENDED PLANS - Integrated Development: Demolition of existing buildings, construction of a 5 storey mixed use development comprising of 2 commercial tenancies and a boarding house containing 70 rooms and basement car parking
Recommendation:	Approved
No. of submissions:	28 in first round, 35 in the second round when re-advertised
Author:	Andrew Ison
Date of Report:	12 November 2019

Key Issues

The subject site has two zones – B4 Mixed Use for most of the site and R3 Medium Density at the rear.

The proposed development is similar to the previous mixed use development that was approved by the Bayside Local Planning Panel on 27 February 2018, with respect to the same height and building footprint.

The BASIX requirements do not apply as it is a large boarding house designed to accommodate more than 12 people or with a gross floor area of more than 300 square metres.

Whilst not a development as per SEPP 65 (Design Quality of Residential Apartment Development), this DA was referred to the Bayside Design Review Panel (DRP) with the Schedule 1 Design Criteria considered.

The proposed development has utilised the 0.5:1 Floor Space Ratio (FSR) bonus as per the Affordable Rental Housing SEPP. It meets the FSR with the breezeway areas on the four boarding house room levels excluded from the calculations.

The communal room on the ground floor does not meet the minimum three hours solar access in mid-winter between 9am and 3pm as per the Affordable Rental Housing SEPP, however, it does meet these requirements from 8am to 11am.

The manager's room (Room 1.02) exceeds the 25 square metre maximum as per the Affordable Rental Housing SEPP, however this can be defined as a dwelling which does not have a restriction.

The proposed development exceeds the 16 metres Height of Building Development Standard as per the Rockdale Local Environmental Plan (LEP) 2011, with a Clause 4.6 statement lodged by the applicant.

The DA was advertised for 14 days to 11 July 2018 with 26 submissions received, including one petition with 123 signatures. Amended plans were received, proposing an additional basement level to address car parking concerns. The additional excavation will hit the ground water and hence will be Integrated Development. On that basis, it was re-advertised for 30 days to 11 June 2019, with 35 submissions received in the second round, including two petitions with 133 and 129 signatures respectively. The issues raised, but not restricted to, include car parking, impacts on amenity, strains on public transport, impact on local character, traffic, types of residents who will be living there, safety concerns, overdevelopment and noise.

The Roads and Maritime Services (RMS) have issued concurrence, with access to be via a rear laneway that is accessed via Meaurants Lane.

The NSW Police have nominated the proposed development as a moderate crime risk, however has still issued conditions to improve safety.

Water NSW have issued General Terms of Approval.

Amended plans are recommended, relating to the loading bay, providing the minimum private open space requirements for the manager's room, providing a minimum of 4 accessible rooms, providing accessible spaces adjacent to the lift, the building line for both shops at street level to be consistent and the lower half of the main windows for the rooms facing the eastern building line to be translucent.

Recommendation

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 building height prescribed by Clause 4.4 - Floor Space Ratio of the Rockdale Local Environmental Plan 2011, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives for development within the zone.

That development application DA-2018/151 for Integrated Development: demolition of existing buildings, construction of a 5 storey mixed use development comprising of 2 commercial tenancies and a boarding house containing 70 rooms and basement car parking at 238-242 Rocky Point Road, Ramsgate 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.

That the submitter(s) be notified of the Bayside Local Planning Panel's decision.

Background

History

The subject sites contain 3 commercial buildings, with the recent history being a series of applications relating to the commercial use of these buildings.

Most recently, DA-2017/174 was approved by resolution of the Bayside Planning Panel on 27 February 2018 for the construction of five (5) storey mixed use development comprising of three (3) commercial suites and eighteen (18) residential units, two (2) levels of basement carparking, associated landscaping and hydraulic works and demolition of existing structures.

The subject Development Application was lodged with Council on 7 June 2018. The proposal included 74 boarding house rooms (11 x single and 63 x double), two levels of basement and two commercial tenancies.

Amended plans were received on 19 February 2019. These amended plans included an additional basement level to accommodate additional car parking, the removal of the three ground floor rooms and increase in communal space, a reduction of rooms from 74 to 70 and also an increase in the number of single boarding house rooms within the mix.

Proposal

DA-2018/151 seeks development consent for the demolition of existing buildings, construction of a 4 storey mixed use development comprising of 2 commercial tenancies and a boarding house containing 70 boarding house rooms (25 single lodger and 45 double lodger) and basement car parking.

Further detail of the proposed is as follows:

Basement Level 3

- 16 car parking spaces;
- 6 motorcycle spaces; and
- 14 bicycle spaces

Basement Level 2

- 13 car parking spaces;
- 3 bicycle spaces;
- and bin storage

Basement Level 1

- 11 car parking spaces;
- 4 motorcycle spaces;
- car wash / loading space;
- bin storage; and
- services

Ground Floor

- Two commercial tenancies addressing Rocky Point Road (shop 1 with an area of 95sqm and shop 2 with an area of 65sqm);
- Manager's office;
- Male and female toilets;
- Storage;
- Communal laundry;
- Indoor and outdoor communal space; and
- Vehicular access via the rear laneway.

Level 1

- 17 boarding house rooms (manager's room, 1 single lodger and 15 double lodger)

Level 2

- 18 boarding house rooms (1 single lodger and 17 double lodger)

Level 3

- 18 boarding house rooms (8 single lodger and 10 double lodger)

Level 4

- 17 boarding house rooms (15 single lodger and 2 double lodger)

Rooftop

- 165sqm of communal open space

Vehicular access to the proposed development is via a future lane to the rear of the subject site, which is yet to be constructed.

The proposed development generally utilises the same built form as the previously approved mixed use development, with the exception of three basement levels for parking, a different ground floor layout, and no upper floor balconies on the eastern elevation.



Figure 1: Photo Montage of the proposed development, provided by the applicant

Site location and context

The subject sites are located at 238, 240 and 242 Rocky Point Road, Ramsgate (Lots B and C in DP 102921). The proposed development site has a combined total frontage of 18.29 metres and a combined total site area of 799.1 square metres. The subject sites currently contain commercial buildings (all of which are currently occupied by businesses), and associated structures. The sites have a gentle cross fall from Rocky Point Road to the rear. The subject site is located within the Ramsgate town centre, on the eastern side of Rocky Point Road and to the north of Ramsgate Road. The subject site is surrounded by a number of land uses, with a similar type mixed use development neighbouring the site to the north, single storey commercial buildings to the south, and low density residential to the east on Meaurants Lane and Campbell Street, and to the west of the site on Rocky Point Road, with a church also adjacent to the site to the west.



Figure 2: Aerial showing subject sites, marked in red (Source: Bayside IntraMaps)



Figure 3: Site photo subject sites, marked in red (taken 2 September 2019)

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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 (Affordable Rental Housing) 2009

Clause 26 – Land to which Division applies

The subject properties are zoned both B4 Mixed Use and R3 Medium Density Residential, both of which are prescribed under this Clause.

Clause 27 – Accessible Area

The subject site is defined as being within an accessible area (i.e. within 400 metres of a bus stop), with the nearest bus stop being approximately 120 metres to the north on Rocky Point Road near the Clarkes Road intersection. This bus stop includes the Route 476 service (Rockdale to Dolls Point loop service) and provides at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

Applicable Clause	Provision	Proposed	Complies
29 – Standards that cannot be used to refuse consent	Floor Space Ratio – cannot exceed the LEP standard plus 0.5:1 (i.e. 2.5:1)	The applicant has nominated the FSR bonus for this proposed development. Based on a land area of 799.1 square metres, this equates to a gross floor area (GFA) of 1,997.75 square metres. The proposed development has a GFA of 1,944 square metres which equates to a FSR of 2.42:1	Yes, but see Note 1
	Building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land	The maximum building height exceeds the maximum height permitted in the LEP	No, see Clause 4.6 assessment later in the report
	Landscape treatment of the front setback area is compatible with the streetscape in which the building is located	The front setback is considered to be consistent with other completed mixed developments within proximity to the subject site	Yes

Development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	The ground floor communal room can provide for 3 hours sunlight from 8am	No, see Note 2
One area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers	A rooftop communal open space area is proposed which exceeds 20 square metres	Yes
One area of at least 8 square metres with a minimum dimension of 2.5 metres is provided for the boarding house manager adjacent to that accommodation	The nominated managers room on the first floor (Room 1.02) has an area of 3.40 square metres with a depth less than 2.5 metres	No, however this can be imposed as a condition in the attached schedule of draft conditions
At least 0.5 parking spaces are provided for each boarding room	The proposed development has included 36 parking spaces (35 for the rooms and 1 for the manager)	Yes, see Likely Impacts of the Development section for full calculations
Not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site		
Each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: - 12 square metres in the case of a boarding room intended to be used by a single lodger, or - 16 square metres in any other case	Each of the 70 rooms (25 x single and 45 x double lodgers) exceed the minimum	Yes
May have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room	Each room has private kitchen and bathroom facilities	Yes

30 – Standards for boarding houses	If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided	A ground floor communal room is provided on the plans	Yes
	No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres	69 of the 70 rooms do not exceed a total of 25 square metres, with the exception of the manager's room on the first floor	No, see Note 3
	No boarding room will be occupied by more than 2 adult lodgers	No room will be occupied by more than 2 lodgers	Yes, this can be imposed as a condition in the attached draft schedule
	Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger	Each room as a private bathroom	Yes
	If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager	A manager's room has been nominated on the first floor (Room 1.02)	Yes, see Note 3
	If the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use	No ground floor rooms are proposed	Yes
	At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms	14 spaces for both bicycles and motorcycles have been shown within the basement level plans	Yes

Note 1: Floor Space Ratio

The GFA calculations have excluded the breezeways on the first, second, third and fourth floors. This is consistent with the Land and Environment Court decision made on 25 November 2015 in the case of *GGD Danks Street Pty Ltd and CR Danks Street Pty Ltd v Council of the City of Sydney*.

In this decision, it was of the view that corridors such as breezeways did not form part of the GFA as it was contained on either side by the external walls of the rooms on either side of the corridor. The external face of the wall cannot be characterised as an internal face because an external wall has a specific function that distinguishes it, that being, weatherproofing. Given that these breezeways, including the T formations within each of the two buildings will be subject to weather elements such as rain and wind, the walls containing the corridor were considered to be external walls and therefore not included as internal floor space for the purpose of GFA and the calculation of FSR.

Based on the above, it is recommended that this interpretation is supported by the Bayside Local Planning Panel.

Note 2: Solar access to communal room

The east facing ground floor communal room does not meet the 3 hours solar access requirements as per the wording of this provision as the starting point is 9am. The 12pm diagram in mid-winter demonstrates a narrowly angled shadow casting east however does cover the entire eastern elevation and therefore it cannot be demonstrated that it meets the 3 hour minimum in this six hour period.

However, a broader 8 hour period starting point of 8am and finishing at 4pm in mid-winter is a legally accepted methodology when calculating acceptable sun access. For east and west glazing these earlier and later periods of winter sun are actually the most effective, because the sun penetrates deeper into the apartments. Moreover, at 8am this communal room will be well used by the boarding house residents.

It is considered that if 8am is used as a starting time, it can demonstrate compliance with the 3 hour minimum.

Based on the above, it is recommended that this variation is supported by the Bayside Local Planning Panel.

Note 3: Boarding house manager's room

The nominated boarding manager's room on the first floor has an area of 50 square metres. When looking at the typical floor plan of the proposed development, this area occupies an area that would be taken up by two boarding house rooms.

As discussed earlier in this section, this area will be further reduced to accommodate a compliant private open space area of 8 square metres and a depth of 2.5 metres.

This Clause in the SEPP states that for boarding houses with 20 or greater rooms that "a boarding room or on site dwelling will be provided for a boarding house manager". The 25 square metre development standard only applies to rooms so if this was nominated as a dwelling the standard does not apply. In this instance, it could be defined as a dwelling given that it is capable of being occupied or used as a separate domicile as per the Standard Instrument definition of a dwelling.

Based on the above, it is recommended that this variation is supported by the Bayside Local Planning Panel.

Clause 30A – Character of local area

This Clause prescribes that a consent authority (i.e. Council) must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

For the purposes of this Clause, the local area is defined as the Rocky Point Road corridor that defines the northern part of the Ramsgate town centre corridor north of Dillon Street.

The character of this area is described as an evolving streetscape, with a small number of mixed-use developments approved and constructed as well as a number of older single storey commercial buildings. In addition, there are some other land uses including residential dwellings and a place of worship on the western side as it is a transition area between the Ramsgate town centre and a residential area to the north.

The built form of the proposed development is consistent with the mixed-use development that was approved by the Bayside Local Planning Panel on 27 February 2018 with a street wall and articulation on the fourth storey, and architectural elements including off form concrete and light retractable louvres.

The proposed development was referred to the Bayside DRP, who was supportive of the development subject to amendments which are discussed in further detail later in this report.

The applicant has designed a mixed-use development with commercial tenancies on the ground floor that addresses Rocky Point Road, which maintains an active commercial frontage to the main street through the Ramsgate town centre. The development meets the Floor Space Ratio (FSR) development standard and a minor encroachment above the Height of Building development standard as discussed later in this report. The setbacks are consistent with the Rockdale DCP requirements and also meets the solar access and privacy requirements to neighbouring properties. The 70 boarding house rooms on the four levels above the ground floor all meet the minimum and maximum room sizes as prescribed under this SEPP (with the exception of the manager's room). There are three levels of basement which provides 40 on site car parking spaces which fully complies with the prescribed requirements for boarding houses and commercial uses.

Taking the above into consideration, it is considered that the proposal will be compatible with the character of the local area and satisfies this Clause.

Clause 52 – Subdivision

No subdivision is proposed. A condition will be imposed within the attached schedule of conditions stating that subdivision is not permitted.

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

The Department of Planning have developed an alternative assessment process to be used to assess the thermal comfort of large boarding house developments (i.e. those designed to accommodate more than 12 people or with a gross floor area of more than 300m²). Large boarding houses include student accommodation developments that meet the above criteria.

The alternative assessment process allows the thermal comfort of a large boarding house development to be assessed at a later stage (i.e. the construction certificate stage) against the Section J requirements of the Building Code of Australia (BCA).

A Section J report has been submitted with the application and compliance with the recommendations of this report will be imposed as a condition in the attached draft schedule of conditions.

State Environmental Planning Policy (Infrastructure) 2007

The following sections of this SEPP are required to be considered as part of this application:

Clause 45 – Works within the vicinity of electricity infrastructure

The proposal involves works within the vicinity of electricity infrastructure, that being overhead powerlines on Rocky Point Road. Therefore in accordance with Clause 45(2) the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

Accordingly, the proposal has been sent to Ausgrid and Telstra. Neither Ausgrid or Telstra have not provided any comments, and accordingly it is deemed that they have no objections to this proposal.

The application is consistent with the provisions of the SEPP and is acceptable in this regard.

Clause 101 Development with frontage to classified road

The proposed development is located on land with a frontage to Rocky Point Road, which is defined as a classified road as prescribed in the Schedule of Classified Roads and Unclassified Regional Roads as prepared by the Roads and Maritime Services (RMS). In this regard, this Clause must be considered before consent can be granted.

The consent authority (i.e. Bayside Council) is satisfied that vehicular access into the development will be provided via a legal right of way at the rear of the subject sites, running south from Meaurants Lane, that was created when the land that is subject to this application was subdivided and registered in 1951.

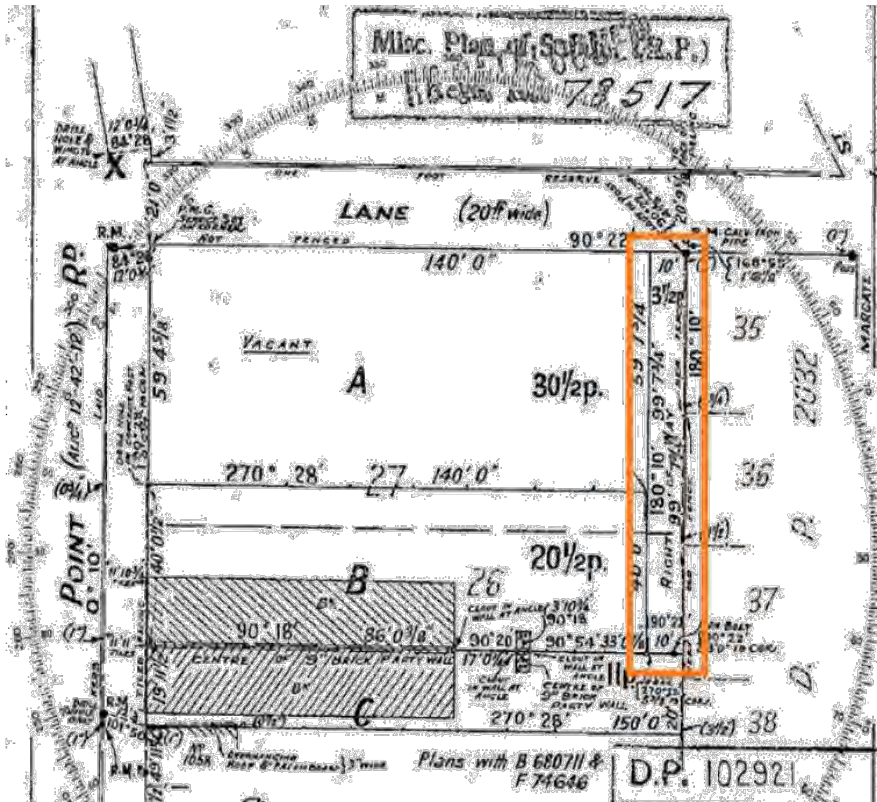


Figure 4: Extract from Deposited Plan 102921 showing right of carriageway at the rear of the site (highlighted in orange). (Source: NSW Land Registry Services)

This application was referred to the RMS. They have provided concurrence subject to conditions.

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

There are no trees on the subject sites, however, there are trees in rear of the neighbouring property at 244-246 Rocky Point Road, with part of its canopy overhanging on to the subject property. An arborist report has been lodged as part of the application. This has been reviewed by Council's Tree Management Officer, with conditions to be imposed on any development consent issued. Therefore the proposal is satisfactory with regards to the provisions of the SEPP.

State Environmental Planning Policy No 55—Remediation of Land

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

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

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

Despite Clause 4(4) of this SEPP stating that this Policy does not apply to a boarding house, it presents a built form consistent to a mixed-use development as per this Clause. Hence the applicant was advised to apply to the Bayside Design Review Panel (DRP), in which the proposed development would be assessed against the Schedule 1 Design Quality Principles.

The proposed development was reported to the DRP on 5 July 2018. The Panel recommended support for the application subject to amendments as listed below:

The Panel is concerned that the projecting Juliet balconies to the rear façade create a sense of overlooking of adjacent properties and would prefer that these were recessed into the façade or otherwise treated to reduce this potential impact.

Comment: The east facing balconies on the upper floors have been removed, although the four east facing rooms on the fourth storey have been retained.

The Panel does not support the window alignment of the ground floor rooms facing the rear lane and considers that there should be a transitional space such as a planter or small private open space screened from the lane in order to improve their amenity and security.

Comment: The ground floor rooms have been deleted and replaced with a larger communal space. Furthermore, a planter box has now been added to the edge of the building line which will further improve security to this area.

The internal lightwell spaces are too narrow to deliver satisfactory levels of acoustic or visual privacy between rooms. The lightwells correspond to the setbacks to the existing building to the north to extend this lightwell space across both sites.

Comment: The building separation has increased on the third and fourth storeys, with these storeys likely to receive more sunlight than the lower three levels in mid-winter. Accordingly, the floor area has been reduced on these storeys as a result of pushing out the separation with the rooms on either side now being single lodger rooms. This will improve both acoustic and visual privacy to these units.

The Panel is not convinced that the small setback of the Shop 2 shopfront is likely to provide substantial amenity for outdoor seating and recommends that the shop front of Shop 2 be moved west to have a nil setback.

Comment: The plans have not been amended however this can be conditioned. Furthermore, this will provide a street frontage that is consistent with the previous mixed-use approval.

Further opportunities for including sustainability initiatives in the design above and beyond those required by BASIX, such as solar energy generation, rainwater harvesting, etc.

Comment: As discussed later in this report, BASIX does not apply to this proposed development, with a

Section J report to be conditioned in the attached schedule.

The Panel recommends further enhancement of the roof top communal open space with shade structures, seating and the like noting that the small room sizes make it very likely that the communal open space will be well used by residents.

Comment: The landscaping plans have been amended to show shade type structures on the rooftop area along the southern elevation as well as the inclusion of seating and sunbeds. A condition will also be imposed to place a toilet in the rooftop terrace to increase amenity for the users.

The Panel notes the raised turf area on the roof will need to be accessible.

Comment: The turfed area has been amended to now be at the same RL as the hardstand areas adjacent.

The Panel considers the internal arrangement of the ground floor level and proposed communal space should be reconfigured to provide:

- 1. A more usable space for residents (rather than a mere circulation space).***
- 2. Toilet spaces for the retail tenancies.***
- 3. A direct relationship between the bin store and the point of garbage collection on the lane (there appears to be multiple bin stores shown).***
- 4. Improved visual and acoustic privacy for rooms G01, G02 and G03.***
- 5. A private open space for the caretaker in accordance with the SEPP.***

Comment: The following amendments have been included:

1. The communal room on the ground floor has been opened up with the removal of the three proposed ground floor rooms;
2. Toilet spaces have been included along the southern side of the ground floor;
3. The bin storage areas have been relocated to the basement;
4. Rooms G01, G02 and G03 have been deleted; and
5. A private open space has been included for the first floor manager's room but will be required to be amended to achieve compliance.

The accessible parking spaces should be located adjacent to the lift.

Comment: This requirement could be conditioned.

Based on the above, it is considered that the amended plans have satisfactorily addressed the concerns raised by the DRP.

The design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

Principle 1: Context and Neighbourhood Character

The locality is located within the Ramsgate town centre and is zoned B4 Mixed Use as prescribed under the Rockdale LEP 2011. The existing streetscape of Rocky Point Road is characterised primarily single storey commercial buildings and multistorey mixed use and shop top housing developments, however, given that it is on the northern fringes of the

Ramsgate town centre, it also features other land uses such as low density residential dwellings and a place of worship.

The zone objectives for the B4 Mixed Use zone is to provide a mixture of compatible land uses, and 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. Accordingly, this is an area that has gradually been undergoing transition, with a number of mixed use and shop top housing developments recently constructed within the Ramsgate town centre. Furthermore, the proposal is consistent with the desired future character, with respect to generally meeting the relevant development standards in the Affordable Rental Housing SEPP, Rockdale LEP 2011 and Rockdale DCP 2011 (with the exception of those discussed further throughout this report).

Principle 2: Built Form and Scale

The built form of the proposed development will actively contribute towards the evolving nature of the streetscape and character for Rocky Point Road, with respect to the scale, bulk and height of the building, and also manipulation of building elements adding visual interest from the street. Internal amenity, outlook and surveillance opportunities are provided through a high number of west and east facing rooms, as well as the ground floor communal room and the centralised communal open space on the roof top.

Principle 3: Density

The density is considered acceptable with respect to the bulk and scale of the development, as it is generally within the LEP Height of Building development standard (with the exception of the communal open space area and lift over run), and meets the Floor Space Ratio development standard (including the bonus granted under the Affordable Rental Housing SEPP). Furthermore, there is sufficient communal open space. The application of these principles means that it is not considered to be overdevelopment of the site. It is in within the Ramsgate town centre, which has regular bus services, and is within walking distance of a number of public parks and reserves, as well as schools.

Principle 4: Sustainability

The proposed development does demonstrate opportunities for natural cross ventilation through the development and sunlight for a large number of rooms along the western and eastern elevations. These will assist with heating and cooling and thus reducing reliance on technology and operation costs.

Principle 5: Landscape

Landscape details have been provided, with respect to the communal areas. This has been reviewed by our Landscape Architect, and is deemed acceptable, subject to the imposition of conditions.

Principle 6: Amenity

The design provides a good level of amenity for future occupants by providing appropriate room dimensions, suitable solar access to east and west facing rooms, natural ventilation through each floor, as communal open space, and ease of access for all age groups and degrees of mobility.

Principle 7: Safety

The NSW Police have provided comment on the proposed development, and have provided a series of recommendations which will be imposed as conditions of consent, including monitored security cameras are incorporated at residential / vehicular entries, within basement levels, and also to require the provision of clear directional signage to advise users of security measures in place. With respect to the proposed development overall, it provides for an easily identifiable, prominent and generous residential lobby entry from Rocky Point Road, with commercial tenancies comprising individual distinguishable pedestrian entries. Residential apartments & car parking areas on site will be accessible via a secure electronic system. Common areas will be well lit with clearly defined legible pathways.

Principle 8: Housing Diversity and Social Interaction

The proposed development will provide suitable accommodation that will cater for different budgets and housing needs. This will aid in addressing housing affordability.

Principle 9: Aesthetics

The proposal incorporates a varied palette of colours and materials to create visual interest when viewed from the public domain. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R3 Medium Density Residential	Yes - see discussion	Yes - see discussion
2.3 Zone B4 Mixed Use	Yes - see discussion	Yes - see discussion
4.3 Height of buildings	Yes - see discussion	No - see discussion
4.4 Floor space ratio - Residential zones	Yes - see discussion	Yes - see discussion
4.6 Exceptions to development standards	Yes - see discussion	Yes - see discussion
5.1 Relevant acquisition authority		
5.1 R3 Medium Density Residential	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
6.7 Stormwater	Yes - see discussion	Yes - see discussion
6.11 Active Street Frontages	Yes - see discussion	Yes - see discussion
6.12 Essential services	Yes - see discussion	Yes - see discussion

2.3 Zone R3 Medium Density Residential

The proposal seeks to retain the rear portion of the site zoned R3 Medium Density Residential, which is 6m wide, for the purposes of 'road' as defined by the LEP. This is permissible within the subject zoning and consistent with the requirements and objectives of the zone.

2.3 Zone B4 Mixed Use

The portion of the site zoned B4 mixed use is proposed to comprise commercial premises and boarding house. The aforementioned proposed uses are permissible within the subject zoning and thus the proposed development is consistent with the objectives and requirements of the B4 zone.

4.3 Height of buildings

The proposal seeks maximum building height of 19.5m, which exceeds the 16m standard and represents a variation of up to 22%. A summary of the building elements and their exceedance are provided below:

- Lift overrun and fire stairs: Up to 3.5m (22%)
- Planter and balustrade: Approximately 1.2m (7.5%)
- Roof feature over walkway connecting to central building core: Up to approximately 3m (19%)
- Roof level on the eastern side of the development: Approximately 0.37m (2%)

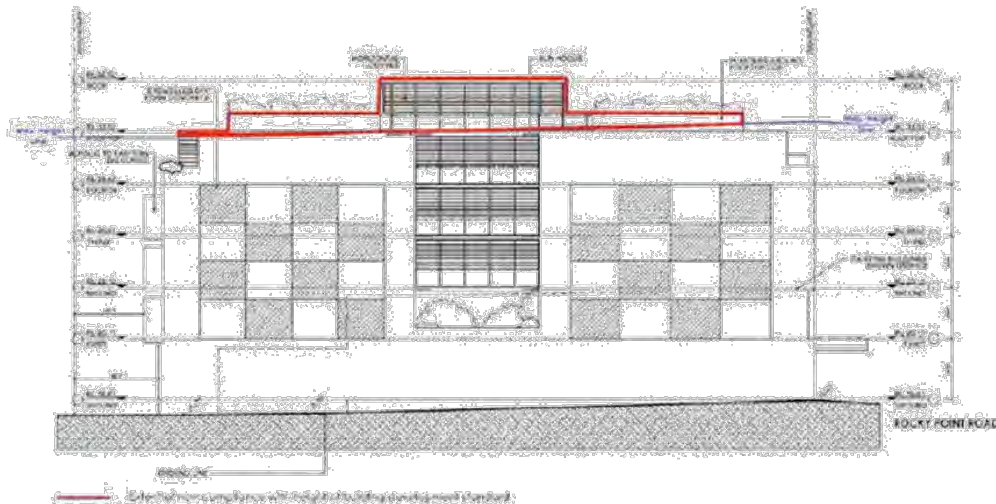


Figure 5: Extract from Clause 4.6 statement

4.4 Floor space ratio - Residential zones

See the Affordable Rental Housing SEPP assessment earlier in this report for FSR assessment.

4.6 Exceptions to development standards

Sub-clause 3 of the LEP states the following:

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.

Applicant's Clause 4.6 Statement

It is believed that strict compliance with the development standard is unnecessary in the circumstances of the case, as the proposal generates no adverse impacts in regard to overshadowing and view loss.

With relation to overshadowing, due to the orientation of the site and as shown in the lodged shadow diagrams the shadow moves quickly across the site and adjoining lands. The shadows fall mostly on the Rocky Point Road in the morning and then moves across adjoining properties quickly through the day. The overshadowing generated by the proposal would not be improved by a complying scheme due to the orientation of the site to properties to the south. Also, the overshadowing cast on adjoining properties is the same as that cast by shadows from the current approved development on the site.

With relation to view impacts, the non-compliance would not be evident from the street. The main area of non-compliance is located in the centre of the proposal and therefore a reasonable design outcome for the site.

Importantly, in relation to achieving a better planning outcome, should the design be amended to comply it would cause an inferior design and planning outcome with no better environmental outcome. So the proposal is optimal as it stands. Moreover, the proposal ensures the future viability of the Local Centre promoting the land use zone objectives. As such, there is sufficient justification for the proposal on the environmental planning grounds to allow for the contravention of the development standard.

Council response

In this instance, the proposed variation meets the requirements under this sub-clause.

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case due to the below:

- The natural topography of the site is as such that there is a cross fall of 1 metre from Rocky Point Road to the rear. The ground floor level of the development has been designed so as to be as close to the natural ground level as possible. Notwithstanding, in certain locations the ground floor level is raised up to 1 metre along the eastern elevation to accommodate the ground floor slab.
- The primary penetration of the height limit is to accommodate for rooftop structures for the purposes of a lift overrun and for the rooftop communal open area.
- With respect to the lift overrun, this is required for a lift cart with approximately 0.6m to 1m additional height to permit the installation of the lift overrun which consists of cables / bolts and beams to pull the lift up and down the rails on the back wall. This is an essential piece of infrastructure to enable access to the communal rooftop terrace.
- The proposed rooftop structures relating to the communal open space have been provided to the benefit of future occupants on the site, as well as address the requirements for communal open space.

There are sufficient environmental planning grounds to justify contravening the development

standard.

- *The additional height will still permit the communal room on the ground floor to receive three hours of natural light in mid-winter as well as the minimum requirements to the private open space and living areas for the neighbouring residential properties.*
- *The proposed planters at rooftop level also double as balustrades which are recessed into the design of the development, minimising their visual bulk and prominence. The balustrades will not be clearly visible from the public domain at pedestrian level, will not affect the visual perception of the overall built form of the proposed building, nor the land use intensity at the site. It is further noted that balustrades are required to be provided within the communal open space to ensure the safety of users and satisfy the requirements of the Building Code of Australia.*

Sub-clause 4(a) of the LEP states the following:

Development consent must not be granted for development that contravenes a development standard unless 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

Council response

- The applicant has adequately addressed the matters under sub-clause 3; and
- The proposal is consistent with the relevant objectives of Clause 4.3 (Height of Buildings) in the LEP in that the development is a high-quality urban form and retains appropriate sky exposure and solar access on site and to neighbouring properties.
- The proposal is consistent with the B4 Mixed Use zone, providing redevelopment in an accessible location. The proposed development has been designed to appropriately transition with existing building forms and the R3 Medium Density Residential zone to the rear of the site, minimising adverse impact upon the character and amenity of the surrounding local area. The proposal is consistent with the future desired character of the area as envisaged by the current planning controls.

On the basis of this assessment, it is concluded that the variation is in the public interest and can be supported.

With the above considered, it is recommended that this variation is supported by the Bayside Local Planning Panel.

5.1 R3 Medium Density Residential

As per the requirements of this clause a strip of land 6m in width, extending for the entire length of the rear boundary of the site is to remain undeveloped and is to be dedicated to Council for the future intention of a laneway extension from Meaurants Lane to the north, to Dillon Street to the south.

Plans indicate that this portion of the site is to remain undeveloped, and shall be developed to full road standard. Given the aforementioned, the proposal complies with the provisions of this clause. The proposal has been conditioned to require the dedication of this land.

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 extensive excavation within the site to accommodate the basement levels. 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 80AHD Obstacle Limitation Surface (OLS). The development has a maximum height of 19.57m (35.57RL) to the top of the lift overrun, and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS.

6.7 Stormwater

Stormwater drainage from the site is proposed to discharge to Rocky Point Road. The stormwater plan submitted with the application has been assessed by our Development Engineer and no objection was raised subject to conditions being attached to any development consent granted.

6.11 Active Street Frontages

The subject sites are land identified in the LEP Active Street Frontage Map. The ground floor of the premises with frontage to Rocky Point Road have been designed to comprise commercial / retail space, with direct access to the public footpath.

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

There are no Draft Environmental Planning Instruments that apply to this proposed development.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The 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
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4.1.1 Views and Vista	Yes - see discussion	Yes - see discussion
4.1.3 Water Management	Yes - see discussion	Yes - see discussion
4.1.3 Groundwater Protection	Yes - see discussion	Yes - see discussion
4.1.4 Soil Management	Yes - see discussion	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Mixed use	Yes - see discussion	Yes - see discussion
4.1.9 Lot size and Site Consolidation - isolated sites	Yes - see discussion	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes - see discussion	Yes - see discussion
4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development	Yes - see discussion	Yes - see discussion
4.4.2 Solar Access - General Controls	Yes - see discussion	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes - see discussion	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Mixed Use	Yes - see discussion	Yes - see discussion
4.4.4 Glazing - General Controls	Yes - see discussion	Yes - see discussion
4.4.4 Glazing - Commerical	Yes - see discussion	Yes - see discussion
4.4.5 Visual privacy	Yes - see discussion	Yes - see discussion
4.4.5 Acoustic privacy	Yes - see discussion	Yes - see discussion
4.4.6 Noise Impact	Yes - see discussion	Yes - see discussion
4.4.6 Noise Impact - Non-residential	Yes - see discussion	Yes - see discussion
4.4.7 Wind Impact	Yes - see discussion	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes - see discussion	Yes - see discussion
4.6 Parking Rates - Shops	Yes - see discussion	Yes - see discussion
4.6 Car Park Location and Design	Yes - see discussion	Yes - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	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
4.6 Traffic - Classified Roads		
4.6 Access to Parking	Yes - see discussion	Yes - see discussion
4.6 Design of Loading Facilities	Yes - see discussion	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes - see discussion	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes - see discussion	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes - see discussion	Yes - see discussion
4.7 Letterboxes	Yes - see discussion	Yes - see discussion
5.3 Mixed Use		
5.3 Mixed Use - Front Setbacks	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Side Setbacks	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Rear Setbacks	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Ground Level Uses	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Retail	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Ground Floor Articulation	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Access to Premises	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Visual Connections	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Awnings	Yes - see discussion	Yes - see discussion
5.3 Mixed Use - Secured Access to Parking	Yes - see discussion	Yes - see discussion

4.1.1 Views and Vista

It is considered that the proposed development will not further obstruct any views that are currently enjoyed by residents in proximity to the subject site.

4.1.3 Water Management

The stormwater plan submitted with the application has been assessed by Council's Development Engineer and no objection was raised subject to conditions being attached to any development consent granted.

4.1.3 Groundwater Protection

The proposed excavation to accommodate the three levels of basement parking will impact the Botany Sands Aquifer. Accordingly, this application is defined as Integrated Development as per Clause 4.46 of the Environmental Planning and Assessment Act 1979. In this regard, the Development Application was referred to Water NSW.

On 27 September 2019, Water NSW provided General Terms of Approval.

4.1.4 Soil Management

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

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

4.1.9 Lot size and Site Consolidation - Mixed use

As per the provisions of this clause, for all mixed use development of 4 storeys or greater, a minimum frontage width of 18 metres is required. The subject site comprises a frontage width of 18.29 metres and therefore complies.

4.1.9 Lot size and Site Consolidation - isolated sites

The proposal does not result in the isolation of the southern adjoining lots. In the event these lots (244-246 Rocky Point Road) are amalgamated they will comprise a site frontage of 22 metres at minimum and be capable of redevelopment in their own right.

4.2 Streetscape and Site Context - General

The proposed development has been aligned and sited to physically connect to the established adjoining development at 236 Rocky Point Road to the north. The proposed development continues a street wall periphery form of development.

The proposal incorporates a varied palette of colours and materials to create visual interest when viewed from the public domain. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

The proposed development is considered to be compatible in its overall bulk, scale and character with existing established development in close proximity of the site and provides an appropriate streetscape response as required by the provisions of this clause.

4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development

As discussed earlier in this report, a Section J report has been lodged and considered acceptable.

4.4.2 Solar Access - General Controls

Impact to Campbell Street Properties

The subject site is located to the west of Campbell Street properties. As a result, the Campbell Street properties will retain a minimum of 3 hours of solar access in midwinter from 9am 12pm. From 1pm onwards in midwinter, the proposed development overshadows the rear private open spaces of Campbell Street properties, given the height, scale and orientation of the site to the west of these neighbours.

Given the above the proposal complies with this requirement and sufficient solar access is retained to Campbell Street properties.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

Impact to Campbell Street Properties

The subject site is located to the west of low density residential dwellings on Campbell Street. As a result, and as illustrated within submitted shadow diagrams, the Campbell Street properties will retain a minimum of 3 hours of solar access in midwinter from 9am 12pm. From 1pm onwards in midwinter, the proposed development overshadows the rear private open spaces of Campbell Street properties, given the height, scale and orientation of the site to the west of these neighbours. It is however reiterated that the Campbell Street properties retain the minimum required 3 hours solar access in midwinter as stipulated by the provisions of this clause. Given the above the proposal complies with this requirement and sufficient solar access is retained to Campbell Street properties.

Impact to 244 Rocky Point Road

A single storey commercial building exists upon 244 Rocky Point Road. This building is built to the common northern boundary with the subject site, there are nil windows or openings along this side. The building has a zero setback from its southern boundary with 244 Rocky Point Road. It is noted that the solar access requirements of this DCP relate to residential development and thus do not strictly apply in this instance.

Shadow diagrams illustrate that the proposal will entirely overshadow this southern adjoining commercial single storey building in midwinter at 9am. By 12pm in midwinter, the shadow has moved and the front façade of the shop will obtain sunlight for the remainder of the day.

Whilst the building at 244 Rocky Point Road is commercial, due consideration has been given to ensuring appropriate solar access is available to the shopfront of this building from 12pm onwards in midwinter.

Given the above, the proposal is deemed to be satisfactory with respect to the objectives and requirements of this clause.

4.4.3 Natural Lighting and Ventilation - Mixed Use

The floor to ceiling height at the ground floor is 3.8 metres which complies with the minimum 3.3 metres whilst the upper floor boarding house rooms have a floor to ceiling height of 2.95 metres which

complies with the minimum 2.7 metres.

The development demonstrates satisfactory cross flow ventilation through the central breezeway as well as the void areas created by the building separation between the western and eastern buildings.

4.4.4 Glazing - General Controls

The proposed development provides appropriate sun protection/shading devices during summer for glazed areas facing east and west, including the use of eaves.

4.4.4 Glazing - Commercial

The front facade has an appropriate mixture of glazing and masonry which will minimise the level of glare on to the public domain.

4.4.5 Visual privacy

The proposed development has openings only on the western and eastern elevations, with no openings proposed along the northern boundary which adjoins a mixed use development with residential on the upper floors. The front facade has building sun shading elements such as retractable louvres and roller blinds that will maximise privacy to the properties to the west. To the east, it is considered that there is a suitable separation distance between the east facing rooms and the neighbouring properties to Campbell Street. However, it is recommended that the lower half of the main room windows are to be of a translucent type glazing.

4.4.5 Acoustic privacy

There will be minimal adverse impact on the acoustic privacy of adjoining and surrounding properties as consideration has been given to the location and design of the building and landscaping in relation to private recreation areas to minimise noise intrusion on the amenity of adjoining properties.

4.4.6 Noise Impact

The applicant has submitted an Acoustic Report prepared by Kokias Acoustics Pty Ltd and dated 11 September 2018, which considered the potential impact of road noise as well the use of the rooftop terrace.

The report made the following recommendations:

- The building can be sufficiently insulated against the existing external sources of noise in the area such as road traffic through the use of acoustic glazing, with recommended glazing systems. These recommendations should be verified prior to the construction.
- Occupation of the common roof terrace can comply with the acoustic planning levels on the basis of reasonable levels of occupation of 37 to 40 people. Use of the roof terrace is recommended to be restricted during night time hours to maintain suitable noise amenity for the surrounding residential properties;
- A detailed assessment of mechanical plant noise should be prepared for the subject development prior to construction. The mechanical plant noise levels must be assessed cumulatively to those related to noise emission for the rooftop terrace; and
- Acoustic treatment options for the common floors and services partitions included within this report would be adequate for satisfying the sound insulation provisions of Council and the BCA.

This has been reviewed by Council's Environment and Health Officer who have agreed with the recommendations, subject to conditions in the attached schedule, including a maximum of 37 people

permitted on the rooftop terrace at any one time, as well as restricted hours.

4.4.6 Noise Impact - Non-residential

There are no uses of the commercial tenancies proposed as part of the proposed development. However, conditions would be imposed as part of any application approved for future uses to regulate noise, hours of operation and/or service deliveries.

4.4.7 Wind Impact

The applicant has submitted a Wind Report prepared by Windtech Consultants and dated 9 May 2018, which considered the potential impact of wind on the proposed development. It has provided a number of recommendations for the ground floor, communal space and breezeways, private balconies and rooftop terrace, all of which will be imposed as conditions in the Draft conditions of consent at the end of this report.

4.5.2 Social Equity - Equitable Access

An Access Report has been submitted with the application, making recommendations including a minimum of four rooms to be made equitable. Whilst these have not been marked up on the plans, a condition will be imposed that a minimum of four rooms is to be shown on the plans prior to the issue of the Construction Certificate.

4.6 Parking Rates - Shops

See detailed assessment under the "Impacts of the Development" section.

4.6 Car Park Location and Design

The proposal seeks to provide a basement car parking area on site for residents and visitors via a rear lane way accessible from Meaurants Lane.

The proposal provides adequate headroom clearances and the basement levels have been designed in accordance with relevant Australian Standards. The proposal is satisfactory in relation to the requirements of this clause.

4.6 Vehicles Enter and Exit in a Forward Direction

The basement has been designed to enable forward entry and exit on site. The proposal is considered to satisfy the requirements of this clause.

4.6 Basement Parking - General

The basement area is considered to be adequately ventilated, within the building footprint of the proposed mixed use development, is generally below the natural ground level with the exception of a minor encroachment at the rear of the property, and can facilitate pedestrian movement.

4.6 Driveway Widths

The width of the driveway into the basement complies with Council's Technical Specifications.

4.6 Access to Parking

The proposal provides secure carparking behind a shutter, with the provision of an intercom for visitor access. Parking for persons with a disability / mobility impairment has been provided within close proximity to lifts and vehicles are able to enter and exit the site in a forward direction. The proposal is satisfactory in regards to the provisions of this clause.

4.6 Design of Loading Facilities

Plans indicate the provision of a dedicated van loading / unloading space within basement level 1. The proposal facilitates loading and unloading on site and as such satisfies the objectives of this clause.

4.6 Pedestrian Access and Sustainable Transport

The design of the proposed development provides for safe and convenient pedestrian access from car parking and other public areas.

4.7 Waste Storage and Recycling Facilities

Appropriately sized and located waste storage areas are proposed in the basement area. Commercial and residential waste storage areas are separated with sufficient facilities proposed. The proposal is satisfactory with regards to the provisions of this clause.

4.7 Laundry Facilities and Drying Areas

A communal laundry is proposed on the ground floor adjacent to the communal room.

4.7 Letterboxes

Letter boxes are proposed adjoining the main entrance to the development at Rocky Point Road, integrated into the building. The proposal is satisfactory in this regard.

5.3 Mixed Use - Front Setbacks

As per the provisions of this clause, development on a busy road is to 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 setback requirement referred to above is discretionary, given adequate acoustic attenuation and streetscape presentation.

Plans illustrate the provision of a nil building setback to Rocky Point Road, for the entire length of the proposed building.

The proposal as designed is satisfactory given appropriate acoustic attenuation is capable of being provided to residential dwellings and the proposed development provides consistency with the existing established building forms within the Ramsgate Town Centre.

5.3 Mixed Use - Side Setbacks

The proposed development contains a street wall, hence a zero lot line is permissible for both side setbacks, which is proposed as part of this development.

5.3 Mixed Use - Rear Setbacks

The proposed development has a rear lane access, and generally will be built to the boundary, with the exception of the ground floor which is setback 3m to accommodate the private open space for the ground floor unit and on the fourth floor to provide a form of architectural articulation. In this instance, this is considered acceptable.

5.3 Mixed Use - Ground Level Uses

There are two commercial tenancies addressing Rocky Point Road which will ensure that street activation can occur.

5.3 Mixed Use - Retail

Plans illustrate the provision of 160 square metres of commercial floor space within the development in the form of two commercial premises fronting Rocky Point Road. The proposal provides for an active street frontage within the Ramsgate Town Centre and creates opportunity for three new commercial premises on site.

Whilst the total floor area is under the 10% total floor area of the proposed development, the deficiency in commercial floor space within the development is deemed to be minor and is not considered to warrant refusal of the application. The proposal is deemed satisfactory with respect to the objectives of this clause.

5.3 Mixed Use - Ground Floor Articulation

The two commercial tenancies can be operable shopfronts for cafes and restaurants, which will encourage and promote lively interaction between the public and private domains.

5.3 Mixed Use - Access to Premises

The proposed development provides access to all ground floor retail or commercial premises which addresses Rocky Point Road.

5.3 Mixed Use - Visual Connections

The glazing for the ground floor commercial tenancies is appropriately designed so as to allow clear sight lines into and out of the building.

5.3 Mixed Use - Awnings

The awning height is 3.5m at street level, which exceeds the minimum development control of 3.3m.

5.3 Mixed Use - Secured Access to Parking

The provisions of this clause require that separate lift access be provided from basement car parking to the residential and nonresidential areas within the development and seeks to ensure that residential parking spaces are secure and separate from non-residential vehicle parking and servicing areas.

The proposed development incorporates 2 basement levels. The car parking area on site is located behind a shutter with the provision of an intercom for visitor access.

One lift is provided within the development and it is proposed to be shared by both residential and non residential uses. The sharing of lifts within a mixed use development between residential and non residential tenancies is not considered to be uncommon. Given the mixed use nature of the development and provision of secure car parking on site, the sharing of lifts within this development by future occupants is not deemed to be unreasonable.

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.

Clause 92 EP&A Regulation 2000 – Additional Matters

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS

2601:1991 - Demolition of Structures when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

Council's building surveyor has assessed the fire safety considerations under the BCA and conditions of consent are recommended.

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

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

Car parking

As discussed in various sections earlier in this report, the proposed development generates a number of car parking rates across a number of planning documents, as listed below:

Land Use	Document	Requirement	Number required
Boarding house rooms	Affordable Rental Housing SEPP 2009	0.5 spaces per boarding house room	$0.5 \times 70 = 35$
		1 space per person employed in connection with boarding house	$1 \times 1 = 1$
		Total required	36
Shops / retail premises	Part 4.6 Rockdale DCP 2011	1 space per 40m ² GFA	$160 / 40 = 4$
		Total required	4

Based on the above, a total of 40 (36 +4) spaces will be required. A total of 40 have been provided across the three basement levels, and therefore complies.

Operation of the boarding house

Boarding houses are a form of affordable rental housing, providing long term accommodation (i.e. greater than 3 months) to people on low to moderate incomes.

The proposed use as a boarding house will be subject to a series of conditions as specified in the attached draft schedule of conditions, including the requirement to be registered as per the Boarding Houses Act 2012, and also a Plan of Management. Furthermore, there will be a requirement for all boarding house residents to sign a Standard Occupancy Agreement which includes termination of the tenancy for behavioural reasons including violence and property damage.

Traffic generation

The parking and traffic assessment that was prepared for this application has forecasted an additional two traffic movements per hour during peak period than what the current development generates, with most of these traffic movements likely to be on to Rocky Point Road via Meurants Lane. As discussed earlier in this report, the RMS have issued concurrence and therefore are satisfied that the level of additional traffic will not pose any unacceptable impacts on to the local road system including Rocky

Point Road.

Safety & Security

The development provides for clearly identifiable and legible building entries to commercial and residential components from Rocky Point Road. The residential entry comprises direct pedestrian access and a high level of visibility to the street. Residential apartments, communal open space & carparking areas will be accessible via a secure electronic system. Common areas are to be well lit with clearly defined pathways. The proposal is considered to be satisfactory in this regard.

Social Impact

The proposal will activate and enhance the public domain and includes residential accommodation which will result in a mix for the demographics of the locality. It will have access to good public transport and the proposal incorporates alternative transportation modes, via the provision of bicycle and motorbike parking. The proposal further provides a well designed and located communal areas with facilities which will encourage social interaction between future occupants on site. The proposed development is not considered to result in any adverse social impacts and is satisfactory for the site.

Construction

Construction of the proposed development includes excavation works, piling and the construction of the development. Impacts will be minimized through the use of standard conditions of consent relating to hours of construction, noise, dust suppression traffic management and the like.

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

The relevant matters pertaining to the suitability of the proposed development have been considered in the assessment in this report. 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

In accordance with Part 8 of the Rockdale DCP, the DA was advertised for a 14 day period ending 11 July 2018. A total of 26 submissions were received, including a petition with 123 signatures.

When the DA was amended to include a third level of basement, it became Integrated Development as it was intercepting the ground water. Accordingly, it was re-advertised for a second round for a thirty (30) day period ending 11 June 2019. A total of 35 submissions were received, including two petitions with 133 and 129 signatures respectively.

A number of issues raised in these submissions have already been addressed throughout this report, and are listed below:

- Inadequate parking, including no space for the on site manager
- Excessive height
- Increase from 19 units to 150 residents will impact on amenity
- Traffic impacts on Meaurants Lane

- Not in the public interest
- Safety concerns to neighbouring residents
- Overdevelopment
- Dwelling density exceeds guidelines
- Inadequate solar amenity to the communal living area
- Increase in noise

The remaining issues raised in the submissions are addressed further below:

Excessive dwelling density

Comment: As discussed earlier in this report, the proposed development complies with the Floor Space Ratio development standard as prescribed under the Affordable Rental Housing SEPP, and also the proposed rooms (with the exception of the manager's room) comply with the minimum and maximum room size requirements as per this SEPP.

No visitor spaces provided

Comment: Neither the Affordable Rental Housing SEPP nor the Rockdale DCP prescribes a specific requirement for visitor spaces relating to a proposed boarding house. Visitor parking is included in the overall parking ratio requirement in the SEPP and as such, spaces on site are available for visitors at all times

If this DA is approved, does that allow other sites that have had mixed use development approvals to lodge DAs for boarding houses?

Comment: Council can consider any Development Application for a boarding house subject to it being a permissible use for that zone and a detailed assessment similar to that in this report.

Design Review Panel (DRP) minutes were not available for objectors to view before the end of the notification period

Comment: The DRP minutes are not published to the public, however a summary of these minutes is provided under the SEPP 65 section of the report.

Development by stealth through the previous DA (bait and switch)

Comment: Council disagrees with this assertion as this is a separate application proposing a different use, which remains subject to assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The previous DA was a better option

Comment: This is noted, however this is not a valid planning consideration in the assessment of this application.

Strain on bus services

Comment: As discussed earlier in this report, the subject site is located approximately 120 metres from

the nearest bus stop near the corner of Rocky Point Road and Clarkes Road to the north. During the weekday peak there are up to five services per hour and a minimum of two per hour on weekends and public holidays. Both of these exceed the SEPP requirement. Based on this, it cannot be concluded that the proposed development will put a strain on bus services.

Better located near a railway station or commercial hub

Comment: As discussed earlier in the report, it is located in an accessible area as defined in the Affordable Rental Housing SEPP as it is located within 400 metres of a bus stop that provides hourly services between 6am and 9pm Monday to Friday and 8am to 6pm on weekends and public holidays.

Many local shops will be impacted through loss of business

Comment: Additional residents in the area will improve the vitality of the Ramsgate town centre and support the longer term economic viability of the locality.

Proposed 24 hour clearway will pose significant loss of parking and threaten pedestrian safety

Comment: The Roads and Maritime Services (RMS) have advised Council that the proposed clearway along Rocky Point Road if enacted will only apply south of Sandringham Street. The subject site is located to north of Sandringham Street.

Is the builder keeping all 74 rooms?

Comment: A boarding house is considered to be a singular development in that individual rooms cannot be subdivided and sold off separately.

Will this be sold off the Department of Housing?

Comment: This DA has been assessed on the basis of it being carried out by a private operator or a social housing provider. The Department of Housing do not manage or operate boarding houses.

Impact on property values

Comment: This is not a valid planning consideration.

The type of residents that will be living there

Comment: Boarding houses are defined as a form of affordable rental housing, so therefore will be targeted towards the section of the population whom are on low to medium incomes, or those who are after temporary but longer term accommodation for three months or more. Each resident would need to enter into a standard occupancy agreement, where they thereby agree that any anti-social or criminal behaviour would lead to the termination of their onsite residency.

New proposal is a means of maintaining a high profit margin

Comment: This is not a valid planning consideration.

Increase in graffiti in the area

Comment: This is considered to be a criminal matter that has no correlation to the proposed development.

Amount of sump oil left in the street contributing to pollution

Comment: This is not considered to be an issue directly related to this application.

No guarantees that it will provide affordable housing as there is no law or regulation that sets the amount for rent

Comment: The Department of Fair Trading have advised that there is no cap on the maximum amount of rent that can be charged. However, the individual tenancy agreements would set out the weekly rent and also a minimum of four weeks' notice for any rental increases. Furthermore, the NSW Civil and Administrative Tribunal (NCAT) can intervene on civil matters relating to rent prices.

Better financial incentive in building a boarding house as opposed to a mixed use in terms of Council losing \$500,000 in open space contributions, and the developer saving on GST and land tax

Comment: Under the Rockdale Section 94 Contributions Plan, boarding house rooms are calculated as studios. This application will levy a total of \$144,358.20 for open space contributions which far exceeds the total of \$52,961 for the approved mixed use development (based on 18 units).

The owner can strata subdivide this after 10 years and provide substandard accommodation

Comment: Clause 52 does not allow for the subdivision of boarding houses. If the owner wanted to subdivide, the development would need to be converted to a form of residential accommodation that complies with the Apartment Design Guide which would mean a reduction in the number of rooms.

Non-compliance with the BCA with no accessible units or spaces

Comment: The proposed plans do not nominate accessible rooms. An access report has been prepared in conjunction with the DA which has recommended that a minimum of four rooms are to be made accessible, which will be conditioned in any development consent that is issued.

Does not provide private open space for the onsite manager

Comment: As stated earlier in the report, the proposed private open space for the on site manager does not meet the Affordable Rental Housing SEPP requirements, however, this can be conditioned to compliance in any development consent that is issued.

Ground floor access to the rooms via the communal room unsatisfactory

Comment: The amended plans have removed the ground floor rooms.

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 LEP Height of Building development standard and variations to the Affordable Rental Housing SEPP with relation to solar access to communal rooms and the size of the manager's room, it is considered that the final design scheme for the site is satisfactory and that amenity impacts on site and to surrounding properties as a result of the proposed non compliance are not unreasonable. The operation of the boarding house will be controlled via registration through the Department of Fair Trading as well as a Plan of Management.

The proposed development is permissible in the B4 Mixed Use zone and provides a mix of long term residential accommodation and commercial tenancies, which will support the future character of the Ramsgate Town Centre.

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

The proposal has been conditioned to require the payment of S7.11 contributions to accommodate for the increase in density on site and demand on local infrastructure generated.

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
DA1.02 C / Site Plan	CMT Architects	29/1/19	19/2/19
DA1.03 A / Demolition Plan	CMT Architects	11/5/18	12/6/18
DA1.99 D / Basement 1	CMT Architects	24/7/19	31/7/19
DA1.98 B / Basement 2	CMT Architects	24/7/19	31/7/19
DA1.97 B / Basement 3	CMT Architects	24/7/19	31/7/19
DA2.00 D / Ground Floor	CMT Architects	23/7/19	31/7/19
DA2.01 E / First Floor	CMT Architects	14/12/18	19/2/19

DA2.02 B / Second Floor	CMT Architects	12/10/18	15/10/18
DA2.03 B / Third Floor	CMT Architects	12/10/18	15/10/18
DA2.02 B / Fourth Floor	CMT Architects	12/10/18	15/10/18
DA2.05 C / Rooftop Plan	CMT Architects	29/1/19	19/2/19
DA2.06 C / Roof Plan	CMT Architects	29/1/19	19/2/19
DA3.03 A / West Elevation	CMT Architects	11/5/18	12/6/18
DA3.01 B / East Elevation	CMT Architects	12/10/18	15/10/18
DA3.00 B / North Elevation	CMT Architects	12/10/18	15/10/18
DA3.02 B / South Elevation	CMT Architects	12/10/18	15/10/18
DA3.04 A / Streetscape Elevation	CMT Architects	11/5/18	12/6/18
DA4.00 C / Section AA	CMT Architects	29/1/19	19/2/19
DA4.02 B / Driveway Section	CMT Architects	18/12/18	19/2/19
SS16-3371 / Mixed Use	Site Image	22/1/19	19/2/19

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. New building work shall not commence without the prior Development Consent of Council.
6. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
7. A separate development application shall be submitted for the ground floor retail uses of the property. Additional conditions may be imposed on any such consent.

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

8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
9. 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.
10. 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.
11. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

12. Parking spaces shall be allocated in the development in the following manner:

Allocated Spaces

Boarding house rooms - 35
Boarding house manager - 1
Commercial Units - 4

Development specific conditions

The following conditions are specific to the Development Application proposal.

13. The recommendations of the Arborist Report prepared by NSW Tree Services P/L dated 21st June 2017 shall be implemented on site.
14. Safer by Design
To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:
- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
 - b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - d) Graffiti resistant materials shall be used to ground level external surfaces.
 - e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
 - f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.
15. 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.
16. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
17. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
- (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;

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

The Registered Proprietor will:

- (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
19. 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.
20. 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.
21. 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.
22. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.

23. Temporary dewatering of the site to construct the subsurface structure is not permitted without a permit.

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.

24. 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.
25. Bicycle parking facilities shall be designed in accordance with AS2890.3:2015.
26. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
27. 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.
28. Hot and cold water hose cocks shall be installed to the garbage room.
29. In order to ensure the design quality | excellence of the development is retained:
- (a) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (b) 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;
 - (c) 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.

30. 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.
31. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
32. The building shall be designed, constructed and maintained to comply with the

requirements of the Local Government Act 1993, as amended and the Regulations there under.

33. Residential air conditioners must be designed so as not to operate:

1. during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
2. during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.

Peak time means:

- the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
- the time between 7:00 am and 10:00 pm on any other day

Off peak time means: Any time other than peak time.

34. Boarding House Conditions

- (a) This approval is for a boarding house as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009. A Boarding House is defined as "a building that:
 - (i) is wholly or partly let in lodgings, and
 - (ii) provides lodgers with a principal place of residence for 3 months or more, and
 - (iii) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.
- (b) The Boarding House is to operate in accordance with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009. Any variation of the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.
- (c) The boarding house shall comply with the following:
 - (i) A maximum of 69 boarding rooms, one (1) manager's room, ground floor communal area and rooftop communal space shall be provided on the site.
 - (ii) 45 of the boarding rooms will be occupied by no more than two (2) persons, and 25 of the boarding rooms will be occupied by no more than one (1) person, accommodating a maximum of 115 persons at any one time.
 - (iii) All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
 - (iv) Adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to

- screen bedroom windows for privacy must be provided for the occupants.
- (v) A 24 hour, 7 day contact number shall be provided to all immediate and nearby residential neighbours for use in the event of a disturbance. If the contact number changes, neighbouring residents shall be provided with a new telephone number with 7 days.
 - (vi) The proprietor/operator of the proposed development must limit patron numbers on the rooftop communal open space area to no more than 37 at any one time.
 - (vii) Use of the rooftop communal open space is restricted to 8am to 9pm Sunday to Thursday and public holidays and 7am to 10pm on Saturdays.
 - (viii) Use of music in the communal room is permitted provided that the music is played at background noise levels (66 dBA Leq sound pressure, such that conversation can be conducted without raised voice being required).
 - (ix) A sign indicating the maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed on the premises.
 - (x) A schedule showing the numerical designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
 - (xi) Each room must be numbered in accordance with the schedule and must be displayed clearly on the door of or in each bedroom with the maximum number of persons allowed to be accommodated in the room.
- (d) Plan of Management (PoM)
- (i) The boarding house shall at all times be operated in accordance with the approved Plan of Management (PoM).
 - (ii) A copy of the the approved PoM shall be displayed in the Communal Room and within each of the boarding rooms at all times;
 - (iii) A copy of the PoM shall be made freely available to family and visitors who frequent the facility, as well as to neighbouring property owners and local residents, if requested.
 - (iv) The PoM shall be reviewed annually. If the Plan of Management is updated following the review, the operator is required to:
 - 1. ensure that the amended PoM is consistent with all conditions of this consent;
 - 2. a copy of the amended Plan of Management is provided to Council within 7 days of completion;
 - 3. the PoM is updated, if required, to include comments provided by Council.
- (e) Subdivision of the boarding rooms is not permitted.
- (f) All tenants must enter into an occupancy agreement prior to commencing tenancy at the premises. The minimum period for the occupancy agreement must three (3) months in accordance with the definition of 'boarding house' in the AHSEPP & Rockdale Local Environmental Plan 2011 (see 'A' above).
- (g) A copy of the annual fire safety statement is to be prominently displayed in the approved Boarding House. Note: An annual inspection will be carried out by

Council to determine that all conditions of consent and fire safety measures are being complied with. An additional fee may be charged for the required inspection as adopted in Council's fees and charges.

- (h) The boarding house component of the building shall be designed, constructed and maintained to comply with the requirements of the Local Government Act 1993, Local Government (General) Regulations 2005, Public Health Act 2010, Public Health Regulation 2012, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.
 - (i) Prior to issue of the Occupation Certificate:
 - (i) The boarding house must be registered with Council.
 - (ii) Details, including name, contact number & email address of the Boarding House Manager are to be provided to Council. Should these details change at any time, revised information shall be provided to Council within 7 days of the change in manager.
 - (iii) Each bedroom must be numbered in accordance with the approved plans.
 - (iv) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
 - (v) A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
 - (vi) A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each bedroom must be conspicuously displayed on the premises. Each bedroom must be clearly numbered and the maximum number of persons allowed to be accommodated in each bedroom must be displayed clearly on the door of or in each bedroom.
35. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
1. Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 2. 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.
 3. 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.
 4. 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.
 5. Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

36. (1) Prior the issue of the relevant Occupation Certificate an experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
- (2) 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 carried out in accordance with the Council approved landscape plan. The Certificate is to be submitted to Bayside Council prior to the Issue of an Occupation Certificate.
Each pergola proposed on the rooftop shall include two climbers such as Pandorea pandorana to provide a cooling and aesthetic improvement to this area
- (3) A Landscape Maintenance Schedule shall be submitted to Private certifier prior OC that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
- (4) 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.
- (5) A minimum soil/ planter box mix depth of 800mm is required for planted areas (other than turf) and planter boxes on podiums or roof-tops or any other concrete slab.
37. Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape 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.
38. Waste & Recycling Collection / Removalist Drop-offs & Pick-ups - Operational Requirements
- Waste & recycling collection and servicing, including removalist vehicles, must be carried out entirely within the approved loading bay at all times.
 - Waste & recycling collection, deliveries, removalists and / or any other

- servicing must not be undertaken from Rocky Point Road at any time.
 - Waste and recycling must be collected by a private waste contractor, no bins will be collected from Rocky Point Road. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.
 - Waste & recycling collection must be undertaken during off-peak times.
 - The maximum size vehicle permitted to access the site is the B99 Vehicle as detailed in AS 2890.1:2004.
 - The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.
39. The design and construction of the off-street parking facilities shall comply with Australian Standards, as follows:
- Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
 - Bicycle parking facilities shall be designed in accordance with AS2890.3:2015. Fourteen (14) bicycle parking spaces are to be provided for the development designed in accordance with the standard and depicted on the plans.
 - The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1, AS2890.2, AS2890.3 and AS2890.6.
 - Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1, AS2890.2 and AS2890.6.
 - Pedestrian sight distances upon exiting the site shall be in accordance with AS 2890.1:2004.
 - Parking spaces shall not be enclosed without further approval of Council.
 - All Waste Collection, 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. A buzzer providing access to the basement car park must be provided to Council's Waste Education & Contract Supervisor prior to issue of the Occupation Certificate.
 - Loading and unloading (including Waste Collection) within the site shall be restricted to vehicles not exceeding the size and mass description of the B99 vehicle from AS 2890.1:2004. Commercial vehicles greater in size and mass than the B99 are not permitted to enter the site.

Prior to issue of the construction certificate

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

40. 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.
41. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
42. An application for Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
43. A Section 7.11 contribution of \$970,448.70 shall be paid to Council. Such contribution is only used towards the provision of local infrastructure and facilities in the Ramsgate Town Centre. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.
44. 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.
45. 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.

46. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road and neighbouring properties, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads. An engineering design certificate is required to be submitted for the design of the Basement system including shoring wall.

Prior to the issue of the any construction certificate, a design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chattered Professional Engineer competent in Structural engineering. The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

47. The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

48. 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.
49. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with the relevant Australian Standards must be provided within the development. The allocated parking space will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of the relevant Australian Standards.

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

50. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

51. 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.
52. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

The relocation of the existing electricity supply pole in the road reserve at (specify location if required) to (specify location if required), is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Ausgrid. The applicant shall enter into a contract with Ausgrid for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

53. 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.
54. 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>

55. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
 - i) Construction of footpath and streetscape works.
 - ii) Public domain and drainage works.
 - iii) Footpath alignment, width and surface finish;
 - iv) Landscaping and tree planting areas;
 - v) Street lighting layout and details;
 - vi) Drainage plus kerb & gutter alignment and details;
 - vii) Adjustment/removal/relocation/protection of assets within the frontage (including undergrounding of above ground assets);
 - viii) Construction of vehicular entrance;
 - ix) Rear lane road pavement design.

56. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
57. The subsurface structure must be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design certification shall be provided by the Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
58. Prior to the issue of any Construction Certificate, as excavation is required close to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing Chartered Professional Geotechnical Engineer must:

(a) Implement all recommendations contained in the Preliminary Geotechnical assessment Report prepared by Benviron Group, Ref: G194, dated 1 November 2016 including any further geotechnical investigations needed as deemed necessary by the geotechnical engineer into the construction certificate design & documentation,

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

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

(d) Prepare critical stage inspection schedule, supervise installation of support measures & inspect the works as they progress. Inspect all new footings and earthworks to confirm compliance to design assumptions with respect to allowable bearing pressure, basal cleanness and stability prior to the placement of steel or concrete. The inspections shall be conducted by the geotechnical engineer and are to occur at frequencies determined by the geotechnical engineer, and

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

The above requirements must be submitted to, assessed and approved by the Principal Certifier prior to the issue of Construction Certificate.

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

59. Prior to the issue of the Construction Certificate, details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority for assessment and approval. The awning shall be consistent with the approved development application plans. The details must include:
1. The street awning(s) must be setback 600mm from the kerb line, minimum Fascia height 600mm, minimum soffit height 3.3m and for sloping sites maximum step of 900mm. The awnings must be entirely self-supporting; posts are not permitted.
 2. All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
 3. The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
 4. If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
 5. Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.

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

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

(a) Implement all recommendations contained in the Preliminary Geotechnical assessment Report prepared by Benviron Group, Ref: G194, dated 1 November 2016.

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

(c) Confirm the proposed construction methodology

A Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and

infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

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

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

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

61. The Principal Certifying Authority (PCA) shall ensure that plans submitted with the Construction Certificate demonstrate compliance with the following prior to the issue of any Construction Certificate:
 - The loading bay is to be marked as use for a loading bay only
 - A minimum of four boarding house rooms are to be nominated as accessible rooms as per the recommendations of the Design Compliance Report prepared by Matt Shuter and Associates dated 21 January 2019. These are to be equally distributed throughout the development.
 - A minimum of 8 square metres of private open space with a minimum depth of 2.5 metres is to be provided for the boarding house manager's room (Room 1.02)
 - The building line for Shop 2 on the ground floor is to be straightened on the southern elevation
 - A toilet is to be provided within the rooftop communal open space area
 - The lower half of the main windows for the eastern facing rooms are to be a translucent type glazing
 - The recommendations of the Wind Report prepared by WindTech Pty Ltd, dated 9 May 2018 are to be implemented on site, and shown on construction certificate drawings
 - The noise reduction measures specified in the Acoustic report prepared by Koikas Acoustics dated 11 September 2018 shall be shown in the construction plans
62. A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the principal accredited certifier for assessment and approval. The Plan shall be prepared by a RMS accredited consultant to address, but not be limited to, the following matters:
 - ingress and egress of vehicles to the site;
 - loading and unloading, including construction zones;
 - predicted traffic volumes, types and routes; and
 - pedestrian and traffic management methods and safety;
 - Construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be detailed;

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

63. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. The program shall also address in detail the following points:
- (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 on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - (k) The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - (l) Obtain Permits required under this consent.

Prior to the commencement of works the Certifying Authority shall be satisfied that the construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction. Copy of the CMP shall be submitted to Council.

64. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
65. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
66. Prior to the issue of any Construction Certificate, detailed drainage design plans generally in accordance with stormwater drainage plans prepared by LMW Design group P/L, Job No 1419.18, Rev C, dated 18 Jan 19 for the Management of stormwater are to be submitted to Certifying Authority for assessment and approval with the following amendments:
 - A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement shall meet or exceed the 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 (details can be found in section 7.5 of Rockdale Technical Specification Stormwater Management),
 - Incorporate a Stormwater Quality Improvement system. The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
 - All basement surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.
 - The subsurface structure must be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. 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.

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.

67. Prior to the issue of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority and reflected on the construction certificate design and documentation:
 - a) The parking facility requires traffic management to manage conflicting two-way movement intersecting with one way vehicular movement. To this effect, a traffic signal management system (including traffic lights and vehicular sensors) to manage conflicting two way movements shall be designed and certified by a suitably qualified traffic engineer for implementation within the parking facility. In particular the top and bottom of vehicular ramps and vehicular aisles around the pedestrian lifts are of concern and must be addressed.
 - b) A queueing assessment and probability of conflict analysis must be submitted detailing the 95th Percentile queue length expected and the probability of a conflict in any given AM or PM peak hour.
 - c) Line marking and signage must be provided at the intersection of the one-way and two way aisles of the development to clearly delineate waiting bay areas that provide for passing of vehicles driving within the parking facility. The function of these waiting areas must be demonstrated using swept paths for a B85 passing a B99 vehicle with appropriate clearances as per AS/NZS 2890.1:2004.
 - d) The above requirements are to be designed and certified by a suitably qualified engineer experienced in traffic management, parking design and traffic signalling systems.
68. A Section J report is to be submitted to the Principal Certifying Authority (PCA) which reports the energy efficiency requirements for the development, including the boarding house component.

Prior to commencement of works

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

69. 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.
70. 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.
71. 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 Rocky Point Road 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.

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

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

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

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

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

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

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

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

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

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

73. 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.
74. 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.
75. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
76. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
77. (a) A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place,
(b) Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

(c) Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
 - (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
 - (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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

- (i) extend from the common boundary to 200mm from the edge of the

carriageway for the full length of the boundary;

(ii) have a clear height above the footpath of not less than 2.1m;

(iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and

(iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids. Any such hoarding, fence or awning is to be removed when the work has been completed.

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

78. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
79. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
80. 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.
81. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
82. 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 or other approved methods of preventing movement of the soil must be provided and:-
 - ii. Adequate provision must be made for drainage.

During demolition / excavation / construction

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

83. 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.
84. 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.
85. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

86. 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.
87. To protect the stability of the building during demolition, steel bracework shall be erected.
88. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.
89. 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.

90. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
91. 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.
92. 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.

93. 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.
94. All contractors shall obtain permits for, and comply with permit conditions during all

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

Road, Footpath and Road Related Area Closure (EP05)

This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.

Stand and Operate Registered Vehicle or Plant (EP03)

This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.

Occupy Road with Unregistered Item (EP02)

This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.

Works Zone (EP01)

This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.

Scaffolding, Hoarding and Fencing (EP04)

This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.

Temporary Shoring/Support (EP09)

This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.

Tower Crane (EP06)

This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.

Public Land Access (EP08)

This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.

Temporary Dewatering (EP07)

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

95. 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.
96. 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.
- 97. 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.
- 98. 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.
- 99. 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.

- 100. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 101. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
- 102. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
- 103. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 104. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
- 105. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 106. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
- 107. Lots B and C of DP 102921 shall be consolidated into one allotment. Council

requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.

108. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
109. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
110. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
111. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
112. The vehicular entry is to be clearly marked and signposted ("entry" or "no entry") from the rear laneway and ("exit" or "no exit") internally.
113. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
114. 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.
115. The width of the driveway at the boundary (after the 6m road dedication) shall be 6.1 metres.
116. A large convex mirror is to be appropriately installed near the bottom of each basement ramp in a strategic position chosen by a traffic engineer to provide increased sight distance for vehicles.
117. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.
118. The provision of a 0.9 metre wide right of footway in favour of Bayside Council along the boundary with the rear lane (after 6m road dedication to Council). The right of footway is to be covered by a Section 88B Instrument, which may only be varied or

extinguished with the consent of Bayside Council.

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

119. The dedication to Council of a 6 metre wide strip at the rear of the boundary for road widening purposes.

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

120. Suitable vehicular bollards shall be provided outside the exit doors and lift doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles. Bollards are to be constructed from steel pipe minimum 100mm diameter, domed at the top and filled with concrete. They are to be installed a minimum of 900mm into the ground and are to be 1100 mm out of the ground, painted white, with reflectors attached. Future maintenance will be the responsibility of the owner and/or occupier.
121. Bollard(s) shall be installed by the developer for all accessible parking spaces in accordance with AS/NZS 2890.6:2009.
122. Four off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
123. Prior to occupation, forty (40) off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to a suitably qualified traffic engineers satisfaction. The installation and implementation of the required traffic management systems to manage conflicting vehicular movements are to be certified by a suitably qualified engineer experienced in traffic management, parking design and traffic signalling systems.
124. 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.

125. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
126. The noise reduction measures specified in the noise report prepared by Koikas Acoustics Pty Ltd (Project Number: 3041), titled 'Acoustical Assessment Proposed retail/ boarding house development at 238-242 Rocky Point Road, Ramsgate NSW' dated 11 September 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.
127. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product

- manufacturer's recommendations.
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. 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.
131. 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.
132. The basement area shall be floodproofed to a minimum of 100mm above 1% AEP gutter flow. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
133. Waste and recycling must be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a B99 vehicle as per AS 2890.1:2004. The company engaged must ensure that all recycling is collected separately from waste.
134. Prior to Occupation, Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the following facilities to provide for the maintenance of the facilities.
- The stormwater detention facility to provide for the maintenance of the system.
 - The pump-out facility to provide for the maintenance of the system
135. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
136. The dedication to Council of a 6 metre wide strip of land along the entire rear boundary of the site for road widening purposes is required prior to the issue of the Occupation Certificate.
137. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
138. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".

139. 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.
140. Prior to the issue of the Occupation Certificate the area of land subject to the dedication to Council as public road reserve shall be suitably sealed. Such roadwork's shall be determined by a Registered Engineer and installed to the satisfaction of the Certifying Authority.
141. Trading shall not commence until a final inspection has been carried out by Councils Environmental Health Officer and all health related requirements have been complied with.
142. The premises shall be registered with the NSW Fair Trading by the proprietor of the Boarding Houses by completing the registration form available online at www.service.nsw.gov.au and providing documentary evidence to the Principal Certifying Authority.
143. The Plan of Management, prepared by NC Asset Holdings Pty Ltd, received by Council on 12 June 2018 is to be finalised with the following amendments:
- Part 4 - delete 71 x 1 bedroom rooms
 - Part 11 - approved hours of use for the rooftop communal area
 - Any other amendments required to demonstrate consistency with the approved conditions
144. The proprietor of the premises - places of shared accommodation shall provide Council with details for Council's Environmental Health Unit register by completing the Registration form available on request from the customer service centre.
145. Prior to the issue of the Occupation Certificate, the area of land subject to the dedication to Council as public road reserve shall be turfed. Turf shall be determined by a Landscape Architect and installed to the satisfaction of the Certifying Authority. Fencing shall also be installed around the road dedication along common boundaries with adjoining lots.

Prior to issue of subdivision certificate

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

146. The dedication to Council of a 6 metre wide strip of land along the entire rear boundary of the site for road widening purposes. These provisions are to be put into effect prior to release of the Subdivision/Strata Certificate.

147. An 88B Instrument is to be provided for the right of carriageway and is to be lodged with the Subdivision/Strata Certificate.
148. The subdivision is to occur in accordance with this Development Consent and any subsequent Section 4.55 modifications, particularly in regard to conditions which have not yet been satisfactorily completed prior to release of the Subdivision/ Strata Certificate.
149. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
150. The endorsed subdivision certificate shall not be released until completion of the development and the issue of the Final Occupation Certificate.
151. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.

Integrated development/external authorities

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

152.
 - i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.
 - ii) A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.
 - iii) Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - iv) Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - v) A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.
 - vi) Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
 - vii) As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant

materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.

viii) More information is required on submission of development applications for the proposed uses regarding the placement of public amenities, other than the proposed public toilets. The location of ATMs, public telephones, garbage bins etc, can impact greatly on how the area will be occupied and the level of crime it will absorb.

ix) Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

x) Monitored CCTV cameras shall be installed in and around the building to maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.

153. ROADS AND MARITIME (RMS)

The following conditions are specific to the RMS requirements:

(i) The subject site to have all vehicular ingress/egress via the rear laneway, no vehicular access is to be via Rocky Point Road.

(ii) The layout of the proposed car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and AS2890.6 2009.

(iii) Sight distances from the proposed vehicular crossings to vehicular traffic are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

(iv) All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.

(v) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management

Roads and Maritime Services

PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au

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

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works

Sydney Asset Management

Roads and Maritime Services

PO Box 973 Parramatta CBD 2124.

Telephone 8849 2114

(vii) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of

the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(viii) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

(ix) Construction works zone will not be permitted on Rocky Point Road.

(x) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Rocky Point Road during construction activities.

154. The applicant is required to provide a detailed dewatering management plan/report to address the following matters:

- Description of the geological or lithological materials beneath the site to depths well below the lowermost level of the proposed building substructures
- Identification of the groundwater conditions beneath and around the site including low yielding and saline systems
- Accurate dimensions of the proposed excavations required to accommodate the below-ground parts of the development
- Identification of any neighbouring bore water users, surface water features and groundwater dependent ecosystems
- Details of the method for disposal of the groundwater pumped during the dewatering activity
- Specifics of the construction approach and methods to seal off the completed basement from the surrounding groundwater

This report is required to be completed by a suitably qualified person, and submitted to WaterNSW as part of an application for a work approval under section 90 of the Water Management Act 2000.

155. WATER NSW

- Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
- An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
- An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
- The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
- The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the

anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

- Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation
- Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

Roads Act

156. 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.

157. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a footpath along the frontages of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter along the frontage and the rear lane of the development site.
 - viii) Construction of new road pavement in the new rear lane.
158. 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.
159. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
160. 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.
161. 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.
162. All works associated with the proposed development shall be at no cost to the RMS.

Development consent advice

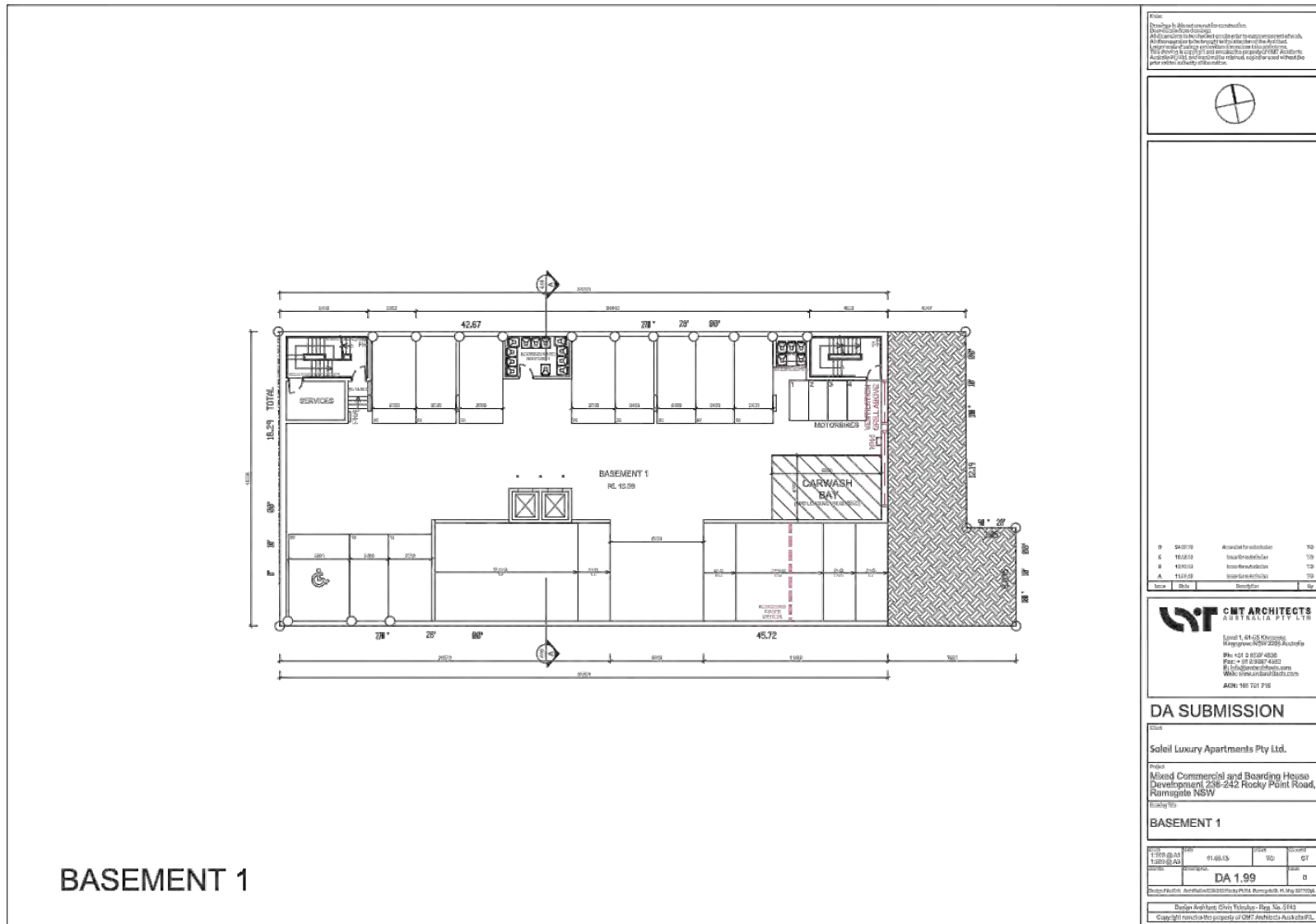
- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.

b. *Dial Before You Dig*

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

- c. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.

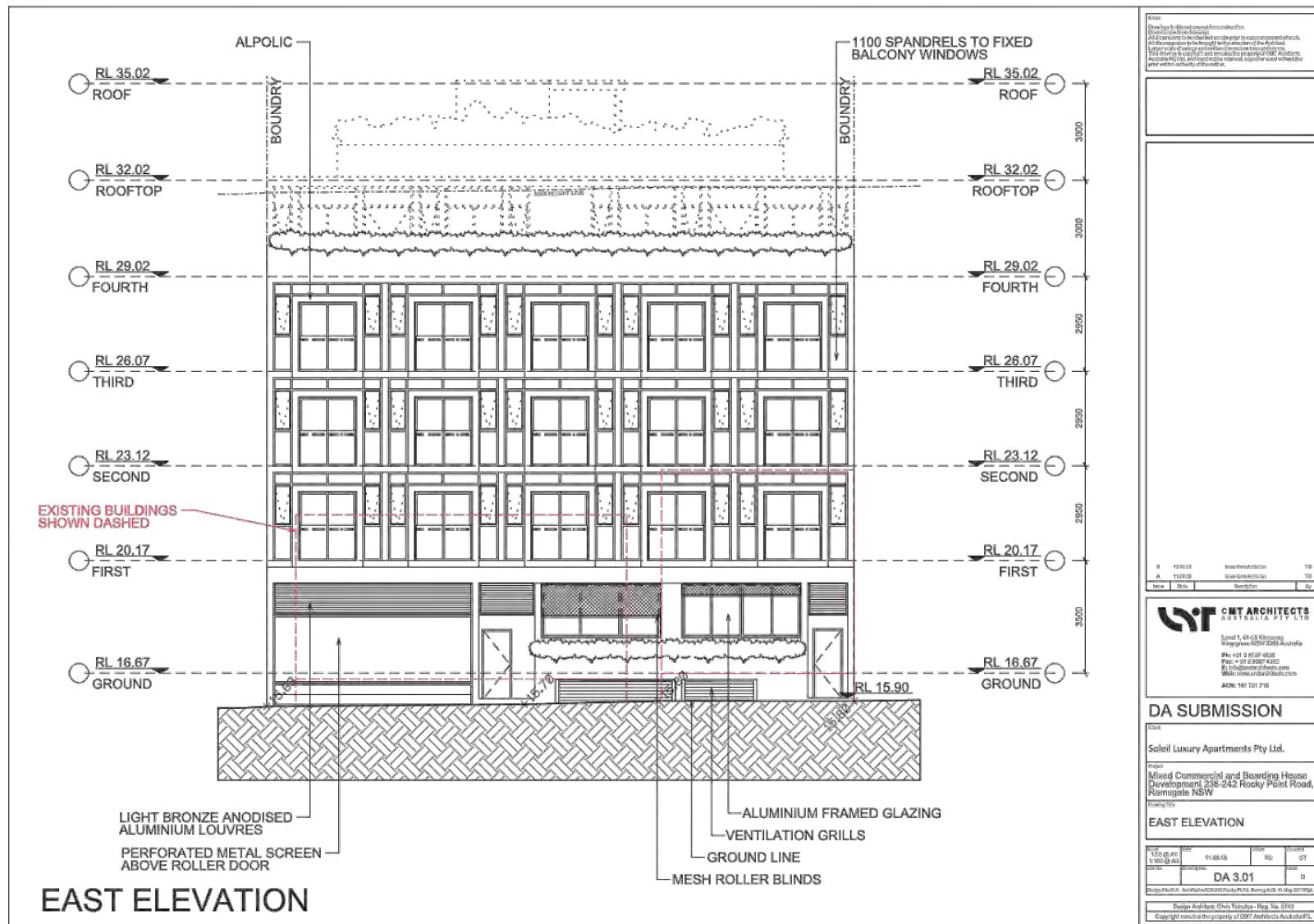


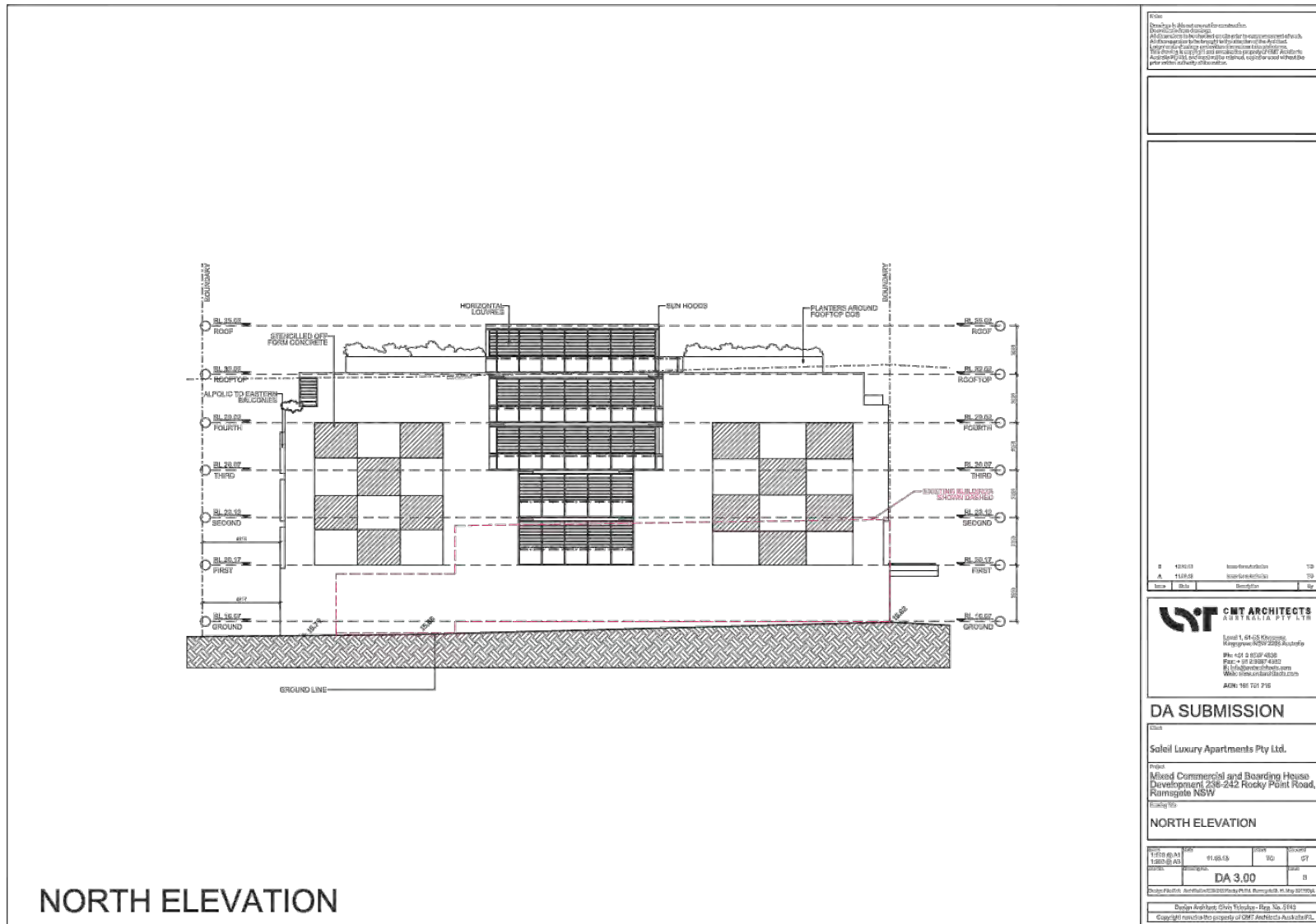


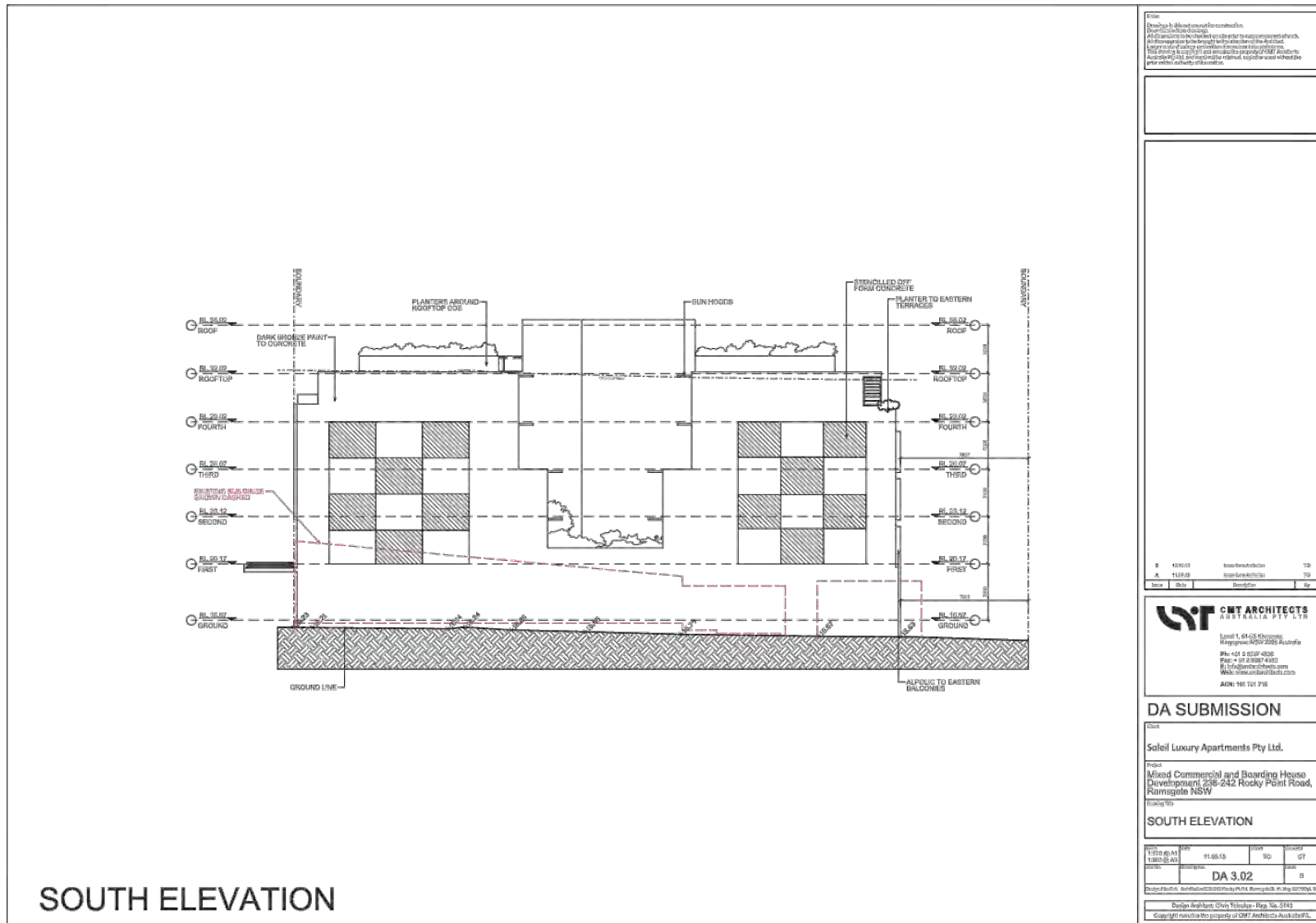
















MIXED USE

238-242 Rocky Point Rd, Ramsgate

DEVELOPMENT APPLICATION

DRAWINGS

DWG NO.	DRAWING TITLE	SCALE
000	COVER SHEET	NTS
C100	LANDSCAPE MASTERPLAN RENDER	1:100
101	LANDSCAPE PLAN - GROUND FLOOR	1:100
102	LANDSCAPE PLAN - FIRST & FOURTH FLOOR	1:100
103	LANDSCAPE PLAN - ROOFTOP	1:100
201	PLANTING PLAN - GROUND FLOOR	1:100
202	PLANTING PLAN - FIRST & FOURTH FLOOR	1:100
203	PLANTING PLAN - ROOFTOP	1:100
501	SPECIFICATION	
502	LANDSCAPE DETAILS	AS SHOWN

NOT FOR CONSTRUCTION

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A1

By: [Signature]
For: [Signature]
Date: 12/11/2019

L12/0000

Page 1/1



SITE IMAGE



Client: Soleil Luxury Apartments
Address: 238-242 Rocky Point Rd, Ramsgate
Project: 238-242 Rocky Point Rd, Ramsgate
Date: 12/11/2019
Page: 1/1

Drawing Name: Cover Sheet

DEVELOPMENT APPLICATION

Scale: 1:100
Drawing Number: 000 D



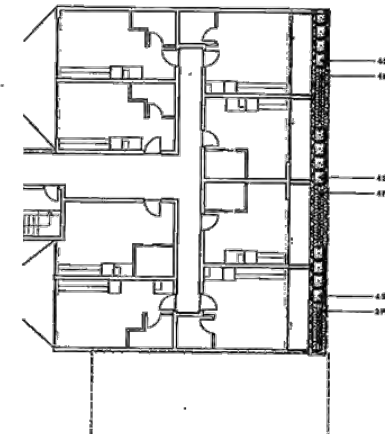








Fourth Floor Balcony Plant Schedule						
SYMBOL	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	SPACING	PROPOSED POT SIZE	QUANTITY
SHRUBS & ACCENTS						
Pl	Plumbium (rose)	New Zealand Flax	1.5 x 1.5	As Shown	300mm	11
SC	Syzygium Cascade	Pink Flowering lily pili	3 x 2	As Shown	300mm	12



02 Fourth Floor Balcony Landscape Plan
202 Scale 1:100

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[illegible]

Client:
Soleil Luxury Apartments

Architect:
CMT Architects Australia

Project:
238-242 Rocky Point Rd, Ramsgate

Drawing Name:
Planting Plan
First Floor & Fourth Floor Balconies

Sheet # of _____

DEVELOPMENT APPLICATION

Scale: 1:120 ④ A1

Job Number: _____

SS16-3371 _____ 202 D

$\text{Went}_{10} \text{ of } \text{C}_{10}$

SPECIFICATION GENERAL NOTES

Reference

All plants and details included in the project documents shall be read in conjunction with this specification. All structural and civil works components of the landscape design shall be referenced to engineers' details and specifications. Read this specification in conjunction with the plant and materials schedules on the drawings. If in doubt about any detail or if conflicts are found in the documents, seek advice.

Workmanship and Materials

The whole of the landscape works shall be carried out by a competent, trained and qualified landscape contractor who is experienced in horticultural practices, landscape construction and planting techniques. The landscape contractor shall hold a current Building Contractors Licence and/or be a licensed member of LNA Landscape Association NSW & ACT or equivalent organisations in other states.

Hardworks

Furniture, Handrails, Balustrades
Supply and install the scheduled items in accordance with the manufacturer's recommendations, as detailed and in the locations shown on plan. Provide all footings and fixings required for the items to be stable and in accordance with applicable codes and standards.

Garden Walls, Fences, Steps, TOSI and Edging

Construct garden walls, fences, steps, TOSI and edging as shown on plan, as detailed and of the material scheduled. Provide footings, step nosings, tactile surfaces to comply with standards and applicable legislation. Refer to engineer's details for structural retaining walls, heavy duty slabs, concrete stairs, concrete strength, mitering and joint placement.

Continuous, Lift and Loose Pavement

Install the scheduled material pavement to the locations shown on plan. Ensure that subgrade/subsurface works are complete prior to commencing paving. Confer with the engineer to ensure the structural integrity of the subgrade. Ensure that the base course under paved surface is a continuous plane offering a constant depth of bedding material not exceeding 50mm.

Softworks

Topsoil

Import topsoil for the garden and turf areas, unless the topsoil can be provided from material recovered from the site, as recommended in the soil testing results. Spread the topsoil on the prepared subsoil and grade evenly, compact lightly and uniformly in 150mm layers. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:

- Finished to design levels, allowing for mulch or turf, which is to finish flush with adjoining hard surfaces such as paths and edges;
- Smooth and free from inorganic matter, stones or clods of soil;
- Graded to drain freely, without ponding, to catchment and/or sub-soil drains;
- Graded evenly to adjoining surfaces; and
- Ready for planting.

Compost

Provide, in accordance with AS 4464, well rotted vegetative material or animal manure, free from harmful chemicals, fungicide, mastic, grease, weeds and the reproductive parts of unwanted plants.

Fertiliser

Provide proprietary fertilisers, delivered to the site in sealed containers marked to show manufacturer or vendor, weight, fertiliser type, N-P-K ratio, recommended uses, application rates and safety procedures. Apply appropriate fertiliser suited to the provenance of plants (indigenous or exotic) included in the design.

Plants

Supply plants in accordance with the landscape design drawings and schedules, which have the following characteristics:

- Large healthy root systems, with no evidence of root rot, restriction or damage;
- Vigorous, well established, free from disease and pests, of good form consistent with the species/variety;
- Hardwood cut, not soft or forced, and suitable for planting in the natural details conditions prevailing at the site in full sun, partial shade or full shade conditions;
- Grown in final containers for not less than twelve weeks;
- Trees, unless required to be multi-stemmed, shall have a single leading shoot; and
- Containers shall be free from weeds and of appropriate size in relation to the specified plant size.

Plant Installation

Following excavation of the planting hole, place and spread 10mm of wetting agent premixed with one (1) litre of water. Place the plant correctly orientated to north or the best presentation. Stagger the planting holes with specified topsoil mixture. Lightly tamp and water to eliminate air pockets. Ensure that the backfill soil is not placed over the top of the root ball and that the root ball is not higher than the soil in which it is planted. Apply fertiliser, as specified around the plants in the soil at the time of planting.

Root Barrier

Supply and install root control barriers to all new tree plantings adjacent to walls, paths, kerbs and all service trenches, where their proximity poses a threat to the stability of the built infrastructure. Install in accordance with manufacturer's recommendations.

Mulch

Unless noted otherwise, mulch shall be approved proprietary recycled wood fibre or pine bark mulch. Place mulch in all garden beds to a depth of 75mm after all specified plants are installed. Keep mulch clear of all plant stems and rake to an even plane, flush with the surrounding surface evenly graded between design surface levels. Over fill to allow mulch to settle to the specified depth.

Stakes and Ties

Stakes shall be durable hardwood, straight, free of knots and holes, pointed at one end, in the following quantities and sizes for each of the various plant pot sizes:

- Plants (200 lit) 1 off 38 x 38 x 1200mm
- Plants (250 lit) 2 off 38 x 38 x 1200mm
- Plants (300 lit) 3 off 50 x 50 x 2400mm

Irrigation

All proposed landscape areas shall be irrigated.

The irrigation system shall be an automatic permanent system, with an irrigation controller self operated via a soil moisture sensor. The system shall be calibrated to deliver the optimum rate and volume of water appropriate to the type of plants in the design. The system shall be adjustable and fully serviceable. The layout of the entire irrigation system shall focus on delivering the required amount of water to maintain healthy and vigorous growth. The irrigation system shall be such that, component fail, vandalism, overwatering and wasting of water shall be reduced to a minimum or completely eliminated by the use of drip, pop-up sprinklers and judiciously placed fixed spray emitters. Generally do not use fine mist emitters that provide a chilling mist that may wet paths and the building unless specifically required by the design.

Landscape Maintenance

The Landscape Contractor shall rectify defects during installation and that become apparent in the twelve month period for the duration of the contract. Defects Liability Period. Unless corrected otherwise, the Landscape Contractor shall maintain the contract areas by the implementation of industry accepted horticultural practices for 52 weeks from Practical Completion of the works. The landscape maintenance works shall include, but not be limited to:

- Replacing failed plants;
- Pruning;
- Insect and pest control;
- Fertilising;
- Maintaining and removing stakes and ties;
- Maintaining mulch;
- Mowing and top dressing;
- Irrigation and watering;
- Erosion control; and
- Weeding and rubbish removal.

Maintenance Log Book

Implement and keep a maintenance log book recording when and what maintenance work has been undertaken and what materials, actions and decisions have been used. Implement and conclude to keep the landscape always looking its best. Enter data daily and review information every 2 weeks. Observe trends and develop a maintenance regime around seasonal and observed event occurrences.

Maintenance Activities

- Plant replacement - Replace plants that have failed to mature, die or are damaged. Replacement plants shall be in a similar size and quality and identical species or variety to the plant that has failed. Replacement of plants shall be at the cost of the landscape contractor unless advised otherwise, in the case of the failure is due to a controllable situation then correct the situation prior to replacing plants. Observe and replace failed plants within 2 weeks of observation.
- Pruning - Prune dead wood, broken limbs, dead or infested foliage and as needed to develop strong, healthy plants to achieve the shape and form expected of the plant type. Observe daily and prune plants on a needs basis.
- Insect, disease and pest control - Avoid spraying:
 - o If ever possible;
 - o In wet weather or if wet weather is imminent;
 - o If target plants are still wet after rain;
 - o In windy weather; and
 - o If non-target species are too close.

Immediates

- o If target plants are still wet after rain;
 - o In windy weather; and
 - o If non-target species are too close.
- Immediately report to the Project Manager any evidence of intensive weed infestation, insect attack or disease amongst plant material. Submit all proposals to apply chemicals and obtain approval before starting this work. When approved, spray with herbicide, insecticide, fungicide as appropriate in accordance with the manufacturer's recommendations. Observe daily and act as necessary to control any infestation or disease. Record in the logbook all relevant details of spraying activities including:
- o Product brand / manufacturer's name;
 - o Chemical / product name;
 - o Chemical contents;
 - o Application quantity and rate;
 - o Date of application and location;
 - o Results of application; and
 - o Use approval authority.

- o Fertilising - Fertilise gardens with a proprietary slow release fertiliser applied in accordance with the manufacturer's directions and recommendations. Apply 6-12 monthly. Record in the logbook all relevant details of fertilising including:
 - o Product brand / manufacturer's name;
 - o Fertiliser / product name;
 - o Application quantity and rate;
 - o Date of application and location;
 - o Stakes and ties - Adjust and replace as required to ensure plants remain correctly staked. Remove those not required at the end of the planting establishment period (Defects Liability Period). Report and act at least every 2 weeks.
 - o Maintaining mulch - Maintain the surface in a clean, tidy and weed free condition and replenish the mulch as necessary to ensure correct depth as specified. Observe weekly and replenish mulch as required.
 - o Mowing and top dressing - Mow the turf to maintain a grass height of between 30-40mm. Do not remove more than one third of the grass height at any one time. Remove grass clippings from the site after each mowing. Top dress to a maximum of 10mm to fill depressions and hollows in the surface. Mow weekly/biweekly in warmer months. Mow monthly or as required in cooler months. Top dress at approximately 6 monthly intervals.
 - o Irrigation and watering - Maintain the irrigation system to ensure that each individual plant receives the required amount of water to maintain healthy and vigorous growth. Adjust and calibrate as required. Provide additional watering, if necessary but inspect irrigation weekly and make repairs as necessary.
 - o Erosion control - Where necessary, maintain the erosion control fabric in a tidy and weed free condition and rehabilitate as necessary to ensure control measures are effective when deemed necessary. Inspect every 2 weeks and act to repair any damage as soon as possible.
 - o Weeding and rubbish removal - During the plant establishment period remove by hand, pull and weed growth that may occur or re-occur throughout all planted, mulched and paved areas. The contractor shall target weeds that are capable of producing a major infestation of unwanted plants by seed distribution. Whenever possible, use weed removal to precede mowing and seed act. Constant observation and removal of weeds is essential.

Ground Floor Plant Schedule

SS16-3371 238-242 Rocky Point Rd, Ramsgate									
SYMBOL	PLANT NAME	COMMON NAME	NATIVE SIZE (H x W) (m)	SPACING	PROPOSED POT SIZE	QUANTITY	DATE	DATE	DATE
PLANT SCHEDULE									
01	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
02	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
03	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
04	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
05	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
06	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
07	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
08	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
09	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
10	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019

First Floor Plant Schedule

SS16-3371 238-242 Rocky Point Rd, Ramsgate									
SYMBOL	PLANT NAME	COMMON NAME	NATIVE SIZE (H x W) (m)	SPACING	PROPOSED POT SIZE	QUANTITY	DATE	DATE	DATE
PLANT SCHEDULE									
01	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
02	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
03	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
04	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
05	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
06	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
07	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
08	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
09	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
10	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019

Fourth Floor Balcony Plant Schedule

SS16-3371 238-242 Rocky Point Rd, Ramsgate									
SYMBOL	PLANT NAME	COMMON NAME	NATIVE SIZE (H x W) (m)	SPACING	PROPOSED POT SIZE	QUANTITY	DATE	DATE	DATE
PLANT SCHEDULE									
01	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
02	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
03	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
04	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
05	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
06	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
07	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
08	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
09	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
10	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019

Roofing Plant Schedule

SS16-3371 238-242 Rocky Point Rd, Ramsgate									
SYMBOL	PLANT NAME	COMMON NAME	NATIVE SIZE (H x W) (m)	SPACING	PROPOSED POT SIZE	QUANTITY	DATE	DATE	DATE
PLANT SCHEDULE									
01	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
02	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
03	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
04	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
05	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
06	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
07	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
08	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
09	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
10	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019

Roofing Plant Schedule

SS16-3371 238-242 Rocky Point Rd, Ramsgate									
SYMBOL	PLANT NAME	COMMON NAME	NATIVE SIZE (H x W) (m)	SPACING	PROPOSED POT SIZE	QUANTITY	DATE	DATE	DATE
PLANT SCHEDULE									
01	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
02	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
03	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
04	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
05	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
06	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
07	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
08	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
09	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019
10	Grass	Grass	0.5 x 1.0	1m	100mm	100	12/11/2019	12/11/2019	12/11/2019

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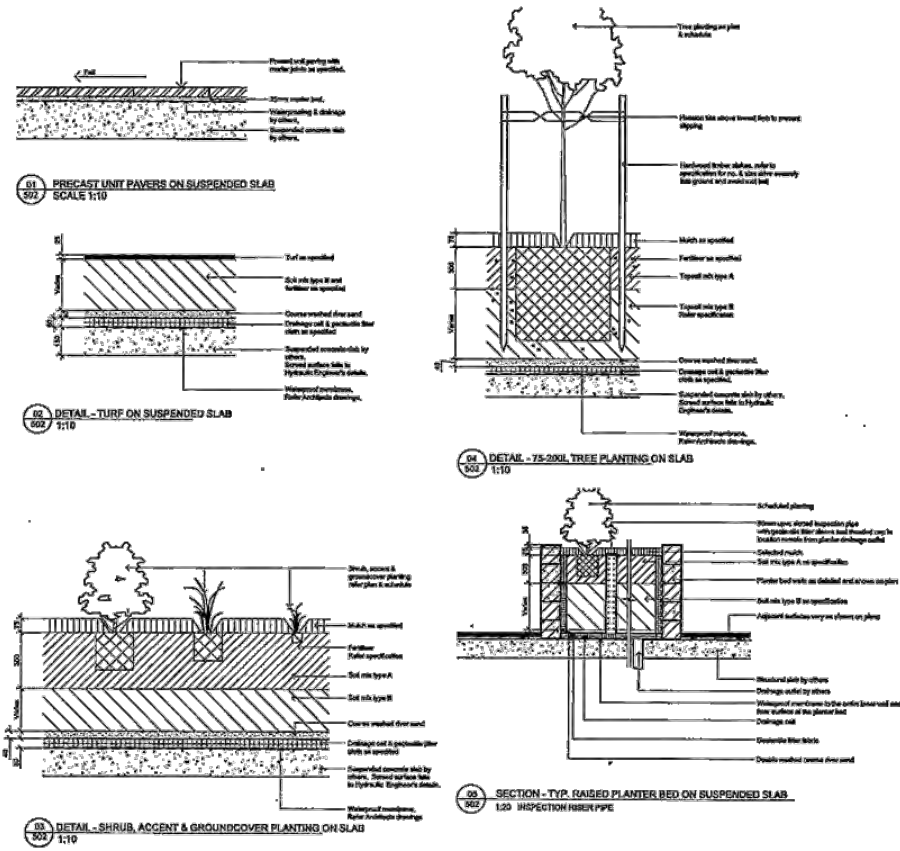
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A1

LEGEND

01	PerDA	MPH	7.6	01.01.2019
02	PerDA	MPH	7.6	01.01.2019
03	PerDA	MPH	7.6	01.01.2019
04	PerDA	MPH	7.6	01.01.2019



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1	Rev 01	1/1/2019	1/1/2019
2	Rev 02	1/1/2019	1/1/2019
3	Rev 03	1/1/2019	1/1/2019
4	Rev 04	1/1/2019	1/1/2019

LEGEND

Notes



DATE: 1/1/2019



Client: Solei Luxury Apartments
Address: 238-242 Rocky Point Rd, Ramsgate
Project: 238-242 Rocky Point Rd, Ramsgate

Drawing Name: Landscape Details

DEVELOPMENT APPLICATION
Sheet: 502 D

Cl. 4.6 of the Rockdale LEP 2011
Request to Vary the Maximum Building Height
Development Standard
Proposed Boarding House Development with
Ground Level Retail/Commercial Uses

238 - 242 Rocky Point Road, Ramsgate



Prepared by
TUDOR PLANNING AND DESIGN

For
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April 2019

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Date:

15 April 2019

Disclaimer:

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1 Introduction

1.1 Overview

This Clause 4.6 of the *Rockdale Local Environmental Plan 2011* (LEP) exceptions to development standards report (Clause 4.6 Report) requests a variation to the maximum building height development standard for the proposed development located at 238-242 Rocky Point Road, Ramsgate (site).

This Clause 4.6 Report supports the Statement of Environmental Effects (SEE) report, which has been prepared on behalf of CMT Architects (Australia) Pty Ltd (CMT Architects) and Solell Apartments Pty Ltd, and supports a development application to Bayside Council (Council).

This Clause 4.6 Report and SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations).

The preparation of this Clause 4.6 Report and supporting SEE relied upon the adequacy and accuracy of supporting architectural plans prepared by CMT Architects in support of the development.

1.2 Clause 4.6 of the LEP

Clause 4.6 of the LEP provides the mechanism to vary development standards, which states:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(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.

1.3 Current Approval on the Site

On 27 February 2018, the Bayside Planning Panel approved a five storey shop top housing development (DA-2017/174) on the site comprising of the following:

- Three (3) commercial suites;
- Eighteen (18) residential units;
- Two (2) levels of basement car parking;
- Associated landscaping;
- Hydraulic works; and
- Demolition of existing structures.

The proposal has been designed to be within the same envelope as the approved development. As such, issues associated with overshadowing and potential mass/built form impacts have already been addressed as part of the current approved development.

2 The Site

This section of the report provides a review of the subject site.

2.1 Site Location

The site is located at 238 - 242 Rocky Point Road, Ramsgate (site). The site is within the Ramsgate Town Centre. The site is well serviced by nearby shops. The site has excellent access to public transport with a bus stop directly in front of the property on the opposite side of the road as well within approximately 200 metres of the site on Ramsgate Road.

The site consists of two parcels of land with two older style two storey brick buildings from circa 1970s – 1980s, on each allotment.

Refer to Figure 1 for the site's local context.

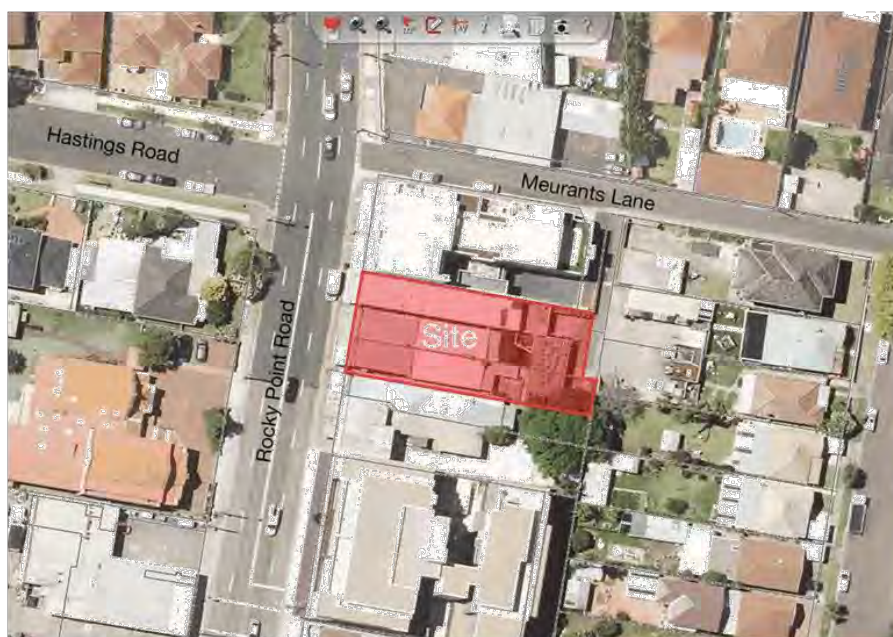


Figure 1. Subject site

The site comprises of two allotments. Two brick buildings circa 1970s-1980s style of two storey and equivalent in scale are located on each allotment. Table 1 provides additional details of the site.

Table 1. Site Description

Property	Details
Legal Description	
No.238 Rocky Point Road	Lot B DP102921
No.242 Rocky Point Road	Lot C DP102921
Existing buildings on site	
No.238 Rocky Point Road	Two storey brick shop with metal roof.
No.242 Rocky Point Road	Two storey equivalent brick shop with metal roof.
Site Area	Total = 799.1 sqm
No.238 Rocky Point Road	518.7 sqm
No.242 Rocky Point Road	280.4 sqm
Rocky Point Road Site Frontage	Total = Approximately 18.29 metres

3 The Proposal

CMT Architects Australia Pty Ltd (CMT Architects) designed the proposal. This section describes the proposed development.

3.1 Proposed Development

The proposed development is a boarding house development with retail/commercial use proposed on the ground level. Generally, the following works are proposed:

- Demolition of all existing buildings and structures;
- Construction of a five storey building;
- Three levels of basement car parking;
- Associated civil engineering works; and
- Associated landscaping works.

A summary of the proposed building works is identified in the table below.

Table 2. Proposed Development Summary

Property	Details
Site Area	799.1 sqm
Number of Residential Units	70 rooms and 1 caretaker room
Number of Retail/Commercial Suites	2 x retail/commercial suites
Number of car parking spaces	40 spaces, including: <ul style="list-style-type: none"> • 35 car spaces associated with boarding rooms; and • 5 retail spaces.
Building height	The proposal exceeds the 16 metre height of building development standard.
Floor Space Ratio	The allowable FSR under the Rockdale LEP 2011 is 2:1. However, a bonus of 0.5:1 FSR is permissible under clause 29(1)(c)(i) of the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> . Therefore, the total permissible FSR on the site is 2.5:1. The proposal complies with the overall FSR achieving an FSR of 2.42:1, which equates to a GFA of 1,943.13sqm.
Land Dedication for Rear Lane	74.36 sqm (As approved under DA-2017/174.)

3.2 Description of the Proposal

A detailed description of the proposed residential flat building is provided in the table below.

Table 3. Detailed Proposed Development Description

Level	Car Parking Spaces (No.)	Retail/ Comm. (No.)	Rooms (No.)
Basement and car parking	40	0	0
Ground Level		2	* Communal open space
Level 1		0	18 (including caretaker's unit)
Level 2		0	18
Level 3		0	18
Level 4		0	17
Total	40	2	71

NB: * Communal open space for boarding house tenants

Refer to architectural plans enclosed with the SEE prepared by CMT Architects for design details of the proposal.

3.3 Photomontages

This application and architectural plans are supported by photomontages of the proposed development. Refer to Figures 2 and 3 for the photomontages.



Figure 2. Photomontage of proposal looking south-east along Rocky Point Road



Figure 3. Photomontage of proposal looking north-east along Rocky Point Road

4 Development Standards

The key environmental planning instrument that applies to the site is the *Rockdale Local Environmental Plan 2011* (LEP). In accordance with Clause 4.3 of the LEP the maximum building height is 16 metres.

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5 Proposed Variation

The proposed development seeks an exception to the maximum building height of 16 metres in the LEP. The parts of the development that are above the maximum building height include:

- Portion of the building on the western elevation including parapet and small part of roof;
- Balustrade and landscape planter box in central part of development on the roof;
- Roof structure over walkway and common open space; and
- Lift overrun and fire staircase.

The scale of the proposed development is the same as the current approved development (DA-2017/174) on the site.

Figures 4 and 5 show the actual area in the central part of the development that predominately exceed the maximum building height limit.

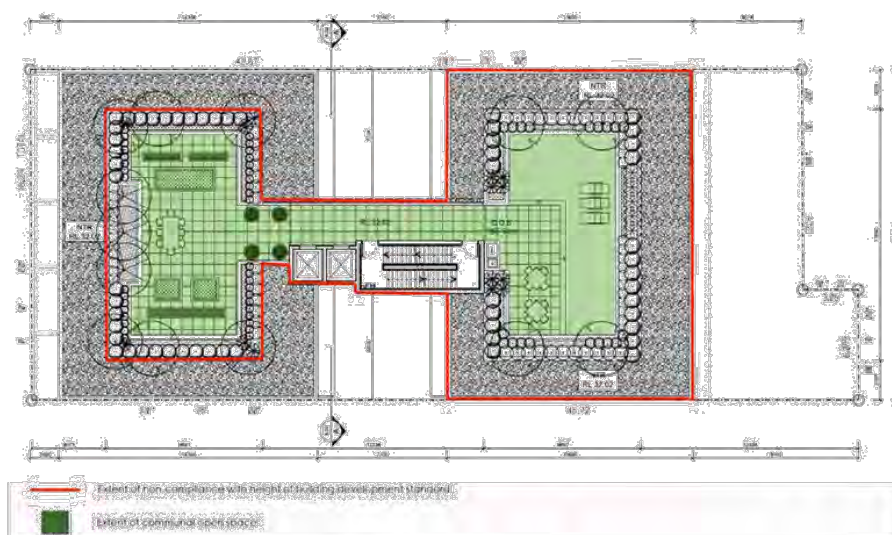


Figure 4. Areas that exceed maximum building height

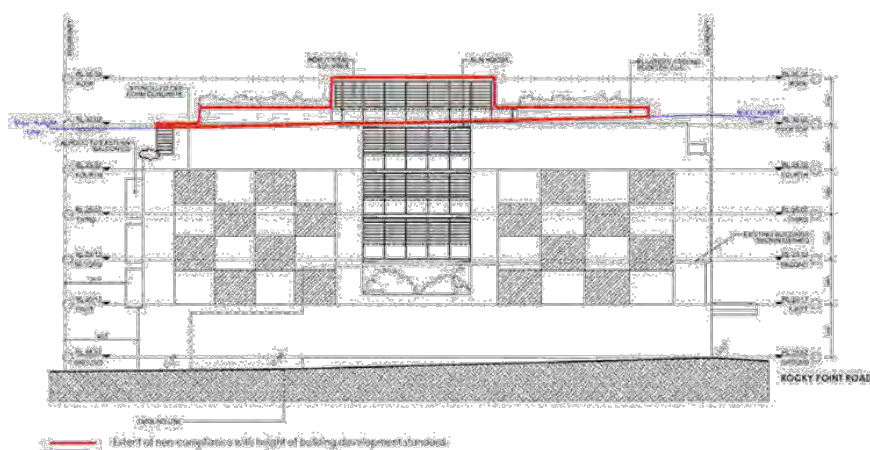


Figure 5. Areas that exceed maximum building height – Elevation

Table 4 on the following page identifies the degree of exceedance of the building height.

Table 4. Building Height Exceedance Summary

Unit No.	Height above development standard	% Difference of 16m HOB in LEP
Lift overrun & Fire stairs	Up to 3.5m	22%
Planter and balustrade	Approx. 1.2m	7.5%
Roof feature over walkway connecting to central building core	Up to approx. 3m	19%

Further to the above there is also a minor exceedance to the roof level on the eastern side of the proposal that is approximately 370mm over the LEP 16 metre height of building development standard. This equates to an exceedance of approximately 2%.

Given the orientation of the site the proposal does not significantly overshadow the lower scale development to the rear of the property for most part of the day in mid-winter. The properties to the rear of the site maintain at least 3 hours of solar access in mid-winter.

In relation to the overshadowing to rear properties, we are strongly of the view that the non-compliance does not generate any further detrimental impacts than what would be generated by a complying development. The bulk of the proposal that is non-compliant is located in the central part of the building and therefore does not generate the bulk of the shadow.

Particularly in relation to the immediate properties to the south, a complying development on the subject site would still generate overshadowing on those immediate properties due to the orientation of the subject properties.

Further, the proposed built form that exceeds the maximum building height is located in a centre of the proposed development, which ensures that the extra mass is not visually evident from the street.

Furthermore, the minor exceedance to the front of the building on Rocky Point Road and to the eastern elevation has no material impact.

Table 4 above clearly demonstrates that the lift overrun/fire stairs and roof feature exceed the maximum building height by up to 19%, however their actual footprints are only 4.5% and 3% of the site, respectively. While the lift overrun/fire stairs and roof feature exceed the maximum building height they produce a significant benefit to the overall function and residential amenity of the proposal. These design features allow access to the common open space on the roof level. As such, the proposal is considered to generate a skilful design outcome in balance of the proposal versus the minor non-material environment impacts.

In consideration of the location of the proposed built form that exceeds the height limit, as well as the degree of exceedance and in review of likely impacts it is considered that the exceedance is completely acceptable for the site.

6 Justification for Request

This Clause 4.6 Report seeks to amend the development standards in Clause 4.3 of the LEP in support of the proposal.

6.1 Assessment of the Objectives of Relevant Standards

The objectives and assessment of each clause is provided below.

Maximum Building Height

Clause 4.3 of the LEP states:

"4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

Assessment

The proposal meets the above by:

- As discussed in Section 5, if the proposed development were to comply with the maximum building height limit, given the orientation of the site there would be no change to the degree of impact generated by the overshadowing to the low scale properties to the rear of the site.
- The non-compliance does not generate any more significant detrimental impacts than what would be generated by a complying development.
- The proposal is consistent with the intent of the zone and the future character of the area and promotes a high quality urban form.
- The proposal allows for satisfactory exposure for sky exposure and daylight surrounding buildings that would be achieved by a complying development.
- The proposal is consistent with other development along Rocky Point Road and offers a well resolved transition between building forms along Rocky Point Road.

As such, the proposed non-compliance is considered to be reasonable for the site.

6.2 Assessment of the Objectives of the Land Use Zone

The site is subject to two land use zones being:

- B4 Mixed Use; and
- R3 Medium Density Residential.

The B4 Mixed Use Zone governs most of the site. The objectives of the zone in the LEP are as follows:

*"Zone B4 Mixed Use**1 Objectives of zone*

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

Assessment

The proposal meets the above by:

- The proposal provides retail/commercial uses and boarding house residential use that is compatible with the role of the Ramsgate Town Centre and does not diminish the role of the Centre;
- The proposal provides affordable housing that supports the Centre and surrounding employment uses; and
- The proposal successfully integrates the proposed uses with surrounding uses, as well as provides housing close to public transport and encourages walking and cycling.

The R3 Medium Density Residential Zone governs a small portion of the rear of the site. The objectives of the zone in the LEP are as follows:

*"Zone R3 Medium Density Residential**1 Objectives of zone*

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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.*

Assessment

The proposal meets the above by:

- The proposal provides land uses that support the role of the Ramsgate Town Centre and deliver housing that meets the needs of the community;
- The proposal is mostly subject to a B4 Mixed Use Zone and provides suitable type of housing that is not inconsistent with the R3 Medium Density Residential land use zone;
- The proposal includes retail/commercial land uses on the ground level that are compatible with surrounding land uses; and
- The proposal is within the character of the surrounding area and reinforces the role of the Ramsgate Town Centre.

6.3

Assessment of the Relevant Case Law and Planning Principles

The proposed variation has been assessed against the accepted tests for the assessment of development standard variations established by the NSW Land and Environment Court in:

- *Wehbe v Pittwater Council* [2007] NSW LEC 82
- *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46)
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 ('Four2Five No 3')
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Assessment of the above test cases is discussed below.

Wehbe v Pittwater Council

In his decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827, Chief Justice Preston expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. The five tests are considered below.

(i) The objectives of the standard are achieved notwithstanding non-compliance with the standard

Consistency with the objectives of the standard, and the absence of any environmental impacts, would demonstrate that strict compliance with the development standard is both unreasonable and unnecessary in this instance.

The proposal is consistent with the objectives at Clause.4.3 of the LEP satisfying Wehbe test (i). As such, it is unreasonable and unnecessary in this circumstance to comply with the development standard.

(ii) The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved as outlined in (i) above.

(iii) The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

Not applicable. The underlying object or purpose of the standard would not be defeated or thwarted if compliance was required.

(iv) The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

Not applicable. The underlying object or purpose of the standard would not be defeated or thwarted if compliance was required.

(v) 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.

Not applicable. The existing land use zones on the site, Zone B4 Mixed Use and Zone R3 Medium Density Residential are appropriate zones given the site's location. The proposed uses are also permissible on the site. As such, this exception to development standard request does not rely on this reason.

Winten Developments Pty Ltd v North Sydney Council

The exception to the development standard request is assessed below, against the accepted test for the assessment of development standard variation established by *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46.

A. Is the planning control in question a development standard?

Yes, the control found at Clause 4.3 of the LEP is a development standard.

B. What is the underlying object or purpose of the standard?

The underlying objectives of the standard are assessed in Part C below, of this Clause 4.6 Report.

C. Is compliance with the development standard unnecessary or unreasonable in the circumstances of the case?

The proposed development is subject to a maximum building height of 16 metres under the LEP. Refer to Section 5 for an assessment of the proposed building height. Figure 4 and 5 clearly show the degree of non-compliance generated by the proposal. The two main considerations in assessing this non-compliance relate to:

- Potential excessive and unacceptable overshadowing as a result of the additional bulk above the maximum building height development standard; and
- The potential view impacts or visual obtrusion of the additional bulk as a result of the non-compliance.

Overshadowing

In relation to overshadowing, due to the orientation of the site and as shown in the enclosed shadow diagrams with the proposed architectural drawings, the shadow moves quickly across the site and adjoining lands. The shadows fall mostly on the Rocky Point Road in the morning and then moves across adjoining properties quickly through the day. The overshadowing generated by the proposal would not be improved by a complying scheme due to the orientation of the site to properties to the south. Also, the overshadowing cast on adjoining properties is the same as that cast by shadows from the current approved development on the site.

View Impacts

In relation to visual impacts, the non-compliance would not be evident from the street. The main area of non-compliance is located in the centre of the proposal and therefore a reasonable design outcome for the site.

D. Is compliance with the development standard consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979?

The arguments contained in this Clause 4.6 Report support the case to allow flexibility in the application of the building height development standard.

The non-compliance with the development standard allows for an orderly use of the land and the proposal has been designed with consideration to the desired future character of the area.

E. Is the objection well founded?

The cl.4.6 exception to development standard request appropriately addresses *Wehbe v Pittwater Council* [2007] NSW LEC 827, therefore the proposed variation is well founded.

Four2Five Pty Ltd v Ashfield Council

Commissioner Pearson's decision in *Four2Five Pty Ltd v Ashfield Council* (and Pain J's endorsement of the reasoning) indicates that merely showing that the development achieves the objectives of the development standard will be insufficient to justify that a compliance with a standard is unreasonable or unnecessary in the circumstances of the case for the purposes of an objection under clause 4.6, (and 4.6(3)(a) in particular).

Further, the requirement in cl.4.6(3)(b) to justify that there are sufficient environmental planning grounds for the variation, may well require identification of grounds particular to the circumstances of the proposed development – as opposed merely to grounds that would apply to any similar development on the site or in the vicinity.

The justification for flexibility is explained in Section 4.2.4 of this report and Section D of the above assessment of *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46* of this letter. Therefore, providing the justification and planning grounds on which the variation is considered to be acceptable.

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

In the *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Case Law, Commissioner Preston CJ, further clarified the correct approach to the consideration of a clause 4.6 requests, including that the clause does not require that a development that contravenes a development standard must have a neutral or better environmental planning outcome than one that does not.

As stated by Lindsay Taylor Lawyers (September 2018):

"Clause 4.6 of a standard instrument LEP permits a consent authority to grant development consent for development that would contravene a development standard where the consent authority is satisfied that:

- cl4.6(4)(a)(i): a written request from the applicant adequately demonstrates that compliance with the development standard is unreasonable or unnecessary(cl4.6(3)(a)), and that there are sufficient environmental planning grounds to justify the contravention (cl4.6(3)(b)), and*
- cl4.6(4)(a)(ii): the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the relevant zone."*

Within respect to cl4.6(4)(a)(i), this Clause 4.6 Report addresses all the necessary matters for consideration of the non-compliance by Council. Therefore, Council should be satisfied that the written request has adequately addressed the relevant matters.

With respect to cl4.6(4)(a)(ii), the proposal is clearly within the public interest. Refer to Section 6.4 of this report for the relevant assessment.

6.4

Clause 4.6 Assessment

There are three fundamental tests to justifying the non-compliances and to which Council must be satisfied that they have been adequately addressed. These tests are discussed below.

First Test Clause 4.6(1)(a) and (b)

The first test of clause 4.6, is whether the proposal meets the objectives of clause 4.6, which area:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is believed that the proposal does meet the above objectives as the proposal offers a development that does not generate any significant environmental impacts, achieving a design with a good outcome for the site.

Second Test Clause 4.6(3)

The second test is under clause 4.6(3), which requires the proposal to be justified in regard to:

- (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.*

Refer to the justification explained in Part C of the above assessment of *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46* of this report. It is believed that strict compliance with the development standard is unnecessary in the circumstances of the case, as the proposal generates no adverse impacts in regard to overshadowing and view loss.

Importantly, in relation to achieving a better planning outcome, should the design be amended to comply it would cause an inferior design and planning outcome with no better environmental outcome. So the proposal is optimal as it stands. Moreover, the proposal ensures the future viability of the Local Centre promoting the land use zone objectives.

As such, there is sufficient justification for the proposal on the environmental planning grounds to allow for the contravention of the development standard.

Third Test Clause 4.6(4)(a)(i)

Within respect to cl4.6(4)(a)(i), this Clause 4.6 Report addresses all the necessary matters for consideration of the non-compliance by Council. Therefore, Council should be satisfied that the written request has adequately addressed the relevant matters.

Third Test Clause 4.6(4)(a)(ii)

The third test under clause 4.6(4)(a)(ii) is:

- (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*

The proposal meets the objectives of the development standard and also meets the objectives of the land use zone, as discussed in as Section 6.1 and Section 6.2 of this report respectively.

Moreover, the proposed development is considered to be within the public interest as a result of the following:

- The does not adversely impact the amenity of the public domain;
- Will contribute to increased housing choice in the area; and
- Is an orderly, rational and economic use of the land.

Assessment of Clause 4.6(5)

Further to the above, the NSW Department of Planning and Environment (DP&E) issued a Planning Circular (PS17-006) dated 15 December 2017 that provides guidance with respect to assumed concurrence when determining a development application that is supported by a Cl.4.6. The Planning Circular outlines the procedural and reporting requirements.

Therefore, this Cl.4.6 is also required to assess Cl.4.6(5) of the LEP. Cl.4.6(5) states:

"4.6 Exceptions to development standards

(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.*

An assessment of Cl.4.6(5) of the LEP is provided below.

(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

The proposed non-compliance with the maximum building height development standard does not raise any matters of significance for State or regional environmental planning. The contravention only relates to a local environmental planning matter and control.

(b) the public benefit of maintaining the development standard, and

Should the proposal comply with the maximum building height development standard it would result in an inferior architectural and urban design outcome. The consequence of a complying scheme would reduce amenity with respect to providing a meaningful rooftop communal open space. The proposal does not generate any significant adverse impacts and therefore there is no extra merit for providing a compliant scheme. Moreover, the reduction of the scale of the proposal and density would not alter in any way the proposal's design to the streetscape.

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

There are no other matters to be taken into consideration by the Secretary before granting concurrence. The proposal results in an orderly and economic development for the site.

7

Conclusion

The proposed development is within the public interest because it is consistent with the objectives of the particular standard, providing a particularly high level of amenity for future residents whilst maintaining the current level of amenity to surrounding development.

This Clause 4.6 Report provides a well-founded justification for the proposed non-compliance to maximum building height development standard under the *Rockdale Local Environmental Plan 2011*.

Therefore, it is considered that strict compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standards for Council to support the proposed development.

TUDOR PLANNING AND DESIGN

PO Box 357, Bondi Junction NSW 1355
E: admin@tudorpd.com

476 Rockdale to Dolls Point (Loop Service)

How to use this timetable

This timetable provides a snap shot of service information in 24-hour time (e.g. 5am = 05:00, 5pm = 17:00). Information contained in this timetable is subject to change without notice. Please note that timetables do not include minor stops, additional trips for special events, short term changes, holiday timetable changes, real-time information or any disruption alerts.

For the most up-to-date times, use the Trip Planner or Departures on transportnsw.info

Real-time planning


You can plan your trip with real-time information using the Trip Planner or Departures on transportnsw.info or by downloading travel apps on your smartphone or tablet.

The Trip Planner, Departures and travel apps offer various features:

- favourite your regular trips
- see where your service is on the route
- get estimated pick up and arrival times
- receive service updates
- find nearby stations, stops, wharves and routes
- check accessibility information

Find the latest apps at transportnsw.info/apps

Accessible services

All new buses are wheelchair-accessible with low-level floors and space for wheelchairs, prams or strollers. Look for the  symbol in this timetable. Some older buses may not have all the features you need. There will be more accessible services as older buses are replaced.

Who is providing my bus services?

The bus services shown in this timetable are run by Transit Systems.

Fares

To travel on public transport in Sydney and surrounding regions, an Opal card is the cheapest and easiest ticket option.

An Opal card is a smartcard you keep and reuse. Add value before you travel and tap on and tap off to pay your fares throughout Sydney, the Blue Mountains, Central Coast, the Hunter and the Illawarra.

Fares are based on:

- the type of Opal card you use
- the distance you travel from tap on to tap off
- the mode of transport you choose
- any Opal benefits such as discounts and capped fares that apply

Find out more about Opal fares and benefits at transportnsw.info/opal

Which Opal card is right for you?


Adult - Customers 16 years and over who are not entitled to any concessions and normally pay full fare.

Child/Youth - For customers aged 4-15 (inclusive), or customers 16 years or older who hold a NSW/ACT Senior Secondary Student Concession Card.

Gold Senior/Pensioner - For eligible NSW and interstate seniors, pensioners, war widows/ers and asylum seekers.





Concession - For eligible tertiary students, job seekers, apprentices and trainees.

How to get an Opal card

You can get an Adult or Child/Youth Opal card over the counter at Opal retailers that display the Opal sign . To find your nearest retailer visit transportnsw.info/opal.

If you are eligible to travel with concession fares you can apply for a Gold Senior/Pensioner or Concession Opal card online. Visit transportnsw.info/opal for more information.

Explanation of definitions and symbols

	Wheelchair Accessible
	Drops off passengers only
	Thursday only
	Monday, Tuesday, Wednesday & Friday



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Valid from: 28 July 2019

Creation date: 09 Sept 2019

NOTE: Information is correct on date of download.

Monday to Friday									
Rockdale Station	-	-	05:40	05:58	06:15	06:33	06:52	-	07:18
Kogarah Station, Regent St, Stand D, Kogarah	04:48	-	05:45	06:03	06:21	06:39	06:59	-	07:25
Rocky Point Rd at Dillion St, Ramsgate	04:54	-	05:52	06:10	06:28	06:46	07:07	-	07:33
Rocky Point Rd before Russell Ave, Sans Souci	04:56	05:26	05:54	06:12	06:30	06:48	07:09	-	07:35
Fontainebleau St near Rocky Point Rd, Sans Souci	04:58	05:28	05:56	06:14	06:33	06:51	07:12	07:29	07:38
Clareville Ave at Russell Ave, Sans Souci	05:02	05:32	06:00	06:18	06:37	06:56	07:17	07:34	07:43
Russell Ave at Jameson Lane, Sans Souci	05:03	05:34	06:02	06:20	06:39	06:58	07:19	07:36	07:45
Rocky Point Rd before Ramsgate Rd, Ramsgate	05:06	05:37	06:05	06:24	06:43	07:02	07:23	07:40	07:49
Rocky Point Rd at Weeney St, Beverley Park	05:07	05:38	06:06	06:25	06:44	07:03	07:24	07:42	07:51
Kogarah Station, Railway Pde, Stand C, Kogarah	05:13	05:44	06:12	06:33	06:52	07:12	07:33	07:52	08:01
Rockdale Station	05:19	05:50	06:18	06:39	06:58	07:18	07:39	07:58	-
Monday to Friday									
Rockdale Station	-	07:36	-	-	08:08	-	08:42	09:12	09:42
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	-	-	-	-	-	-	08:45	09:15	09:45
Kogarah Station, Regent St, Stand D, Kogarah	-	07:43	-	-	08:15	-	08:53	09:23	09:53
Rocky Point Rd at Dillion St, Ramsgate	-	07:52	-	-	08:24	-	09:02	09:32	10:02
Rocky Point Rd before Russell Ave, Sans Souci	-	07:55	-	-	08:27	-	09:05	09:35	10:05
Fontainebleau St near Rocky Point Rd, Sans Souci	07:47	07:58	08:07	08:17	08:30	08:47	09:07	09:37	10:07
Clareville Ave at Russell Ave, Sans Souci	07:52	08:03	08:12	08:22	08:35	08:52	09:12	09:43	10:13
Russell Ave at Jameson Lane, Sans Souci	07:55	08:06	08:15	08:25	08:38	08:54	09:14	09:45	10:15
Rocky Point Rd before Ramsgate Rd, Ramsgate	07:59	08:10	08:19	08:29	08:42	08:58	09:18	09:49	10:19
Rocky Point Rd at Weeney St, Beverley Park	08:01	08:12	08:21	08:31	08:44	09:00	09:20	09:51	10:21
Kogarah Station, Railway Pde, Stand C, Kogarah	08:11	08:22	08:32	08:42	08:55	09:08	09:28	10:00	10:30
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	-	-	-	-	-	09:12	09:32	10:05	10:35
Rockdale Station	08:17	08:28	-	08:48	09:01	09:17	09:38	10:11	10:41
Monday to Friday									
Rockdale Station	10:15	10:45	11:15	11:45	12:15	12:45	13:15	13:45	14:12
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	10:18	10:48	11:18	11:48	12:18	12:48	13:18	13:48	14:15
Kogarah Station, Regent St, Stand D, Kogarah	10:26	10:56	11:26	11:56	12:26	12:56	13:26	13:56	14:23
Rocky Point Rd at Dillion St, Ramsgate	10:35	11:05	11:35	12:05	12:35	13:05	13:35	14:05	14:32
Rocky Point Rd before Russell Ave, Sans Souci	10:38	11:08	11:38	12:08	12:38	13:08	13:38	14:09	14:36
Fontainebleau St near Rocky Point Rd, Sans Souci	10:40	11:10	11:40	12:10	12:40	13:10	13:40	14:11	14:38
Clareville Ave at Russell Ave, Sans Souci	10:45	11:15	11:45	12:15	12:45	13:15	13:45	14:16	14:43
Russell Ave at Jameson Lane, Sans Souci	10:47	11:17	11:47	12:17	12:47	13:17	13:47	14:18	14:45
Rocky Point Rd before Ramsgate Rd, Ramsgate	10:51	11:21	11:51	12:21	12:51	13:21	13:51	14:22	14:49
Rocky Point Rd at Weeney St, Beverley Park	10:53	11:23	11:53	12:23	12:53	13:23	13:53	14:24	14:51
Kogarah Station, Railway Pde, Stand C, Kogarah	11:01	11:31	12:01	12:31	13:00	13:30	14:00	14:31	14:58
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	11:05	11:35	12:05	12:35	13:04	13:34	14:04	14:36	15:03
Rockdale Station	11:11	11:41	12:11	12:41	13:10	13:40	14:10	14:44	15:12

476**Rockdale to Dolls Point (Loop Service)**

Monday to Friday									
Day Restrictions									
	14:32	14:42	15:02	15:15	-	-	15:37	15:57	16:07
Rockdale Station	14:32	14:42	15:02	15:15	-	-	15:37	15:57	16:07
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	14:35	14:45	15:05	15:18	-	-	15:40	16:00	16:10
Wolseley St opp Marist College, Bexley	-	-	-	-	-	15:38	-	-	-
Kogarah Station, Regent St, Stand D, Kogarah	14:43	14:53	15:13	15:26	15:42	15:42	15:48	16:08	16:18
Rocky Point Rd at Dillion St, Ramsgate	14:53	15:03	15:23	15:36	15:53	15:53	15:59	16:19	16:29
Rocky Point Rd before Russell Ave, Sans Souci	14:57	15:07	15:27	15:40	15:57	15:57	16:03	16:23	16:33
Fontainebleau St near Rocky Point Rd, Sans Souci	14:59	15:09	15:29	15:42	15:59	15:59	16:05	16:25	16:35
Clareville Ave at Russell Ave, Sans Souci	15:04	15:14	15:34	15:47	16:03	16:03	16:09	16:29	16:39
Russell Ave at Jameson Lane, Sans Souci	15:06	15:16	15:36	15:49	-	-	16:11	16:31	-
Rocky Point Rd before Ramsgate Rd, Ramsgate	15:10	15:20	15:40	15:53	-	-	16:15	16:35	-
Rocky Point Rd at Weeney St, Beverley Park	15:12	15:22	15:42	15:55	-	-	16:17	16:37	-
Kogarah Station, Railway Pde, Stand C, Kogarah	15:20	15:30	15:51	16:04	-	-	16:24	16:44	-
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	-	15:35	15:56	16:09	-	-	-	16:49	-
Rockdale Station	-	15:44	16:05	16:20	-	-	-	16:57	-
Monday to Friday									
	16:17	16:27	16:37	-	16:57	-	17:17	17:31	-
Rockdale Station	16:17	16:27	16:37	-	16:57	-	17:17	17:31	-
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	16:20	16:30	16:40	-	17:00	-	17:20	17:34	-
Kogarah Station, Regent St, Stand D, Kogarah	16:28	16:38	16:48	16:58	17:08	17:18	17:28	17:42	17:50
Rocky Point Rd at Dillion St, Ramsgate	16:39	16:49	16:59	17:09	17:19	17:29	17:39	17:53	17:58
Rocky Point Rd before Russell Ave, Sans Souci	16:43	16:53	17:03	17:13	17:23	17:33	17:43	17:57	18:02
Fontainebleau St near Rocky Point Rd, Sans Souci	16:45	16:55	17:05	17:15	17:25	17:35	17:45	17:59	18:05
Clareville Ave at Russell Ave, Sans Souci	16:49	16:59	17:09	17:19	17:29	17:39	17:49	18:03	18:10
Russell Ave at Jameson Lane, Sans Souci	-	-	17:11	-	17:31	-	17:51	-	18:13
Rocky Point Rd before Ramsgate Rd, Ramsgate	-	-	17:15	-	17:35	-	17:54	-	18:16
Rocky Point Rd at Weeney St, Beverley Park	-	-	17:17	-	17:37	-	17:56	-	18:17
Kogarah Station, Railway Pde, Stand C, Kogarah	-	-	17:24	-	17:44	-	18:03	-	18:23
Rockdale Station	-	-	17:31	-	-	-	18:11	-	-
Monday to Friday									
	17:51	18:01	18:17	18:32	18:52	19:02	19:33	20:03	20:35
Rockdale Station	17:51	18:01	18:17	18:32	18:52	19:02	19:33	20:03	20:35
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	17:54	18:04	18:20	-	-	-	-	-	-
Kogarah Station, Regent St, Stand D, Kogarah	18:02	18:12	18:28	18:38	18:58	19:08	19:39	20:09	20:41
Rocky Point Rd at Dillion St, Ramsgate	18:13	18:23	18:39	18:46	19:05	19:15	19:45	20:15	20:47
Rocky Point Rd before Russell Ave, Sans Souci	18:17	18:27	18:43	18:50	19:09	19:19	19:49	20:18	20:50
Fontainebleau St near Rocky Point Rd, Sans Souci	18:19	18:29	18:45	18:52	19:11	19:21	19:51	20:20	20:52
Clareville Ave at Russell Ave, Sans Souci	18:23	18:33	18:49	18:57	19:16	19:26	19:56	20:25	20:56
Russell Ave at Jameson Lane, Sans Souci	18:25	-	-	19:00	-	19:29	19:59	20:27	20:58
Rocky Point Rd before Ramsgate Rd, Ramsgate	18:28	-	-	19:02	-	19:31	20:01	20:29	21:00
Rocky Point Rd at Weeney St, Beverley Park	18:30	-	-	19:03	-	19:32	20:02	20:30	21:01
Kogarah Station, Railway Pde, Stand C, Kogarah	18:37	-	-	19:09	-	19:38	20:08	20:36	21:06
Rockdale Station	18:45	-	-	19:15	-	19:44	20:14	20:40	21:10
Monday to Friday									
	21:05	21:35	22:05	22:30	23:00	23:30			
Rockdale Station	21:05	21:35	22:05	22:30	23:00	23:30			
Kogarah Station, Regent St, Stand D, Kogarah	21:11	21:41	22:11	22:36	23:05	23:35			
Rocky Point Rd at Dillion St, Ramsgate	21:17	21:47	22:17	22:41	23:10	23:40			
Rocky Point Rd before Russell Ave, Sans Souci	21:20	21:50	22:20	22:44	23:12	23:42			
Fontainebleau St near Rocky Point Rd, Sans Souci	21:22	21:52	22:22	22:46	23:14	23:44			
Clareville Ave at Russell Ave, Sans Souci	21:26	21:56	22:26	22:50	23:18	23:47			
Russell Ave at Jameson Lane, Sans Souci	21:28	21:58	22:28	22:52	23:20	23:49			
Rocky Point Rd before Ramsgate Rd, Ramsgate	21:30	22:00	22:30	22:54	23:22	23:51			
Rocky Point Rd at Weeney St, Beverley Park	21:31	22:01	22:31	22:55	23:23	23:52			
Kogarah Station, Railway Pde, Stand C, Kogarah	21:36	22:06	22:36	23:00	23:28	23:57			
Rockdale Station	21:40	22:10	22:40	23:04	23:32	-			

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Rockdale to Dolls Point (Loop Service)

B

Saturday	6	6	6	6	6	6	6	6	6
Rockdale Station	-	05:30	-	06:30	07:00	07:27	07:42	08:09	-
Kogarah Station, Regent St, Stand D, Kogarah	04:55	05:37	06:07	06:37	07:07	07:34	07:49	08:16	-
Rocky Point Rd at Dillion St, Ramsgate	05:00	05:42	06:12	06:42	07:12	07:39	07:54	08:22	-
Rocky Point Rd before Russell Ave, Sans Souci	05:02	05:44	06:14	06:44	07:14	07:41	07:56	08:24	08:38
Fontainebleau St near Rocky Point Rd, Sans Souci	05:05	05:47	06:17	06:47	07:17	07:44	07:59	08:27	08:41
Clareville Ave at Russell Ave, Sans Souci	05:09	05:51	06:21	06:51	07:21	07:48	08:03	08:31	08:45
Russell Ave at Jameson Lane, Sans Souci	05:11	05:53	06:23	06:53	07:23	07:50	08:05	08:33	08:47
Rocky Point Rd before Ramsgate Rd, Ramsgate	05:13	05:55	06:25	06:55	07:25	07:52	08:07	08:35	08:49
Rocky Point Rd at Weeney St, Beverley Park	05:15	05:57	06:27	06:57	07:27	07:54	08:10	08:38	08:52
Kogarah Station, Railway Pde, Stand C, Kogarah	05:20	06:02	06:32	07:02	07:32	07:59	08:17	08:45	08:59
Rockdale Station	05:24	06:06	06:36	07:06	07:36	08:03	08:22	08:50	09:04

Saturday	6	6	6	6	6	6	6	6	6
Rockdale Station	08:35	09:05	09:35	10:04	10:34	11:04	11:34	12:04	12:35
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	08:40	09:10	09:40	10:09	10:39	11:09	11:39	12:09	12:40
Kogarah Station, Regent St, Stand D, Kogarah	08:45	09:15	09:45	10:14	10:44	11:14	11:44	12:14	12:45
Rocky Point Rd at Dillion St, Ramsgate	08:52	09:22	09:52	10:22	10:52	11:22	11:52	12:22	12:53
Rocky Point Rd before Russell Ave, Sans Souci	08:55	09:25	09:55	10:25	10:55	11:25	11:55	12:25	12:56
Fontainebleau St near Rocky Point Rd, Sans Souci	08:58	09:28	09:58	10:28	10:58	11:28	11:58	12:28	12:59
Clareville Ave at Russell Ave, Sans Souci	09:02	09:32	10:03	10:33	11:03	11:33	12:03	12:33	13:04
Russell Ave at Jameson Lane, Sans Souci	09:04	09:34	10:05	10:35	11:05	11:35	12:05	12:35	13:06
Rocky Point Rd before Ramsgate Rd, Ramsgate	09:08	09:38	10:09	10:39	11:09	11:39	12:09	12:39	13:10
Rocky Point Rd at Weeney St, Beverley Park	09:11	09:41	10:13	10:43	11:13	11:43	12:13	12:43	13:12
Kogarah Station, Railway Pde, Stand C, Kogarah	09:18	09:48	10:21	10:51	11:21	11:51	12:21	12:51	13:20
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	09:22	09:52	10:26	10:56	11:26	11:56	12:26	12:56	13:25
Rockdale Station	09:26	09:56	10:32	11:02	11:32	12:02	12:32	13:02	13:31

Saturday	6	6	6	6	6	6	6	6	6
Rockdale Station	13:07	13:37	14:07	14:37	15:07	15:37	16:07	16:37	16:59
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	13:12	13:41	14:11	14:41	15:11	15:41	16:11	16:41	17:03
Kogarah Station, Regent St, Stand D, Kogarah	13:16	13:45	14:15	14:45	15:15	15:45	16:15	16:45	17:07
Rocky Point Rd at Dillion St, Ramsgate	13:24	13:53	14:23	14:53	15:23	15:53	16:23	16:53	17:15
Rocky Point Rd before Russell Ave, Sans Souci	13:27	13:56	14:26	14:56	15:26	15:56	16:26	16:56	17:18
Fontainebleau St near Rocky Point Rd, Sans Souci	13:31	14:00	14:30	15:00	15:30	16:00	16:30	17:00	17:22
Clareville Ave at Russell Ave, Sans Souci	13:35	14:04	14:34	15:04	15:34	16:04	16:34	17:04	17:26
Russell Ave at Jameson Lane, Sans Souci	13:37	14:06	14:36	15:06	15:36	16:06	16:36	17:06	17:28
Rocky Point Rd before Ramsgate Rd, Ramsgate	13:39	14:08	14:38	15:08	15:38	16:08	16:38	17:08	17:30
Rocky Point Rd at Weeney St, Beverley Park	13:41	14:10	14:40	15:10	15:40	16:10	16:40	17:10	17:32
Kogarah Station, Railway Pde, Stand C, Kogarah	13:49	14:18	14:48	15:18	15:48	16:16	16:46	17:16	17:38
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	13:54	14:23	14:53	15:23	15:53	16:21	16:51	17:21	17:43
Rockdale Station	14:00	14:29	14:59	15:29	15:59	16:26	16:56	17:26	17:48

Saturday	6	6	6	6	6	6	6	6	6
Rockdale Station	17:16	17:42	18:12	18:42	19:12	19:42	20:12	20:43	21:13
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	17:20	-	-	-	-	-	-	-	-
Kogarah Station, Regent St, Stand D, Kogarah	17:24	17:47	18:17	18:47	19:17	19:47	20:17	20:47	21:17
Rocky Point Rd at Dillion St, Ramsgate	17:32	17:54	18:24	18:54	19:24	19:54	20:24	20:54	21:24
Rocky Point Rd before Russell Ave, Sans Souci	17:35	17:57	18:27	18:57	19:27	19:57	20:27	20:56	21:26
Fontainebleau St near Rocky Point Rd, Sans Souci	17:39	18:01	18:31	19:01	19:31	20:01	20:31	20:59	21:29
Clareville Ave at Russell Ave, Sans Souci	17:43	18:05	18:35	19:05	19:35	20:05	20:35	21:03	21:33
Russell Ave at Jameson Lane, Sans Souci	17:45	18:07	18:37	19:07	19:37	20:07	20:37	21:05	21:35
Rocky Point Rd before Ramsgate Rd, Ramsgate	17:47	18:09	18:39	19:09	19:39	20:09	20:39	21:07	21:37
Rocky Point Rd at Weeney St, Beverley Park	17:49	18:11	18:41	19:11	19:41	20:11	20:41	21:09	21:39
Kogarah Station, Railway Pde, Stand C, Kogarah	17:55	18:16	18:46	19:16	19:46	20:16	20:45	21:13	21:43
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	18:00	-	-	-	-	-	-	-	-
Rockdale Station	18:05	18:21	18:51	19:21	19:51	20:21	20:50	21:18	21:48

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Rockdale to Dolls Point (Loop Service)

B

Saturday	6	6	6	6	6	6			
Rockdale Station	21:36	22:06	22:36	23:06	23:36	00:06			
Kogarah Station, Regent St, Stand D, Kogarah	21:40	22:10	22:40	23:10	23:40	00:10			
Rocky Point Rd at Dillion St, Ramsgate	21:47	22:17	22:47	23:17	23:47	00:17			
Rocky Point Rd before Russell Ave, Sans Souci	21:49	22:19	22:49	23:19	23:49	00:19			
Fontainebleau St near Rocky Point Rd, Sans Souci	21:52	22:22	22:52	23:22	23:52	00:22			
Clareville Ave at Russell Ave, Sans Souci	21:56	22:26	22:56	23:26	23:56	00:26			
Russell Ave at Jameson Lane, Sans Souci	21:58	22:28	22:58	23:28	23:58	00:28			
Rocky Point Rd before Ramsgate Rd, Ramsgate	22:00	22:30	23:00	23:30	00:00	00:30			
Rocky Point Rd at Weeney St, Beverley Park	22:02	22:32	23:02	23:32	00:02	00:32			
Kogarah Station, Railway Pde, Stand C, Kogarah	22:06	22:36	23:06	23:36	00:06	00:36			
Rockdale Station	22:11	22:41	23:11	23:41	-	-			
Sunday & Public Holidays	6	6	6	6	6	6	6	6	6
Rockdale Station	07:28	07:58	08:21	08:50	09:08	09:37	10:07	10:37	11:07
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	-	-	-	-	09:12	09:41	10:11	10:41	11:11
Kogarah Station, Regent St, Stand D, Kogarah	07:33	08:03	08:26	08:55	09:17	09:46	10:16	10:46	11:16
Rocky Point Rd at Dillion St, Ramsgate	07:39	08:09	08:32	09:01	09:24	09:53	10:24	10:54	11:24
Rocky Point Rd before Russell Ave, Sans Souci	07:41	08:11	08:34	09:03	09:26	09:55	10:26	10:56	11:26
Fontainebleau St near Rocky Point Rd, Sans Souci	07:44	08:14	08:37	09:06	09:29	09:58	10:29	10:59	11:29
Clareville Ave at Russell Ave, Sans Souci	07:48	08:18	08:41	09:10	09:33	10:02	10:33	11:03	11:33
Russell Ave at Jameson Lane, Sans Souci	07:51	08:21	08:44	09:13	09:36	10:05	10:36	11:06	11:36
Rocky Point Rd before Ramsgate Rd, Ramsgate	07:54	08:24	08:47	09:16	09:40	10:09	10:40	11:10	11:40
Rocky Point Rd at Weeney St, Beverley Park	07:56	08:26	08:49	09:18	09:42	10:11	10:42	11:12	11:42
Kogarah Station, Railway Pde, Stand C, Kogarah	08:01	08:31	08:55	09:24	09:48	10:17	10:48	11:18	11:48
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	-	-	08:59	09:28	09:52	10:21	10:52	11:22	11:52
Rockdale Station	08:05	08:35	09:03	09:32	09:56	10:26	10:57	11:27	11:57
Sunday & Public Holidays	6	6	6	6	6	6	6	6	6
Rockdale Station	11:37	12:07	12:37	13:07	13:37	14:07	14:37	15:07	15:37
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	11:41	12:11	12:41	13:11	13:41	14:11	14:41	15:11	15:41
Kogarah Station, Regent St, Stand D, Kogarah	11:46	12:16	12:46	13:16	13:46	14:16	14:46	15:16	15:46
Rocky Point Rd at Dillion St, Ramsgate	11:54	12:24	12:54	13:24	13:54	14:24	14:54	15:24	15:54
Rocky Point Rd before Russell Ave, Sans Souci	11:56	12:26	12:56	13:26	13:56	14:26	14:56	15:26	15:56
Fontainebleau St near Rocky Point Rd, Sans Souci	11:59	12:29	12:59	13:29	13:59	14:29	14:59	15:29	15:59
Clareville Ave at Russell Ave, Sans Souci	12:03	12:33	13:03	13:33	14:03	14:33	15:03	15:33	16:03
Russell Ave at Jameson Lane, Sans Souci	12:06	12:36	13:06	13:36	14:06	14:36	15:06	15:36	16:06
Rocky Point Rd before Ramsgate Rd, Ramsgate	12:10	12:40	13:10	13:40	14:10	14:40	15:09	15:39	16:09
Rocky Point Rd at Weeney St, Beverley Park	12:12	12:42	13:12	13:42	14:12	14:42	15:11	15:41	16:11
Kogarah Station, Railway Pde, Stand C, Kogarah	12:18	12:48	13:18	13:48	14:18	14:48	15:16	15:46	16:16
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	12:22	12:52	13:22	13:52	14:22	14:52	15:20	15:50	16:20
Rockdale Station	12:27	12:57	13:27	13:57	14:27	14:57	15:25	15:55	16:25
Sunday & Public Holidays	6	6	6	6	6	6	6	6	6
Rockdale Station	16:07	16:37	17:07	17:40	18:10	18:40	19:04	19:34	20:34
Rockdale Plaza, Rockdale Plaza Dr, Rockdale	16:11	-	-	-	-	-	-	-	-
Kogarah Station, Regent St, Stand D, Kogarah	16:16	16:44	17:14	17:47	18:17	18:47	19:11	19:40	20:40
Rocky Point Rd at Dillion St, Ramsgate	16:24	16:51	17:21	17:54	18:24	18:54	19:18	19:46	20:46
Rocky Point Rd before Russell Ave, Sans Souci	16:26	16:53	17:23	17:56	18:26	18:56	19:20	19:48	20:48
Fontainebleau St near Rocky Point Rd, Sans Souci	16:29	16:56	17:26	17:59	18:29	18:59	19:23	19:51	20:51
Clareville Ave at Russell Ave, Sans Souci	16:33	17:00	17:30	18:03	18:33	19:03	19:27	19:55	20:55
Russell Ave at Jameson Lane, Sans Souci	16:36	17:03	17:33	18:06	18:36	19:06	19:29	19:57	20:57
Rocky Point Rd before Ramsgate Rd, Ramsgate	16:39	17:06	17:36	18:09	18:39	19:09	19:31	19:59	20:59
Rocky Point Rd at Weeney St, Beverley Park	16:41	17:08	17:38	18:11	18:41	19:11	19:33	20:01	21:01
Kogarah Station, Railway Pde, Stand C, Kogarah	16:46	17:13	17:43	18:16	18:46	19:16	19:37	20:05	21:05
Rockdale Station	16:51	17:18	17:48	18:21	18:51	19:21	19:42	20:10	21:10

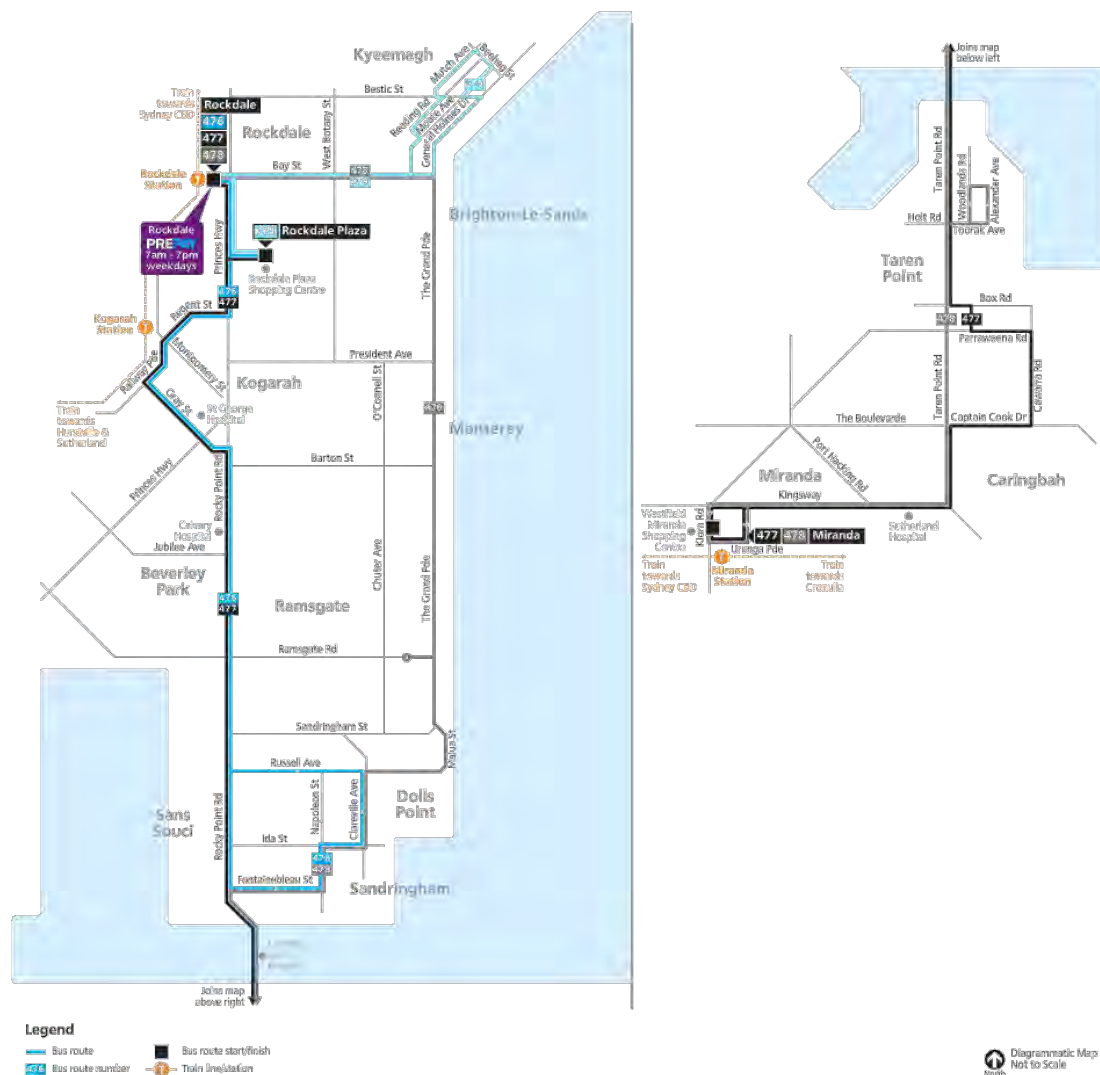
476

Rockdale to Dolls Point (Loop Service)

B

Sunday & Public Holidays	6	6	6
Rockdale Station	21:34	22:34	23:34
Kogarah Station, Regent St, Stand D, Kogarah	21:40	22:40	23:40
Rocky Point Rd at Dillion St, Ramsgate	21:46	22:46	23:46
Rocky Point Rd before Russell Ave, Sans Souci	21:48	22:48	23:48
Fontainbleau St near Rocky Point Rd, Sans Souci	21:51	22:51	23:51
Clareville Ave at Russell Ave, Sans Souci	21:55	22:55	23:55
Russell Ave at Jameson Lane, Sans Souci	21:57	22:57	23:57
Rocky Point Rd before Ramsgate Rd, Ramsgate	21:59	22:59	23:59
Rocky Point Rd at Weeney St, Beverley Park	22:01	23:01	00:01
Kogarah Station, Railway Pde, Stand C, Kogarah	22:05	23:05	00:05
Rockdale Station	22:10	23:10	-

Routes 476, 477, 478, 479



transportnsw.info

PLAN OF MANAGEMENT BOARDING HOUSE

238 – 242 Rocky Point Rd, Ramsgate

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80 Harris St, Pyrmont NSW 2009
02 9660 6005

238 – 242 Rocky Point Rd, Ramsgate**BOARDING HOUSE PLAN OF MANAGEMENT**

The operators of the Boarding House shall undertake the following procedures to ensure the proper operation of the Boarding House in accordance with Council requirements in order to maintain the amenity of the building for its residents as well as maintaining the amenity of the neighbourhood.

1. MAINTENANCE AND FIRE SAFETY IN THE BUILDING

The owner of the Boarding House shall maintain all Fire Safety Features required by the Building Code of Australia and shall submit an annual Fire Safety Assessment to Council prepared by a qualified Fire Safety Building Surveyor.

The premises will be checked regularly to ensure that fire safety and essential fire safety measures in the building are maintained and that all required exits and egress paths are clear and free of obstruction.

Emergency systems shall be maintained as part of a maintenance contract by a qualified company. All equipment will be tested and checked in accordance with the relevant Australian Standards. Any faults are documented and rectified immediately. These checks are to take place, weekly, monthly and/or bi-annually, depending on the required frequency.

In terms of the evacuation plan, the building layout indicating the position of residents relative to the rest of the development; as well as fire exits, firefighting equipment and Emergency Evacuation Procedures shall be displayed in all rooms and common areas.

2. SCHEDULE OF COMPLIANCE WITH COUNCIL'S DCP

The operator of the Boarding House shall provide an annual certification schedule to Council providing proof of compliance with the accommodation standards of this Council's DCP Including:

- the occupancy rate for each sleeping room,
- room furnishings,
- provisions of communal areas and facilities, and
- access and facilities for people with disabilities.

3. MAXIMUM GUEST NUMBERS

The resident Manager of the Boarding house shall ensure that guest numbers do not exceed those approved in the Development Consent;

4. MAXIMUM RESIDENT NUMBERS

The resident Manager of the Boarding house shall ensure that resident numbers do not exceed those approved in the Development Consent; 71 x 1 Bedroom Rooms

5. MAINTENANCE OF THE AMENITY OF THE NEIGHBOURHOOD

The resident Boarding House Manager shall take all reasonable measures necessary to maintain acceptable behaviour of guest in order to maintain the amenity of the boarding house for all occupants and the amenity of the neighbourhood for residents in the area.

6. BOARDING HOUSE RULES

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The owner of the Boarding House shall ensure that a list of House Rules is prominently displayed in a Notice Board in the ground level common area. Residents will be encouraged to respect the amenity and comfort of others and to keep noise at a reasonable level. The rules shall identify expected standards / rules for guest behaviour, activities and noise, waste minimisation and recycling, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs. Any resident failing to observe the rules and any cases of serious misconduct will be dealt with by the On-site Manager who may require a resident to leave the premises. Examples of serious misconduct include, but are not limited to: drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence. Residents are instructed to notify the police if a resident is performing illegal acts on the property. The On-site Manager requires photo ID (e.g. typically either passport or driver's licence). Where the person is an Australian citizen and does not hold a driver's licence, then alternative ID which may not hold a photo can be accepted. Residents of the premises may entertain guests/visitors in their room. Visitors must obey the House Rules and leave the premises by 10pm. Any resident inviting visitors to the premises must accept full responsibility for them and their behaviour. In the event of any serious misconduct by a guest of a resident, the resident may also be asked to leave the premises and be asked to pay for damages, if required. The entertainment of visitors is to be limited to the resident's room.

7. RESIDENT BOARDING HOUSE MANAGER CONTACT DETAILS

The resident Manager shall make himself/herself available to

- the guests of the Boarding House for the resolution of any problems associated with the boarding room fittings or fixtures or issues with the amenity of the boarding house; or
- to neighbours for the resolution of any matter associated with the operation of the boarding house and the amenity of the area
- A 24hr/day telephone number for the Boarding House Manager shall be prominently displayed in the Ground Floor Notice Board.

8. WASTE MINIMISATION AND RECYCLING

The House Rules shall include specifically include rules to encourage and promote waste minimisation and recycling and collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles.

The bins in the waste bin area will be separated for:

- Paper, cardboard;
- General waste; and
- Aluminium cans, glass and plastic bottles.

Waste from the boarding rooms will be taken to the Residential Bin waste Room, located on the ground level, by each resident and appropriately disposed of in the respective waste and recycle bins. These waste and recycling bins within the Residential Bin Room will be collected by a private contractor as identified within the Waste Management Plan.

9. CLEANING OF PREMISES

The operator of the Boarding House shall ensure regular professional cleaning of the premises at least weekly in order control vermin and clean all bathrooms, kitchens and shared facilities such as common areas.

10. SAFETY AND SECURITY

The operator of the Boarding House shall provide:

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- Internal signage indicating at ground level displaying:
 - o the location of the resident manager and contact number;
 - o a copy of the annual fire safety statement and current fire safety schedule;
- floor plans permanently fixed to the inside of the door of each bedroom to indicate the available emergency egress routes from the respective bedroom
- emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing;
- all residents shall be issued their own room keys;
- keys for security entrance doors be made available to essential services such as fire brigade in case of emergency;
- suitable provision be provided for residents to ring emergency services in the event of an emergency, i.e. provision of a landline telephone in a common area; and
- Perimeter lighting in and Closed Circuit TV (CCTV) security system at the entrance to the Boarding House in Belmore Lane.

To ensure safety and security arrangements for access to the premises will be through the Managing Agent. Check in time for new residents is between 9am to 6pm, Monday to Saturday and through the Managing Agent. All accessible doors will have swipe card access. The swipe cards provide access to the rooms and facilities for the period the resident has paid. Once the tenancy has expired, the card is rendered invalid. The system used will allow management to read all locks to see which card has been used recently on the lock, further increasing security. The relevant readers will be located at the correct height for disabled guests. These cards, for security reasons, shall not be transferred to any other persons other than the authorised residents.

The On-site Manager and staff must be aware of their responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001, and the Innkeepers Act.

The WorkCover website lists the OHS Act and Regulations and other helpful information – visit www.workcover.nsw.gov.au for boarding houses NSW.

The following safety guidelines will be observed in the premises, and employees must abide by them:-

- All hazards (e.g. broken chairs, loose carpets, missing lights) should be removed, repaired or replaced in consultation with the On-site Manager;
- No item of plant or machinery may be operated unless the guards provided are correctly in place, secured and operating effectively and the operator has been trained in its use;
- Dangerous chemicals are to be handled properly and labelled (MSDS);
- Work areas are to be kept clean and tidy;
- Passageways and aisles are to be kept clear at all times;
- Materials or products are not to be stacked higher than what is considered to be safe;
- Rubbish bins must be used to dispose of all rubbish;
- Excessive alcohol consumption or drugs not prescribed by a doctor are forbidden on the premises; and
- All no smoking rules are to be observed.

11. PERMITTED HOURS OF USE FOR INTERNAL COMMON AREAS

The resident Manager shall ensure that the use of common areas within boarding house shall be restricted to the following hours and conditions:

- 7AM and 10PM for external communal areas
- The outdoor area is not to be used for loud functions incorporating amplified music

The purpose of these restrictions is to maintain the amenity of guests of the Boarding House and the amenity of neighbouring residents. In association to noise management, the On-site Manager appointed by the owner will ensure the site is being appropriately monitored and details of his/her contact details will be provided to all occupants.

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Bayside Local Planning Panel

12/11/2019

Item No	6.4
Application Type	Modification Application
Application No	DA-2016/150/A
Lodgement Date	22/01/2019
Property	401-405 Princes Highway, Rockdale
Ward	Ward 5
Owner	Mr I Ibrahim, Mrs P Ibrahim, Ibrahim Pastry Pty Ltd
Applicant	Place Studio Au Pty Ltd
Proposal	Modification to increase apartment numbers from 39 to 43, reduce the extent of excavation by deleting one basement level, reduce plant requirements, changes to internal layout; podium level and changes to facade details
No. of Submissions	Nil
Cost of Development	\$13,525,059
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 S4.55(2) of the Environmental Planning and Assessment Act 1979 be 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 of the Environmental Planning and Assessment Act 1979.
 - 2 That modification application DA-2016/150/A seeking to modify development consent DA-2016/150 for modifications to increase apartment numbers to 43, reduce the extent of excavation by deleting one basement level, reduce plant requirements, changes to internal layout; podium level and changes to facade details at 401-405 Princes Highway Rockdale be APPROVED, the description, deferred commencement and consent conditions 2, 5, 13, 30, 36, 39, 41, 43, 48, 112, 117, 118, 123, 137 be modified and conditions 39A, 41A, 42A, 99A, 111A and 140A be inserted.
-

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Approved Plans [↓](#)
- 3 Existing Consent [↓](#)
- 4 Survey [↓](#)
- 5 SEE [↓](#)
- 6 SEE Addendum [↓](#)
- 7 Photomontage [↓](#)
- 8 Elevations [↓](#)
- 9 Sections [↓](#)
- 10 Schedule of Colours & Materials [↓](#)
- 11 Landscape Plans [↓](#)
- 12 ADG Compliance Table [↓](#)
- 13 Solar Access & Cross Ventilation [↓](#)
- 14 Shadow Studies [↓](#)
- 15 Traffic Report [↓](#)
- 16 Fire Engineer Letter [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/150/A
Date of Receipt:	22 January 2019
Property:	401 Princes Highway, ROCKDALE (Lot 100 DP 1097898)
Owner(s):	Mr Ibrahim Ibrahim Mrs Pelin Ibrahim Ibrahim Pastry Pty Ltd
Applicant:	Place Studio Au Pty Ltd
Proposal:	Modification to increase apartment numbers from 39 to 43, reduce the extent of excavation by deleting one basement level, reduce plant requirements, changes to internal layout; podium level and changes to facade details
Recommendation:	Approved
No. of submissions:	Nil
Author:	Fiona Prodromou
Date of Report:	11 October 2019

Key Issues

The subject site benefits from an existing Deferred Commencement Approval for the construction of a seven (7) storey mixed use development comprising 39 residential units, two (2) commercial units and four (4) levels of basement parking. The Deferred Commencement Approval was granted by the Bayside Planning Panel on 27 March 2018. A 24 month period to satisfy deferred commencement conditions was granted.

This Deferred Commencement Approval has not as yet been activated and conditions in relation to the Deferred Commencement consent relate to;

1. Sydney Trains requirements, given the proximity of the site to the Railway line.
2. A number of Telstra easements which burden the site. These need to be modified, as the basement and first floor of the development protrude into these easement areas, which are to remain unobstructed.
3. Bayside Council easement with respect of an existing right of footway easement, along Fox Lane. This easement is to be relocated in the position of the new footpath.
4. Details of any telecommunications facilities proposed upon the subject site.
5. Architectural Plan amendments relating to building design.
6. Concept Civil Engineering plans relating to the widening of Fox Lane.

A maximum height limit of 22m applies to the subject site as per the provisions of Clause 4.3 Height of

Buildings Rockdale LEP 2011. The original development was approved with a maximum height of 26m to the top of the lift overrun at rooftop level. The approved development breached the height limit on site by 0.14m - 4m, being a 0.6%-18% variation to the height standard. The proposal as modified seeks to incorporate solar panels above previously approved rooftop structures, whilst they exceed the applicable height limit, they do not exceed the previously approved height of the development on site and are supported.

The proposal as modified increases the unit yield on site from 39 to 43, being an increase of 4 units on site. As originally approved the development accommodated parking on site as per the requirements of Rockdale DCP 2011. The proposal as modified seeks to delete a basement level, and adopt the reduced car parking rates afforded by the RMS Guide to Traffic Generating Development, as permitted by the requirements of the Apartment Design Guide, as the site is located within 800m of Rockdale Railway Station.

The revised proposal requires a minimum of 8 commercial car spaces, 7 are identified on plans and the proposal has been conditioned to ensure 8 are provided. The proposal as modified is further conditioned to require 1 dedicated car wash bay and 2 van spaces to be shared with the visitor car spaces for the development. Remaining car spaces shall be allocated to visitors and residential dwellings in line with the RMS Guide stated above. As conditioned, the proposal as modified provides sufficient on site car parking for both residential and commercial components.

The original development was approved with the following variations with regards to the Apartment Design Guide.

1. Deep Soil. 7%(91sq/m) was required, 2.6% (35.2sq/m) was approved, given the location of the site within the Rockdale Town Centre this was not deemed unsatisfactory. The proposal as modified does not alter the aforementioned.
2. First Floor 3.3m Floor to Ceiling Height. This is proposed to remain as approved.
3. Solar Access - 66.6% (26 of 39) units received 2 hours solar access in midwinter. This was a variation of 3%, being 2 of 39 units. The proposal as modified improves solar access in midwinter and achieves compliance with the Apartment Design Guide i.e. 70%.

Nil revised stormwater plans were submitted with the proposal as modified, yet the previously approved location of the On Site Detention system was indicated as relocated on architectural plans. Council's Development Engineer noted the following concerns with respect of the proposed relocated OSD system;

1. There is inadequate clearance between the access grate and the soffit of the first floor slab to carry out any future maintenance. The OSD tank shall be in a common area which is readily accessible for regular inspection and/or monitoring without tools/equipment. The location of the OSD tank as proposed upon architectural plans at ground level adjoining the lift core is not acceptable as it will require access through the first floor on the building.
2. An appropriate overflow route has not been provided in the event that a storm higher than the design storm occurs and/or the OSD device malfunctions to comply with Council's DCP and Technical Specification - Stormwater Management. The use of pipe overflow in lieu of direct overflow route is not supported as any overflow from the system will be entering the proposed building. The proposed OSD system must be located such that direct overflow route to the street is to be provided.
3. Ponding and overflow levels of the proposed OSD system shall be not less than 300mm below

any adjacent habitable floor levels of building and not less than 150mm below non-habitable floor levels to comply with Clause 7.10.1 of AS3500.3.

Given the above, an additional Deferred Commencement Condition is to be imposed (C1), requiring that revised architectural and stormwater plans be submitted to Council for approval by the Director City Futures, prior to the activation of the consent.

Notwithstanding the above, the proposal as modified is generally satisfactory with respect of the objectives of relevant planning instruments applicable to the subject site and development and is supported on this basis.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S4.55(2) of the Environmental Planning and Assessment Act 1979 be 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 of the Environmental Planning and Assessment Act 1979.
2. That modification application DA-2016/150/A seeking to modify development consent DA-2016/150 for modifications to increase apartment numbers to 43, reduce the extent of excavation by deleting one basement level, reduce plant requirements, changes to internal layout; podium level and changes to facade details at 401-405 Princes Highway Rockdale be APPROVED and the consent modified in the following manner;

Modify Description

Integrated Development - Construction of a seven (7) storey mixed use development comprising 43 residential units, two (2) commercial units and three (3) levels of basement parking.

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Deferred Commencement Condition:

Your Development Application has been approved under Section 80(3) of the Environmental Planning and Assessment Act, 1979 as a Deferred Commencement consent.

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

Sydney Trains

Written correspondence shall be submitted to Council from Sydney Trains which confirms the satisfaction of the following Sydney Trains requirements;

- a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The

Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.

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

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

d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.

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

Telstra

a. The Deed of Agreement between Telstra and the Applicant to modify easements benefiting Telstra upon the site, shall be executed and all associated easements, subject of this agreement, shall be modified on the title of the property. Copies of proof of execution of the aforementioned, relevant instruments and registration of these instruments with NSW Land Registry Services is to be submitted to Council.

Bayside Council

a. The 0.9m Right of Foot Way easement, spanning the depth of the site for the entire frontage to Fox Lane, benefitting Bayside Council, shall be modified on title, increased to 1.2m and relocated in the position of the new footpath as illustrated on the approved ground floor plan. A Subdivision Certificate shall be submitted to and approved by Council to this effect. Proof of registration with NSW Land Registry Services is to be submitted to Council.

b. Plans, details and specifications of any proposed telecommunications facilities to be erected upon and / or attached to the development shall be submitted to Council for review and approval. Should nil telecommunications facilities be sought to be erected upon the subject site and / or attached to the development, correspondence from the Telstra confirming the aforementioned is to be submitted to Council.

c. Architectural plans shall be amended as follows and submitted to Councils Director City Futures for review and approval;

- Accessible car spaces within basement levels are to be relocated to provide safe and direct access to lift cores with no cross overs of vehicle manoeuvring areas.

- An internal at grade / ramped or separate platform lift shall be provided for the interconnecting corridor between loading bay and ground floor lift lobby for furniture removal.

- Two (2) visitor parking spaces shall be marked for use by a VAN for loading and unloading purposes, and be minimum dimension of 5.4 m x 3.0 m, with an unrestricted height clearance of 2.3 m.

c1. Revised Architectural and Stormwater plans shall be submitted to and approved by Councils Director City Futures. The following matters shall be resolved;

a) Insufficient clearance between the access grate and the soffit of the first floor slab to carry out any future maintenance. The OSD tank shall be in common area which is to be readily accessible for

regular inspection and/or monitor without tools / equipment.

b) Overflow route has not been provided in the event that a storm higher than the design storm occurs and/or the OSD device malfunctions to comply with Council's DCP and Technical Specification - Stormwater Management. The OSD system must be located such that direct overflow route to the street is to be provided.

c) Ponding and overflow levels of the proposed OSD system shall be not less than 300mm below any adjacent habitable floor levels of building and not less than 150mm below non-habitable floor levels to comply with Clause 7.10.1 of AS3500.3.

d. Concept civil engineering plans in relation to the widening of Fox Lane shall be submitted to Council for approval by Councils Coordinator Public Domain as follows;

i) Fox Lane shall be re-designed as a two-way lane.

ii) A 1.2m wide footpath shall be provided on the northern side of the lane adjoining the site.

iii) Widening of Fox Lane fronting Princes Highway shall be designed as an intersection with all necessary traffic control devices and intersection geometric design requirements considering frontage road speed of 60 Km/h.

iv) Sight distance at access and minimum sight lines for pedestrian safety.

v) Desirable minimum radius turning path in accordance with the Austroads templates covering turning speeds of 5 km/h to 15 km/h.

vi) Clearance to swept paths of turning vehicles. At least 600m from kerb to Awning or structure.

vii) Vertical height clearance minimum 4.5m.

The above details shall be accompanied by a design certificate from a Chartered Civil Engineer with concept civil engineering plans.

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

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following conditions.

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 2 - Plans

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	Drawn by	Dated	Received
Basement 3 Floor Plan Issue R S96-200	Place Studio Au Pty Ltd	20/09/2019	20/09/2019
Basement 2 Floor Plan Issue R S96-201		20/09/2019	20/09/2019
Basement 1 Floor Plan Issue R S96-202		20/09/2019	20/09/2019

Ground Floor Plan Issue R S96-203	20/09/2019	03/09/2019
First Floor Plan Issue R S96-204	06/08/2019	03/09/2019
Second Floor Plan Issue Q S96-205	05/08/2019	03/09/2019
Third Floor Plan Issue S96-206	05/08/2019	03/09/2019
Fourth Floor Plan Issue Q S96-207	05/08/2019	03/09/2019
Fifth Floor Plan Issue Q S96-208	05/08/2019	03/09/2019
Sixth Floor Plan Issue Q S96-209	05/08/2019	03/09/2019
Roof Plan Issue Q S96-210	05/08/2019	03/09/2019
Upper Roof Plan Issue E S96-211	05/08/2019	03/09/2019
Princes Highway Elevation Issue R S96-401	05/08/2019	03/09/2019
Railway Elevation Issue R S96-402	05/08/2019	03/09/2019
Fox Lane Elevation Issue S S96-403	20/08/2019	03/09/2019
Internal Courtyard Elevations Issue R S96-405	05/08/2019	03/09/2019
Section AA Issue P S96-301	05/08/2019	03/09/2019
Section BB Issue P S96-302	05/08/2019	03/09/2019
Section CC Issue P S96-303	05/08/2019	03/09/2019
Section DD Issue Q S96-304	06/08/2019	03/09/2019
Schedule Colours & Finishes Issue 1	17/12/2018	22/01/2019

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 5 - BASIX

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (983154M_04) other than superseded by any further amended consent and BASIX certificate.

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

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

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

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

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 13 - Parking Allocation

Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Studio - 1 Bedroom - 0.6 spaces per unit

2 Bedroom - 0.9 spaces per unit

3 Bedroom - 1.4 spaces per unit

Commercial - 8 spaces total

One (1) dedicated car wash bay 3.5 m wide minimum by 5.5m shall be provided.

Two (2) VAN spaces shared within visitor spaces shall be provided

Non-Allocated Spaces

Residential Visitor Spaces - 9 spaces total

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

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 30 – SEPP 65

a) In order to ensure the design quality excellence of the development is retained:

- i. A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;*
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;*
 - iii. Evidence of the design architect's commission is to be provided to Council prior to release of the Construction Certificate.*
- b) The design architect of the project is not to be changed without prior notice and approval of*

Bayside Council.

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 36 – Acoustic Report

Recommendations contained in the acoustic report prepared by Acoustic Noise & Vibration Solutions, dated 30 November 2018 in relation to mechanical ventilation systems and noise / vibration near railway lines shall be implemented on site.

[Amendment A - S4.55(2) amended on 22/10/2019]

Modify Condition 39 – Wind Report

The recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 20 December 2018 are to be implemented on site.

[Amendment A - S4.55(2) amended on 12/11/2019]

Insert Condition 39A – Operational Requirements

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

1. *Waste & recycling collection and servicing, including removalist trucks, must be carried out entirely within the approved loading bay at all times.*
2. *Waste & recycling collection, deliveries, removalists and / or any other servicing must not, at any time, be undertaken from the Forest Roads and Harrow Road or elsewhere within the site.*
3. *Waste and recycling may be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.*
4. *Waste & recycling collection must be undertaken during off-peak times.*
5. *The maximum size truck permitted to access the site is a Small Rigid Vehicle (SRV).*
6. *The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.*

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 39A is:

- To efficiently manage waste & recycling and restrict the size of vehicles entering and exiting the site.

Modify Condition 41 – Design Changes

Plans submitted with the Construction Certificate shall demonstrate compliance with the following and be approved by the PCA prior to the issue of the Construction Certificate:

1. *All hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed.*

2. All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.
3. 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 metres as measured vertically from finished floor level to the underside of the ceiling.
4. *Relevant objectives and design code requirements of the Building Code of Australia 2015 / DDA Premises Standard pertaining to accessible common domain areas and access to all apartments and the Adaptable Housing standard AS4299 for four (4) adaptable units.*
5. *Acoustic Attenuation - The noise reduction measures specified in the noise report prepared by Acoustic Noise & Vibration Solutions, dated 30 November 2018 dated shall be shown in the construction plans.*
6. All fire boosters, hydrants, substations, services and the like shall remain concealed within the building envelope.
7. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management.
8. Balustrades to balconies are to comprise opaque / frosted glass only.
9. *The recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 20 December 2018 are to be shown on CC plans.*
10. Landscape Plans shall be amended to ensure consistency with approved architectural plans.
11. Permeable pavers shall be provided at ground level forward of the building line in the location of the proposed pedestrian access areas.
12. *Details of the materials and colours of the entry gate proposed to the residential lobby entry via Fox Lane are to be provided.*
13. *East facing bedroom windows to units 406, 506, 608 shall be provided as highlight windows with a minimum sill height of 1.6m.*
14. Safer by Design
 - a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
 - b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - d) Graffiti resistant materials shall be used to ground level external surfaces.
 - e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
 - f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.

[Amendment A - S4.55(2) amended on 12/11/2019]

Insert Condition 41A - Landscape Integrity

1. *The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan prepared by Izthmus landscape design, issue G, dated 23rd July 2019 and comprise detailed*

landscape construction documentation (plans and specifications) to be submitted to, and approved by Bayside 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.
- 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 trees.
- c) Street setback trees are to be evergreen and supplied at a minimum 200 litres pot size.
- d) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat
- e) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- f) Details of awnings in relation to landscape treatment. Awnings shall be design to allow the maximum mature growth of proposed trees in frontage setbacks and street trees.

2. A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).

3. Irrigation. 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.

4. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
- b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- f) All planter boxes shall be irrigated, and soil depths of planter on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.

5. Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape 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.

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 41A is:

- To ensure the integrity of the landscaped areas on site.

Insert Condition 42A - Design Quality

Prior to the issue of a construction certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 42A is:

- To ensure the design quality of the development satisfies SEPP 65.

Condition 43 – s7.11 Contributions

A Section 94 contribution of \$285,322.05 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels).

Rockdale Regional Open Space Fund Amend 5 \$35,867.33
Rockdale City Wide Open Space Fund Amend 5 \$56,742.33
Rockdale Local Open Space Fund Amend 5 \$124,994.15
Rockdale Local Open TC & Streetscape Amend 5 \$4,998.05
Rockdale City Wide TC & Streetscape Fund Amend 5 \$6,375.75
Rockdale Pollution Control Management Amend 5 \$32,814.71
Rockdale Admin & Mgt Amend 5 \$1402.28
Child Care Services Amend 5 \$1,337.15
Community Services Amend 5 \$1,432.56
Library Services Amend 5 \$19,357.74

The contribution is calculated from Council's adopted Section 94 contributions plan. Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 48 – Adaptable Access & Car Parking

Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within five (5) residential units, and between these units and their allocated car parking spaces. Allocated parking spaces will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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

[Amendment A - S4.55(2) amended on 12/11/2019]

Insert Condition 99A – Landscaping Finalised Prior to OC

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.

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 99A is:

- To ensure landscaping is finalised on site.*

Insert Condition 111A – Vehicles to enter exit in forward direction

Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating

the following: "Vehicle shall enter and exit the site in a forward direction at all times".

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 111A is:

- To maximise safety for vehicles entering and exiting the site.

Condition 112 – Ramp Traffic Signals

Deleted.

[Amendment A - S4.55(2) amended on 12/11/2019]

Condition 117 – Car Parking Spaces (Business Hours)

Deleted.

[Amendment A - S4.55(2) amended on 12/11/2019]

Condition 118 – Off Street Car Parking Spaces

60 off-street basement car spaces, being two (2) van Spaces (minimum bay width of 3.0m), one (1) dedicated car wash bay (3.5m min width) and seven (7) adaptable car spaces to comply with AS2890.6 shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

[Amendment A - S4.55(2) amended on 12/11/2019]

Condition 123 – Acoustic Certification

Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with conditions of this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate. The report is to include details & finishes of the walls and floors separating apartments.

Acoustic recommendations in relation to rail noise, vibration and plant emissions contained in the report prepared by Acoustic Noise & Vibration Solutions, dated 30 November 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.

[Amendment A - S4.55(2) amended on 12/11/2019]

Modify Condition 137 – Positive Covenants

Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots

that contain:

- a) The stormwater detention facility to provide for the maintenance of the system; and*
- b) Waste removal by private contractor.*

[Amendment A - S4.55(2) amended on 12/11/2019]

Insert Condition 140A – Design Verification Certification

Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 140A is:

- To certify the design quality of the development.*

Background

History

27 March 2018 - Deferred Commencement Approval

Integrated Development - Construction of a seven (7) storey mixed use development comprising 39 residential units, two (2) commercial units and four (4) levels of basement parking. The existing consent remains inactive as the Deferred Commencement conditions remain to be satisfied.

22 January 2019

Modification to increase apartment numbers to 47; increase number of commercial tenancies to three(3); reduce the extent of excavation by deleting one basement level; reduce plant requirements, changes to internal layout; podium level and changes to facade details. The subject of this assessment report.

8 April 2019 - Amended Plans

Reduced number of units to 43.

Proposal

The proposal as modified seeks to increase apartment numbers from 39 as approved to 43, reduce the extent of excavation by deleting one basement level, reducing plant requirements, changes to internal unit layouts & podium level and changes to facade details.

Modifications are specifically detailed below;

Basement 4

Proposed to be deleted entirely.

Basement Levels 1 - 3

Internally reconfigured, lift / fire stairs relocated, parking rearranged, basement footprint expanded closer to southern boundary adjoining Fox Lane, exhaust riser relocated & plant rooms introduced.

Modification to ramp circulation design from single (3m) as approved to two way traffic (6.1m) within all basement levels. The proposal as modified seeks to introduce 2 small car spaces on site. A total of 60 car parking spaces are proposed on site.

Ground Level

Cut outs to approved awning to facilitate tree growth along Princes Highway and Fox Lane, substation relocated, lift / fire stairs relocated, secondary residential lobby from Princes Highway deleted, stair lift introduced to commercial premises, water / gas meters and fire hydrant booster relocated. Fire hydrant pump room added.

Ground floor commercial levels reconfigured and slightly reduced in size i.e. Shop 1 -149sq/m as approved to 145sq/m, Shop 2 -177sq/m to 125sq/m + outdoor terrace area. Second residential lobby from Princes Highway deleted. Commercial garbage rooms reconfigured, platform lift introduced.

Entry gate introduced on Fox Lane to provide better security to the lift lobby. OSD/rainwater tanks and building managers office introduced. Service areas including waste, plant, bathrooms, loading and substation reconfigured. Fire hydrant pump room introduced with grills to front of room.

Level 1

Exhaust riser relocated, units reconfigured, slight increase to a portion of the western building setback (rear SW corner), articulation and balconies provided to southern facade adjoining Fox Lane, central communal circulation space reconfigured. Louvered windows in lobby to provide natural light and ventilation.

Balconies introduced in units 103, 104 and 106. Building articulated above entrance to Fox Lane. Balcony area increased in unit 102 and edges curved to smooth the façade.

Additional 1 x studio apartment provided. Increase from 6 units as approved, to 7 units as proposed.

Level 2

Exhaust riser relocated, units reconfigured, slight increase to a portion of the western building setback (rear SW corner), articulation and balconies provided to southern facade adjoining Fox Lane, central communal circulation space reconfigured.

Two bedroom Unit 201 turned into a 3 bedroom apartment. Louvered windows in lobby to provide natural light and ventilation. Apartment layouts adjusted to suit new fire stair and lift lobby relocation. Balconies introduced in units 205 and 206. Balcony area increased in unit 204 and edges curved to smooth the façade.

L2 remains 8 units as previously approved.

Level 3

Exhaust riser relocated, units reconfigured, slight increase to a portion of the western building setback (rear SW corner), articulation and balconies provided to southern facade adjoining Fox Lane, central

communal circulation space reconfigured.

Louvered windows in lobby to provide natural light and ventilation. Balconies introduced in units 305 and 306. Balcony area increased in unit 304 and edges curved to smooth the façade. Northern balcony space reduced in area, additional 1 x 3 bedroom unit introduced (301), to adjoin podium of neighbouring building to the north, resulting in an increase from 7 units as approved to 8 units as proposed.

Level 4

Exhaust riser relocated, units reconfigured, slight increase to a portion of the western building setback (rear SW corner), articulation and balconies provided to southern facade adjoining Fox Lane, central communal circulation space reconfigured.

Unit 401 (1 bed) introduced. Balcony rotated to allow for windows in the lobby. Louvered windows in lobby to provide natural light and ventilation. Balcony area increased in unit 402. Balconies introduced in units 403 and 404. Balcony area increased in unit 403 and edges curved to smooth the façade. Louvers added to windows to provide privacy and sun protection.

7 units as approved, 6 units as proposed.

Level 5

Exhaust riser relocated, units reconfigured, slight increase to a portion of the western building setback (rear SW corner), articulation and balconies provided to southern facade adjoining Fox Lane, central communal circulation space reconfigured.

Unit 502 introduced (2 Bed). Unit 503 balcony area reduced to provide better amenity to the apartment, and edges curved to smooth the façade. Louvered windows in lobby to provide natural light and ventilation.

7 units as approved (including 3 x 2 storey units), 6 units as proposed.

Level 6

Exhaust riser relocated, units reconfigured, slight increase to a portion of the western building setback (rear SW corner), articulation and balconies provided to southern facade adjoining Fox Lane, central communal circulation space reconfigured.

Unit 602 (1 bed) introduced. Unit 604 balcony area reduced to provide better amenity to the apartment, and edges curved to smooth the façade.

4 units as approved (and upper level of 3 x 2 storey units below), 8 units as proposed.

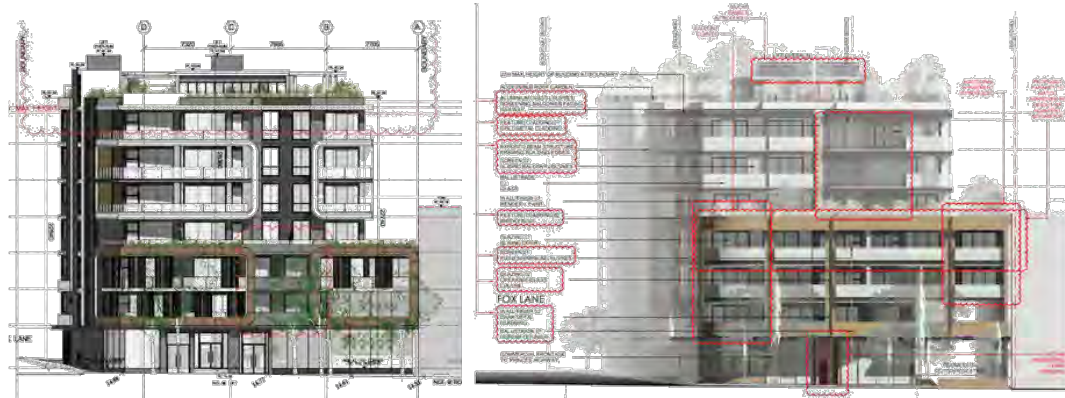
Rooftop Communal Open Space

Increase in size of communal room, relocation of lift / stair access, addition of mechanical fan room, skylights introduced to units below, communal toilet location revised, second lift and stair to rooftop level deleted and planters relocated. 96 solar panels added in 8 solar arrays added above rooftop structures.

As approved, the development accommodated a total of 39 dwellings, being 8 x 1 bed, 28 x 2 bed and 3 x 3 bedroom dwellings. As proposed, the development incorporates 43 units, being 1 x studio, 14 x 1

bed, 23 x 2 bed and 5 x 3 bedroom apartments.

Modifications are further proposed to the aesthetics of the development, being the materials and treatment of external facades. Newly proposed finishes and materials include but are not limited to gold & dark metal metal cladding, glass screen louvres to balconies and face brick finish.



As Approved (view from Princes Highway) As Modified (view from Princes Highway)

Site location and context

The subject site is 401-405 Princes Highway, Rockdale which is currently vacant with industrial building waste across the site. The development site consists of Lot 100 in DP 1097898. The subject site has two street frontages to Princes Highway (east) and Fox Lane (south). The subject site is irregular in shape and comprises of a 26.015 metre eastern Princes Highway boundary, a 2.37 metre south-eastern splay to the corner of Fox Lane and Princes Highway, a 43.075 metre southern Fox Lane boundary, a 26.6 metre western boundary abutting the Illawarra line railway, a 25.82 metre (part) northern boundary, a 7.705 metre (part) western boundary and a 27.1 metre (part) northern boundary. The development site area is 1306m².

The site is currently vacant and appears to be used as a builders yard. The site has a fall of approximately 1m from the rear to the front property boundary. The site is burdened by a number of easements, including an easement for telecommunications and an overlapping easement for services and drainage of water (both 7.5m wide) along the north-eastern edge of the site, a right-of-footway (900mm wide) and an easement for drainage (1.83m wide) along the southern edge of the site.

To the north-west of the subject site is No.397A Princes Highway which is occupied by a two storey brick telephone 'Telstra' exchange building with basement level occupied by significant and substantial cabling. Telecommunication antennas exist on the roof and vehicular access is provided to this site from an unnamed laneway off Princes Highway. The subject site is burdened by the following easements and rights of way for the purposes of telecommunications, services, access and drainage as follows;

A / B. Easement for telecommunications & drainage purposes, 7.5m wide, limited in height, along the northern side boundary of the site with 397A Princes Highway.

C. Right of Access and easement for parking 6.2m wide, part limited in height, running the length of the rear boundary of the site.

- D. Right of footway 0.9m wide limited in height, running the depth of the site from the Princes Highway to the rear boundary of the property.
- E. Easement for drainage 1.83m wide, running the depth of the site from the Princes Highway to the rear boundary of the property.
- F. Easement for access and drainage variable width
- G. Area of easement 1.1m wide unlimited in height and depth running the width of the rear boundary of the site.
- H. Area of easement 5.1m wide, limited in height to RL19 and unlimited in depth, running the width of the rear boundary of the site.

To the north of the subject site is No.397 Princes Highway, a property with a total site area of 1696sq/m. This property is currently being redeveloped, as per the recently issued approval DA-2016/420 for the construction of an eleven (11) storey mixed use development comprising 91 residential units, 3 commercial units & three levels of basement parking approved on 3 August 2017. The DA at 397 Princes Highway Rockdale was lodged and approved following the conclusion of a Design Competition of the site, as required by Clause 6.14 of Rockdale LEP 2011.

To the east of the subject site, opposite Princes Highway, is No.386-388 Princes Highway 'Snow & Water Skiers Warehouse' a two-storey brick render commercial/retail shop with windows on the upper floor levels fronting Princes Highway. Vehicular/loading bay access is from the rear King Lane. To the south-east of the subject site, opposite Princes Highway, is No.390 Princes Highway a two-storey brick render commercial/retail shop with windows on the upper floor levels fronting Princes Highway. Vehicular/loading bay access is from the rear King Lane. Also to the south-east of the subject site is No.394-396 Princes Highway is also a two-storey brick render commercial/business premises with windows on the upper floor levels fronting Princes Highway.

To the south is No.407 Princes Highway 'Paint Trade Centre' which is a two-storey brick render warehouse building with vehicular/loading bay access from Fox Lane. Also to the south-east of the subject site is No. 409 Princes Highway 'Inspirations paint' which is a two-storey brick render warehouse building. A small allotment is located at 407A Princes Highway to the rear of 407, this lot is owned by Sydney Trains.

The image below illustrates the site along with recent approvals and / or development applications:



Adjoining the subject site, to the west, adjoining the rear boundary of the subject site is the Railway Corridor, which comprises numerous one-and-two brick buildings, rail sidings and signal box and buildings and are within the 'Rockdale Railway Station and Yard Group' heritage item I222 which is of

state significance. Further to the south west are single and two storey buildings constructed on 1-2 Waines Crescent and over the railway corridor and used for the purposes of a meat processing operation. It is noted that although the site adjoins the railway corridor to the rear, the physical railway line is positioned a minimum of 21m from the rear boundary of the subject site. As can be seen below, the land outlined in red is owned by Sydney Trains and leased, with a small slither of land outside this lease and behind the development site providing Sydney Trains access to the Railway Corridor for maintenance and emergency purposes.

The subject site is potentially affected by contamination due to the previous industrial land uses. The subject site is affected by acid sulphate soils - Class 5.

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 original proposal included excavation works on site which would transect the water-table and require temporary dewatering during the construction phase. The original proposal was therefore Integrated Development and General Terms of Approval were imposed upon the consent, as obtained from Water NSW.

Whilst the proposal as modified seeks to delete a basement level on site, it is not proposed to alter previously imposed Water NSW conditions.

Given the above, the proposal as modified remains satisfactory with respect of s4.47 of the Act.

S4.55 (2) - Modification

1.2. S4.55(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(2) states:

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

a) 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

Comments: Proposed modifications seek to increase apartment numbers to 43, reduce the extent of excavation by deleting one basement level, modify the internal layout of the development, increase the height of the podium level adjoining the northern neighbouring development, modify facade details and alter a range of areas within the development.

The development as modified remains a mixed use building with commercial tenancies at ground and

residential dwellings atop. The proposal as modified is considered substantially the same development.

b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comments: Division 4.8 of the Act does not apply to this application.

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 under section 72 that requires the notification or advertising of applications for modification of a development consent, and

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

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

Comments: No objections have been received.

S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The original reasons for the granting of consent to the development were considered in the assessment of this application.

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

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

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

The following Environmental Planning Instruments are relevant to this application:

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

A revised BASIX certificate (983154M_04) was submitted for the proposal as modified. The certificate

confirms energy efficiency measures proposed to be installed within the development and confirms a pass target score for the revised scheme. The proposal as modified is satisfactory in this regard.

State Environmental Planning Policy (Infrastructure) 2007

The following clauses of the SEPP apply, given the location of the subject site on the Princes Highway which is a classified road and its position adjoining a railway corridor to the rear.

- *Clause 101 - Development with frontage to classified road*
- *Clause 102 - Impact of road noise or vibration on non-road development*

The above requires the consent authority to require vehicular access from an alternative road other than the classified road, to ensure the ongoing efficient operation of the classified road and also to ensure the development is appropriately insulated from potential road noise and vibration. The property benefits from alternative means of vehicular access via Fox Lane which directly adjoins the subject site to the south.

The proposal as modified retains vehicular access via Fox Lane as previously approved and is satisfactory in this regard.

Further to the above, the proposal as modified has been accompanied by a revised Acoustic Report, prepared by Acoustic Noise & Vibration Solutions, dated 30 November 2018 which recommends appropriate design construction measures in order to ameliorate traffic and rail noise and vibration. The proposal as modified complies with the provisions of clause 102 and clause 87 referred to below.

- *Clause 85 - Development immediately adjacent to rail corridors*
- *Clause 86 - Excavation in, above or adjacent to rail corridors*
- *Clause 87 - Impact of rail noise or vibration on non-rail development (for residential development)*

The proposal as modified seeks to reduce the level of excavation on site in order to construct basement car parking levels for the development. The site adjoins Sydney Trains land to the rear of the site and the proposal as modified was referred to Sydney Trains for comment.

Sydney Trains did not object to the proposal as modified and reiterated previously imposed Deferred Commencement Conditions to ensure any excavation and/or construction will not adversely impact upon the railway corridor or its operations.

- *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 Princes Highway frontage of the site and along Fox Lane. 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 as modified was referred to Ausgrid, who raised no objections to the proposed development. Standard conditions of consent as imposed on the original consent are to remain.

State Environmental Planning Policy No 55—Remediation of Land

The property is not identified in Council's records as being potentially contaminated. Notwithstanding the subject site is currently used for the purposes of storing building waste from other development

sites, and has been utilised previously for industrial uses. As such it is prudent to ensure the requirements of SEPP 55 are taken into consideration.

The original application was accompanied by a Preliminary Geotechnical Investigation and Waste Classification Assessment report prepared by Douglas Partners and dated January 2015. Additionally a Remediation Action Plan was also submitted, which concluded that the *"Site can be made suitable for the development through the implementation of remediation works described in this RAP"*.

The original consent was conditioned to ensure remediation works are implemented on site in accordance with the RAP, thus the site was to be made suitable for the development.

The above is not proposed to be modified as part of this application and the site remains suitable for the use as proposed to be modified.

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

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

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

The proposal as modified was considered by the Design Review Panel on 7 March and 6 June 2019. The Panel comments from the most recent meeting in June 2019 noted concerns with respect of limited sustainability features on site, lack of natural light and ventilation to communal lobbies, queries with regards to solar access compliance and safety concerns with respect of proposed fire exits. The Panel deemed subject to the resolution of these matters that the proposal as modified was satisfactory with regards to the provisions of the SEPP.

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 as modified. The revised proposal is satisfactory and is considered to satisfy the design principles as detailed below.

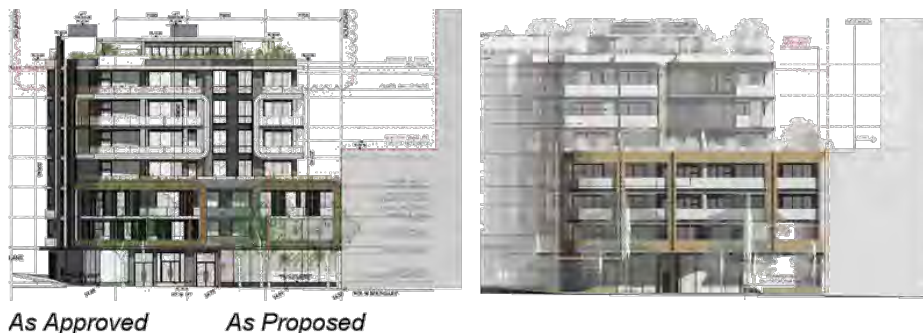
Principle 1 – Context and Neighbourhood Character

The DRP considered that the *"design revisions made generally respond well to the neighbourhood context. The Panel is supportive of the 4 (four) storey podium form that is proposed, the rooftop communal open space and the re arrangement of the commercial and residential interfaces"*.

Comment: Rockdale Town Centre currently comprises a mix of commercial and light industrial older building stock and is currently undergoing transition from a relatively low scale commercial / light industrial precinct to a high density mixed use residential area.

The proposal as modified remains a 7 storey building with rooftop communal open space areas as originally approved. The overall height of the development does not increase, however solar panels are proposed to be installed at rooftop level above the communal and service rooms, which are at the height previously approved thus are satisfactory. It is noted that solar panels remain 188mm lower than the approved lift overrun height and solar energy is to be harvested for use within communal areas.

The proposed increase to the podium height along the Princes Highway from 3 to 4 storeys is supported. It ensures the development will provide a consistent streetscape response and interface with the building form established upon the northern neighbouring site. The subject site completes the street block of which the property is located within and Fox Lane adjoining the property to the south provides a buffer and logical boundary for which a transition in podium height can occur for properties further to the south.



The proposal as modified retains an appropriately modulated built form and design which is consistent with the context of approvals surrounding and opposite the subject site. i.e. 11 storeys to northern adjoining neighbour and 9 storeys opposite. The design of the proposal as modified remains consistent with Council's vision for the Rockdale Town Centre and will contribute to the emerging streetscape character of the northern portion of the Rockdale Town Centre.

The proposal as modified remains consistent with the future desired character of the area and is satisfactory with regards to this principle.

Principle 2 – Built Form and Scale

The Panel were supportive of the "revised form that provides for a four storey podium and considers the design response, in this location, to be appropriate. The Panel considered the current blank wall treatment on the ground floor to the north of the proposed commercial tenancy could be enhanced and improved through the incorporation of a public art treatment, noting this space needs to be kept clear as part of the restrictions of the Telstra Easement. The Panel would encourage the engagement of a public artist to embellish the blank wall in this location."

Comment: It is noted that any use of commercial space 1 including the fitout and design of fixtures, seating and wall treatments internally on site would be subject of a future development application or complying development application for the use of this space. Legal restrictions as existing on site would ensure this space remains accessible to the relevant authorities.

The building form, podium height, scale and mass as modified is considered to be satisfactory and consistent with the future desired character as envisaged by the controls of Council's Rockdale DCP 2011.

Principle 3 – Density

The Panel noted that the proposal now provides for *"43 apartments with a mixture of studio, one, two and three bedrooms and is generally supportive."*

Comment: The density of the development is proposed to increase from 39 to 43 units. Modifications do not result in unreasonable amenity impacts on site or to neighbouring properties and sufficient car parking is provided for the proposed increase in unit numbers. The proposed density as modified is satisfactory with regards to this Principle.

Principle 4 - Sustainability

The panel considers that *"limited gestures of sustainability could be significantly built upon, in particular:*

- *The location and size of the solar panels does little for the development and limits usable space in the communal open area. Relocation of solar panels to the space available on the rooftop adjacent to the lift overrun would enable the provision of significantly more solar panels that could enable communal lighting within the development to be achieved*

Comment: Revised plans indicate the provision of 96 solar panels added in 8 solar arrays above rooftop structures. Solar panels will harvest energy for use within communal areas on site.

- *Provision of rainwater harvesting in direct connection to the communal rooftop space could be achieved*

Comment: A 2.1m high rainwater storage tank with a capacity of approximately 11,000 litres has been added to the roof level communal area and rainwater collected in this tank will be used for irrigation of the communal open space landscaping. The tank is to be located between the western lift shaft and the fire stairs and will not be visible from ground level.

- *The deep soil zone to the Princes Highway appears to be compromised by an overhead awning that will prevent rainwater to penetrate the soil profile. The documentation provided is ambiguous as the awning is only documented in the elevations and not within the plans".*

Comment: Plans have been revised to document the proposed awning and demonstrate relevant cut outs to facilitate tree growth. Further detail is provided below within Principle 5 - Landscape.

Further to the above, a revised BASIX was submitted which confirms the revised scheme satisfies the BASIX SEPP. Plans and information submitted confirm that the units as revised provide a good level of solar access and natural ventilation. Deep soil areas on site further provide area in which to facilitate the provision of street trees and water infiltration on site. It is noted that rainwater tanks as originally approved will provide irrigation for common areas and toilet use on site.

Principle 5 – Landscape

The Panel generally commended the landscape treatments proposed and considered that *"they will provide for a high level of visual amenity at both street level and within the communal rooftop area subject to the following considerations:*

- *Relocate the solar panels to maximize the usable available space for residents*

Comment: Solar panels have been relocated to rooftop level.

- *Clarify the discrepancy regarding the awning over the deep soil zone and how the proposed landscape can be achieved and sustained*

Comment: Plans have been revised to document the proposed awning and demonstrate relevant cut outs to facilitate tree growth. Further detail is provided below.

- *The Panel is supportive of a 1200mm permeable paved walkway to the face of the commercial tenancies should an awning be provided, and, cut outs to the awning to provide space for the proposed trees; which is consistent with other projects considered by the Panel to the Princes Highway Streetscape within the Rockdale Town Centre"*

Comment: Condition 41 of the consent as existing requires that permeable pavers are provided at ground level forward of the building line in the location of proposed pedestrian access areas to commercial tenancies. Cut outs to the revised awning are proposed, in order to facilitate tree growth (Blueberry Ash & Ornamental Pear) at ground level beneath the awning. Cut outs are provided to both Princess Highway and Fox Lane frontages.

The original consent is conditioned appropriately to ensure that necessary streetscape improvements and planting occur along the frontage of the site to both Princes Highway and Fox Lane in line with Council requirements. It is further reiterated that 2 x Spotted Gum trees are proposed within the public domain along the Princes Highway. These trees comprise a mature height of 25m - 30m and are deemed to be of sufficient scale to achieve avenue planting and Council's Green Gateway Vision.

The proposed rooftop communal open space area has been redesigned to accommodate a range of passive communal areas with a range of surface finishes including paving and timber decking. Periphery planters incorporating ground covers, shrubs and trees provide privacy and visual amenity. A range of facilities are provided for future users, including bbq's, indoor / outdoor communal room, toilets, timber and steel shade structures, dedicated tables, chairs and benches. The proposal as modified is satisfactory in relation to this principle.

Principle 6 – Amenity

The Panel considered as follows;

- *Further advice and documentation from a fire consultant is required to demonstrate the compliance and efficacy of the fire egresses or that a fire engineered solution can be achieved. The concern relates to the distances of travel and locations of proposed fire exit points.*

Comment: Correspondance from Holmes Fire dated 28 June 2019 was submitted to Council in order to demonstrate compliance with fire egress requirements applicable to the proposed redesign of the development. The correspondance confirms that performance based fire engineering solutions can be utilised to demonstrate compliance with the Performance Requirements of the Building Code of Australia without major changes being necessary to the proposed scheme.

- *The provision of natural ventilation to all lift lobbies*

Comment: Full height louvred windows have been introduced to communal corridors at each level and facilitate natural ventilation and solar access to communal circulation spaces.

- *The conflict on the First Floor Plan where natural light to the Lift Lobby is only achieved through the provision of a window that is directly connected to the private balcony of a unit. This arrangement is not supported, even if the glass is obscured and notes the current arrangement does not enable natural ventilation to be achieved.*

Comment: The balcony space to unit 106 has been provided with a privacy screen in order to ensure privacy to the secondary balcony space of this unit is retained. It is considered that this is an acceptable solution given the primary balcony for this unit is located adjoining living areas. As designed privacy to this unit and its secondary balcony is retained, with natural ventilation and solar access to circulation spaces provided.

- *The Panel notes the provision of horizontal louvre screens to the western façade must demonstrate compliance with solar access noting that if the louvre system is to be retractable documentation should show louvres retracted to demonstrate compliance.*

Comment: Detailed sun view diagrams submitted with the application confirm that the proposal as modified does not reduce solar access to residential units within the development below that which was previously approved i.e. 66.6% receiving 2 hours of direct sunlight to living areas in midwinter. The proposal results in a minor increase to solar access provision on site in midwinter, the proposal as revised now complies with the 70% requirement of the Apartment Design Guide.

Principle 7 - Safety

The Safety concerns of the Panel, to be addressed, relate to fire stair locations and of egress.

Comment: The matter raised by the panel has been addressed previously within Principle 6 - Amenity. The proposal as modified is deemed to be satisfactory in its design with regards to crime prevention through environmental design. Residential balconies have been introduced to overlook Fox lane from above, increasing passive surveillance in this location is a positive attribute.

As approved, the current consent includes conditions with respect of the installation of monitored security cameras at residential / vehicular entries & within basement levels & to require the provision of clear directional signage to advise users of security measures in place. The development provides for an easily identifiable, prominent & generous residential lobby and commercial tenancies comprising individual distinguishable pedestrian entries.

The proposal satisfies the requirements of this Principle.

Principle 8 - Housing Diversity and Social Interaction

The unit mix as revised by the modified scheme is satisfactory and was supported by the Panel. An appropriate range and type of units are provided within the development along with a spacious and clearly identifiable lobby.

The proposal as modified incorporates a generous and appropriately designed communal rooftop

open space area, with various spaces which will encourage and provide opportunities for social interaction between future occupants. The proposal is satisfactory in regards to this principle.

Principle 9 – Aesthetics

The aesthetics of the proposal as modified was supported by the Panel as were the range of materials proposed.

Comment: The proposed aesthetics of the proposal as modified incorporate a range of materials, elements and finishes including but not limited to framed building elements, feature metal gold cladding, brick finish cladding, render, operable glass louvres and black aluminium frames. This is considered to be satisfactory and satisfies the intent of this principle.

c. Apartment Design Guide

The proposal as modified has been assessed against the Apartment Design Guide (ADG) as shown below.

CLAUSE	DESIGN CRITERIA	COMMENTS	COMPLIES
3D - Communal Open Space (As Approved - 545sq/m)	25% (326.5sq/m) site area 50% direct sunlight to principal useable part of COS for 2hrs in midwinter	Nil change to overall communal space at rooftop level. Sufficient solar access in midwinter given rooftop location.	Yes - as approved.
3E - Deep Soil Zones (As approved - 35.2sq/m in the form of periphery planters at the Fox Lane and Princes Highway frontage)	7% (91.4sq/m) deep soil zone with minimum dimensions of 3m	As approved - 35.2sq/m in form of periphery planters along Princes Highway frontage of site.	No - As approved. Condition 41 as approved further requires permeable paving to areas between planters along the Princes Highway frontage.

3J - Bicycle and car parking (As Approved - 57 Car Spaces)	Minimum Rate (Guide to Traffic Generating Developments) 1 studio - Nil space 14 x 1 bed = 8.4 spaces 23 x 2 bed = 20.7 spaces 5 x 3 bed = 7 spaces Visitor = 9 spaces (Required = 37 residential / 9 visitor)			60 car spaces proposed on site	Yes - proposal conditioned to ensure parking allocated appropriately to commercial, visitor and residential components on site.										
4D – Apartment Size & Layout	<table><tr><th>Unit</th><th>Min area</th></tr><tr><td>Studio</td><td>35sq/m</td></tr><tr><td>1 bed</td><td>50sq/m</td></tr><tr><td>2 bed</td><td>70sq/m</td></tr><tr><td>3 bed</td><td>90sq/m</td></tr></table>			Unit	Min area	Studio	35sq/m	1 bed	50sq/m	2 bed	70sq/m	3 bed	90sq/m	Unit sizes comply with minimum areas as required	Yes
Unit	Min area														
Studio	35sq/m														
1 bed	50sq/m														
2 bed	70sq/m														
3 bed	90sq/m														
4C – Ceiling Heights	<table><tr><th>Area</th><th>Min Height</th></tr><tr><td>Habitable</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Mixed use</td><td>3.3m ground & first floor</td></tr></table>			Area	Min Height	Habitable	2.7m	Non-habitable	2.4m	Mixed use	3.3m ground & first floor	2.7m habitable 2.4m non habitable 3.3m ground floor 2.7m first floor	Yes Yes Yes No - Variation deemed satisfactory given scale and extent of commercial area provided at ground level.		
Area	Min Height														
Habitable	2.7m														
Non-habitable	2.4m														
Mixed use	3.3m ground & first floor														
3F Visual Privacy	<table><tr><th>Building height</th><th>Habitable rooms & balconies</th><th>Non Habitable</th></tr><tr><td>Up to 12m</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m</td><td>9m</td><td>4.5m</td></tr></table>			Building height	Habitable rooms & balconies	Non Habitable	Up to 12m	6m	3m	Up to 25m	9m	4.5m	See discussion below.	Yes - As conditioned.	
Building height	Habitable rooms & balconies	Non Habitable													
Up to 12m	6m	3m													
Up to 25m	9m	4.5m													

4A – Solar & Daylight Access (As Approved - 26 of 39 (66.6%) receive 2 hours solar access / 5 of 39 (12.8%) receive 1.5hrs / 6 of 39 (15%) receive nil)	Living rooms + POS of at least 70% (30 of 43) of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter Max 15% (8 of 47) apartments receive no direct sunlight b/w 9am & 3pm mid-winter	70% (30 of 43) achieve 2 hours solar access in midwinter 7% (3 of 43) receive nil solar in midwinter	Yes Yes															
4F – Common Circulation	Max apartments off a circulation core on a single level is eight.	Maximum 8 units per core	Yes															
4E – Private Open Space & Balconies	<table><tr><th>Dwelling type</th><th>Min area</th><th>Min depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bed</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling type	Min area	Min depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	Private open space areas comprise sufficient overall dimension and area.	Yes
Dwelling type	Min area	Min depth																
Studio	4m ²	-																
1 bed	8m ²	2m																
2 bed	10m ²	2m																
3+ bed	12m ²	2.4m																
4B – Natural ventilation (As Approved - 28 of 39 (72%) naturally cross ventilated)	Min 60% (26 of 43) of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	60% (26 of 43) of apartments are naturally cross ventilated <18m depth	Yes Yes															
4G – Storage	<table><tr><th>Dwelling</th><th>Requirement</th></tr><tr><td>1 bed</td><td>6M²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>12m²</td></tr></table>	Dwelling	Requirement	1 bed	6M ²	2 bed	8m ²	3 bed	12m ²	Appropriate inter - unit storage provision with supplementary within basement levels	Yes							
Dwelling	Requirement																	
1 bed	6M ²																	
2 bed	8m ²																	
3 bed	12m ²																	

Discussion

3E - Deep Soil Zones

The provisions of the ADG require a minimum deep soil zone of 7% (91.4sq/m) with minimum dimensions of 3m. A total of 35.2sq/m of deep soil planting in the form of periphery planters at the Fox Lane and Princes Highway frontage was approved, this equated to a total of 2.6% deep soil on site. The proposal as modified does not seek to alter the aforementioned. It is noted that condition 41 requires the implementation of porous paving adjoining these planters, this will further assist with stormwater infiltration on site. Given the aforementioned and the location of the site within the Rockdale Town Centre, the modified proposal does not differ from that as approved and remains satisfactory.

3F - Visual Privacy

The proposal as modified has not altered building separation with regards to the northern adjoining

neighbouring property, that would otherwise result in adverse visual privacy impacts on site or to these adjoining neighbouring dwellings.

The modified proposal has however, as a result of the reconfiguration of unit layouts, introduced full sized east facing bedroom windows to units 406, 506, 608. Additionally, west facing balconies have been introduced to units 401, 501, 601, which are positioned within 12m of these bedroom windows, in lieu of 18m as required by the Apartment Design Guide.

Given the above, the proposal as modified has been conditioned to require that the affected bedroom windows be provided as highlight windows, in order to maximise privacy between these units on site.

As conditioned, the proposal as modified is satisfactory.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
1.9A Suspension of covenants, agreements and instruments	Yes	Yes - see discussion
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes
4.3 Height of buildings	Yes	No - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes
6.3 Between 25 and 30 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood planning	Yes	Yes - see discussion
6.7 Stormwater	No - see discussion	No - see discussion
6.12 Essential services	Yes	Yes

1.9A Suspension of covenants, agreements and instruments

The subject site is burdened by a number of easements and restrictions which benefit Telstra and Bayside Council, which require modification in order to enable the originally imposed Deferred Commencement Conditions of the consent to be lifted.

The proposal as modified does not seek to alter the aforementioned deferred commencement conditions and thus remains satisfactory with regards to the provisions of this clause.

2.3 Zone B4 Mixed Use

The subject site is zoned B4 - Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal as modified remains defined as "commercial premises" and "residential flat building" of which both constitute permissible development only with development consent. The proposal as modified remains consistent with the objectives of the zone.

4.3 Height of buildings

As per the provisions of this clause, a maximum height limit of 22m applies to the subject site. The original development was approved with a height as follows on site.

- a. Rooftop = 21.14m - 22m (37.14RL) - Complies
- b. Parapet / Top of integrated planters = 22.14m - 22.64m (38.14RL)
- c. Top of Arbour / Communal Room / Toilet / Lobby = 24m - 24.54m (40.04RL)
- d. Top of lift / stair overrun = 25.54m - 26m (41.54RL)

The proposal as modified incorporates solar panels at rooftop level, with a maximum height of 25.3 - 25.8m. Whilst this is a variation to the height standard, the proposal does not seek to alter the previously approved overall height of the development on site to the highest point, being the lift overrun as noted above.

The introduction of the solar panels on site are supported as they provide a positive sustainable option on site for future residents. Solar panels are discreetly located atop previously approved rooftop structures and are recessed from the edges and floors of the building below, thus will not be visually discernible.

The proposal as modified is satisfactory with regards to the objectives of this clause.

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.

6.3 Between 25 and 30 ANEF (2033) contours

The development is on land that is not located near the Sydney (Kingsford-Smith) Airport, however the land is located between the 25 and 30 ANEF (2033) contours and as such is affected by aircraft noise.

The original consent requires the developer to incorporate acoustic amelioration measures into the development. The proposal as modified does not seek to alter the aforementioned and remains compliant with the requirements and objectives of this clause.

6.4 Airspace operations

The subject site is affected by the 50-51AHD Obstacle Limitation Surface (OLS). The proposal as modified does not seek to increase the overall height of the development.

Notwithstanding, the proposal as modified was referred to Sydney Airports, whom reiterated original conditions of consent as imposed.

The proposal as modified does not seek to alter previously imposed conditions of consent in relation to airspace operations and thus remains satisfactory in this regard.

6.6 Flood planning

The site is affected by flooding and the floor level of the development is required to be raised, with car parking areas also protected appropriately.

The revised ground floor level of the building is designed in accordance with the requirements of Council's Flood Advice Letter, with an appropriate crest level provided to the basement carpark which is 500mm above the 1 in 100-year flow level.

Given the aforementioned the proposal as modified satisfies the objectives and requirements of this

clause.

6.7 Stormwater

Councils Engineer confirmed that nil revised stormwater plans for the site were submitted. Revised stormwater plans are necessary given the changes proposed to the development, in particular the deletion of the basement level and relocation of OSD and rainwater tanks on site.

The following concerns are noted with respect of the proposed relocated OSD system;

1. There is inadequate clearance between the access grate and the soffit of the first floor slab to carry out any future maintenance. The OSD tank shall be in a common area which is readily accessible for regular inspection and/or monitoring without tools/equipment. The location of the OSD tank as proposed upon architectural plans at ground level adjoining the lift core is not acceptable as it will require access through the first floor on the building.
2. An appropriate overflow route has not been provided in the event that a storm higher than the design storm occurs and/or the OSD device malfunctions to comply with Council's DCP and Technical Specification - Stormwater Management. The use of pipe overflow in lieu of direct overflow route is not supported as any overflow from the system will be entering the proposed building. The proposed OSD system must be located such that direct overflow route to the street is to be provided.
3. Ponding and overflow levels of the proposed OSD system shall be not less than 300mm below any adjacent habitable floor levels of building and not less than 150mm below non-habitable floor levels to comply with Clause 7.10.1 of AS3500.3.

Given the above, an additional Deferred Commencement Condition is to be imposed (C1), requiring that revised architectural and stormwater plans be submitted to Council for approval by the Director City Futures, prior to the activation of the consent.

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

No relevant proposed instruments are applicable to this proposal as modified or the subject site.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes
4.1.3 Water Management	Yes	Yes - see discussion
4.1.3 Flood Risk Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.6 Parking Rates - Shops	Yes	No - see discussion
4.6 Car Park Location and Design	Yes	Yes
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes
4.6 Traffic - Classified Roads	Yes	Yes
4.6 Access to Parking	Yes	Yes
4.6 Design of Loading Facilities	Yes	Yes
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	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes - see discussion
5.2 RFB - Building Entry	Yes	Yes
5.2 RFB - Lift Size and Access	Yes	Yes
5.3 Mixed Use - Retail	Yes	Yes - see discussion
5.3 Mixed Use - Access to Premises	Yes	Yes - see discussion
5.3 Mixed Use - Awnings	Yes	Yes - see discussion
7.5.1 Street Role - Centre Edge Residential	Yes	Yes - see discussion
7.5.1 Residential Apartment Design	Yes	Yes
7.5.1 Parking and Loading	Yes	Yes
7.5.1 Commercial Space	Yes	No - see discussion
7.5.2 Setbacks	Yes	Yes - see discussion
7.5.2 Street Character	Yes	No - see discussion
7.5.2 Arterial Edge	Yes	Yes - see discussion
7.5.2 Laneway	Yes	No - see discussion

4.1.3 Water Management

The proposal has been appropriately conditioned.

4.4.7 Wind Impact

A revised wind report prepared by ANA Civil Pty Ltd dated 20 December 2018 was submitted to Council. The revised report recommends the following wind amelioration measures which are consistent with those originally consented to:

- a) Balcony/terrace balustrades – preferably of masonry/concrete construction with no openings.
- b) Pergolas, canopies and awnings over open areas.

- c) Landscaping such as dense shrubs and trees.
- d) A canopy or pergola on the roof terrace.

Subject to the recommendations of this report, the proposal as modified complies with the provisions of this clause. Condition 10 is to be modified to reflect the revised report.

4.5.1 Social Equity - Housing Diversity and Choice

As approved, the development accommodated a total of 39 dwellings, being 8 x 1 bed, 28 x 2 bed and 3 x 3 bedroom dwellings.

As revised, the development is required to comply with the following unit mix:

Unit	DCP Requirement	Proposed	Complies
Studio - 1 bed	10% - 30% (5-13)	1 x studio 14 x 1 bed	No
2 bed	50% - 75% (22-33)	23 x 2 bed	Yes
3+ bed	10% - 20% (5-9)	5 x 3 bed	Yes

Notwithstanding the above, the proposal as modified maintains an appropriate range of housing within the development to cater to diverse household types. The proposal provides for a range of housing options which will enable changing lifestyle needs and cater to different income groups. The proposal is considered to be consistent with the objectives of this clause. A variation in this instance is deemed satisfactory.

4.5.2 Social Equity - Equitable Access

As per the requirements of this clause a minimum of 5 adaptable units are required to be provided within the development. Plans indicate a total of 4 adaptable units, being 101 / 102 / 204 / 304.

The proposal does not strictly comply with the requirements of this clause, however has been conditioned to ensure compliance.

4.6 Parking Rates - Shops

Plans illustrate the provision of 394sq/m of commercial floor space at ground level. As per the provisions of this clause and factoring in the applicable Travel Demand Management Concession which permits a 20% reduction of the 'non-residential' component of the parking requirement within the Rockdale Town Centre, the following is required for the development.

- a) 8 commercial car spaces
- b) 2 bicycle and 1 motorbike spaces

Plans illustrate the provision of 7 commercial car spaces, in addition to a total of 1 motorbike and 5 bicycle spaces.

Whilst submitted plans do not strictly comply with the provisions of this clause, the proposal has been conditioned to require a total of 8 commercial car spaces on site for the ground level commercial tenancies.

As conditioned the proposal as modified complies with the requirements of this clause.

Note - Residential car parking requirements are addressed within the Apartment Design Guide section of this report.

4.6 Car Wash Facilities

Basement level 1 incorporates a dedicated car wash bay on site for use by future occupants. It is of appropriate dimensions and satisfactory in this regard.

4.7 Waste Storage and Recycling Facilities

Plans indicate the provision of waste chutes within the development, adjoining each lift core within the building. Waste is to be discharged into 1100 litre bins within the waste storage rooms at ground level within the development.

Waste storage rooms as revised are of sufficient dimensions and area to accommodate the proposal as modified and are satisfactory with regards to the provisions of this clause.

4.7 Service Lines/Cables

Revised plans illustrate the provision of a proposed substation recessed within the proposed building envelope adjoining Fox Lane and the proposed vehicular entry. The proposal as modified is satisfactory in this regard.

4.7 Laundry Facilities and Drying Areas

Residential units are provided with appropriate internal laundry facilities. The proposal as modified satisfies the provisions of this clause.

4.7 Letterboxes

Plans indicate the provision of residential letter boxes adjoining the main entry foyer off Fox Lane. The proposal as modified complies with the requirements of this clause.

4.7 Hot Water Systems

No details are provided on plans regarding the location of hot water units to residential dwellings. The revised scheme has been conditioned to ensure that all hot water systems/units located on the balcony of a dwelling be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.

5.3 Mixed Use - Retail

The development is required to provide 10% (369.7sq/m) of the gross floor area of the development as commercial space as per the requirements of this clause.

As approved, the development incorporated 486sq/m of commercial space on site, this was equivalent to 13.1%.

As proposed, the development incorporates 394sq/m of commercial space on site. This is equivalent to 10.6% of the floor area of the development and the revised scheme maintains compliance with the requirements of this clause.

The proposal as modified is satisfactory given the above.

5.3 Mixed Use - Access to Premises

Access for persons with a disability / mobility impairment has been provided on site from basement to rooftop level, including ground floor commercial areas. The proposal as modified satisfies the requirements of this clause.

5.3 Mixed Use - Awnings

Plans indicate the provision of cut outs to the previously approved awnings along the frontage of the site to both the Princes Highway and Fox Lane, in order to facilitate tree growth.

The modified awning structure will retain appropriate weather protection for users and the proposal as modified is satisfactory with regards to the objectives of this clause.

7.5.1 Street Role - Centre Edge Residential

Developments are to comply with the standards for ground floor building uses and access locations set out by this part, with respect to their intended core function. The site is subject to two street frontages and subsequent core functions as follows:

Princes Highway - Contributory Retail

The proposal as modified retains commercial shopfront premises along the frontage of the site to the Princes Highway. The southernmost commercial tenancy wraps the corner to Fox Lane and continues for a length of approximately 12.5m into the site, partially addressing the Fox Lane frontage.

The proposal is consistent with the DCP requirements for the provision of a contributory retail street frontage.

Fox Lane - Service Laneway

As referred to above, the southern most commercial tenancy wraps the corner to Fox Lane and continues for a length of approximately 12.5m into the site, partially addressing the Fox Lane frontage. A residential entry lobby is provided off Fox Lane, with vehicular and service access proposed via the lane as required by the provisions of this clause.

Given the above the proposal satisfies the requirements of this clause.

7.5.1 Commercial Space

As approved, the development did not incorporate the provision of commercial space at first floor level, nor was a higher floor to ceiling i.e. 3.3m at first floor level provided in order to facilitate future commercial conversion.

The proposal as modified does not alter the aforementioned.

It is reiterated that the development complies with and provides for sufficient commercial floor space at ground level above that required by the provisions of DCP 2011. The proposal as modified is considered to remain satisfactory with regards to the objectives of this clause.

7.5.2 Setbacks

The subject site is located within the 'Green Gateway' and as such a 3m setback is required to the Princes Highway frontage of the site.

As approved, the development incorporated this required setback to ground and upper levels. The proposal as modified does not seek to alter the aforementioned minimum setback and is satisfactory with the objectives and requirements of this clause.

7.5.2 Street Character

The development was approved with variations to the relevant street character diagrams applicable to the subject site. The proposal as modified is discussed in detail below.

7.5.2 Arterial Edge

The development is required to provide a 3 storey podium setback 3m from the Princes Highway frontage of the site, in order to accommodate the envisaged 'Green Gateway' corridor. Additionally, levels 4 and above are to be recessed an additional 3m from the podium below, with a side setback of 4.5m at level 4 and above with a minimum building separation distance of 9m to neighbouring buildings.

As approved, the development accommodated a 3 storey podium, recessed 3m from the front property boundary, with levels 4 and above recessed a further 3m as required by this clause. Level 4 and above were setback 4.5m from the northern common side boundary of the site as required by the provisions of this clause.

The proposal as modified seeks to raise the height of the podium from 3 - 4 storeys, in order to align the proposed building with the podium level of its established northern neighbour which has recently been completed.



Podium as Approved (3 storeys)



Podium as Proposed (4 storeys)

The increase in height in this location is supported, as it would provide a consistent streetscape response to the Princes Highway for the subject street block and further provide opportunity for a transition to a lower 3 storey podium height to the southern side of Fox Lane. The increase to the podium height was supported by the Design Review Panel and is a logical design response given the adjoining established building form.

The revised scheme defines the street edge and provides an appropriate interface and relationship with the adjoining northern development in terms of height, bulk, scale and overall form.

The proposal as modified is satisfactory with regards to the objectives of this clause.

7.5.2 Laneway

Along the 'Laneway' frontage of the site, the development is required to provide a 3 storey podium built to the property boundary, with levels 4 and above recessed an additional 3m from the podium below.

As approved, the ground level of the development and all subsequent levels above are positioned 3m from the Fox Lane boundary of the site. This 3m setback was provided at ground level in order to facilitate a pedestrian pathway to the development. This afforded amenity for future occupants and was approved.

The proposal as modified does not seek to alter the aforementioned. The reconfiguration of units at upper levels have introduced balcony spaces overlooking Fox Lane, with modulation provided to the southern facade of the development in this regard. This is supported.

Whilst the proposal as modified does not strictly comply with the provisions of this clause, it does not reduce the previously approved building setbacks to Fox Lane. The proposal as modified remains satisfactory with regards to the objectives of this clause and retains improved public amenity to Fox Lane.

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

The provisions of the Regulations relating to demolition were considered in the assessment of the original development application.

In accordance with clauses 115(3) & (3A) of the EP&A Regulations, the Section 4.55 modification application was accompanied by a 'design verification statement' confirming that the design as modified was directed by a registered architect and that it complies with the design quality principles. All relevant provisions of the Regulations have been considered in the assessment of this proposal as modified.

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

The potential impacts of the proposal as modified have been considered in the assessment of this application.

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

The relevant matters pertaining to the suitability of the site for the modified proposal have been considered in the assessment of the proposal. Additional conditions of consent were originally imposed 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 proposal as modified.

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions on this proposal as modified.

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

The proposal as modified has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment, the modified proposal will allow the development of the site in accordance with its environmental capacity.

The modified building form will provide an appropriate streetscape response to the Princes Highway, integrate well and provide an appropriate transition with the recently completed development adjoining to the north.

The revised proposal does not create unreasonable impacts on surrounding properties or the public domain. As such it is considered that the proposal as modified is in the public interest.

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

Given the increase in residential density on site from 39 to 43, condition 43 shall be modified to confirm the increased s7.11 contributions payable for the proposal as modified.

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	Drawn by	Dated	Received
Basement 3 Floor Plan Issue R S96-200	Place Studio Au Pty Ltd	20/09/2019	20/09/2019
Basement 2 Floor Plan Issue R S96-201		20/09/2019	20/09/2019
Basement 1 Floor Plan Issue R S96-202		20/09/2019	20/09/2019
Ground Floor Plan Issue R S96-203		20/09/2019	03/09/2019
First Floor Plan Issue R S96-204		06/08/2019	03/09/2019
Second Floor Plan Issue Q S96-205		05/08/2019	03/09/2019
Third Floor Plan Issue S96-206		05/08/2019	03/09/2019

Fourth Floor Plan Issue Q S96-207	05/08/2019	03/09/2019
Fifth Floor Plan Issue Q S96-208	05/08/2019	03/09/2019
Sixth Floor Plan Issue Q S96-209	05/08/2019	03/09/2019
Roof Plan Issue Q S96-210	05/08/2019	03/09/2019
Upper Roof Plan Issue E S96-211	05/08/2019	03/09/2019
Princes Highway Elevation Issue R S96-401	05/08/2019	03/09/2019
Railway Elevation Issue R S96-402	05/08/2019	03/09/2019
Fox Lane Elevation Issue S S96-403	20/08/2019	03/09/2019
Internal Courtyard Elevations Issue R S96-405	05/08/2019	03/09/2019
Section AA Issue P S96-301	05/08/2019	03/09/2019
Section BB Issue P S96-302	05/08/2019	03/09/2019
Section CC Issue P S96-303	05/08/2019	03/09/2019
Section DD Issue Q S96-304	06/08/2019	03/09/2019
Schedule Colours & Finishes Issue 1	17/12/2018	22/01/2019

[Amendment A - S4.55(2) amended on 12/11/2019]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (983154M_04) other than superseded by any further amended consent and BASIX certificate.*
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that

each of the commitments whose fulfilment it is required to monitor has been fulfilled."

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

[Amendment A - S4.55(2) amended on 12/11/2019]

6. A separate development application shall be submitted for the specific use/uses of the property. Additional conditions may be imposed on any such consent.

Note: Parking and loading provisions in a mixed use development may preclude certain uses.
7. Balconies and car spaces shall not be enclosed at any future time without prior development consent.
8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
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. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
11. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
12. All works are to be carried out in accordance with the integrated development conditions provided by the NSW Office of Water and listed at the end of this consent.
13. *Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:*

Allocated Spaces

Studio - 1 Bedroom - 0.6 spaces per unit

2 Bedroom - 0.9 spaces per unit

3 Bedroom - 1.4 spaces per unit

Commercial - 8 spaces total

One (1) dedicated car wash bay 3.5 m wide minimum by 5.5m shall be provided.

Two (2) VAN spaces shared within visitor spaces shall be provided

Non-Allocated Spaces

Residential Visitor Spaces - 9 spaces total

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

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with

respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

[Amendment A - S4.55(2) amended on 12/11/2019]

14. Work Activities on Council Sites - Application Requirements

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

1. Road, Footpath and Road Related Area Closure (EP05) - This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
2. Stand and Operate Registered Vehicle or Plant (EP03) - This permit is used when construction activities involve working from a vehicle parked on the street including a mobile crane, concrete truck, concrete pump or other similar vehicles.
3. Occupy Road with Unregistered Item (EP02) - This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
4. Works Zone (EP01) - This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.
5. Scaffolding, Hoarding and Fencing (EP04) - This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
6. Temporary Shoring/Support (EP09) - This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
7. Tower Crane (EP06) - This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
8. Public Land Access (EP08) - This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.
9. Temporary Dewatering (EP07) - This permit is used when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.

Development specific conditions

The following conditions are specific to the Development Application proposal.

15. The design and construction of the off-street parking facilities shall:
Comply with Australian Standards, as follows:
- AS/NZS 2890.1:2004
 - AS2890.2:2002
 - AS2890.3:1993
 - AS/NZS2890.6:2009
 - Comply with Rockdale Technical Specification – Stormwater Management, in relation to the minimum width and configuration of car wash bays.
 - Provide bicycle parking facilities for residents that are class 1 or 2 in accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3 facilities.
 - Provide for a raised median between ingress and egress lanes of access driveways to allow for installation of entry and communication systems at basement entry door.
 - Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular, the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
 - The visitor parking should be conveniently located close to the ingress and egress location and the tenant parking should be able to be securely separated from the visitor parking area. One (1) visitor parking space shall be marked for use by a Van for loading and unloading purposes, and be a minimum dimension of 5.4m x 3.0m, with an unrestricted height clearance of 2.3m.
 - The SRV loading dock area to have a minimum of 3.5m height clearance.
 - In addition to a Ground level SRV loading bay, to make provision for two VAN loading bays having direct access to lift lobbies within the basement.
 - Two (2) visitor parking space shall be marked for use by a Van for loading and unloading purposes, and be a minimum dimension of 5.4m x 3.0m, with an unrestricted height clearance of 2.3m.
 - Allocate all off-street visitor parking, loading bays and car wash bays as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.
 - Note: Parking allocation conditions apply to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - The basement driveway design has to ensure that all traffic give priority to incoming vehicles. Signage and convex mirrors or similar will have to be installed and certified by a professional Traffic Engineer.
16. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not to be discharged into the corridor unless prior approval has been obtained from RailCorp.
17. 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.
18. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
19. The existing and future owners (Registered Proprietor) of the property will be

responsible for the operation and maintenance of the detention system. The registered proprietor will:

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

20. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

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

21. 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.

Implement all recommendations contained in the Overland Flow Study prepared by S & E Ivanov Consultancy, dated 6 July 2014.

22. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.

23. 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.
 24. 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.
 25. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
 26. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
 27. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 28. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
 29. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
 30. *a) In order to ensure the design quality excellence of the development is retained:*
 - i. A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;*
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;*
 - iii. Evidence of the design architect's commission is to be provided to Council prior to release of the Construction Certificate.**b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.*
- [Amendment A - S4.55(2) amended on 12/11/2019]*
31. 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.
32. Landscaping
 - a) 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.
 - b) A minimum soil depth of 800mm is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab.
 - c) All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for

slip resistance on both private and Council property.

d) The approved completed landscape works shall be maintained for a period not less than 12 months. On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

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

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

34. Residential air conditioners must be designed so as not to operate:

- during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.

Note - peak time means:

- the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
- the time between 7:00 am and 10:00 pm on any other day.

35. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation works shall be carried out in accordance with the Site Remedial Action Plan prepared by EI Australia dated 29 January 2018 (Report No. E23577.E06.Rev1).

36. *Recommendations contained in the acoustic report prepared by Acoustic Noise & Vibration Solutions, dated 30 November 2018 in relation to mechanical ventilation systems and noise / vibration near railway lines shall be implemented on site.*

[Amendment A - S4.55(2) amended on 12/11/2019]

37. Telstra require the developer to contact 1800 810443 and provide a work method statement and drawing prior to building adjacent to the Telstra easement.
38. The recommendations of the Remediation Action Plan prepared by EIAustralia ref: E23577 E06-Rev0 dated 13 December 2017 shall be implemented on site.
39. *The recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 20 December 2018 are to be implemented on site.*

[Amendment A - S4.55(2) amended on 12/11/2019]

- 39A. Waste & Recycling Collection / Removalist Drop-off's & Pick-ups - Operational

Requirements

1. *Waste & recycling collection and servicing, including removalist trucks, must be carried out entirely within the approved loading bay at all times.*
2. *Waste & recycling collection, deliveries, removalists and / or any other servicing must not, at any time, be undertaken from the Forest Roads and Harrow Road or elsewhere within the site.*
3. *Waste and recycling may be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.*
4. *Waste & recycling collection must be undertaken during off-peak times.*
5. *The maximum size truck permitted to access the site is a Small Rigid Vehicle (SRV).*
6. *The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.*

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 39A is:

- To efficiently manage waste & recycling and restrict the size of vehicles entering and exiting the site.

Prior to issue of the construction certificate

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

40. 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 \$10,910.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$18.00.
41. Plans submitted with the Construction Certificate shall demonstrate compliance with the following and be approved by the PCA prior to the issue of the Construction Certificate:
 1. All hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed.
 2. All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.

3. 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 metres as measured vertically from finished floor level to the underside of the ceiling.
4. Relevant objectives and design code requirements of the Building Code of Australia 2015 / DDA Premises Standard pertaining to accessible common domain areas and access to all apartments and the Adaptable Housing standard AS4299 for four (4) adaptable units.
5. *Acoustic Attenuation - The noise reduction measures specified in the noise report prepared by Acoustic Noise & Vibration Solutions, dated 30 November 2018 dated shall be shown in the construction plans.*
6. All fire boosters, hydrants, substations, services and the like shall remain concealed within the building envelope.
7. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management.
8. Balustrades to balconies are to comprise opaque / frosted glass only.
9. *The recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 20 December 2018 are to be shown on CC plans.*
10. *Landscape Plans shall be amended to ensure consistency with approved architectural plans.*
11. Permeable pavers shall be provided at ground level forward of the building line in the location of the proposed pedestrian access areas.
12. *Details of the materials and colours of the entry gate proposed to the residential lobby entry via Fox Lane are to be provided.*
13. *East facing bedroom windows to units 406, 506, 608 shall be provided as highlight windows with a minimum sill height of 1.6m.*
14. *Safer by Design*
 - a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
 - b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - d) Graffiti resistant materials shall be used to ground level external surfaces.
 - e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
 - f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.

[Amendment A - S4.55(2) amended on 12/11/2019]

- 41A. 1. *The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan prepared by Izthmus landscape design, issue G, dated 23rd July*

2019 and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Bayside 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.
- 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 trees.
- c) Street setback trees are to be evergreen and supplied at a minimum 200 litres pot size.
- d) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat
- e) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- f) Details of awnings in relation to landscape treatment. Awnings shall be design to allow the maximum mature growth of proposed trees in frontage setbacks and street trees.

2. A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).

3. Irrigation. 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.

4. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
- b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate

water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.

e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

f) All planter boxes shall be irrigated, and soil depths of planter on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.

5. Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape 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.

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 41A is:

- *To ensure the integrity of the landscaped areas on site.*

42. 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.
- 42A. *Prior to the issue of a construction certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.*

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 42A is:

- *To ensure the design quality of the development satisfies SEPP 65.*
43. A Section 94 contribution of \$285,322.05 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current

Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels).

*Rockdale Regional Open Space Fund Amend 5 \$35,867.33
 Rockdale City Wide Open Space Fund Amend 5 \$56,742.33
 Rockdale Local Open Space Fund Amend 5 \$124,994.15
 Rockdale Local Open TC & Streetscape Fund Amend 5 \$4,998.05
 Rockdale City Wide TC & Streetscape Fund Amend 5 \$6,375.75
 Rockdale Pollution Control Management Amend 5 \$32,814.71
 Rockdale Admin & Mgt Amend 5 \$1402.28
 Child Care Services Amend 5 \$1,337.15
 Community Services Amend 5 \$1,432.56
 Library Services Amend 5 \$19,357.74*

The contribution is calculated from Council's adopted Section 94 contributions plan. Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

[Amendment A - S4.55(2) amended on 12/11/2019]

44. 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.
45. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in

accordance with all SAA Codes for the design loading from truck and vehicle loads.

46. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.

47. Acoustics

A) The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

B) Prior to the issue of a Construction Certificate, an Acoustic Report, prepared by a suitably qualified and experienced Acoustic Consultant shall be submitted to the Accredited Certifier (AC), detailing any necessary modifications to the mechanical plants in the car park to reduce the intrusion of noise and/ or vibration into occupied rooms.

48. *Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within five (5) residential units, and between these units and their allocated car parking spaces. Allocated parking spaces will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.*

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

[Amendment A - S4.55(2) amended on 12/11/2019]

49. 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.

50. The applicant shall confer with Energy Australia to determine if installation of electricity conduits in the footway is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

Ausgrid

(i) The applicant shall confer with Ausgrid to determine if an electricity distribution substation and/or the installation of electrical conduits in the footway is required. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.

(ii) All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary.

The relocation of the existing electricity supply pole in the road reserve at the junction of Fox Lane and the Princes Highway, is required to avoid conflict with the widening of Fox Lane. The relocation works shall be undertaken in accordance with the requirements of Energy Australia. The applicant shall enter into a contract with Energy Australia for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of a Construction Certificate.

51. 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.
52. 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>

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

- Street lighting layout and details;
 - Drainage plus kerb & gutter alignment and details;
 - Asphalt pavement detail showing minimum 6m wide carriageway;
 - Detailed plan of the intersection of Fox Lane and Princes Highway;
 - Removal of redundant power pole(s) and proposal for undergrounding of power along Fox Lane and Princes Highway frontages.
- iii) Construction of vehicular entrance.
54. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
55. Prior to the issue of the construction certificate approval from the utility provider is required for the works the existing utility with the road reserve fronting boundary. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
56. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

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

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

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

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

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

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

57. As the basement floor are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed

works and excavations on this site, a qualified practicing geotechnical engineer must;

(a) Implement all recommendations contained in the report prepared by Douglas Partners Pty Ltd – Report No. Project 84654, dated 30 January 2015.

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

(c) Confirm that the proposed construction methodology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Certificate for the relevant stage of works.

A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.
The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

Note:

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

- 60. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including ramp control traffic signals comply with the conditions of consent.
- 61. The low level driveway must be designed to prevent inflow of water from the road reserve, and road reserve - 1% AEP. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
- 62. Prior to the issue of Construction Certificate, swept path analysis shall be submitted to Certifying Authority for assessment and approval.

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

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

- 63. 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.
- 64. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with DCP 78-Stormwater Management.
- 65. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

66. All basement surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

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

67. 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.

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

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

The design shall take into consideration of geotechnical recommendations.

Note:

- a. The subsoil drainage for groundwater management for the proposed development should be in accordance with the requirements of DCP 4.1.3, 4.1.4 and Rockdale Technical Specification – Stormwater Management.
- b. The basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP2011- Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project 84654, dated 30 January 2015.
- c. Since the site is subject to MFL, the design of the basement carpark access ramp crest level is to be 500mm above the 1 in 100-year flow level.
- d. In accordance with Technical specification – Stormwater Management to recheck and provide stormwater control details to the driveway area draining to the basement.
- e. The site is subject MFL restriction. The minimum floor levels applying to the site, identified by the Overland Flow Study by S & E Ivanov Consultancy, dated 6 July 2014.

68. Work Activities on Council Sites - Application Requirements

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

(a) Road, Footpath and Road Related Area Closure (EP05)

This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.

(b) Stand and Operate Registered Vehicle or Plant (EP03)

This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.

(c) Occupy Road with Unregistered Item (EP02)

This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.

(d) Works Zone (EP01)

This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.

(e) Scaffolding, Hoarding and Fencing (EP04)

This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.

(f) Temporary Shoring/Support (EP09)

This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.

(g) Tower Crane (EP06)

This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.

(h) Public Land Access (EP08)

This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.

(i) Temporary Dewatering (EP07)

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

69. Sydney Trains

The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- Construction and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring
- If deemed necessary following the review of the documentation required by the deferred commencement condition, a vibration and movement monitoring plan for the affected rail infrastructure.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.
- The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- Sydney Trains and Transport for NSW, or any persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures acceptable to Sydney Trains.
- Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorized access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorized access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

- Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupation Certificate. The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.
- As Fox Lane provides access to the rail corridor, including for emergencies, this lane way shall be left unobstructed for any building related vehicles, equipment or materials unless agreed to by Sydney Trains. In addition, no vehicles, equipment or materials are to be parked or placed on rail land.

70. Prior to the issue of any Construction Certificate, detailed design drawings for both the Fox Lane and the Princes Highway frontages are to be submitted to and approved by Bayside Council's Coordinator Public Domain.

Plans shall include but not be limited to the following information with respect of public domain assets:

- (a) Footpath alignment, width and surface finish;
- (b) Landscaping and tree planting areas;
- (c) Street lighting layout and details as per Ausgrid standards and Councils public domain plan;
- (d) Drainage plus kerb & gutter alignment and details;
- (e) Asphalt pavement detail showing minimum 6m wide carriage way;
- (f) Detailed plan of the intersection of Fox Lane and Princes Highway;
- (g) Removal and relocation of redundant power pole(s) and under grounding of power along Fox Lane and Princes Highway frontages.
- (h) Widening of Fox Lane to a minimum width of 6m, to accommodate two-way traffic flow. Swept paths are to be submitted.

Prior to commencement of works

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

71. 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.
72. 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.

73. 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.
74. 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.
75. 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.
76. 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.

77. 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.
78. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
79. (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.
80. 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.
81. Consultation with Ausgrid, Telstra, Sydney Water and Railcorp 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.

82. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

During demolition / excavation / construction

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

83. 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.
84. 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.
85. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

86. 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.
87. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

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

88. 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.
89. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
90. 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.
91. 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.

92. 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.
93. 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.
94. 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.
95. 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.
96. 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.
97. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available

from Council.

Prior to issue of occupation certificate or commencement of use

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

98. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
99. 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.
- 99A. *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.*

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 99A is:

- *To ensure landscaping is finalised on site.*
100. 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.
 101. 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.
 102. 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.
 103. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall

be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

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

104. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council or the RMS satisfaction at the applicants expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
105. 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.
106. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
107. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
108. 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.
109. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
110. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
111. The vehicular entry in Fox Lane is to be clearly marked and signposted ("entry" or "no entry") from the street and ("exit" or "no exit") internally.
- 111A. *Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".*

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 111A is:

- To maximise safety for vehicles entering and exiting the site.

112. *Deleted.*

[Amendment A - S4.55(2) amended on 12/11/2019]

113. The provision of a 1.2metre wide right of footway in favour of Bayside Council along the boundary with Fox lane frontage. The right of footway is to be covered by a

Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.

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

114. The dedication to Council of a portion of the site as along the length of the southern boundary for road widening purposes to facilitate two way vehicular movement in Fox Lane as per the deferred commencement condition and all other conditions of this consent. Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office.
115. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles.
116. Bollards to accessible car spaces on site are to be installed by the Developer. Bollards are to be constructed from steel pipe minimum 100mm diameter, domed at the top and filled with concrete. They are to be installed a minimum of 900mm into the ground and are to be 1100 mm out of the ground, painted white, with reflectors attached. Future maintenance will be the responsibility of the owner and/or occupier.
117. *Deleted.*

[Amendment A - S4.55(2) amended on 12/11/2019]

118. *60 off-street basement car spaces, being two (2) van Spaces (minimum bay width of 3.0m), one (1) dedicated car wash bay (3.5m min width) and seven (7) adaptable car spaces to comply with AS2890.6 shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.*

[Amendment A - S4.55(2) amended on 12/11/2019]

119. 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.

120. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
121. 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.

122. An appropriately qualified Noise Consultant is to certify that Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion has been met before an occupation certificate will be issued.
123. *Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with conditions of this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate. The report is to include details & finishes of the walls and floors separating apartments.*

Acoustic recommendations in relation to rail noise, vibration and plant emissions contained in the report prepared by Acoustic Noise & Vibration Solutions, dated 30 November 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.

[Amendment A - S4.55(2) amended on 12/11/2019]

124. Prior to issue of an Occupation Certificate, a measurement report from a qualified acoustic consultant shall be submitted, demonstrating compliance with the noise criteria.
As a minimum, this report shall provide the L_{max} and L_{AE} noise levels of at least ten consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum L_{Aeq} (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period.
125. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
126. 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.
127. 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.
128. 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.
129. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
130. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances

where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

131. A covenant shall be registered on the title of the land giving notice of the former use, contamination of the site and the existence of the contaminated material remaining on the land. Documentary proof of the registration shall be provided to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate.
132. 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.
133. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level and lift access level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
134. 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.
135. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
136. 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 on 13 April 2015, Ref: F08/691, FA-2015/37.
137. *Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain:*
 - a) *The stormwater detention facility to provide for the maintenance of the system;*
 - and*
 - b) *Waste removal by private waste contractor.*

[Amendment A - S4.55(2) amended on 12/11/2019]

138. 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.

139. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
140. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
- 140A. *Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.*

[Amendment A - S4.55(2) amended on 12/11/2019]

Reason for additional condition 140A is:

- *To certify the design quality of the development.*

Integrated development/external authorities

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

141. Sydney Water

Water

- The development can be serviced by the existing 150mm drinking water main in Princes Highway.
- Detailed drinking water requirements will be provided at the S73 application phase.

Wastewater

- The development can be serviced by the existing 225mm wastewater main in Princes Highway.
- Detailed wastewater requirements will be provided at the S73 application phase.

142. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 49.2metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.
For further information on Height Restrictions please contact SACL on 9667 9246.

143. Roads and Maritime Service

- i. The Roads and Maritime has no approved proposal that requires any part of the subject property for road purposes. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Princes Highway boundary. The

proponent should also be advised that the subject property is within a broad area currently under investigation in relation to the proposed Westconnex Project. In this regard further information can be obtained at www.westconnex.com.au or by contacting Westconnex for further information - info@westconnex.com.au or by calling 1300 660 248.

ii. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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

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

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone (02) 8849 2114
Fax (02) 8849 2766

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

iv. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Princes Highway.

v. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

vi. All vehicles are to enter and leave the site in a forward direction.

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

144. **NSW Office of Water**

General

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

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

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

A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

B. any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

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

5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report- which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report).

Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be

presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:

(a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes).

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

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

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

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

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

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

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

During excavation

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

15. 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.

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

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

18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any

management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

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

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

Following excavation

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

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

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

145. Ausgrid

- A) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements.
- B) The applicant must check the location of underground cables by using Dial Before You Dig and comply with the requirements of NS156: Working Near or Around Underground Cables (Ausgrid, 2010).
- C) The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).

Roads Act

146. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;

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

Note:

- a. Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate.
 - b. Traffic Committee approval Line marking and regulatory signage shall be in accordance with RMS requirements and guidelines and shall be approved Bayside Traffic Committee.
147. 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.
148. 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.
149. Prior to the issue of the Construction Certificate for the relevant stage of works, the following details shall be submitted to the Principal Certifying Authority in relation to the awning over Princes Highway and Fox Lane frontages:

(i) Detailed design plans and specifications, including structural details and compliance with the requirements of any relevant condition of this consent and

(ii) Design certificate.

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

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

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

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

Maintenance of the awning is the responsibility of the owner of the land.

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

Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- c. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- d. *Dial Before You Dig*

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

- e. *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.

- f. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- g. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]

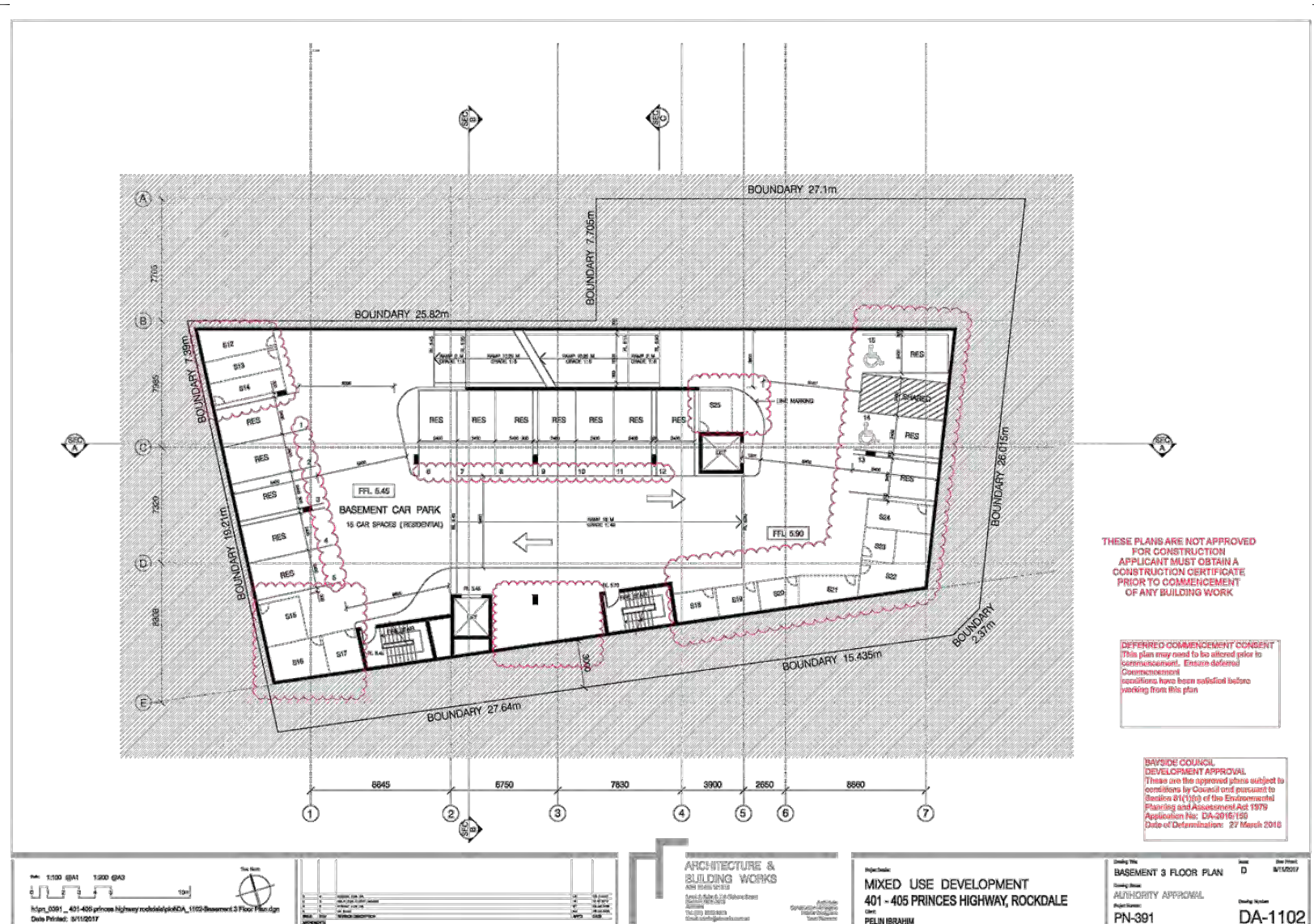
- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- Protection of the Environment Operations (Waste) Regulation 2005

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

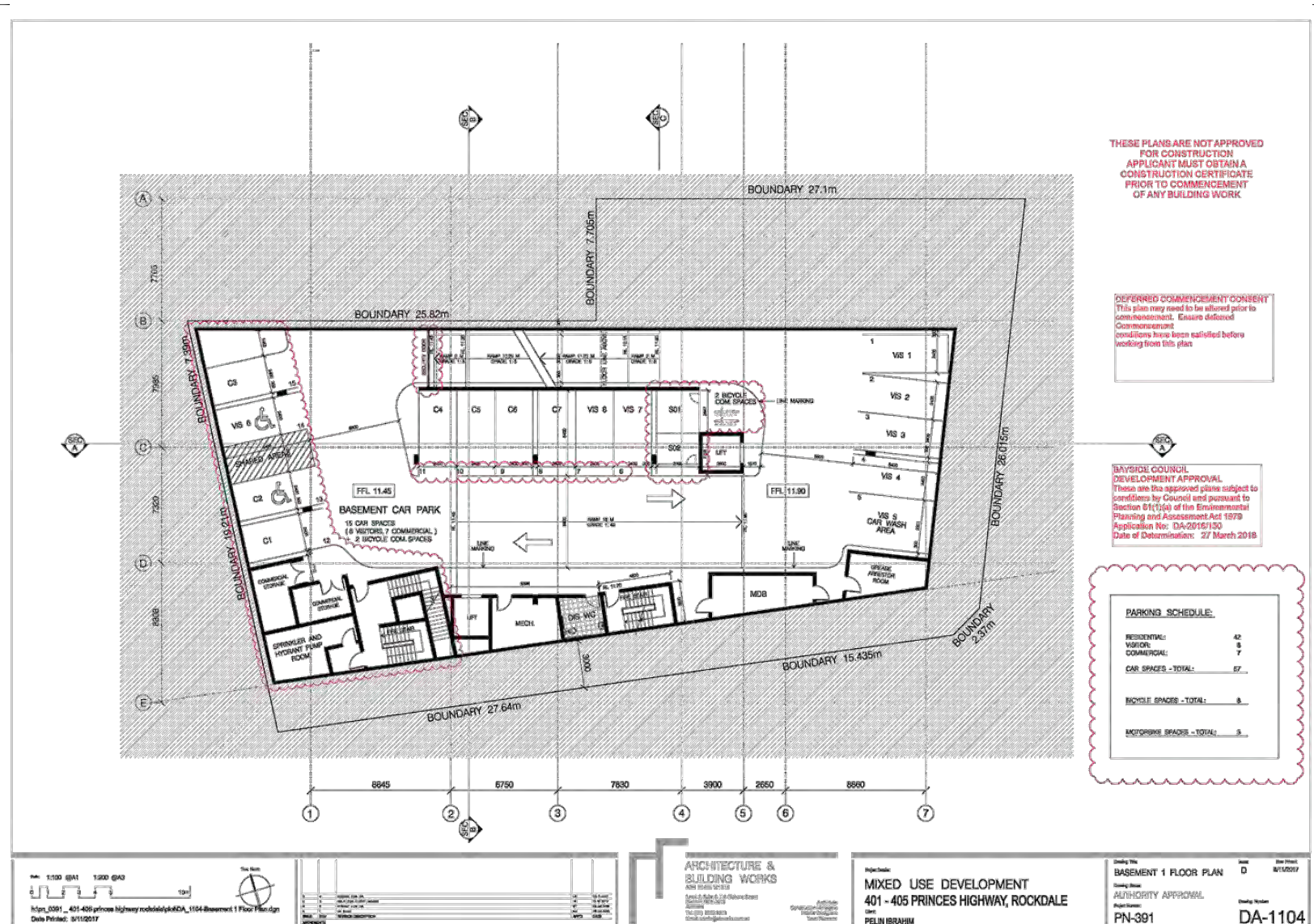
- h. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- i. 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 noisy 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.
- j. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- k. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- l. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
- m. A works zone will not be permitted in Fox Lane. All construction, loading / unloading and deliveries are to occur on site. Vehicular access to sites benefiting from access via Fox Lane is to be maintained at all times during construction.

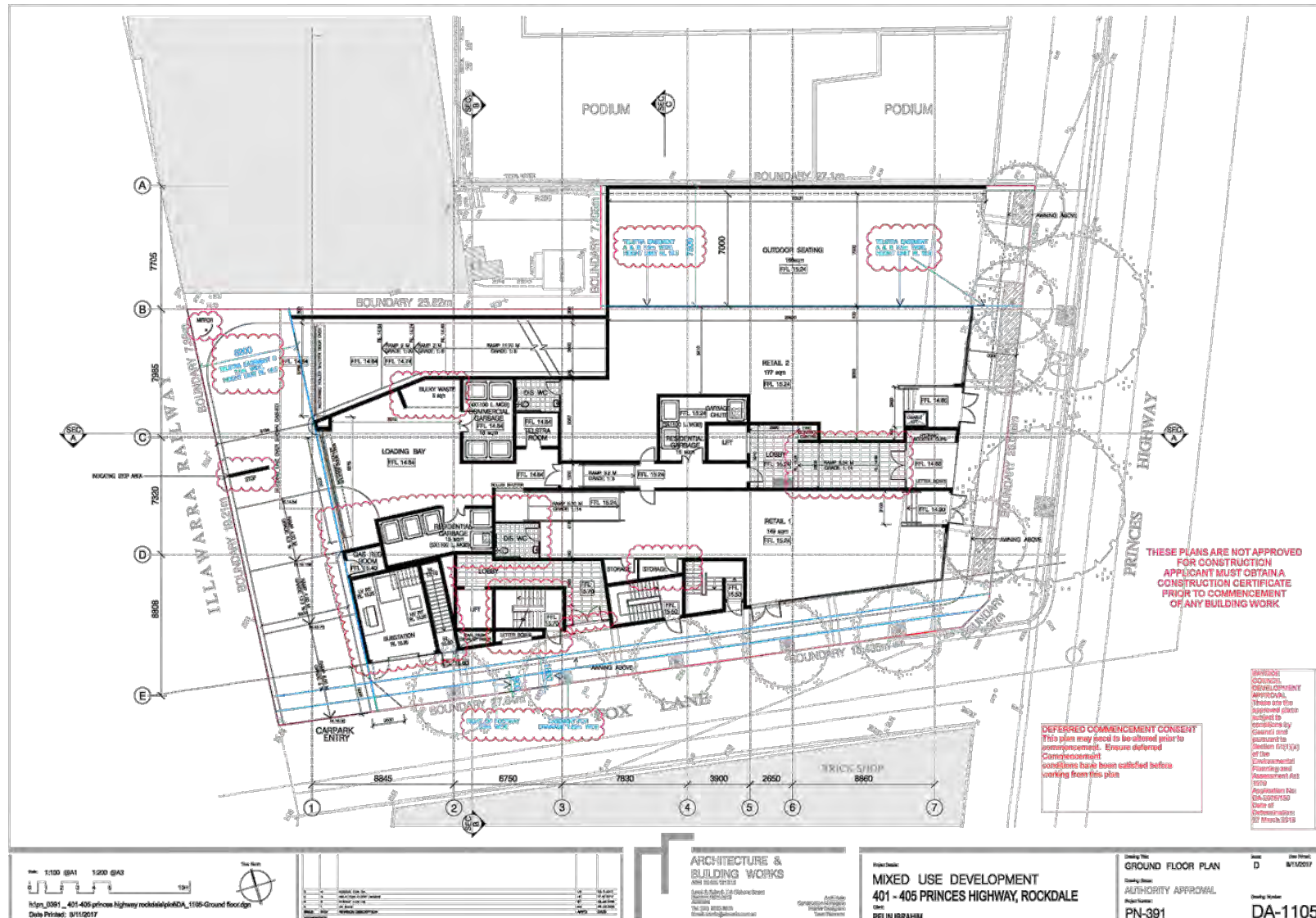




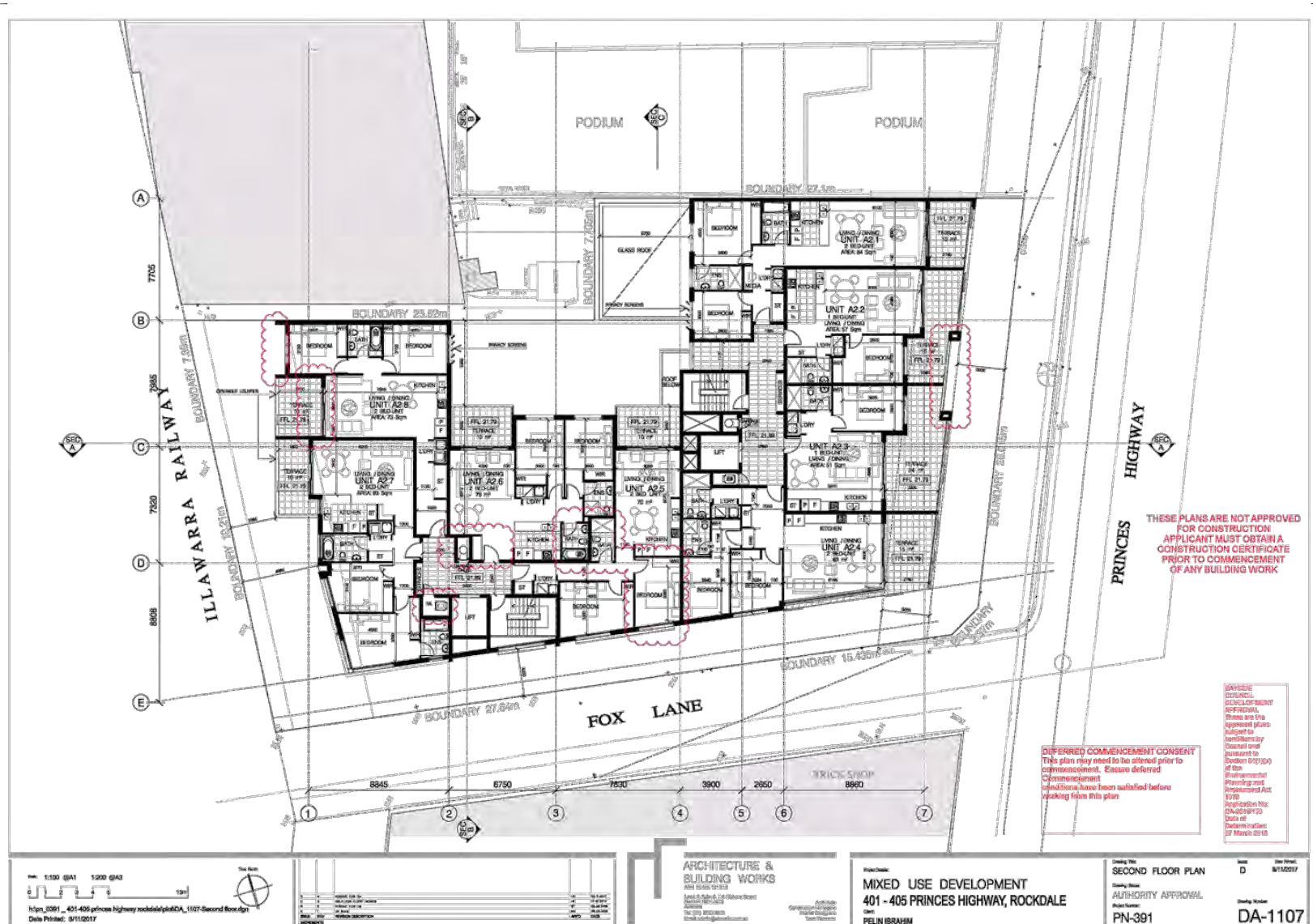










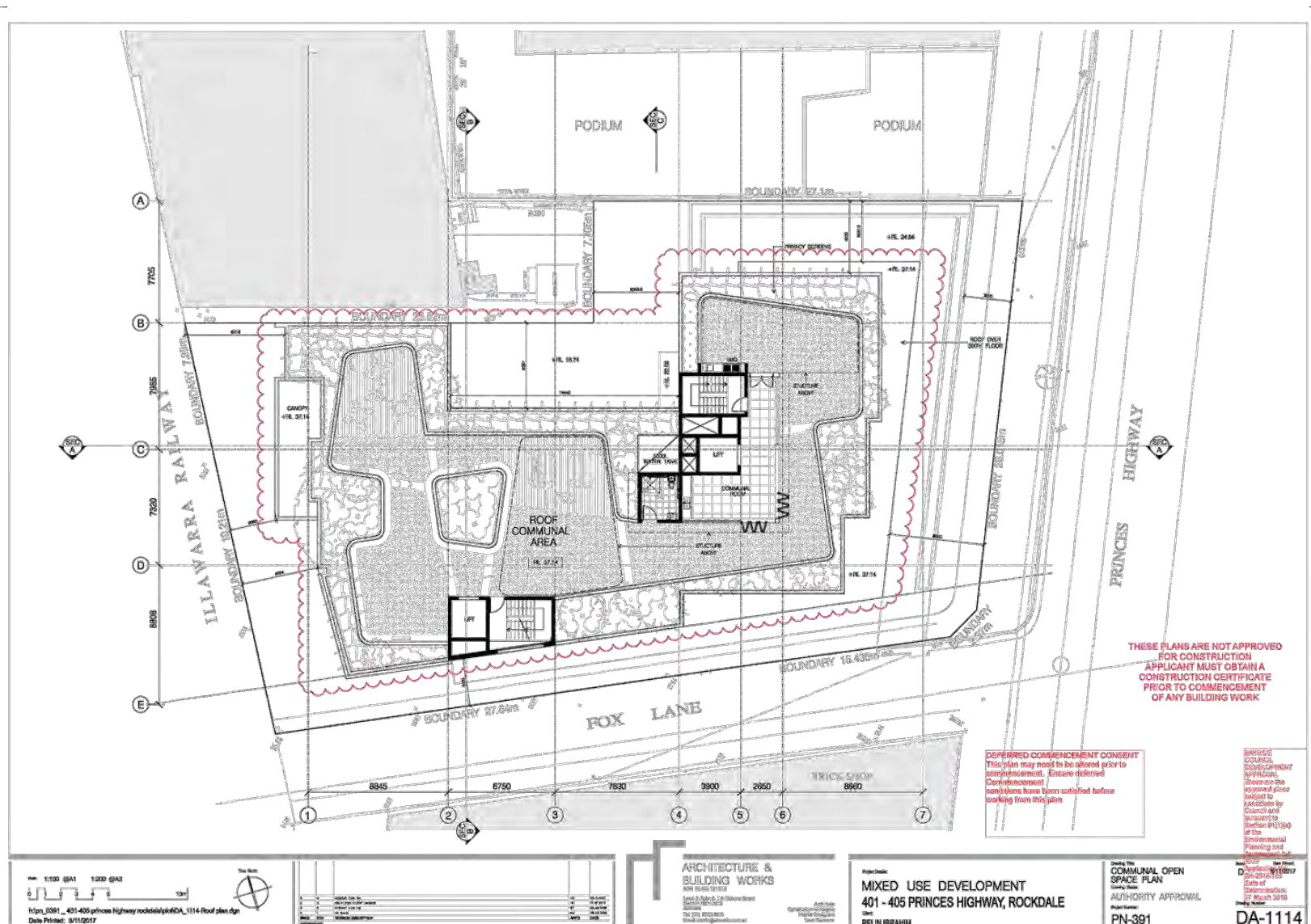






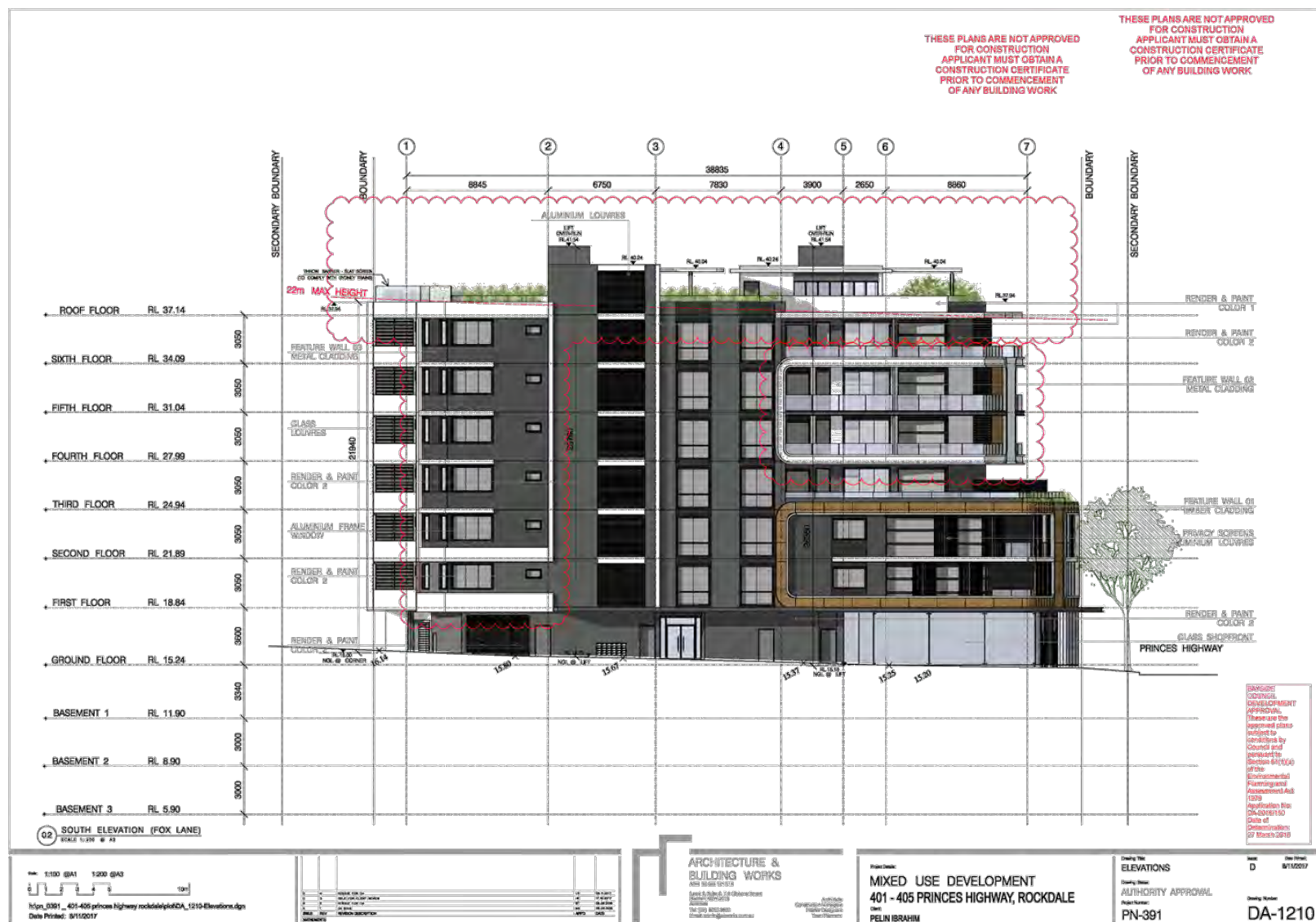


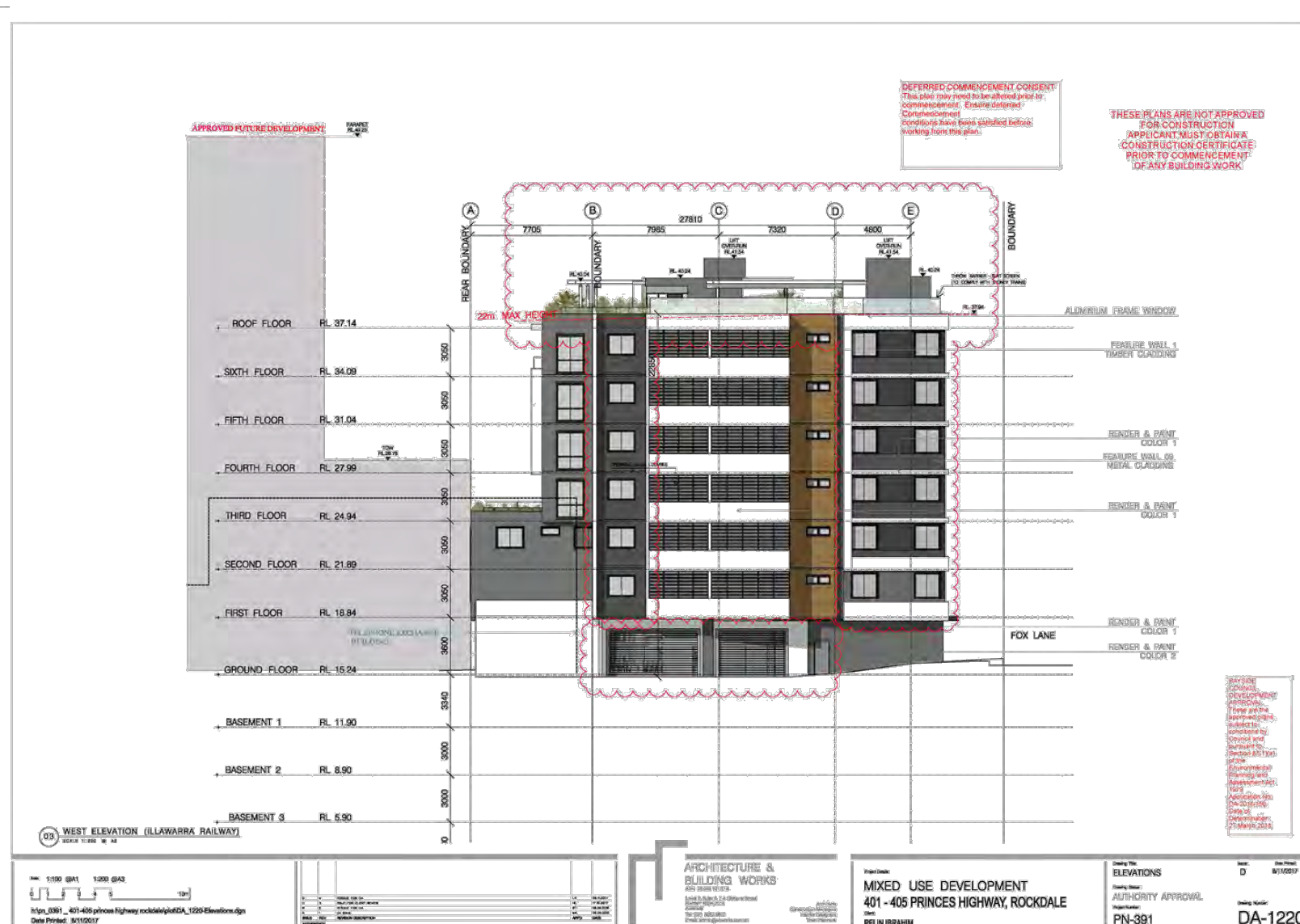


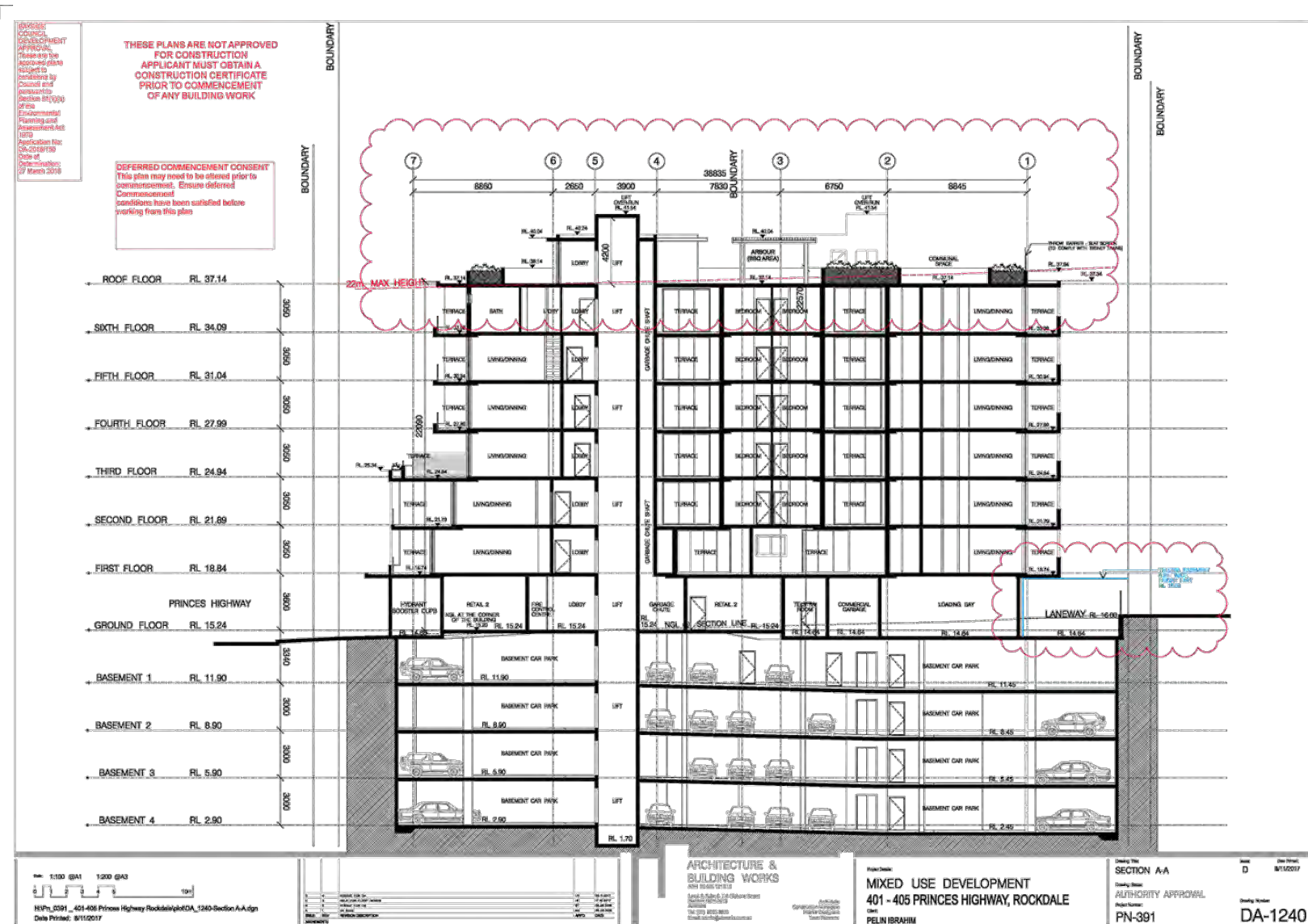


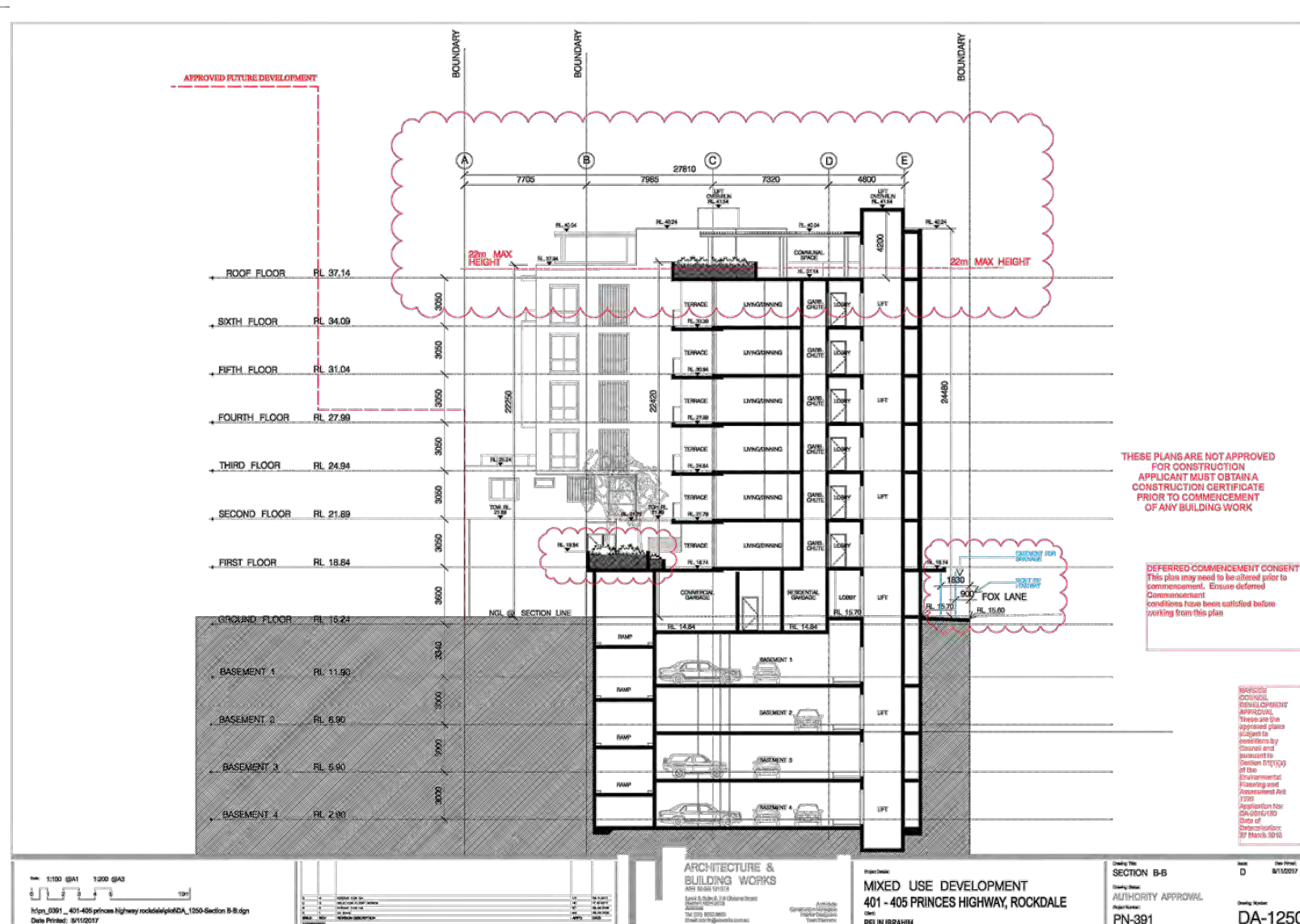


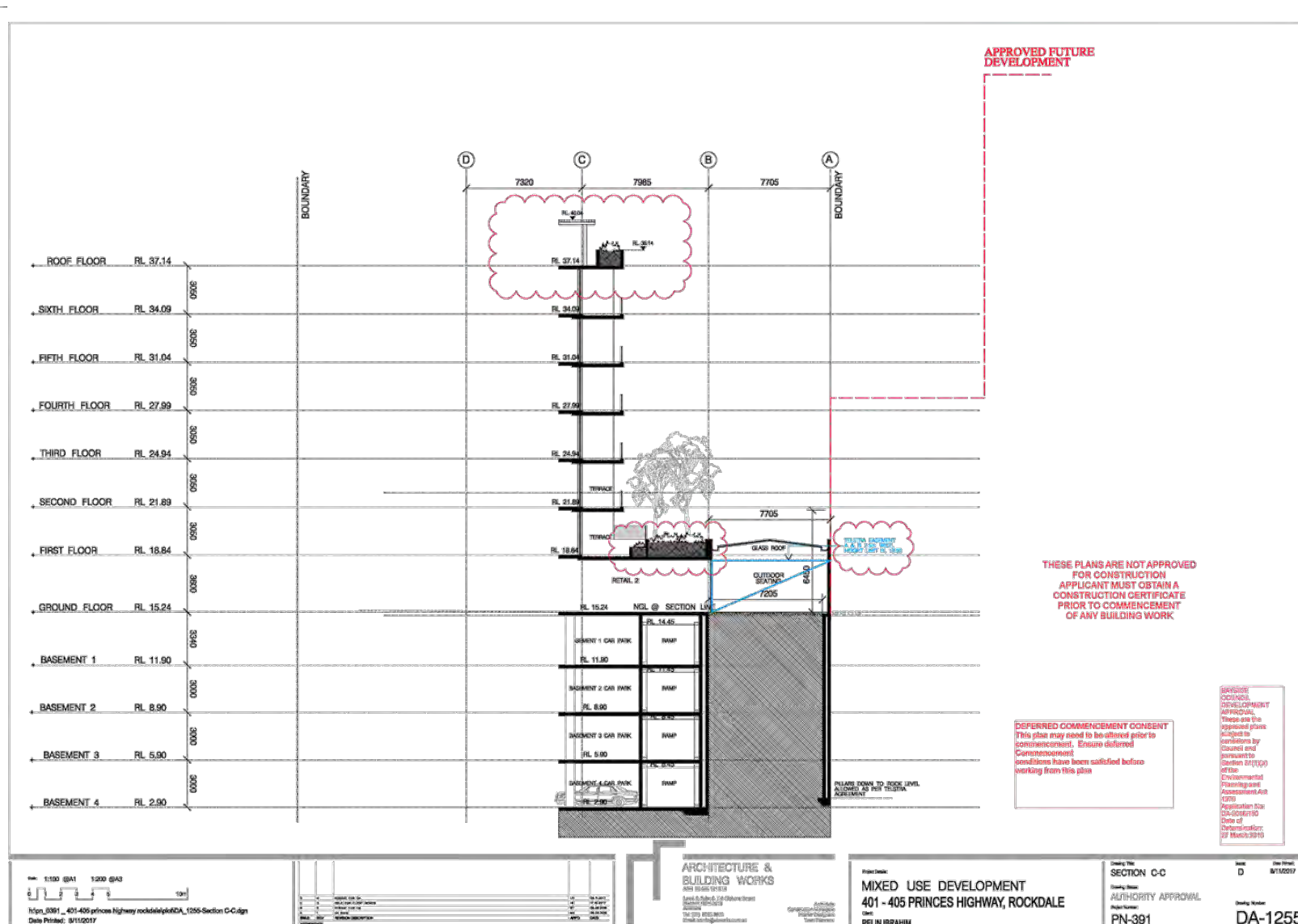


























Isthmus Pty Ltd	ACN 101 505 048
25 Central Avenue	Geelong 3220
Ph +61 3 5931 4000	www.isthmus.com.au
Email landscape@isthmus.com.au	

Sheet 2 of 6				DWG: 18181DA6	
REV. DESCRIPTION		REV. DATE		ISSUE: D	
D. AUTHORITY APPROVAL		REV.	01/01/16	ELEVATIONS	
E. ANNOTATIONAL REVISIONS		REV.	03/01/16	401-405 PRINCES HIGHWAY, ROCKDALE 2216	
F. AUTHORITY APPROVAL - REVISION TO GROUND FLOOR		REV.	08/01/16	DATE: NOVEMBER 2017	
A. AUTHORITY APPROVAL		REV.	06/01/17	SCALE: 1:1000 @	

27 March 2018

Our Ref: DA-2016/150
 Contact: Fiona Prodromou 9562 1666



Architecture & Building Works Pty Ltd
 Level 3 Suite 7 7-9 Gibbons St
 REDFERN NSW 2016

NOTICE OF DETERMINATION

Issued in accordance with section 81(1a) of the *Environmental Planning and Assessment Act, 1979*

Application Number:	DA-2016/150
Property:	401 Princes Highway, ROCKDALE (Lot 100 DP 1097898)
Proposal:	Integrated Development - Construction of a seven (7) storey mixed use development comprising 39 residential units, two (2) commercial units and four (4) levels of basement parking
Authority:	Delegated to Bayside Planning Panel
Determination:	Deferred commencement
Date of determination:	27 March 2018
Date consent commences:	
Date consent lapses:	

Your Development Application has been approved under Section 80(3) of the Environmental Planning and Assessment Act, 1979 as a **Deferred Commencement consent**.

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

Sydney Trains

Written correspondence shall be submitted to Council from Sydney Trains which confirms the satisfaction of the following Sydney Trains requirements:

- a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

Eastgardens Customer Service Centre
 Westfield Eastgardens
 152 Bunnerong Road
 Eastgardens NSW 2036, Australia
 ABN 60 690 785 443 Branch 003

Rockdale Customer Service Centre
 444-446 Princes Highway
 Rockdale NSW 2216, Australia
 ABN 60 690 785 443 Branch 003
 DX 25308 Rockdale

Phone 1300 581 299
 T (02) 9562 1666 F 9562 1777
 E council@bayside.nsw.gov.au
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Postal address: PO Box 21, Rockdale NSW 2216



Telephone Interpreter Services - 131 450

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خدمة الترجمة الهاتفية

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

d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.

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

Telstra

a. The Deed of Agreement between Telstra and the Applicant to modify easements benefiting Telstra upon the site, shall be executed and all associated easements, subject of this agreement, shall be modified on the title of the property. Copies of proof of execution of the aforementioned, relevant instruments and registration of these instruments with NSW Land Registry Services is to be submitted to Council.

Bayside Council

a. The 0.9m Right of Foot Way easement, spanning the depth of the site for the entire frontage to Fox Lane, benefitting Bayside Council, shall be modified on title, increased to 1.2m and relocated in the position of the new footpath as illustrated on the approved ground floor plan. A Subdivision Certificate shall be submitted to and approved by Council to this effect. Proof of registration with NSW Land Registry Services is to be submitted to Council.

b. Plans, details and specifications of any proposed telecommunications facilities to be erected upon and / or attached to the development shall be submitted to Council for review and approval. Should nil telecommunications facilities be sought to be erected upon the subject site and / or attached to the development, correspondence from the Telstra confirming the aforementioned is to be submitted to Council.

c. Architectural plans shall be amended as follows and submitted to Council for review and endorsement;

- Accessible car spaces within basement levels are to be relocated to provide safe and direct access to lift cores with no cross overs of vehicle manoeuvring areas.
- An internal interconnecting corridor be provided between the lift cores within the building at level 3 or 4.
- Internal building access to be provided between the loading / unloading area and the Fox Lane residential lobby.

d. Concept civil engineering plans in relation to the widening of Fox Lane shall be submitted to Council for approval by Councils Coordinator Public Domain as follows;

- i) Fox Lane shall be re-designed as a two-way lane.
- ii) A 1.2m wide footpath shall be provided on the northern side of the lane adjoining the site.
- iii) Widening of Fox Lane fronting Princes Highway shall be designed as an intersection

with all necessary traffic control devices and intersection geometric design requirements considering frontage road speed of 60 Km/h.

iv) Sight distance at access and minimum sight lines for pedestrian safety.

v) Desirable minimum radius turning path in accordance with the Austroads templates covering turning speeds of 5 km/h to 15 km/h.

vi) Clearance to swept paths of turning vehicles. At least 600m from kerb to Awning or structure.

vii) Vertical height clearance minimum 4.5m.

The above details shall be accompanied by a design certificate from a Chartered Civil Engineer with concept civil engineering plans.

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

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following conditions.

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
Architectural Plans			
Site Plan Issue D (A-0100)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Basement 4 Floor Plan Issue D (DA-1101)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Basement 3 Floor Plan Issue D (DA-1102)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Basement 2 Floor Plan Issue D (DA-1103)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Basement 1 Floor Plan Issue D (DA-1104)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Ground Floor Plan Issue D (DA-1105)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
First Floor Plan Issue D (DA-1106)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017

Second Floor Plan Issue D (DA-1107)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Third Floor Plan Issue D (DA-1108)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Fourth Floor Plan Issue D (DA-1109)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Fifth Floor Plan Issue D (DA-1110)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Sixth Floor Plan Issue D (DA-1111)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Roof Plan Issue D (DA-1114)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
East Elevation Issue D (DA-1200)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
South Elevation Issue D (DA-1210)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
West Elevation Issue D (DA-1220)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
North Elevation Issue D (DA-1230)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Section AA Issue D (DA-1240)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Section BB Issue D (DA-1250)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Section CC Issue D (DA-1255)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Adaptability Details Issue D (DA-1400)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Adaptability Details Issue D (DA-1401)	Architecture and Building Works Pty Ltd	08/11/2017	13/11/2017
Landscape Plans			
Drawing IS0181DA1 (Rev D) to IS0181DA6	i2thmus Landscape Design	01/11/2017	13/11/2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 637922M_04 other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

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

6. A separate development application shall be submitted for the specific use/uses of the property. Additional conditions may be imposed on any such consent.

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

7. Balconies and car spaces shall not be enclosed at any future time without prior development consent.
8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
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. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
11. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
12. All works are to be carried out in accordance with the integrated development conditions provided by the NSW Office of Water and listed at the end of this consent.
13. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Studio apartments, 1 bedroom apartments and 2 bedroom apartments 1 space per apartment

3 bedroom apartments and 3+ bedroom apartments 2 spaces per apartment

Commercial Units 1 space per 40m² gross floor area

Non-Allocated Spaces

Residential Visitor Spaces 1 space per 5 apartments

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

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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

1. Road, Footpath and Road Related Area Closure (EP05) - This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
2. Stand and Operate Registered Vehicle or Plant (EP03) - This permit is used when construction activities involve working from a vehicle parked on the street including a mobile crane, concrete truck, concrete pump or other similar vehicles.
3. Occupy Road with Unregistered Item (EP02) - This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
4. Works Zone (EP01) - This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.
5. Scaffolding, Hoarding and Fencing (EP04) - This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
6. Temporary Shoring/Support (EP09) - This permit will allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
7. Tower Crane (EP06) - This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
8. Public Land Access (EP08) - This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.
9. Temporary Dewatering (EP07) - This permit is used when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.

Development specific conditions

The following conditions are specific to the Development Application proposal.

15. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not to be discharged into the corridor unless prior approval has been obtained from RailCorp.
16. The design and construction of the off-street parking facilities shall:
Comply with Australian Standards, as follows:
 - AS/NZS 2890.1:2004
 - AS2890.2:2002
 - AS2890.3:1993
 - AS/NZS2890.6:2009
 - Comply with Rockdale Technical Specification – Stormwater Management, in relation to the minimum width and configuration of car wash bays.
 - Provide bicycle parking facilities for residents that are class 1 or 2 in accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3 facilities.

- Provide for a raised median between ingress and egress lanes of access driveways to allow for installation of entry and communication systems at basement entry door.
 - Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular, the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.
 - The visitor parking should be conveniently located close to the ingress and egress location and the tenant parking should be able to be securely separated from the visitor parking area. One (1) visitor parking space shall be marked for use by a Van for loading and unloading purposes, and be a minimum dimension of 5.4m x 3.0m, with an unrestricted height clearance of 2.3m.
 - The SRV loading dock area to have a minimum of 3.5m height clearance.
 - In addition to a Ground level SRV loading bay, to make provision for two VAN loading bays having direct access to lift lobbies within the basement.
 - Two (2) visitor parking space shall be marked for use by a Van for loading and unloading purposes, and be a minimum dimension of 5.4m x 3.0m, with an unrestricted height clearance of 2.3m.
 - Allocate all off-street visitor parking, loading bays and car wash bays as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.
 - Note: Parking allocation conditions apply to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - The basement driveway design has to ensure that all traffic give priority to incoming vehicles. Signage and convex mirrors or similar will have to be installed and certified by a professional Traffic Engineer.
17. 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.
18. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
19. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
- (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of

- emergency) to enter and inspect the land for compliance with the requirements of this clause;
- (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
20. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- (i) permit stormwater to be temporarily detained and pumped by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
- (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
- (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
21. 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.
- Implement all recommendations contained in the Overland Flow Study prepared by S & E Ivanov Consultancy, dated 6 July 2014.
22. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
23. 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.
24. 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.
25. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
26. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating

compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

27. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
28. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
29. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
30.
 - a) In order to ensure the design quality excellence of the development is retained:
 - i. Architecture and Building Works is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to Council prior to release of the Construction Certificate.
 - b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
31. 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.
32. Landscaping
 - a) 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.
 - b) A minimum soil depth of 800mm is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab.
 - c) All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
 - d) The approved completed landscape works shall be maintained for a period not less than 12 months. On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.
33. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
 - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
34. Residential air conditioners must be designed so as not to operate:

- during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.

Note - peak time means:

- the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
 - the time between 7:00 am and 10:00 pm on any other day.
35. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation works shall be carried out in accordance with the Site Remedial Action Plan prepared by EI Australia dated 29 January 2018 (Report No. E23577.E06.Rev1).
 36. Recommendations contained in the acoustic report prepared by Acoustic Noise & Vibration Solutions, dated 25/01/2018 in relation to mechanical ventilation systems and noise / vibration near railway lines shall be implemented on site.
 37. Telstra require the developer to contact 1800 810443 and provide a work method statement and drawing prior to building adjacent to the Telstra easement.
 38. The recommendations of the Remediation Action Plan prepared by EIAustralia ref: E23577 E06-Rev0 dated 13 December 2017 shall be implemented on site.
 39. The recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 27 November 2017, submitted to Council on 1 February 2018 are to be implemented on site.

Prior to issue of the construction certificate

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

40. 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 \$10,910.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$18.00.
41. Plans submitted with the Construction Certificate shall demonstrate compliance with the following and be approved by the PCA prior to the issue of the Construction Certificate:
 1. All hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed.

2. All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.
3. 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 metres as measured vertically from finished floor level to the underside of the ceiling.
4. Relevant objectives and design code requirements of the Building Code of Australia 2015 / DDA Premises Standard pertaining to accessible common domain areas and access to all apartments and the Adaptable Housing standard AS4299 for four (4) adaptable units.
5. Acoustic Attenuation - The noise reduction measures specified in the noise report prepared by Acoustic Noise and Vibration Solutions Pty Ltd (rev 1) 25/01/2018 dated shall be shown in the construction plans.
6. Awnings shall comprise a minimum soffit height of 3.3m from finished footpath level. Awnings are to be setback a minimum of 0.6m from the kerb.
7. All fire boosters, hydrants, substations, services and the like shall remain concealed within the building envelope.
8. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management.
9. Balustrades to balconies are to comprise opaque / frosted glass only.
10. The recommendations of the Wind Report prepared by ANA Civil Pty Ltd (rev 1) dated 27/11/2017 are to be shown on CC plans.
11. Permeable pavers shall be provided at ground level forward of the building line in the location of the proposed pedestrian access areas.
12. *Safer by Design*
 - a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
 - b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
 - c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
 - d) Graffiti resistant materials shall be used to ground level external surfaces.
 - e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
 - f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.
42. 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.
43. A Section 94 contribution of \$2,659,96.60 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of

payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor.

(Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan. Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

44. 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.
45. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
46. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
47. Acoustics
 - A) The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.
 - 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
 - 4 Star for timber flooring in any area.
 - 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

B) Prior to the issue of a Construction Certificate, an Acoustic Report, prepared by a suitably qualified and experienced Acoustic Consultant shall be submitted to the Accredited Certifier (AC), detailing any necessary modifications to the mechanical plants in the car park to reduce the intrusion of noise and/ or vibration into occupied rooms.

48. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within four (4) residential units, and between these units and their allocated car parking spaces. Allocated parking spaces will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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

49. 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.

50. The applicant shall confer with Energy Australia to determine if installation of electricity conduits in the footway is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.

Ausgrid

(i) The applicant shall confer with Ausgrid to determine if an electricity distribution substation and/or the installation of electrical conduits in the footway is required. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.

(ii) All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary.

The relocation of the existing electricity supply pole in the road reserve at the junction of Fox Lane and the Princes Highway, is required to avoid conflict with the widening of Fox Lane. The relocation works shall be undertaken in accordance with the requirements of Energy Australia. The applicant shall enter into a contract with Energy Australia for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of a Construction Certificate.

51. 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.
52. 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>

53. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:

i) Construction of footpath and streetscape works.

ii) Public domain and drainage work.

- * Footpath alignment, width and surface finish;
- * Landscaping and tree planting areas;
- * Street lighting layout and details;
- * Drainage plus kerb & gutter alignment and details;
- * Asphalt pavement detail showing minimum 6m wide carriageway;
- * Detailed plan of the intersection of Fox Lane and Princes Highway;
- * Removal of redundant power pole(s) and proposal for undergrounding of power along Fox Lane and Princes Highway frontages.

iii) Construction of vehicular entrance.

54. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
55. Prior to the issue of the construction certificate approval from the utility provider is required for the works the existing utility with the road reserve fronting boundary. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
56. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement

of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

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

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

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

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

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

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

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

- (a) Implement all recommendations contained in the report prepared by Douglas Partners Pty Ltd – Report No. Project 84654, dated 30 January 2015.
- (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
- (c) Confirm that the proposed construction methodology

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

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

- (e) The geotechnical engineer to comment on proposed stormwater drainage design

for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.

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

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

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

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

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

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

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

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

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

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.

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

A design certificate is required to be submitted for the design of the Basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering. The design of the basement and any other underground structure or excavation shall take into consideration of geotechnical recommendations.

Note:

- a. All structures that are fully or significantly below ground shall be fully tanked to finished ground level.*
 - b. After construction is completed no seepage water is to discharge to the kerb. Permanent dewatering will not be permitted.*
 - c. Continuous monitoring of ground water levels may be required.*
60. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including ramp control traffic signals comply with the conditions of consent.

61. The low level driveway must be designed to prevent inflow of water from the road reserve, and road reserve - 1% AEP. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
62. Prior to the issue of Construction Certificate, swept path analysis shall be submitted to Certifying Authority for assessment and approval.

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

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

63. 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.
64. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with DCP 78-Stormwater Management.
65. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
66. All basement surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

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

67. 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.

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

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

The design shall take into consideration of geotechnical recommendations.

Note:

- a. The subsoil drainage for groundwater management for the proposed development should be in accordance with the requirements of DCP 4.1.3, 4.1.4 and Rockdale Technical Specification – Stormwater Management.
- b. The basement pumpwell size shall be in accordance with Clause 4.2.4 of DCP2011- Technical Specification for Stormwater Management. Implement all recommendations contained in the preliminary geotechnical investigation report prepared by Douglas Partners Pty Ltd, Report Ref: Project 84654, dated 30 January 2015.
- c. Since the site is subject to MFL, the design of the basement carpark access ramp crest level is to be 500mm above the 1 in 100-year flow level.
- d. In accordance with Technical specification – Stormwater Management to recheck and provide stormwater control details to the driveway area draining to the basement.
- e. The site is subject MFL restriction. The minimum floor levels applying to the site, identified by the Overland Flow Study by S & E Ivanov Consultancy, dated 6 July 2014.

68. Work Activities on Council Sites - Application Requirements

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

(a) Road, Footpath and Road Related Area Closure (EP05)

This permit will allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.

(b) Stand and Operate Registered Vehicle or Plant (EP03)

This permit is used when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.

(c) Occupy Road with Unregistered Item (EP02)

This permit will allow the applicant to place unregistered items within the roadway including waste containers and skip bins.

(d) Works Zone (EP01)

This permit is used when a statutory work zone is required to conduct construction activities adjacent to the work site. These applications are assessed by Council officers and are referred to the Traffic Committee for approval.

(e) Scaffolding, Hoarding and Fencing (EP04)

This permit applies to all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.

(f) Temporary Shoring/Support (EP09)

This permit will allow the applicant to install temporary support system in or under a

public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.

(g) Tower Crane (EP06)

This permit is used when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.

(h) Public Land Access (EP08)

This permit is used by applicants to access or occupy Council land including access over plus access over and occupy any part of Council land.

(i) Temporary Dewatering (EP07)

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

69. Sydney Trains

The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- Construction and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring
- If deemed necessary following the review of the documentation required by the deferred commencement condition, a vibration and movement monitoring plan for the affected rail infrastructure.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.
- The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- Sydney Trains and Transport for NSW, or any persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

- Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures acceptable to Sydney Trains.
- Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorized access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorized access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal

Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupancy Certificate. The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.

- As Fox Lane provides access to the rail corridor, including for emergencies, this lane way shall be left unobstructed for any building related vehicles, equipment or materials unless agreed to by Sydney Trains. In addition, no vehicles, equipment or materials are to be parked or placed on rail land.

70. Prior to the issue of any Construction Certificate, detailed design drawings for both the Fox Lane and the Princes Highway frontages are to be submitted to and approved by Bayside Council's Coordinator Public Domain.

Plans shall include but not be limited to the following information with respect of public domain assets:

- (a) Footpath alignment, width and surface finish;
- (b) Landscaping and tree planting areas;
- (c) Street lighting layout and details as per Ausgrid standards and Councils public domain plan;
- (d) Drainage plus kerb & gutter alignment and details;
- (e) Asphalt pavement detail showing minimum 6m wide carriage way;
- (f) Detailed plan of the intersection of Fox Lane and Princes Highway;
- (g) Removal and relocation of redundant power pole(s) and under grounding of power along Fox Lane and Princes Highway frontages.
- (h) Widening of Fox Lane to a minimum width of 6m, to accommodate two-way traffic flow. Swept paths are to be submitted.

Prior to commencement of works

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

71. 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.
72. 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.

73. 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.
74. 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.

75. 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.
76. 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.
77. 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.
78. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
79. (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.

- 80. 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.
- 81. Consultation with Ausgrid, Telstra, Sydney Water and Railcorp 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.
- 82. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

During demolition / excavation / construction

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

- 83. 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.
- 84. 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.
- 85. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and

- iii. prior to covering any stormwater drainage connections, and
- iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

86. 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.

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

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

88. 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.
89. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
90. 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.

91. 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.

92. 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.
93. 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.
94. 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.

95. 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.

96. 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.
- 97. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

Prior to issue of occupation certificate or commencement of use

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

- 98. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 99. 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.
- 100. 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.
- 101. 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.
- 102. 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.
- 103. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the

acoustic conditions for floors specified in this consent;

(c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact

sound pressure level not greater than L_{nT,w} 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

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

104. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council or the RMS satisfaction at the applicants expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
105. 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.
106. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
107. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
108. 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.
109. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
110. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
111. The vehicular entry in Fox Lane is to be clearly marked and signposted ("entry" or "no entry") from the street and ("exit" or "no exit") internally.
112. A convex mirror is to be installed at blind corners to provide increased sight distance for vehicles.

The single lane 2-way ramps shall be controlled by traffic signals with the following operational mode:

- Automatically revert to and dwell on green for incoming
- Outgoing driver activates push button
- Signals change to red for incoming and green for outgoing

- After a pre-set clearance time signals revert to red for outgoing and green for incoming.
113. The provision of a 1.2metre wide right of footway in favour of Bayside Council along the boundary with Fox lane frontage. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
 114. The dedication to Council of a portion of the site as along the length of the southern boundary for road widening purposes to facilitate two way vehicular movement in Fox Lane as per the deferred commencement condition and all other conditions of this consent. Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office.
 115. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area or other exit door(s) that may be blocked by parked vehicles.
 116. Bollards to accessible car spaces on site are to be installed by the Developer. Bollards are to be constructed from steel pipe minimum 100mm diameter, domed at the top and filled with concrete. They are to be installed a minimum of 900mm into the ground and are to be 1100 mm out of the ground, painted white, with reflectors attached. Future maintenance will be the responsibility of the owner and/or occupier.
 117. 57 off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
 118. 57 off-street basement car spaces and two (2) Van Spaces (bay width of 3.0m) shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
 119. 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.

120. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
121. 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.

122. An appropriately qualified Noise Consultant is to certify that Australian Standard 2021-2000 Acoustic - Aircraft Noise Intrusion has been met before an occupation certificate will be issued.
123. Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with conditions of this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate. The report is to include details & finishes of the walls and floors separating apartments.

Acoustic recommendations in relation to rail noise, vibration and plant emissions contained in the report prepared by Acoustic Noise & Vibration Solutions Pty Ltd, reference 2015-310, dated 25 January 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.
124. Prior to issue of an Occupation Certificate, a measurement report from a qualified acoustic consultant shall be submitted, demonstrating compliance with the noise criteria.
As a minimum, this report shall provide the L_{Amax} and L_{Aeq} noise levels of at least ten consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum L_{Aeq} (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period.
125. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
126. 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.
127. 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.
128. 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.
129. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
130. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

131. A covenant shall be registered on the title of the land giving notice of the former use, contamination of the site and the existence of the contaminated material remaining on the land. Documentary proof of the registration shall be provided to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate.
132. 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.
133. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level and lift access level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
134. 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.
135. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
136. 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 on 13 April 2015, Ref: F08/691, FA-2015/37.
137. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain:
 - a) The stormwater detention facility to provide for the maintenance of the system; and
 - b) Ramp control traffic signals.
138. 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.
139. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
140. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".

Integrated development/external authorities

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

141. Sydney Water***Water***

- The development can be serviced by the existing 150mm drinking water main in Princes Highway.
- Detailed drinking water requirements will be provided at the S73 application phase.

Wastewater

- The development can be serviced by the existing 225mm wastewater main in Princes Highway.
- Detailed wastewater requirements will be provided at the S73 application phase.

142. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 49.2metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.
For further information on Height Restrictions please contact SACL on 9667 9246.

143. Roads and Maritime Service

i. The Roads and Maritime has no approved proposal that requires any part of the subject property for road purposes. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Princes Highway boundary. The proponent should also be advised that the subject property is within a broad area currently under investigation in relation to the proposed Westconnex Project. In this regard further information can be obtained at www.westconnex.com.au or by contacting Westconnex for further information - info@westconnex.com.au or by calling 1300 660 248.

ii. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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

2114 or Fax: 8849 2766.

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

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone (02) 8849 2114
Fax (02) 8849 2766

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

iv. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Princes Highway.

v. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

vi. All vehicles are to enter and leave the site in a forward direction.

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

144. NSW Office of Water

General

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

2. The design and construction of the building must prevent any take of groundwater

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

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

A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

B. any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

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

5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report- which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report).

Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:

(a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes).

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

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

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

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

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

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

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial

report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

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

15. 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.

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

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

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

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

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

Following excavation

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

(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

(b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

(c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

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

145. Ausgrid

A) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements.

B) The applicant must check the location of underground cables by using Dial Before You Dig and comply with the requirements of NS156: Working Near or Around Underground Cables (Ausgrid, 2010).

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

Roads Act

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

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

Note:

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

147. 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.

148. 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.
149. Prior to the issue of the Construction Certificate for the relevant stage of works, the following details shall be submitted to the Principal Certifying Authority in relation to the awning over Princes Highway and Fox Lane frontages:

(i) Detailed design plans and specifications, including structural details and compliance with the requirements of any relevant condition of this consent and

(ii) Design certificate.

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

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

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

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

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

Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- c. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- d. *Dial Before You Dig*

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

e. *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.

f. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.

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

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

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

h. 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.

i. 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.
- j. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- k. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- l. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
- m. A works zone will not be permitted in Fox Lane. All construction, loading / unloading and deliveries are to occur on site. Vehicular access to sites benefiting from access via Fox Lane is to be maintained at all times during construction.

Additional Information

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Fiona Prodromou on 9562 1666

A handwritten signature in black ink, appearing to read 'L. Melim', followed by a long horizontal flourish.

Luis Melim
Manager - Development Services



Nos. 401-405 Princes Highway,
Rockdale

Statement of Environmental Effects

Modification Application under Section 4.55(2) of the
Environmental Planning & Assessment Act, 1979

December 2018



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Modifications to Approved 7 Storey Mixed Use Development (DA-2016/150)

Nos. 401-405 Princes Highway, Rockdale

Section 4.55(2) Modification Application

December 2018

Document History & Status

Revision	Date Issued	Description	Prepared By
01	20/12/2018	Issued for Section 4.55(2) Application	AR
02			
03			

This document has been prepared by Andrew Robinson Planning Services Pty Ltd solely for use by Hellubloff Pty Ltd (the client) as part of a Section 4.55(2) Modification Application submission to Bayside Council. With the exception of its intended use to inform the development assessment process, Andrew Robinson Planning Services accepts no responsibility for its use by other parties.

ANDREW ROBINSON PLANNING SERVICES PTY LTD

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1 Introduction

This report has been prepared by Andrew Robinson Planning Services Pty Ltd for Hellublott Pty Ltd and constitutes an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, to modify the consent granted by (the former) Rockdale City Council on 27 March 2018 in respect of DA-2016/150, being a Development Application for the *construction of a seven (7) storey mixed use development comprising 39 residential units, two (2) commercial units and four (4) levels of basement parking* at Nos. 401-405 Princes Highway, Rockdale.

The report constitutes a Statement of Environmental Effect and examines the proposed modification in terms of its compliance with the matters for consideration under Sections 4.55(2) & 4.15 of the *Environmental Planning and Assessment Act, 1979*.

This Statement of Environmental Effects should be read in conjunction with the drawing package prepared by Place Studio, together with any other associated plans and documentation that accompany the Modification Application.

1.1 Consent Authority

The consent authority for this Section 4.55(2) Modification is Bayside Council.

1.2 Background

On 27 March 2018, Rockdale City Council granted consent to a seven (7) storey mixed use development comprising 39 residential apartments and two (2) commercial tenancies over four (4) levels of basement parking at Nos. 401-405 Princes Highway, Rockdale.

However, arising from further design development during the Construction Certificate documentation phase it was realised that a number of refinements could be made to the approved development in order to reduce the extent of excavation, reduce plant requirements, streamline corridors and circulation and improve residential amenity. Accordingly, a number of design changes are now proposed. In particular, the modifications seek to modify the design through alterations to the podium height and relationship of the commercial tenancies to the Princes Highway, improvements to the relationship of the development to the adjoining development at Nos. 396-399 Princes Highway and further activation of Fox Lane. The modifications also improve residential amenity by optimising internal layouts and increasing solar access and northerly aspect for the apartments through the relocation of the circulation core. Due to the number of design changes made during negotiations during the assessment of the original application, the amenity of certain apartments was compromised, resulting in narrow layouts with compromised visual and acoustic privacy and outlook. The proposed modifications seek to improve the residential amenity by improving the efficiency of the residential floors, improving the functional layout and maximising the aspect of a number of apartments through the relocation of the circulation core. The proposed modifications have also allowed for a minor increase in the residential yield, with an additional eight (8) apartments being realised.

As a result of the optimisation of the approved scheme, the development will be more environmentally and socially sustainable. Accordingly, this application seeks to modify the existing development consent granted by Council.

1.3 Pre-lodgement Consultation

Prior to the preparation and lodgement of this application, the proposed modifications were discussed with Council's Senior Assessment Planner, Fiona Prodromou who assessed the original application. It is understood that the proposed modifications were generally supported.

2 The Subject Site

2.1 Location and Site Context

The site is located on the western side of the Princes Highway, on the corner of Fox Lane and just to the south-west of the intersection of Bestic Street and the highway. Adjoining the site to the north-east is a used car yard known as The Small Car Shoppe, comprising a predominantly open hard stand vehicle display area, together with two (2) demountable style office buildings on the site. Directly to the north-west of the site is a Telephone Exchange building. Beyond these sites to the north is a 2 storey building occupied by The Good Guys, Anaconda, Spotlight, Sleep City, Crunch gymnasium and a café. To the west is the Illawarra Rail Line. Opposite the site on the south-eastern corner of the Princes Highway and Bestic Street is a single storey building occupied by a carpet and flooring showroom. On the north-eastern corner of Bestic Street is a 2 storey building occupied by Guardian Funerals. The site to the immediate south, on the opposite side of Fox Lane, is a paint retailer.

The site is irregular, having a frontage of 26.015m (not including 2.37m splay corner) to the Princes Highway, a secondary street frontage of 40.44m to Fox Lane, a stepped western boundary of 34.305m, a stepped northern boundary of 52.92m and a stepped southern boundary of 43.075m. The site has a total area of 1,306m².

The location of the site is shown in **Figure 1** below.

Figure 1: Location Plan



Source: nearmap.com.au

The site is located approximately 14km south of the Sydney CBD and enjoys excellent access to a range of facilities and services, including:

- Rockdale Plaza, Westfield Miranda, Westfield Hurstville, Hurstville Entertainment Centre & St George Regional Museum;
- local and regional recreational facilities – including numerous golf courses, parks and reserves;
- numerous schools and higher education facilities;
- health care facilities including St George Private and Public Hospitals; and
- employment centres – Hurstville, the CBD, Port Botany and Sydney Airport etc.

Public transport (bus) services are readily accessible along the Princes Highway, providing public transport connections to the CBD, other nearby commercial and employment centres and major institutions (hospitals, universities etc). In addition, the site is within walking distance of the Rockdale Railway Station and Bus Interchange, where bus and rail services across the Sydney Trains and Sydney Buses networks can be accessed.

An aerial view of the site and surrounding area is provided in **Figure 2** below:

Figure 2: Aerial Photo of the Site and Surrounds



Source: nearmap.com.au

2.2 Legal Description and Zoning

The site comprises a single allotment. The legal description of the site is Lot 100, DP 1097898 (Nos. 401-405 Princes Highway, Rockdale). The site is burdened by a number of easements, including an easement for telecommunications and an overlapping easement for services and drainage of water (both 7.5m wide) along the north-eastern edge of the site, a right-of-footway (900mm wide) and an easement for drainage (1.83m wide) along the southern edge of the site.

The site is zoned *B4 Mixed Use* under the provisions of *Rockdale Local Environmental Plan 2011* having been recently rezoned from *B2 Local Centre* under *Amendment No. 8 to the LEP*. The *B4 Mixed Use* zone permits the proposed shop top housing development with the consent of Council.

2.3 Heritage

The site is not listed as a Heritage Item. However, the curtilage of the State heritage listed Rockdale Railway Station and Yard Group extends northwards along the rail corridor from the station platforms and is approximately 15m from the western boundary of the site. The Rockdale Railway Station and Yard Group is also listed as a heritage item under Schedule 5 of *Rockdale Local Environmental Plan 2011*.

2.4 Acid Sulfate Soils

The Acid Sulfate Soil (ASS) Map provided by Rockdale City Council indicates that the site is located on land with an Acid Sulfate Soils classification of Class 5. There are no Class 1, 2, 3 or 4 ASS lands in the vicinity of the site. Accordingly, a Preliminary Acid Sulfate Soils Assessment has not been prepared to accompany this application.

3 The Proposed Modifications

As described earlier, the proposed modifications have arisen during further design development associated with the Construction Certificate documentation phase, where it was realised that a number of refinements could be made to the approved development in order to reduce the extent of excavation, reduce plant requirements, streamline corridors and circulation and improve residential amenity.

The proposed modifications include the following:

- Deletion of one level of basement parking, replanning of the layout of each basement level and an increase in parking spaces from 57 to 59 spaces;
- Replanning of the non-residential floor space to provide an additional tenancy;
- Alteration to the podium height and ground floor commercial profile to better respond to the adjoining development to the north;
- Removal of the residential entry from the Princes Highway frontage;
- Replanning of the lift and common circulation core, including a reduction from 2 lift cores to a single core;
- Replanning of the layout of each of the residential floors, including reorientation of apartments to improve functionality, aspect and privacy, together with improved solar access and natural ventilation to the residential lobbies;
- Increased residential yield from 39 to 47 apartments;
- Modification to the external articulation, colours and materiality of the building facades;

A comparison of the proposed apartment mix and the approved apartment mix is provided in the table below:

Proposed Apartment Mix	Approved Apartment Mix
1 x Studio apartments	Nil
20 x 1 bedroom apartments	8 x 1 bedroom apartments
23 x 2 bedroom apartments	28 x 2 bedroom apartments
3 x 3 bedroom apartments	3 x 3 bedroom apartments
Total Apartments = 47	Total Apartments = 39

The proposed modifications are detailed in the Architectural Drawing package prepared by Place Studio which accompany this applications the following design changes:

Basement 4 Floor Plan:

- Deletion of this basement level;

Basement 3 Floor Plan:

- Reconfiguration of the basement layout;

Basement 2 Floor Plan:

- Reconfiguration of the basement layout;

Basement 1 Floor Plan:

- Reconfiguration of the basement layout;

Ground Floor Plan:

- Deletion of the pedestrian residential lobby to the Princes Highway frontage;
- Relocation of the circulation core and provision of a single pedestrian residential lobby to Fox Lane;
- Introduction of an additional commercial tenancy in the south-western corner of the building, addressing Fox Lane;
- Improvements to the location and layout of services, in particular the inclusion of the substation within the building envelope.

Level 1 Floor Plan:

- Replanning of the apartment layouts and orientation;
- Change to apartment mix, including the introduction of a Studio apartment.

Level 2 Floor Plan:

- Replanning of the apartment layouts and orientation;
- Addition of 1 apartment and change to apartment mix.

Level 3 Floor Plan:

- Replanning of the apartment layouts and orientation;
- Addition of 1 apartment and change to apartment mix.

Level 4 Floor Plan:

- Replanning of the apartment layouts and orientation;
- Addition of 1 apartment and change to apartment mix.

Level 5 Floor Plan:

- Replanning of the apartment layouts and orientation;
- Deletion of the 2 storey apartments;
- Addition of 1 apartment and change to apartment mix.

Level 6 Floor Plan:

- Replanning of the apartment layouts and orientation;
- Deletion of 2 storey apartments;
- Addition of 4 apartments and change to apartment mix.

Roof Plan:

- Minor change to the layout of the rooftop communal open space due to the relocated core.

North Elevation:

- Modification to the facade detailing to match the changes to the floor plates and new external colours, materials and finishes.

401-405 Princes Highway, Rockdale • Section 4.55(2) SEE

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South Elevation:

- Modification to the facade detailing to match the changes to the floor plates and new external colours, materials and finishes.

East Elevation:

- Modification to the facade detailing to match the changes to the floor plates and new external colours, materials and finishes.

West Elevation:

- Modification to the facade detailing to match the changes to the floor plates and new external colours, materials and finishes.

4 Statutory Considerations

4.1 Section 4.55(2) Assessment

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* relates to the modification of consents involving minor environmental impact and provides that:

- (2) *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 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*

Comment: The question of what constitutes "substantially the same development" remains a difficult issue and has been tested by the Court on a number of occasions.

Planning case law (*Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251) provides a definition of "substantially the same development" as being "essentially or materially or having the same essence".

Accordingly, it is a comparison of the substance of the Section 4.55(2) proposal relative to that of the development as originally approved. In order to satisfy this criterion, the development as modified, must both essentially and materially have the same essence.

The land use and general configuration of the development does not substantially alter as a consequence of the proposed modifications. Although the residential apartment yield has increased from 39 to 47 apartments, the mix of apartment types will remain appropriate when compared to the approved mix, with 1 x studio (2%), 20 x 1 bedroom (42.5%), 23 x 2 bedroom (49%) and 3 x 3 bedroom (6.5%) apartments. The on-site parking provision has increased by 2 spaces and provides parking that exceeds the residential rates specified under the RMS Guide to Traffic Generating Development (in accordance with the ADG) and comply with Rockdale DCP with respect to non-residential parking, motorbike and bicycle parking and car wash.

The proposed modifications will not give rise to any significant or substantive adverse environmental impacts, such that the proposed modifications are considered to be of minimal environmental impact.

Despite the proposed design modifications, the design as modified is not sufficient to require a new development application. This view is supported in the case law of *Cambridge Credit Corporation Limited v Parkes Developments Pty Limited* (1974) 2 NSWLR 590. In these proceedings, Hope JA held that the question whether an amendment amounts to a new application depends on whether the development, in its amended form, differs in any material respect from the application so as to amount to a fresh application.

Therefore on the strength of this finding, despite the proposed modifications, it is considered that the development will remain *substantially the same as the development for which consent was originally granted and before the consent as originally granted was modified*.

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

Comment: The requirement to notify the application will be a matter for Council to determine, in accordance with its DCP / notification policy. If the application is notified, then it is acknowledged that any submissions received will need to be taken into consideration in the assessment and determination of the application.

- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

Comment: This is a matter for Council and it is anticipated that the application will be notified to adjoining and affected property owners and occupiers, in addition to all those persons who previously made a submission to the development application.

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

Comment: This is a matter for Council and as noted above, any submissions that may be received as a result of the public exhibition, will need to be taken into consideration prior to determination of the application.

Having regard to the above, the proposed modifications satisfy the criteria under s.4.55(2) of the *Environmental Planning and Assessment Act 1979*.

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

"In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified."

As such, consideration of the relevant matters under Section 4.15(1) is provided below:

4.2 Section 4.15(1) - Matters for Consideration

In accordance with the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*

- (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act, 1979),
- that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

The matters for consideration are discussed below:

4.3 Environmental Planning Instruments

The Environmental Planning Instruments and Development Control Plan that are relevant to the development (as approved) are:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Rockdale Local Environmental Plan 2011
- Rockdale Development Control Plan 2011

4.3.1 State Environmental Planning Policy No. 55 – Remediation of Land

The proposed modifications will not alter the compliance of the development with the relevant provisions of SEPP 55. The original application was accompanied by a Preliminary Geotechnical Investigation and Waste Classification Assessment prepared by Douglas Partners that provided details of the historical land use of the site, as well as details of soil sampling and analysis undertaken on the site. Although the sample material analysed from the 2 boreholes were found to contain concentrations of contaminant that were all below the threshold criteria, the report noted that *'the natural soils below the filling may be able to be described as virgin excavated natural material (VENM) upon excavation, providing they are not cross-contaminated during site works. However, the report also noted that the preliminary waste classification is limited to the insitu material collected from boreholes BH1 and BH2 on 18 and 19 December 2014 and does not cover other material on the site'*.

Subsequently, a Detailed Site Investigation was prepared by EIA Australia in November 2017, concluding that *"soil contamination was observed and will require remediation"*. As such, Council requested that a Remediation Action Plan be obtained by the applicant.

A Remediation Action Plan (RAP) was prepared and was reviewed by Councils Environmental Health Officer whom raised no objections to the recommendations and conclusion of the Report, which noted that the *"Site can be made suitable for the development through the implementation of remediation works described in this RAP"*.

Accordingly, in determining the application, a condition was imposed to ensure that remedial works are implemented in accordance with the Remedial Action Plan (RAP) to provide a protocol for minimising the environmental risks during excavation and construction and ensuring that the site would be suitable for the proposed development.

Implementation of the RAP will ensure that, despite the proposed modifications, there will be no greater impact on the risk to human health arising from the potential for exposure to contaminated materials during excavation works. As such, despite the proposed modifications, it is considered that the obligations under the SEPP are still met.

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

The proposed modifications to the consent will not substantially alter the level of compliance of the development with the relevant provisions of SEPP 65 and Apartment Design Guide (ADG) objectives and design criteria. However as discussed below, the proposed modifications will maintain a minor non-compliance with the solar access requirements of the ADG and will result in a minor non-compliance with the requirement for natural ventilation.

Solar Access

The development as originally approved, had a minor variation to the requirement for a minimum of 70% of apartments to achieve at least 2 hours of direct solar access to POS and living areas during mid-winter. As approved, 26 of 39 (66.6%) of apartments achieved the minimum 2 hours. The proposed modifications also realise a deficiency, with only 30 of 47 (63.8%) achieving the minimum 2 hours.

Similarly, 8 of the 47 apartments (17%) are orientated so that they do not receive any solar access between 9am and 3pm in mid-winter. The approved development met the maximum 15% of apartments having no solar access, with 6 of the 39 apartments (15%) not receiving mid-winter solar access.

Natural Ventilation

The ADG requires a minimum of 60% of apartments to be naturally cross ventilated. The development as originally approved achieved compliance, with 28 of 39 apartments (72%) being naturally ventilated. However, as proposed to be modified, only 27 of the 47 apartments (57.4%) will be naturally cross ventilated.

Notwithstanding, despite these relatively minor non-compliances with the ADG, the proposed modifications to the facades and replanning of the residential apartment internal layouts and circulation core will provide an improved amenity for future residents, commensurate with the intent of the SEPP and design quality principles. This is considered to represent a better planning outcome than would otherwise be achieved with the development as approved.

4.3.3 State Environmental Planning Policy (Building Sustainability Index) 2004

The proposed modifications to the consent will alter the apartment mix, as well as the compliance of the development with the relevant provisions of SEPP BASIX. As such, an amended BASIX Certificate is required and accompanies the application. The BASIX Commitments outlined in the amended BASIX Certificate will be implemented.

4.3.4 State Environmental Planning Policy (Infrastructure) 2007

The proposed modifications to the consent will not alter the compliance of the development with the relevant provisions of the Infrastructure SEPP.

Due to the sites frontage to the Princes Highway, Clause 102 of the SEPP is applicable and in granting consent, Council needed to be satisfied that appropriate measures would be incorporated into the buildings construction to ensure appropriate attenuation from road noise or vibration.

The Acoustic Report submitted with the original application set out a number of recommendation and mitigation measures to be incorporated into construction of the building in order to satisfy the required noise design criteria specified under the ISEPP.

A condition of consent was imposed to require the building to be constructed in accordance with the recommendations of the Acoustic Report. Despite the proposed modifications, this will not alter the requirements of these recommendations, or the implementation / efficacy of these acoustic mitigation measures to achieve the required acoustic criteria required under the ISEPP.

4.3.5 Rockdale Local Environmental Plan 2011

The principal local environmental planning instrument applying to the site is *Rockdale Local Environmental Plan 2011*, which came into force in December 2011. The plan provides local environmental planning provisions for land within the (former) City of Rockdale in accordance with the relevant standard environmental planning instrument under Section 3.20 (formerly s.33A) of the *Environmental Planning and Assessment Act 1979*.

The site is zoned B4 Mixed Use under *Rockdale Local Environmental Plan 2011*.

The objectives of the B4 Mixed Use zone are:

- (a) *To provide a mixture of compatible land uses.*
- (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.*

Comment: The mixed use development, as proposed to be modified, is permissible with consent and is considered to remain consistent with the objectives for the B4 Mixed Use zone as follows:

- The non-residential component will provide tenancies for retail or other commercial uses that will add to the diversity and economic prosperity of the Rockdale commercial centre.
- The residential accommodation to be provided in the development will add to the housing choice and diversity in the locality, with easy access to the services and facilities provided in the surrounding area.
- The proximity of the site to public transport, will reduce car dependency and encourage public transport patronage, walking and cycling.

There are a number of clauses in the LEP that are applicable to the development and require consideration in the context of the proposed modifications. These are discussed below:

Clause 4.3 of the LEP relates to the height of buildings and subclause 4.3(2) states:

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.

Comment: The Height of Buildings map indicates a maximum building height of 22m applies to the site. The development, as approved, breaches the statutory building height by between 0.14m – 4m (0.6% - 18%). However, Council considered the Clause 4.6 Exceptions to Development Standards request submitted with the application to be well founded and supported the minor height breach.

The proposed modifications do not alter the approved height of the building.

The proposed modifications do not affect the level of compliance with any other relevant matters under *Rockdale Local Environmental Plan 2011*.

4.3.6 Rockdale Development Control Plan 2011

An assessment of the level of compliance with the relevant DCP controls was undertaken during the assessment of the original development application and Council was satisfied that the proposed development generally met the relevant requirements of the DCP. However, the DCP compliance table provided in the assessment report noted that while the particular objectives were met, the development did not satisfy the control/provisions with respect to the commercial space, street character and the controls applicable to the Fox Lane frontage. Although not achieving full compliance with these control/provisions, it is considered that the proposed modifications will improve the degree to which the development will satisfy the requirements of these provisions, without diminishing compliance with the relevant objectives. In particular, the introduction of an additional commercial tenancy fronting Fox Lane at the rear of the development and change to the core circulation to provide a single pedestrian residential entry lobby to Fox Lane will improve the public amenity and activation of the laneway, as well as improving the relationship of the commercial tenancies that front the Princes Highway.

As noted in the SEPP 65 Design Quality Statement that accompanies the application, the proposed modifications seek to amend the proposal, in particular to take advantage of site-specific opportunities to better the public domain contribution the building will make in its immediate context. The revitalisation of Fox Lane will act as a pivotal contextual element that the development as approved failed to address and respond to appropriately. The proposed modifications seek to reorientate the apartments located in the middle of the development towards Fox Lane and produce a more significant articulation to the facade at the residential entrance to the building.

4.4 Likely Impacts of the Development

An assessment of the likely impacts of the development was undertaken in the assessment and determination of the original application. The proposed modifications will not result in any substantive increase in potential adverse impacts to the adjoining properties and surrounding locality, nor will it result in any additional negative social or economic impacts in the locality.

4.4.1 Context and Setting

The development, as proposed to be modified, is considered to be appropriate for the existing and likely future context and setting of the locality. The redevelopment of this site will provide a high quality mixed use development that is generally consistent with the scale and form of development anticipated in this locality under Rockdale LEP 2011. The site is in close proximity to public transport and shops and facilities available locally in Rockdale and the wider regional area. Local parks and recreational facilities are also easily accessible.

The building, as proposed to be modified, will make a positive contribution to the renewed character of this section of the Princes Highway and in particular, make a significant contribution to the revitalisation and activation of Fox Lane.

4.5 Suitability of the Site

Having regard to the proposed modifications in the context of the characteristics of the site, it is considered that the site remains suitable for the proposed development and land use in that:

- the site is zoned to accommodate this type and form of development;
- the nature and form of the development remain generally consistent with the development controls which apply to the site;
- the scale and nature of the development remains compatible with the anticipated future development in the locality;
- the size and dimensions of the land are suitable for the scale of the development;
- the site will have access to all utility services to accommodate the demand generated by the development;
- the proposed modifications are unlikely to result in any additional traffic impacts;
- the development, as proposed to be amended, will not result in any unacceptable or material environmental impacts in relation to adjoining and surrounding properties, particularly in terms of overshadowing, views, privacy (aural and visual), solar access and natural ventilation.

Having regard to the above, the proposed modifications do not alter the suitability of the site to accommodate the mixed use development.

4.6 The Public Interest

The modifications proposed under this application have arisen following further design development during documentation of the Construction Certificate and do not alter the land use or substantially alter the general configuration of the development. The proposed modifications will not result in any substantive increase in environmental impacts on adjoining or surrounding properties. Further, the proposed modifications allow for a rationalisation of the approved building envelope and internal design that will improve the relationship of the building to the street context and improve the amenity of the residential apartments, particularly in relation to functionality and aspect/outlook. As such, it is considered that the proposed modifications remain in the public interest.

4.7 Reasons Given by Consent Authority in Granting Consent

In relation to the need for the consent authority to give consideration to the reasons given by the consent authority for the grant of the consent that is sought to be modified, the following commentary is provided:

The Assessment Report to the Bayside Planning Panel meeting of 27 March 2018 prepared in relation to the application acknowledges that there is a breach to the building height principal development standard of between 0.14m – 4m (0.6% – 18%), but finds that the Clause 4.6 Variation request is well founded and despite the breach, the objectives of the height of buildings development standard are still met.

In relation to the 'Public Interest', the Assessment Report states:

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high quality building that will add architectural value to the

existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

In granting consent to the original application at its meeting on 27 March 2018, the Bayside Planning Panel gave the following reason for its decision:

- *The Panel is satisfied that the proposed development will provide for an attractive development that is generally consistent with Council's controls.*

Having regard to the above, the proposed modifications do not alter the overall height of the building and do not substantially alter the scale or appearance of the building. Further, despite the proposed modifications, the development is not contrary to the reasons outlined in the assessment report that recommended approval of the application.

As such, it is considered that the development, as proposed to be modified, remains consistent with the reasons given by the consent authority in granting consent.

5 Conclusion

The modifications proposed under this application do not substantially alter the form and nature of the development. Of particular note:

- The proposed modifications do not alter the land use or substantially alter the general configuration of the building; and
- The proposed modifications will not result in any substantive increase in environmental impacts to the surrounding land uses.

Having regard to the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act, 1979*, despite the proposed modifications, the development will remain substantially the same as that for which consent was originally granted. Further, the proposed modifications will have minimal environmental impact and will not detract from the integrity of the development.

The likely impacts of the amended proposal have been considered in accordance with Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and it has been demonstrated that the proposal complies with the statutory controls and the relevant aims and objectives of the aforementioned planning instruments.

It is therefore requested that the Section 4.55(2) Modification Application be supported and Development Consent DA-2016/150, dated 27 March 2018 be amended in accordance with the information contained in this Statement, the accompanying drawing package and other supporting documentation.



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Summer Hill, NSW, 2130
Ph: 02 9798 0953
Em: andrew_arps@bigpond.com

12 August 2019

General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Att: Fiona Prodromou – Senior Development Planner

Dear Fiona,

**Re: DA-2016/150/A – Modification to the Approved Seven (7) storey Mixed Use Development
Nos. 401-405 Princes Highway, Rockdale**

I refer to the abovementioned Section 4.55 Modification Application and to your request, firstly for a written statement in support of the addition of solar panels and rainwater harvesting in connection with the rooftop communal open space, as recommended by the Design Review Panel at its meeting of 6 June 2019 and secondly, to provide a summary of the modifications to the development since initial lodgement. The purpose of this correspondence is to respond to these requests on behalf of the applicant.

Design Review Panel – Sustainability Design Principle

In relation to the 'sustainability' design principle, at its meeting on 6 June 2019, the DRP noted (in part) that:

- *The location and size of the solar panels does little for the development and limits usable space in the communal open area. Relocation of solar panels to the space available on the rooftop adjacent to the lift overrun would enable the provision of significantly more solar panels that could enable communal lighting within the development to be achieved.*
- *Provision of rainwater harvesting in direct connection to the communal rooftop space could be achieved.*

In order to respond to these issues, the scheme has been amended to incorporate the following:

- The solar panels shown within the common roof terrace have been removed and a series of eight (8) solar arrays comprising a total of ninety six (96) solar panels are now proposed to be installed on the roof top area surrounding the lift overruns. These solar panels will protrude above the maximum building height, but will be 188mm lower than the height of the lift overrun which is at RL 41.54m AHD.
- A rainwater storage tank has been introduced to the roof level and water stored in this tank will be used for irrigation of the roof level landscaping.

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As the relocation (and increase in number) of the solar panels stems from a recommendation from the DRP, rather than the applicant being required to provide a justification for the solar arrays, it would seem reasonable that this issue could have been addressed through a condition of consent. Nonetheless, a justification in the spirit of the objectives of Clause 4.6 of Rockdale LEP 2011 is provided below:

The relocation and increased number of solar panels will address the Panel's concern in relation to limiting the useable space on the roof terrace, while significantly improving the environmental sustainability of the development through the ability to supplement electricity supply through a solar energy system.

Although the solar arrays will exceed the statutory height limit by 4.172m, they will not increase the overall height of the building. The extensive perimeter landscaping to the common roof terrace will provide screening that will assist in minimising the visual impact of the solar arrays. With an upper RL of 41.352, the solar arrays will not protrude above the lift overrun (the highest point of the building), however, it will add additional structures to the roof structure above the 22m statutory height limit.

In approving the original application, a request for a variation to the statutory 22m building height of up to a maximum of 4.36m (top of the lift overrun) was supported. As set out in the (Amended) Clause 4.6 Exceptions to Development Standards request dated 23 November 2017:

The overall maximum building height of 26.36m exceeds the 22m maximum building height by 4.36m, representing a variation of 19.8% above the numerical development standard. In numerical terms this represents a significant variation to the principal development standard. Notwithstanding, as demonstrated in the recent NSW LEC decisions in *Micaul Holdings Pty Limited v Randwick City Council* and *Moskovich v Waverley Council* there should be no artificial conservatism about the use of Clause 4.6 based on the numerical extent of the variation being sought, given that the purpose of Clause 4.6 is to allow flexibility and to achieve better outcomes for a site by allowing developments to exceed height and/or FSR where there are justifiable circumstances.

It was argued that in the circumstances of the case, strict compliance with the building height development standard was unreasonable and unnecessary and there was sufficient planning merit to justify the non-compliant height.

It is considered that despite the addition of solar arrays to the roof top, the planning merit remains and a better planning outcome will be achieved through the realisation of a more sustainable development, where the proposed solar arrays will have a positive environmental benefit through the generation of supplementary solar energy. Despite the height breach, the development will remain consistent with both the zoning and building height objectives.

Key environmental planning grounds to support the variation include:

- Despite the lift overruns, solar arrays and roof top communal open space of the building exceeding the height of buildings principal development standard, the overall bulk and scale of the building is considered to be acceptable in terms of the streetscape character and built form and the relationship of the building to the adjoining (anticipated) development;
- The roof top communal open space, lift overruns and solar arrays will not be readily visible from ground level and will not appear as an additional storey. The parapet/planter box across the Princes Highway frontage of the roof level provides an appropriate top to the building, consistent with the ADG design guidance.
- The provision of communal open space accessible by lift on the roof top level is considered to be a positive planning outcome that will benefit residents and their visitors through the provision of a usable area of communal open space that will benefit from high levels of solar access, which combined with the landscaped setting, will achieve a high level of amenity for users of this communal area;

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- Despite an increased height above 22m, the proposed development will not have an unreasonable impact on adjoining sites in terms of overshadowing or visual or aural privacy; and
- The increase in allowable building heights under the recent LEP amendment has compromised the efficacy of the telecommunications infrastructure on the adjoining Telephone Exchange building. In order to ensure the ongoing efficacy of the telecommunications infrastructure, the infrastructure needs to be raised above its current height. Unless a building height can be achieved to support the effective operation of the telecommunications infrastructure, a condition of the contract of sale for the site restricts any redevelopment on the site to 4 storeys. As such, such a restriction would severely inhibit the ability to achieve the orderly and economic development of the land in line with the applicable planning regime.

In addition:

- The inclusion of 96 solar panels mounted in 8 solar arrays on the roof top will have a positive environmental benefit, consistent with the 'Sustainability' SEPP 65 Design Quality principle, in which good design should incorporate sustainable measures such as *solar energy systems* that use the sun as a renewable fuel source to generate electricity that can supplement the reticulated supply and reduce overall energy costs. Location of the solar arrays on the highest part of the building will maximise opportunities for solar collection.

A 2.1m high rainwater storage tank with a capacity of approximately 11,000 litres has been added to the roof level communal area and rainwater collected in this tank will be used for irrigation of the communal open space landscaping. The tank is to be located between the western lift shaft and the fire stairs and will not be visible from ground level. The tank is not part of the building structure and therefore

Design Modifications following Initial Lodgement

A comprehensive schedule of design changes proposed under this modification application has been prepared by Place Studio and has been submitted to Council under separate cover. However, the further design amendments that have been made to the scheme to address concerns raised by the Design Review Panel since initial lodgement of the Section 4.55 application are summarised below:

Design Modification	Comment
Basement 3	
Lift location adjusted.	To allow the second lift to service the ground floor and residential levels to be reinstated – to address the DRP's concern at a single lift servicing the development.
Basement 2	
Lift location adjusted.	To allow the second lift to service the ground floor and residential levels to be reinstated – to address the DRP's concern at a single lift servicing the development.
Two new risers added at western end.	To accommodate services requirements.
Basement 1	
Lift location adjusted.	To allow the second lift to service the ground floor and residential levels to be reinstated – to address the DRP's concern at a single lift servicing the development.
Two new risers added at western end.	To accommodate services requirements.
Ground Floor	
New riser added in north-western corner.	To accommodate services requirements.
Lift location adjusted and second lift servicing ground floor and the residential floors reinstated.	To address the DRP's concern at a single lift servicing the development.

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Commercial tenancy 3 in south-western corner deleted.	To address the DRP's concern that this area could be better utilised to provide for an enhanced service area for the development.
'Cut-outs' provided to the awning across the Princes Highway and Fox Lane frontages to allow the street trees to penetrate and grow above the awning.	To address the DRP's concern that the awning would restrict the ability of the street trees to grow above the awning.
Commercial and residential waste and recycling rooms relocated.	To address the DRP's concerns in relation to conflicts with access to these areas (i.e. access to the residential waste and recycling room was via the loading bay & access to the commercial room required crossing the residential lobby).
Residential lobby redesigned to make it more prominent and an entry gate has been added at the Fox Lane frontage to improve security to the lift lobby.	To address the DRP's concerns at the poor entry sequence and sight lines to the lift doors.
Fire hydrant pump room relocated added and location of hydrant booster shown.	To address services requirements.
OSD/Rainwater tank room added.	To address the DRP's concerns in relation to limited opportunities for rainwater harvesting and reuse.
Building Manager's office added.	To provide an office space for the use of the building manager.
Bathroom facilities for the commercial tenancies relocated and provided as communal facilities with separate accessible WC.	To improve
Commercial tenancies 1 & 2 adjusted and stair lifts added.	To accommodate the design changes to the 'back-of-house' described above and to improve accessibility to the commercial tenancies which both have an internal change of floor level.
First Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.
Louvered windows introduced to lift lobby on either side of the fire stairs.	To address the DRP's concern about a lack of natural light and ventilation to the lift lobbies.
Second Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.
Louvered windows introduced to lift lobby on either side of the fire stairs.	To address the DRP's concern about a lack of natural light and ventilation to the lift lobbies.
Third Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.
Louvered windows introduced to lift lobby on either side of the fire stairs.	To address the DRP's concern about a lack of natural light and ventilation to the lift lobbies.
Fourth Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.

Louvered windows introduced to lift lobby on either side of the fire stairs.	To address the DRP's concern about a lack of natural light and ventilation to the lift lobbies.
Fifth Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.
Louvered windows introduced to lift lobby on either side of the fire stairs.	To address the DRP's concern about a lack of natural light and ventilation to the lift lobbies.
Sixth Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.
Louvered windows introduced to lift lobby on either side of the fire stairs.	To address the DRP's concern about a lack of natural light and ventilation to the lift lobbies.
Roof Level Floor	
Lift core, services and lobby circulation adjusted to allow reintroduction of second lift.	To address the DRP's concern at a single lift servicing the development.
Rainwater storage tank for irrigation of communal open space landscaping added.	To address the DRP's concerns about limited opportunity for rainwater harvesting and reuse.
Roof Top	
96 solar panels in eight solar arrays added.	To address the DRP's concerns about the limited number of solar panels and the restriction this placed on usable communal area due to their previous location.

Please don't hesitate to contact the undersigned if you require any further explanation or additional information.

Yours faithfully,
Andrew Robinson Planning Services Pty Ltd



Andrew Robinson MP/IA
 Director



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PROJECT:
401-405 Princes Highway,
Rockdale
CLIENT:
Ibrahim & Pelin Ibrahim

DATE/SCALE
02.04.2019
(A1)



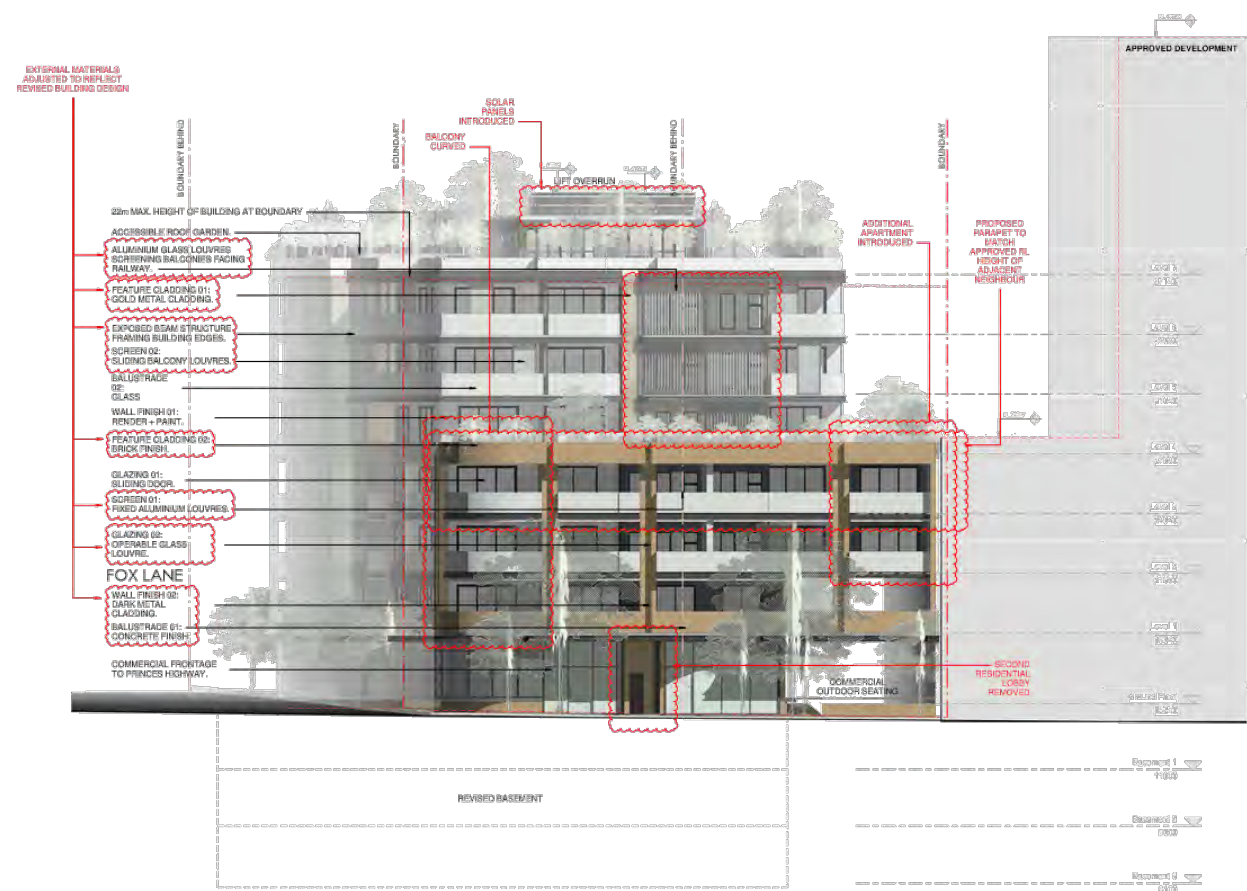
DEVELOPMENT APPLICATION
Not For Construction

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Form Index Architect
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Elevation Princes Highway
1:100

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1. All drawings are the property of the architect and shall remain confidential unless otherwise stated in writing.
2. Do not scale & do not copy design details, it is the client's responsibility to ensure that all drawings are used for the intended purpose and that all drawings are used in accordance with the relevant building codes and standards.
3. The architect shall not be held responsible for any errors or omissions in the drawings due to any discrepancies without notification.

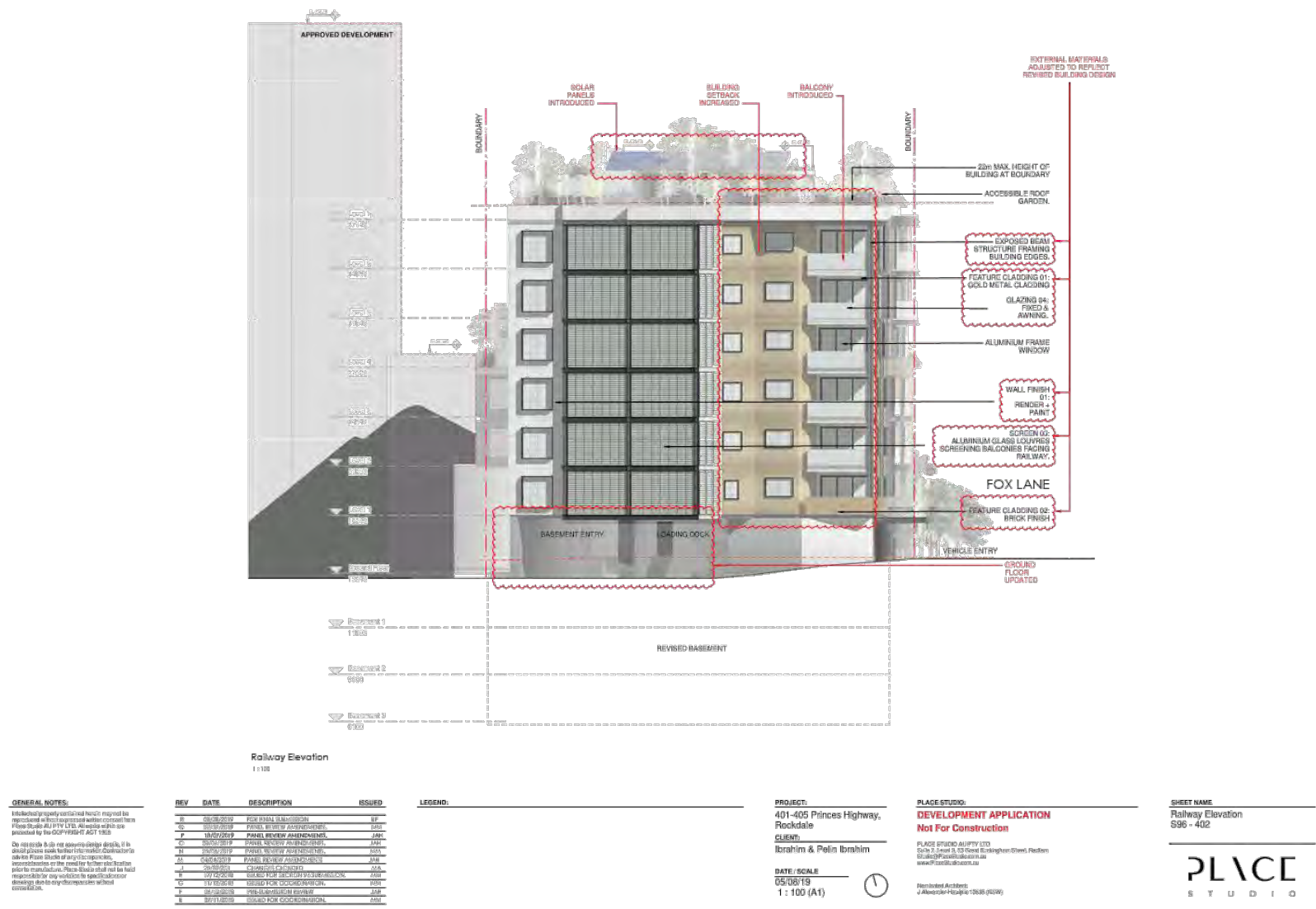
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2	05/08/2019	FOR FINAL SUBMISSION	BP
3	05/08/2019	FOR FINAL SUBMISSION	BP
4	05/08/2019	FOR FINAL SUBMISSION	BP
5	05/08/2019	FOR FINAL SUBMISSION	BP
6	05/08/2019	FOR FINAL SUBMISSION	BP
7	05/08/2019	FOR FINAL SUBMISSION	BP
8	05/08/2019	FOR FINAL SUBMISSION	BP
9	05/08/2019	FOR FINAL SUBMISSION	BP
10	05/08/2019	FOR FINAL SUBMISSION	BP

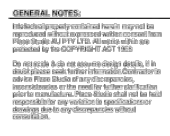
LEGEND:

PROJECT:
401-405 Princes Highway,
Rockdale
CLIENT:
Ibrahim & Pein Ibrahim
DATE/SCALE:
05/08/19
1:100 (A1)

PLACE STUDIO:
DEVELOPMENT APPLICATION
Not For Construction
PLACE STUDIO ARCHITECTS LTD
Suite 2, Level 1, 15 Kent Street, Rockdale
0294291111
www.placestudio.com.au
Non-Indigenous Architects
J. Alexander-Peterson (P200) (P200)

SHEET NAME:
Princes Highway Elevation
S86 - 401
PLACE
STUDIO





REV	DATE	DESCRIPTION	ISSUED
B	23/08/2019	BRIEF UPDATE	BP
C	08/09/2019	PER RHM DASHBORDE	BP
C	09/09/2019	PANEL REV AMENDMENTS	AMS
F	10/09/2019	PANEL REVIEW AMENDMENTS	JAN
C	05/09/2019	PANEL REVIEW AMENDMENTS	JAN
N	05/09/2019	PANEL REVIEW AMENDMENTS	JAN
M	04/09/2019	PANEL REVIEW AMENDMENTS	JAN
	29/08/2019	CHANGES CANCELED	
F	14/08/2019	GRADING FOR COORDINATION	AMS
C	14/08/2019	GRADING FOR COORDINATION	AMS
F	06/08/2019	PER RHM DASHBORDE	BP
F	03/08/2019	ISSUED FOR COORDINATION	AMS

PROJECT:
401-405 Princes Highway,
Rockdale
CLIENT:
Ibrahim & Pelin Ibrahim

DATE/SCALE
20/08/19
1 : 100 (A1)



PLACE STUDIO:
DEVELOPMENT APPLICATION
Not For Construction
PLACE STUDIO AUSTRALIA LTD
Suite 2, Level 9, 53 Good Riddings Street, Redfern
Sydney 2015
www.PlaceStudio.com.au
www.PlaceStudio.com.au
Not listed Architects:
J Alexander-Hopkins 02956 90589

SHEET NAME
Fox Lane Elevation
S96 - 403

PLACE
STUDIO





GENERAL NOTES:
1. Information presented on this drawing is for informational purposes only and does not constitute an offer of any financial product or service. Please refer to the Product Disclosure Statement (PDS) for more information.
2. Do not scale & do not use for construction. It is the responsibility of the client to ensure that the information on this drawing is used for the intended purpose only. Place Studio is not responsible for any errors or omissions on this drawing.

REV	DATE	DESCRIPTION	ISSUED
1	05/08/19	FOR FINAL CONSTRUCTION	01
2	05/08/19	FOR FINAL CONSTRUCTION	02
3	05/08/19	FOR FINAL CONSTRUCTION	03
4	05/08/19	FOR FINAL CONSTRUCTION	04
5	05/08/19	FOR FINAL CONSTRUCTION	05
6	05/08/19	FOR FINAL CONSTRUCTION	06
7	05/08/19	FOR FINAL CONSTRUCTION	07
8	05/08/19	FOR FINAL CONSTRUCTION	08
9	05/08/19	FOR FINAL CONSTRUCTION	09
10	05/08/19	FOR FINAL CONSTRUCTION	10

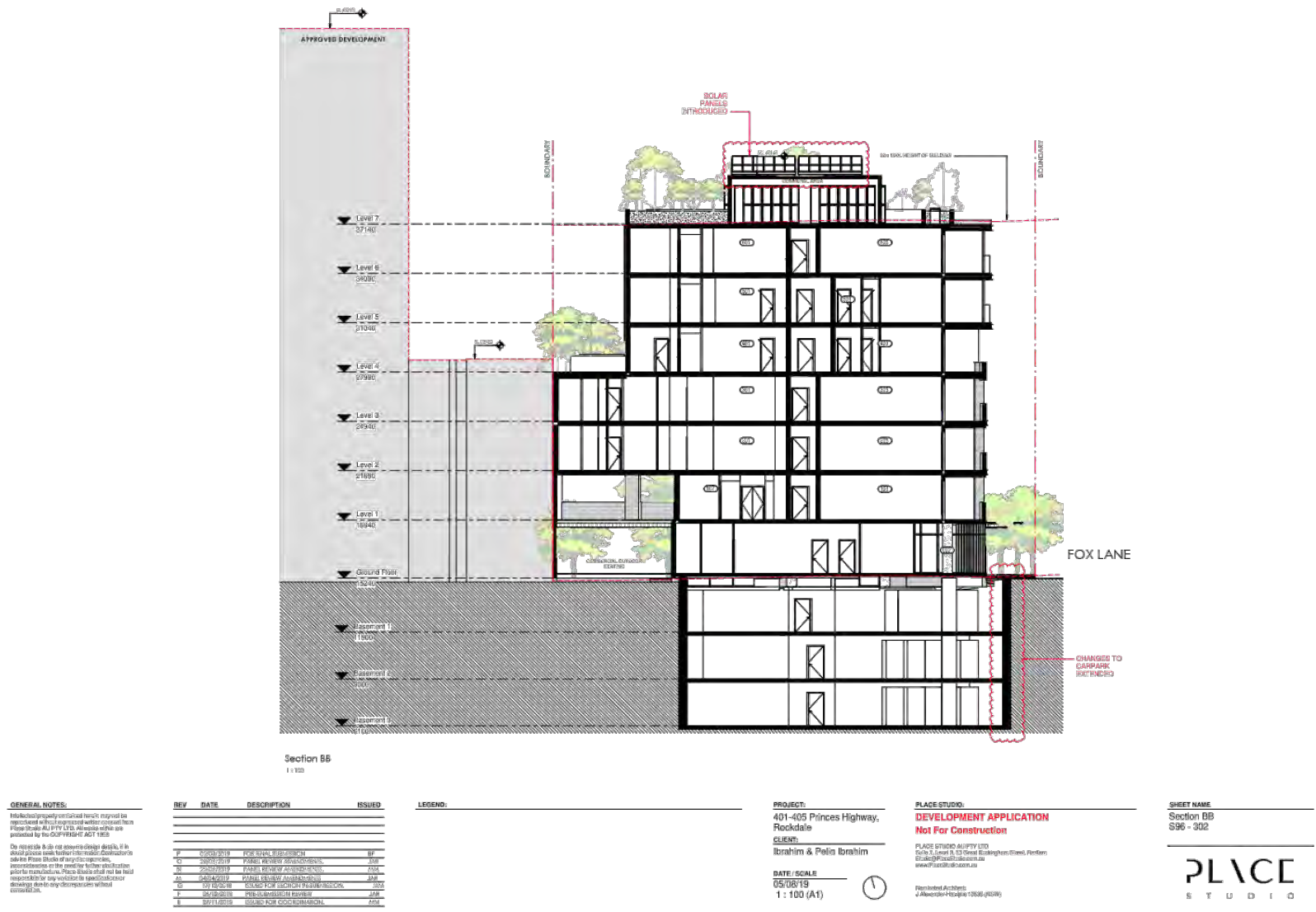
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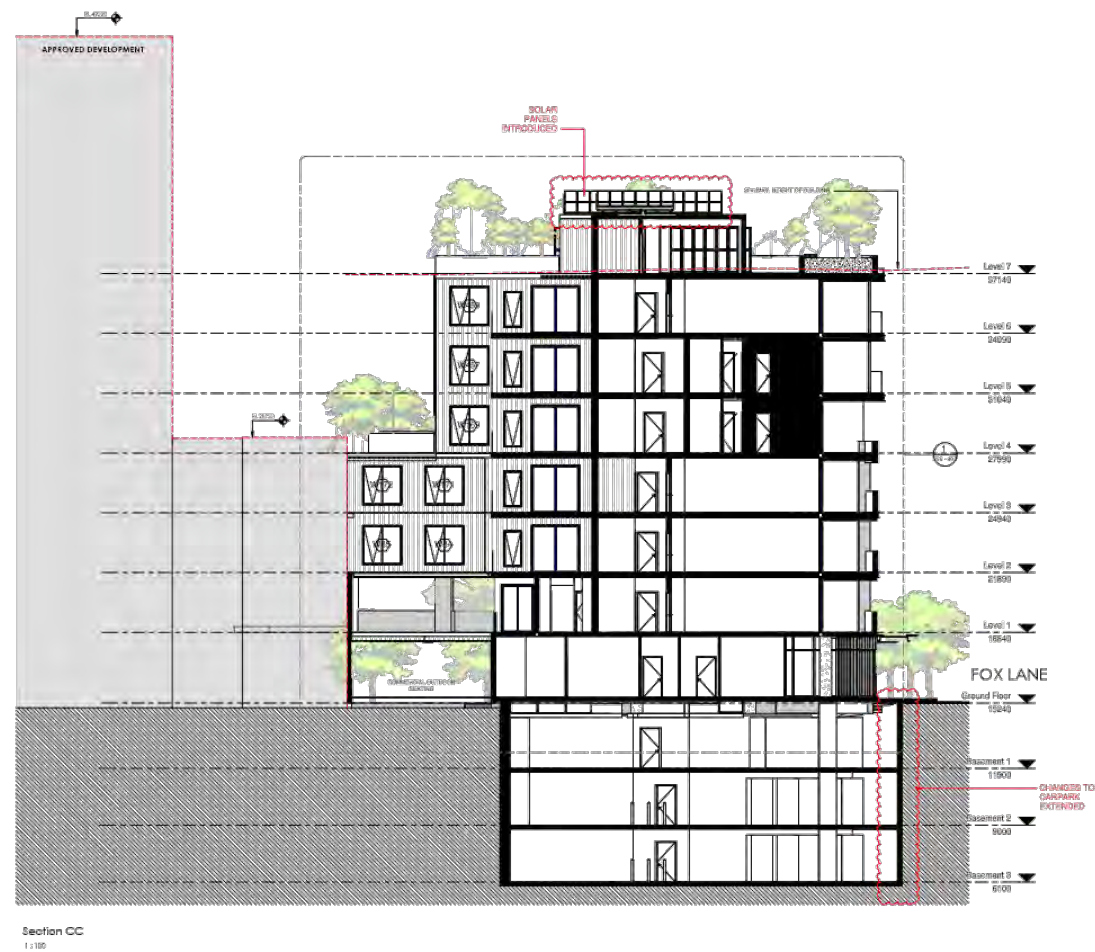
PROJECT:
401-405 Princes Highway,
Rockdale
CLIENT:
Ibrahim & Pein Ibrahim
DATE/SCALE:
05/08/19
1:100 (A1)

PLACE STUDIO:
DEVELOPMENT APPLICATION
Not For Construction
PLACE STUDIO ARCHITECTS LTD
Suite 1, Level 1, 131-133 Bond Street, Rockdale
0294591000
www.placestudio.com.au
Non-Indigenous Architects
J. Alexander & P. Ibrahim (P&I) (P&I)

SHEET NAME:
Internal Courtyard Elevations
S96 - 405
PLACE
STUDIO

PLACED
STUDIOS



**GENERAL NOTES:**

Indicate any structural details required for approval within the approved development application. All structural details shall be provided by the DEVELOPER ACT 1958.

Do not include any structural details in the development application. If in doubt, please seek further information. Construction details shall be provided by the DEVELOPER ACT 1958. Please provide details of any structural details required for approval. Please provide details of any structural details required for approval. Please provide details of any structural details required for approval.

REV	DATE	DESCRIPTION	ISSUED
1	05/08/19	FOR FINAL APPROVAL	01
2	05/08/19	FOR FINAL APPROVAL	02
3	05/08/19	FOR FINAL APPROVAL	03
4	05/08/19	FOR FINAL APPROVAL	04
5	05/08/19	FOR FINAL APPROVAL	05
6	05/08/19	FOR FINAL APPROVAL	06
7	05/08/19	FOR FINAL APPROVAL	07
8	05/08/19	FOR FINAL APPROVAL	08
9	05/08/19	FOR FINAL APPROVAL	09
10	05/08/19	FOR FINAL APPROVAL	10

LEGEND:

PROJECT:
401-405 Princes Highway,
Rockdale
CLIENT:
Ibrahim & Pella Ibrahim

DATE/SCALE:
05/08/19
1:100 (A1)

**PLACE STUDIO:**

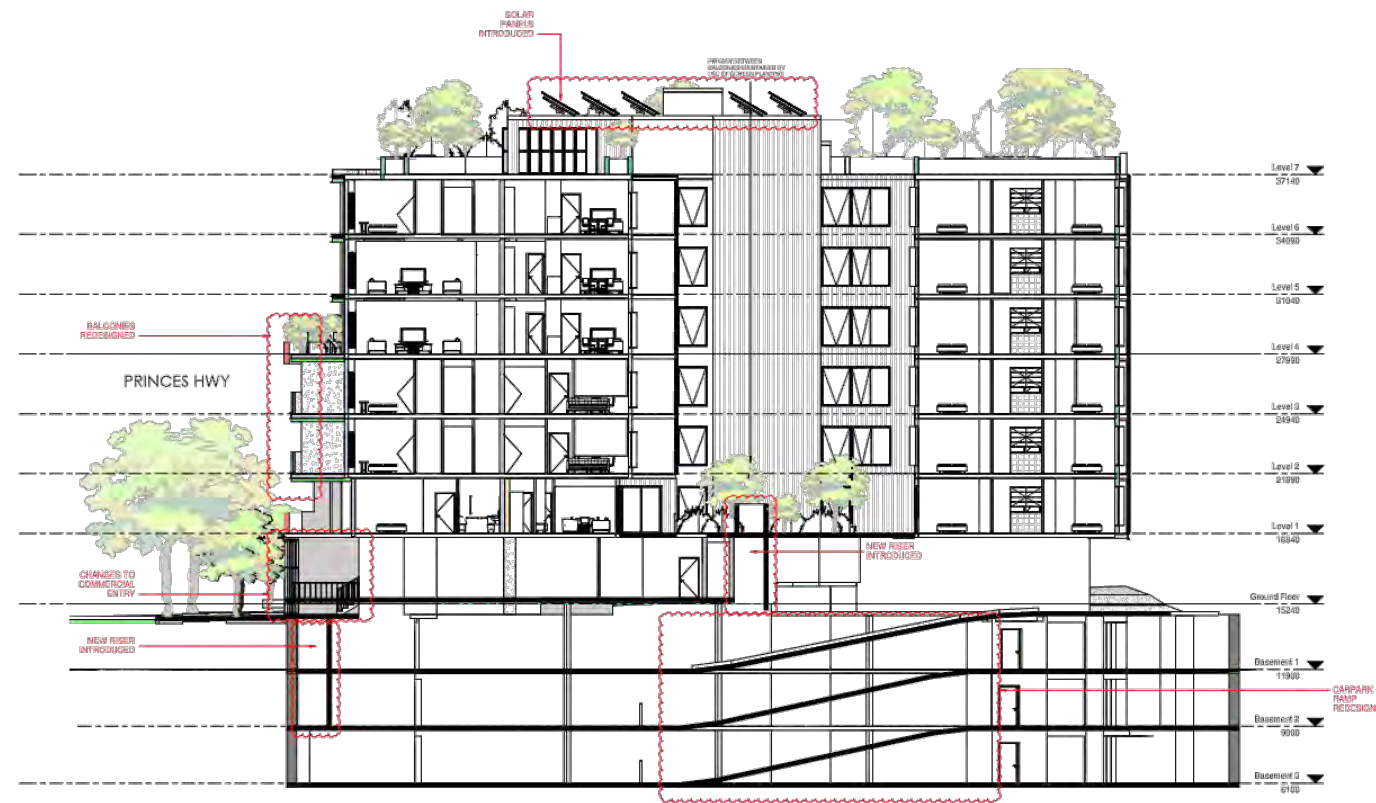
DEVELOPMENT APPLICATION
Not For Construction

PLACE STUDIO ARCHITECTS
Suite 1, Level 1, 13 Bond Street, Rockdale, NSW
0293940000
www.placestudio.com.au

Non-Indigenous Architects
J. Alexander & Partners (Pty) Ltd

SHEET NAME:
Section CC
S96 - 303

PLACE
STUDIO



GENERAL NOTES:
1. Information regarding this project is provided for informational purposes only. It is not intended to be used for any other purpose without the prior written consent of the copyright owner.
2. Do not make any changes to the design details, it is the responsibility of the user to ensure that the design details are suitable for the intended use. Place Studio is not responsible for any errors or omissions in the design details.

REV	DATE	DESCRIPTION	ISSUED
01	05/08/19	NEW FINAL DESIGN	001
02	05/08/19	NEW FINAL DESIGN	002
03	05/08/19	FINAL REVIEW AND APPROVAL	003
04	05/08/19	FINAL REVIEW AND APPROVAL	004
05	05/08/19	FINAL REVIEW AND APPROVAL	005

LEGEND:

PROJECT:
401-405 Princes Highway,
Rockdale
CLIENT:
Ibrahim & Pella Ibrahim
DATE / SCALE:
05/08/19
1:100 (A1)

PLACE STUDIO:
DEVELOPMENT APPLICATION
Not For Construction
PLACE STUDIO ARCHITECTS
Suite 1, Level 1, 125 Bondi Junction Street, Bondi
www.placestudio.com.au
Non-Indigenous Architects
J. Alexander-Hopkins (P/Arch)

SHEET NAME:
Section CD
S96 - 904
PLACE
STUDIO




401-405 Princes Highway, Rockdale

External Finishes Schedule

Issue: 1 – 17.12.18

CODE	ITEM	SAMPLE	SPECIFICATION + COMMENTS	SUPPLIER
------	------	--------	--------------------------	----------

FINISHES



CL01	Exterior Cladding		Alucobond Colour Series: TERRA Colour: Pyrite Code: 385	Alucobond https://alucobond.com/colours-surfaces/terra/pyrite
CL02	Exterior Cladding		Metal Wall Cladding Stratco – Hiland Tray Roofing and Walling System Colour: Ebony Code:	Stratco https://www.stratco.com.au/au/roofing/roofing-and-walling/hiland-tray-roofing/
CL03	Exterior Cladding		Austral Bricks Range: Governors Colour: Blanc Code:	Austral Bricks https://australbricks.com.au/nsw/product/governors#

PLACE
STUDIO

401-405 Princes Highway, Rockdale

External Finishes Schedule

Issue: 1 – 17.12.18




CODE	ITEM	SAMPLE	SPECIFICATION + COMMENTS	SUPPLIER
R1	Exterior Wall Finish		Dulux Colour: Tranquil Retreat Code: GR24	Dulux https://www.dulux.com.au/colour
P1	Aluminium Window and Door Frames		DURALLOY Powdercoat Colour: BLACK (C/B NIGHT SKY®) SATIN Code: 27219268	Dulux Powdercoat https://duluxpowders.com.au/colour/

PLACE
STUDIO

401-405 Princes Highway, Rockdale

External Finishes Schedule

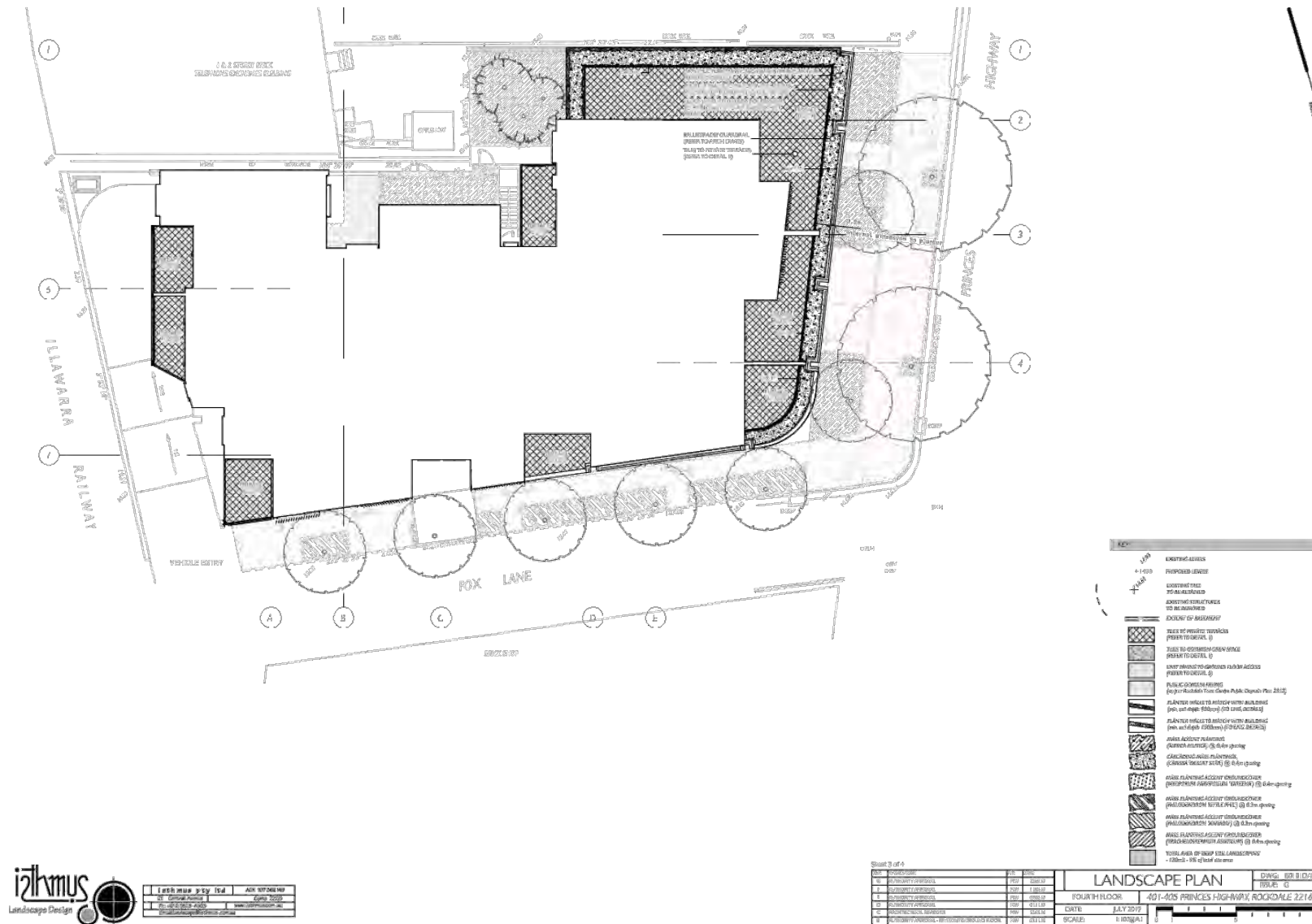
Issue: 1 – 17.12.18

CODE	ITEM	SAMPLE	SPECIFICATION + COMMENTS	SUPPLIER
P2	External Louvres (Fixed and Balcony Sliding Louvres)		DURALLOY Powdercoat Colour: BLACK (C/B NIGHT SKY®) SATIN Code: 27219268	Dulux Powdercoat https://duluxpowders.com.au/colour/
P3	Exposed structural features		DURALLOY Powdercoat Colour: BLACK (C/B NIGHT SKY®) SATIN Code: 27219268	Dulux Powdercoat https://duluxpowders.com.au/colour/
T01	Balcony Soffits		PRODEMA Prodex Colour: Rustik Code:	PRODEMA https://www.prodema.com/en_int/pr odex

PLACE
STUDIO









ADG CHECKLIST																										
Level	Number	Name	Area	AD 1 min. 2m, Jan 21, Jan 2pm	AD 2 min. 2m, Jan 21, Jan 2pm	AD 3 min. 2m, Jan 21, Jan 2pm	AD 4 min. 2m, Jan 21, Jan 2pm	AD 5 min. 2m, Jan 21, Jan 2pm	AD 6 min. 2m, Jan 21, Jan 2pm	AD 7 min. 2m, Jan 21, Jan 2pm	AD 8 min. 2m, Jan 21, Jan 2pm	AD 9 min. 2m, Jan 21, Jan 2pm	AD 10 min. 2m, Jan 21, Jan 2pm	AD 11 min. 2m, Jan 21, Jan 2pm	AD 12 min. 2m, Jan 21, Jan 2pm	AD 13 min. 2m, Jan 21, Jan 2pm	AD 14 min. 2m, Jan 21, Jan 2pm	AD 15 min. 2m, Jan 21, Jan 2pm	AD 16 min. 2m, Jan 21, Jan 2pm	AD 17 min. 2m, Jan 21, Jan 2pm	AD 18 min. 2m, Jan 21, Jan 2pm	AD 19 min. 2m, Jan 21, Jan 2pm	AD 20 min. 2m, Jan 21, Jan 2pm	AD 21 min. 2m, Jan 21, Jan 2pm	AD 22 min. 2m, Jan 21, Jan 2pm	AD 23 min. 2m, Jan 21, Jan 2pm
Level 1	131	28	70 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 1	132	18	44 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 1	133	28	74 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 1	134	28	77 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 1	135	28	72 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 1	136	28	71 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 1	137	27	42 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	201	38	109 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	202	18	52 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	203	18	50 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	204	18	43 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	205	38	77 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	206	28	77 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	207	28	72 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 2	208	28	71 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	301	38	109 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	302	18	52 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	303	18	50 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	304	18	43 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	305	38	77 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	306	28	77 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	307	28	72 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 3	308	28	71 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 4	401	18	41 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 4	402	28	104 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 4	403	28	104 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 4	404	28	77 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 4	405	28	72 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 4	406	28	71 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 5	501	18	41 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 5	502	28	100 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 5	503	28	104 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 5	504	28	77 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 5	505	28	72 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 5	506	28	71 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	601	18	41 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	602	18	42 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	603	18	50 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	604	18	43 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	605	28	77 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	606	28	72 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	607	18	50 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level 6	608	28	71 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Grand total 43																										
Solar Access 2 Hr Compliance: 30 OF 43																										
No Solar Access: 3 OF 43																										
Naturally Cross Ventilated: 38 OF 43																										

GENERAL NOTES:

1. The building is proposed to be constructed in accordance with the provisions of the Building Act 1989.

2. The building is proposed to be constructed in accordance with the provisions of the Building Act 1989.

3. The building is proposed to be constructed in accordance with the provisions of the Building Act 1989.

REV DATE DESCRIPTION ISSUED

1. 01/01/2019 FOR FINAL BUILDING

2. 01/01/2019 FOR FINAL BUILDING

3. 01/01/2019 FOR FINAL BUILDING

4. 01/01/2019 FOR FINAL BUILDING

5. 01/01/2019 FOR FINAL BUILDING

6. 01/01/2019 FOR FINAL BUILDING

7. 01/01/2019 FOR FINAL BUILDING

8. 01/01/2019 FOR FINAL BUILDING

9. 01/01/2019 FOR FINAL BUILDING

10. 01/01/2019 FOR FINAL BUILDING

LEGEND:

1. 01/01/2019 FOR FINAL BUILDING

2. 01/01/2019 FOR FINAL BUILDING

3. 01/01/2019 FOR FINAL BUILDING

4. 01/01/2019 FOR FINAL BUILDING

5. 01/01/2019 FOR FINAL BUILDING

6. 01/01/2019 FOR FINAL BUILDING

7. 01/01/2019 FOR FINAL BUILDING

8. 01/01/2019 FOR FINAL BUILDING

9. 01/01/2019 FOR FINAL BUILDING

10. 01/01/2019 FOR FINAL BUILDING

PROJECT:

401-405 Princes Highway, Rockdale

CLIENT:

Ibrahim & Pella Ibrahim

DATE/SCALE

05/08/19

(A1)

PLACE STUDIO:

DEVELOPMENT APPLICATION
Not for Construction

PLACE STUDIO

401-405 Princes Highway, Rockdale

CLIENT:

Ibrahim & Pella Ibrahim

DATE/SCALE

05/08/19

(A1)

SHEET NAME:

ADG Compliance Table
S96 - 105

PLACE STUDIO

401-405 Princes Highway, Rockdale

CLIENT:

Ibrahim & Pella Ibrahim

DATE/SCALE

05/08/19

(A1)

PLACE STUDIO

401-405 Princes Highway, Rockdale

CLIENT:

Ibrahim & Pella Ibrahim

DATE/SCALE

05/08/19

(A1)

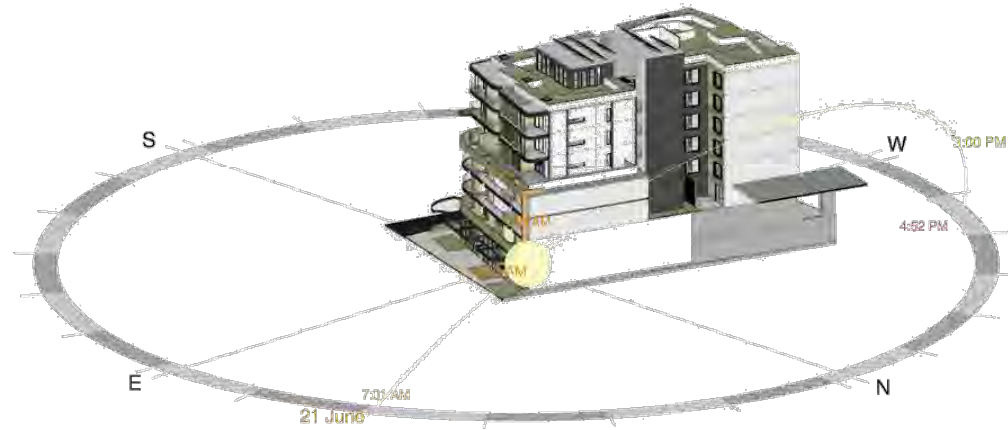
PLACE STUDIO

401-405 Princes Highway, Rockdale

CLIENT:

Ibrahim & Pella Ibrahim

DATE/SCALE



Solar - Level 1 - 9am
1:100



Solar - Level 2 - 9am
1:100



Solar - Level 3 - 9am
1:100



Solar - Level 4 - 9am
1:100



Solar - Level 5 - 9am
1:100



Solar - Level 6 - 9am
1:100

Solar Compliance

Unit No.	Hours of Solar Access
101	0.0
102	0.0
103	0.0
104	0.0
105	0.0
106	0.0
107	0.0
201	0.0
202	0.0
203	0.0
204	0.0
205	0.0
206	0.0
207	0.0
208	0.0
301	0.0
302	0.0
303	0.0
304	0.0
305	0.0
306	0.0
307	0.0
308	0.0

Solar Compliance

Unit No.	Hours of Solar Access
401	0.0
402	0.0
403	0.0
404	0.0
405	0.0
406	0.0
501	0.0
502	0.0
503	0.0
504	0.0
505	0.0
506	0.0
507	0.0
508	0.0

Solar Summary - 9am

Complies to Min. 9hr Solar Access to Bedroom & Living Room Glazing
0
 Receive Solar Access
0
 Receive No Solar Access
43

Cross Ventilation

No. of Cross Ventilated Apartments
24 (60.5%) COMPLIES

GENERAL NOTES:

Information provided herein may not be
 considered without reference to the original
 plans. The user of this information is
 advised that the user is responsible for
 obtaining all necessary permits and
 approvals from the relevant authorities.
 The user of this information is advised
 that the user is responsible for obtaining
 all necessary permits and approvals from
 the relevant authorities.

REV	DATE	DESCRIPTION	ISSUED
Rev 1	05/08/19	REV Solar & Vent Review	1/21

LEGEND:

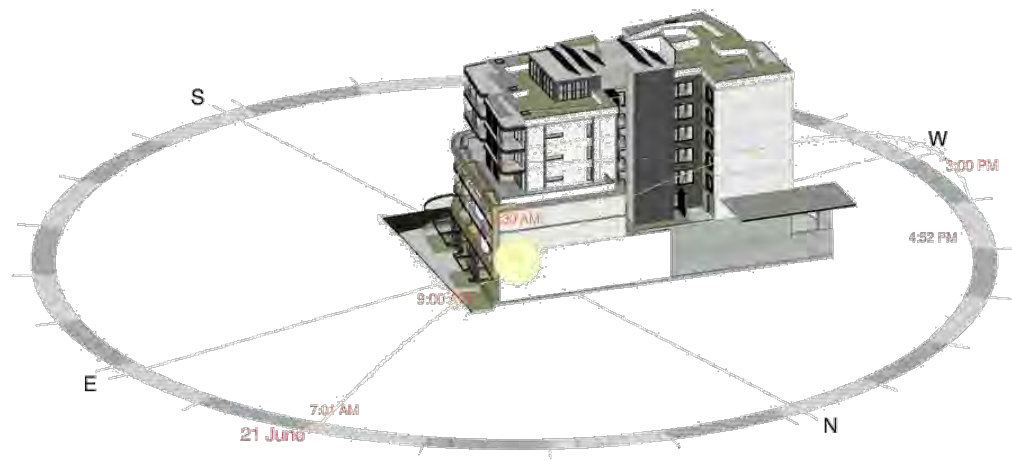
PROJECT:
 401-405 Princes Highway,
 Rockdale
CLIENT:
 Ibrahim & Pein Ibrahim
DATE / SCALE:
 05/08/19
 1:500 (A1)

PLACE STUDIO:
DEVELOPMENT APPLICATION
Not For Construction

PLACE STUDIO:
 PLACE STUDIO AUSTRALIA PTY LTD
 10/177 LEWIS, 10/177 LEWIS STREET, ROCKDALE
 0813007444
 www.placestudio.com.au

SHEET NAME:
 Solar Studies 9am
 S96 - 111

PLACE
 S T U D I O



Solar - Level 1 - 9.30am
1:100



Solar - Level 2 - 9.30am
1:100



Solar - Level 3 - 9.30am
1:100



Solar - Level 4 - 9.30am
1:100



Solar - Level 5 - 9.30am
1:100



Solar - Level 6 - 9.30am
1:100

Solar Compliance

Unit No.	Hours of Solar Access
101	0.0
102	0.0
103	0.0
104	0.0
105	0.0
106	0.0
107	0.0
201	0.0
202	0.0
203	0.0
204	0.0
205	0.0
206	0.0
207	0.0
208	0.0
301	0.0
302	0.0
303	0.0
304	0.0
305	0.0
306	0.0
307	0.0
308	0.0

Solar Compliance

Unit No.	Hours of Solar Access
401	0.0
402	0.0
403	0.0
404	0.0
405	0.0
406	0.0
501	0.0
502	0.0
503	0.0
504	0.0
505	0.0
506	0.0
507	0.0
508	0.0

Solar Summary - 9.30am
Complies to Min. 8hr Solar Access to Bedroom & Living Room Glazing
0
Receive Solar Access
16
Receive No Solar Access
27

Cross Ventilation
No. of Cross Ventilated Apartments
24 (60.8%) COMPLIES

GENERAL NOTES:
1. Information provided on these drawings may not be approved without approval from the relevant authorities. Please refer to the relevant legislation for more information.
2. The client is responsible for ensuring that the design of the building complies with the relevant legislation. The client is also responsible for ensuring that the building is constructed in accordance with the design shown on these drawings.
3. The client is responsible for ensuring that the building is constructed in accordance with the design shown on these drawings.

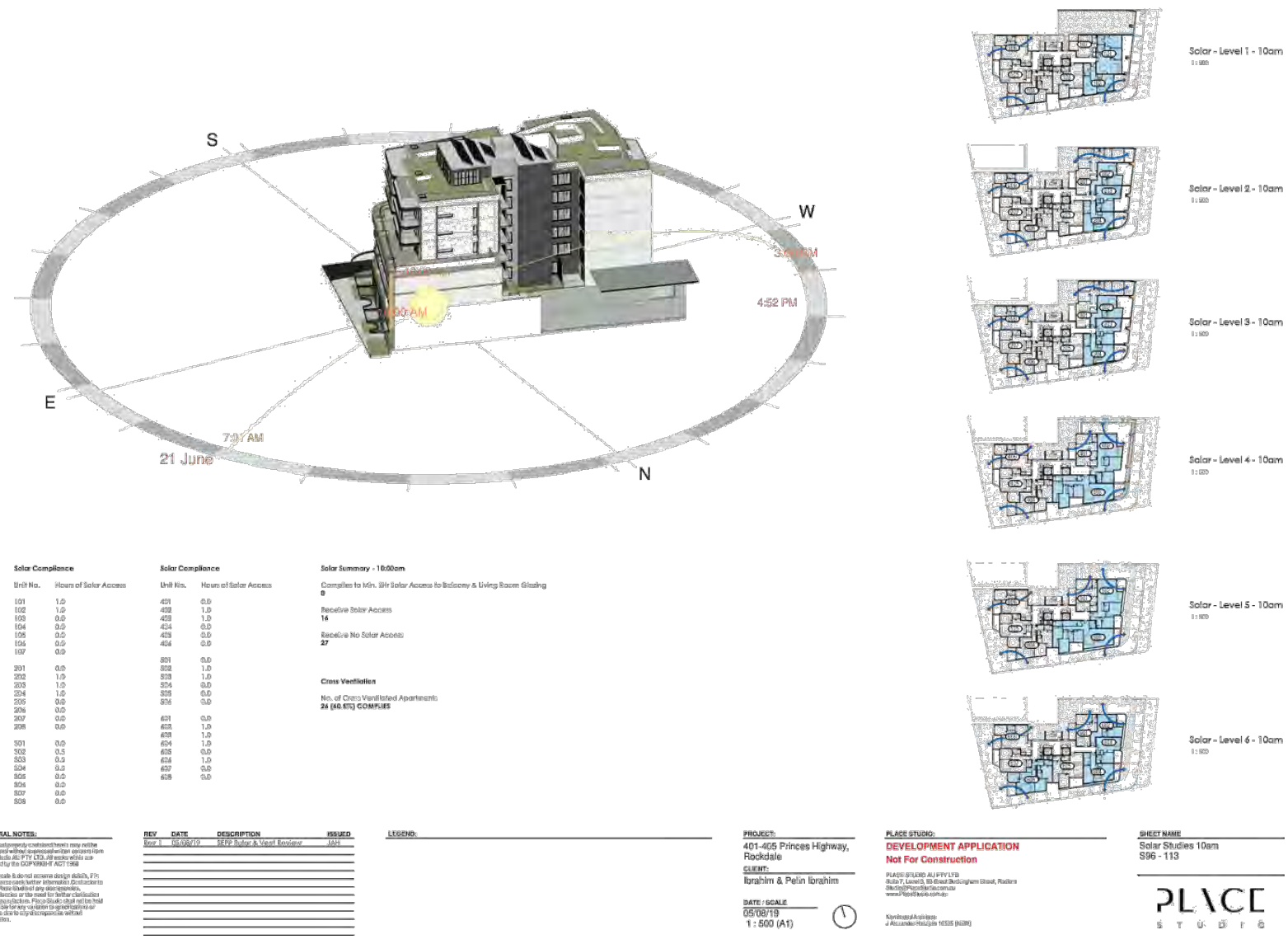
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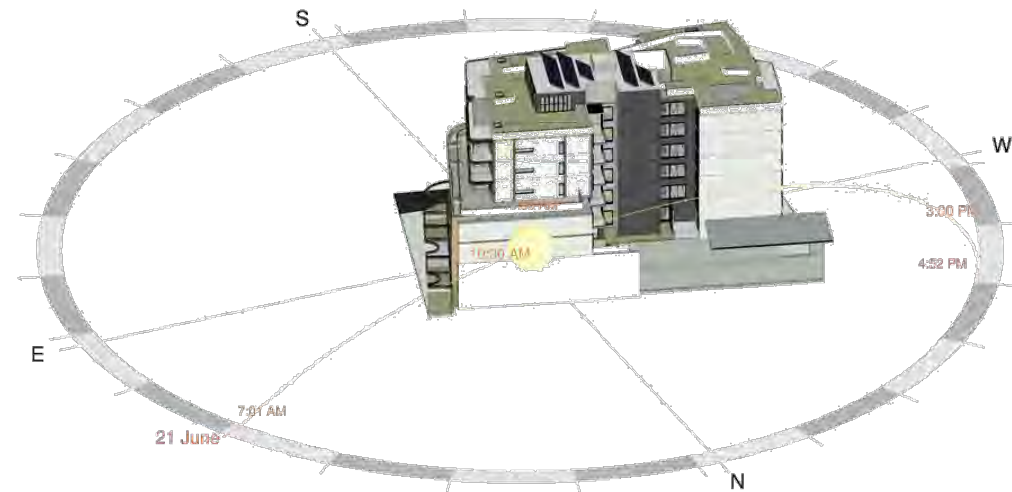
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Solar - Level 1 - 10.30am
1:1000



Solar - Level 2 - 10.30am
1:1000



Solar - Level 3 - 10.30am
1:1000



Solar - Level 4 - 10.30am
1:1000



Solar - Level 5 - 10.30am
1:1000



Solar - Level 6 - 10.30am
1:1000

Solar Compliance	
Unit No.	Hours of Solar Access
101	1.0
102	1.0
103	0.0
104	0.0
105	0.0
106	0.0
107	0.0
201	0.0
202	1.0
203	1.0
204	1.0
205	0.0
206	0.0
207	0.0
208	0.0
301	0.0
302	0.5
303	0.0
304	0.0
305	0.0
306	0.0
307	0.0
308	0.0

Solar Compliance	
Unit No.	Hours of Solar Access
401	0.0
402	1.5
403	1.5
404	0.0
405	0.0
406	0.0
501	0.0
502	1.5
503	1.0
504	0.0
505	0.0
506	0.0
507	0.0
508	0.0

Solar Summary - 10.30am
 Complies to Min. 10h Solar Access to Bedroom & Living Room Glazing
0
 Receive Solar Access
16
 Receive No Solar Access
27

Cross Ventilation
 No. of Cross Ventilated Apartments
24 (66.6%) COMPLIES

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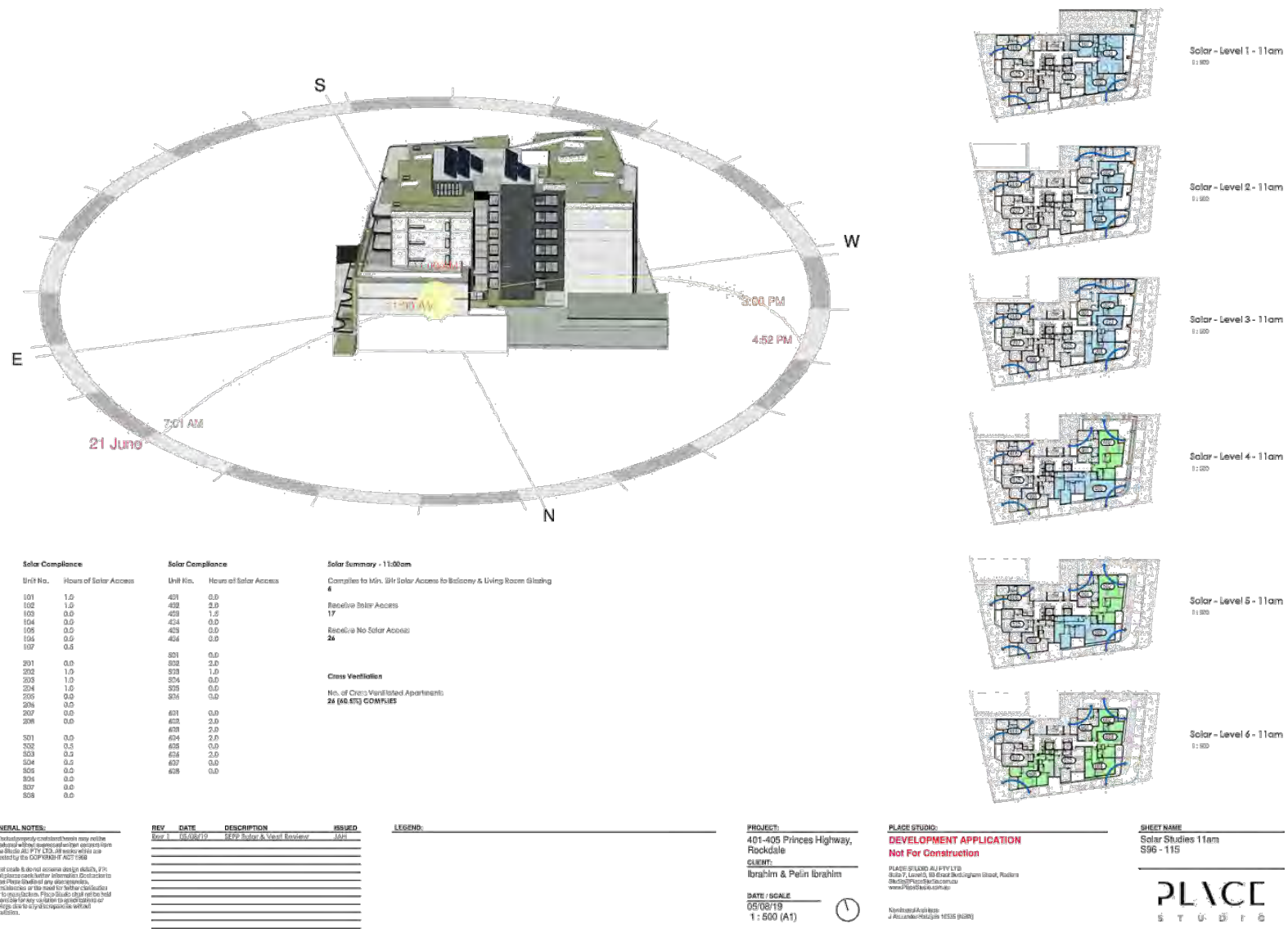
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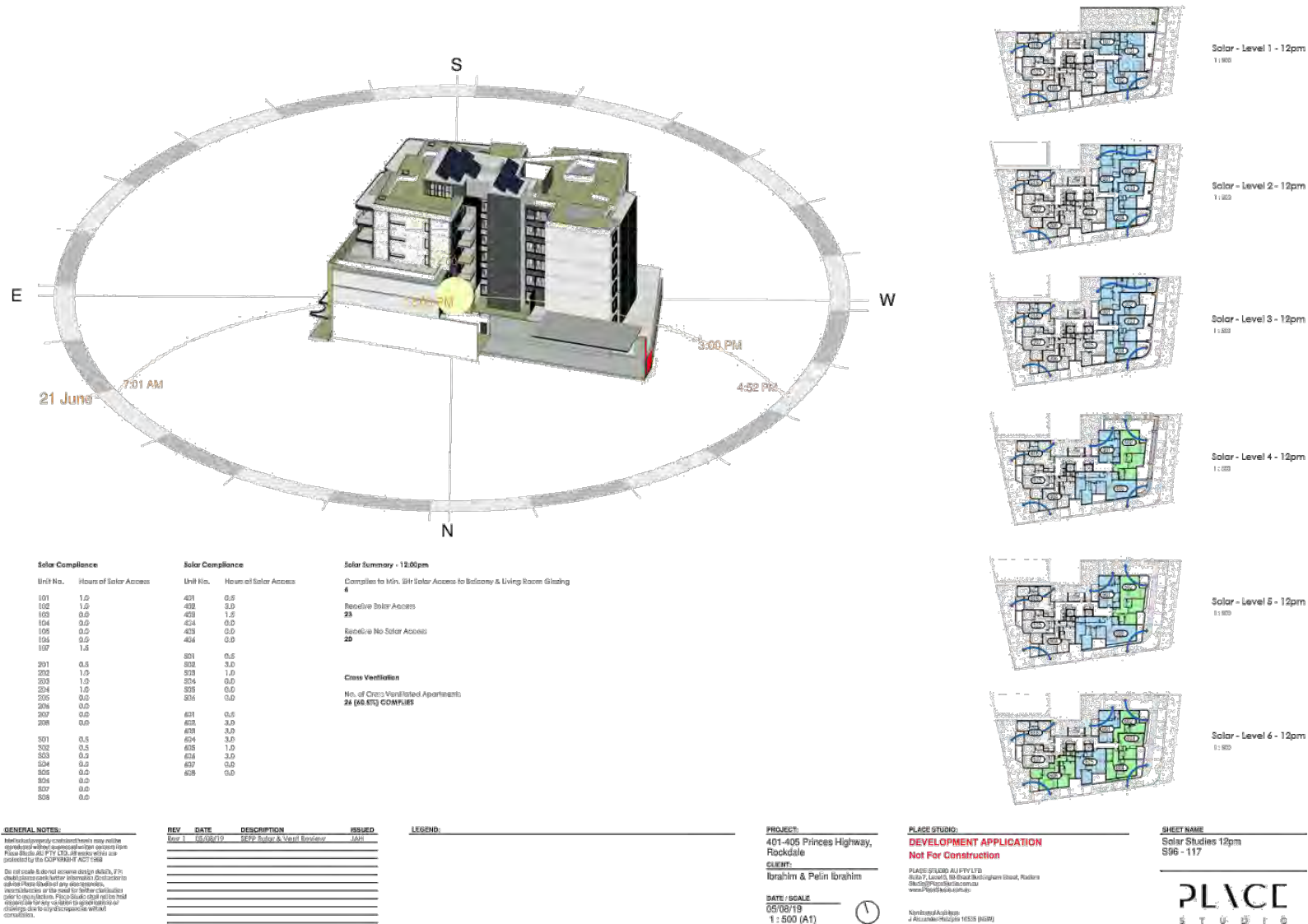
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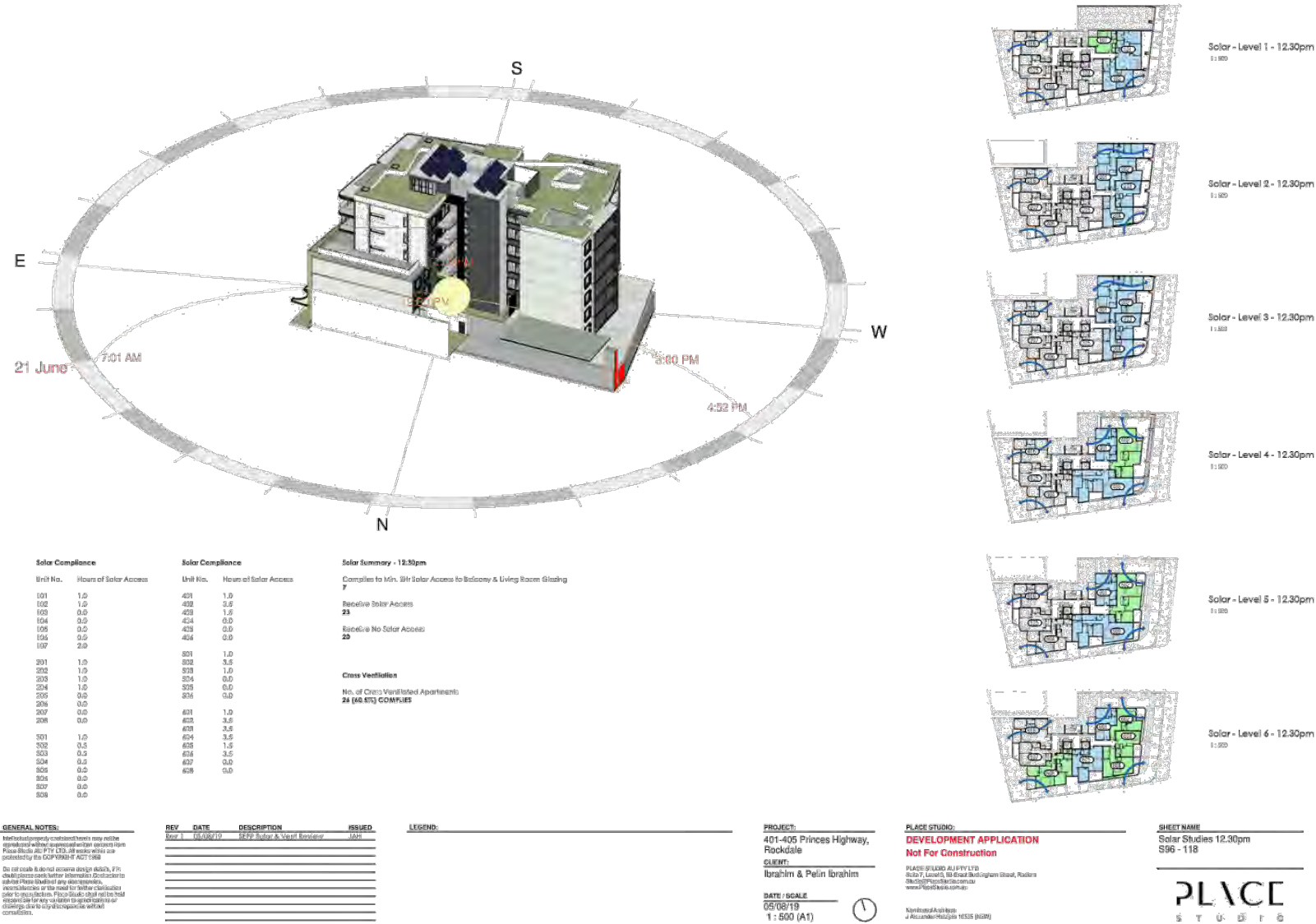
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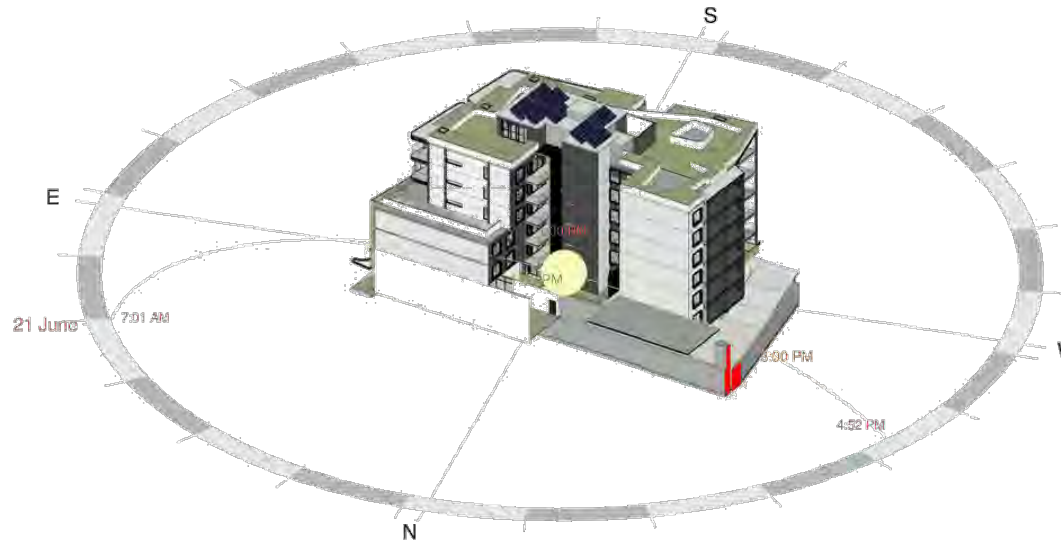
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Solar Compliance	
Unit No.	Hours of Solar Access
101	1.0
102	1.0
103	0.0
104	0.0
105	0.5
106	0.0
107	2.0
201	1.5
202	1.0
203	1.0
204	1.0
205	0.0
206	0.0
207	0.5
208	0.0
301	1.5
302	0.5
303	0.0
304	0.0
305	0.0
306	0.0
307	0.5
308	0.0

Solar Compliance	
Unit No.	Hours of Solar Access
401	1.5
402	3.5
403	1.5
404	0.0
405	0.5
406	0.0
501	1.5
502	3.5
503	1.0
504	0.0
505	0.5
506	0.0
601	1.5
602	4.0
603	4.0
604	4.0
605	2.0
606	4.5
607	0.5
608	0.0

Solar Summary - 1:00pm
 Complies to Min. 8Hr Solar Access to Bedroom & Living Room Glazing
7
 Receive Solar Access
29
 Receive No Solar Access
14

Cross Ventilation
 No. of Cross Ventilated Apartments
24 (60.8%) COMPLIES

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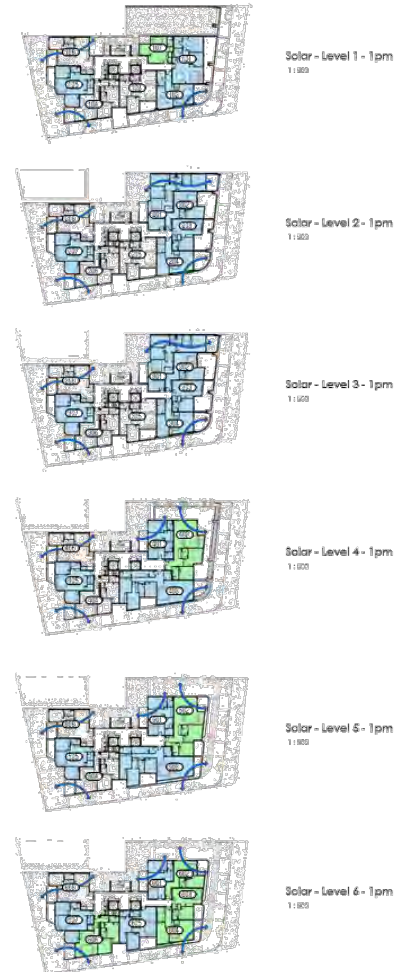
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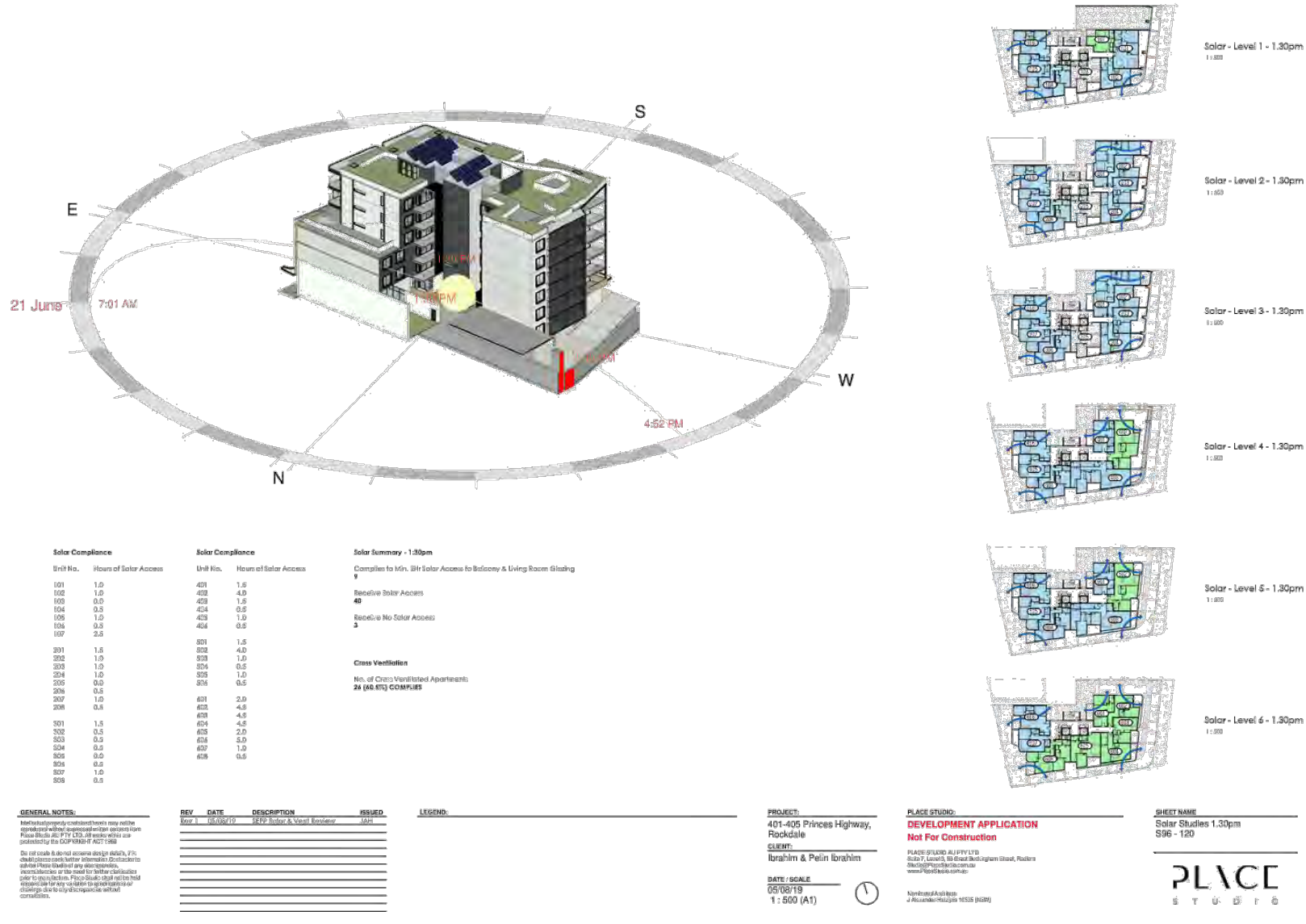
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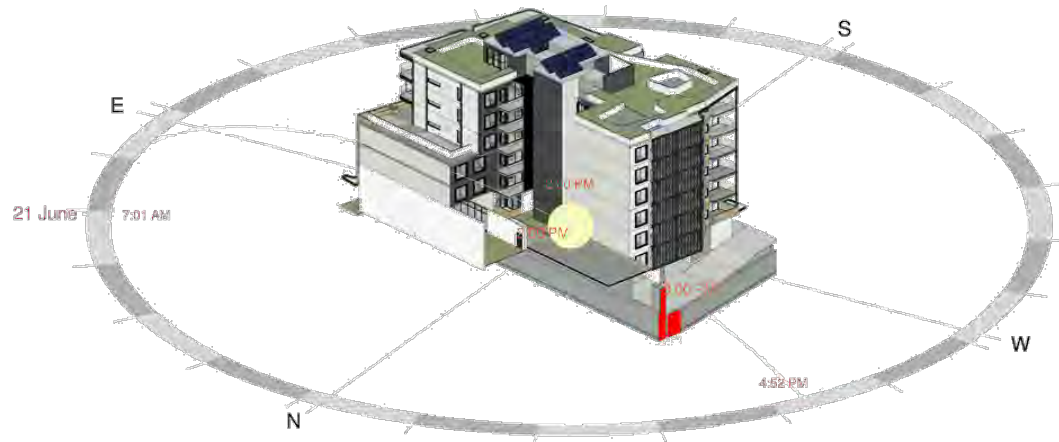
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 Noni Patel / Alex Brown
 4 Alexander Road, Rockdale NSW 1515

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 S96 - 119
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**Solar Compliance**

Unit No.	Hours of Solar Access
101	1.0
102	1.0
103	0.0
104	1.0
105	1.5
106	1.0
107	3.0
201	2.0
202	1.0
203	1.0
204	1.0
205	0.0
206	1.0
207	1.5
208	1.0
301	2.0
302	0.5
303	0.5
304	0.5
305	0.0
306	1.0
307	1.5
308	1.0

Solar Compliance

Unit No.	Hours of Solar Access
401	3.0
402	4.5
403	1.5
404	1.0
405	1.5
406	1.0
501	2.0
502	4.5
503	1.0
504	1.0
505	1.5
506	1.0
601	2.5
602	5.0
603	5.0
604	5.0
605	2.5
606	5.5
607	1.5
608	1.0

Solar Summary - 2:00pm

Complies to Min. 8Hr Solar Access to Bedroom & Living Room Glazing
13
 Receive Solar Access
40
 Receive No Solar Access
3

Cross Ventilation

No. of Cross Ventilated Apartments
24 (60.8%) COMPLIES

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 S96 - 121

PLACE
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Solar - Level 1 - 2pm
 1:500



Solar - Level 2 - 2pm
 1:500



Solar - Level 3 - 2pm
 1:500



Solar - Level 4 - 2pm
 1:500



Solar - Level 5 - 2pm
 1:500



Solar - Level 6 - 2pm
 1:500



Solar Compliance	
Unit No.	Hours of Solar Access
101	1.0
102	1.0
103	0.0
104	1.0
105	2.0
106	1.0
107	3.0
201	2.0
202	1.0
203	1.0
204	1.0
205	0.0
206	1.0
207	2.0
208	1.0
301	2.0
302	0.0
303	0.0
304	0.0
305	0.0
306	1.0
307	2.0
308	1.0

Solar Compliance	
Unit No.	Hours of Solar Access
401	2.0
402	3.0
403	1.0
404	1.0
405	2.0
406	1.0
501	2.0
502	5.0
503	1.0
504	1.0
505	2.0
506	1.0
601	3.0
602	5.0
603	5.0
604	5.0
605	3.0
606	4.0
607	2.0
608	1.0

Solar Summary - 2.30pm
 Complies to Min. 5Hr Solar Access to Balcony & Living Room Glazing
19
 Receive Solar Access
40
 Receive No Solar Access
3

Cross Ventilation
 No. of Cross Ventilated Apartments
24 (60.8%) COMPLIES

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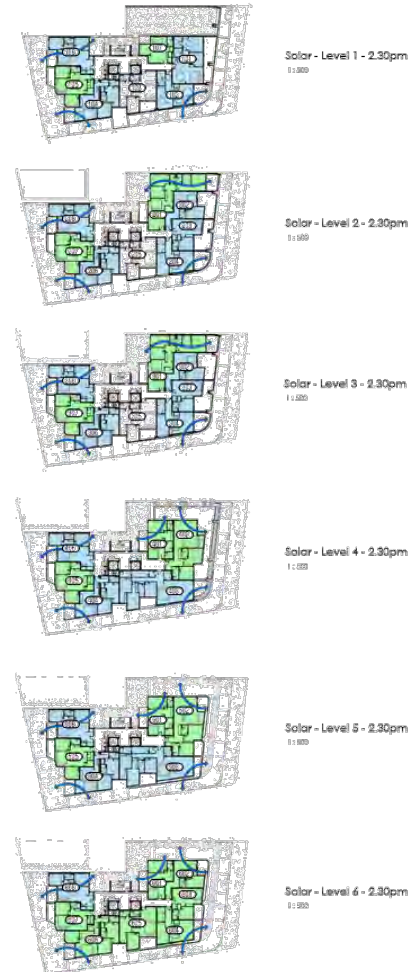
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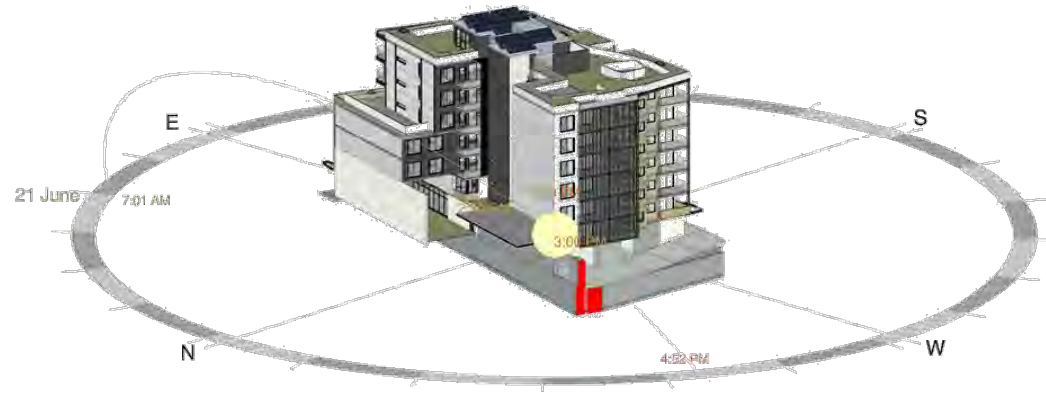
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 Nominated Architects
 J. Alexander-Hodgson 18338 (NSW)

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 Solar Studies 2.30pm
 S96 - 122

PLACE
 S T U D I O





Solar Compliance

Unit No.	Hours of Solar Access
101	1.0
102	1.0
103	0.0
104	2.0
105	2.5
106	2.0
107	4.0
201	3.0
202	1.0
203	1.0
204	1.0
205	0.0
206	2.0
207	2.5
208	3.0
301	3.0
302	0.5
303	0.5
304	0.5
305	0.0
306	2.0
307	2.5
308	2.0

Solar Compliance

Unit No.	Hours of Solar Access
401	3.0
402	3.5
403	1.5
404	2.0
405	2.5
406	2.0
501	3.0
502	5.5
503	1.0
504	2.0
505	2.5
506	2.0
601	3.5
602	4.0
603	4.0
604	4.0
605	3.5
606	4.5
607	2.5
608	2.0

Solar Summary - 3:00pm
 Complies to Min. 3H Solar Access to Bedroom & Living Room Glazing
30 (6.8%)
 Receive Solar Access
40
 Receive No Solar Access
3 (6.9%) COMPLIES

Cross Ventilation
 No. of Cross Ventilated Apartments
24 (6.8%) COMPLIES



Solar - Level 1 - 3pm
1:1000



Solar - Level 2 - 3pm
1:1000



Solar - Level 3 - 3pm
1:1000



Solar - Level 4 - 3pm
1:1000



Solar - Level 5 - 3pm
1:1000



Solar - Level 6 - 3pm
1:1000

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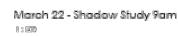
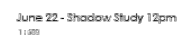
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Shadow Study 9AM, 12PM, 3PM
S96 - 103

PLACE
STUDIES



TRAFFIC IMPACT ASSESSMENT

401-405 PRINCES HIGHWAY, ROCKDALE

Prepared for:	Place Studio Aus 24 Pty Ltd
Date Prepared:	Aug 2019
Revision:	1.2
Bayside Council #:	TBC



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401-405 Princes Hwy, Rockdale

by SafeWay TMS



1. Introduction

Safeway has been commissioned by Place Studio Aus 24 Pty Ltd to undertake a Traffic Impact Assessment of the section 96 proposal for a mixed-use development comprising of 379sqm of commercial area, 43 residential apartments and 3 basement car park levels containing 60 car spaces including a car wash bay. The development is located the Bayside Council Local Government Area (LGA) and has been assessed under Rockdale Development Control Plan 2011 (DCP).

The existing approval for the site is for a development containing 326sqm commercial space, 39 residential apartments and a total of 75 car parking spaces within the basement.

This report entails our investigations and assesses the impacts of this proposed development on the surrounding environment and assesses compliance with the DCP and the relevant Australian Standards. This development would not require referral to the Roads and Maritime Services (RMS) under the provisions of SEPP (infrastructure) 2007.

2. Site Location

The site is situated on the north - western corner of the Princes Highway and Fox Lane intersection. It is also situated approximately 390m from Banksia train station, 410m from Rockdale train station, and in walking distance to local shops, Rockdale library and Rockdale Public School. It has a 26m frontage along Princes Highway and 43m frontage length within Fox Lane.

The site is zoned B4 mixed use the Rockdale Local Environmental Plan 2011 (RLEP). The site location is depicted in Figure 1 and an aerial photograph is depicted in figure 2.

401-405 Princes Hwy, Rockdale

by SafeWay TMS



Figure 1: Street Map

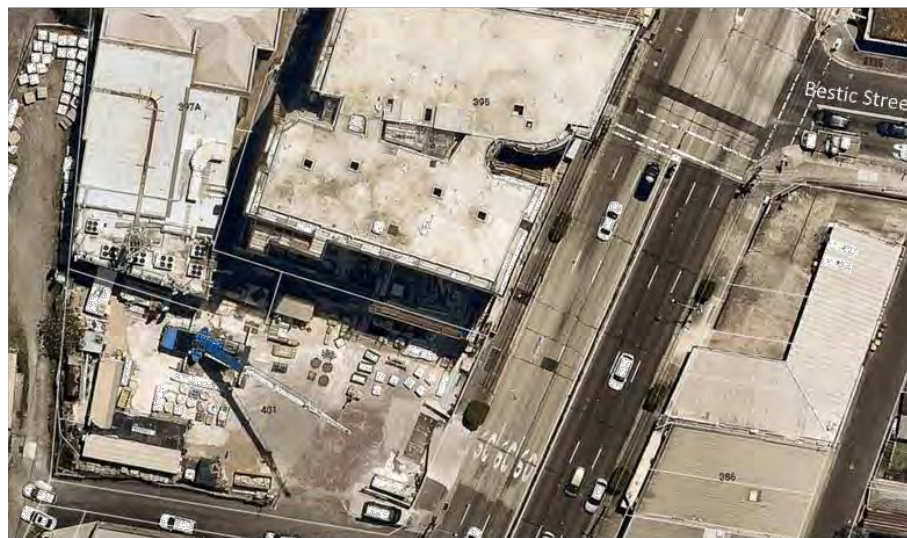


Figure 2: Site Plan

401-405 Princes Hwy, Rockdale

by SafeWay TMS



3.0 Existing Traffic Conditions

3.1 Road Network

The road hierarchy of the network surrounding the site are described below.

- Princes Highway:** A classified state road which typically provides three traffic lanes in each direction in the vicinity of the site, with kerbside parking permitted outside commuter peak periods. The Princes Highway provides which provides the key north-south link to the area providing a connection between St Peters to Heathcote. The road has a 60km/h posted speed limit.
- Bestic Street:** A regional collector road which runs in an east-west direction between Princes Highway and the Grande Parade. It is approximately 2.1km long and has a posted 60km/h speed limit.
- Fox Lane:** A local unclassified road which runs in an east-west direction and is a no through road which operates as an access road.

3.2 Public Transport

The existing bus and train services that operate in the locality are depicted in Figure 4. The site is located approximately 390m from Banksia Railway station and 410m from Rockdale Railway Station. The Rockdale Railway Station provides services along the Eastern suburbs and Illawarra Line which provides services to Sydney CBD, Bondi Junction and Cronulla.

In addition to frequent train services numerous bus services operate in the vicinity of the site, buses are accessible along Villiers Street, Bryant Street and Railway Street.

- 473
- 422
- 420
- N10
- N11
- N20

401-405 Princes Hwy, Rockdale

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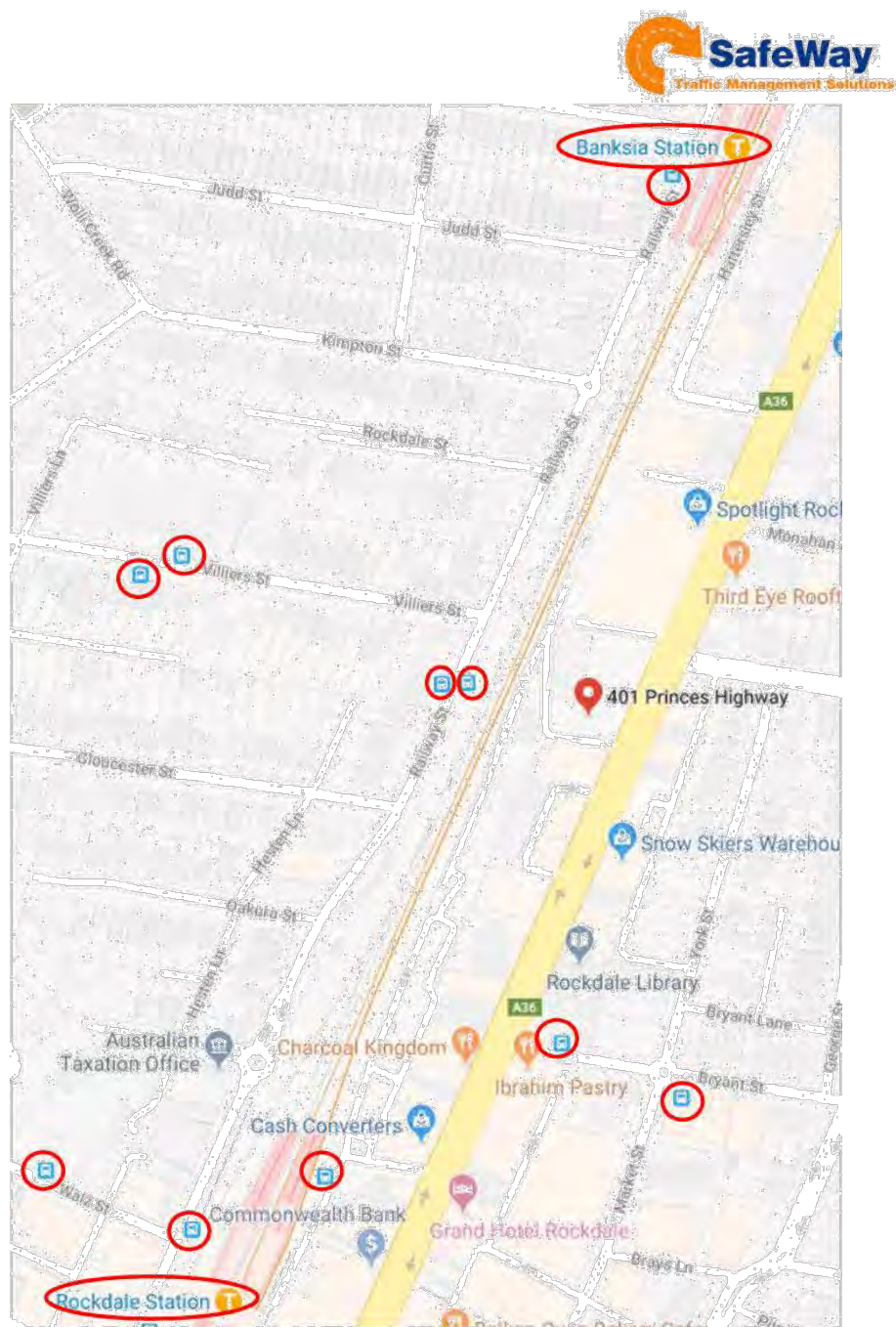


Figure 3: Public Transport Map

401-405 Princes Hwy, Rockdale

by SafeWay TMS



3.3 Active Transport

The site is well serviced by pedestrian routes as footpaths are provided along both sides of Princes Highway and generally along both sides of all connecting streets. Traffic signals in the vicinity also accommodate pedestrian needs. Footpaths encourage people to walk to their destination by providing them with a convenient place to walk to reach their destination whilst attaining exercise simultaneously.

3.4 Existing Site Traffic Generation

The site is currently vacant however there is an existing approval for the development of a mixed-use building accommodating 39 residential apartments, 326sqm commercial space and 75 car parking spaces. The commercial component required 7 dedicated parking spaces to comply with Council's DCP. In this regard, 68 spaces would have been dedicated for the residential component. Calculations based on Traffic Generating Development TDT 2013/04a specify that residential car parking spaces generate 0.35 trip in the AM peak and 0.26 trips in the PM peak. As such the approved development would generate 6.52 movements from the commercial component during the PM peak and 17.68 from the residential component in the PM peak – totalling 23.92 movements in the PM peak.

4 Description of Proposed Development

The proposed development maintains the mixed-use nature of the existing approval however proposes to reduce the overall footprint of the development. The proposed development will include:

- 384sqm commercial space
- 43 residential dwellings
- 59 car parking spaces
- 1 car wash bay

This is an increase of 4 residential units, increase of 58sqm of commercial space, and reduction of 16 car parking spaces.

5 Traffic Generation and Impact of the Proposed Development

The Guide to Traffic Generating Development stipulates that office and commercial developments generate 2 vehicle movements, in the evening peak hour, per 100sqm of




gross floor area. Application of this rate to the proposed development shows that the proposed commercial component will generate 7.68 vehicle movements in the evening peak hour. As discussed in section 3.4 - TDT 2013/04a specifies residential car parking spaces generate 0.35 trip in the AM peak and 0.26 trips in the PM peak. The commercial component is shown on the plans to provide 9 car parking spaces, as discussed in section 6.1 of this report, thereby ensuring 50 spaces dedicated to the residential component. As such the residential component would generate 13 vehicle movements.

In total the proposed development would generate 20.68 movements in the PM peak. Deducting the traffic generation of the approved DA for the site, discussed in section 3.4 of this report, the proposed site will result in a reduction in traffic generation. The proposed site will generate 3.24 movements less than the existing approval for the site.

6 Parking Requirements and Car Park Compliance


6.1 Rockdale Development Control Plan 2011

The relevant development guidelines, being Rockdale Council DCP 2011 - part 4 and SEPP 65 – Apartment Design Guide, provide specific requirements for residential dwellings and commercial uses. Figure 4 provides a copy of the rates from the DCP and figures 5 and 6 provide a copy from SEPP 65 and RMS Traffic Generating Development respectively.



Land Use	Vehicle	Bicycle	Motorcycle
Residential			
Dwelling House/Dual Occupancy	<ul style="list-style-type: none"> 1 space/dwelling with 2 bedrooms or less 2 spaces/dwelling with 3 bedrooms or more 	-	-
Secondary Dwelling	-	-	-
Multi Dwelling Housing/ Residential Flat Buildings/ Shoptop Housing	<ul style="list-style-type: none"> 1 space/studio, 1 and 2 bedrooms apartments 2 spaces/3 bedrooms apartments or more Visitor parking: 1 space/5 dwellings 	1 space/10 dwellings	1 space/15 dwellings
Retail and Commercial			
Shops			
Retail Premises			
Take-away Food and Drink Premises			
Restaurants		1 space /200m ²	
Amusement Centres		GFA, with	1 space/20 car spaces
Office Premises	• 1 space/40 m ² GFA	15% to be accessible by visitors	
Home Business			
Health Service Facilities			
Recreational Facilities (Indoor)			
Sex Service Premises			
Nightclubs			

Figure 4: DCP Parking Requirement



Objective 3J-1
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

Design criteria

1. For development in the following locations:
 - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
 - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

The car parking needs for a development must be provided off street

Figure 5: SEPP 65 – Apartment Design Guide



Parking.

The recommended minimum number of off-street resident parking spaces is as follows:

Metropolitan Regional (CBD) Centres:

- 0.4 spaces per 1 bedroom unit.
- 0.7 spaces per 2 bedroom unit.
- 1.20 spaces per 3 bedroom unit.
- 1 space per 7 units (visitor parking).

Metropolitan Sub-Regional Centres:

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

Metropolitan Regional Centres (Central Business District) provide high levels of local employment as well as access to rail and bus services and therefore may have less parking requirements.

The recommended minimum number of off-street visitor parking spaces is one space for every 5 to 7 dwellings. Councils may wish to reduce this requirement for buildings located in close proximity to public transport, or where short term unit leasing is expected.

Figure 6: Traffic Generating Development

The proposed apartment mix is as follows:

- 1 x studio
- 14 x 1-bedroom units
- 23 x 2-bedroom units
- 5 x 3-bedroom units

As specified in SEPP 65, for developments within 800m of a railway station in the Sydney Metropolitan Area, the minimum car parking requirements for residents and visitors is determined by the lesser of that required by the Guide for Traffic Generating Developments or Councils DCP. In this regard the RMS Guide for Traffic Generating Development adheres to the specification in SEPP 65. In this regard the following table breaks down the car parking requirement for the site.

Calculations stipulate the following minimum parking requirements:

401-405 Princes Hwy, Rockdale

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Specification	RMS Parking Rate	Number of units	Parking Requirement
Studio	0.6 space	1	0.6
1 Bedroom	0.6 space	14	8.4
2 Bedroom	0.9 space	23	20.7
3 Bedroom	1.4 space	5	7
Visitors	1 space per 5 units	43	8.6
Total			45.3

Rockdale DCP 2011 requires 1 space per 40sqm GFA for retail and commercial uses. It continues to specify, in Part 4 of the DCP, that a 20% reduction shall be applied for 'non-residential components within the Rockdale Town Centre'. In this regard the commercial component requires a total of 7.68 car parking spaces – after application of the 20% reduction (as specified in the DCP).

Therefore, the total number of spaces required for this development is 53 car parking spaces. The proposed site exceeds the minimum number of required spaces through provision of 59 car parking spaces plus an additional car wash bay and off-street loading bay (suitable for a small rigid vehicle). Of the 59 car parking spaces, 7 are dedicated as disabled parking spaces.

Based on the above, the proposed development satisfies the requirements of the DCP with regards to car parking and car wash bay provision.

As stated above, 8 spaces are required for the commercial component. Plans depict that this requirement is satisfied through the dedication of 9 dedicated commercial (standard) car spaces along with 2 disabled bays for visitors of the site which may be utilised by people with mobility impairment. In addition the development proposes 2 motorbike spaces and also 5 bicycle parking spaces, on basement level 1, to encourage active transport.

In regard to the loading bay, the DCP Part 7 (point 9) states "No on-site bay is required for developments with less than 1000sqm of retail". DCP Part 7 (point 10) states "despite the requirements of the Parking and Loading Technical Specification, developments which contain residential accommodation are only required to provide on-site loading for removalists for a small rigid vehicle". An on-site loading bay is provided situated on ground floor and is capable of accommodating a small rigid vehicle.

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6.2 Parking Bay Dimensions

According to Australian Standard AS2890.1-2004 the proposed development's parking bays would be categorised as a User Class 1 and 1A, namely:

Employee and Commuter parking (Class 1) and Residential, domestic and employee parking (Class 1A).

The requirements for User Class 1 and User Class 1A car parks, as specified in the Australian Standards, are as follows:

- Bay width 2.4m or 2.3m for small cars;
- Bay length 5.4m or 5.0m for small cars; and
- Aisle width 5.8m.

The proposed development provides parking bays with minimum dimensions of 2.4m by 5.4m and circulation aisles with a minimum width of 5.8m. In this regard these dimensions are compliant with Australian Standards (AS/NZS 2890.1-2004) and it is expected that they will operate in a safe and efficient manner.

6.3 Blind Aisles

According to AS2890.1-2004 (Clause 2.4.2(c)), blind aisles must be extended by a minimum of 1m beyond the last parking space. Where a parking space is bound by a wall, it is required to be widened by at least 0.3m.

The proposed development basement parking level complies with these specifications as a minimum of 1m beyond the last parking space and provision of an additional 300mm is available for parking spaces bound by a wall.

6.4 Access to the Car Park

Access to the car park is provided from Fox Lane which is an access laneway situated along one of the sites frontages. The driveway location also complies with Figure 3.1 of AS2890.1-2004 and is not situated in an area identified as prohibited. Maintaining access via the laneway ensures that there is no impact on Princes Highway in regards to risk of conflict

401-405 Princes Hwy, Rockdale

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with any vehicles, pedestrians or cyclists. The proposed driveway measures 5.795 metres in width, not including the splays.

Figure 7 below shows snips from the Australian Standards which define the required width of the driveway access.

TABLE 3.1
SELECTION OF ACCESS FACILITY CATEGORY

Class of parking facility (see Table 1.1)	Frontage road type	Access facility category				
		Number of parking spaces (Note 1)				
		<25	25 to 100	101 to 300	301 to 600	>600
1, 1A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
2	Arterial	2	2	3	4	5
	Local	1	2	3	4	4
3, 3A	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

TABLE 3.2
ACCESS DRIVEWAY WIDTHS

metres			
Category	Entry width	Exit width	Separation of driveways
1	3.0 to 5.5	(Combined) (see Note)	N/A
2	6.0 to 9.0	(Combined) (see Note)	N/A
3	6.0	4.0 to 6.0	1 to 3
4	6.0 to 8.0	6.0 to 8.0	1 to 3
5	To be provided as an intersection, not an access driveway, see Clause 3.1.1.		

NOTE: Driveways are normally combined, but if separate, both entry and exit widths should be 3.0 m min.

Figure 7: AS2890.1-2004 min driveway width

Based on the table above residential uses with local street access and have parking for between 25 to 100 vehicles are identified as category 1. Considering the commercial use and applying the dedicated parking which is far less than the specified 25 spaces the development would still be identified as category 1. Therefore a minimum driveway width



of 3-5.5m is required. As discussed the proposed development accommodates a 5.795m driveway.

6.5 Loading Area

As discussed in section 6.1 there is a dedicated loading bay situated on ground floor along the driveway access to the site. The loading bay satisfies the DCP requirement specifying the need for an off-street loading bay, suitable for accommodating small rigid vehicles. The bay is suitable for deliveries and small removalist vehicles which may need to pick up or drop off goods to the either component within the site.

6.6 Disabled Parking

The proposed development's design includes 7 parking spaces for the mobility impaired. Australian Standard AS2890.6:2009, stipulates the following requirements for these spaces:

- A parking space of minimum dimensions 2.4m x 5.4m; plus
- An adjacent shared space of equal dimensions; and
- Indication of appropriate markings and bollard instalment along the shared space.

The proposed development's parking bays for the mobility impaired complies with these specifications and will provide bollards situated in accordance with the requirement of AS2890.6-2009.

6.7 Ramp Gradients

AS 2890.1-2004 states the grade requirements for straight ramps at private or residential car parks as follows:

- (i) *Longer than 20m – 1 in 5 (20%) maximum.*
- (ii) *Up to 20m long – 1 in 4 (25%) maximum. The allowable 20m maximum length shall include any parts of grade change transitions at each end that exceed 1 in 5 (20%).*



- (iii) *A stepped ramp comprising a series of lengths each exceeding 1 in 5 (20%) grade shall have each two lengths separated by a grade of not more than 1 in 8 (12.5%) and at least 10m long.*
- (iv) *The maximum gradient for a domestic driveway shall be 1 in 4 (25%).*

The gradients of the ramp within the car park comply with the requirements of AS2890.1-2004 and AS2890.6-2004- as the maximum gradient measures 1:5 transitioning to 1:8.

6.8 Circulation Roadways and Ramps

The ramp circulation and roadway dimensions are specified within AS2890.1-2004. Figure 6 presents snips specifying the respective designs.

- (a) *Straight roadways and ramps—as follows:*
 - (i) One-way roadways or ramps—3.0 m minimum between kerbs (see also Item (c)).
 - (ii) Two-way roadways or ramps—5.5 m minimum between kerbs (see also Item (c)).
 - (iii) Double roadways or ramps—where there are to be two parallel roadways or ramps, separated by a raised median or separator, each roadway or ramp shall be designed as a one-way roadway or ramp, and the median or separator shall be 600 mm minimum in width and between 125 mm and 150 mm in height, the preferred height being 125 mm.

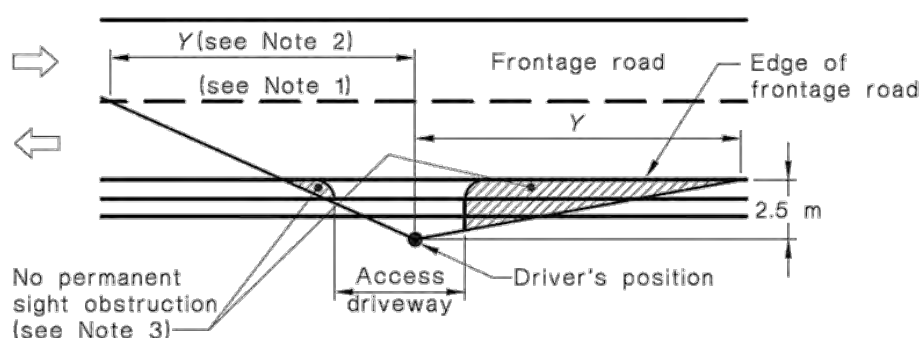
The development proposes a number of ramps enabling access to each basement level. The ramps in the development vary in widths, however in each instance meet or exceed the minimum 5.5m width specification.

Within the site it is recommended that convex mirrors be conditioned for implementation at the base of each ramp and also at the bend on the ground floor where the driveway leads to the ramp. These mirrors will enable motorists to see vehicles approaching in the opposite direction and ensure that they are able to navigate accordingly.



6.9 Sight Distance for Vehicles

Fox Lane access road, situated at the rear of the site, is considered a local road with a default urban speed limit of 50km/h. Referring to Figure 3.3 of AS 2890.1:2004, it is recommended to leave the shaded area in the figure below (excerpt from AS 2890.1:2004) free of permanent obstacles for a length 'Y' of 69 [m].



Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2 nd and 3 rd columns
100	139	160	
110	153	190	

Figure 8: AS2890.1:2004 Sight Line Specification

In the vicinity of the subject site the unnamed access road is relatively straight and flat, sight lines are deemed satisfactory as there are no permanent obstructions.



6.10 On-Street Parking

Princes Highway has existing 'No Stopping' restrictions along its frontage, however there is available on street parking within the surrounds of the site. Some parking is available within Fox lane toward the cul-de-sac on the north-western end. There are also a number of streets within walking distance to the site which accommodate on-street parking.

6.11 Swept Paths

Swept path assessments have been undertaken for the critical car spaces and access analysing relevant Australian Standard Vehicles. These swept paths are presented in Appendix B of this document. Based on these swept paths, it is noted that the anticipated manoeuvres by these vehicles can be sufficiently accommodated within the proposed design constraints, whereby they can enter the site manoeuvre internally and exit the site in a forward direction.

7 Conclusions and Recommendations

- The traffic generation from the proposed section 96 will result in a reduction of 3.24 vehicle movements in the peak period. This will benefit the surrounding road network by reducing the number of vehicles generated;
- It is recommended that a condition of consent is applied ensuring that convex mirror are implemented at the base of each ramp, at the sharp turns within the basement and also along the curved section on the ground floor leading to the ramp;
- The 59 car parking spaces and carwash bay satisfy the requirements specified within SEPP 65 - Apartment Design Guide. Occupants are expected to utilise alternate transport measures such as public transport, cycling and walking;
- Based on the assessment presented in this report, it is considered that after an inspection the car parking design of the proposed development generally satisfies the relevant design standards presented in AS 2890.1-2004 and AS2890.6-2004;
- The proposed development embraces the policies of the Rockdale Council DCP and seeks to provide employment and encourage sustainable transport measures.



Overall the proposed development is supportable on traffic planning grounds and will operate in satisfactorily.

401-405 Princes Hwy, Rockdale

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Appendix

401-405 Princes Hwy, Rockdale

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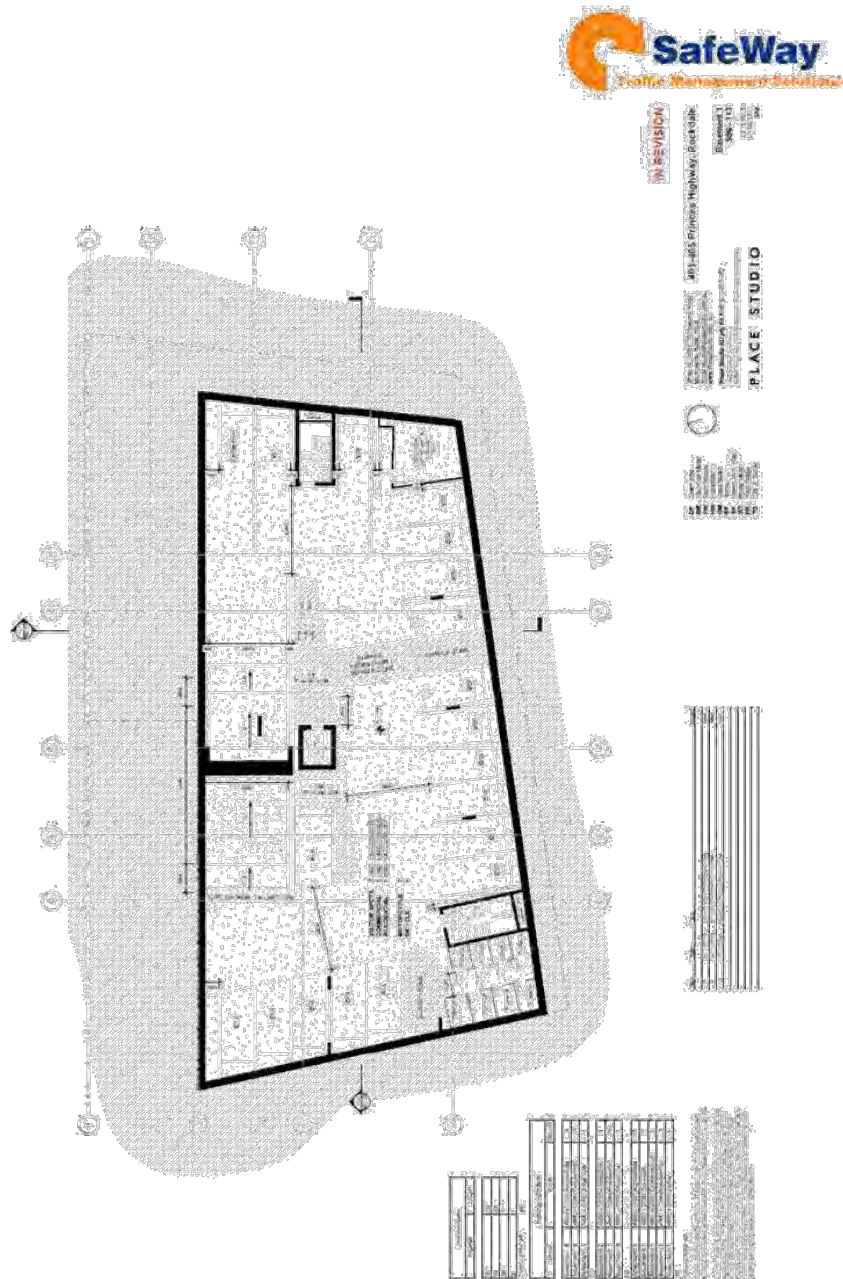


Appendix A: Reduced Plans



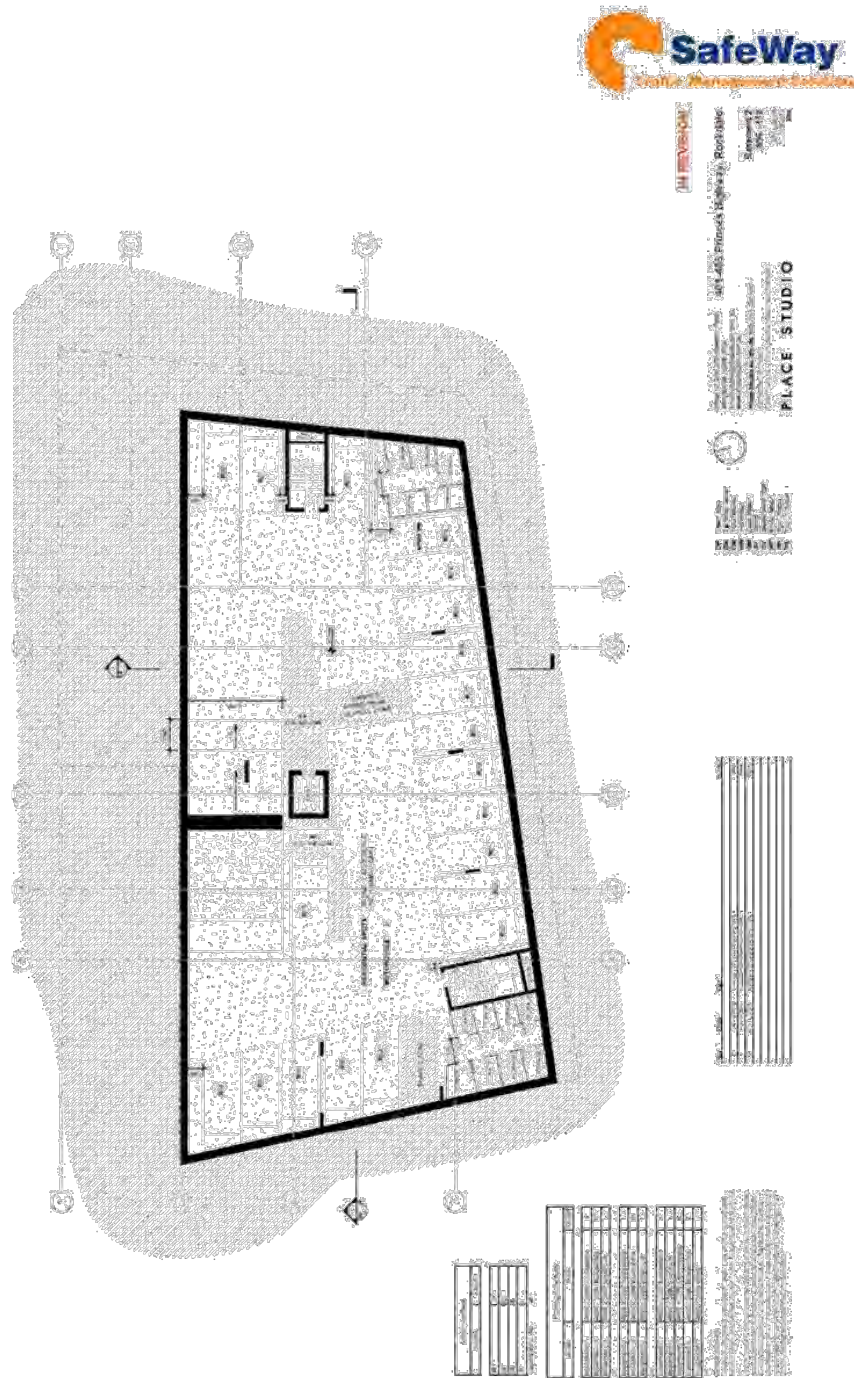
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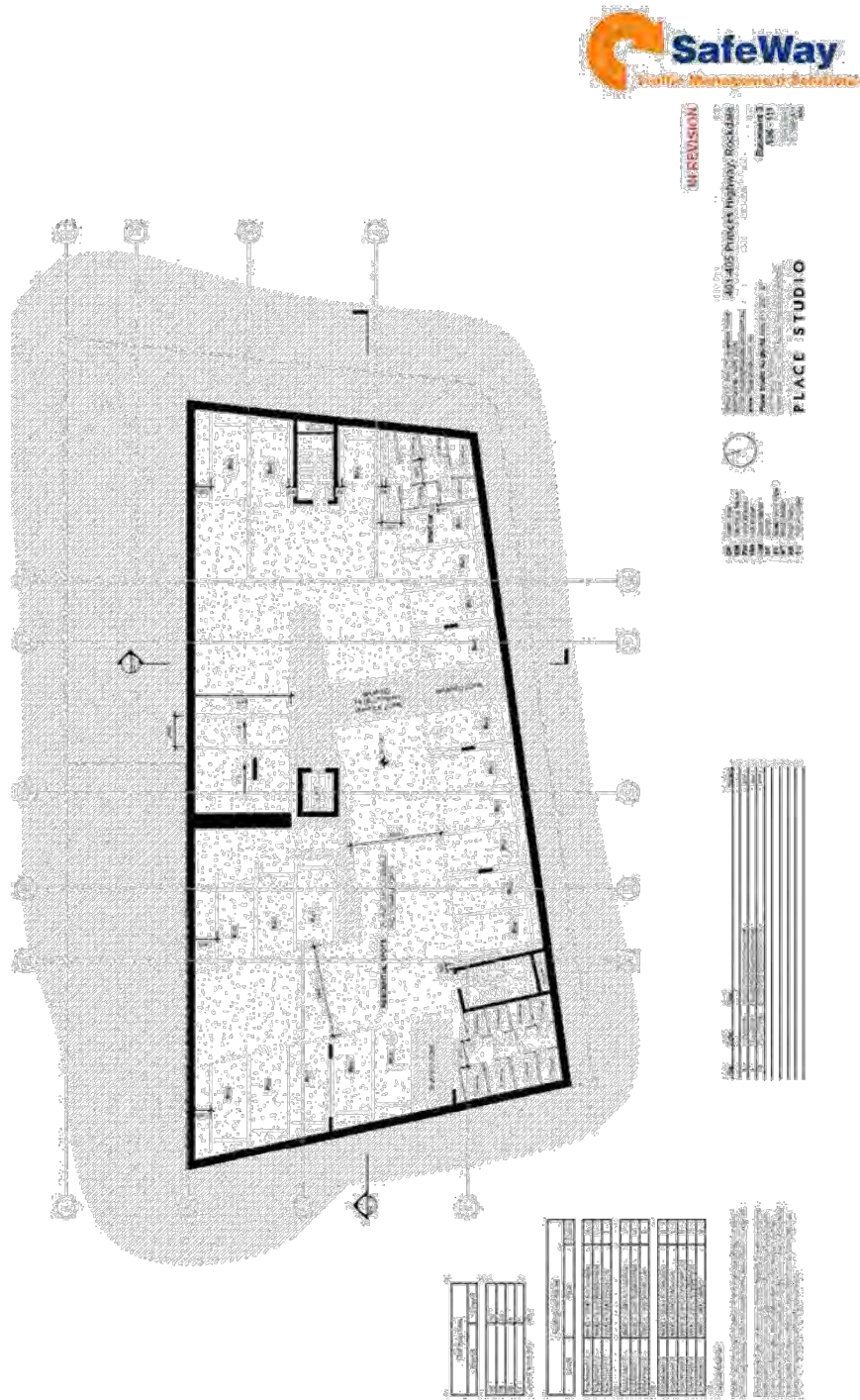
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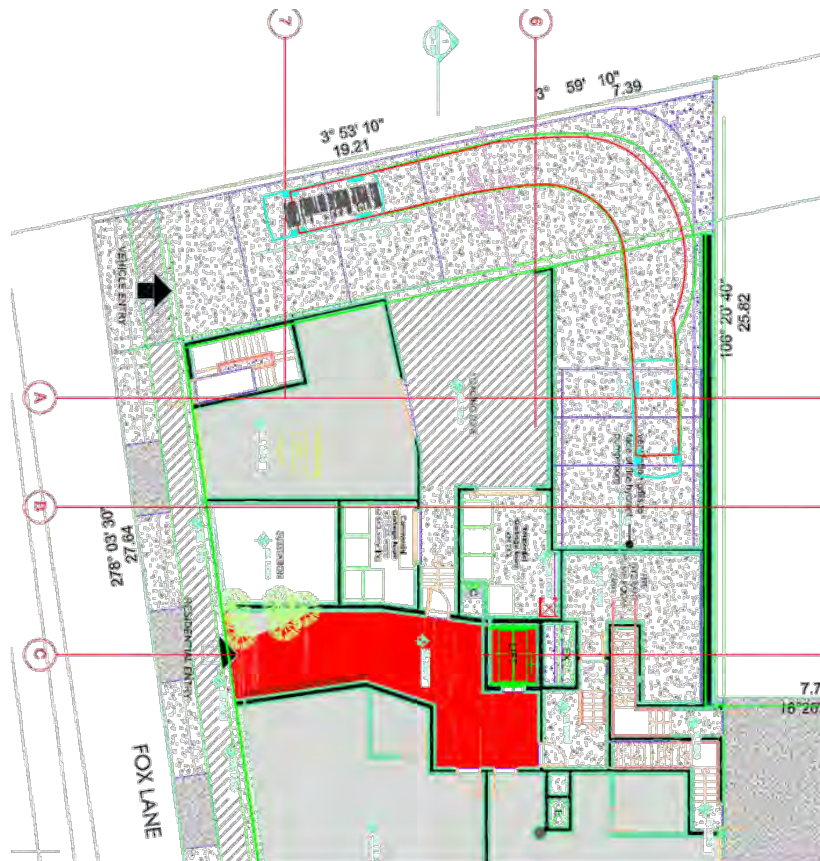


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Appendix B: Swept Paths



Vehicle entering site (GF)

401-405 Princes Hwy, Rockdale

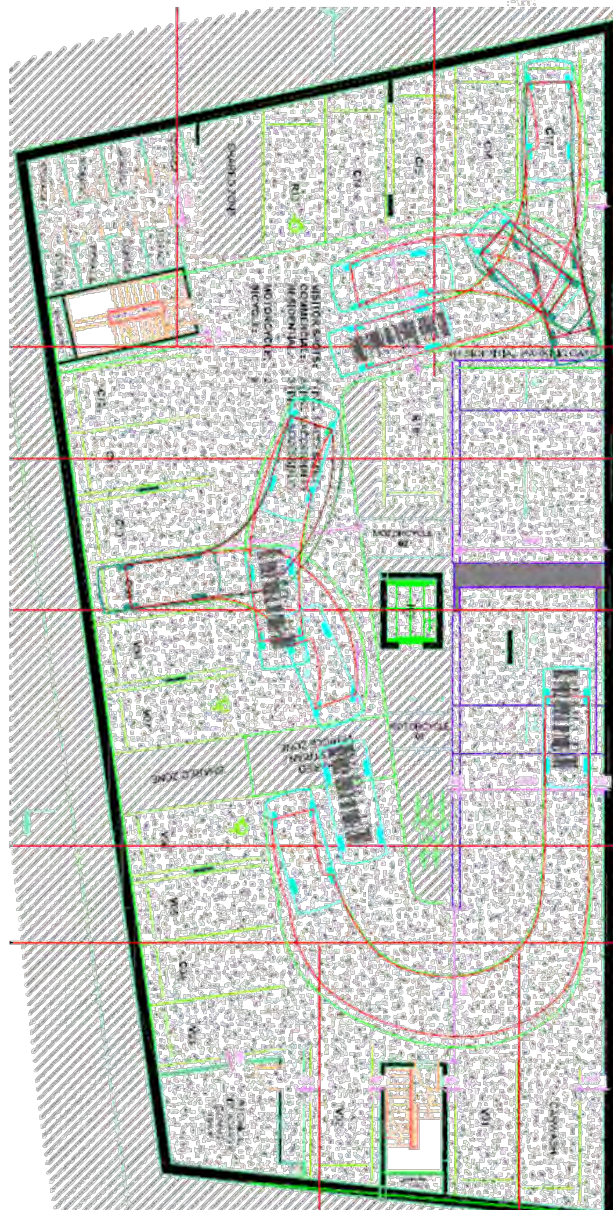
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SRV Entering and Exiting Loading Bay

401-405 Princes Hwy, Rockdale

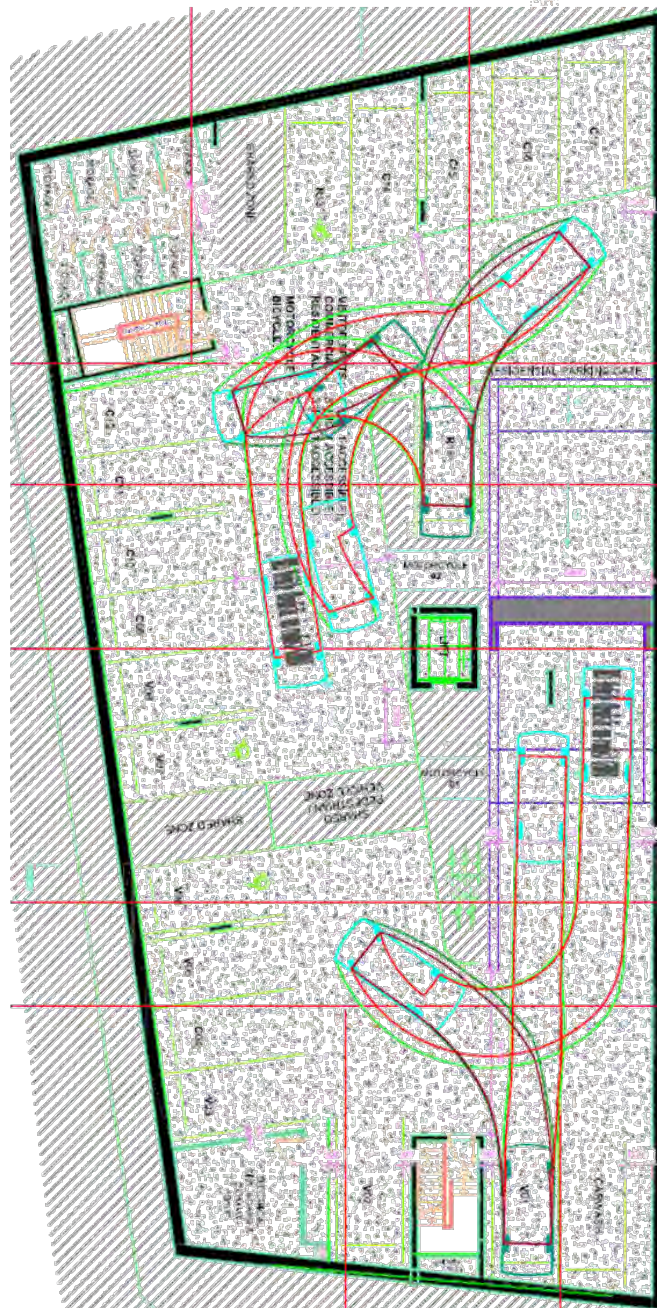
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Vehicle entering B1, vehicle entering and exiting spaces C09 and C17 (B1)

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Entering and exiting spaces V01 and R18 (B1)

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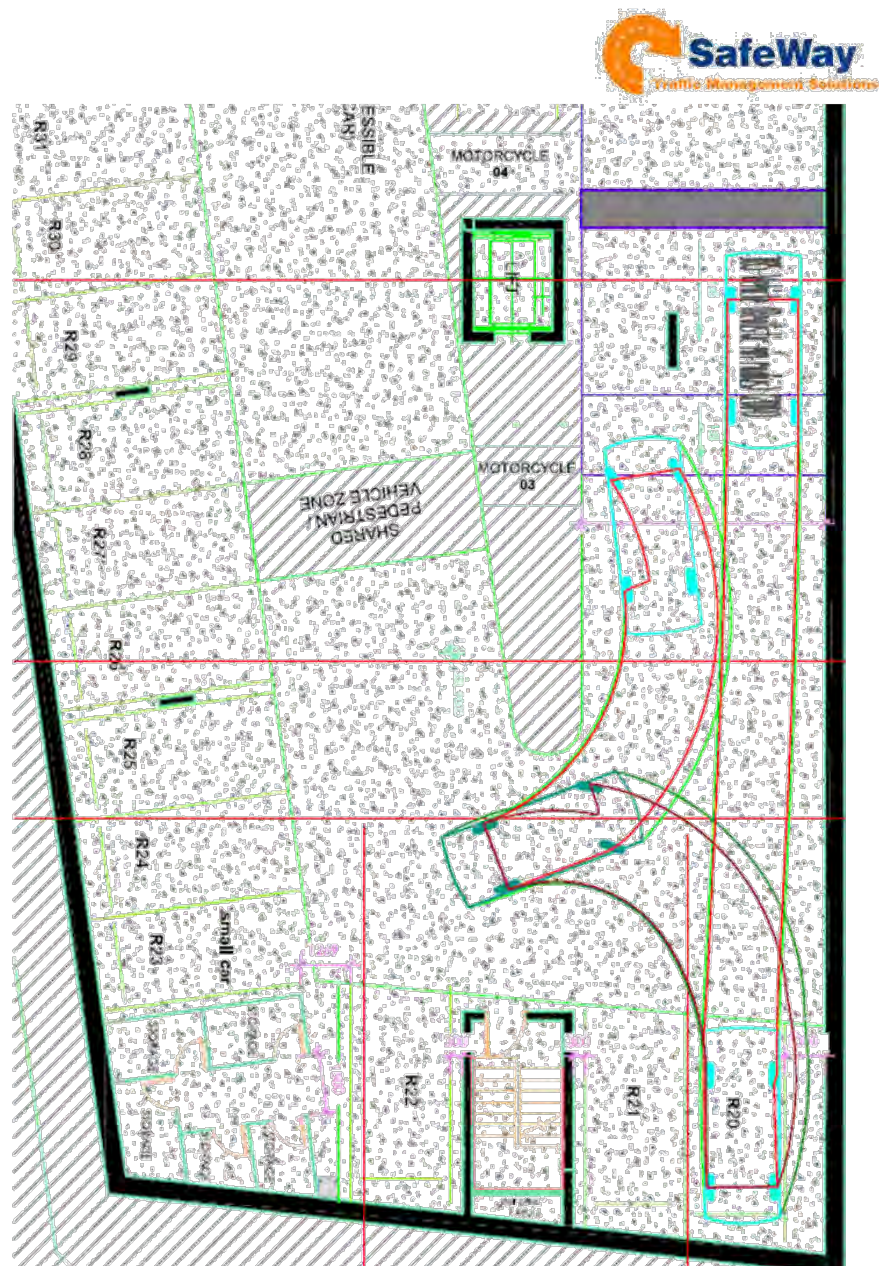
by SafeWay TMS



Entering and exiting space V03 (B1)

401-405 Princes Hwy, Rockdale

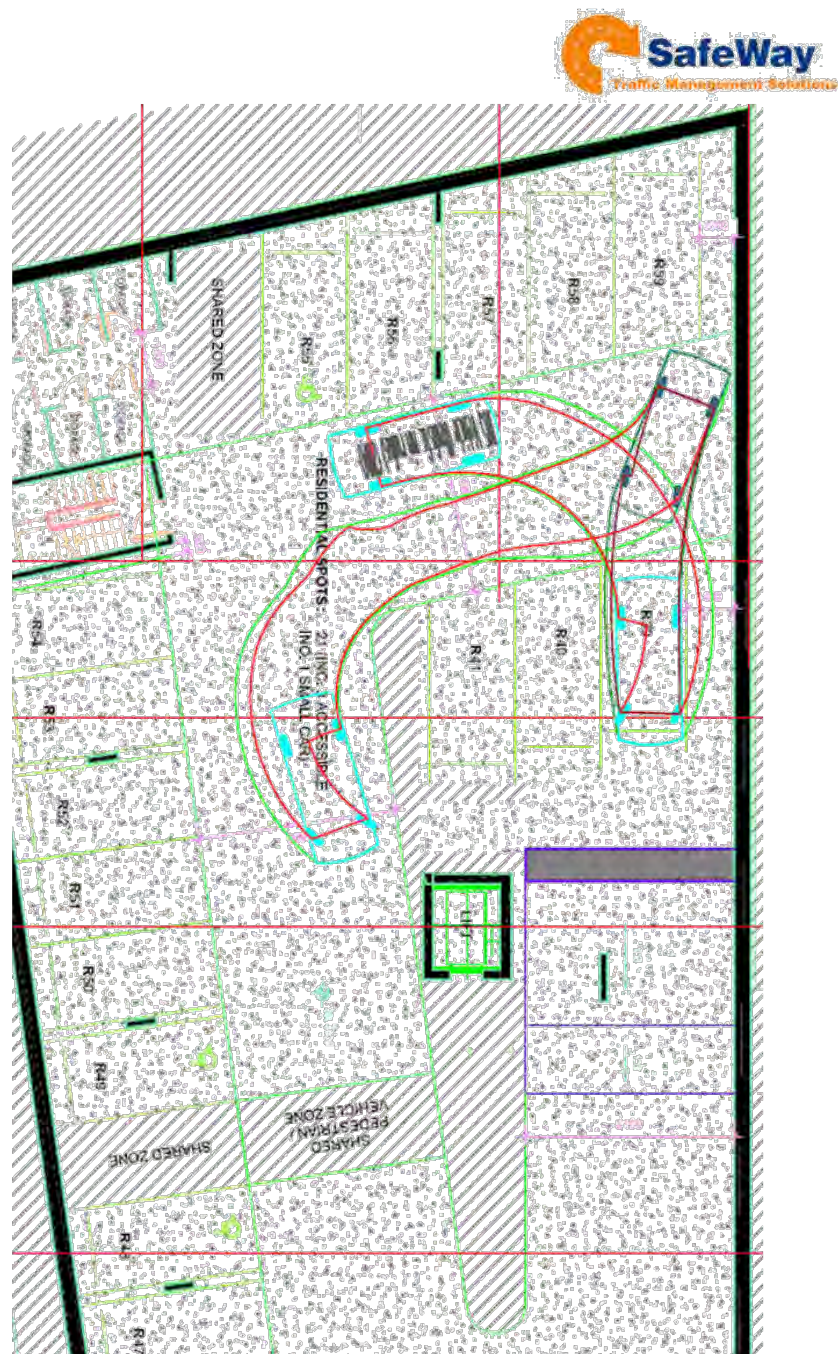
by SafeWay TMS



Entering and exiting space R20 (B2)

401-405 Princes Hwy, Rockdale

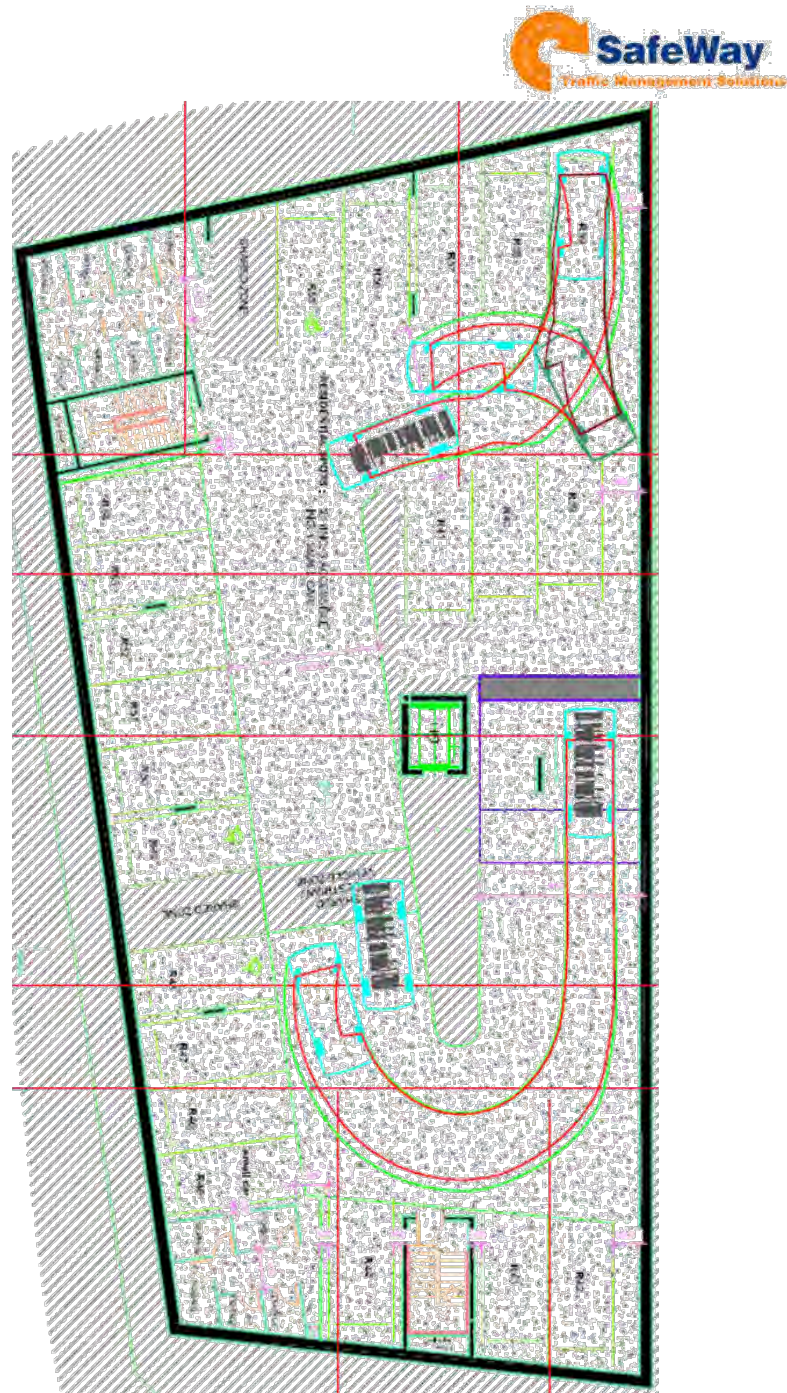
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Entering and exiting space R39 (B3)

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by SafeWay TMS



Entering B3 and entering and exiting space R59 (B3)

401-405 Princes Hwy, Rockdale

by SafeWay TMS



Holmes Fire LP

Level 2, 414 Kent Street, Sydney, NSW 2000
 Level 8, 757 Ann Street, Fortitude Valley, QLD 4006

holmesfire.com

DEVELOPMENT APPLICATION

To:	Bayside Council	Project:	138904.00
Date:	28 June 2019	Version:	A
Subject:	401-405 Princes Highway, Rockdale, NSW		

To Whom it May Concern,

This letter is to advise that Holmes Fire has been engaged by Hellubloott Pty Ltd to provide fire engineering services for the proposed mixed use development at 401-405 Princes Highway, Rockdale, NSW.

As outlined herein, it is considered that performance based fire engineering can be utilised to demonstrate compliance with the Performance Requirements of the BCA without major changes to the current design.

1 INTRODUCTION

The proposed building is to comprise commercial tenancies (Class 5 / 6) on Ground Floor, six levels of residential units (Class 2) on First Floor to Sixth Floor, three levels of basement carparking (Class 7a), and a communal rooftop terrace on Level 7. An external stairway in lieu of a fire isolated stair is to serve the residential levels, whereas two fire-isolated and pressurised stairways will serve the basement levels. It is anticipated that openings perpendicular to the path of travel to the road from the discharge point of the external stairway will be protected in accordance with the Deemed-to-Satisfy Provisions of the Building Code of Australia 2019 (BCA)¹.

The building is under 25 m in effective height (approximately 22 m), with a floor area greater than 6,000 m². The building will be sprinkler protected in accordance with the provisions of the recently adopted BCA 2019 for residential buildings with a rise in storeys of four or more.

2 PROPOSED PERFORMANCE SOLUTIONS

Holmes Fire will provide performance based fire engineering solutions. The performance based solutions will comply with the relevant Performance Requirements of the BCA. The design approach will be in line with the relevant sections of the International Fire Engineering Guidelines² and other acceptable guideline documents.

¹ Australian Building Codes Board, National Construction Code Series 2019, Volume 1, Building Code of Australia, Class 2 to Class 9 Buildings. Australian Building Codes Board, CAN, Australia, 2019.

² National Research Council of Canada; International Code Council, United States of America; Department of Building and Housing, New Zealand; and Australian Building Codes Board, International Fire Engineering Guidelines, Edition 2005, Australian Building Codes Board, 2005.



Australia Netherlands New Zealand

401-405 Princes Highway, Rockdale, NSW
 138904.00.DAL001

1

The Performance Solution designs will be developed in line with BCA Clause A2.2, as applicable; i.e. complying with the relevant Performance Requirements or by equivalence comparison with the Deemed-to-Satisfy Provisions.

The identified Performance Solutions required are listed in Table 2-1. Holmes Fire understands that all other aspects of the building will comply with the Deemed-to-Satisfy Provisions of the BCA.

Table 2-1: Proposed Performance Solutions

Issue	BCA Clause	Description	Performance Requirement
1.	D1.4(c)(i)	The maximum travel distance to a single exit from non-sole occupancy unit Class 2 areas is permitted to be 20 m. The travel distance to a single exit on the roof terrace will be approximately 26 m. A Performance Solution using a comparative approach is proposed, with consideration given to the open nature, automatic smoke detection and suppression systems, fire alarm system, and expected fire hazards on the roof terrace.	DP4 & EP2.2
2.	D1.7(b)	Fire-isolated stairs are required to discharge to a road, open space, or a covered area satisfying particular requirements. (a) The eastern fire-isolated stairs leading up from the basement levels discharge into a covered area that do not satisfy the requirements of the clause. (b) The northern residential stair discharges in an area requiring occupants to travel beneath the covered outdoor seating area to reach a road, not permitted by this clause. A Performance Solution using a comparative approach is proposed, with consideration given to the open nature, travel distance to the road, automatic smoke detection and suppression systems, fire alarm system, and expected fire hazards in the discharge area.	DP5 & EP2.2
3.	E1.3	Fire brigade booster assemblies are required be located not less than 10 m from any high voltage electrical equipment. The fire brigade booster in the subject building is proposed to be located 5 m from the substation. A Performance Solution using a comparative approach is proposed, with consideration to the natural gradient of the ground and water tight construction, including hobs, of the substation.	EP1.3



401-405 Princes Highway, Rockdale, NSW
138904.00.DAL001

2

3 SUMMARY

Based on Holmes Fire's review of the project documentation, it is considered that performance based fire engineering can be utilised to demonstrate compliance with the Performance Requirements of the BCA without major changes to the current design. Additional non-compliances may be identified as the design is further developed, however it is considered that there are no significant issues that would affect the building layout.

The information contained within this letter is based on the architectural drawings prepared by Place Studio, as listed below.

Dwg no.	Title	Date	Issue
S96 – 200	Basement 3	28 June 2019	O
S96 – 201	Basement 2	28 June 2019	O
S96 – 202	Basement 1	28 June 2019	O
S96 – 203	Ground Floor Plan	28 June 2019	O
S96 – 204	First Floor Plan	28 June 2019	O
S96 – 205	Second Floor Plan	28 June 2019	O
S96 – 206	Third Floor Plan	28 June 2019	O
S96 – 207	Fourth Floor Plan	28 June 2019	O
S96 – 208	Fifth Floor Plan	28 June 2019	O
S96 – 209	Sixth Floor Plan	28 June 2019	O
S96 – 210	Roof Plan	28 June 2019	O
S96 – 211	Floor Plan 2	28 June 2019	B

Please do not hesitate to contact Holmes Fire, should there be any queries about the above.

Regards,



Erik Carlsson

Branch Manager / Senior Fire Engineer

138904.00.DAL001



401-405 Princes Highway, Rockdale, NSW
138904.00.DAL001

3

Bayside Local Planning Panel

12/11/2019

Item No	6.5
Application Type	Development Application
Application No	DA-2019/117
Lodgement Date	03/04/2019
Property	19 Gladstone Street, Bexley
Ward	Ward 4
Owner	Mr Andrew Joseph Bova
Applicant	Mr Andrew Joseph Bova
Proposal	Demolition of existing structures and construction of part two (2) and part three (3) storey boarding house comprising 14 rooms with basement parking and single storey communal room
No. of Submissions	15 plus a petition containing 13 signatures
Cost of Development	\$1,706,072
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(3) of the Environmental Planning and Assessment Act 1979 grants DEFERRED COMMENCEMENT consent to development application DA-2019/119 for demolition of existing structures and construction of part two (2) and part three (3) storey boarding house comprising 14 rooms with basement parking and single storey communal room at 19 Gladstone Street, in accordance with the deferred commencement condition below:

The consent shall not operate until Council is satisfied as to the following matters:

- A) *An easement to drain water shall be legally registered with NSW Land Registry Services over the rear property at 26 Caledonian Street, Bexley benefiting the subject site 19 Gladstone Street, Bexley. The width, length and the location of the easement shall be in accordance with Stormwater management plan prepared by Donovan Associates drawing number E288259 sheet number D3, Revision D dated 26.03.2019.*
- B) *Boarding room 202 on the Level 02 Plan shall be deleted with the roof form lowered in height accordingly and the rear dormer deleted.*

The period of the Deferred Commencement is 12 months from the date of determination. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

Upon receiving written satisfaction from Council that the above requirements have been satisfied, your consent will become operable and will be subject to conditions.

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

Location Plan



Attachments

- 1 Planning Assessment Report [↓](#)
- 2 Site Plan [↓](#)
- 3 Streetscape Analysis [↓](#)
- 4 Elevations [↓](#)
- 5 Shadow Diagrams [↓](#)
- 6 Plan of Management [↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2019/117
Date of Receipt:	3 April 2019
Property:	19 Gladstone Street, BEXLEY (Lot 21 Sec4 DP 1680)
Owner:	Mr Andrew Joseph Bova
Applicant:	Mr Andrew Joseph Bova
Proposal:	Demolition of existing structures and construction of part two (2) and part three (3) storey boarding house comprising 14 rooms with basement parking and single storey communal room
Recommendation:	Deferred commencement
No. of submissions:	15 plus a petition containing 13 signatures
Author:	Patrick Nash
Date of Report:	23 October 2019

Key Issues

Bayside Council received Development Application No.2019/119 on 3 April 2019 seeking consent for demolition of the existing structures and construction of a part two (2) and part three (3) storey boarding house with basement parking.

The key issues identified in the assessment of the development application relate to:

- Proposed interface with adjoining low scale development and R2 - Low Density residential zone;
- Stormwater drainage and requirement for an easement;
- Character test in State Environmental Planning Policy (Affordable Rental Housing) 2009;
- Overshadowing impacts caused to neighbouring low-density residential properties;
- Landscaping design;
- Heritage; and
- Site isolation.

The applicant has provided amended plans and other supporting material to addresses the concerns raised by Council. The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for deferred commencement approval to address stormwater matters and delete boarding room 202 at the rear of the upper level to facilitate a greater level of solar access to the neighbouring residential property.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16(3) of the Environmental Planning and Assessment Act 1979 grants DEFERRED COMMENCEMENT consent to development application DA-2019/119 for demolition of existing structures and construction of part two (2) and part three (3) storey boarding house comprising 14 rooms with basement parking and single storey communal room at 19 Gladstone Street, in accordance with the deferred commencement condition below:

The consent shall not operate until Council is satisfied as to the following matters:

A) An easement to drain water shall be legally registered with NSW Land Registry Services over the rear property at 26 Caledonian Street, Bexley benefiting the subject site 19 Gladstone Street, Bexley. The width, length and the location of the easement shall be in accordance with Stormwater management plan prepared by Donovan Associates drawing number E288259 sheet number D3, Revision D dated 26.03.2019.

B) Boarding room 202 on the Level 02 Plan shall be deleted with the roof form lowered in height accordingly and the rear dormer deleted.

The period of the Deferred Commencement is 12 months from the date of determination. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to conditions.

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

Background

History

Council's records show that the following applications were previously lodged:

- DA-2017/230 for demolition of existing structures and construction of a 27 room boarding house including a manager's room and office comprising two (2) x four (4) storey buildings and basement car park was refused by the Bayside Local Planning Panel on 22 August 2017 for the following reasons:
 1. *The context and configuration of the site are not suitable for the development as proposed.*
 2. *The constraint of a 10.06 metre frontage creates unreasonable impacts on adjoining properties and the character of the area.*
 3. *The narrow width also impacts in terms of the driveway location and the configuration of parking in the basement.*

4. The relationship of the site to different zones R2 and R4 and the heritage properties on Dunmore Street creates issues that are not appropriately addressed by the proposed development and cannot be ameliorated by sustainable landscaping in a 1-metre wide strip.
5. The impact on the heritage items has not been well considered and would impact on the garden curtilage in particular of those items.
6. The development would severely constrain development of the adjoining semi-detached houses in accordance with the R4 zone and, as such, this land would then become isolated.
7. The amenity for the future tenants, including the outdoor open space area, will be constrained by its siting and adverse impacts on adjacent properties.

Plan extracts of the refused development are re-produced below for reference:



- The applicant submitted a Class 1 appeal to the NSW Land & Environment Court in relation to the refusal of DA-2017/230. On 7 November 2018 a Notice of Discontinuance was filed to the Court by the applicant.

The following is a summarised history of the subject DA:

- 3 April 2019 - DA-2019/117 was submitted to Council.
- 8 April 2019 to 2 May 2019 - The application was advertised and notified in accordance with Rockdale DCP 2011.
- 8 August 2019 - Following an assessment of the application, Council provided a letter to the applicant outlining concerns with the proposed development. In summary, these matters included: Satisfaction of the planning principles concerning site isolation, impact of the proposed design upon the surrounding historic character of the area, requirement for internal elevations, additional information to accurately assess the overshadowing impacts of the proposal, maintenance of landscaped areas within the south western side setback area, additional assessment required by the project arborist, treatment within the side boundaries, vehicular access, ramp and basement layout matters and insufficient soft landscaping.
- 28 August 2019 - The applicant provided amended architectural plans, landscape plans alongside other supporting information. In summary, the changes made to the proposal included: Provision of deeper roof eaves, inclusion of a garage door, awnings added above the first floor windows, planter boxes on the first floor front elevation, privacy louvres to windows on rooms 103 to 106 and changes to the landscaping in the front setback area.
- 26 September 2019 - Council requested the applicant to provide additional information in respect of overshadowing, front fence details, photomontage, design of the garage door and extent of car parking provided.
- 15 October 2019 - The applicant provided the additional information requested by Council.

Proposal

Council is in receipt of a development application DA-2019/117 at 19 Gladstone Street, Bexley which seeks consent to demolish the existing structures and construct a part two (2) and part three (3) storey boarding house comprising 14 rooms with basement parking and single storey communal room.

The proposed development is further summarised as follows:

Basement Level

- Seven (7) car parking spaces, including one (1) accessible space;
- Vehicle turntable;
- Three (3) motorcycle spaces;
- Bin storage;
- Fire stairs and lift; and
- Diversion of existing sewer.

Ground Floor Level

- Vehicular access to the basement level;
- Retention of existing street tree;
- Removal of the existing trees within the subject site;
- Three (3) bicycle spaces;
- 3 x boarding rooms;
- 1 x Managers room;
- 1 x communal living room;
- Outdoor communal open space area; and
- New landscaping around the perimeter of the site and within the front and rear setback areas.

Level 01 Plan

- 8 x boarding rooms

Level 02 Plan

- 2 x boarding rooms in an attic level of the building at the north-western (front) end of the site.

Overall, there are a total of 3 x single boarding rooms (G01, G02 and 104), 10 x double boarding rooms (G04, 101, 102, 103, 105, 106, 107, 108, 201 and 202) and 1 x Managers room (G03). The total capacity is therefore 23 people, plus the Manager. Each boarding room is self-contained including an ensuite bathroom, kitchenette and laundry facilities. Five (5) of the rooms also include a small private open space area in the form of a ground floor courtyard or upper floor balcony (room 101). The proposed development presents two (2) buildings with 12m separation in the centre of the site. The proposed materials and finishes include face brick, aluminium framed windows, galvanised metal and vertical metal louvres.

The submitted photomontage of the proposed development is re-produced below for reference:



Figure 1 - Photomontage

Site location and context

The subject site is addressed as 19 Gladstone Street, Bexley and comprises a single allotment legally described as Lot 21 Section 4 in Deposited Plan 1680. The site is rectangular in shape with a width

and frontage of 10.06m to Gladstone Street, length of 60.96m, and an area of 612.1m². The site has a steady fall from the street to the rear of approximately 1.7m. Improvements on the site consist of a single-storey weatherboard cottage style dwelling house with a pitched metal roof and hip and gable facing the street. The only other improvement on the site is a metal shed located in the rear southeastern corner. There is no existing vehicular access to the site. The site contains a number of existing trees. The street verge fronting the site contains a mature Brush Box trees of 15m in height.

The adjoining property to the south-western side of the front portion of the site is 21 Gladstone Street, which contains a single storey semi-detached dwelling house of brick construction with a pitched tiled roof. The adjoining properties to the south-western side of the rear portion of the site are the rear boundaries of 31 and 33 Dunmore Street, which contain dwelling houses. The adjoining property to the north-eastern side of the site is 17 Gladstone Street, which contains a two storey residential flat building of rendered brick construction with a pitched tiled roof. The adjoining property to the rear of the site is 26 Caledonian Street which contains a dwelling house.

The subject site is located within a residential area that comprises mostly 2-4 storey walk-up residential flat buildings and multi dwelling house developments interspersed with pockets of single dwelling houses. The subject site itself sits on the boundary between these higher density residential developments to the north-east along Gladstone Street, and low density traditional style dwelling houses to the south and east along Gladstone Street, Dunmore Street and Caledonian Street. The site is adjacent to, and shares a common boundary with, the rear of No.33 Dunmore Street which is a listed heritage item (Item I124) in RLEP 2011. Additionally, there are street trees along the public verge at the front of the site which are listed heritage items.



Figure 2 - The subject site



Figure 3 - Aerial view of the site and surroundings

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 (Affordable Rental Housing) 2009

Part 2 – New Affordable Rental Housing			
Division 3 – Boarding Houses			
Clause	Requirement	Proposed	Complies
26 - Land to which this division applies	The ARHSEPP 2009 applies to Zone R4 - High Density Residential.	The site is zoned R4 - High Density Residential.	Yes

29 -Standards that cannot be used to refuse consent	FSR – 1.5:1 (bonus 0.5:1 as permitted by clause 13(2)(a)(i) of SEPP)	<p>The subject site is within the R4 zone which permits residential flat buildings and does not contain a heritage item or interim heritage item. The existing maximum FSR under the RLEP 2011 is less than 2.5:1 at 1:1.</p> <p>Therefore, the site is afforded a bonus FSR of 0.5:1. The existing FSR in RLEP 2011. Therefore, the maximum allowable FSR is 1.5:1.</p> <p>The proposal does not seek to utilise the additional FSR available. The proposed FSR is 0.71:1 (438m²). The application cannot be refused on the grounds of density and scale.</p>	Yes
	<p><u>Building Height</u></p> <p>If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.</p>	<p>The maximum allowable building height under RLEP 2011 is 14.5m. The height of the proposed development is 9.7m. The application cannot be refused on the grounds of building height.</p>	Yes
	<p><u>Landscaped area</u></p> <p>If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p>	<p>The front setback treatment incorporates soft landscaping, a driveway and a pedestrian access path. The application cannot be refused on the grounds of landscaped area.</p>	Yes - refer to additional discussion

	<p><u>Solar Access</u></p> <p>Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The applicant has provided diagrams to demonstrate the the indoor communal room on the ground floor will receive the required amount of solar access. The application cannot be refused on the grounds of solar access.</p>	<p>Yes</p>
	<p><u>Private Open Space</u></p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>	<p>There is an outdoor private open space area adjacent to the indoor communal room which is greater than 20m² with minimum dimensions of at least 3m.</p> <p>The managers room (G03) is provided with a 11.19m² private open space area that is compliant.</p>	<p>Yes</p>

	<p><u>Parking</u></p> <p>(iia) in the case of development not carried out by or on behalf of a social housing provider, at least 0.5 parking spaces are provided for each boarding room</p> <p>(iii) Not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p>	<p>14 boarding rooms are proposed. Therefore, $14 \times 0.5 = 7$. 7 spaces provided which complies. Accordingly, the application cannot be refused on the grounds of parking. It is noted that the recommended deferred commencement condition would result in the deletion of 1 boarding room.</p> <p>1 car parking space is provided for the manager.</p>	<p>Yes</p> <p>Yes - refer to further discussion regarding the controls with respect to car parking for the manager.</p>
	<p><u>Accommodation Size</u></p> <p>If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>All boarding rooms proposed achieve the minimum size requirements.</p>	<p>Yes</p>

	A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Each of the boarding rooms provided are self-contained with bathrooms and ensuites.	Yes
30 - Development Standards	If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided.	The proposal includes more than 5 rooms and is therefore required to provide at least one communal living room. A communal living room is provided on the ground floor plan.	Yes
	No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m ² .	No room exceeds 25m ² , excluding the kitchens and bathrooms.	Yes
	No boarding room will be occupied by more than 2 adult lodgers.	No boarding rooms are proposed to be occupied by more than 2 adults.	Yes
	Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.	Each boarding room is provided with individual kitchen and bathroom facilities.	Yes
	If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.	The boarding house has capacity for a maximum of 23 lodgers. Therefore, a manager is required. Room G03 on the ground floor is nominated as the Manager's room.	Yes

	If the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	Not applicable to this site given the R4 - High Density Residential zoning.	Yes
	At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	The plans indicate the provision of 3 motorcycle spaces and 3 bicycle spaces which is compliant.	Yes
30A - Character of local area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The design of the development is considered to be compatible with the character of the local area.	Yes - refer to further discussion.
52 - Subdivision	A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	No subdivision is proposed.	Yes

Clause 29(2)(b) - Landscaped area

Clause 29(2)(b) stipulates that an application cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape. Development in the vicinity of the site along Gladstone Street contains primarily hard stand vehicular access areas in the front setbacks (particularly developments to the north east within the R4 zone) with some integrated

soft landscaping. The landscape treatment of the front setback is considered to be compatible with the streetscape. The design of the development incorporates a consolidated 6m x 3m deep soil area in the north eastern front setback area. There is also a 1.5m landscape strip adjacent to the south western side boundary. The remainder of the front setback area is comprised of a vehicular driveway and pedestrian access path. It is noted that during the assessment of the application, Council requested the applicant to increase the proposed number of trees in the south western landscaped setback at the front of the site to improve the streetscape outcomes resulting from the proposal.

Clause 29(2)(e) - Parking

The proposal provides a compliant amount of on-site car parking in accordance with the ARHSEPP 2009. Clause 29(2)(e)(iii) states *in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site*. The wording of this clause is read as not a requirement to provide one car space for the manager, but that not more than one parking space is to be provided for the manager's room. The standard is a maximum level of provision, not a minimum requirement (see *Arxidia Pty Ltd v Randwick City Council and Arthur Wong Pty Ltd v Randwick City Council* [2017] NSWLEC 1463. The application cannot be refused on grounds of parking.

Clause 30A - Character of local area

This clause stipulates that a consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Case law has held that the test in Clause 30A is "one of compatibility not sameness" (*Gow v Warringah Council* [2013] NSWLEC 1093. Compatibility is widely accepted to mean "capable of existing together in harmony" (*Project Venture Developments v Pittwater Council* [2005] NSWLEC 1029). It has also been held that in assessing 'compatibility' both the existing and future character of the local area needs to be taken into account (*Sales Search Pty Ltd v The Hills Shire Council* [2013] NSWLEC 1052 and *Redevelop Projects Pty Ltd v Parramatta City Council* [2013] NSWLEC 1029, Commissioner Morris concluded that the 'local area' includes both side of the street and the 'visual catchment' as the minimum area to be considered in determining compatibility.

With regard to the subject site, the 'local area' is taken to include both sides of Gladstone Street between Dunmore Street North and Harrow Road. Further, the development will also be visible from the rear of 29 and 31 Dunmore Street North. The local area is characterised by a mix of single storey detached and semi-detached dwelling houses, villa and town house developments and residential flat buildings. The applicant has provided a detailed submission with respect to the Character test which is summarised below:

The land is zoned R4. The R4 zoned includes the land to the west (no 21) and all the residential flat buildings to the east of the site, and permits boarding houses and residential flat buildings. Land to facing Dunmore Street North has a zoning of R2 that permits single dwelling houses. Land on the opposite side of the street is zoned R3 which permits multi dwelling housing but not residential flat buildings. The height of building control is the same across R2 and R3 zoned land within the visual catchment – 8.5m, but increases in height for the R4 zoned land including the subject site to 14.5m.

The floor space density increases with the different land use zones, being:

R2: 0.5:1
R3: 0.6:1
R4: 1:1

The proposed development presents as a two storey form to the street. The proposed development has a hipped roof and face brick construction. The proposed development has a domestic appearance similar in scale to a two storey dwelling house. The buildings is setback from the side boundaries with landscaping along the side setbacks. When viewed from the adjoining properties the building is broken into number of elements:

- Front building - 2 storey plus attic
- Rear building – 2 storey
- Single storey communal rooms

The front and rear building are articulated into two parts by the central stair. The front building generally aligns with the building footprint of the semi-detached dwellings to the west – reducing the visual impacts experienced by this development. Overall the proposed built form presents as a domestic form that is similar in scale to a dwelling house or dual occupancy that could be constructed on the site. The height of the proposed development is well below the permissible building height and is consistent with the scale of building anticipated on the adjoining R2 zoned land. The proposed development is compatible and harmonious with the existing and the future character of the street. The proposed development displays many of the identifiable characteristics of the streetscape being:

- Low front fence
- Retention of the Brushbox street tree plantings
- Pitched roof forms
- Similar alignment to the street façade
- Domestic character to the street scape
- A built form and scale that is not inconsistent with a two storey dwelling house and other buildings within the streetscape.

The development presents acceptable visual and physical impacts and provides a scale of development that sits somewhere between what is currently provided on the adjacent R4 zoned land (and what would be expected on the R4 zoned land if the adjacent site was to redevelop), and the adjacent R2 zoned land facing Dunmore Street.

The design of the development is considered to be compatible with the character of the local area.

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

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP and BASIX certification. A BASIX certificate has been submitted with the DA in accordance with the provisions of this SEPP. The BASIX certificate demonstrates the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate.

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

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

Rockdale Development Control Plan 2011, conferred by:

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

An Arboricultural Impact Assessment report prepared by a qualified Arborist has been submitted with the application. The report provided recommendations for the removal and retention of street trees, including tree protection measures for existing and retained 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 and the removal of site trees subject to suitable replacement trees being planted in appropriate locations. Council's Tree Management Officer notes the following:

- The existing site trees are generally in poor condition and may be removed, subject to replacement trees
- The two Brush Box street trees located on the the Council nature strip in front of 19 and 21 Gladstone Street, Bexley are to be retained and protected.
- The Illawarra Flame Tree located on the adjoining property is to be retained and protected

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

In accordance with clause 7 of SEPP 55, a consent authority must consider whether the land is contaminated before providing consent to the carrying out of any development on the land. In accordance with the Planning Guidelines SEPP 55 – Remediation of Land, prepared by Department of Urban Affairs and Planning in 1998, the history of land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these guidelines, the proposal may be processed in the usual way. Table 1 on page 12 of the guidelines lists activities that may cause contamination.

In this regard, the suggested checklist for evaluation contained in the guidelines are addressed as follows:

- The subject site is currently zoned for residential purposes, that is R4 High Density Residential, as per the Rockdale Local Environmental Plan 2011 (RLEP 2011);
- Prior to the gazettal of the RLEP2011 the subject site was also zoned for residential purposes;
- The proposal seeks to continue using the land for residential purposes;
- Adjoining properties are similarly zoned for residential purposes;
- A review of aerial imagery and a site inspection revealed that there is no evidence to suggest that the site or any adjoining sites have previously been used for any of
- the commercial, industrial, or agricultural activities as detailed in Table 1 of the guidelines; and,
- There are no known clean-up notices or licences issued by the Environmental Protection Authority that apply to the site.

Given the above, there is no evidence to suggest that the land is contaminated and unsuitable for the proposed development and as such no further investigation is considered to be warranted. Accordingly, the proposal is satisfactory in regards to the provisions of SEPP 55.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High 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
5.10 Heritage conservation	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
6.3 Between 20 and 25 ANEF (2033) contours	Yes - see discussion	Yes - see discussion
6.4 Airspace operations	Yes - see discussion	No - see discussion
6.7 Stormwater	Yes - see discussion	Yes - see discussion
6.12 Essential services	Yes - see discussion	Yes - see discussion

2.3 Zone R4 High Density Residential

The subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a boarding house which constitutes a permissible development only with development consent. The objectives of this zone are:

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

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

2.7 Demolition requires consent

The proposed development seeks consent for the demolition of the existing improvements and hence satisfies the provisions of this Clause.

4.3 Height of buildings

The maximum height of the proposed building is 9.7m and therefore does not exceed the maximum 14.5m height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio - Residential zones

The gross floor area of the proposed development has been calculated as 438.2m² over a site area of 613.10m². In this regard, the proposed floor space ratio (FSR) for the building is 0.71:1 and therefore does not exceed the maximum FSR for the land which is 1:1 as shown on the Floor Space Ratio Map.

It is further noted that the proposed development is afforded an additional FSR bonus of 0.5:1 in accordance with the ARHSEPP 2009. The maximum allowable FSR for this development is therefore 1.5:1.

5.10 Heritage conservation

The property at 19 Gladstone Street Bexley is in the vicinity of several heritage items listed in schedule 5 of Rockdale Local Environmental Plan 2011. Immediately adjacent to the property are the following items:

- Street plantings, Gladstone Street, Local, I138
- House, 29 Dunmore Street North, Lot B, DP 900366, Local, I123
- Interwar house, 33 Dunmore Street North, Lot B, DP 324948, Local, I124

Nearby are other heritage items:

- Street plantings, Dunmore Street North, Local, I117
- Federation house, 12 Dunmore Street North, Lot 3, DP 412732, Local, I171



The application was referred to Council's consultant Heritage Advisor who provided the following comments:

It should be noted that the immediate area is under consideration as a Heritage Conservation Area as identified in the publicly exhibited HCA Discussion Paper in 2015. If this HCA were in effect, the subject property would be a contributory item for its value as a weatherboard Federation house with rarity value.

The subject property is located at the end of a row of apartment buildings. These two and three storey buildings create a streetscape that is appropriate to the style of the proposed development. To the south the street is dominated by Federation and Interwar buildings which have a strong historic character. The existing house at 19 Gladstone Street belongs to the character of the historic streetscape. If demolished it will reinforce the apartment building character to the north.

The three (3) and two (2) storey height is consistent with the neighbouring apartment buildings. While the scale of the proposed is inconsistent with historic dwellings in the immediate vicinity, including the heritage items at 29 and 33 Dunmore Street, the reduced scale has less of an impact than that of the previous proposal of four (4) storeys.

The driveway to an underground basement presents as a dark, gaping hole in the built street wall which will dominate the view of the development from the streetscape. The proposal has an usually high wall-to-window ratio. On the front façade, this makes for expanses of unrelieved brick. The hip roof forms seem ends abruptly, and the depth of the eaves appear disproportionality shallow for the scale of the building. The resulting overall impression of the current proposal is that development will sit incongruously in the historic character of the streetscape.

The development will have minimal direct impact upon heritage items in the vicinity due to the orientation of the heritage listed houses towards Gladstone Street. The heritage listed street trees in Gladstone Street will be affected by the appearance of the open garage entry. The development will have an impact upon the surrounding historic character and this should be managed by the recommended conditions.

Conditions:

- *The garage opening shall have a door which is located in line with the front wall of the building so as not to introduce an intrusive opening in the street wall.*
- *The roof eaves shall be deeper; extending further from the walls to sympathetically reference conventional eave forms observed in the street.*
- *Awnings (or similar) should be added above the front first floor windows to provide visual relief by breaking up the large blank expanses of brick.*
- *The existing house shall be archivally recorded, and materials salvaged.*
- *Side and rear fences shall be timber paling and no higher than 1800mm. The front fence shall be no higher than 1500mm and a minimum of 50% open.*

RECOMMENDATION

Supported: Subject to the above conditions

Comment

Council requested the applicant to amend the design of the development so as to reflect the above requirements. Suitable conditions have been included with respect to archival recording of the existing dwelling and salvaging of materials. The proposed amended development is considered to satisfy clause 5.10 of 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

Earthworks including excavation are required on site for the basement car parking level. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. Conditions of consent have been recommended to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal meets the objectives of this clause.

6.3 Between 20 and 25 ANEF (2033) contours

The development is on land is located between 20 and 25 ANEF (2033) contours. Further, the development will result in an increase in the number of people affected by aircraft and in accordance with this clause, the proposed development requires noise mitigation measures. The proposal was accompanied by an Acoustic Report which addresses the matter of aircraft noise and details noise amelioration measures to be incorporated into the construction of the development in order to minimise aircraft noise impacts to future occupants, in compliance with the Australian Standards for indoor design sound levels. The proposed development complies with the requirements and objectives of this clause. A condition has been imposed in the draft Notice of Determination requiring the development to meet with the Australian Standards for indoor design sound levels.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD. The building height is at a maximum height of 53.02m AHD and therefore will penetrate the OLS. Therefore, the application sought approval under the Airports (Protection of Airspace) Regulations 1996, for the intrusion of the proposed development into the airspace, which under the regulations, is prescribed airspace for Sydney Airport. In this regard, the proposal was referred to Sydney Airports and the *Department of Infrastructure, Transport, Cities and Regional Development* for comment. The proposed height was approved subject to conditions.

6.7 Stormwater

The application was reviewed by Council's Development Engineer who does not raise any objection to the proposed stormwater system. It is however noted that the proposed stormwater system is utilising the rear, downstream site (26 Caledonian Street) to dispose stormwater. A drainage easement is therefore required. A deferred commencement condition is recommended to address this matter.

6.12 Essential services

Services will generally be available on the site. Additional conditions have been incorporated 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 - see discussion	Yes - see discussion
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes - see discussion	Yes - see discussion
4.1.3 Water Management	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.4 Soil Management	Yes - see discussion	Yes - see discussion
4.1.6 Development on Sloping Sites	Yes - see discussion	Yes - see discussion
4.1.7 Tree Preservation	Yes - see discussion	Yes - see discussion
4.1.9 Lot size and Site Consolidation - isolated sites	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
4.4.1 Energy Efficiency - Residential	Yes - see discussion	Yes - see discussion
4.4.2 Solar Access - General Controls	Yes - see discussion	No - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes - see discussion	No - see discussion
4.4.4 Glazing - General Controls	Yes	Yes
4.4.5 Visual privacy	Yes - see discussion	Yes - see discussion
4.4.5 Acoustic privacy	Yes - see discussion	Yes - see discussion
4.6 Car Park Location and Design	Yes - see discussion	Yes - see discussion
4.6 Mechanical Parking Systems	Yes - see discussion	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes - see discussion	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes - see discussion	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes - see discussion	Yes - see discussion
4.7 Letterboxes	Yes - see discussion	Yes - see discussion

4.1.1 Views and Vista

The proposed development will not cause any adverse view loss impacts for surrounding properties.

4.1.2 Heritage Conservation - Vicinity of Heritage Item

Refer to previous discussion under clause 5.10 of RLEP 2011.

4.1.4 Soil Management

Conditions of consent have been included addressing soil management.

4.1.6 Development on Sloping Sites

The proposed development appropriately responds to the slope of the land, minimising environmental impacts and amenity impacts on adjoining residents. In this regard, the finished floor levels of the ground floor plan relate to existing natural ground level as far as practically possible. In this regard, the front portion of the building is set at RL43.33 and the rear portion has been stepped down to RL42.93.

4.1.7 Tree Preservation

The development proposal involves the removal of all of the existing trees on the subject site. Council's Tree Management Officer has recommended appropriate conditions be imposed regarding the provision of suitable replacement trees being planted. In addition, the following comments are made:

- The two Brush Box street trees located on the the Council nature strip in front of 19 and 21 Gladstone Street, Bexley are to be retained and protected.
- The Illawarra Flame Tree located on the adjoining property is to be retained and protected.

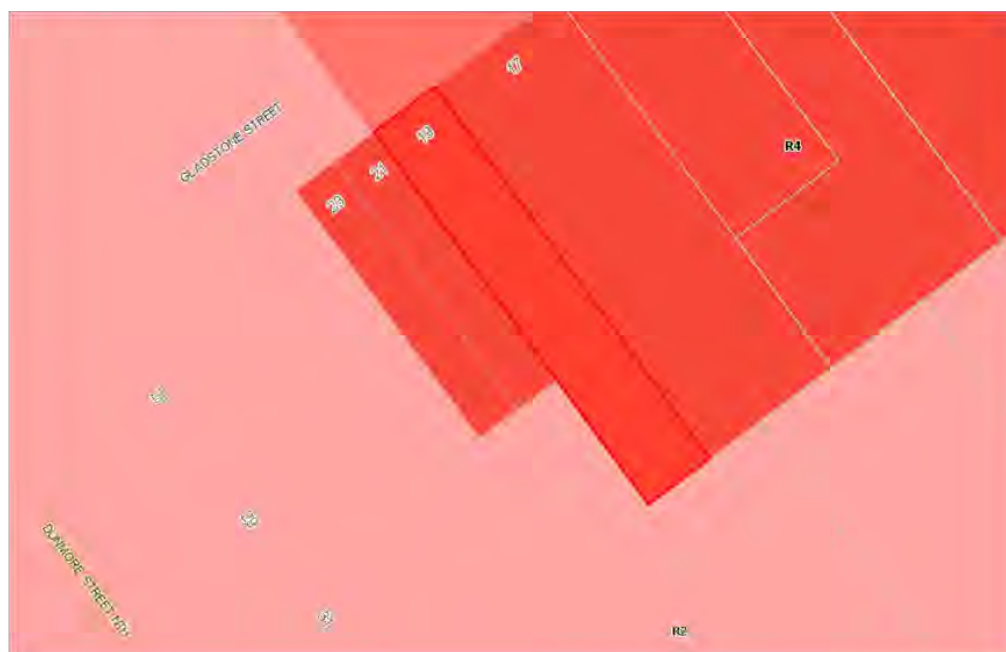
- Council's Tree Management Officer has reviewed the submitted arborist report and concurs with the recommendations made.

It is noted that during the assessment of the application, Council requested the applicant to provide further information on the potential impacts of the OSD and rainwater tanks underneath the driveway ramp upon the existing street tree at the front of the site. A further arborist report was provided by the applicant which made the following comments:

- The driveway shall be 3m from the centre line of Tree 1, i.e. outside the SRZ of this tree to ensure its stability;
- The driveway with the OSD & rainwater tanks have the following details:
 1. They are outside the SRZ which will maintain the stability of Tree 1
 2. The existing site conditions of a concrete footpath and a low retaining wall (concrete) along the front boundary where the driveway is proposed. These structures have restricted root growth onto the Site, thus allowing the excavation and construction of the OSD & Rainwater tanks within the TPZ
 3. There were no visible roots growing in the area where the driveway is proposed
 4. Tree protection measures are to be provided around the retained tree(s).

4.1.9 Lot size and Site Consolidation - isolated sites

Part 4.1.9 of RDCP 2011 does not prescribe any minimum frontage width and/or lot size requirements for boarding house developments. It is noted that there are two (2) adjoining sites to the south west at No.21 and No.23 Gladstone Street that are within the R4 - High Density Residential zone. Refer to zoning map extract below:



The applicant has provided information to demonstrate that the relevant court principles concerning site amalgamation and/or site isolation (*Karavellas v Sutherland Shire Council* [2004] NSWLEC 251) have been complied with. Council is satisfied that these requirements have been reasonably met. The applicant has provided evidence of genuine attempts to purchase No.21 and No.23. The offers were based on an independent valuers report. The sale of No.21 and No.23 has unable to be secured by the proponent of the subject proposal.

In any case, if the site were to be amalgamated with 21-23 Gladstone Street, and presumably developed then as a residential flat building, a development site would be created with four of its six vertices being to the boundary of the R2 Low Density Residential zone. Part 2F of the Apartment Design Guide specifies a 9m setback be provided to those boundaries with a lower density residential zone. The combined width of 21-23 Gladstone Street is around 12.8m, so applying a 9m setback would erode the developable area of 21-23 Gladstone Street by over 70%, leaving only a 2.8m wide strip of land that could be built upon. This raises serious questions of the economic feasibility of site amalgamation.

If for example the amalgamated site were developed for a boarding house, and not a residential flat building, then one may argue the 9m setback from the adjoining zoning would not apply and instead attempt to construct a building closer to the boundary. To do so would result in a poorer outcome for the character of the area, particularly in terms of transitioning the building height and density from the R4 zone to the adjacent R2 zone. Under the subject proposal, there is an effective transition from the 2/3 storey buildings at 15-17 Gladstone Street, to the 2 storey plus attic building on the subject site, to the 1 storey semi-detached dwellings at 21-23 Gladstone Street, and then the single storey heritage dwellings fronting Dunmore Street North. With site amalgamation, if the 2 storey plus attic configuration were to continue to toward the rear boundary of the dwellings fronting Dunmore Street North there would be a poorer transition, and increased impacts on the adjoining low density residential area.

To insist upon the amalgamation of the subject site with 21-23 Gladstone Street would be insisting on the creation of an irregular shaped development site. This would subsequently result in an irregular shaped building on the site that would have a greater imposition on the adjoining low density residential areas to the south and to the west, and also to the heritage items that front Dunmore Street North. This is because the building would 'wrap around' the adjoining low density areas and create a sense of enclosure to the low density areas from the massing of an articulated built form.

Having regard to the above, it is difficult to suggest the orderly and economic use and development of land is thwarted by leaving 21-23 Gladstone Street isolated. As mentioned, it could even be argued that the redevelopment of an amalgamated site would thwart the orderly development of land given the poorer built form outcome that would likely result, including its impacts on the adjoining low density areas and heritage items.

4.2 Streetscape and Site Context - General

Refer to previous discussion under Clause 30A - Character of local area under the ARHSEPP 2009.

4.2 Streetscape and Site Context - Fencing

The proposed development includes a new low brick front fence with a maximum height of 600mm. This height complies with the 1200mm maximum stipulated in this part of RDCP 2011. Conditions of consent have been included which restricts the height of the side boundary fencing forward of the building line to 1200mm. The height of the side boundary fencing behind the front building line is not to exceed 1800mm (as measured from the lowest point in neighbouring properties) in accordance with

the RDCP 2011 requirements. It is noted that trafficability within the side setback areas is generally restricted to maintenance of the proposed landscaping.

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 2004.

4.4.2 Solar Access - General Controls

Control (4a) in this part of RDCP 2011 states the following:

Low and medium density residential

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.

The proposed development will cause additional overshadowing impacts to neighbouring low density residential properties. The properties at 21 and 23 Gladstone Street are the most affected as discussed below:

21 Gladstone Street

Rear private open space area

Extent of existing solar access (June 21)	Extent of solar access with the proposed development (June 21)
9am - 11.01m ² (13.4%)	9am - 1.62m ² (1.97%)
10am - 28.73m ² (34.98%)	10am - 26.31m ² (32.03%)
11am - 42.57m ² (51.83%)	11am - 32.61m ² (39.7%)
12pm - 46.98m ² (57.2%)	12pm - 26.28m ² (31.99%)
1pm - 47.25m ² (57.52%)	1pm - 17.31m ² (21.07%)
2pm - 43.81m ² (53.34%)	2pm - 25.25m ² (30.74%)
3pm - 12.45m ² (15.16%)	3pm - 12.45m ² (15.16%)

The proposed development will retain some solar access to the POS area at No.21 Gladstone Street, however it would not comply with the RDCP 2011 guideline (i.e - minimum of 3 hours in at least 50% of the POS). The POS area at No.21 is south-east of the subject site. This predicates that overshadowing impacts will occur with the re-development of the subject site. The overshadowing impacts to the POS area are mainly caused by the proposed building facing Gladstone Street at the front of the subject site. This building is well below the height limit and is setback from the side boundaries. The proposed development has been carefully considered to allow for solar access to be retained. It does this by breaking a predominately 2 storey building with a 12m separation in between the modules.

Notwithstanding the above, the sun's eye view diagrams provided indicate that some of the overshadowing impacts (predominately between 11am and 2pm) caused to the rear POS at No.21 Gladstone Street could be mitigated with the deletion of room 202 on the the Level 02 Plan. As such, a deferred commencement condition is recommended for this design change.

Habitable rooms

There are windows to existing habitable rooms (lounge room and kitchen) on the north-eastern side elevation of No.21 Gladstone Street. The applicant's solar access diagrams demonstrate that these windows receive sunlight from 9am to 2pm on June 21st. The proposed development would result in a loss of this solar access, therefore not complying with the RDCP 2011 guidelines. The following comments are made in this respect:

- The windows in question are on the ground floor of the side elevation, in close proximity to the common boundary. It is difficult to protect solar access to windows in such circumstances;
- Virtually any re-development of the site would result in a loss of solar access to these ground floor windows. The applicant has provided shadow diagrams to demonstrate that a similar impact would occur with the provision of a General Housing Code Development for a 2 storey building; and
- Protecting the solar access to these windows would effectively sterilise a large portion of the site which would effectively prohibit anything beyond a single storey building. This is not considered to be reasonable, given the zoning and controls that apply to the subject site. The proposed development is well below the maximum allowable building height and floor space ratio.

23 Gladstone Street

Rear private open space area

Extent of existing solar access (June 21)	Extent of solar access with the proposed development (June 21)
9am - 12.31m ² (14.99%)	9am - 9.27m ² (11.29%)
10am - 36.37m ² (44.28%)	10am - 30.36m ² (36.96%)
11am - 42.71m ² (52%)	11am - 39.83m ² (48.49%)
12pm - 44.95m ² (54.72%)	12pm - 44.95m ² (54.72%)
1pm - 44.11m ² (53.7%)	1pm - 44.11m ² (53.7%)
2pm - 37.02m ² (45.07%)	2pm - 37.02m ² (45.07%)
3pm - 17.03m ² (20.73%)	3pm - 17.03m ² (20.73%)

The proposed development would result in minor additional overshadowing of the POS area at the rear of No.23 Gladstone Street from 9am to 11am on June 21st. No further concerns are raised in this respect.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed development is designed to achieved natural ventilation and lighting, incorporating minimum ceiling heights of 2.8m to the ground and first floors. The floor to ceiling heights within rooms 201 and 202 do not achieve the required 2.7m for the full extent of the rooms. However, the majority of the habitable areas within these rooms is greater than 2.4m in accordance with the BCA. It is noted that rooms 202 is recommended to be deleted in any case. The resultant development would only have 1 boarding room (201) with floor to ceiling heights below the RDCP 2011 guideline.

4.4.5 Visual privacy

The visual privacy outcomes proposed are considered to be satisfactory. The following comments are noted:

- Windows along the side elevations of the first floor have been minimised. The only windows

- proposed are frosted glass windows for the proposed bathrooms;
- The internal windows for rooms 103, 104, 105 and 106 contain external louvres to minimise overlooking impacts into neighbouring properties;
- At the rear of the site, there is a 6m setback proposed which is considered to be sufficient separation to maintain an acceptable relationship with the adjoining properties at the rear which face Caledonian Street;
- The windows on the front elevation of the building would overlook the public domain at the front of the site; and
- Concern is however raised with the windows along the south west elevation which service the stair cases. There is the potential for overlooking impacts to occur, as lodgers move up and down the building. Accordingly, a condition of consent is recommended for the stair glazing to be obscure.

4.4.5 Acoustic privacy

The application is supported by an acoustic report which makes various recommendations to ensure that the applicable noise criteria(s) can be met. Suitable conditions of consent have been included in this respect.

4.6 Car Park Location and Design

The proposed development includes a basement car parking level with 7 spaces and incorporates a vehicle turntable so as to enable vehicles to exit in a forward direction. Council's Development Engineer has reviewed the proposed basement design and car parking layout generally and supports the proposal subject to conditions of consent. It is however noted that this is contingent upon a requirement which allocates the car parking spaces to certain boarding rooms (i.e - a first in first served arrangement is not supported). This is to ensure that vehicular conflicts are minimised, noting the narrow width of the basement and inability for two way passing to occur. A suitable condition of consent has been included in this respect.

4.6 Mechanical Parking Systems

The proposed development includes the provision of a vehicle turntable within the basement level. Council's Development Engineer has reviewed the proposal and supports this arrangement subject to various conditions.

4.7 Air Conditioning and Communication Structures

The plans do not depict the location of proposed residential air conditioning units on site. Accordingly, a condition is imposed in the draft conditions requiring air conditioning units to be obscured from public view should they be provided and operate in accordance with the relevant provisions of the Protection of the Environment Operations Act, 1997. Subject to conditions, the development is acceptable with regards to this Clause.

4.7 Waste Storage and Recycling Facilities

There is a dedicated bin storage area provided within the basement plan.

4.7 Laundry Facilities and Drying Areas

The plans indicate the provision of washing machines within each individual boarding room.

4.7 Letterboxes

The plans indicate the provision of mail box facilities adjacent to the lobby entry area at the front of the site on the ground floor plan.

Clause 92 EP&A Regulation 2000 – Additional Matters

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

Social Impact

Boarding houses serve an important role in providing low cost accommodation for people who value affordability and location over space, and who prefer simple and flexible tenure arrangements. For cost or other reasons, boarding houses are a preferable option for many people and provide for a positive social impact.

Economic Impact

No negative economic impacts are anticipated as a result of the proposed development.

Safety and Security

The proposal has been designed as a secure development, with restricted access to the basement, lobby and communal areas. The proposed development further provides for passive surveillance to Gladstone Street. Further, the proposal has been accompanied by a Plan of Management, (POM) which seeks to manage the ongoing operation of the boarding house in order to avoid disturbances to neighbours.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and 15 submissions have been received plus a petition containing 13 signatures. The issues raised in the submission are discussed below. It is noted that amended plans were received by Council during the assessment of the application. These plans were not required to be re-notified in accordance with Rockdale DCP 2011 because they were minor amendments considered to have reduced or no greater on surrounding development.

Issue 1: The development will make the area unsafe and is in close proximity to a child care centre
Comment: The proposed development is for a form of residential accommodation which is not considered to be unsafe. There are no applicable planning controls that discourage boarding house developments in close proximity to child care centres.

Issue 2: The development provides an insufficient amount of car parking
Comment: The development complies with the car parking requirements within SEPP (Affordable Rental Housing) 2009. Accordingly, the application cannot be refused on the grounds of parking.

Issue 3: Excessive height, scale and footprint
Comment: The proposed development is well below the maximum allowable height and FSR. Accordingly, the application cannot be refused on grounds of density, scale and/or building height in accordance with clause 29 of SEPP (Affordable Rental Housing) 2009.

Issue 4: Privacy impacts upon neighbouring residential properties
Comment: This has been addressed in the main body of the report.

Issue 5: Overshadowing impacts
Comment: This has been addressed in the main body of the report.

Issue 6: Unacceptable heritage impacts
Comment: This has been addressed in the main body of the report.

Issue 7: Adverse impacts associated with basement excavation works
Comment: Council's standard conditions of consent have been included in respect of the proposed excavation works.

Issue 8: Adverse noise impacts from the boarding house upon neighbouring residential properties
Comment: The application is supported by a Plan of Management which details measures to manage noise (i.e - provision of an on site manager, provisions in the tenancy agreement and managing the times in which the communal areas can be used). Council's standard conditions of consent are included with respect to noise impacts.

Issue 9: The boarding house provides short term accommodation which is undesirable for the neighbourhood
Comment: This concern is not grounds for refusal of the application. It is noted that the minimum length of stay at the boarding house is to be 3 months. Suitable conditions of consent have been included in this regard.

Issue 10: The site is long and narrow. The proposal is an overdevelopment
Comment: The application cannot be refused on grounds of density, scale and/or building height in accordance with clause 29 of SEPP (Affordable Rental Housing) 2009.

Issue 11: The development fails to satisfy the character requirements of clause 30A of SEPP (Affordable Rental Housing) 2009
Comment: This has been addressed in the main body of the report.

Issue 12: The proposed development will isolate 21 and 23 Gladstone Street
Comment: This has been addressed in the main body of the report.

Issue 13: Parking in Gladstone Street is limited. The proposed development will worsen this.
Comment: The proposed development is compliant with the parking requirements within clause 29 of SEPP (Affordable Rental Housing) 2009. As such, the application cannot be refused on grounds of parking. Refer to previous discussion within the main body of the report.

Issue 14: No B85 turning circle diagrams have been provided
Comment: B85 design vehicle swept paths have been provided as an appendix to the Traffic report.

Issue 15: Impact of construction upon the existing street trees
Comment: The application has been reviewed by Council's Tree Management Officer who has imposed suitable conditions in this respect. It is noted that during the assessment of the application, Council requested additional arboricultural assessment information with respect to the existing street trees.

Issue 16: The proposal does not satisfy clause 29(2)(b) of SEPP (Affordable Rental Housing) 2009 concerning landscape treatment in the front setback
Comment: This matter has been assessed in the main body of the report.

Issue 17: Insufficient details within the landscaping design/plans
Comment: The landscape plans have been amended. Council's Landscape Architect is satisfied that they are acceptable.

Issue 18: The submitted survey notes that it is not a boundary survey. A full boundary survey should be provided.
Comment: This requirement has been imposed as a prior to construction certificate condition.

Issue 19: Inaccurate shadow diagrams
Comment: Council requested to review the shadow diagrams and re-submit them, alongside providing a detailed solar analysis of the overshadowing impacts of the proposal. This matter is addressed in the main body of the report. Council is satisfied that the shadow diagrams are correct. Design changes through the deletion of an upper level boarding rooms are recommended to improve the solar availability to the adjoining residential properties.

Issue 20: Unacceptable visual impacts of long, narrow development
Comment: The proposed development is significantly below the 14m height limit applicable to the site. In addition, it is broken up with 12m central separation, a 6m rear setback and 1500mm side setbacks. The development is considered to be a satisfactory response to a constrained site.

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

The proposed development is considered satisfactory having regard to the objectives and requirements of Rockdale LEP 2011, Rockdale DCP 2011 and SEPP (Affordable Rental Housing) 2009. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

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

A Section 7.11 Contribution Payment of \$75,883.52 is payable in accordance with Council's Policy and

accordingly, imposed as a condition of consent.

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
Site Plan A-1010	Ghazi Al Ali Architect	19/03/2019	14/10/2019
Demolition Plan A-1101	Ghazi Al Ali Architect	19/03/2019	14/10/2019
Room Schedule A-1200	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Basement Plan A-1201	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Ground Floor Plan A-1202	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Level 01 Plan A-1203	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Level 02 Plan A-1204	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Roof Plan A-1205	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Kitchen Details A-1210	Ghazi Al Ali Architect	19/03/2019	14/10/2019
Elevations A-1301	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Elevations A-1302	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Internal Elevations A-1303	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Sections A-1401	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Sections A-1402	Ghazi Al Ali Architect	28/08/2019	14/10/2019
Sections A-1403	Ghazi Al Ali Architect	28/08/2019	14/10/2019

Ramp Detail Section AA A-1410	Ghazi Al Ali Architect	19/03/2019	14/10/2019
Material Schedule A-2201	Ghazi Al Ali Architect	14/10/2019	14/10/2019
Material Schedule A-2202	Ghazi Al Ali Architect	14/10/2019	14/10/2019
Front fence details A-5001	Ghazi Al Ali Architect	14/10/2019	14/10/2019
Garage Door details A-5002	Ghazi Al Ali Architect	14/10/2019	14/10/2019
Ground Floor Landscape Plan LPDA 18-184/1	Conzept	28/08/2019	28/08/2019
First Floor Landscape Plan + Details LPDA 18-184/2	Conzept	22/08/2019	28/08/2019
Details LPDA 18-184/3	Conzept	22/08/2019	28/08/2019
Specification LPDA 18-184/4	Conzept	21/02/2019	28/08/2019
Plan of Management	Nexus Environmental Planning Pty Ltd	02/10/2019	14/10/2019

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 998135M other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
7. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
8. 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.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and

letter in the alphabet.

10. The car parking spaces in the basement must be allocated to specific boarding rooms. All lodgers must be made aware of this requirement by the boarding house manager and within the lodger tenancy agreement. Suitable signage in the basement shall be installed before the issue of any Occupation Certificate.
11. The height of the side boundary fencing forward of the front building line shall not exceed 1.2m. The height of the side boundary fencing behind the front building line shall not exceed 1.8m, as measured at the lowest point on the neighbouring properties. Details demonstrating compliance with this shall be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Development specific conditions

The following conditions are specific to the Development Application proposal.

12. 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.
13. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
14. Any discharge to the sewer from the subject premises shall be in accordance with the requirements of Sydney Water.
15. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
16. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
17. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
18. Any lighting 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.
19. Hot and cold water hose cocks shall be installed to the garbage room.
20. Services or utility systems shall not be located in the garbage room.
21. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
22. The building shall be designed, constructed and maintained to comply with the requirements of the Local Government Act 1993, as amended and the Regulations there under.
23. The proprietor of the premises - places of shared accommodation shall provide Council with details for Council's Environmental Health Unit register by completing the Registration form available on request from the customer service centre.
24. Occupation shall not commence until a final inspection has been carried out by Council's Environmental Health Officer and all requirements have been complied with.
25. No amplified/ stereo/music/ speakers are to be used in the outdoor communal areas. Outdoor communal and communal areas are not to be used for parties.

26. Adopt and implement all recommendations contained in the acoustic report prepared by Acoustic Consulting Engineers – , Document Reference 160780-01L-DD 19 Gladstone Street, Bexley DA Noise Assessment' dated the 15 March 2019
27. Boarding House Conditions
 - (a) This approval is for a boarding house as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009. A Boarding House is defined as "a building that:
 - (i) is wholly or partly let in lodgings, and
 - (ii) provides lodgers with a principal place of residence for 3 months or more, and
 - (iii) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.
 - (b) The Boarding House is to operate in accordance with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009. Any variation of the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.
 - (c) The boarding house shall comply with the following:
 - (i) A maximum of 12 boarding rooms, one (1) manager's room and one (1) common room shall be provided on the site.
 - (ii) Boarding rooms G01, G02 and G03 must not be occupied by more than one (1) lodger. Boarding rooms G04, 101, 102, 103, 105, 106, 107, 108 and 201 must not be occupied by more than two (2) lodgers. The total capacity is therefore 21 people (excluding the Manager).
 - (iii) All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
 - (iv) Adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.
 - (v) A 24 hour, 7 day contact number shall be provided to all immediate and nearby residential neighbours for use in the event of a disturbance. If the contact number changes, neighbouring residents shall be provided with a new telephone number with 7 days.
 - (vi) The proprietor/operator of the proposed development must limit patron numbers in external areas to no more than 22 at any one time.
 - (vii) Use of the external common area is not permissible for use between 9:00pm and 7:30am.
 - (viii) Use of music in the communal room is permitted provided that the music is played at background noise levels (66 dBA Leq sound pressure, such that conversation can be conducted without raised

- voice being required).
- (d) Plan of Management (PoM)
 - (i) The boarding house shall at all times be operated in accordance with the approved Plan of Management (PoM).
 - (ii) A copy of the the approved PoM shall be displayed in the Communal Room and within each of the boarding rooms at all times;
 - (iii) A copy of the PoM shall be made freely available to family and visitors who frequent the facility, as well as to neighbouring property owners and local residents, if requested.
 - (iv) The PoM shall be reviewed annually. If the Plan of Management is updated following the review, the operator is required to:
 - 1. ensure that the amended PoM is consistent with all conditions of this consent;
 - 2. a copy of the amended Plan of Management is provided to Council within 7 days of completion;
 - 3. the PoM is updated, if required, to include comments provided by Council.
 - (e) Subdivision of the boarding rooms is not permitted.
 - (f) All tenants must enter into an occupancy agreement prior to commencing tenancy at the premises. The minimum period for the occupancy agreement must three (3) months in accordance with the definition of 'boarding house' in the AHSEPP & Rockdale Local Environmental Plan 2011 (see 'A' above).
 - (g) A copy of the annual fire safety statement is to be prominently displayed in the approved Boarding House. Note: An annual inspection will be carried out by Council to determine that all conditions of consent and fire safety measures are being complied with. An additional fee may be charged for the required inspection as adopted in Council's fees and charges.
 - (h) The boarding house component of the building shall be designed, constructed and maintained to comply with the requirements of the Local Government Act 1993, Local Government (General) Regulations 2005, Public Health Act 2010, Public Health Regulation 2012, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.
 - (i) Prior to issue of the Occupation Certificate:
 - (i) The boarding house must be registered with Council.
 - (ii) Details, including name, contact number & email address of the Boarding House Manager are to be provided to Council. Should these details change at any time, revised information shall be provided to Council within 7 days of the change in manager.
 - (iii) Each bedroom must be numbered in accordance with the approved plans.
 - (iv) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
 - (v) A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
 - (vi) A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each bedroom must be conspicuously displayed on the premises. Each bedroom

must be clearly numbered and the maximum number of persons allowed to be accommodated in each bedroom must be displayed clearly on the door of or in each bedroom.

28. All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Prior to issue of the construction certificate

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

29. Prior to the issue of the Construction Certificate, a detailed stormwater drainage management plan for the disposal of all roof-water, surface water and subsoil water from the site shall be submitted and approved by the Principal Certifier. The drainage management plan for the Construction Certificate shall comply with the requirements as detailed in the Rockdale Stormwater Technical guidelines.
30. Prior to the issue of any Construction Certificate, any part of the proposed building within 3m of the proposed detention tank, underground rainwater 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.
31. Prior to the issue of the Construction Certificate, the design and construction of the off-street car & bicycle parking facilities shall comply with Australian Standard AS 2890 parking series and shall be certified accordingly by a suitably qualified engineer. Furthermore the following shall be incorporated in the design
- (a) 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.
- (b) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of the Standard. Flood control and gutter flow analysis shall be incorporated in the design of the driveway profile.
- (c) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS2890.1-2004.
32. Prior to the issue of the Construction Certificate, The design of the mechanical parking device/s proposed must address the following criteria:
- a) 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/appropriate.
- b) Provide manufacturer specifications.
- c) Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users.

The design must be certified by a suitably qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

33. Prior to the issue of the Construction Certificate, a Construction Traffic Management Plan (CTMP) must be submitted to and approved by the PCA. 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'.
34. Driveway width shall comply the Council with Council's technical specification for 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.
35. The construction methodology, parameters, and recommendations prepared by Geo-environmental Engineering report prepared for the subject site Dated 21st February 2019 shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
36. Prior to the issue of Construction Certificate, If neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard, the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the principal certifier.
Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified engineer, with supporting details addressing the following issues:
Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of an adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
37. 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 applicant's cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider.
38. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$5,238.00. 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.
39. A footpath inspection fee of \$155.00 shall be paid to Council with lodgement of the Construction Certificate with Council, or by the PCA when submitting the copy to Council.
 40. 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.
 41. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 42. The footpath, kerb, road, nature strip and any other element of public infrastructure shall be protected from damage during construction. To ensure this, Council requires a bond to be paid to cover the cost of repairing any infrastructure damage during construction. A bond of \$5,238.00 shall be paid prior to the issue of a Construction Certificate. The bond shall not be released until all work is completed in accordance with the Development Consent and any damage has been repaired.
 43. A Section 7.11 contribution of \$75,883.52 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate. The contribution is calculated from Council's adopted Section 7.11 contributions plan in the following manner:

Regional Open Space Fund	\$ 6,251.96
City Wide Open Space Fund	\$ 9,888.93
Bexley Local Open Space Fund	\$ 48,289.80
City Wide Town Centre & Streetscape Fund	\$ 1,111.39
Bexley Local Town Centre & Streetscape Fund	\$ 338.17
Pollution Control Contribution	\$ 5,720.08
Administration Bexley Planning Precinct	\$ 426.34
Child Care Services	\$ 232.83
Community Services	\$ 249.70
Library services	\$ 3,374.32
Total in 2019/20	\$ 75,883.52

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

44. A boundary survey of the subject site is to be undertaken by a Registered Surveyor. It must be demonstrated that the proposed development can be undertaken entirely within the allotment boundaries. Details demonstrating compliance with this condition must be submitted to the principal certifying authority prior to the issue of the construction certificate.
45. 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.
46. 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>

47. As the basement floor are being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must:
 - (a) Ensure that the all recommendations contained in the Geotechnical assessment report prepared by Geo-environmental engineering, dated 21/2/2019 are implemented.
 - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective.
 - (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
 - (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
 - (e) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

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

48. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal

drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.

- 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.
- 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.
- 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.
- Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting, as detail:
 - i) Trees over 8 metres: Minimum soil depth 1.3 metres
 - ii) Medium trees (8 metre canopy diameter at maturity): Minimum soil depth 1 metre
 - iii) Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm
 - iv) Shrubs: Minimum soil depths 500-600mm
 - v) Groundcover: Minimum soil depths 300-450mm

Any subsurface drainage requirements are in addition to the minimum soil depths quoted above

49. The stairwell windows of both buildings along the south western side elevation shall be provided with frosted glass. Details demonstrating compliance with this requirement shall be provided to the satisfaction of the Certifying Authority.
50. 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.
51. Prior to the issue of a Construction Certificate, the applicant shall submit a Frontage Works Application. Public domain landscape 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.
52. All recommendations within Part 7.0 of the acoustic report prepared by Acoustic Consulting Engineers, dated 15 March 2019 shall be incorporated into the development and adhered to at all times.
53. The Principal Certifying Authority shall not issue a Construction Certificate until a

detailed acoustic assessment /report of all mechanical plants (ventilation systems, garbage exhaust fans, vehicle turntable motor, car park exhaust fans, toilet exhaust fans, exhaust fans, ventilation fans and condenser units) and equipment including air conditioners which meet the NSW EPA Industrial Noise Policy and Protection Of Environment Operations Act 1997 noise emission criteria for residential air conditioners as specified in Acoustic Assessment for Development Application prepared by Acoustic Consulting Engineers – , Document Reference 160780-01L-DD 19 Gladstone Street, Bexley DA Noise Assessment' dated the 15 March 2019.

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

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

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

Prior to commencement of works

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

54. 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.
55. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A

copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

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

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

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

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

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

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

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

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

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

The principal contractor and any sub-contractor must comply with all work directions,

verbal or written, given by the professional engineer.

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

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

Note: Professional engineer has the same 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.

58. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
59. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
Any such sign is to be removed when the work has been completed.
This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
60. 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.
61. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
62. 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.
63. Salvage and recycle all significant original or early fixtures/fittings (eg. fireplaces, mantles, hearths, doors, wall vents etc) and building materials (eg - windows, corrugated metal roofing sheets, chimney pots, tessellated tiles etc) to a heritage building centre. An amended Waste Management Plan shall be submitted to, and approved by Council to include original features to be salvaged.
64. The owners of downstream property, through which is the proposed private drainage pipe, shall be given at least seven (7) days notice in writing of intention to commence

- work within their property together with particulars of the proposed work.
65. Prior to the commencement of works, a photographic record of the existing house at 19 Gladstone Street Bexley shall be carried out and submitted for approval to Council. Three copies of the photographic record shall be submitted in archival sleeves and one in electronic form on a USB, CD or DVD, containing the following:
- i) a layout plan of the existing building, to 1:100 scale, identifying rooms and features shown in the photographs and indicating on the plan where each photo was taken from.
 - ii) colour photographs of the interior, exterior and streetscape view of the building. Interior and exterior photographs should include any original features, decorations or fittings.
 - iii) Photographs must be in either TIFF or JPEG format with a minimum resolution of 4 megapixels. Each photograph must be filenamed to describe it and indicate its location.
66. Prior to the commencement of work, Tree Protection measures which comply with AS4970:2009 and as detailed in clause 4.3 and 4.4 of the Arboricultural Impact Assessment report by The Ents Tree Consultancy dated 23 November 2016, shall be installed around each of the two Brush Box street trees located at the front of the site which are required to be retained. Ground protection across the full width of the nature strip and footpath to prevent root damage and soil compaction is to be provided for the temporary site access during all stages of demolition and construction. The ground protection is to consist of geotextile fabric to be laid beneath a layer of mulch or crushed rock and topped with rumble boards. The boundary fence or fence panels located on the boundary shall be considered adequate protection for the Illawarra Flame Tree located in the adjoining property.
- Clause 5.3 of the Arboricultural Impact Assessment report by The Ents Tree Consultancy dated 1 February 2019 require all excavations associated with the construction of the driveway to be undertaken by hand and they be carried out under the supervision of the AQF level 5 site arborist. Additional Tree protections of the two Brush Box street trees during this phase will require the trees to be wrapped in padded material to protect the trees tissue from vascular damage. Vertical timber slats will be fastened to the padding using an adjustable strap or tightening mechanism. The timber slats must be approximately 50mm x 70mm and cover the trunk of each tree with a maximum spacing of 25 mm. These requirements shall be complied with at all times.
67. 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.

During demolition / excavation / construction

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

68. 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.

69. During construction if the water table was found to be higher than the proposed basement level, 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.
70. 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.

71. 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.

72. 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.
73. 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.
74. 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.
75. All waste generated on site shall be disposed of in accordance with the approved Waste Management Plan.
76. 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.
77. 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.

78. 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.
79. 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.
80. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
81. 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.
82. 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.

83. 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.
84. 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.
85. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
86. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
87. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
88. All recommendations contained in the Arborist's report by The Ents Tree Consultancy dated 23 November 2016 and 1 February 2019 shall be implemented and complied with including the appointment of a Site Arborist with a minimum AQF Level 5 qualifications in Arboriculture, to supervise all Tree protections and excavations impacting the trees are complied with.
89. The two Brush Box street trees located at the front of the site and the Illawarra Flame tree located within the rear of 21 Gladstone Street 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. Any pruning of the Brush Box street trees to improve site access must be undertaken by Council's Tree Management Team. A minimum five (5) weekdays notice is required to arrange for any pruning work.
90. 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.

91. 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.
92. 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.

93. Prior to the issue of an Occupation Certificate, signs shall be displayed adjacent to onsite above ground storage systems shall be marked by the permanent fixing of a marker plate of minimum size 200 mm by 150 mm to the nearest permanent surface. The plate shall be non-corrosive metal or 4 mm thick laminated plastic that contains the following wording:

"This is an onsite stormwater detention system that will pond water during heavy storms."
94. Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:

a) The car park has been completed, a line marked and all signage relating to car parking erected.
b) All mechanical parking devices are installed and operational.
95. 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:
 - Construction of a concrete footpath and /or grass verge along the frontage of the development site;
 - Construction of a new fully constructed concrete vehicular entrance/s; and
 - Reconstruction of selected areas of the existing kerb and gutter that are damaged due to construction works.

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.
96. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
97. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
98. 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.
99. 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.
100. Seven (7) off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked.
101. 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.

102. Prior to the issue of an occupation certificate, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
103. An appropriately qualified Noise Consultant is to certify that Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion has been met before an occupation certificate will be issued.
104. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the report by 'Acoustic Consulting Engineers – , Document Reference 160780-01L-DD 19 Gladstone Street, Bexley DA Noise Assessment' dated the 15 March 2019 and all other noise mitigation measures associated with the mechanical plants (ventilation systems, garbage exhaust fans, vehicle turntable motor, car park exhaust fans, toilet exhaust fans exhaust fans, ventilation fans and condenser units) and equipment including air conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
105. The noise reduction measures specified in the noise report prepared by Acoustic Consulting Engineers dated 15 March 2019 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
106. 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.
107. 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.
108. Prior to the issue of any Occupation Certificate, the following must be complied with:
 - a) All landscape works are to be carried out in accordance with the approved

landscape plans prepared by Conzept Landscape Architecture, issue D, dated 28th August 2019 for the approved development. The landscaping is to be maintained to the approved standard at all times.

b) A Landscape Architect shall provide a report to the Certifying Authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation and the conditions of consent.

109. Table 1: Summary of Boarding Rooms within the Plan of Management dated 2 October 2019 shall be amended to stipulate that the total occupants in the Manager room is 1. The Plan of Management shall also be updated to reflect the reduced number of rooms and reduced capacity of the boarding house as a result of the deletion of room 202 on the Level 02 plan. The final Plan of Management shall be approved by Council prior to the issue of an Occupation Certificate.
110. The front setback area shall incorporate tree planting which does not conflict with the on-site detention system. One (1) native canopy tree located in frontage setback (northern corner as shown on the landscape plan), and two (2) native canopy trees located in the rear yard shall be supplied and planted at a minimum pot size of 100 litres each. Height above container 2.4 metres, caliper at 300mm greater than 50mm, and with a clear trunk height of 1.5 metres.
111. A Landscape Maintenance Schedule shall be submitted to the Certifying Authority that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).

Integrated development/external authorities

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

112. The following conditions are imposed by the Department of Infrastructure, Transport, Cities and Regional Development and must be complied with:
 - The building must not exceed a maximum height of 53.02 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, lightning rods, any roof top garden plantings, exhaust flues etc.
 - The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSSY-CA-051 P2.
 - Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. craned) be obtained prior to any commitment to construct.

- On completion of construction of the building, the Proponent must provide the airfield design manager with a written report for a certified surveyor on the finished height of the building.

Roads Act

113. 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.
114. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
115. 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.
116. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.

Development consent advice

- a. 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. 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.

d. 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:

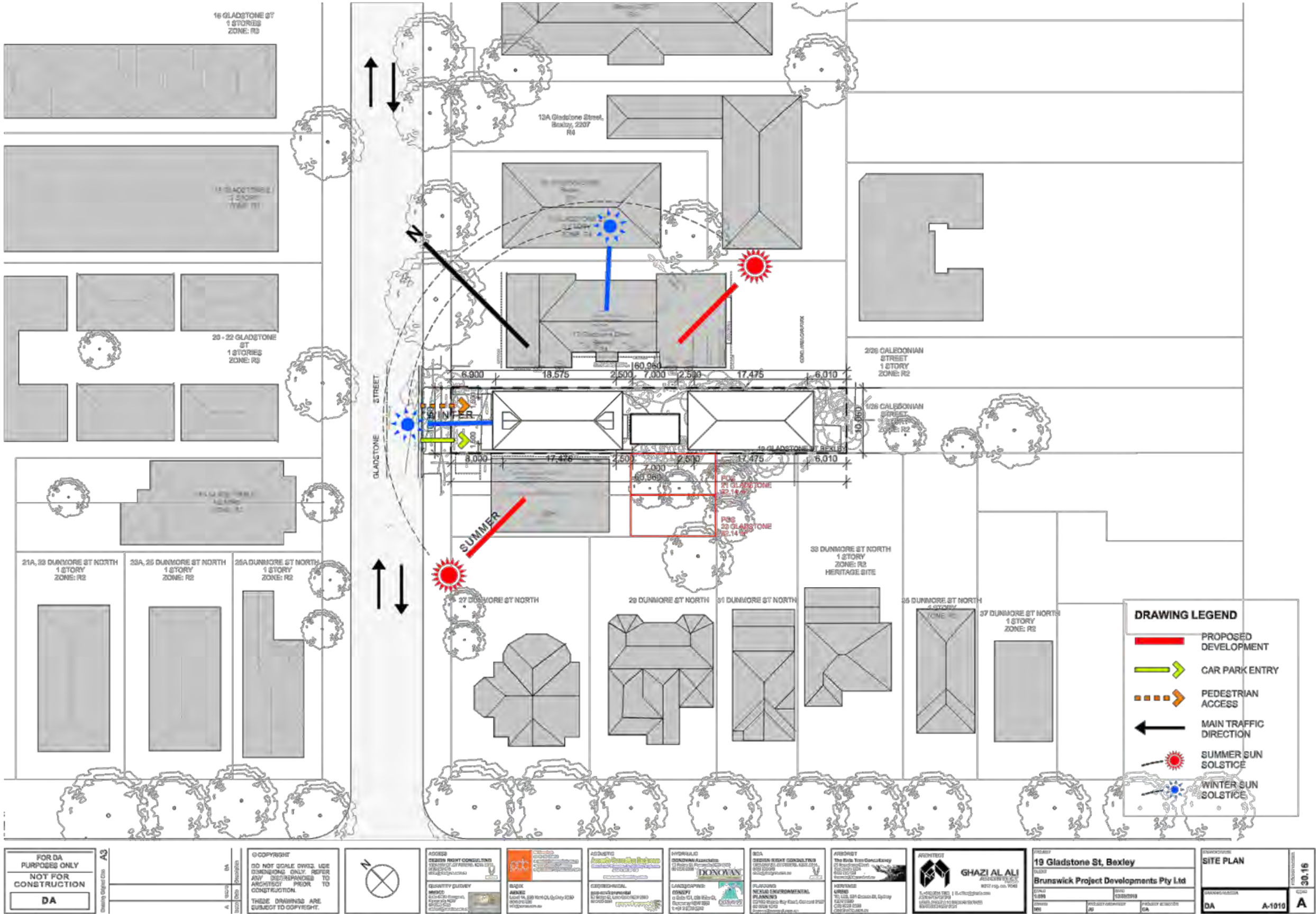
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Protection of the Environment Operations (Waste) Regulation 2005.

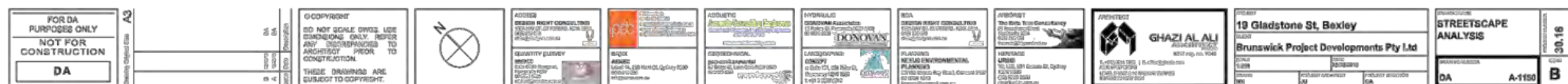
e. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:

- 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

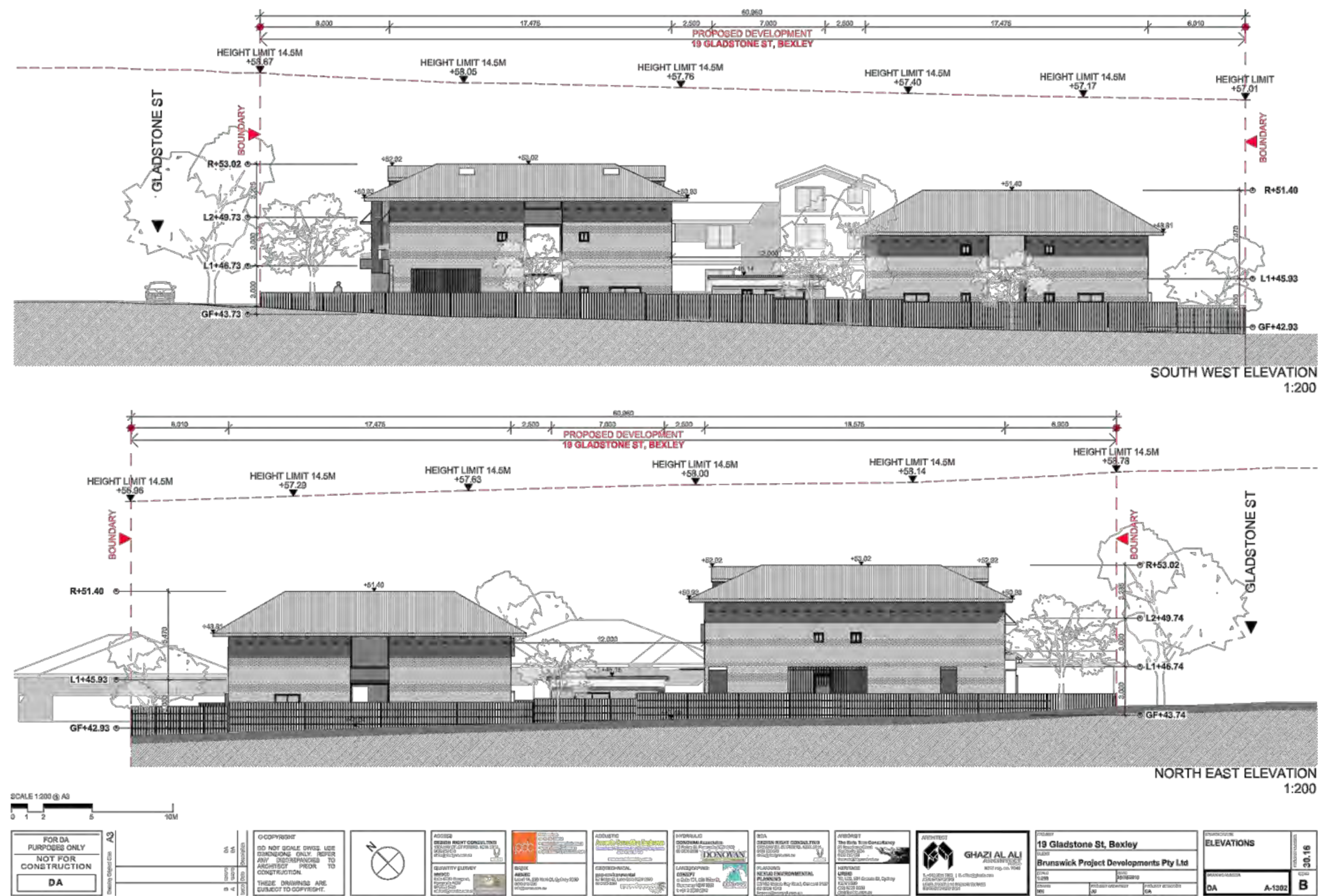
nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

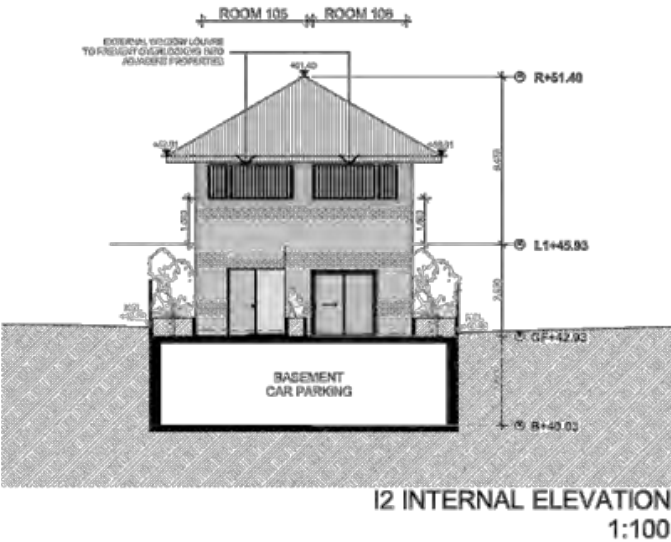
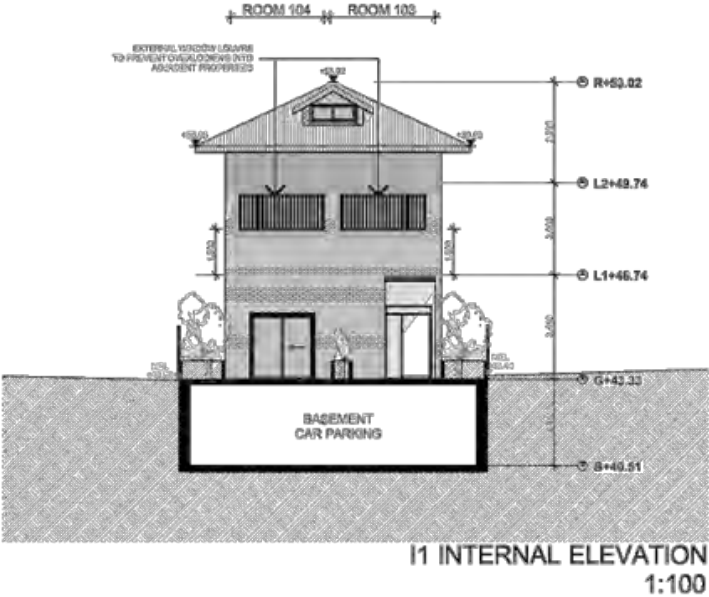
- f. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".
- g. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.











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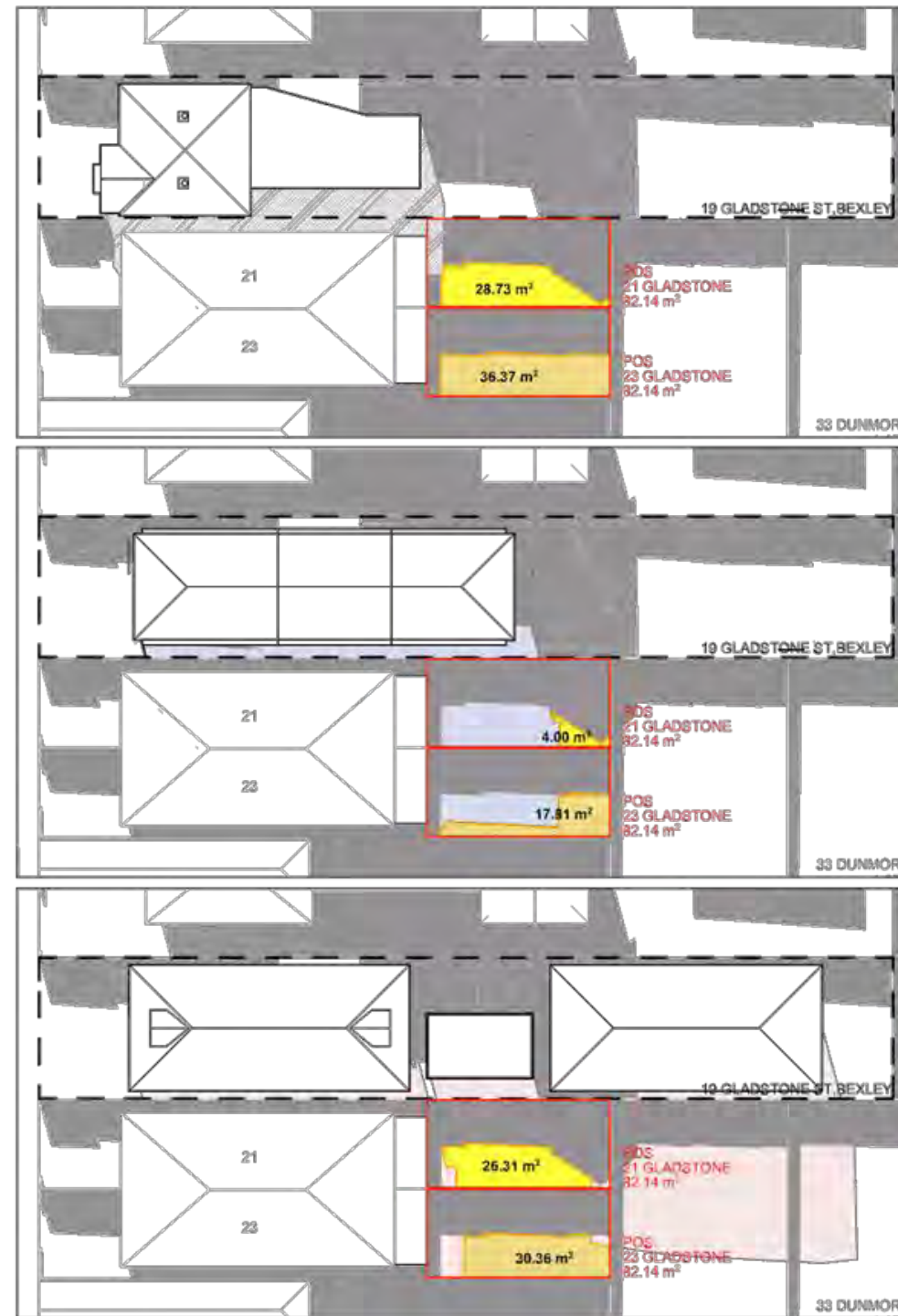
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INTERNAL ELEVATIONS
DA A-1303 A



10AM 21 JUNE







EXISTING DEVELOPMENT		
	TOTAL POS AREA OF 21 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	28.73 m2 (34.98%)
	TOTAL POS AREA OF 23 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	36.37 m2 (44.28%)

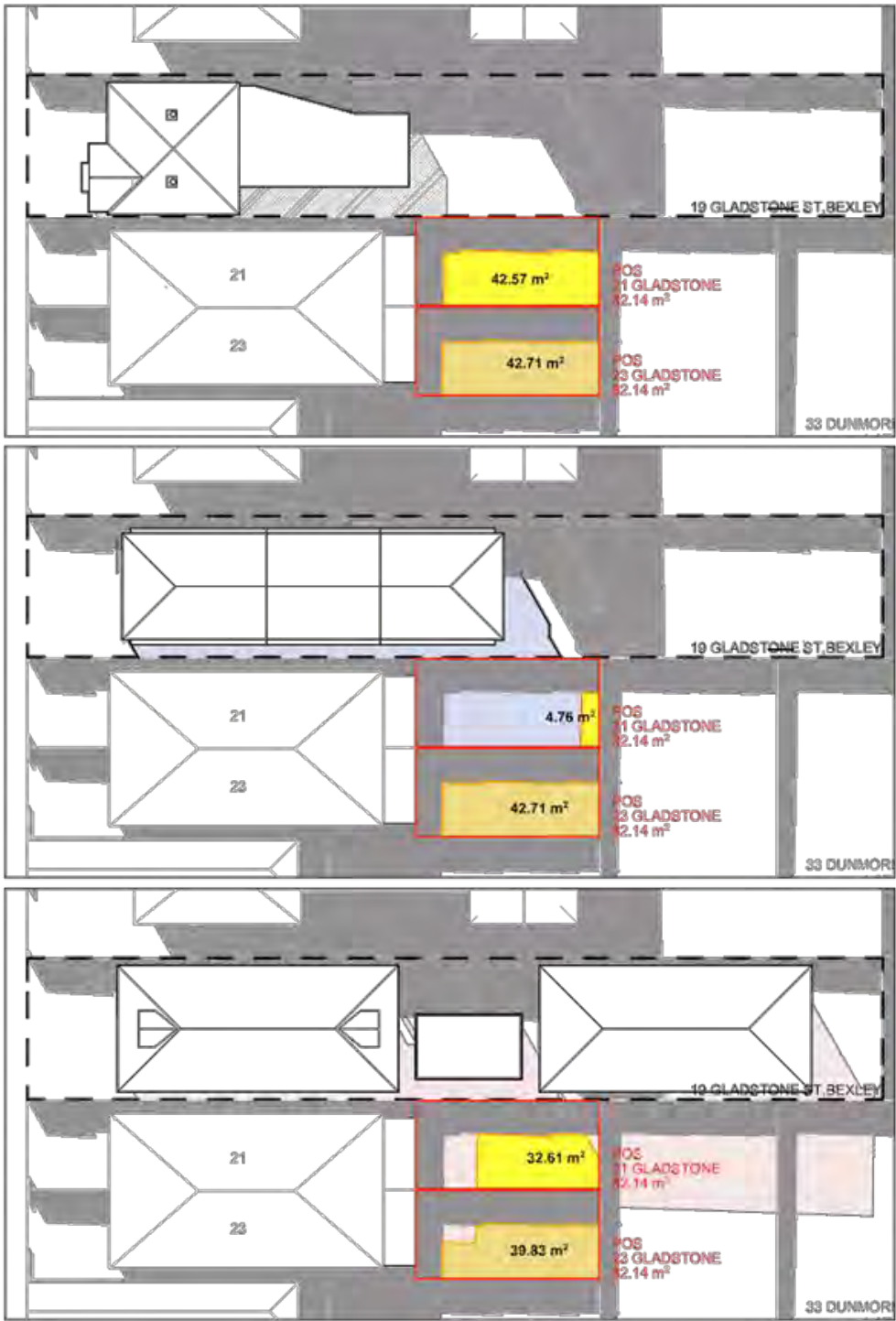
GENERAL HOUSING CODE DEVELOPMENT		
	TOTAL POS AREA OF 21 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	4.0 m2 (4.87%)
	TOTAL POS AREA OF 23 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	17.81 m2 (21.68%)

PROPOSED DEVELOPMENT				
	TOTAL POS AREA OF 21 GLADSTONE STREET	82.14 m2	POS AREA OF 21 GLADSTONE STREET EXCLUDING EXISTING SHADOW	28.73 m2
	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	26.31 m2 (32.03%)	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	26.31 m2 (91.58%)
	TOTAL POS AREA OF 23 GLADSTONE STREET	82.14 m2	POS AREA OF 23 GLADSTONE STREET EXCLUDING EXISTING SHADOW	36.37 m2
	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	30.36 m2 (36.96%)	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	30.36 m2 (83.48%)

DRAWING LEGEND

---	SUBJECT SITE
	EXISTING NEIGHBOUR SHADOW
	EXISTING DEVELOPMENT SHADOW
	GENERAL HOUSING CODE DEVELOPMENT SHADOW
	PROPOSED DEVELOPMENT SHADOW

[illegible]



EXISTING DEVELOPMENT		
	TOTAL POS AREA OF 21 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	42.57 m2 (51.83%)
	TOTAL POS AREA OF 23 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	42.71 m2 (52.00%)

GENERAL HOUSING CODE DEVELOPMENT		
	TOTAL POS AREA OF 21 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	4.76 m2 (5.79%)
	TOTAL POS AREA OF 23 GLADSTONE STREET	82.14 m2
	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	42.71 m2 (52.00%)

PROPOSED DEVELOPMENT				
	TOTAL POS AREA OF 21 GLADSTONE STREET	82.14 m2	POS AREA OF 21 GLADSTONE STREET EXCLUDING EXISTING SHADOW	42.57 m2
	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	32.61 m2 (39.70%)	SOLAR ACCESS AREA OF 21 GLADSTONE STREET	32.61 m2 (76.60%)
	TOTAL POS AREA OF 23 GLADSTONE STREET	82.14 m2	POS AREA OF 23 GLADSTONE STREET EXCLUDING EXISTING SHADOW	42.71 m2
	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	39.83 m2 (48.49%)	SOLAR ACCESS AREA OF 23 GLADSTONE STREET	39.83 m2 (93.26%)

11AM 21 JUNE

DRAWING LEGEND	
---	SUBJECT SITE
---	EXISTING NEIGHBOUR SHADOW
---	EXISTING DEVELOPMENT SHADOW
---	GENERAL HOUSING CODE DEVELOPMENT SHADOW
---	PROPOSED DEVELOPMENT SHADOW



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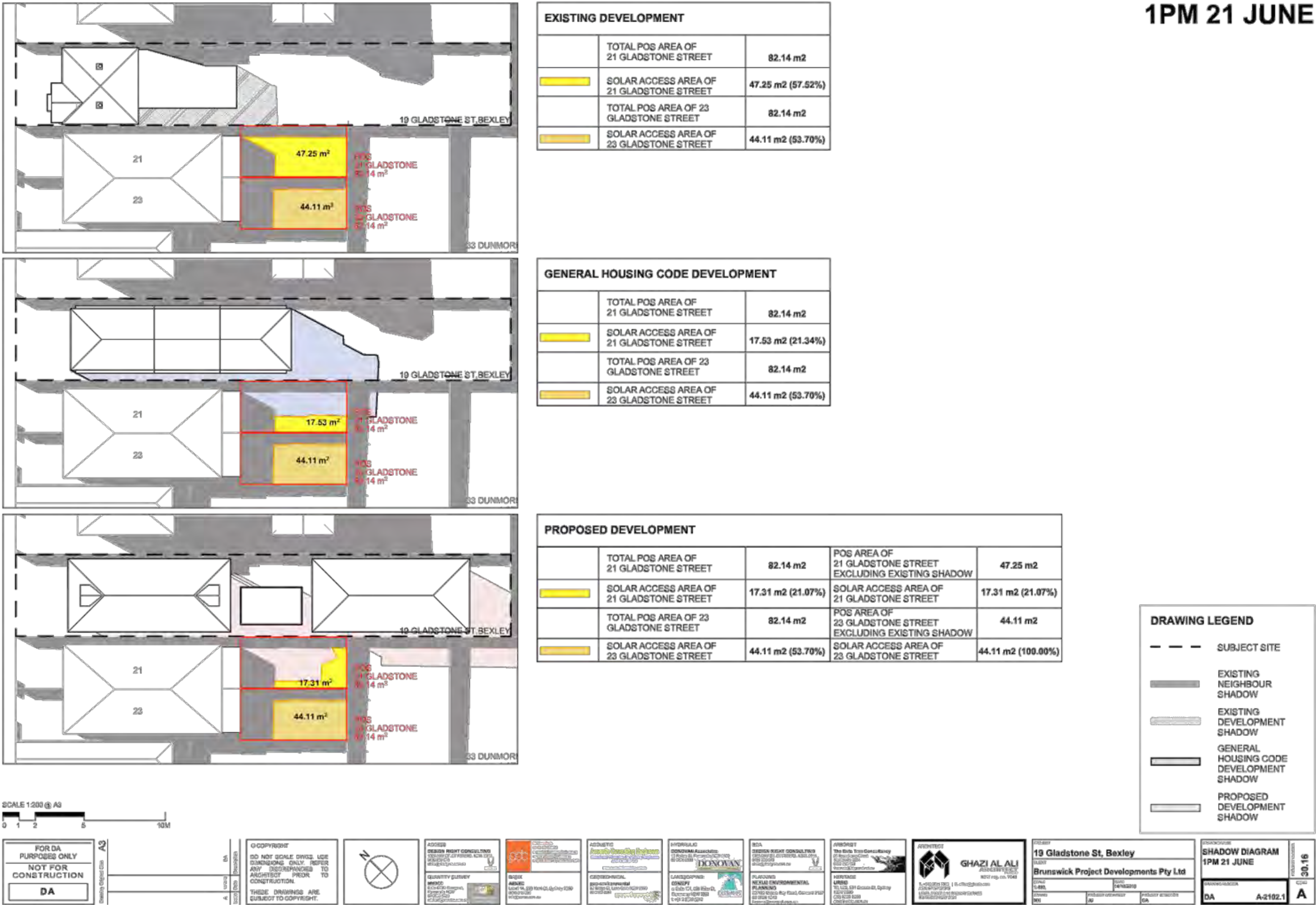
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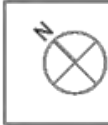


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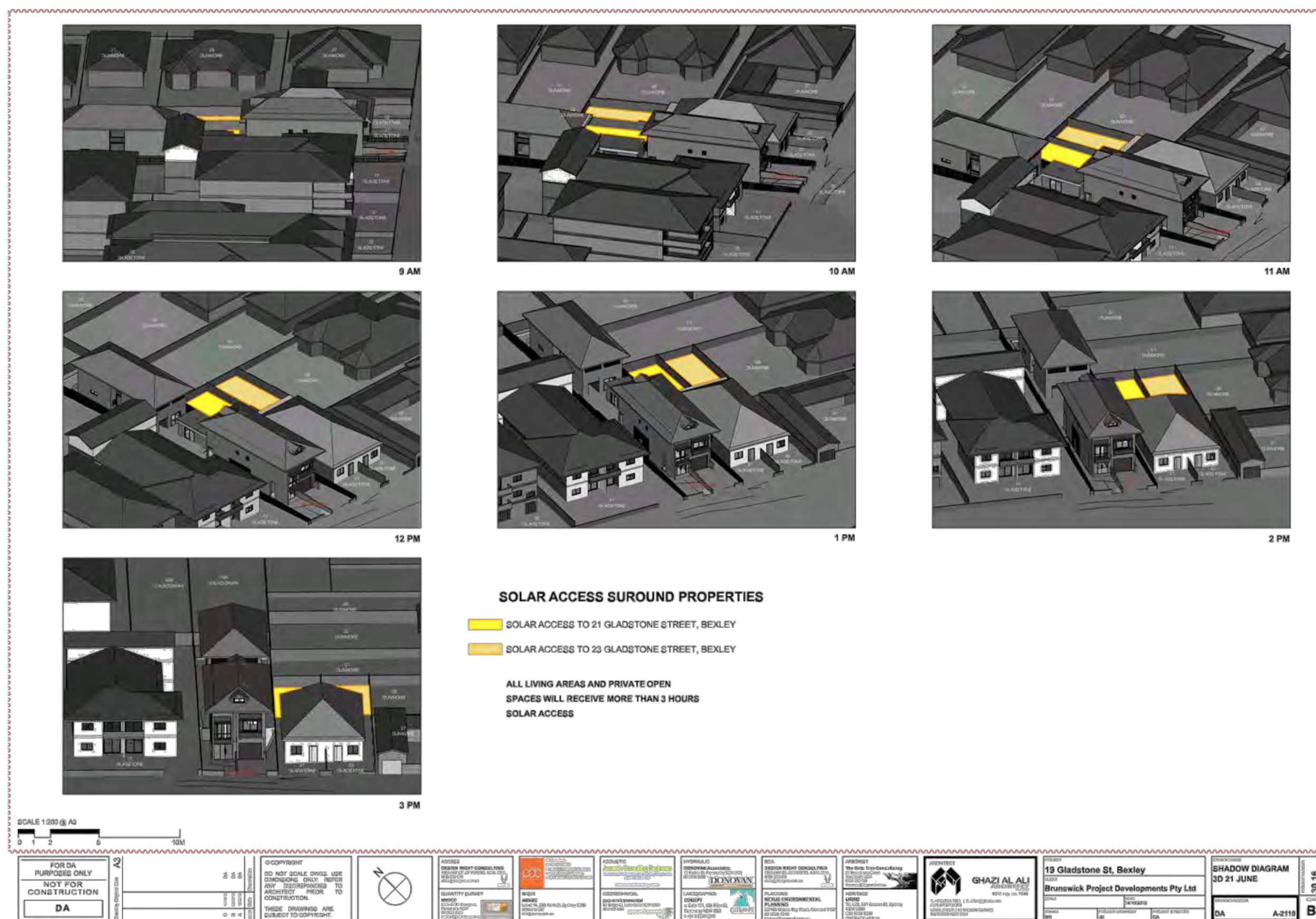
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DRAWING LEGEND

- SUBJECT SITE
- EXISTING NEIGHBOUR SHADOW
- EXISTING DEVELOPMENT SHADOW
- GENERAL HOUSING CODE DEVELOPMENT SHADOW
- PROPOSED DEVELOPMENT SHADOW











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PLAN OF MANAGEMENT
BOARDING HOUSE
No.19 GLADSTONE STREET
BEXLEY



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BEXLEY

2 October 2019

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1. INTRODUCTION

Nexus Environmental Planning Pty Ltd has been requested to prepare a Plan of Management to accompany a development application to Bayside Council (the **Council**) for the establishment of a boarding house at No.19 Gladstone Street, Bexley.

2. THE SITE

The site of the proposed boarding house is:

Lot 21, Section 4, DP 1680
No.19 Gladstone Street
BEXLEY

3. THE BOARDING HOUSE DEVELOPMENT

The boarding house comprises the following:

- 13 boarding rooms
- 1 Manager's room
- 7 car parking spaces including 1 disabled car parking space
- 3 bicycle spaces
- 3 motorcycle spaces
- indoor and outdoor communal areas.

Table 1 provides a summary of the boarding rooms.

Table 1: Summary of Boarding Rooms

	Single Rooms	Double Rooms	Total Rooms	Total Occupants
Manager	-	1	1	2
Ground floor	2	1	3	4
Level 1	1	7	8	15
Level 2	-	2	2	4
TOTAL	3	11	14	25

A copy of the approved plans for the boarding house are contained as **Attachment 1**.

4. PLAN OF MANAGEMENT

4.1 Purpose of the Plan of Management

The purpose of this Plan of Management (**PoM**) is to outline the operational management controls which will apply to the boarding house at the Site to:

- Ensure an acceptable level of resident amenity, safety and privacy to meet the needs of residents.
- Minimise the adverse impacts to adjoining properties and the locality.
- Maintain the internal and external appearance of the boarding house.
- Identify a procedure for reporting, processing and resolving complaints.
- Make provision for the PoM to be amended, as necessary over time, with the approval of Council, in order to facilitate timely and responsive operational changes to improve and maintain residential amenity both within and external to the Site.

4.2 Registration of Boarding House

The Boarding House will be registered with the relevant State government authority and the Council.

4.3 Access to Plan of Management

A copy of the PoM will be provided to each boarding house occupant and will be made available to all persons involved in the operation and management of the boarding house.

The PoM will be available for viewing within either the communal living area or kitchen area of the boarding house and will be made available on request to the Site Manager.

4.4 Management and Supervision

The boarding house is to be managed by a Site Manager who will be contactable 24 hours a day, 7 days a week.

The contact details for the Site Manager will be placed on each of the community notice boards required to be installed. The Manager's details are as follows:

Name:

Contact phone number:

The name and contact details of the Site Manager will be provided to Council. Any changes must be notified to Council immediately.

A clearly visible sign with the name and telephone number of the Site Manager will be displayed externally at the front entrance of the boarding house and internally in the common area.

The Site Manager will be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the conditions of both the PoM and the Development Consent for the boarding house. A copy of the Development Consent is at **Attachment 2**.

4.5 Site Manager's Responsibilities

The Site Manager will monitor and supervise the following aspects of the boarding house:

House Rules

A sample of the House Rules is contained in **Attachment 3**.

The House Rules will be prominently displayed in the common areas and entry point of the boarding house.

The House Rules will be attached to the Lease Agreement of each tenant and will require mandatory compliance.

The Site Manager will ensure that the occupants comply with the House Rules. If the House Rules are broken, the Site Manager will deal with the non-compliance within 24 hours and issue a notice in writing of the breach of the rules with a requirement that the breach ceases immediately.

The resident may request a meeting with the Site Manager to discuss the issue.

The Site Manager will keep a Register containing details of any breach of the House Rules and the measures employed to remedy that breach.

The Site Manager will keep minutes of meetings and attach these minutes to the Register.

Occupancy Rate	The maximum guest number for each room will be documented in the Lease Agreement between the landlord and the tenant. There will be bi-monthly inspection of each room to ensure compliance with the Lease Agreement and House Rules.
Impact to adjoining premises	<p>This will be managed through the House Rules as well as any complaints received from neighbouring residents.</p> <p>A 24 hour contact number will be displayed on the outside of the building to ensure any complaints are promptly addressed.</p> <p>The Site Manager will ensure that noise from the boarding house does not unreasonably impact surrounding residents and neighbours. This includes ensuring occupants adhere to the House Rules in relation to noise emanating from the boarding house (including common living areas and outdoor communal areas).</p>
Complaint Register	A complaint register will be maintained by the Site Manager. All complaints logged will be recorded in this register and be available for Council inspection (refer Part 4.11).
Waste minimisation and recycling	<p>The Site Manager will ensure that a cleaner attends the boarding house twice weekly to ensure that the common areas, private open space, car parking and general outside areas of the boarding house are kept clean, tidy and disinfected to a professional standard.</p> <p>Each room will be provided with a waste disposal container.</p> <p>The Site Manager will ensure that occupants place all non-recyclable waste in the garbage bins and that all recyclable waste is placed in the recycling bins provided.</p> <p>Each boarding room is to be cleaned after a resident vacates that room and before a new tenant occupies that room.</p>
Safety and security	Internal signage will be prominently displayed to provide the Site Manager's contact details, as well as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, locksmith, security and

cleaning services.

The Site Manager will provide occupants with a key to their room and the common areas once they have entered into a Lease Agreement.

The Site Manager will check equipment, fittings and furnishings and maintain them in safe working order. If equipment is identified as unusable, these items will be tagged appropriately and a replacement or repair organised within a reasonable period.

The Site Manager will ensure laundry facilities are maintained in safe working order.

Tenant Selection

The Site Manager will ensure that all tenants submit a tenancy application, together with appropriate identification and verification checks prior to entering into a Lease Agreement.

All tenants will be screened through the National Tenancy Database, criminal record, employment and reference checks.

The Manager will allocate boarding rooms on a first come basis with the accessible rooms to be allocated last. Priority for the accessible rooms will be given to those in need of accessible facilities. If all rooms are occupied when a boarder needing accessible facilities seeks accommodation at the boarding house, they will be placed at the top of a waiting list. If a person not in need of accessible facilities occupies an accessible room and another non-accessible room becomes available, they will be asked to move to allow those on a waiting list who are in need of accessible facilities to be allocated the accessible room.

Car parking

Car parking on site will be allocated to occupants wanting a car parking space if there are spaces available, except for the disabled space which must be allocated to a boarder with a disability where there is a boarder with a disability. Car parking spaces will be allocated to boarding house occupants as part of the lease agreement.

Signage

The Site Manager will ensure that adequate signage is provided which identifies each of the rooms in the boarding house by number and that there are suitable signs located within the boarding house to allow both residents and visitors to find the appropriate rooms

and facilities in the boarding house.

Landscape Maintenance

The Site Manager will ensure that all landscaping with the Site is maintained in a suitable manner.

4.6 Access to Boarding House

The boarding house is to be accessible 24 hours a day, 7 days a week and, where necessary, through the use of a security card to access particular areas of the boarding house (i.e. underground parking). Alternatively, access is to be provided by appointment with the Site Manager.

The opening hours of the communal areas shall be as follows, unless separately agreed with the Site Manager.

Outdoor communal areas	The outdoor communal areas will be available for use of the occupants, at all times, between 7:30am and 9:00pm, 7 days a week.
Indoor communal areas	The indoor communal areas will be available for use of occupants at all times between 6:00am and 10:00pm, 7 days a week.
Communal kitchen	The communal kitchen will be available for use of the occupants, at all times, between the hours of 5:00am and 12 midnight, 7 days per week.
Communal laundry areas	Communal laundry areas will be available for use at all times between 6:00am and 10:00pm, 7 days a week.

4.7 Occupation of Boarding House

A maximum of one (1) occupant is permitted in each single boarding room and two (2) occupants per double boarding room which will be nominated on the Lease Agreement.

Occupants will be provided with the following:

- A copy of this Plan of Management.
- A copy of their Lease Agreement. Rooms are to be leased for a minimum period of 3 months.
- One (1) key per occupant to access their room and designated communal areas as deemed necessary by the Site Manager.
- Access to all nominated communal areas deemed necessary by the Site Manager except

basement vehicle parking unless specified as part of the occupant's Lease Agreement.

- Working door locks to individual rooms.
- A waste disposal container.
- Adequate furniture to ensure that the amenity of the residents is maintained, including:
 - bed
 - wardrobe
 - table
 - chair
 - lamp
 - waste and recycling containers
 - window coverings
 - phone connection
 - electrical power points (x2)
 - television outlet
 - sink
 - cupboard space
- Access to working laundry facilities in the form of a washing machine and dryer.
- A copy of the Fire Safety Plan.
- Fittings, equipment and furnishings which are maintained in safe working order.
- Soaps, cleaning facilities and cooking implements such as pots and pans in the common kitchen area.
- The communal kitchen is to be fitted out in accordance with the approved plans.
- The communal room will be provided with the following:
 - television
 - lounge chairs
 - cooking facilities such as pots, pans, cutlery, glasses, kettle, coffee cups and the like.
 - outdoor BBQ facilities
 - outdoor furniture

4.8 Visitors

Any visitors will be accompanied at all times by an occupant of the boarding house.

Visitors are only permitted on-site between 7:30am and 10:00pm, 7 days a week.

Visitors will conduct themselves in a responsible and courteous manner while on the premises so as not

to negatively impact the amenity of other occupants and surrounding residents.

Occupants are responsible for ensuring all visitors comply with the House Rules outlined in **Attachment 3**. Failure to do so may result in visitors, and in certain cases occupants, being evicted from the boarding house.

4.9 Fire Safety

The boarding house will comply with essential fire safety measures outlined in the *Environmental Planning and Assessment Regulation 2000*, including but not limited to the following:

- a. A copy of the annual fire safety statement and current fire safety schedule for the boarding house will be prominently displayed in the boarding house entry area.
- b. A floor plan will be permanently fixed to the inside of the door of each room to indicate the available emergency egress routes.
- c. The Site Manager will be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.
- d. The boarding house will obtain annual certification for the essential fire safety measures to comply with the *Environmental Planning and Assessment Regulation 2000*.

4.10 Notice Board

Appropriate notice boards will be placed around the boarding house to provide information to occupants. The notice boards are to be placed at the following locations to ensure equitable access to all residents:

- a. Within the entrance foyer and outside the Site Manager's Office, and/or in the communal lounge room of the boarding house.
- b. On the ground floor opposite the lift.

4.11 Complaint Register

The Site Manager is to maintain a complaints register of both public (external) and occupant (internal) complaints.

The register will contain forms to be completed by the Site Manager, occupants and/or complainants. The form is to record the name, address, phone number and date of any person making a complaint and the details of the complaint. Only complaints where all the above information is given are to be recorded in the register.

The Site Manager will respond to a complaint whether written or oral within 24 hours and provide the reference number of the complaint.

The Site Manager will respond within 7 days to a complaint in writing. Should more than 7 days be required to respond to the complaint, the Site Manager will advise the complainant of why additional time is required to address the issue and provide an approximate time frame to enable a response.

The complainant may request a meeting with the Site Manager to discuss the issue. The Site Manager will keep minutes of any such meeting and attach the minutes to the Complaint Register.

Incident Reports can be lodged by any person relating to an incident, crime, or nuisance associated with the premises. An Incident Report form will be made available by the Site Manager upon request. Incident Reports will be lodged with the Site Manager and actioned in accordance with the procedure outlined above.

4.12 Pets

No pets are allowed within the boarding house without the prior approval of the Site Manager.

4.13 Review of Plan of Management

The PoM will be reviewed on an annual basis and completed prior to 30 June of each year.

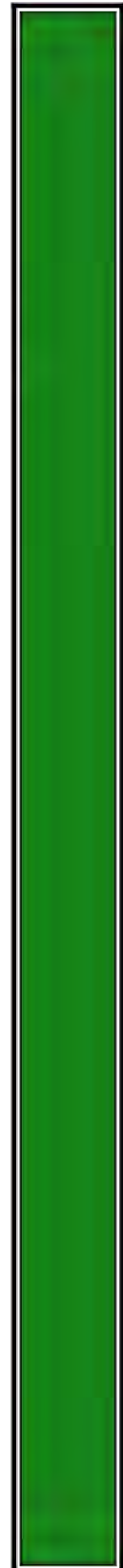
The Site Manager is responsible for overseeing each annual review and amending the PoM as necessary.

Modification to the PoM must be consistent with the conditions of consent and any modified PoM will be forwarded to the Council.

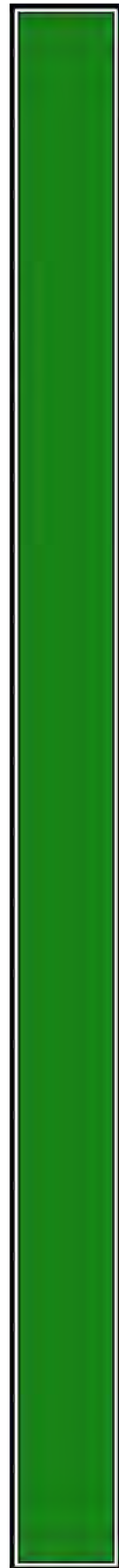
The PoM (including House Rules) may be varied from time to time by the Council, on the application of the owner/Site Manager, without the need for formal modification of the development consent.

Once modified, the Site Manager will provide an updated copy of the PoM to all occupants.

Attachment 1
Approved Plans

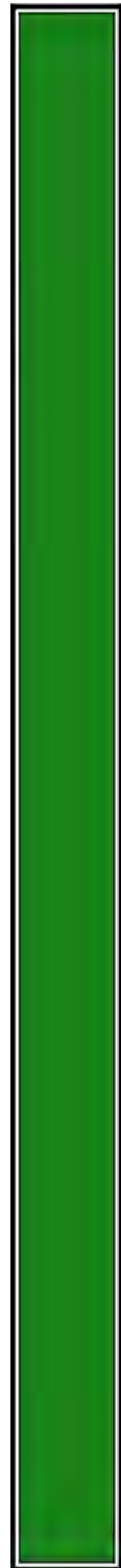


Attachment 2
Development Consent



Attachment 3

House Rules



Resident and guest behaviour	Residents and their guests must not interfere with the reasonable peace, comfort and privacy of other residents and neighbouring properties.
Smoking	Smoking is not permitted within any part of the boarding house, in the external areas of the boarding house or in the street in front of the boarding house.
Amplified and Live Music	All residents are to ensure that music is to be of a volume which does not unreasonably impact on the amenity of other residents.
Maintenance of rooms	<p>Residents must maintain their rooms:</p> <ul style="list-style-type: none"> - in a clean manner - in a way which does not interfere with the reasonable comfort of other residents - in a way which does not create a fire or health hazard. <p>Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility of the boarding house.</p>
Guests	Residents must make sure their guests are aware of, and follow, the House Rules. No guests are allowed into the boarding house before 7:30am and after 10:00pm.
Pets	Pets must not be kept on the premises without the permission of the Site Manager.
Garbage	Garbage is to be enclosed in a plastic bag (tied at the top) and placed in the bins in the garbage area. No domestic rubbish, food scraps, food wrappers, goods or materials are to be left in the hallways, common areas or outside the boarding house.
Fire Safety	Occupants are to familiarise themselves with the fire safety and evacuation procedures located in the hallway and back of room doors, location of fire blankets and fire extinguishers.
Noise	Noise is to be kept to a minimum at all times. Please enter and leave the premises quietly.
Security	The front door of the premises is to be locked at all times. Please do not let anyone in the premises who has no legitimate reason to be there.
Outdoor communal areas	The outdoor communal areas will be available for use of the occupants, at all times, between 7:30am and 9:00pm, 7 days a week.
Indoor communal areas	The indoor communal areas will be available for use of occupants at all times between 6:00am and 10:00pm, 7 days a week.
Communal kitchen	The communal kitchen will be available for use of the occupants, at all times, between the hours of 5:00am and 12 midnight, 7 days per week.
Communal laundry areas	Communal laundry areas will be available for use at all times between 6:00am and 10:00pm, 7 days a week.
Alcohol / Drugs	Alcohol and drugs are strictly prohibited from being consumed in the boarding house or in the public areas fronting the boarding house.