

Council Meeting

Councillors,

In accordance with the provisions of the Local Government Act, 1993, and Regulations thereunder, I request your attendance at a meeting of Council to be held in the Council Chambers, Town Hall, Rockdale on Wednesday 2 December 2015, to commence at 6.30 pm.

**MEREDITH WALLACE
GENERAL MANAGER**

Summary:

Item #	Report By	Subject
ORD01		ACKNOWLEDGEMENT OF COUNTRY
ORD02		OPENING PRAYER
ORD03		APOLOGIES
ORD04		NOTIFICATIONS OF INTEREST
ORD04		MINUTES OF THE ORDINARY MEETING OF ROCKDALE CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, ROCKDALE ON WEDNESDAY, 18 NOVEMBER 2015, AT 6.53 PM SF14/1083
ORD05		MAYORAL MINUTE
ORD06		PUBLIC FORUM
ORD07	Manager - Development Services (Luis Melim)	25 PRESIDENT AVENUE KOGARAH NSW 2217 - DA-2015/442 - ADDITION OF FIRST FLOOR TO RESIDENTIAL DWELLING AND REAR GROUND FLOOR ADDITION INCLUDING PERGOLA
ORD08	Manager - Development Services (Luis Melim)	67 FAIRVIEW STREET, ARNCLIFFE - DA-2016/19 - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO (2) STOREY ATTACHED DUAL OCCUPANCY WITH A NEW FRONT FENCE, INCLUDING TORRENS TITLE SUBDIVISION CREATING TWO ALLOTMENTS
ORD09	Manager - Development Services (Luis Melim)	152 FREDERICK STREET, ROCKDALE - DA-2016/15 - CONSTRUCTION OF TWO (2) STOREY ATTACHED DUAL OCCUPANCY DEVELOPMENT, INCLUDING FRONT FENCE, TORRENS TITLE SUBDIVISION CREATING TWO LOTS AND DEMOLITION OF EXISTING STRUCTURES
ORD10	Manager - Development Services (Luis Melim)	53 MONTEREY STREET, MONTEREY - DA-2016/33 - CONSTRUCTION OF TWO (2) STOREY RESIDENTIAL DWELLING, INCLUDING BASEMENT PARKING AND SWIMMING POOL AND DEMOLITION OF EXISTING
ORD11	Manager - Development Services (Luis Melim)	CLAUSE 4.6 OF ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 - VARIATIONS TO DEVELOPMENT STANDARDS FOR THE MONTH OF NOVEMBER 2015 F08/583
ORD12	Manager Place Outcomes (Erika Pawley)	POST-EXHIBITION ASSESSMENT OF PLANNING PROPOSAL & VOLUNTARY PLANNING AGREEMENT FOR 152-206 ROCKY POINT ROAD, KOGARAH (FORMER DARRELL LEA SITE) F13/274

ORD13	Manager Place Outcomes (Erika Pawley)	DRAFT ROCKDALE CONTRIBUTIONS PLAN 2016 - URBAN RENEWAL AREA F14/93
ORD14	Manager Place Outcomes (Erika Pawley)	PUBLIC EXHIBITION OF WESTCONNEX ENVIRONMENTAL IMPACT STATEMENT (EIS) SF13/688
ORD15	Acting Manager Property & Venues (Benjamin Heraud)	OCCUPANCY RENEWAL EVALUATION - 9 ADOR AVENUE ROCKDALE - NSW POLICE CITIZENS YOUTH AND BOYS CLUB F08/379
ORD16	Acting Manager Property & Venues (Benjamin Heraud)	OCCUPANCY RENEWAL EVALUATION - 72 LAYCOCK STREET, BEXLEY NORTH - BEXLEY BOWLING AND COMMUNITY CLUB F08/379
ORD17	Acting Director - City Planning & Development (Michael McCabe)	ROCKDALE TOWN CENTRE MASTERPLAN - STATUS OF CAR PARKING PROJECTS F08/387
ORD18	Manager - Executive Services (Fausto Sut)	CHANGE OF COUNCIL ORDINARY MEETING TIMES F11/563
ORD19	Manager - Executive Services (Fausto Sut)	WARD BOUNDARIES REVIEW F13/15
ORD20	Manager - Finance & Administration (Alister Duncan)	STATUTORY FINANCIAL REPORT - OCTOBER 2015 F09/605
ORD21	Manager - Executive Services (Fausto Sut)	REDUNDANT COUNCIL POLICIES - DEVELOPMENT SERVICES F12/321
ORD22	Coordinator Community Capacity Building (Cheryl Brady)	REQUEST FOR FINANCIAL ASSISTANCE FOR EMILY PREKETES F09/1059
ORD23	Manager Community Planning & Reporting (Karen Purser)	REQUEST FOR FINANCIAL ASSISTANCE FOR DANIEL ARAHU F09/1059
ORD24	Manager Community Planning & Reporting (Karen Purser)	DONATION REQUEST - ROTARY CLUB OF HURSTVILLE F09/1152
ORD25	Manager Community Planning & Reporting (Karen Purser)	DONATION REQUEST FOR KIDS WITH CANCER FOUNDATION F09/1122
ORD26		MINUTES OF THE MEETING OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, ON MONDAY, 9 NOVEMBER, 2015, AT 6:00PM 11/7782
ORD27		MINUTES OF THE ROCKDALE TRAFFIC COMMITTEE MEETING HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, 2 BRYANT STREET, ROCKDALE ON WEDNESDAY, 11 NOVEMBER, 2015, AT 9:15AM F08/887P04
ORD28	Executive Assistant - General Manager (Maria Dixon)	REMINDERS F13/550

ORD29		QUESTION WITH NOTICE
ORD30		CLOSED SESSION OF COUNCIL
ORD31C	Coordinator - City Media and Events (Vincenzo Carrabs)	CONFIDENTIAL: CONFIDENTIAL - CITIZEN OF THE YEAR 2016 F15/214
ORD32C	Coordinator City Projects (Maritza Abra)	CONFIDENTIAL: CONFIDENTIAL - TENDER CANONBURY GROVE EMBANKMENT STABILISATION AND DRAINAGE UPGRADE F15/397
ORD33C	Director Corporate and Community (Geoff King)	CONFIDENTIAL: ADVICE ON AIRPORT MATTERS F08/34
ORD34C	Manager - Library & Customer Services (Susanna Waller)	CONFIDENTIAL: CONFIDENTIAL - MEALS ON WHEELS F15/464
ORD35C	General Manager (Meredith Wallace)	CONFIDENTIAL: LE SANDS RESTAURANT & PROPOSED SUBLEASE TO BRIGHTON HOGS PTY LTD F12/129
ORD36C	Manager - City Infrastructure (Jeremy Morgan)	CONFIDENTIAL: CONFIDENTIAL - SUPPLY AND INSTALLATION OF STREET LIGHTS MT OLYMPUS BOULEVARD, WOLLI CREEK - TENDER FOR CONSTRUCTION F15/454
ORD37C	Acting Manager Property & Venues (Benjamin Heraud)	CONFIDENTIAL: CONFIDENTIAL - PROPOSED ACQUISITION - ROCKDALE TOWN CENTRE F08/387
ORD38C	Director - City Operations (Karin Hartog)	CONFIDENTIAL: CONFIDENTIAL - SELECT TENDER FOR CONSTRUCTION SERVICES - RAMSGATE BEACH THRIVING TOWN CENTRE F15/360
ORD39		RESUMPTION OF OPEN SESSION OF COUNCIL
ORD40		CALL FOR RESCISSION MOTIONS

File Number: SF14/1084

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number:	ORD01
Subject:	ACKNOWLEDGEMENT OF COUNTRY

Notation

NOTE:

Councillors Awada and L Sedrak were absent for this item.

The Mayor read the Acknowledgment of Country.

Background

Rockdale City Council respects the traditional custodians of the land, and elders past and present, on which this meeting takes place.

Council acknowledges the Gadigal and Bidjigal Clans as people with a close recent history in the area, as well as the people of the Darug and Tharawal nations.

Further, as the land on which we stand is known to have been a large melting pot of Aboriginal culture, Council would like to acknowledge all people of Aboriginal background.

Supporting Information

[Action From Resolution](#)
[File Attachments](#)

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number: ORD02
Subject: OPENING PRAYER

Notation

NOTE:

Councillors Awada and L Sedrak were absent for this item.

The meeting was opened with a Prayer by the Council Chaplain, Pastor Andrew Harper.

Background

Council's Code of Meeting Practice provides for an opening prayer at Ordinary Meetings of Council.

Supporting Information

Action From Resolution
File Attachments

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number: ORD03
Subject: APOLOGIES

Council Resolution

NOTE:

Councillors Awada and L Sedrak were absent for the voting on this item.

RESOLVED on the motion of Councillors Tsounis and P Sedrak

That the apology from Councillor Bezic for his absence be received and leave of absence granted.

Officer Recommendation

That the apologies be received and noted and that leave of absence be granted.

Background

It is expected that those elected to civic office will attend all Council Meetings. However it is acknowledged that sometimes there are good reasons why a Councillor may be absent from a meeting. The practice of tendering of apologies is recognised as a component of good meeting practice.

The tendering of an apology is a courtesy extended to the meeting indicating who is unable to attend the meeting. Its purpose is also to aid the efficient conduct of meetings by informing the chairperson as to who will be absent. This convention avoids delaying the opening of a meeting pending the arrival of such persons.

Although the acceptance of an apology is a positive acknowledgement of the courtesy of the person tendering it, it does not amount to a grant of leave of absence. Where a Councillor cannot attend a meeting the Councillor should seek leave of absence from the Council. Leave of absence may be granted to Councillors at the discretion of the Council.

The requirements of attendance and absence from Council meetings are covered by the Local Government Act and the Regulation. In this regard a Councillor cannot participate in a meeting of a Council unless personally present at the meeting. Where a Councillor is absent from 3 consecutive ordinary meetings of the Council without the prior leave of the Council, or without leave being granted by Council at any of the meetings concerned, then the civic office becomes vacant.

A Councillor may apply for a leave of absence from a meeting of a Council but does not need to make the application in person and the Council may grant such leave in the absence of that Councillor. A Councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent.

Supporting Information

Action From Resolution
File Attachments

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number:	ORD04A
Subject:	NOTIFICATIONS OF INTEREST

Notation

NOTE:

Councillor Awada arrived during discussion of this item at 6.47 pm.

Councillor L Sedrak was absent for this item.

The Mayor, Councillor Saravinovski, declared a Significant Non-Pecuniary Interest in Item ORD17 on the basis that his family owns business within the Rockdale Town Centre, and indicated he would not be present for discussion and voting on the matter.

The Mayor, Councillor Saravinovski, declared a Less than Significant Non-Pecuniary Interest in Item ORD35C on the basis that his family had a function 9 years ago at the restaurant, and indicated he would be present for discussion and voting on the matter.

The Mayor, Councillor Saravinovski, declared a Significant Non-Pecuniary Interest in Item ORD37C on the basis that his family owns business within the Rockdale Town Centre, and indicated he would not be present for discussion and voting on the matter.

Councillor Mickovski declared a Significant Non-Pecuniary Interest in Item ORD37C on the basis that he is employed by Transport of NSW and has dealings with Roads and Maritime Services, and indicated he would not be present for discussion and voting on the matter.

Councillor Mickovski declared a Significant Non-Pecuniary Interest in Item ORD27 on the basis that he is employed by Transport of NSW and has dealings with Roads and Maritime Services and Transport Agencies within its cluster, which may give rise to dealings with Agencies and Agency staff on the Traffic Committee, and in particular he declared an interest in RT06 as he is a resident in the subject street and had made a submission on the matter, and indicated he would not be present for discussion and voting on the matter.

Councillor Awada declared a Pecuniary Interest in Item ORD41 (RT17) on the basis that his family owns a Child Care Centre in close proximity to the subject Child Care Centre, and indicated he would not be present for discussion and voting on the matter.

Councillors L and P Sedrak declared a Significant Non-Pecuniary Interest in Item ORD41 (RT17) on the basis that they have had previous dealings with the applicant and, even though they have no interest in this issue, indicated they would not be present for discussion and voting on the matter.

Background

In accordance with Part 7 'Dealing with Conflicts of Interest' of Council's Code of Meeting Practice, a Councillor who has a pecuniary or a non-pecuniary interest in any matter with which the Council is concerned and is present at a meeting at which the matter is being considered must disclose the interest to the meeting as soon as practicable. Such a Councillor:

Pecuniary and Significant Non-Pecuniary Interests

- must not take part in the consideration or discussion of a matter in which they have a pecuniary or significant non-pecuniary interest. The Councillor must not be present at, or in sight of, or within earshot of the meeting; at any time during which the matter is being considered or discussed, or; at any time during which the voting on any such matter takes place.

Non-Pecuniary Interest – Less than Significant

- should provide an explanation as to why the Councillor believes the conflict requires no further action in the circumstances.

Refer to the Code of Meeting Practice and Code of Conduct for more details.

Supporting Information

[Action From Resolution](#)

[File Attachments](#)

Council Meeting

Meeting Date 02/12/2015

MINUTES OF THE ORDINARY MEETING OF ROCKDALE CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, ROCKDALE ON WEDNESDAY, 18 NOVEMBER 2015, AT 6.53 PM

File Number: SF14/1083

PRESENT: PRESENT: The Mayor, Councillor Bill Saravinovski and Councillors Peter Poulos, Andrew Tsounis, Mark Hanna, Nicholas Mickovski, Liz Barlow, Joe Awada, Paul Sedrak, Ron Bezic and James Macdonald.

ALSO PRESENT: Meredith Wallace (General Manager), Karin Hartog (Director City Operations), Michael McCabe (Acting Director City Planning & Development), Geoff King (Director Corporate & Community), Fausto Sut (Manager Executive Services), Jeremy Morgan (Manager City Infrastructure), Luis Melim (Manager Development Services), Ben Heraud (Acting Manager Property & Venues), Vince Carrabs (Coordinator City Media & Events), John Zoumpoulis (System Administrator), and Heather Davis and Anne Suann (Minute Secretaries).

ORD01 - ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the Acknowledgment of Country.

ORD02 - OPENING PRAYER

The meeting was opened with a Prayer by the Council Chaplain, Pastor Andrew Harper.

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ORD03 - APOLOGIES

RESOLVED on the motion of Councillors Poulos and Macdonald

That the apologies from Councillors Ibrahim, Kalligas, Nagi, O'Brien and L Sedrak for their absence be received and leave of absence granted.

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ORD04 - MINUTES OF THE ORDINARY MEETING OF ROCKDALE CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, ROCKDALE ON WEDNESDAY, 4 NOVEMBER 2015, AT 6.46 PM - SF14/1082

RESOLVED on the motion of Councillors Tsounis and P Sedrak at the meeting of 18 November 2015

That the Minutes be confirmed.

ORD05 - NOTIFICATIONS OF INTEREST

Councillor P Sedrak declared a Significant Non-Pecuniary Interest in Item ORD08 on the basis that he had previous dealings with the applicant and, even though he has no interest in this issue, indicated he would not be present for discussion and voting on the matter.

Councillor Awada declared a Pecuniary Interest in Item ORD08 on the basis that his family owns a Child Care Centre in close proximity to the subject Child Care Centre, and indicated he would not be present for discussion and voting on the matter.

Councillor Mickovski declared a Significant Non-Pecuniary Interest in Item ORD17 on the basis that he is employed by Transport of NSW and has dealings with Roads and Maritime Services and Transport Agencies within its cluster, which may give rise to dealings with Agencies and Agency staff on the Traffic Committee, and indicated he would not be present for discussion and voting on the matter.

ORD06 - MAYORAL MINUTE

There was no Mayoral Minute.

ORD07 - PUBLIC FORUM

Details associated with the presentations to the Council in relation to items on this agenda can be found in the individual items.

ORD09 - 62-64 ILLIFFE STREET, BEXLEY - DA-2015/242 - ADDITION TO AGED CARE FACILITY KNOWN AS HOMEWOOD CARE INCLUDING REAR GROUND FLOOR, BASEMENT PARKING, BATHROOM FACILITIES, FIRST FLOOR TERRACE, ALTERATIONS TO ROOM CONFIGURATIONS WITH NO CHANGE IN NUMBER OF RESIDENTS

NOTE:

Ms Shirley Allen, objector, addressed the Council.

Mr Glen Spicer, representing the applicant, addressed the Council.

MOTION moved by Councillors Mickovski and Tsounis

1 That Council support the variation to the first floor rear setback requirement contained in clause 40(4)(c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP) in accordance with the clause 4.6 justification submitted by the applicant.

2 That development application DA-2015/242 for alterations and additions to the existing aged care facility (Homewood Care) included basement parking, rear ground floor and first floor additions and provision of a first floor terrace with no change in the number of residents at 62-64 Illiffe Street, Bexley, be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions attached to the report and subject to a change to Condition 9 as follows:

9 Tree Protection

In order to ensure damage does not occur to the root system of the Tallowwood Eucalyptus tree located in the rear yard of No. 58 Regent Street:

- Any earthworks within a three metre radius of the trunk must be carried out by careful hand excavation, in accordance with AS 4070, Protection of Trees on Development Sites and as recommended in the Arborists Report prepared by S.A. Tipton (dated 2 March 2013).
- If any roots above 100mm in diameter are encountered, they must not be cut or damaged in any way. Work in this area must cease until inspected by a suitably qualified and experienced arborist (as recommended in the Arborists Report), who will consult with Council's Tree Management Officer (Peter Alland) and recommend further remedial action prior to works re-commencing.

Notes:

a If the remedial action required under point 2 above requires that the proposed retaining wall to be setback from the boundary of No. 58 Regent Street, the amended location of the retaining wall must ensure that the affected car spaces at basement level have a minimum length of 5.0 metres. If a larger setback is required for the retaining wall, or more significant modifications are required to the development (e.g. ones that would result in the loss of a car space), then works within the affected area of the site must cease until a Section 96 Application is lodged with, and approved by, Council.

b Any affected car spaces must be clearly signposted as "Small Car Spaces" prior to issue of the Occupation Certificate.

Refer also to detailed tree protection Conditions 37, 38 and 52 - 57 in the "Prior to Commencement of Works" and "During demolition / excavation / construction" sections of this

consent.

3 That the NSW Department of Planning be advised of Council's decision.

4 That the objector be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Mickovski and Tsounis

FOR THE MOTION

Councillors Macdonald, Bezic, P Sedrak, Awada, Mickovski, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillors Barlow (abstention)

The MOTION was ADOPTED 9 votes to 1.

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ORD08 - 16 SEGENHOE STREET, ARNCLIFFE - DA-2015/259 - ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL DWELLING TO CONVERT TO CHILD CARE CENTRE.

NOTE:

Councillor Awada had previously declared a Pecuniary Interest in this item on the basis that his family owns a Child Care Centre in close proximity to the subject Child Care Centre, and left the Chamber for discussion and voting.

Councillor P Sedrak had previously declared a Significant Non-Pecuniary Interest in this item on the basis that he had previous dealings with the applicant and, even though he has no interest in this issue, and left the Chamber for discussion and voting.

Ms Penny Martin, Messrs Steven Maraca, Peter Roditis, Simon Hannaford and Larry Diamond, objectors, addressed the Council.

Mr Hayden Calvey, representing the applicant, and Ms Shiry Iskander, applicant, addressed the Council.

MOTION moved by Councillors Tsounis and Mickovski

1 That development application DA-2015/259 for alterations and additions to the existing residential dwelling and conversion to a child care centre at 16 Segenhoe Street, Arncliffe, be REFUSED pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- The proposed development results in adverse amenity impacts on the neighbouring residents and the locality and therefore conflicts with the objectives of the R3 – Medium Density Residential zone under Rockdale Local Environmental Plan 2011. As such, the proposal fails to satisfy Section 79C(1)(a)(i) & (ii) of the Environmental Planning and Assessment Act 1979.
- The proposed development does not permit vehicles to enter and exit the site in a forward direction to ensure the safety of children and users of the local road network, as required by Development Control Plan 2011. The proposal is therefore unsatisfactory pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- The existing road network is unable to accommodate the increased traffic and parking associated with proposed development and, as such, the site is not suitable for the proposed development pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.
- Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, pursuant to the provisions of Section

79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

2 That the objectors be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Tsounis and Mickovski

FOR THE MOTION

Councillors Macdonald, Bezic, Barlow, Mickovski, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 8 votes to 0.

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ORD10 - 107 FREDERICK STREET, ROCKDALE - DA-2015/415 - ALTERATIONS AND FIRST FLOOR ADDITION TO EXISTING BUILDING FOR CONVERSION TO BOARDING HOUSE WITH FIFTEEN (15) ROOMS, REAR CAR PARKING AND DEMOLITION OF OUTBUILDING.

NOTE:

Ms Helen Lek and Miss Li Qiu, objectors, addressed the Council.

Mr William Hodgkinson, representing the applicant, addressed the Council.

MOTION moved by Councillors Poulos and Bezic

1 That development application DA-2015/415 for alterations and first floor addition to existing building for conversion to boarding house with fifteen (15) rooms, rear car parking and demolition of outbuilding at 107 Frederick Street Rockdale 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 and subject to the inclusion of an additional condition that each air conditioning unit be shrouded to achieve noise attenuation.

2 That the objectors be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Poulos and Bezic

FOR THE MOTION

Councillors Macdonald, Bezic, P Sedrak, Awada, Mickovski, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillor Barlow

The MOTION was ADOPTED 9 votes to 1.

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ORD11 - FLOODPLAIN RISK MANAGEMENT COMMITTEE - COUNCILLOR REPRESENTATION - F11/186

RESOLVED on the motion of Councillors Mickovski and P Sedrak

That Council appoint the following delegates for the ensuing 12 months to the Floodplain Risk Management Committee.

- Delegate: Councillor Tsounis

- Delegate: Councillor O'Brien

**177 ORD12 - PROPOSED LEASE - UNUSED ROADWAY WOLSELEY STREET
KOGARAH - F08/379**

RESOLVED on the motion of Councillors Mickovski and Barlow

- 1 That Council (as roads authority) grant a lease to Mr and Mrs Ghannam based on the terms stipulated within the body of this report subject to the requirements of Section 154 of the Roads Act 1993.
- 2 That Council authorise the General Manager to finalise the commercial terms of the lease agreement.
- 3 That Council authorise the Mayor and General Manager to sign and seal, where required, any documentation associated with the finalisation of this matter.

178 ORD13 - ROCKDALE CITY AQUATIC CENTRE - GYM FIT OUT - F12/108

RESOLVED on the motion of Councillors Tsounis and Hanna

- 1 That Council fund the separable portion to the value of \$285,568 and instruct FDC to complete the fit out of the gym space within the Rockdale City Aquatic Centre.
- 2 That the gym fit out is funded through the share of savings that may be achieved as part of the contract and that if required the balance is funded via Council's Strategic Priorities Reserve and paid back when income is achieved through the leasing of the gym space.

**179 ORD14 - QUARTERLY BUDGET REVIEW STATEMENT FOR QUARTER ENDED
30 SEPTEMBER 2015 - F09/744**

RESOLVED on the motion of Councillors Tsounis and Saravinovski

- 1 That the Quarterly Budget Review Statement by the Manager, Finance and Administration for the quarter ended 30 September 2015 be received and noted.
- 2 That the changes to the original budget highlighted in this report be adopted by Council.

**180 ORD15 - REQUEST FOR FINANCIAL SUPPORT BY COUNCIL TO EXODUS
YOUTH WORX - F09/1122**

RESOLVED on the motion of Councillors P Sedrak and Mickovski

- 1 That the report be received and noted.
- 2 That a donation of \$2,455 be made in support of Exodus Youth Worx' inaugural Street Festival.

181 ORD16 - REQUEST FOR SUPPORT OF SGS NEWS NEWSLETTER - F09/1122

RESOLVED on the motion of Councillors Barlow and Awada

- 1 That this report on the SGS News Newsletter be received and noted.
- 2 That the request for a donation of \$2,000 towards the ongoing provision of the newsletter under the auspice of 3Bridges be approved.

**182 ORD17 - COOKS RIVER/COOK PARK KYEEMAGH - PROPOSED BOAT RAMP
AND PARKING AREA - F14/258**

NOTE:

Councillor Mickovski had previously declared a Significant Non-Pecuniary Interest in this item on the basis that he is employed by Transport of NSW and has dealings with Roads and Maritime Services and Transport Agencies within its cluster, which may give rise to dealings with Agencies and Agency staff on the Traffic Committee, and left the Chamber for discussion

and voting.

RESOLVED on the motion of Councillors Tsounis and Bezic

1 That the Council note the Feasibility Study for a new Boat Ramp and Parking Area at the Cooks River/Cook Park Kyeemagh Entrance.

2 That Council advise the Roads and Maritime Service that the proposal to construct a New Boat Ramp and Parking Area at the Cooks River/Cook Park Kyeemagh is endorsed subject to the inclusion of public amenities and back to base security cameras to support the proposed development and the proposed development to be fully funded by Roads and Maritime Services (RMS).

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ORD18 - MINUTES OF THE MEETING OF THE COMMUNITY DEVELOPMENT AND SAFETY ADVISORY COMMITTEE HELD IN THE BOARD ROOM, ADMINISTRATION BUILDING ON MONDAY, 28 SEPTEMBER 2015, AT 7PM - F13/541

RESOLVED on the motion of Councillors Tsounis and Barlow at the meeting of 18 November 2015

That the Minutes be received and the Recommendations therein be adopted.

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ORD19 - MINUTES OF THE MEETING OF THE SPORT AND RECREATION ADVISORY COMMITTEE HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, ON TUESDAY 20 OCTOBER 2015, AT 6.00 PM - F11/310

RESOLVED on the motion of Councillors Macdonald and Tsounis at the meeting of 18 November 2015

That the Minutes be received and the Recommendations therein be adopted.

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ORD20 - REMINDERS - F13/550

RESOLVED on the motion of Councillors Bezic and Tsounis

That the Reminders to the 31 December 2015 be received and noted.

ORD21 - QUESTION WITH NOTICE

There were no Questions With Notice.

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ORD22 - CLOSED SESSION OF COUNCIL

NOTE:

In accordance with Section 10A(4) of the Local Government Act, the Chairman invited any members of the public present at the meeting to address the Council on whether that part of the meeting should be closed.

No requests were made.

RESOLVED on the motion of Councillors Tsounis and Macdonald

1 That, in accordance with Section 10A(1) of the Local Government Act 1993, the Council resolve itself into closed session, at 8.44 pm, with the press and public excluded to consider the following item for the reason indicated:-

ORD23C - TENDER TRAFFIC CONTROL SIGNALS - SLADE ROAD AND HARTILL-LAW AVENUE, BARDWELL PARK - In accordance with Section 10A (2) (d) of the Local Government Act 1993 by reasons of commercial information of a confidential nature that would, if disclosed: i) prejudice the commercial position of the person who supplied it, or ii) confer a commercial advantage on a competitor of the Council, or iii) reveal a trade secret.
(Minute No. 187)

ORD24C - POTENTIAL DISPOSAL - 28A HARROW ROAD, BEXLEY - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(Minute No. 188)

ORD25C - COOKS COVE GOVERNANCE STRUCTURE - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(Minute No. 189)

2 That, in accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to these matters be withheld from the press and public.

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ORD23C - CONFIDENTIAL - TENDER TRAFFIC CONTROL SIGNALS - SLADE ROAD AND HARTILL-LAW AVENUE, BARDWELL PARK - F15/398

RESOLVED

That, in accordance with Regulation 178(1) a of the Local Government (General) Regulations 2005, Council accept the Tender from Traffic Lights NSW Pty Ltd for for the sum of \$104,636.36 exclusive of GST for contract F15/398 Traffic Signals - Slade Road and Hartill-Law Avenue, Bardwell Park subject to submission of an acceptable methodology and traffic management plan.

NOTE:

The General Manager reported the above decision, which was made in Closed Session of Council, to the public once the meeting resumed in Open Session.

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ORD24C - CONFIDENTIAL - POTENTIAL DISPOSAL - 28A HARROW ROAD, BEXLEY - F08/387

RESOLVED

- 1 That the report titled Potential Disposal - 28A Harrow Road, Bexley be received and noted.
- 2 That Council commission a valuation report based on the potential disposal.
- 3 That Council provide in-principle support for disposing of 28A Harrow Road, Bexley, subject to the report being submitted back to Council post valuation.
- 4 That Council authorise the General Manager to enter into direct negotiations with Scalabrini Village Ltd based on the existing lease which expires in 2071.
- 5 That prior to entering into direct negotiations, Council prepares a probity plan.
- 6 That the proceeds of any resulting sale are to be allocated to Council's Strategic Priorities Reserve.

NOTE:

The General Manager reported the above decision, which was made in Closed Session of Council, to the public once the meeting resumed in Open Session.

189

ORD25C - CONFIDENTIAL - COOKS COVE GOVERNANCE STRUCTURE - F08/387

RESOLVED

- 1 That Council endorse the amended Cooks Cove Governance Structure.
- 2 That the Governance Structure attached to this report be a publically accessible document.

3 That Council note the update on this matter tabled in the body of the report.

NOTE:

The General Manager reported the above decision, which was made in Closed Session of Council, to the public once the meeting resumed in Open Session.

190

ORD26 - RESUMPTION OF OPEN SESSION OF COUNCIL

RESOLVED on the motion of Councillors Mickovski and Macdonald

That the meeting resume into Open Session of Council.

NOTE:

The meeting resumed into open session at 9.10 pm.

ORD27 - CALL FOR RESCISSION MOTIONS

There were no Rescission Motions lodged at the meeting.

This concluded the business and the meeting closed at 9.10 pm.

Officer Recommendation

That the Minutes be confirmed.

Council Resolution

NOTE:

Councillors Awada and L Sedrak were absent for the voting on this item.

RESOLVED on the motion of Councillors Tsounis and Poulos at the meeting of 2 December 2015

That the Minutes be confirmed.

Councillor Bill Saravinovski
MAYOR

Meredith Wallace
GENERAL MANAGER

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number:	ORD05
File Number:	F15/508, F15/335,
Subject:	MAYORAL MINUTE - FORMER COUNCILLOR ANESTIS (1930- 2015)

Precis

This Mayoral Minute honours the life and work of former Councillor Angelo Anestis who passed away recently.

Council Resolution

NOTE:

Councillor L Sedrak arrived during discussion of this item at 6.49 pm.

RESOLVED on the motion of Councillors Saravinovski and O'Brien

- 1 That the Mayoral Minute be received and adopted.
- 2 That in recognition of Angelo Anestis' initiative and tireless support for the new pool complex currently called the Rockdale City Aquatic Centre, that it be renamed the Angelo Anestis Aquatic Centre.

Motion

That any Mayoral Minute be considered.

Background

It is with great sadness that I present this Mayoral Minute to honour the life and work of former Councillor Angelo Anestis who passed away recently.

I would like to recognise and acknowledge the outstanding contribution made by former Councillor Angelo Anestis to Rockdale City and our residents.

Angelo migrated from the small island of Kos in Greece in 1960 to start a new life in Australia, finally settling in Bardwell Park which was his home for the last 30 years.

Together with his wife Irini he was an influential, vocal resident committed to many local causes and the Greek community.

He was a life member of the Rockdale based philanthropic association of AHEPA and served as a Chapter President. He was Treasurer of the Greek Orthodox Community of NSW and President of the

Greek Schools Committee within the Greek Orthodox Community of NSW.

He was both president and committee member of many Greek based community associations including his beloved Pan Kos Association. A passionate Labor supporter he was awarded a life membership of the Australian Labor Party.

As a local Councillor he served the First Ward for 8 years from April 2004 until September 2012. He was a true man of the people, a respected public figure and a great Greek Australian. As a Councillor his convictions inspired many and he was a persuasive supporter of the Bexley Pool.

It was Councillor Anestis, at a Council meeting on Wednesday 19 November 2008, who moved the Notice of Motion to improve the Bexley Swimming Pool that ultimately led to the construction of the Rockdale City Aquatic Centre. I am sure Angelo would be very proud of the new pool scheduled to open in 2017.

He was one of the oldest Councillors to have served Rockdale City and one of the most hardworking celebrating his 80 birthday with fellow Councillors and friends after a Council meeting on Wednesday 2 June 2010.

He was also a friend and colleague. It was a privilege to work with such a dedicated Councillor who did so much to help influence and shape our City.

Angelo is survived by his wife Irini, children Jack and Toula and two grandchildren Renae and Evan. Our thoughts are with his family.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number: ORD06
Subject: PUBLIC FORUM

Notation

There were no Public Forum presentations.

Background

Council's Code of Meeting Practice makes provision for members of the public to address the Council meeting on matters that are raised in the Business Paper. The Code outlines the requirements for making an application to speak and the manner in which presentations are made.

ITEM NO.	SUBJECT	PRESENTER (For or Against the Officer's/ Committee's Recommendation)
Council Meeting 02/12/2015 ORD35C	Confidential Report Le Sands Restaurant and Proposed Sublease to Brighton Hogs Pty Limited	Mr Peter and Mrs Elizabeth Antonopoulos Applicants For the Officer's Recommendation THEY DID NOT SPEAK

Supporting Information

Action From Resolution
File Attachments

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD07
Property:	25 PRESIDENT AVENUE KOGARAH NSW 2217
Subject:	ADDITION OF FIRST FLOOR TO RESIDENTIAL DWELLING AND REAR GROUND FLOOR ADDITION INCLUDING PERGOLA
File Number:	DA-2015/442
Owner:	MR RAFAT GAD AND MRS EMAN GAD
Applicant:	MR RAFAT GAD AND MRS EMAN GAD
Developer:	-
Location:	SOUTHERN SIDE OF PRESIDENT AVENUE, BETWEEN LACHAL AVENUE AND TRAYNOR AVENUE
Date of Receipt:	18/06/2015
Date of Receipt:	18/06/2015
No. of Submissions:	One
Previous Report to Council:	Nil
Report by:	Manager - Development Services (Luis Melim)
Contributors:	Development Assessment Planner (Mariam Fares)
Community Engagement:	Yes
Financial Implications:	No

Precis

Council is in receipt of a development application for addition of first floor to residential dwelling and rear ground floor alterations and addition including pergola at 25 President Avenue, Kogarah NSW 2217. The proposed first floor addition will include 3 bedrooms (main with WIR and ensuite), a main bathroom and rumpus room. The ground floor will predominantly remain the same with additions including extension to the kitchen area, a bathroom, pergola to the rear of the dwelling and a staircase for access to the first floor.

The subject site is located on the southern side of President Avenue, between Lachal Avenue and Traynor Avenue. The site is zoned R2 - Low Density Residential under Rockdale Local Environmental Plan 2011 (RLEP2011). The proposed dwelling is permissible with the consent of Council.

The proposal does not comply with clause 4.4(2) in LEP 2011, which restricts the floor space ratio (FSR) to 0.5:1 (233sq.m) in a R2 zone, The proposed development will result in an overall FSR of 0.55:1 (256.5sq.m), which is 23.5sq.m over the permissible floor area. The applicant has submitted a clause 4.6 variation to the maximum FSR requirement, which has been supported and is further addressed in the body of this report. The proposal will result in minimal impact on the adjoining properties, with overshadowing, height and privacy impacts complying with council requirements.

The development application has been notified in accordance with Council's Development Control Plan 2011 and one letter of objection have been received. The

issues raised by the residents relate to overlooking impacts and roof design not being consistent with the street scape. These issues have been addressed and are further explained in the body of this report.

The development application is recommended for approval.

Council Resolution

MOTION moved by Councillors P Sedrak and Mickovski

- 1 That Council support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA- 2015/442 for addition of first floor to residential dwelling and rear ground floor alterations and addition including pergola at 25 President Avenue, Kogarah NSW 2217 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.
- 3 That the NSW Department of Planning be advised of Council's decision.
- 4 That the objector be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors P Sedrak and Mickovski

FOR THE MOTION

Councillors Macdonald, P Sedrak, Awada, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Poulos and Saravinovski

AGAINST THE MOTION

Councillors O'Brien, Barlow, Hanna and Tsounis

The MOTION was ADOPTED 10 votes to 4.

Officer Recommendation

That voting on this matter be by way of a Division.

- 1 That Council support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA- 2015/442 for addition of first floor to residential dwelling and rear ground floor alterations and addition including pergola at 25 President Avenue, Kogarah NSW 2217 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.
- 3 That the NSW Department of Planning be advised of Council's decision.
- 4 That the objector be advised of Council's decision.

Report Background

REASON FOR REFERRAL TO COUNCIL

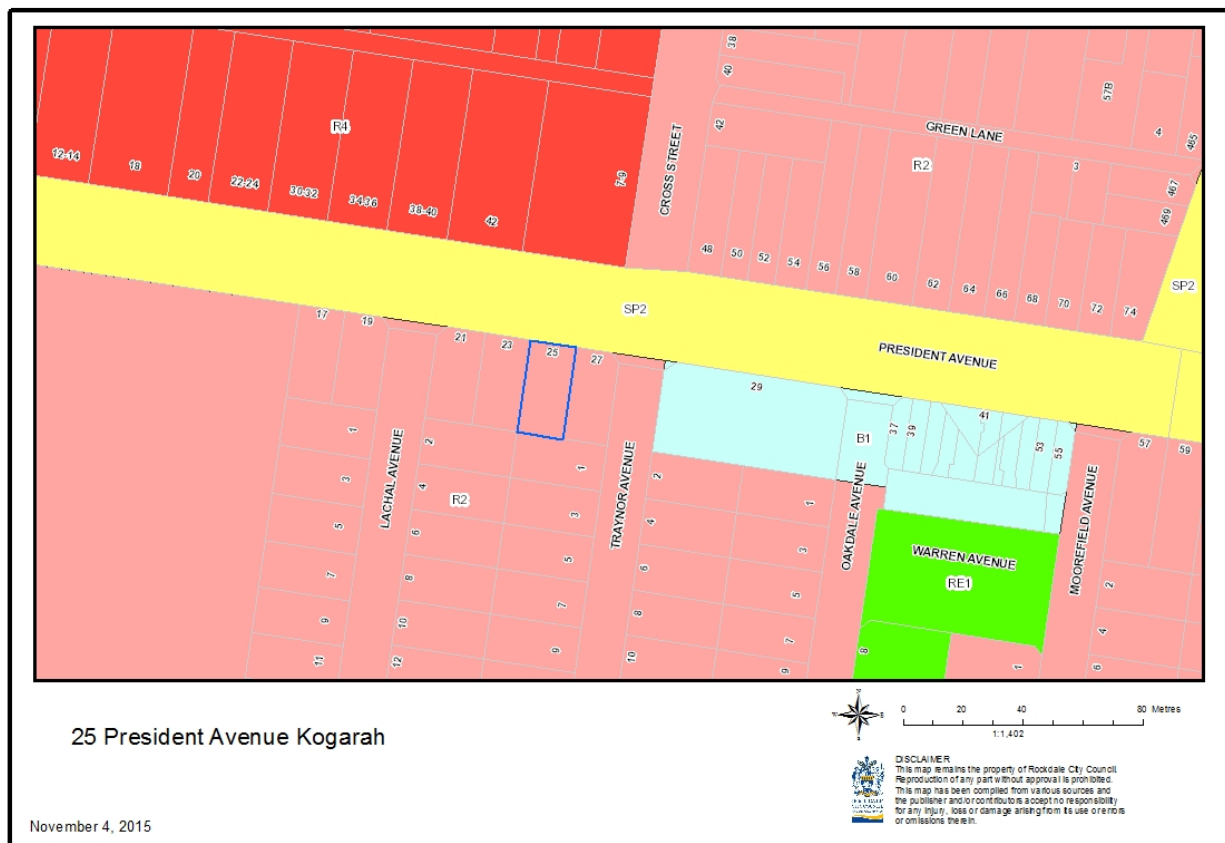
The development application is referred to Council as it involves a variation to a development standard under clause 4.6 of Rockdale Local Environmental Plan 2011.

DEVELOPMENT ASSESSMENT REPORT

Refer to attachments

- Assessment Report

ZONING MAP



Community Engagement

The development application was publicly notified in accordance with the requirements of the Rockdale Development Control Plan 2011.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City

Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Assessment Report - DA-2015-442 - 25 President Avenue Kogarah.pdf



Amended Site & Analysis Plan - 25 President Avenue Kogarah - Sam Bassilious.PDF



Amended East & West Elevations - 25 President Avenue Kogarah - Sam Bassilious.PDF



Amended North & South Elevations - 25 President Avenue Kogarah - Sam Bassilious.PDF



Amended Sections Sheet 1 - 25 President Avenue Kogarah - Sam Bassilious.PDF



Amended Roof Plan - 25 President Avenue Kogarah - Sam Bassilious.PDF



Amended Sun Study - Jun 21 - 25 President Avenue Kogarah - Sam Bassilious.PDF



ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/442
Date of Receipt:	18 June 2015
Property:	25 President Avenue, KOGARAH NSW 2217 Lot 116 DP 27184
Owner:	Mrs Eman Gad
Applicant:	Mrs Eman Gad
Proposal:	Addition of first floor to residential dwelling and rear ground floor alterations and addition including pergola
Recommendation:	Approved
No. of submissions:	One
Author:	Mariam Fares
Date of Report:	4 November 2015

Key Issues

The key aspects related to this application are:

- Clause 4.6 Exceptions to development standards variation submitted and supported for non compliance with numerical requirements of Clause 4.4 Floor Space Ratio.
- Setback to western boundary falls short of the DCP requirement of 1.5m, with a proposed setback of 1.246m, however the proposal is not considered to adversely impact upon the adjoining dwelling.
- One objection received with issues addressed
- Application to be referred to Council for determination.

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

Council's does not have any records of previous development applications lodged for this site.

Proposal

Council is in receipt of a development application DA 2015/442 at 25 President Avenue Kogarah, which seeks consent to carry out alterations and additions to the existing dwelling including:

- retaining existing ground floor, single garage and shed,
- new extension/alterations to ground floor to include staircase, bathroom, and kitchen,
- new pergola to rear of dwelling,
- new porch to front entrance of dwelling,
- first floor addition incorporating three bedrooms - main with ensuite and WIR, rumpus room, bathroom and two balconies fronting President Avenue.

Site location and context

The subject site is known as Lot 116 DP 27184, President Avenue, Kogarah. The site is a rectangular shape with front and rear boundary widths of 15.24 metres. The side boundaries are 30.63 metres deep. The total site area is 466 sq.m. The topography of the site is such that it is relatively flat, with a slight fall to President Avenue.

The subject site contains a single storey dwelling with an attached garage with a nil setback to the western boundary, and a detached shed in the rear yard. The site is located on the southern side of President Avenue, between Traynor and Lachal Avenue. Adjoining development to the sides includes a single storey dwelling with basement parking to the west and a single storey dwelling to the east. Located further east and across Traynor Avenue is a Petrol Station and local shops. To the North, and on the other side of President Avenue are four storey residential flat buildings. single storey dwellings are predominantly located to the rear of the site.

No trees are to be removed, however appropriate conditions are to be included in the Draft Notice of Determination regarding protection of any existing trees.

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 number is A220457. The commitments made result in reductions in energy and water consumption. A condition has been imposed on the consent to ensure that these requirements are adhered to.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 - Development with frontage to classified road

The proposed development is located on land with a frontage to a classified road i.e. President Avenue. In this regard, clause 101- Development with frontage to a classified road, of the SEPP must be considered before consent can be granted.

The proposed development involves the retention of the existing driveway with access to and from the site from President Avenue. an additional parking space is proposed in front of the garage, with a turning circle that is within the site's frontage allowing forward entrance and exiting of vehicles from the site.

The proposal will not involve any significant changes to vehicular access to the site and therefore does not compromise the effective and ongoing operation and function of classified roads. As such, the application has been considered in respect to the SEPP and no additional conditions of development consent are required to be imposed in this regard.

Clause 102 - Impact of road noise or vibration on non-road development

The proposed development is for alterations and first floor addition to an existing dwelling, that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration. Accordingly, Clause 102 - Impact of road noise or vibration on non-road development, of SEPP Infrastructure is required to be considered as part of this assessment.

For residential use:

The consent authority must not grant consent to the development for residential use unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

A condition is imposed on the recommended notice of determination requesting that an acoustic report be prepared prior to the issue of a construction certificate, which addresses and complies with the noise level requirements as outlined in the SEPP, and for the recommendations in the report be incorporated into construction.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	No - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a dwelling house, which constitutes a permissible development only with development consent. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.

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

4.3 Height of buildings

The height of the proposed building is 8.46m 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 proposed development does not comply with clause 4.4(2) in RLEP 2011, which restricts the floor space ratio (FSR) to 0.5:1 (233 sq.m) in a R2 zone. The proposed development will result in an overall FSR of 0.55:1 (256.5 sq.m), which is 23.5 sq.m over the permissible floor area. The existing shed (11.4 sq.m) has not been included in the calculation of floor space as it is consistent with the exempt development standards for shed structures in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The applicant has submitted a clause 4.6 variation to the maximum FSR requirement, which has been

supported and is further discussed in the section below.

4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

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

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

Comment:

In accordance with clause 4.6 of RLEP 2011, the applicant has provided a written request for a variation to the maximum FSR requirement, due to the following:

- *The lot size is 6sq.m short of the allowable 0.55 floor space ratio requirement for land with an area of less than 460sq.m in Zone R2, R3 or R4.*
- *As the proposed development is an alterations and additions to an existing residence we are restricted to construct the new Level 1 directly over the existing ground floor walls for structural reasons and economy of construction.*
- *The Level 1 footprint complies with the required setbacks from boundaries with the setback on the western boundary being 3m in order to have the external walls constructed above the existing garage walls below.*
- *The proposed windows on the Level 1 addition have been located and sized to avoid any potential privacy concerns with the immediate neighbours.*
- *The scale and bulk of the proposed Level 1 addition is also compliant with the Council building height guidelines.*
- *We have further lowered the roof form over the void space to minimize the scale and bulk whilst maintaining the design intent of a double storey space.*
- *The resulting shadow diagrams do not pose any adverse overshadowing concerns to adjacent neighbouring properties.*

The applicant has provided a written request that satisfactorily addresses sub-clause 3 above. The applicant's request to vary the development standard Clause 4.4 (Floor Space Ratio) is supported as the variation is consistent with the objectives in Clause 4.6 (Exceptions to development standards). There is minimal impacts on adjoining properties, with overshadowing, height and privacy impacts complying with council requirements. The character of the street is maintained. Compliance

with the standard in this instance is unreasonable or unnecessary in the circumstances of the case, further, approval of the proposal would not create an undesirable precedent and is in the public interest. As such the proposed variation is supported in this instance.

Further, it is considered that the proposed FSR satisfies the objectives of Clause 4.4, as the proposal has been designed to ensure that there will be minimal adverse environmental effects on the use and enjoyment of adjoining properties. The bulk, size and design elements are generally in keeping with the scale and character of the surrounding developments and therefore maintains a visual relationship between the existing character of the area and new developments or areas that are likely to undergo change.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property and the site is within 500 metres of adjacent Class 1, 2, 3 or 4. However, development consent is not required as the proposed works are not likely to lower the watertable.

6.2 Earthworks

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

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD. The building height is at 8.495m (RL19.965) and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS.

6.7 Stormwater

The development provides for adequate drainage design as proposed hard paving and filling is minimal, therefore reducing the amount of urban runoff and ensuring stormwater surface flows are effectively controlled. The roofwater and stormwater runoff is to be directed to the existing stormwater system. A new road connection to the existing stormwater system is proposed. A silt arrestor pit is required prior the stormwater disposal to the President Ave.

Standard conditions are to be included in the draft Notice of Determination that the discharge of stormwater will be required to comply with Rockdale Technical Specification for Stormwater Management with appropriate certification received prior to release of the Construction Certificate.

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.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.3.2 Private Open Space - Low density residential	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	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
4.6 Parking Rates - Dwelling House	Yes	Yes - see discussion
4.6 Traffic - Classified Roads	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes	No - see discussion
5.1 Building Design - General	Yes	Yes - see discussion

4.1.1 Views and Vista

The siting of the proposed building will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjacent residents.

4.1.4 Soil Management

Relevant conditions have been imposed to ensure that effective erosion and sediment controls will be in place prior to construction and that potential impact on adjoining land and surrounding waterways is minimised.

4.2 Streetscape and Site Context - General

The immediate context is relatively low scale, consisting of a mix of single and two storey dwellings, educational establishments, commercial premises and four storey residential flat buildings. The

proposal is consistent with the desired and future character of the area in terms of height, bulk and scale, and is generally appropriate in this context.

The proposed front setback is staggered and is consistent with the variable setbacks of surrounding buildings and in this regard the residential streetscape will be retained and complemented.

The proposed development will have a front door, living and dining room addressing the street, with the building's frontage and entry points being readily apparent from the street. The proposed development has been designed with front balconies that will provide casual surveillance of the street.

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

Amended plans, showing increased landscaping to the front of the site, have been submitted to council. The proposal, with its amendments, provides adequate landscaping, 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.

4.3.2 Private Open Space - Low density residential

The proposal provides adequate landscaping, 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.

4.4.1 Energy Efficiency - Residential

The applicant has submitted a BASIX Certificate for the proposed development. The commitments made result in reductions in energy and water consumption, and will achieve the efficiency target set under SEPP BASIX.

4.4.2 Solar Access - Low and medium density residential

The adjoining dwelling to the south is situated on a property that has an east-west orientation. The applicant has submitted shadow diagrams for 9 a.m., 12 p.m. and 3 p.m. on June 21. The elevational shadow diagrams show that the adjoining windows will receive the prescribed amount of sunlight between 9 and 12 pm, and further still, the adjoining dwelling to the south is located on a corner block, primarily addresses Traynor Avenue, and also receives sunlight through secondary windows. The proposed development will have minimum impact on the level of sunlight currently received by adjoining properties and within the development site.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed development is designed to achieved natural ventilation and lighting, incorporating minimum ceiling heights of 2.7m to the ground and first floors.

4.4.5 Visual privacy

The proposed development has been designed and sited to minimise the overlooking of adjoining properties, incorporating:

- no rear first floor balcony
- windows with high sill heights (in amended plans)
- large setback to eastern side

- windows are offset to preclude views into windows of adjacent buildings

Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties.

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.

4.6 Parking Rates - Dwelling House

The development will have minimal impact on access, parking and traffic in the area. The provision of 2 car spaces is in accordance with RDCP 2011.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The proposed dwelling house complies with the two storey height control and generally aligns with the adjoining buildings in terms of having reasonably consistent street setbacks.

The proposal retains the ground floor setbacks of the existing dwelling and proposes the following setbacks:

DCP2011	PROPOSED	COMPLIES?
Front setback consistent with street	Consistent	Yes
Ground side setback 900mm	Garage – nil existing Proposed works - min 900mm	Existing Yes
First floor side setback – 1.5m	West – 3m East – 1.246	Yes No – see below
Rear setback ground – 3m Rear setback first floor – 6m	Ground – 7m min First floor – 7m min	Yes Yes

RDCP2011 requires a min 1.5m for the first floor of a two storey building. The proposal involves a 1.246m setback to the eastern side of the site (aligning with the existing ground floor building) and therefore is not in accordance with the DCP.

Notwithstanding the above, the proposal is not considered to adversely impact upon the adjoining dwelling by way of overshadowing and overlooking, and will not significantly reduce the solar access, light and air received by the adjoining dwelling. Therefore, the proposed setbacks are consistent with the objectives of this control.

5.1 Building Design - General

The proposed new alterations and additions will create an attractive residential environment where the building design reflects the residential character of the locality. Further, the streetscapes built form, landscaping and environmental conditions are not deteriorated by the proposed development. It should be noted that there are a mix of development types within this street, including, residential flat buildings,

local shop (Fruit World), tafe, school, reserve, and a petrol station all within close proximity of the site. The street is not an established streetscape with strong stylistic or architectural features or identity. The roof form contains pitched elements that will respond to the pitched roofs within the vicinity. The proposed front setback is consistent with the variable setbacks and in this regard the residential streetscape will be retained and complemented. The proposed development is unlikely to adversely impact on the residential amenity of the locality and is generally in keeping with the scale and character of contextual development.

S.79C(1)(a)(iv) - Provisions of regulations

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

Potential impacts related to the proposal have been previously discussed in response to SEPPs, LEP and DCP controls. In addition, standard conditions have been included to ensure construction will be carried out with minimal impacts on adjoining properties and the environment.

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 and one submission has been received. The issues raised in the submission are discussed below:

Issue 1: Roof design

Comment: There are a mix of development types within this street, including, residential flat buildings, local shop (Fruit World), tafe, school, reserve, and a petrol station all within close proximity of the site. The street is not an established streetscape with strong stylistic or architectural features or identity. The roof form contains pitched elements that will respond to the pitched roofs within the vicinity. The proposed front setback is consistent with the variable setbacks and in this regard the residential streetscape will be retained and complemented. The proposed development is unlikely to adversely impact on the residential amenity of the locality and is generally in keeping with the scale and character of contextual development

Issue 2: Overlooking from three windows into adjoining dwelling at 23 President Avenue

Comment: The plans have been amended and two of the three windows have been reduced in size and will have high sill heights. The third window is to a void/inaccessible area. There are no adverse overlooking impacts with the amended design.

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.

Civil Aviation Act, 1988

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

Civil Aviation (Building Control) Regulations 1988

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

Section 5 Prohibition of the construction of buildings of more than 50 feet in height in specified areas

The proposed development is affected by the 15.24m Building Height Civil Aviation Regulations, however the proposed building height at 8.495m will have minimal impact upon the height requirement in the regulations.

Schedule 1 - Draft Conditions of consent

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of 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 (DA-01 Revision B)	Sam	21/10/2015	22/10/2015

Ground floor Plan (DA-02 Revision B)	Sam	21/10/2015	22/10/2015
First floor Plan (DA-03 Revision B)	Sam	21/10/2015	22/10/2015
Roof Plan (DA-04 Revision B)	Sam	21/10/2015	22/10/2015
Elevations north-south (DA -05 Revision B)	Sam	21/10/2015	22/10/2015
Elevations east-west (DA -06 Revision B)	Sam	21/10/2015	22/10/2015
Sections (DA-07 Revision B)	Sam	21/10/2015	22/10/2015
Landscape Plan (DA -08 Revision B)	Sam	21/10/2015	22/10/2015

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 (A220457_02) 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, including construction of carport, shall not be undertaken without first obtaining approval from Council.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
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.

Prior to issue of the construction certificate

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

12. 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 \$2,435. 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.
13. 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.

14. 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.
15. 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.
16. The garage shall be located a minimum distance of 300mm behind the front building line in accordance with Control 15 of Section 5.1 Low and Medium Density Residential of *Rockdale Development Control Plan 2011*.
17. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

18. 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.

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.

19. 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.

20. 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.
21. 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.
22. 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.
23. 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.

24. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

During demolition / excavation / construction

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

25. 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.
26. 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.
27. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering the framework for any floor, wall, roof or other building element, and
 - iv. prior to covering waterproofing in any wet areas, and
 - v. prior to covering any stormwater drainage connections, and
 - vi. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

28. 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.
29. 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.

30. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
31. 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. 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.
32. 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.
33. 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.
34. 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.

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.

35. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
36. 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.
37. 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.
38. 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.
39. 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".
40. Prior to issue of any Occupation Certificate a registered plumber or other suitably qualified professional is to check the existing stormwater system for the building and shall provide a certificate stating that the system is in a satisfactory and is in good working condition. If the existing system, or (any element of the system), cannot be certified as being satisfactory and in good working condition then the substandard section of the existing system is to be renewed.
Where a Private Certifier issues an Occupation Certificate the Certificate mentioned in the above paragraph must be provided to Council.

Roads Act

41. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and

Road Safety Section.

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

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *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. If Council is appointed as the Principal Certifying Authority (PCA), a fee of \$1069.44 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.
- d. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

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

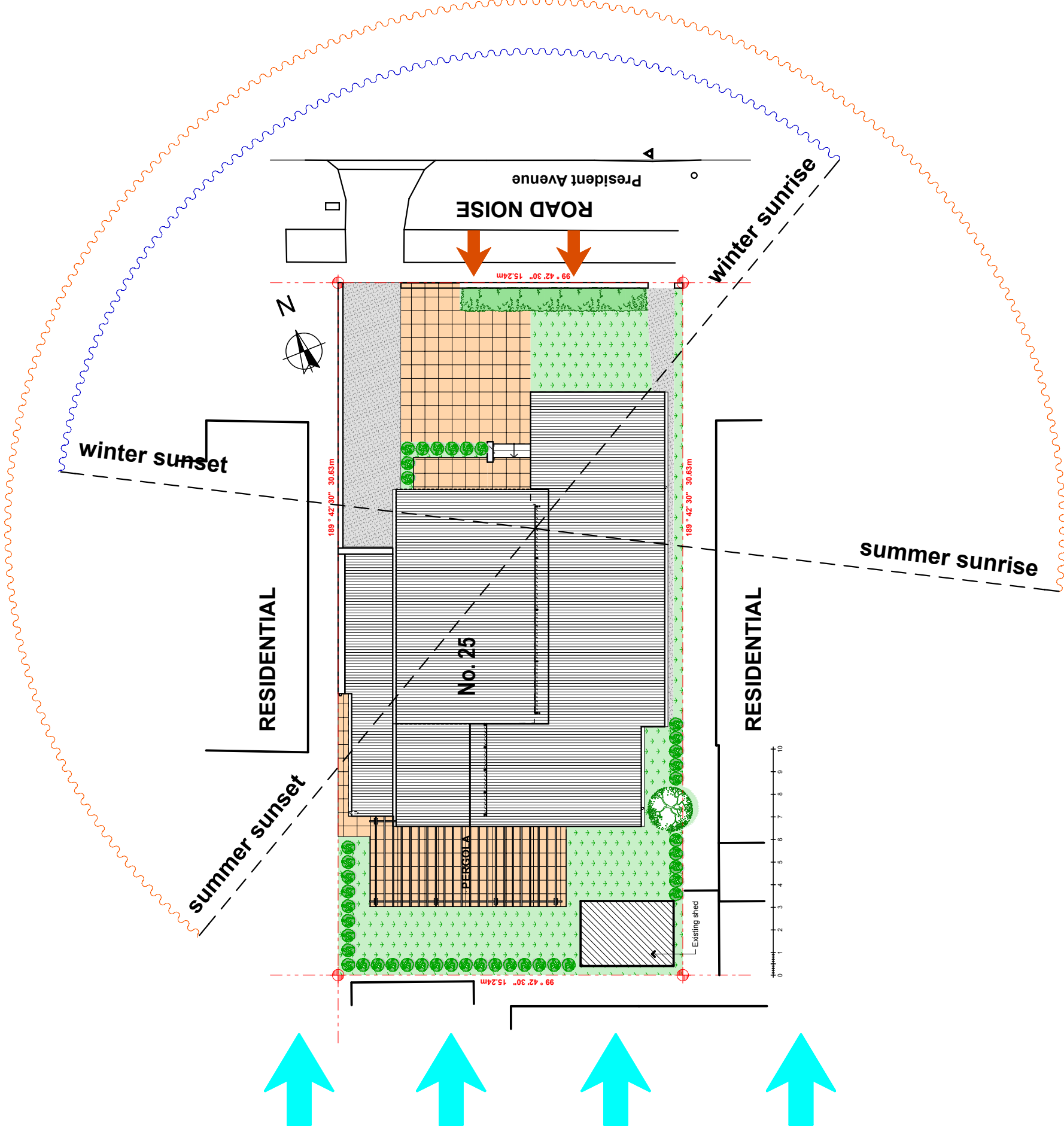
- e. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment

Protection Authority), together with the relevant regulations, including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Protection of the Environment Operations (Waste) Regulation 2005.

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

COLD SOUTHERLY
BREEZES



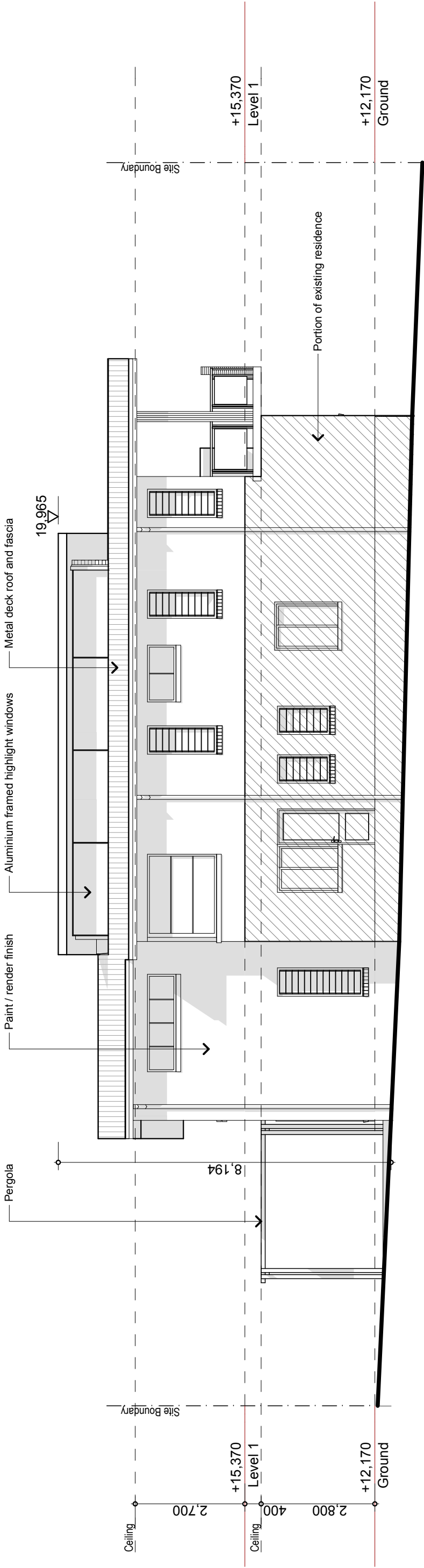
Revised DA Submission	
Area Calculations	
Floor Space Ratio	
Site Area	466.00
Ground Floor	154.14
Level 1	104.21
Total	258.35
Floor Space Ratio	0.55
Landscape Areas	
Site Area	466.00
Lawn and planting	115.69
Existing driveway and paths	47.02
New paving	96.18
Total Landscape	258.89
Landscape Ratio	0.56
Revisions	
Site area adjusted to match survey plan. (466m2)	
Ground Floor area increased to include footprint of stair	
Lawn areas increased in front yard	

Site Plan 1:200

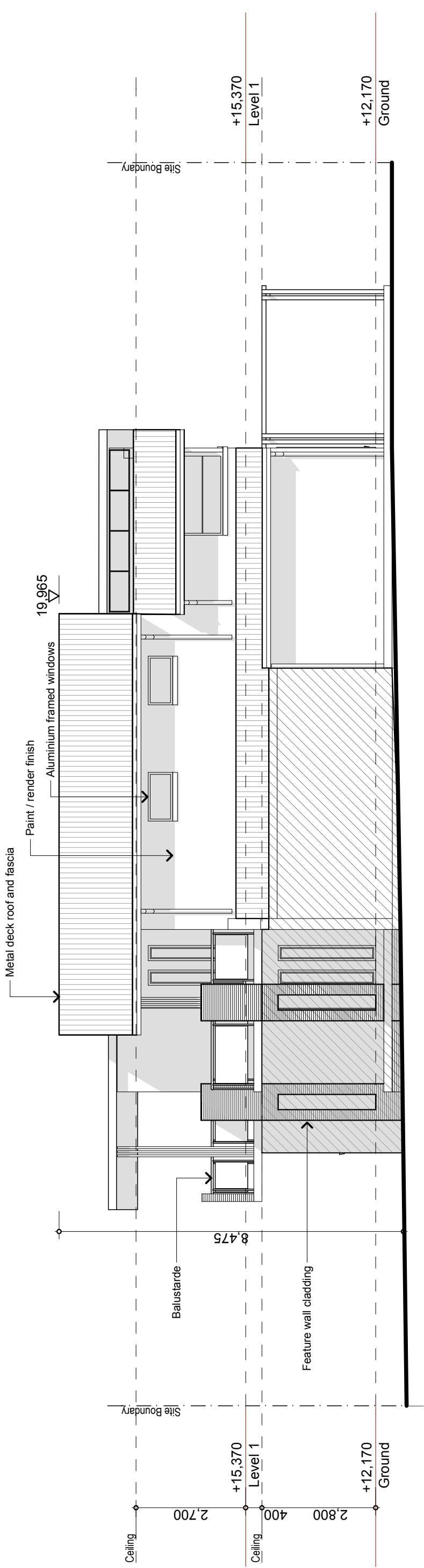
Site & Analysis Plan

Alterations & Additions to Existing Residence		Mr & Mrs Gad 25 President Avenue Kogarah NSW 2217		Rev Date Amendments		Rev Date Amendments	
				A 15 Jun 15 DA Submission		A 15 Jun 15 DA Submission	
				B 21 Oct 15 Revised DA Submission		B 21 Oct 15 Revised DA Submission	

As shown	Sam	21 Oct 2015	DA-01	B
Scale	Drawn	Date	Drawing No	Revision



East 1:100



West 1:100

Alterations & Additions
to Existing Residence

Mr & Mrs Gad
25 President Avenue Kogarah NSW 2217

Rev	Date	Amendments
A	15 Jun 15	DA Submission
B	21 Oct 15	Revised DA Submission

Amendments

21 Oct 2015
Date

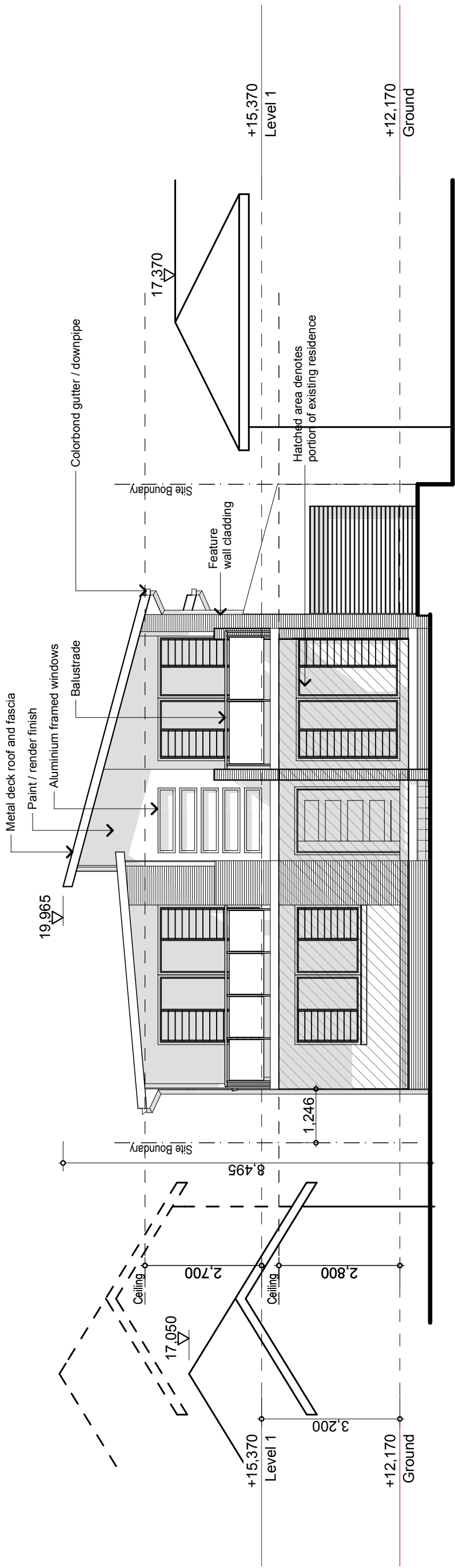
Sam
Drawn

As shown
Scale

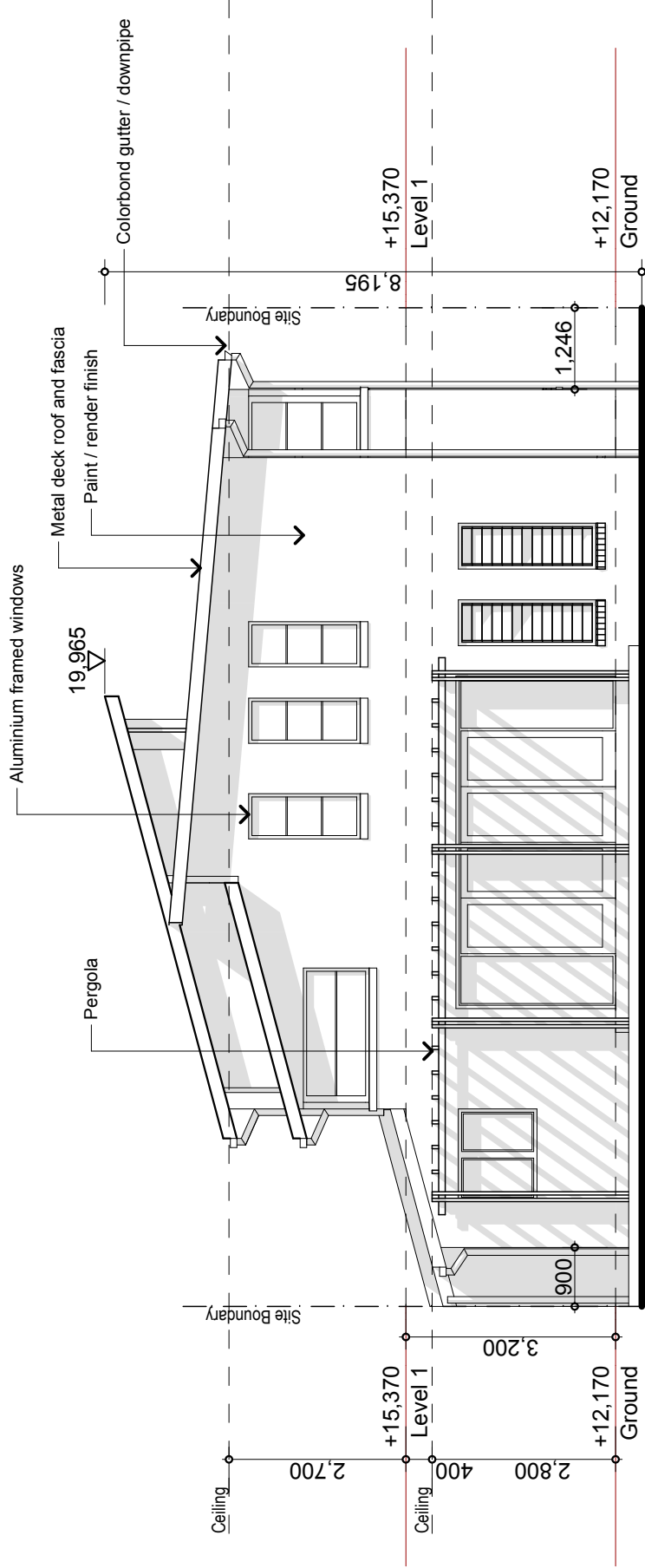
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Drawing No

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Revision

East & West Elevations



North Elevation 1:100



South Elevation 1:100

North & South Elevations

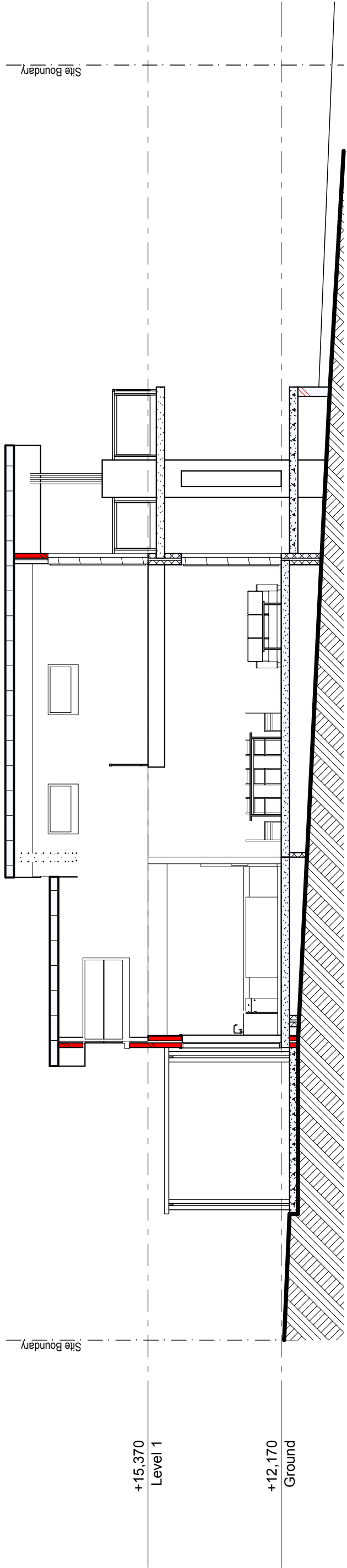
Alterations & Additions
to Existing Residence

Mr & Mrs Gad
25 President Avenue Kogarah NSW 2217

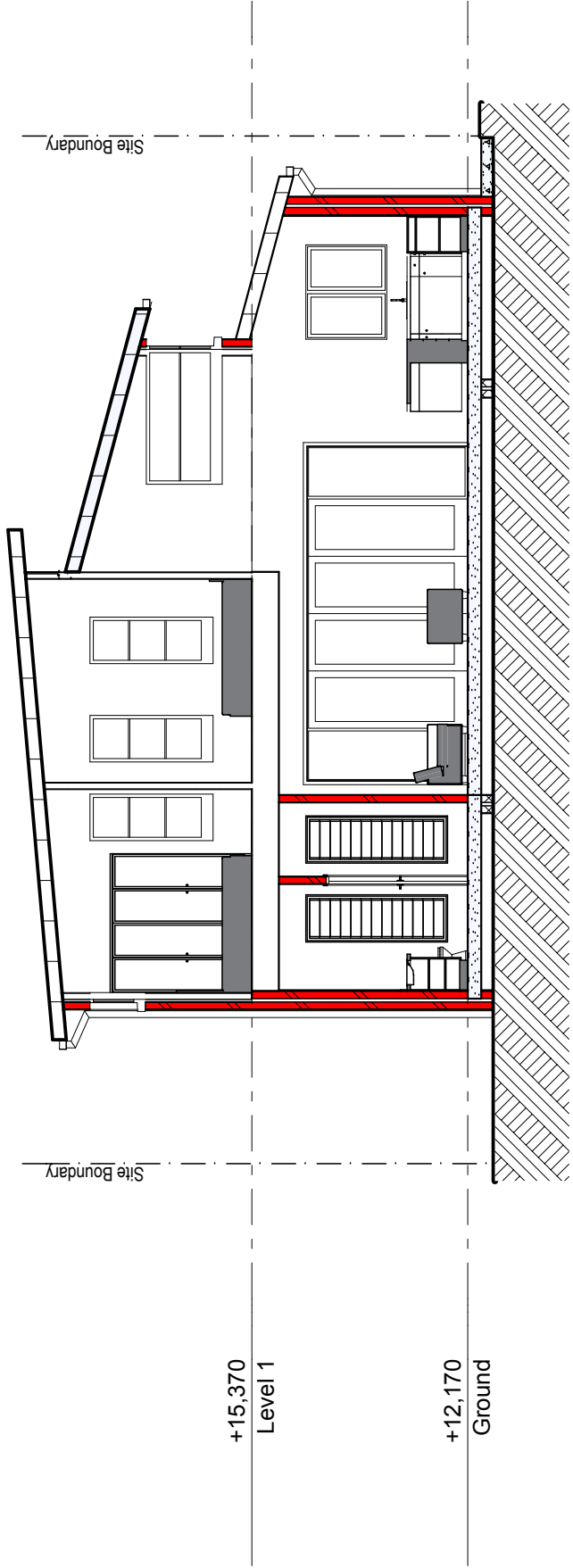
Rev Date Amendments
A 15 Jun 15 DA Submission
B 21 Oct 15 Revised DA Submission

Rev Date Amendments

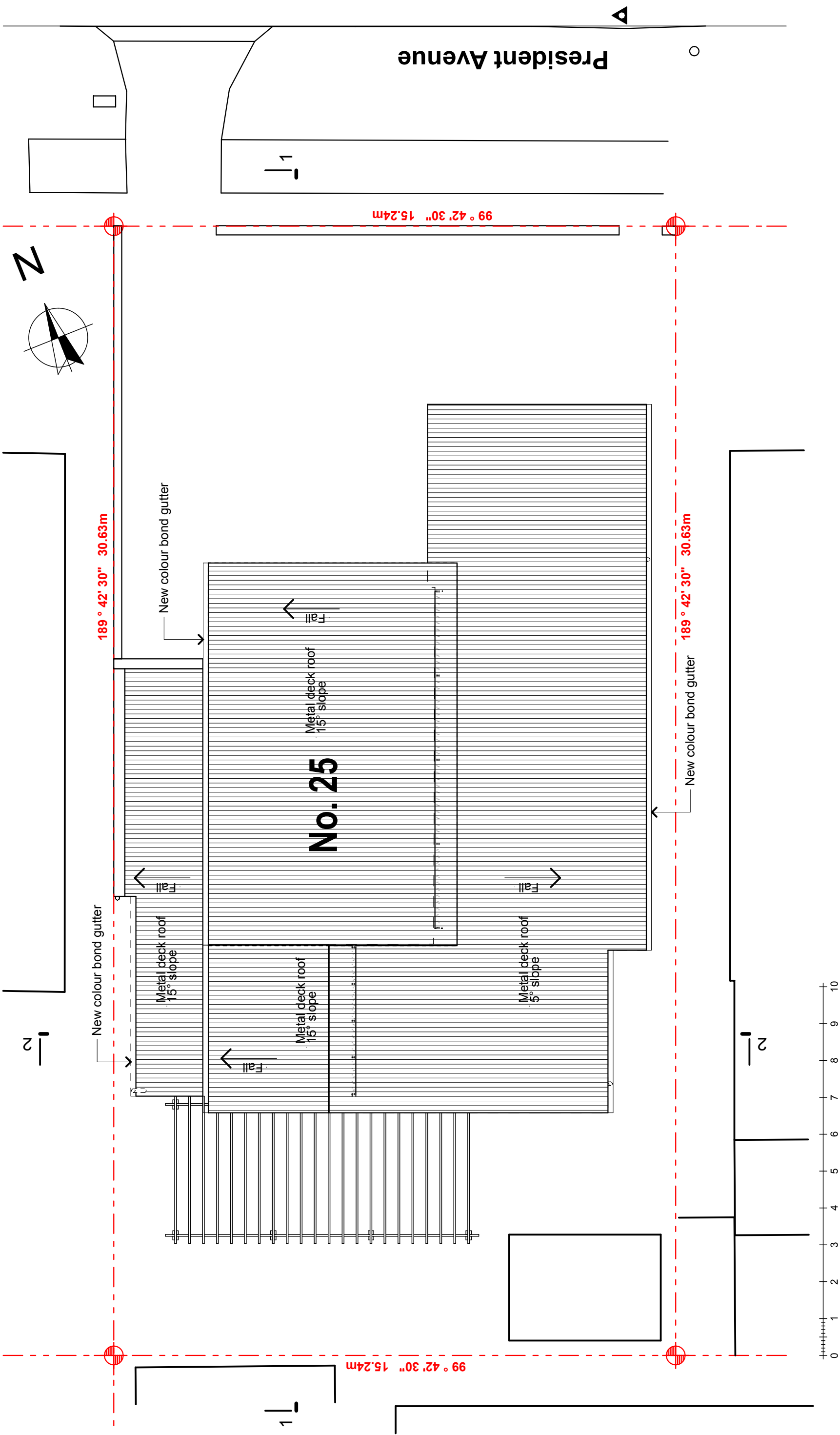
As shown Scale
Sam Drawn
21 Oct 2015 Date
DA-05 Drawing No
B Revision



Section 1 1:100



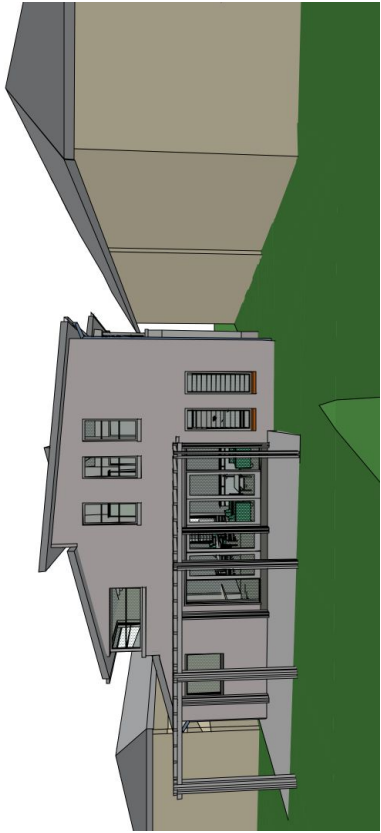
Section 2 1:100



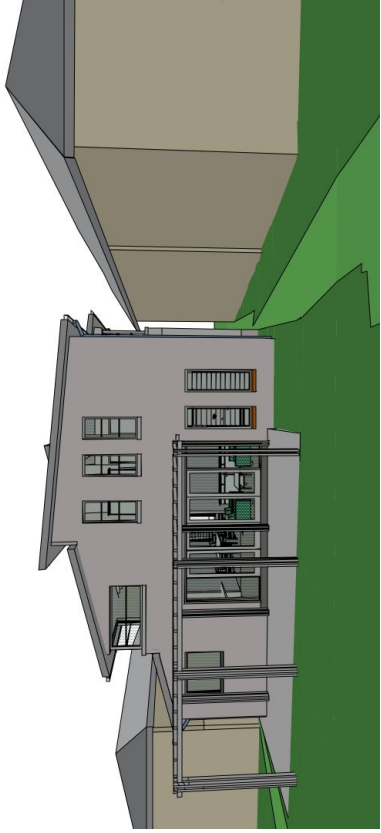
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Roof Plan

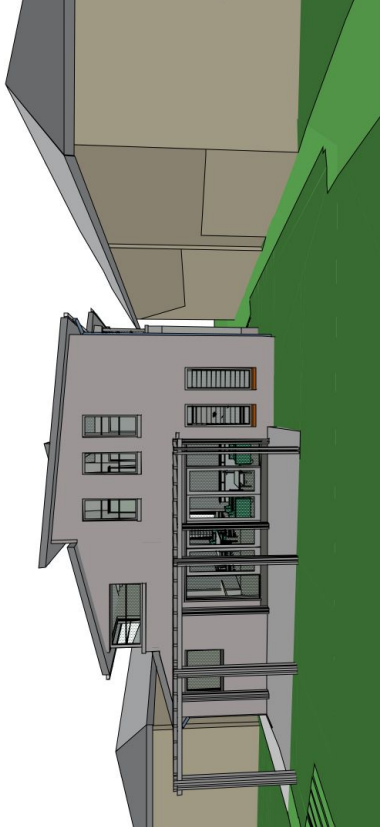
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		A		15 Jun 15	DA Submission					
		B		21 Oct 15	Revised DA Submission					
		As shown		Sam	21 Oct 2015	DA-04	Scale	Drawn	Date	Revision
							B			



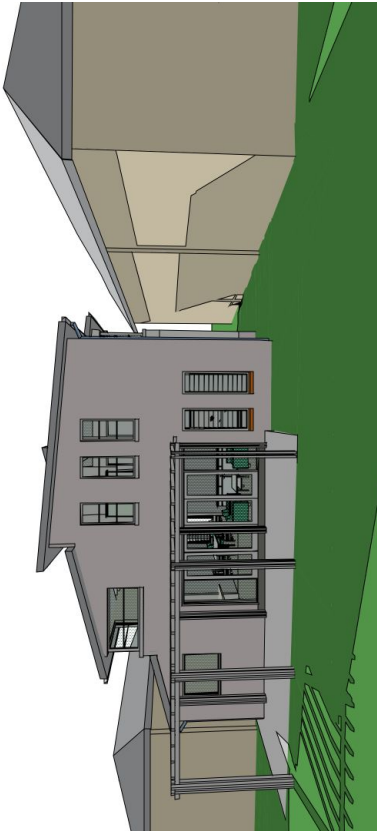
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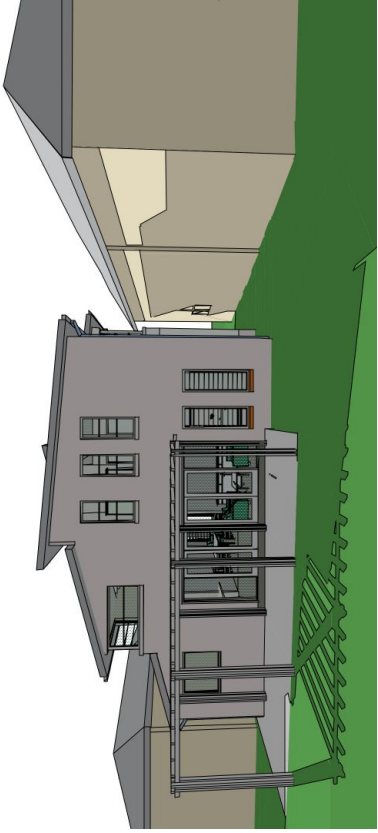
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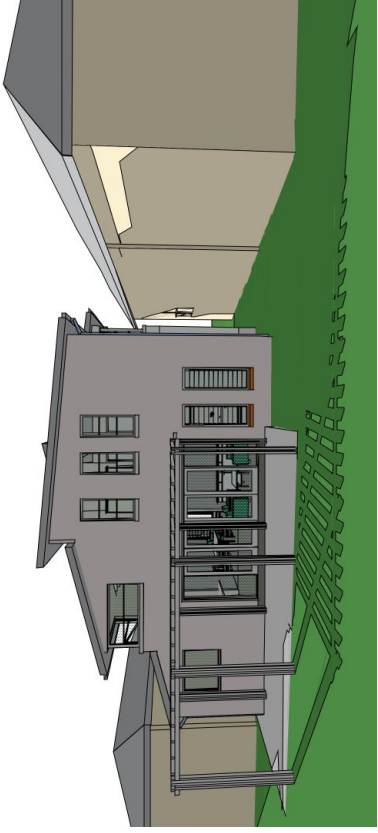
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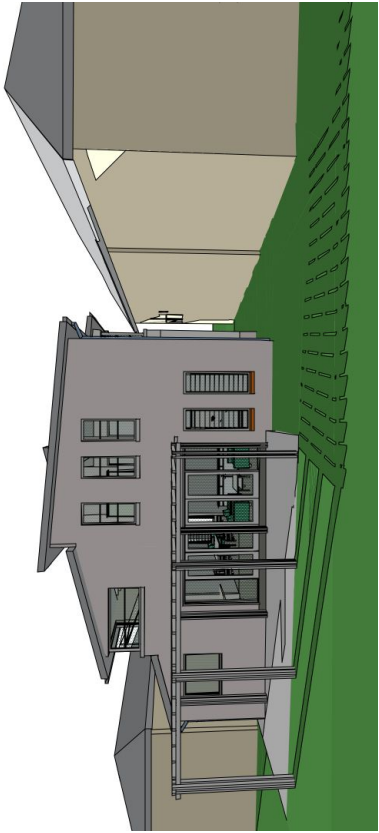
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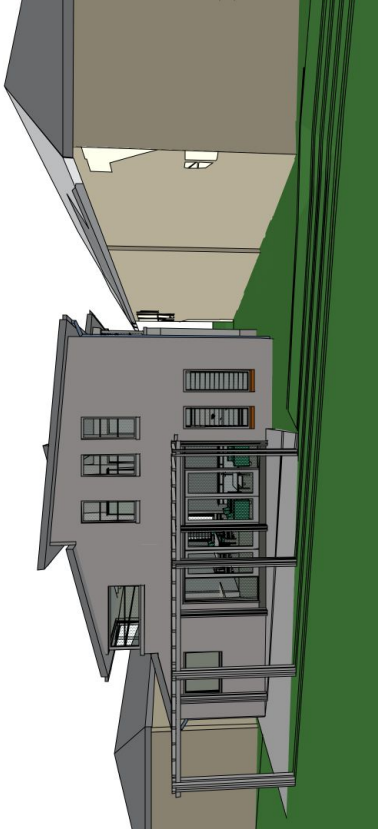
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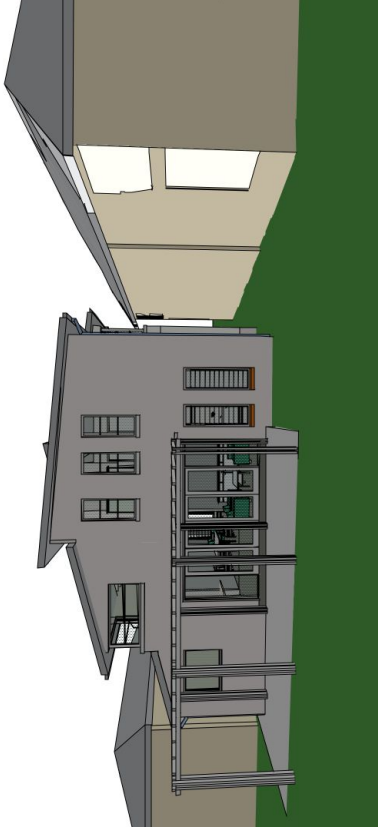
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June 21_1500



June 21_1600



June 21_1700

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD08
Property:	67 FAIRVIEW STREET, ARNCLIFFE
Subject:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO (2) STOREY ATTACHED DUAL OCCUPANCY WITH A NEW FRONT FENCE, INCLUDING TORRENS TITLE SUBDIVISION CREATING TWO ALLOTMENTS
File Number:	DA-2016/19
Owner:	MRS M HASSOUN, MR E S FERRIS
Applicant:	MCUBED DESIGN
Developer:	-
Location:	FAIRVIEW STREET BETWEEN WOLLI CREEK ROAD AND WILSON ROAD.
Date of Receipt:	14/07/2015
Date of Receipt:	14/07/2015
No. of Submissions:	2
Previous Report to Council:	Nil
Report by:	Manager - Development Services (Luis Melim)
Contributors:	Coordinator Development & Certification (Thomas Kulchar)
Community Engagement:	Yes
Financial Implications:	No

Precis

Council is in receipt of a development application seeking consent for the demolition of existing structures and then construction of a two (2) storey attached dual occupancy with a new front fence, including Torrens Title Subdivision creating two allotments at 67 Fairview Street, Arncliffe.

The subject site is a regular shape consisting of a single freehold lot. The site has a boundary to Fairview Street of 15.24m, and equal side boundary lengths of 45.74m. According to the submitted Site Survey, the total site area is approximately 695.6m².

The site is zoned R2 Low Density Residential under Rockdale Local Environmental Plan 2011 (LEP2011). The proposed dual occupancy development is permissible with the consent of Council under this zone.

The resultant Torrens Title subdivision of the dual occupancy development will result in each allotment having a site area of 347.8 sq.m. which does not comply with the controls in clause 4.1 of LEP2011. The minimum area of each lot resulting from the subdivision of a dual occupancy development is to be 350 sq.m. The applicant has submitted a request to vary the development standards in accordance with clause 4.6 of the LEP2011. In their submission the applicant argues that it would be unreasonable to enforce strict application of the subject development standard as the small variation (2.2 sq.m. per

allotment) does not result in any adverse impacts on the amenity of the neighbouring properties, and maintains a development outcome that is able to accommodate a dual occupancy development on the site that is consistent with the bulk of Council's development controls. The justification provided by the applicant is considered satisfactory and the Clause 4.6 variation should be supported in this instance.

The development application has been notified in accordance with Council's Development Control Plan 2011. Two (2) letters of objection have been received. The issues raised by the objectors relate to traffic and parking, density and lot sizes, overlooking, overshadowing, and acoustic privacy. These issues are addressed in detail in the attached report.

The development application is recommended for approval.

Council Resolution

MOTION moved by Councillors Mickovski and Awada

- 1 That Council support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA-2016/19 for the demolition of existing structures and construction of a two (2) storey attached dual occupancy with a new front fence, including Torrens Title Subdivision creating two allotments at 67 Fairview Street, Arncliffe 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.
- 3 That the NSW Department of Planning be advised of Council's decision.
- 4 That the objectors be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Mickovski and Awada

FOR THE MOTION

Councillors Macdonald, O'Brien, P Sedrak, Awada, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillors Barlow and Hanna

The MOTION was ADOPTED 12 votes to 2.

Officer Recommendation

That voting on this matter be by way of a Division.

- 1 That Council support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA- 2016/19 for the demolition of existing structures and

construction of a two (2) storey attached dual occupancy with a new front fence, including Torrens Title Subdivision creating two allotments at 67 Fairview Street, Arncliffe 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.

3 That the NSW Department of Planning be advised of Council's decision.

4 That the objectors be advised of Council's decision.

Report Background

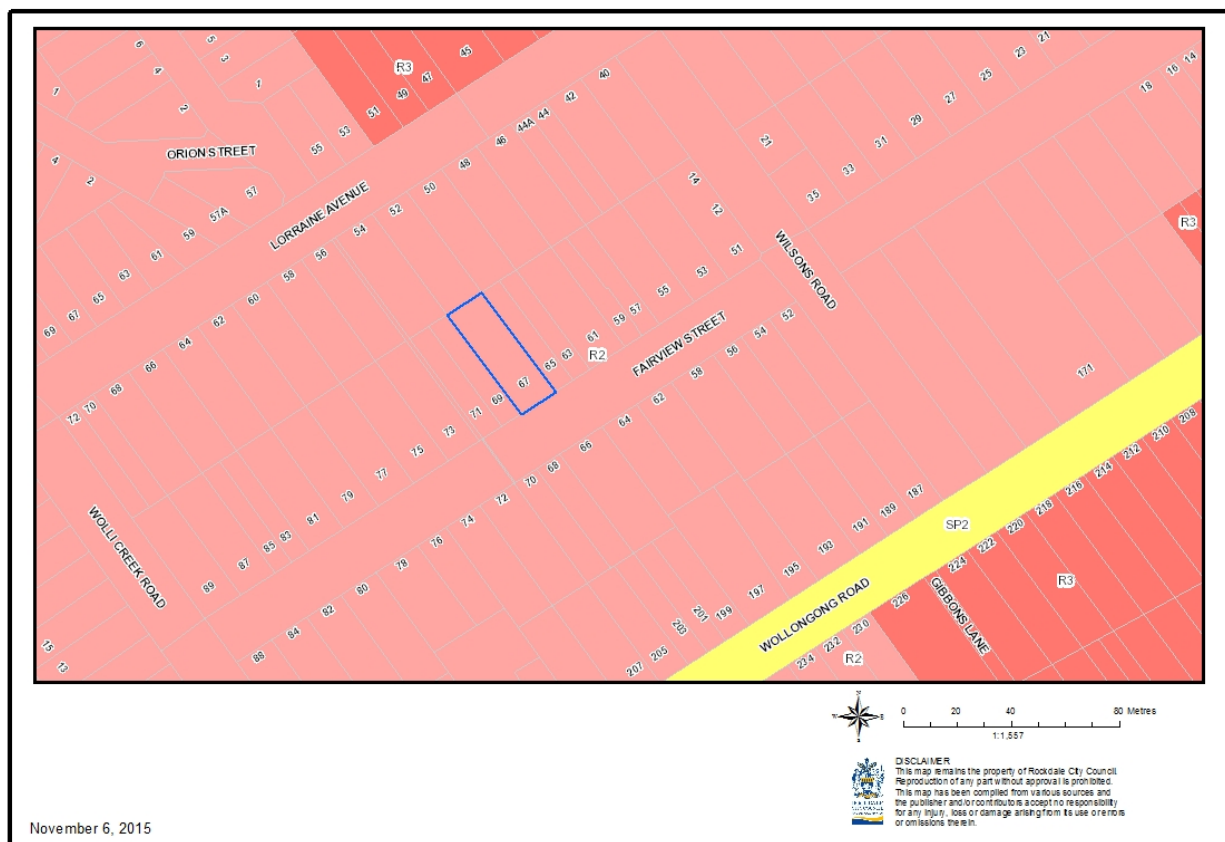
REASON FOR REFERRAL TO COUNCIL

The development application is referred to Council as it involves a variation to a development standard under clause 4.6 of Rockdale Local Environmental Plan 2011.

DEVELOPMENT ASSESSMENT REPORT

Refer to Consultant's report attached.

ZONING MAP



Community Engagement

The development application was publicly notified in accordance with the requirements of the Rockdale Development Control Plan 2011.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.B - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.B.2 - Undertake annual Development Applications customer satisfaction survey (MDS)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



67 Fairview Street Arncliffe - Consultants Assessment Report - DA-2016-19.pdf



67 Fairview Street Arncliffe - Compliance Table - DA-2016-19.pdf



Draft conditions of consent - 67 Fairview Street, Arncliffe.pdf



Site Plan - 67 Fairview Street Arncliffe.pdf



North West & South West Elevations - 67 Fairview Street Arncliffe.pdf



South East & North East Elevations - 67 Fairview Street Arncliffe.pdf

ROCKDALE CITY COUNCIL

COUNCIL REPORT



1. APPLICATION DETAILS

Property:	67 Fairview Street, ARNCLIFFE NSW 2207 Lot 18 in DP 5343
Proposal:	Demolition of existing structures and then construction of a two (2) storey attached dual occupancy with a new front fence, including Torrens Title Subdivision creating two allotments.
Date:	14 July 2015
File Number:	DA-2016/19
Owner:	Mrs Maggie Hassoun, Mr Ellyas Samuel Ferris
Author:	Ben Tesoriero – Consultant Assessment Officer (CPS)
Coordinator:	Thomas Kulchar – Coordinator Development and Certification

2. SUMMARY OF ISSUES

Non compliances – justifiable

Development Standards

- Clause 4.1 of the Rockdale Local Environmental Plan 2011 (LEP2011) prescribes standards for the minimum subdivision lot size. Specifically that consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:
 - (a) *the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and*
 - (b) *each of the lots will have one of the dwellings on it.*

Assessing Officer Comment: The proposal includes the Torrens Title subdivision of the dual occupancy development where the allotment size for each allotment is 347.80m². As such, the proposal is at variance with this development standard. The applicant has submitted a Clause 4.6 request to vary this development standard.

Development Controls

- Section 4.1.9 in Part 4 of the Rockdale Development Control Plan 2011 (DCP2011) outlines the minimum allotment size for dual occupancy development, which is 700m². The submitted subdivision plan indicates that the minimum lot size is 695.6m². The non-compliance with this control relates to the non-compliance with the above-mentioned development standard, being clause 4.1 in LEP2011.
- Section 5.1 of Part 5 of the DCP2011 provides development controls relating to building design. In particular, garages are to be located a minimum distance of

300mm behind the front building line. The location of the garages form part of the front building line, and as such are at variance with this development control.

Non compliances – resolved via conditions:

- No non-standard conditions have been identified as being required as part of the assessment of the subject development application.

Non compliances – not justifiable:

- Nil

3. RECOMMENDATION

That Development Application DA-2016/19 for the demolition of existing structures and then construction of a two (2) storey attached dual occupancy with a new front fence, including Torrens Title Subdivision creating two allotments, at 67 Fairview Street, ARNCLIFFE NSW 2205 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.

4. BACKGROUND

The proposed development was lodged with Council on 14 July 2015. The development was notified from 13 August 2015 to the 28 August 2015. Two (2) submissions were received during the notification period.

5. PROPOSAL

Council is in receipt of a development application DA-2016/19 at 67 Fairview Street, ARNCLIFFE NSW 2205, which seeks consent for the demolition of existing structures and then construction of a two (2) storey attached dual occupancy with a new front fence, including Torrens Title Subdivision creating two allotments.

Further details of the proposal are outlined below:

Ground Floor – The ground floor of each dwelling is accessed externally from a paved front porch entry area. The ground floor of each dwelling includes a single garage, lounge room, bathroom, laundry, an open kitchen, dining and family/living area that opens out to an alfresco terrace area and rear yard. The ground floor also includes a staircase to the first floor of the dwelling.

First Floor – The first floor of each dwelling includes a master bedroom with walk in robe and en-suite bathroom, three (3) additional bedrooms, a bathroom, a study area, and staircase to the ground floor. Balconies are located at the front and rear of the first floor, which have access from the master bedroom and Bedroom 4 respectively. These balconies are enclosed on the side so as to mitigate any overlooking to adjoining properties.

Rear Private Open Space - The rear open space area of each dwelling includes a large alfresco terrace, which is accessed via sliding glass doors from the family/living rooms. The sides of each rear alfresco area are enclosed and provided with a side privacy screen(s) to mitigate any overlooking. Beyond the alfresco area is a large open lawn area with boundary planting beds including screening shrubs and tree plantings.

The front setback of the allotment is to include a new masonry front boundary fence with a driveway and separate path to the front porch of each dwelling. The driveway and pedestrian paths are bordered with planting beds.

The proposal includes the removal of one (1) tree located within the rear yard. However it is noted that as this tree is a fruit tree, it would be exempt under the provisions of DCP2011.

6. EXISTING AND SURROUNDING USES

The subject site is known as Lot 18 in DP 5343, 67 Fairview Street, ARNCLIFFE NSW 2205. The development site is located on the north-eastern side of Fairview Street with a predominantly south-east / north-west orientation.

According to the submitted site survey, the site is a rectangular shape with a frontage to Fairview Street of 15.24m, rear boundary of 15.24m, north-eastern side boundary of 45.74m and a south-western side boundary of 45.74m. The subject site has a total area of 695.6m² (Site Survey) has a cross fall of 1.19m or 1:38.6 gradient from the south eastern side boundary (RL49.23) to the rear north eastern side corner (RL48.04) of the allotment.

The existing site consists of a single storey weatherboard dwelling house with a tiled roof. No significant views were identified from the subject site or adjoining properties.

Located adjacent to the north-east of the subject site, at No.65 and No.63 and Fairview Street, is single storey building containing two attached dwellings of brick construction and a tiled roof. Each dwelling has a driveway adjacent to their respective side boundary. A carport is located to the side of 65 Fairview Street, while 63 Fairview Street has a carport located within the front setback.

To the south-west of the subject site, at No.69 and No.71 Fairview Street is another single storey building of brick construction and a tiled roof that contains two dwellings. The dwelling at No.69 Fairview Street has a rendered façade; the adjoining dwelling maintains the original brick façade. Each dwelling has a driveway located to the side which provides access to the attached garages.

Fairview Street predominantly consists of a mix of freestanding single and double storey dwelling houses of varying periods and architectural styles. It is noted that a number of Heritage Items, are located within 100m of the subject site, however they have been assessed as not being impacted by the proposed development due to their relatively proximity.



Figure 1: Subject development site at 67 Fairview Street, Arncliffe

Source: www.google.com.au

7. REFERRALS

7.1. EXTERNAL

The development application was not subject to any external referrals.

7.2. INTERNAL

The subject development application was not subject to any internal referrals.

8. PLANNING CONSIDERATION - SECTION 79C OF THE EP&A ACT 1979

The following is an assessment of the proposed development under the provisions of Section 79C(1) of the Environmental and Planning Assessment Act 1979 (the Act).

8.1. PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS (S.79C(1)(A)(I))

8.1.1. State Environmental Planning Policy - Building Sustainability Index (BASIX)

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate numbers are 646384S dated 6 July 2015 and 646390S also dated 6 July 2015.

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

Reduction in Energy Consumption:	47%
Reduction in Water Consumption:	43%
Thermal Comfort:	Target pass

A condition has been imposed within the consent to ensure that these requirements are adhered to.

8.1.2. Rockdale Local Environmental Plan 2011 (LEP2011)

The following are the relevant matters from Council's LEP2011 that need to be taken into consideration.

Clause 2.1 – Land Use Zones

The subject site is zoned R2 - Low Density Residential. The proposed dual-occupancy development is identified as being permissible with development consent within this zone.

The proposal is considered consistent with the objectives of the R2 Low Density Residential Zone as it introduces a sympathetic building to the locality that will not adversely impact the residential amenity of the area. This is because the existing housing within the area is currently characterised with a mix of single and two-storey dwelling houses and some dual occupancies. The dual occupancy development provides a design that is sensitive to the existing built form and natural environment, while at the same time being consistent with emerging modern dwelling house styles occurring in the area.

Clause 4.1– Minimum subdivision lot size

Clause 4.1 provides minimum lot sizes to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area. Specifically Sub-clause (3B) states:

Despite subclause (3), development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:

- (a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and*
- (b) each of the lots will have one of the dwellings on it.*

According to the Survey Plan, the subject site (Lot 18), has a site area of 695.6m². The subject site would need a minimum of 700m² in order to comply with this development standard, as such the lot sizes falls short of this development standard by 4.4m², or 2.2m² per lot (where 350m² is required for each lot). This represents a 6.3% variation to the development standard.

Clause 4.6 of the LEP2011 includes exceptions to development standards where a written request from the applicant seeks to justify the contravention of the development standard.

Clause 4.6(3) indicates that 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.

A Clause 4.6 variation request has been submitted by the applicant justifying the contravention of the development standard. However it has not been prepared in accordance with the then Department of Planning and Infrastructure's "Varying development standards: A guide August 2011", as all criteria outlined in the guide has not been addressed. Despite this, a request for the applicant to resubmit an application form to vary the development standard was not considered necessary as an assessment of the proposal has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard. The detailed assessment of the proposal, as provided within the attached Compliance Check, has revealed that the variation does not lead to any significant non-compliance with other aspects of LEP2011, nor DCP2011. All minor non-compliances with development controls can be justified or otherwise resolved via conditions of consent.

Clause 4.6(3) of LEP2011 specifically states:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

As noted above, the applicant has submitted a Clause 4.6 request as part of the development application received by Council on 14 July 2015. The submitted Clause 4.6 states the following:

- The proposal is consistent with the predominant subdivision pattern of the area, and in particular in the street. Council has previously and recently approved No.9 Reading Road, Brighton Le Sands.*
- The proposal will not have any adverse impact on the amenity of the neighbouring properties. The proposal is well articulated and complies with the visual and Acoustic privacy. The Subdivision is consistent with the existing subdivision pattern of the street.*
- The variation is so low that the lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

A review of the submitted Clause 4.6 request has considered the above and concurs that it would be unreasonable and unnecessary to achieve compliance with the development standards in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

- Despite the 4.4m² variation, the proposed development complies with both the building height (7.6m) and floor space ratio (0.5:1) development standards as prescribed by LEP2011. It is therefore considered that the development has respected the key bulk and scale standards.
- The variation has not significantly compromised the intent of DCP2011. In particular, front, side and rear setbacks, solar access and open space are generally compliant. The proposal is generally consistent with surrounding low density development.

- The resultant allotments will not compromise the predominant subdivision pattern of the area or the existing streetscape character of Fairview Street.
- On this occasion, the strict application of the 700m² minimum allotment size is not considered necessary due to the minor nature of the variation. The overall difference of 4.4m² would not significantly alter the outcome of the proposed development. The proposal is generally compliant with the provisions outlined in the LEP2011 and DCP2011.

In this regard it is considered that enforcing compliance with the aforementioned development standard would be unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Clause 4.3 - Height of buildings

The height of the proposed building is 7.6m and therefore does not exceed the maximum 8.5m height limit shown for the land on the Height of Buildings Map. Accordingly, the proposed building height is compliant with Clause 4.3 of LEP2011.

Clause 4.4 - Floor space ratio

The proposed Floor Space Ratio (FSR) is 0.5:1 and therefore does not exceed the maximum FSR for the land (0.5:1) as shown on the Floor Space Ratio Map. Accordingly, the FSR is compliant with Clause 4.4 of LEP2011.

Clause 5.9 – Preservation of Trees or Vegetation

Clause 5.9 of LEP2011 prescribes that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent, or a permit granted by the Council.

DCP2011 prescribes that trees more than 3m tall, or with a circumference greater than 300mm at a height of 1m above ground level require consent for their removal.

Having regard to the above, it is acknowledged that the proposal seeks the removal of one (1) tree located within the rear yard. Observations of this tree have estimated its height to be approximately 3m. Accordingly, the provisions of clause 5.9 would apply to the subject trees.

In accordance with clause 5.9, the applicant is seeking consent for removal of this tree via a development application (DA-2016/19). Council have not referred the subject development application to their tree management officers. As such, it has been deemed that the above-mentioned tree to be removed is not worthy of retention for the purposes of this assessment report.

Nevertheless, a review of the tree by the Assessing Planning Officer as part of this assessment generally concurs that the tree to be removed is not significant and not worthy of retention. This is because the subject tree would appear to be a fruit tree which is not covered under the provisions of DCP2011. Further, the submitted landscape plan satisfactorily demonstrates that appropriate replacement planting is proposed to compensate for the removal of this tree.

Clause 5.10 Heritage Conservation

No heritage item is located on subject site, however it is noted that a number of heritage items are located within 100m of the subject site. Despite this, the vicinity Heritage Items are not within the visual catchment of the subject site. Accordingly, there are no heritage concerns with the proposed development.

Clause 6.1 - Acid sulfate soils

The subject site has been identified as being affected by Acid Sulfate Soils (ASS) – Class 5. Development consent is not required as the works proposed are not within 500 meters of adjacent Class 1, 2, 3 or 4 land, which are likely to low the water table below 1 metre AHD on adjacent Class 1, 2,3 or 4 land. Accordingly, the proposal is considered consistent with the objectives and requirements of Clause 6.1.

Clause 6.7 - Stormwater

Stormwater plans were submitted with the subject development application. It is noted that Council did not refer the plans internally to its stormwater/development engineer. As such it is considered that standard conditions of consent in relation to stormwater should be imposed on the development.

Clause 6.12 - Essential services

The services that are essential for the proposed development including supply of water and electricity, disposal and management of sewage, stormwater drainage and suitable road access satisfy the relevant requirements of Clause 6.12.

8.2. PROVISIONS OF ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION UNDER THIS ACT AND THAT HAS BEEN NOTIFIED TO THE CONSENT AUTHORITY (S.79C(1)(A)(II))

No draft environmental planning instruments that would impact on the proposed development on the subject site have been identified for the purposes of this assessment.

8.3. PROVISIONS OF DEVELOPMENT CONTROL PLANS (S.79C(1)(A)(III))

8.3.1. Rockdale Development Control Plan 2011

As covered by Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), if a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

With the above in mind, the following outlines those aspects of the proposal which have been assessed as non-compliant with the applicable development controls under DCP2011, but nonetheless have been determined acceptable as they are able to achieve the objects of those standards.

Non Compliances - Justifiable:

- 1. Lot Size.** Section 4.1.9 in Part 4 of DCP2011 outlines the minimum allotment size for dual occupancy development, which is 700m². The submitted subdivision plan indicates that the minimum lot size is 695.6m², resulting in each lot within the subdivision having a lot size of 347.80m². This development control essentially shadows that development standard contained under clause 4.1 of LEP2011. As such, reference should be made to those discussions justifying the variation to the minimum lot size controls earlier in this report for further information.
- 2. Building Design.** Section 5.1 of Part 5 of DCP2011 provides development controls relating to building design. In particular, garages are to be located a minimum distance of 300mm behind the front building line.

The proposed development is at variance with the above development control as the garages form part of the front building line. Accordingly these garages do not achieve the required 300mm setback – refer **Figure 2**.

Although not complying with the prescribed design controls relating to the location of garages, this non-compliance with Council's numerical controls can be supported for the following reasons:

- The garage doors are well integrated into the building design and are not considered to dominate the frontage when viewed from Fairview Street. This has been achieved through a design that sees the proportion of the garage

remain balanced with the remainder of the dwelling façade. For example, aside from the garage fronting Fairview Street, a good portion of the dwelling's front door and windows on the ground floor address the street – refer **Figure 3**.

- The design and location of the garages is considered to minimise the impact of the dual occupancy development within Fairview Street. This is because the garages of each dwelling are separated so as to reduce to visual dominance. Driveway widths have also been minimised and adequate landscaping is provided within the front yard in order to soften the overall appearance of the dual occupancy development
- The front façade is well articulated through the addition of features, such as cantilevered balconies and the use of a variety of materials which add depth to the facade.
- Despite the garages not being located 300mm behind the front building line, the overall building design and architectural style is considered to respond to the positive character of the locality. The modern design is of a high quality, which will contribute to a varied streetscape.
- For the reasons identified above, the proposal is considered to achieve consistency with the objectives of the control, despite not meeting the numerical requirements.

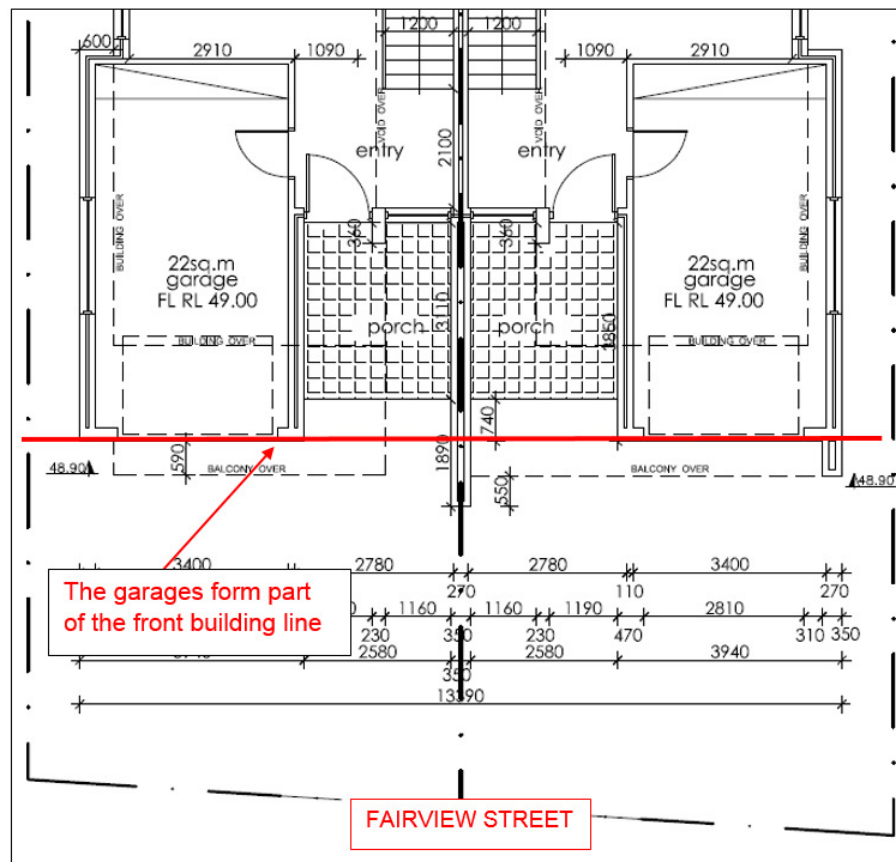


Figure 2: This diagram shows that the garages form part of the front building line and are not setback 300mm as required by the provisions of DCP2011

Source: Ground Floor Plan by applicant, edited for diagrammatic purposes by CPS.

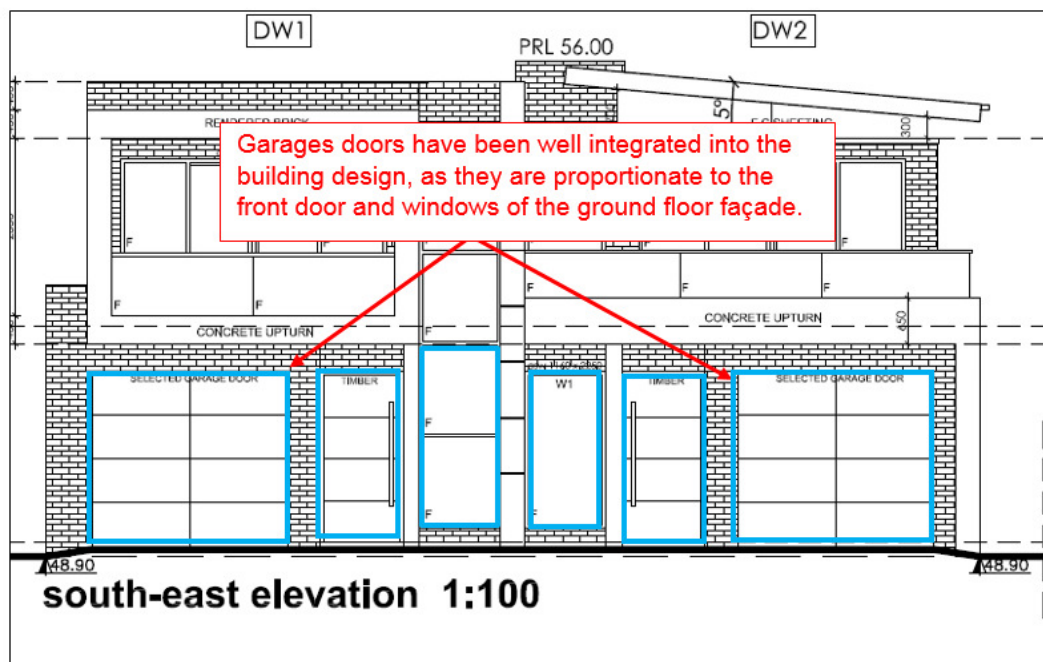


Figure 3: This diagram demonstrates how the garages are integrated into the overall design of the dwelling with the ground level of the dwelling still capable of addressing the street with front doors and windows orientated toward Fairview Street.

Source: South-east Elevation Plan by applicant, edited for diagrammatic purposes by CPS.

Non Compliances – Resolved Via Conditions:

No non-standard conditions have been identified as being necessary as part of the assessment of the proposed development.

8.4. PROVISIONS OF REGULATIONS (S.79C(1)(A)(IV))

Section 92 of the Environmental Planning and Assessment Regulation 2000 (Regulations) requires the consent authority to consider the provisions of AS2601 when demolition of a building is involved.

Under the subject development application, demolition is proposed. Standard conditions relating to demolition are recommended to be imposed.

8.5. IMPACT OF THE DEVELOPMENT (S.79C(1)(B))

8.5.1. Density and Scale

The proposed development is considered unlikely to adversely impact on the adjoining and surrounding residential amenity of the locality in terms of bulk and scale as it is generally in keeping with the scale and character of surrounding development.

It is noted that the scale and built form density of the subject site will increase as a result of the development given that a dual occupancy will replace an existing single storey dwelling house.

Despite increasing the density and scale of the allotment, it is considered there will be minimal impact on the streetscape and surrounding development. The proposed development presents as a relatively modest two-storey development when viewed from the streetscape with an appropriate height, bulk and scale in comparison to other surrounding developments.

It is noted that the primary controls governing the scale of the proposed development relating to building height, floor space ratio and setbacks contained within the DCP2011 have all been achieved. Furthermore, the objectives of the R2 Low Density Residential Zone as contained within the LEP2011 have also been achieved.

Having regard to the above, the proposed development is considered unlikely to significantly impact the streetscape or surrounding development.

8.5.2. Visual and Acoustic Privacy

The proposed development has generally been designed to ensure privacy is retained between dwellings on site and between adjoining neighbouring dwellings. Appropriate setbacks have been provided, pursuant to the DCP2011. The setbacks ensure that an adequate buffer is provided between the dwelling and adjoining allotments.

With regard to visual privacy, windows have been positioned and incorporate privacy measures such as well positioned sill heights and window sizes to prevent direct overlooking to adjoining properties. Furthermore, the submitted plans indicate that windows to the side and rear elevations will be frosted which will further maintain the privacy of adjoining properties.

Privacy screening is to be provided at the south-western and north-eastern side of the rear facing balconies, as well as the south-western front facing balcony of Dwelling 1, which is considered to adequately minimise overlooking and maintain the privacy of adjoining properties.

Having regard to the above, the proposed development is considered to provide a sufficient level of visual and acoustic privacy.

8.5.3. Overshadowing

Submitted shadow diagrams indicate that the proposed development will provide an acceptable level of sunlight and daylight access to adjoining dwellings.

It is noted the building includes a fully compliant building height, and satisfactory setbacks so as to minimise the impact of overshadowing. Accordingly, it is considered that the design and siting of the proposed development minimises the shadow that it will cast.

Shadow diagrams indicate that the habitable room windows of each dwelling will achieve the minimum 3 hours of direct sunlight during the winter solstice, as well as 50% of the private open space. Furthermore, the adjoining properties to the north-west and south-east (No.65 Fairview Street and No.69 Fairview Street respectively) are capable of achieving at least 3 hours direct sunlight between 9am and 3pm in mid-winter to habitable rooms, as well as 50% the private open space for each adjoining dwelling.

8.5.4. Views

The siting of the proposed development will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjoining and surrounding residents. As previously discussed, there are no views to the waterfront from the subject site or surrounding allotments.

8.5.5. Character / Streetscape

The proposed dual occupancy will contribute to an attractive residential environment where the building design reflects the residential character of the locality which includes both single-storey and two- storey dwelling houses of varying ages and architectural styles.

It is acknowledged that a pitched roof is the predominant roof form within Fairview Street. Whilst the building proposes a flat roof and skillion roof, it is considered that visual interest has been incorporated into the design through the addition of features, such as cantilevered balconies and the use of a variety of materials which adds depth to the façade and is complementary to the existing streetscape.

The design is of a high quality and will contribute to a varied streetscape with a variety of older cottages/bungalows and newer two storey dwelling houses. Accordingly, the residential streetscape character is considered to be retained and complemented as part of the proposed development.

8.5.6. Site Design and Internal Design

The development takes advantage of the site's favourable north-eastern/south-western orientation to ensure sufficient solar access, lighting and ventilation is provided to the each dwelling and the private open space areas.

The site layout makes use of sunlight and outdoor space to achieve a pleasant living environment for the residents. The proposed landscaping will achieve a higher quality of landscape treatment for the development therefore improving the amenity of both the residents and adjoining property owners.

8.5.7. Access, Traffic and Parking

Given that each dwelling includes four (4) bedrooms, a total of two (2) resident parking spaces is required per dwelling. Each dwelling provides a single garage for one (1) car and one (1) uncovered parking space in a stacked parking arrangement within the driveway. Accordingly, the proposal is considered to provide a compliant level of parking on the site for residents.

8.5.8. Water

The submitted plans indicate roof water and stormwater runoff is to be discharged to a below ground rainwater/OSD tank.

8.5.9. Natural Hazards

A review of Council's available mapping has not identified that the subject site is affected by any natural hazards that would significantly impact on the proposed development.

8.5.10. Soils

A review of Council's mapping has identified that the subject site is affected by Acid Sulfate Soils -Class 5.

As mentioned earlier in this report, development consent is not required as the works proposed are not within 500 meters of adjacent Class 1,2,3, or 4 land, which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2,3 or 4 land. Accordingly, the proposal is considered consistent with the objectives and requirements of Clause 6.1. The site is therefore considered to be suitable for the proposed development when having regard to Acid Sulphate Soils.

8.5.11. Waste

A Waste Management Plan has been submitted and is considered to be acceptable.

8.5.12. Construction

The building is to be constructed in brick and metal roofing with concrete floors. Windows, doors and bi-folds are to be of prefinished aluminium frames. Highlight features of painted cement render, rendered parapets and columns, as well as glass balconies, are proposed. The front fence is proposed to be of masonry construction to a maximum height of 1.050m.

8.6. SUITABILITY OF THE SITE (S.79C(1)(C))

This report has undertaken a thorough assessment of the proposal's impacts on the natural and built environment, whilst also assessing compliance against the relevant environmental planning instruments and development control plans. The outcome of the assessment is that the proposal is satisfactorily compliant, and subject to conditions is a suitable proposal for the site.

8.7. PUBLIC SUBMISSIONS (S.79C(1)(D))

The development has been notified in accordance with the provisions of the DCP2011. Two (2) submissions were received from adjoining properties as a result.

The following assessment covers each of the issues raised by the objectors, along with a comment from the assessing officer.

A – Traffic and Parking. *Concerns have been raised, by the objector, with regard to the proposal's impact on traffic, parking and pedestrian safety. This includes an increase in the level of traffic generated as a result of the proposal, and impacts on existing noise levels in the street as a result of additional motor vehicles.*

Assessing Officer's Comment: Section 4.6 in Part 4 of the DCP2011 prescribes parking controls to provide sufficient, convenient and safe on-site car parking.

The following parking controls are required for dual occupancy development:

- 1 space / dwelling with 2 bedrooms or less;
- 2 spaces / dwelling with 3 bedrooms or more.

Given that each dwelling includes four (4) bedrooms, a total of two (2) resident parking spaces is required per dwelling. Each dwelling provides a single garage for one (1) car, and one (1) uncovered parking space in a stacked parking arrangement within the driveway. Accordingly, the proposal is considered to provide a compliant level of parking on the site for residents, as such will not result in an unacceptable level of on-street parking.

On this basis, it is considered that the objector's concerns with relation to traffic and parking have been satisfactorily addressed in the proposal's design.

B – Density and lot sizes. *Concerns have been raised with regard to the proposal's impact on the character of the area. In particular, the proposal will change the character of the area from low density to medium-high density. The objector also notes that the allotment sizes do not meet the minimum size as prescribed by the LEP2011.*

Assessing Officer's Comment: The LEP2011 prescribes that dual occupancy development is permitted with consent within the R2 Low Density Residential Zone. Accordingly, this type of development is to be anticipated within a low density residential area.

The objector states that a minimum of 450m² is proposed for each lot, however Clause 4.1 of LEP2011 states:

Consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:

- (a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and*
- (b) each of the lots will have one of the dwellings on it.*

Accordingly 350m² is required for each lot of the dual occupancy development. It is acknowledged that the subject site has an allotment size of 695.6m², resulting in each lot within the dual occupancy development having an allotment size of 347.8m². The subject site would need a minimum of 700m² in order to comply with this development standard, and as such the lot sizes falls short of this development standard by 4.4m², or 2.2m² per lot, i.e. a variance of approximately 6.3%.

The applicant has however submitted a Clause 4.6 written request to seek to vary this development standard. As covered earlier in this report, it has been found that enforcing compliance with the aforementioned development standard would be unreasonable and unnecessary. This is because sufficient environmental planning grounds to justify the contravention of the development standard have been identified (refer to LEP2011 assessment earlier in this report).

Given the above, the objector's issues with the proposal's compatibility with the neighbourhood character are not supported on this occasion.

C – Overlooking. *Concerns have been raised by the objector with regard to the potential for overlooking as a result of the proposed development.*

Assessing Officer's Comment: Section 4.4.5 in Part 4 of DCP2011 prescribes controls relating to visual privacy. In particular:

- *Windows of habitable rooms with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m:*
 - a. are sufficiently off-set to preclude views into the windows of the adjacent building; or*
 - b. have sill heights of 1.7m above floor level; or*
 - c. have fixed obscure glazing in any part of the window below 1.7m above floor level.*
- *Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings.*

It is considered that the windows have been appropriately positioned and incorporate privacy measures such as well positioned sill heights and window sizes to prevent direct overlooking to adjoining properties. Furthermore, the submitted plans indicate that windows to the side and rear elevations will be frosted which will further maintain the privacy of adjoining properties.

With regard to the balconies, privacy screening is to be provided at the south-western and north-eastern side of the rear facing balconies, as well as the south-western front facing balcony of Dwelling 1, which is considered to adequately minimise overlooking to adjoining properties.

Direct overlooking is unlikely to occur from the rear balconies to the private open space of the rear adjoining property (at No.52 Lorraine Avenue). This is because the separation distance from the balconies to the rear property boundary is between 17.37m and 18.15m. This is considered to be a sufficient distance to prevent direct overlooking. Furthermore, the rear facing balconies are accessible from the respective bedrooms, as such it is unlikely that they will be frequented or occupied by more than 1 or 2 people.

On this basis, the objector's comments regarding overlooking into adjoining properties is not supported in this instance.

D – Overshadowing - *Concerns have been raised with regard to the extent of overshadowing to adjoining properties as a result of the proposed development.*

Assessing Officer's Comment: Section 4.4.2 in Part 4 of DCP2011 prescribes development controls relating to overshadowing. In particular:

- *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 submitted shadow diagrams indicate that the proposed development will provide a compliant level of sunlight and daylight access to adjoining dwellings.

It is noted the building includes a fully compliant building height, and setbacks so as to minimise the impact of overshadowing. Accordingly, it is considered that the design and siting of the proposed development minimises the shadow that it will cast.

Shadow diagrams indicate that the habitable room windows of each dwelling within the development will achieve the minimum 3 hours of direct sunlight during the winter solstice, as well as 50% of the private open space. Furthermore, the adjoining properties to the north-west and south-east (No.65 Fairview Street and No.69 Fairview Street) are capable of achieving at least 3 hours direct sunlight between 9am and 3pm in mid-winter to habitable rooms, as well as 50% the private open space for each adjoining dwelling.

On this basis, the objector's comments regarding overshadowing to adjoining properties are not supported in this instance.

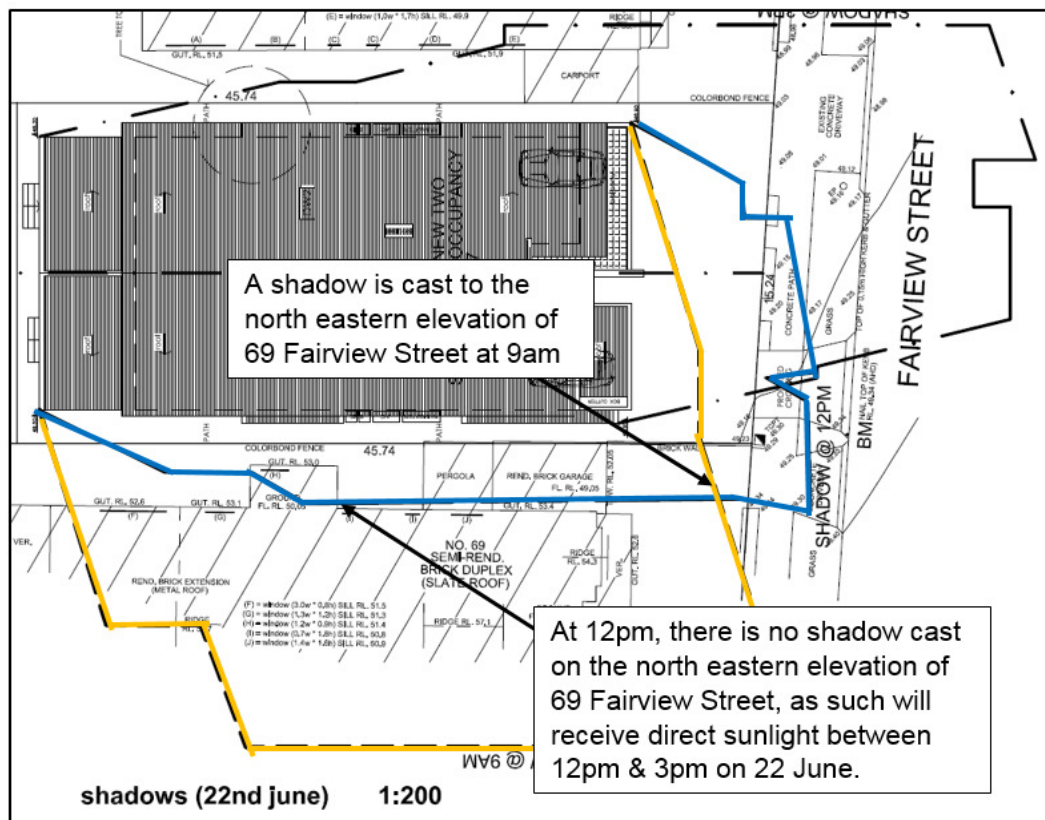


Figure 4: This diagram demonstrates the extent of overshadowing to the adjoining dwelling at 69 Fairview Street.

Source: Shadow (22 June) Plan by applicant, edited for diagrammatic purposes by CPS.

E – Acoustic Privacy. Concerns have been raised by the objector with regard to the location of the air conditioning unit and the resultant noise impacts to habitable rooms of adjoining properties.

Assessing Officer's Comment: Section 4.7 in Part 4 of DCP2011 prescribes

development controls relating to the location of ancillary structures, such as air conditioning structures. In particular, air conditioning units are to be located in positions that have a minimal impact on the amenity of adjoining properties.

The air conditioning unit for each dwelling is considered to be appropriately placed to minimise the impact of the amenity of adjoining properties. Each unit is located approximately 4m from the windows of adjoining properties and will be separated by a 1.8m high side boundary fence. The separation of the air conditioning units from adjoining properties, together with the location of the fence, is considered to sufficiently protect the amenity of surrounding development.

Further to the above, the following standard conditions will form part of the consent:

Noise from Mechanical Plant. *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.*

Residential Air Conditioners. *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.*

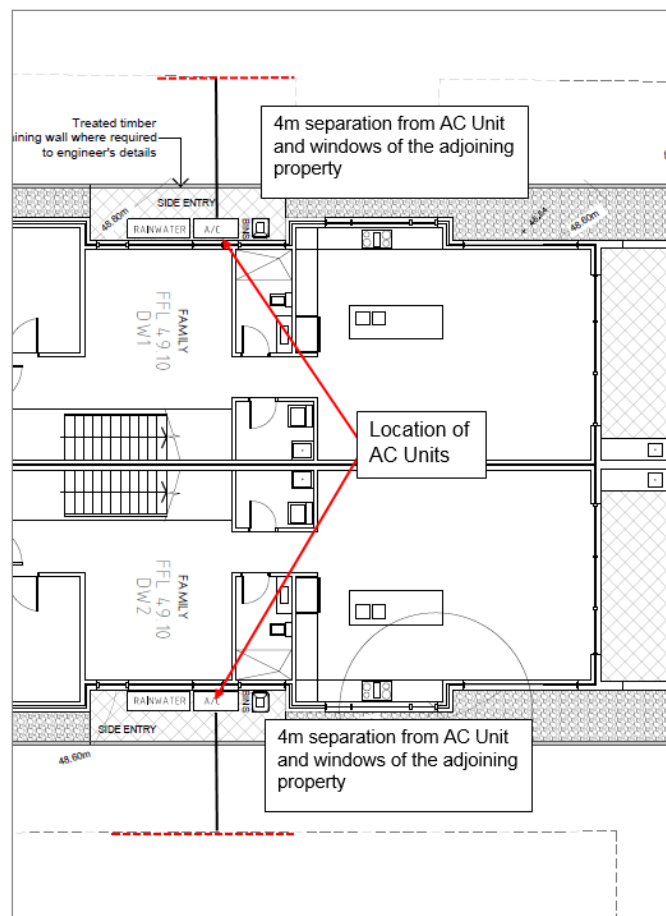


Figure 5: This diagram demonstrates the location of the air conditioning units in relation to adjoining properties.

Source: Landscape Plan by applicant, edited for diagrammatic purposes by CPS.

Given the above, it is considered that the objector's comments regarding unreasonable noise impacts, as a result of the location of the air conditioning units, to adjoining properties is satisfactorily addressed by imposition of the above-mentioned conditions.

8.8. PUBLIC INTEREST (S.79C(1)(E))

The proposed development is considered satisfactory having regard to the objectives and requirements of the LEP2011 and DCP2011. Impacts on adjoining properties have been considered and addressed. As such it is considered that the proposed development is in the public interest.

9. CONCLUSION

This application has been assessed under the heads of consideration of section 79C of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The applicant seeks consent for the demolition of existing structures and the construction of a two (2) storey attached dual occupancy with a front fence, and Torrens Title Subdivision creating two lots at 67 Fairview Street, ARNCLIFFE NSW 2205. As demonstrated by this assessment, and subject to the imposition of appropriate conditions, the proposal will have minimal adverse impacts upon the natural and built environment, including that of adjoining properties. Accordingly the application is recommended for **approval** pursuant to Section 80(3) of the Environmental Planning and Assessment Act.



Ben Tesoriero
Consultant Assessment Officer
CPS

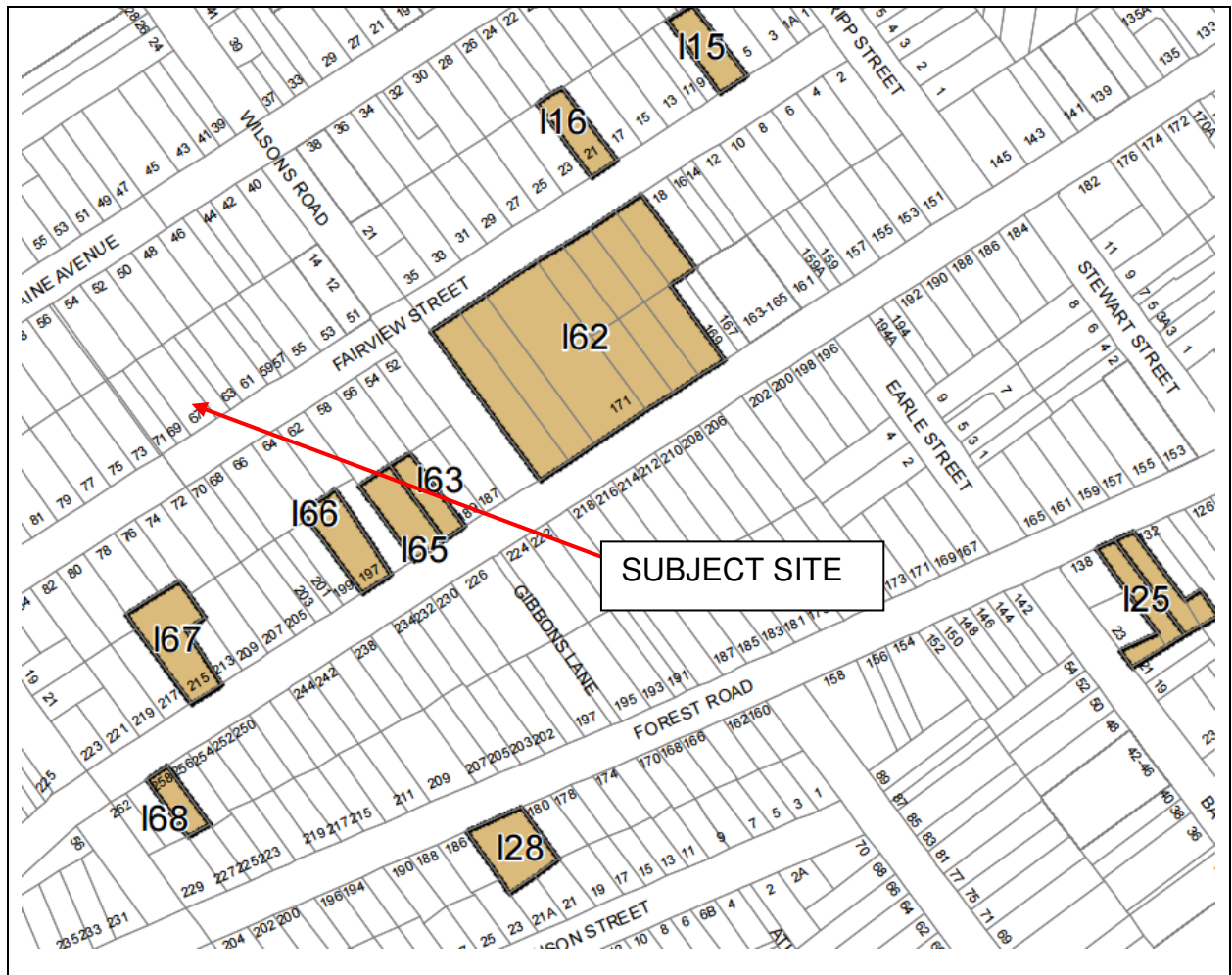
PRELIMINARY ASSESSMENT

DA No:	2016/19
Date Plans Rec'd	14 July 2015
Address:	67 Fairview street, Arncliffe
Proposal:	The construction of a two (2) storey attached dual occupancy, with a front fence, Torrens Title Subdivision creating two lots and demolition of existing structures.
Constraints Identified:	Acid Sulfate Soils – Class 5
Zoning:	R2 – Low Density Residential
Pre lodgement consultation	N/A
Referrals Received	N/A
Summary of Key Planning Issues Identified	<ul style="list-style-type: none"> - The proposal does not meet the minimum allotment size for dual occupancy development. - Garage is not setback 300mm from the front building line



ROCKDALE LEP 2011	PROPOSAL	COMPLIANCE
2.6(2) Subdivision- consent requirements <ul style="list-style-type: none"> No subdivision if it results in a secondary dwelling and principal dwelling being on separate lots, unless lots are not less than min. size on Lot Size Map. 	No subdivision for a secondary dwelling proposed.	N/A
4.1 Min subdivision lot size <ul style="list-style-type: none"> 350m² where a dual occupancy is proposed. 	Each lot is proposed to have a lot size of 347.80m ² . Total site area is 695.6m ² .	No – Clause 4.6 submitted.
4.3(2) Height of buildings <ul style="list-style-type: none"> 8.5m overall 	EGL RL 48.4 Maximum RL 56 7.6m	Yes
4.4(2) Floor space ratio <ul style="list-style-type: none"> 0.5:1 	GF: 218m ² (incl. garage) FF: 168m ² Garage: 44m ² Total GFA: 342m² Site Area 695.6m ² FSR : 0.49:1	Yes

5.9 Preservation of Trees or Vegetation	<p>The proposal includes the removal of one (1) tree located within the rear yard. On lodgement, Council determined that the application is not required to be referred to their in-house Tree Management Officer, as the subject tree is not deemed to be significant. The submitted landscape plans demonstrates that appropriate replacement planting is proposed within the front and rear yards of each dwelling.</p> <p>Additionally, appropriate conditions have been recommended.</p>	<p>Yes</p>
5.10 Heritage Conservation	<p>No heritage item is located on subject site. It is noted that heritage items are located within 100m of the subject site, to the east on Fairview Street, and to the south on Wollongong Street. Despite this, it is noted that the subject application was not referred by Council to its Heritage Officer and as such it is not considered that the development will impact this Heritage Item. Furthermore, these heritage items are not considered to be located within the visual catchment of the subject site.</p>	<p>Yes</p>



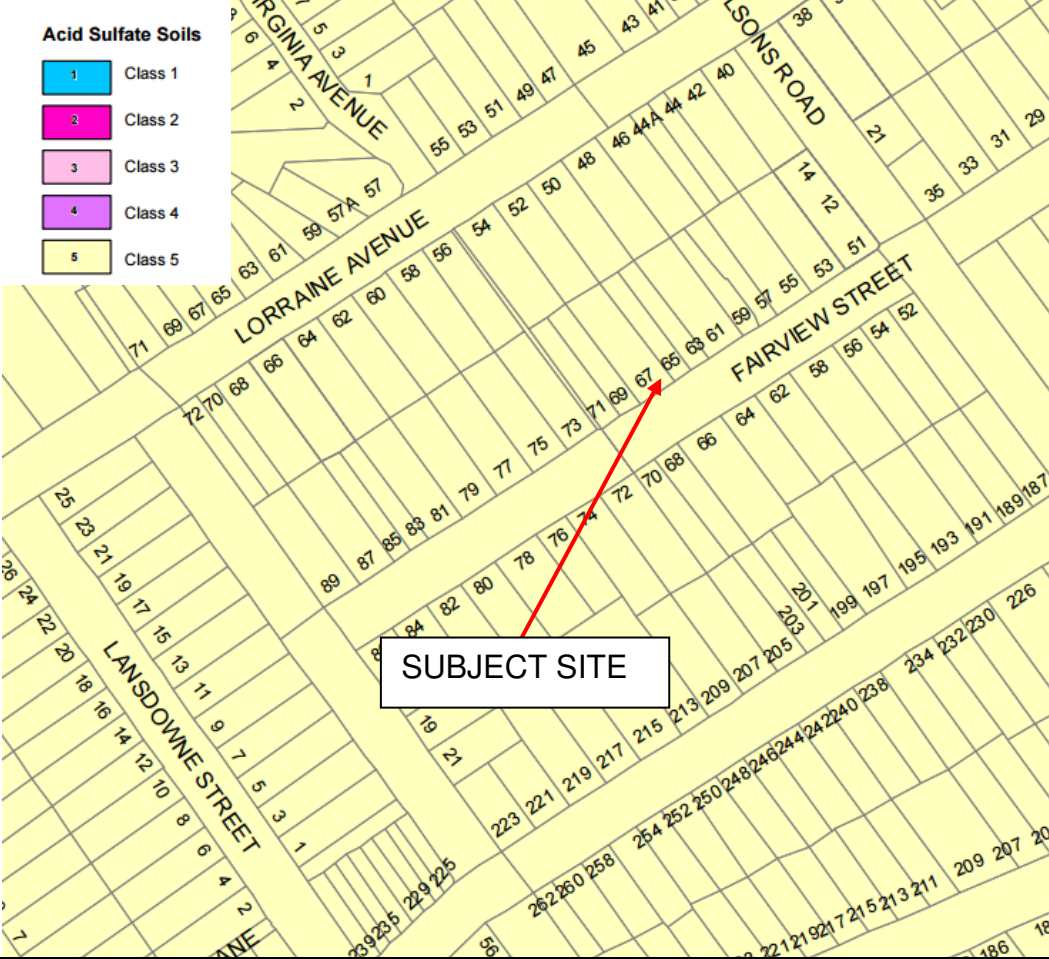
6.1 Acid Sulphate Soils

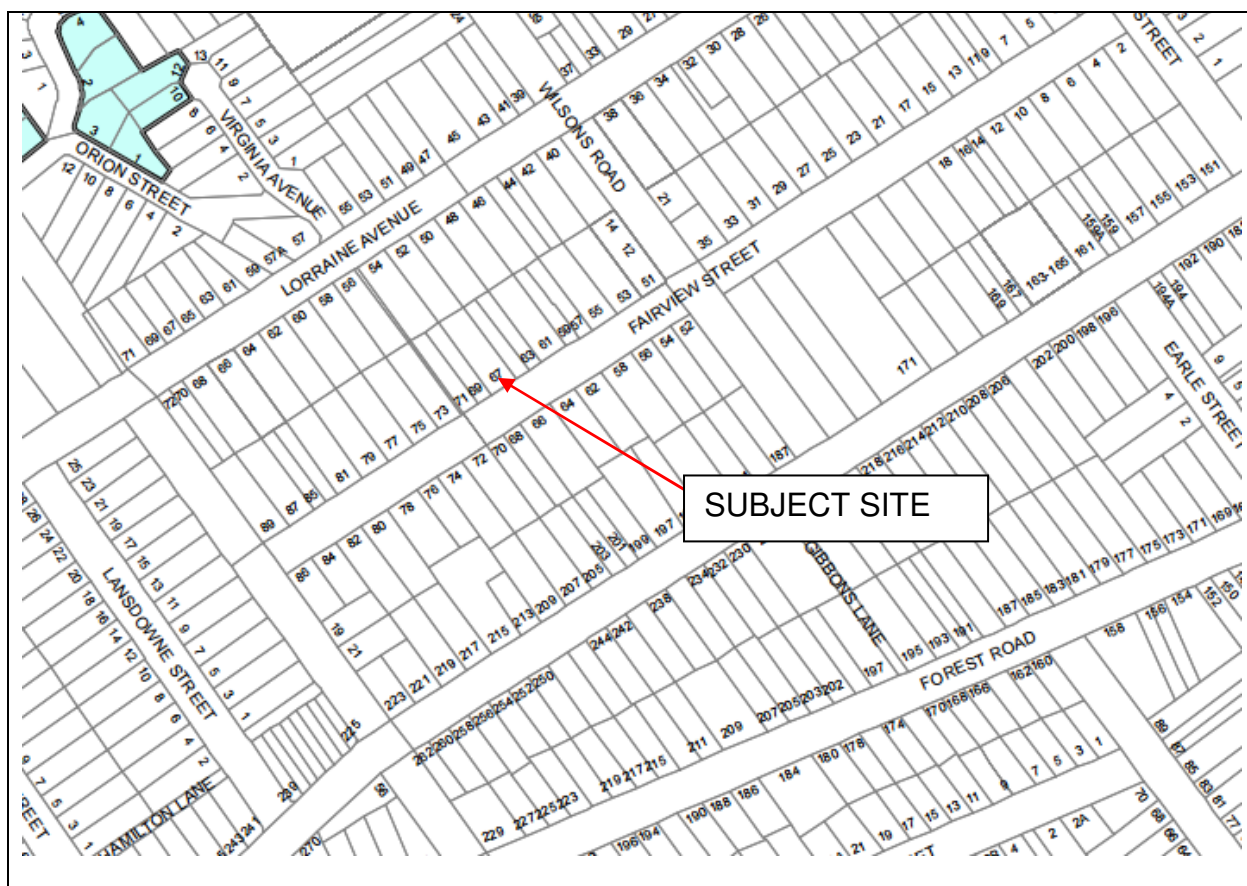
The subject site is affected by Class 5 Acid sulphate soils. Clause 6.1 states for Class 5:

Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land

Given the development involves minimal excavation, and is not within 500m of Class 1, 2, 3 or 4 land it does not appear the proposal would involve works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Yes

<p>Acid Sulfate Soils</p> <ul style="list-style-type: none"> Class 1 Class 2 Class 3 Class 4 Class 5 		
<p>6.6 Flood Planning</p>	<p>The subject site is not identified as being within an overland flow path or affected by flooding</p>	<p>N/A</p>



6.7 Stormwater	Stormwater plans were submitted with the subject development application. Council did not refer the plans internally to its stormwater/development engineer. As such it is considered that standard conditions of consent in relation to stormwater be imposed on the development.	Yes Standard Conditions
6.12 Essential services	The services that are essential for the proposed development including supply of water and electricity, disposal and management of sewage, stormwater drainage and suitable road access satisfy the relevant requirements of Clause 6.12	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
Part 4 – General Principles for Development		
Part 4.1 – Site Planning		
Part 4.1.1 – Views & Vistas		
– Development must consider any significant views to, from and across site.	No significant views identified to, from, or across the subject site.	N/A
– Development must retain	No impact to views of Botany	N/A

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<p>existing views to Botany Bay.</p> <ul style="list-style-type: none"> - Development on highly visible sites to complement character of area. - View corridors to landmarks and significant heritage items to be protected. - Views from public spaces to the bay and districts to be preserved. - Roof forms on low side of street to be well articulated to allow public views. - Building forms enable sharing of views with surrounding residences 	<p>Bay as part of development. Subject site is not identified as being a highly visible site.</p> <p>No view corridors to any landmarks/heritage items to be impacted.</p> <p>No impact to existing views from public spaces to the bay as part of development.</p> <p>Minimal slope difference between each side street and not significant enough to facilitate public views.</p> <p>Proposed development does not impact view sharing of neighbouring residences</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
Part 4.1.2 – Heritage Conservation		
<ul style="list-style-type: none"> • Requirement for Heritage Reports <ul style="list-style-type: none"> - Heritage impact statement required for development of heritage items. - Heritage impact statement may be required for development adjacent to or within the vicinity of a heritage item • Development of Heritage Items <ul style="list-style-type: none"> - Development of heritage item to conserve heritage setting - Development of a heritage item must not have a negative impact upon the heritage significance of the item - Additions to heritage item to be located at rear. - Two storey additions to a single storey heritage item must be in the form of a pavilion or an extension at the rear. - Original verandah roof forms must be maintained. 	<p>The subject site has not been identified as being heritage listed. Furthermore it is not located within a heritage zone or within the visual catchment to a heritage item. It is therefore considered the heritage conservation controls do not apply in this instance.</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Original face brick work or stone must not be rendered or painted. - Original finishes and materials must be retained. - Reconstruction must only be undertaken where physical and/or documentary evidence provides adequate information regarding the original building detail. - Development of a heritage item must conserve original landscape features of significance. - Off street car parking is not required if it would have a detrimental impact upon the heritage significance of the item. - New garages are to be located behind the rear building line of the principal building form. - Satellite dishes, air conditioning units, solar collectors and water tanks must be located so as not to be visible from the public domain. - if an archaeological assessment identifies the potential for significant archaeology then the applicant must comply with the provisions of the Heritage act 1977 and the national parks and Wildlife act 1974 	<p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Development in the vicinity of Heritage Items - Any proposed development located adjacent to or nearby a heritage item must not have an adverse impact on the heritage item including its setting and curtilage 	<p>Proposed development is located within 100m of a number of heritage items which are located to the east on Fairview Street, and to the south on Wollongong Street. Despite the proximity, the proposed development is not considered to have a significant impact on the heritage items. This is due to the fact the proposed two (2)</p>	<p>N/A</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Development adjacent to a heritage item must be designed: - To be of a similar scale to the heritage item - To pay attention to design elements - Where new development is proposed adjacent to a heritage item in a street of buildings similar to the heritage item, new development must maintained historic streetscape pattern. 	<p>storey dual occupancy meets Councils development controls and is not considered to detract from the existing streetscape character. Additionally, the proposed development is not in the visual catchment of the heritage items.</p> <p>As above</p> <p>As above</p>	<p>N/A</p> <p>N/A</p>
Part 4.1.3 – Water Management		
<ul style="list-style-type: none"> • Stormwater Management <ul style="list-style-type: none"> - Development to comply with Councils Technical Specs. - WSUD to be incorporated into design of stormwater drainage. 	<p>Subject development was not referred to council's development engineer. Standard conditions will be included on the consent.</p> <p>Basix commitments indicate that a 2500L rain water tank forms part of the development application.</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Flood Risk Management <ul style="list-style-type: none"> - Development to comply with Councils Flood Management Policy. - Filling of land up to 1:100 ARI level not permitted. - Development not to increase potential for flooding on other properties. 	<p>Subject site has not been identified as being located within an overland flow area or affected by flooding as indicated within Council's Flood map shown above.</p> <p>As above.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> – Impact of flooding and flood liability to be managed, no flood water diverted. – Flood refuge may be required for occupants requiring higher level of care. 	<p>As above.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Water Conservation <ul style="list-style-type: none"> – BASIX Compliant – All new commercial and industrial development is to demonstrate using water efficient appliances meeting minimum WELS Scheme Standards 	<p>Proposed development complies with BASIX minimum water target</p> <p>Not commercial or industrial.</p>	<p>Yes</p> <p>N/A</p>
<ul style="list-style-type: none"> • Water Quality <ul style="list-style-type: none"> – Measures to control pollutants in stormwater discharge. – Runoff to waterways/bushland to be treated. 	<p>Appropriate trash screens and filters implemented to RWT. Erosion and sediment control measures to be put in place during construction.</p> <p>No direct runoff to bushland or waterways anticipated due to no adjoining waterways or bushland.</p>	<p>Yes</p> <p>N/A</p>
<ul style="list-style-type: none"> • Groundwater protection <ul style="list-style-type: none"> – Operating practices and technology must be employed to prevent contamination of groundwater. – Development which has potential risk to groundwater must submit a geotechnical report. – Certain development in areas subject to Botany Sands Aquifer may be considered Integrated Development. – 	<p>Not referred to development engineer as such not considered to be applicable.</p> <p>As above.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Part 4.1.4 – Soil Management		
<ul style="list-style-type: none"> – Development must minimise soil loss 	<p>Minimal excavation is proposed on subject site, as a result of the dual occupancy development. As such will, there will be minimal soil loss.</p>	<p>Yes</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Erosion and Sediment control plan required where development involves site disturbance. - Development is to minimise site disturbance. 	<p>Additionally, a significant portion of the site is to be landscaped area consisting of large areas of deep soil.</p> <p>Erosion and Sediment controls plan has been submitted.</p> <p>Due to the relatively flat site, it is considered that there will be little site disturbance in terms of soil stripping etc. Additionally it is noted that natural ground levels are being mostly retained within the surrounding landscaped areas.</p>	<p>Yes</p> <p>Yes</p>
Part 4.1.5 – Contaminated Land		
<ul style="list-style-type: none"> - Development on land that is likely to have contamination must follow State Environmental Planning Policy 55 – Remediation of Land. 	Land has not been identified as being contaminated land.	N/A
Part 4.1.6 Development on Sloping Sites		
<ul style="list-style-type: none"> - Building footprint designed to minimise cut and fill - Any habitable room of dwelling must have at least one external wall entirely above existing ground level. 	<p>The subject site has a fall of 1.19m or 1:38.6m gradient. This is measured from the front south eastern corner boundary (RL49.23) to the rear northern western corner boundary (RL48.04). The proposed building is generally sympathetic with the existing topography of the site.</p> <p>All external walls of habitable rooms are entirely above existing ground level.</p>	<p>Yes</p> <p>Yes</p>
4.1.7 Tree Preservation		
<ul style="list-style-type: none"> - Council consent required to undertake tree work for a tree that is: <ul style="list-style-type: none"> o More than 3m tall or o Has a circumference in excess of 300mm at a height of 1m above ground 	The proposal includes the removal of one (1) tree located within the rear yard. On lodgement, Council determined that the application is not required to be referred to their in-house	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
	<p>Tree Management Officer, as the subject tree is not deemed to be significant. The submitted landscape plans demonstrates that appropriate replacement planting is proposed within the front and rear yards of each dwelling.</p> <p>Additionally, appropriate conditions have been recommended.</p>	
<ul style="list-style-type: none"> - Existing significant trees and vegetation are to be incorporated into proposed landscaping 	As above	N/A
<ul style="list-style-type: none"> - Building setbacks are to preserve existing significant trees and vegetation and allow for new planting. 	As above	N/A
4.1.8 Biodiversity		
<ul style="list-style-type: none"> - Development is to be sited and designed to minimise impact on indigenous flora and fauna. 	<p>The submitted plans indicate that one (1) fruit tree is proposed to be removed as part of the development. Accordingly, it is considered that the overall development will have minimal impact on potential indigenous flora and fauna located in this area.</p>	Yes
<ul style="list-style-type: none"> - Indigenous species planting is encouraged 	<p>Appropriate planting is proposed within the front and rear yards of each dwelling.</p>	Yes
<ul style="list-style-type: none"> - Development abutting bushland, creeklines or wetland areas is to utilise local indigenous plant species 	<p>Development does not abut bushland/creekline/wetland</p>	N/A
<ul style="list-style-type: none"> - Statement of Flora/Fauna Impact required for development in or adjacent to bushland or wetlands 	<p>As above.</p>	N/A
<ul style="list-style-type: none"> - Species Impact Statement required where development is 	<p>Development will not to occur adjacent to threatened</p>	N/A

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to occur adjacent to threatened species or endangered ecological communities.	species or endangered ecological communities.	
4.1.9 Lot Size and Site Consolidation		
<ul style="list-style-type: none"> • Lot Size and Minimum Site Frontage <ul style="list-style-type: none"> ○ Dwelling House <ul style="list-style-type: none"> - Minimum lot size 450m² - Minimum width 15m at the front building alignment ○ Dual Occupancy <ul style="list-style-type: none"> - Minimum lot size 700m² - Minimum site frontage 15m ○ Multi Dwelling Housing <ul style="list-style-type: none"> - Minimum site frontage of 18m unless site fronts classified road, then minimum of 27m. • Avoidance of Isolated Sites <ul style="list-style-type: none"> - Adjoining parcels must be capable of being economically developed - Development of existing isolated sites is not to detract from the character of the streetscape. 	<p>N/A – dual occupancy proposed.</p> <p>As above</p> <p>The submitted subdivision plan indicates that the minimum lot size is 695.6m².</p> <p>The submitted subdivision plan indicates that the allotment frontage width is 15.24m.</p> <p>N/A – dual occupancy proposed</p> <p>The proposed development is not considered to have any impact on the capability to economically develop adjoining parcels.</p> <p>Existing site is not considered to be an isolated site.</p>	<p>N/A</p> <p>N/A</p> <p>No-Justifiable – refer to discussion on clause 4.6 written request Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>
4.2 Streetscape and Site Context		
<ul style="list-style-type: none"> • Site Context <ul style="list-style-type: none"> - Development is to respond and relate to urban context. - Development adjoining land use zone boundaries should provide a transition in form. 	<p>Proposed dwelling house development is considered to be consistent with the surrounding urban context by way of appropriate height, setbacks, bulk and scale etc.</p> <p>Development does not adjoin zoning boundaries.</p>	<p>Yes</p> <p>N/A</p>

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<p>-</p> <p>- Buildings addressing or bordering public open space must relate positively to it.</p> <p>• Streetscape Character</p> <p>- Cohesive streetscape must be created through building design and materials.</p> <p>- Consistent building setbacks from the street boundary.</p>	<p>Proposed development is considered to appropriately address the public domain of Fairview Street through defined streetscape elevation oriented towards the street.</p> <p>Proposed development is considered to be cohesive with the existing streetscape character by way of incorporating a modest residential design. Whilst the design of the building is contemporary in comparison to a majority of the built form within Fairview Street, it is considered to be sympathetic with surrounding development. This has been achieved by the siting of the building on the site, which is consistent with the prevailing pattern of development within the street, as well as an articulated front façade which enhances the appearance of the dwelling when viewed from Fairview Street.</p> <p>The proposed development has a consistent building setback with the prevailing street setback within Fairview Street.</p> <p>The first level balcony proposes a front setback of between 5.46m and 6.25m.</p> <p>The main building line of the first floor proposes a front setback of between 12.010m and 8.540m.</p> <p>The garage is setback 6m from the front property boundary, while the front entry proposes a setback of</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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	10.3m. The adjoining building, to the east, at 65 Fairview Street has a front setback of 4.85m. The adjoining building to the west has a front setback of 4.93m. These setbacks are generally consistent with all development within Fairview Street. Accordingly the proposed development is sympathetic to surrounding front setbacks.	
- Buildings on corner sites are to address each frontage.	Not on corner.	N/A
- Access to garages should not require major cut and fill.	Access to the proposed garages does not require major cut and fill and are located at grade.	Yes
- First floor additions for streets of predominately single storey dwellings shall: <ul style="list-style-type: none"> o Locate addition at rear and/or o Incorporate addition into the existing roof space and/or o Use similar proportion if existing windows and doors in new work. 	N/A - Proposed development is for a new two storey development, not a first floor addition.	N/A
- Garages and carports are not permitted in front setback	No garages located within the front setback.	Yes
<ul style="list-style-type: none"> • Pedestrian Environment 		
- Residential buildings must address the street	Proposed building addresses the street with both units having front facing entry doors.	Yes
- Buildings adjacent to public area must have at least one habitable room window overlooking public area, to provide casual surveillance.	Proposed development includes a number of habitable room windows that overlooking the public street, providing casual surveillance.	Yes
- Pedestrian and cycle thoroughfares are safe routes through:	Safety of the pedestrian pathway adjacent the subject	Yes

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<ul style="list-style-type: none"> ○ Appropriate lighting ○ Casual surveillance from the street ○ Minimised opportunities for concealment ○ Landscaping which allows clear sight-lines between buildings and the street ○ Avoidance of blind corners. 	<p>site will remain unchanged as a result of the proposed development.</p>	
<ul style="list-style-type: none"> - Clearly defined public, common, semi-private and private space 	<p>Proposed development utilises a range of measures including landscaping, low height front fencing and setbacks to clearly define public, semi-private and private spaces.</p>	Yes
<ul style="list-style-type: none"> - Discrete vehicle entries with minimal pedestrian conflict 	<p>A single vehicle width crossover is proposed for each dwelling. The location of the driveway is considered to provide sufficiently clear sightlines to the footpath, which appropriately minimises pedestrian conflict.</p>	Yes
<ul style="list-style-type: none"> - Development it to take advantage of rear lane access to sites, where possible. 	<p>No rear lane access available to the site.</p>	N/A
<ul style="list-style-type: none"> • Fencing - Sandstone fences and walls to be retained and repaired (if necessary) 	<p>No existing sandstone walls on site.</p>	N/A
<ul style="list-style-type: none"> - Front fences/walls to enable surveillance of street 	<p>The submitted landscape plan has indicated that the maximum front fence height is 1.050m. A separate pedestrian entry and vehicle entry is provided with a gate. The proposed height and openness of the gates will allow for appropriate surveillance of the street.</p>	Yes

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- Front fences are to be maximum 1.2m above footpath level	The submitted landscape plan has indicated that the maximum front fence height is 1.050m)	Yes
- Open construction front fences (min. 30% open) to a maximum of 1.8m – where the solid portion is no higher than 600mm.	As the front fence proposes a maximum height of less than 1.2m (refer above), it is not required to be open.	N/A
- New fences and walls to be constructed of material which reduce potential graffiti	Walls to be of masonry construction, which has been broken into smaller segments to reduce the potential for graffiti.	Yes
- For sloping streets, height of fences and walls may be regularly stepped, so that average height above footpath level is 1.2m	N/A – subject site does not have a sloping street frontage.	N/A
- No fences constructed in floodways.	Subject site not within a 'Flood Planning Area'.	N/A
- Gates must not encroach over street alignment when opening or closing.	The submitted landscape plan shows that the gates will not encroach over the street alignment when opening or closing.	Yes
- Side and rear fences are to be maximum height of 1.8m on level sites.	1800mm high fence proposed for the fence dividing the two proposed allotments in the rear yard area. Plans indicate that the side and rear fencing will not be replaced.	Yes
- Side fences between the street alignment and front building wall are to be maximum height of 1.2m or 1.8m if open construction.	The submitted landscape plan shows that side fencing will have a maximum height of 1.050m.	Yes
- Where a vehicular entrance is proposed in conjunction with fence height greater than 1.2m a 45 degree splay or its	N/A – the front fence does not exceed 1.2m in height	N/A

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<p>equivalent is provided either side of the entrance</p> <p>- Sheet metal fencing is not to be used at the street frontage or forward of the building line.</p> <p>• Sandstone Walling, Rock Outcrops and Kerbing</p> <p>- Excavation of sandstone or rock outcrops for the purpose of providing a garage is not permitted where:</p> <p>a. The rocky outcrop forms a significant part of the streetscape and character of the locality; or</p> <p>b. Adequate on street parking is available; or</p> <p>c. Alternative access to a site is available.</p> <p>- Where excavation of rock outcrop is considered acceptable for provision of off-street car parking, garage entry is to utilise sandstone, stone coloured mortar and a recessive coloured door.</p>	<p>No sheet metal fencing proposed at the street frontage or forward of the building line.</p> <p>Investigation of plans and site inspection did not reveal any sandstone walling or rock outcrops on or adjacent to the subject site.</p> <p>As above.</p> <p>As above.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
4.3 Landscape Planning and Design		
4.3.1 Open Space and Landscape Design		
<p>- Must comply with Council's Technical Specifications – Landscape</p>	<p>Standard conditions to be imposed to ensure compliance.</p>	<p>Yes</p>
<p>- Landscape Plan submitted and prepared by qualified Landscape Architect.</p>	<p>Landscape Plan has been submitted</p>	<p>Yes</p>
<p>- Significant trees and natural features incorporated into design</p>	<p>No significant trees or natural features on the site. An appropriate level of new trees and landscaping is proposed, with a combination of trees which reach mature heights of</p>	<p>N/A</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Hard surface areas to be minimised - Direct run-off from overland flow of rainwater to pervious surface 	<p>between 4m & 6m, as well as shrubs and hedges and ground covers.</p> <p>Hard surface areas have generally been minimised with a sufficient level of pervious landscaping and deep soil areas provided.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Landscaping must relate to building scale 	<p>Proposed landscaping includes tree planting, shrub planting and open lawn areas. Proposed landscaping is considered to be appropriate for the low density residential scale of the proposed building.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Planting design solutions are to: <ul style="list-style-type: none"> a. Provide shaded areas in summer 	<p>A combination of trees which reach mature heights of between 4m & 6m and hedges which will reach a mature height of 3m are proposed within the front and rear yards of each dwelling. They are considered to provide a reasonable amount of shade during summer, once they have reached mature heights.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> b. Provide screening 	<p>Planting is proposed around the perimeter of the front and rear yards, which are considered to visually soften the appearance of the proposed development.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> c. Provide vegetation and tree cover 	<p>An adequate level of landscaping and vegetation is proposed around the driveway area so as to visually soften the hard surface. Additionally, a significant portion of the rear yards are landscaped</p>	<p>Yes</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
	providing sufficient vegetation cover.	
d. Provide privacy between dwellings	A combination of trees which reach mature heights of between 4m & 6m and hedges which will reach a mature height of 3m are proposed within the front and rear yards of each dwelling. This landscaping arrangement is considered to provide additional privacy between dwellings	Yes
e. Not overshadow solar collectors/panels	The proposed plantings are not considered to have the potential to significantly overshadow any solar panels on the subject property or surrounding development.	Yes
f. Incorporate plant species in appropriate locations and densities	The submitted landscape plan has indicated the location of densities of plant species.	Yes
g. Rely on low water demand and nil or low fertilizer plants	Appropriate planting is proposed within the front and rear yards of each dwelling.	Yes
h. Use indigenous plant species	Appropriate planting is proposed within the front and rear yards of each dwelling.	Yes
- Trees must be planted	Proposal includes tree planting. Detail of species is shown on the submitted landscape plan.	Yes
- Minimum landscape areas for low and medium density residential 25%	The submitted landscape plan indicates that 33% landscaped area is provided across the site.	Yes
- Min 20% of front setback to be landscaped area, with min dimension of 1m	25% of the front setback dedicated as landscaped area.	Yes

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<ul style="list-style-type: none"> Landscaped areas should adjoin neighbouring landscape area for vegetated corridor 	Front and rear landscaped areas adjoin neighbouring landscaped areas where possible, creating a contiguous corridor.	Yes
<ul style="list-style-type: none"> Where basement car parking protrudes above ground level the walls are to be screened 	Basement parking not proposed.	N/A
<ul style="list-style-type: none"> Street trees to be provided in accordance with Council's Street Tree Masterplan (with exception of single dwellings) 	There are no existing street tree adjacent the subject site.	Yes
<ul style="list-style-type: none"> Footpath area adjacent to the site be restored at time of development. 	Footpath area not considered to require restoration, however standard condition to be imposed which requires footpath restoration if any damage is sustained to Councils footpath during construction.	Yes
<ul style="list-style-type: none"> Development must comply with streetscape requirement of relevant public domain plans 	No relevant public domain plans required in this instance as minimal works to occur within public domain.	N/A
4.3.2 Private Open Space		
<ul style="list-style-type: none"> Dwelling House/Dual Occupancy/ Attached Dwelling/Semi-detached Dwelling <ul style="list-style-type: none"> Minimum 60m² POS for dwelling with up to 125m² GFA Minimum 80m² POS for dwelling with >125m² GFA Minimum 80m² required for Secondary Dwelling which may be shared with existing dwelling. Minimum width of 3m General POS <ul style="list-style-type: none"> Private open space is to be clearly defined 	<p>Each dwelling exceeds 125m²</p> <p>Dwelling 1 – 135m² (including alfresco area which is 30m²) Dwelling 2 – 131m² (including alfresco area which is 30m²)</p> <p>No secondary dwelling proposed.</p> <p>Width of all calculated POS is greater than 3m.</p> <p>POS of each dwelling is clearly defined by way of boundary fencing, plantings and landscape features.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

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<ul style="list-style-type: none"> – Provide north-facing POS 	POS has northern orientation with appropriate access to sunlight.	Yes
<ul style="list-style-type: none"> – POS should not impact usability of neighbouring POS – 	POS is located at ground level. The alfresco area for each dwelling is partially enclosed adjacent the side property boundaries which will provide additional privacy to adjoining properties.	Yes
<ul style="list-style-type: none"> – POS to act as extension of indoor living areas 	Proposed primary POS areas flow on from the living areas of the dwelling. Large glass folding/sliding doors allow the living area and alfresco area to form a continuous living space with high amenity.	Yes
<ul style="list-style-type: none"> – Balcony design is to <ul style="list-style-type: none"> a. Maximise habitability b. Provide privacy c. Provide for a variety of uses. 	Rear facing balconies provide screening to the sides, which is considered to adequately protect the privacy of the adjoining properties at 65 and 69 Fairview Street.	Yes
4.3.3 Communal Open Space		
<ul style="list-style-type: none"> – A primary communal open space area must be provided for use by all resident of: <ul style="list-style-type: none"> a. Multi dwelling housing >12 dwellings b. RFB with >12 dwellings c. Shoptop housing of mixed use development >12 dwellings 	Proposal is for a dual occupancy development. Accordingly, communal areas are not applicable.	N/A
<ul style="list-style-type: none"> – Development must provide communal area of 5m²/dwelling. 	As above.	N/A
<ul style="list-style-type: none"> – For development containing <12 dwellings an equivalent area of addition POS is to be provided. 	As above.	N/A
<ul style="list-style-type: none"> – Communal areas should: <ul style="list-style-type: none"> a. Contribute positively to amenity of development b. Be part of overall design of building c. Be north facing and receive 	As above.	N/A

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<p>adequate solar access</p> <p>d. Min. 40% of area that receives sunlight at 1pm on 21 June</p> <p>e. Be clearly defined</p> <p>f. Of dimension to suit proposed use</p> <p>g. Provide for a range of recreational uses and activities</p> <p>h. Be cost effective to maintain</p> <p>i. Contribute to stormwater management</p> <p>- Any internal communal area must have regard to outdoor communal areas.</p> <p>- Communal space may be on a podium or roof.</p>	<p>As above.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p>
4.4 Sustainable Building Design		
4.4.1 Energy Efficiency		
- BASIX certificate submitted	BASIX certificates submitted. Cert Numbers 646384S and dated 6 July 2015, and 646390S, dated 6 July.	Yes
4.4.2 Solar Access		
<p>- Development must be designed and sited to minimise the extent of shadows that it casts on</p> <ul style="list-style-type: none"> • private and communal open space within the development; • private and communal open space of adjoining dwellings; • public open space such as parkland and bushland reserves; • solar collectors of adjoining development; and • habitable rooms within the development and in adjoining developments. <p>- Development to provide good solar access to internal and external living spaces.</p>	<p>Submitted shadow diagrams indicate that the proposed development will provide an acceptable level of sunlight and daylight access to adjoining dwellings. It is noted the building includes a fully compliant building height, and setbacks so as to minimise the impact of overshadowing. Accordingly, it is considered that the design and siting of the proposed development minimises the shadow that it will cast.</p> <p>The siting of the proposed building with sufficient setbacks and with north to the rear will provide good solar access to internal and external living spaces.</p>	<p>Yes</p> <p>Yes</p>

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<ul style="list-style-type: none"> - Buildings must be sited and designed to reduce overshadowing - Development must have adequate solar access: 	As above.	Yes
<ul style="list-style-type: none"> a. 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 	<p>Shadow diagrams indicate that the habitable room windows of each dwelling will achieve the minimum 3 hours of direct sunlight during the winter solstice, as well as 50% of the private open space.</p> <p>The submitted shadow diagrams indicate that the adjoining properties to the north west and south east (65 Fairview Street & 69 Fairview Street) are capable of achieving at least 3 hours direct sunlight between 9am and 3pm in mid-winter to habitable rooms, as well as 50% the private open space for each adjoining dwelling.</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> - Shadow diagrams required for DA of any building two or more storeys 	<p>Proposed two storey development, as such shadow diagrams have been submitted with DA.</p>	Yes
<ul style="list-style-type: none"> - Shadow diagrams should provide information relating to the effect of the proposed development at 9am, 12pm and 3pm on: <ul style="list-style-type: none"> a. 21 June (mid-winter) b. 21 December (mid-summer) and c. 21 March/September (equinox) d. Where a significant level of overshadowing occurs, elevational shadow diagrams are to be submitted. 	<p>Shadow diagrams have been provided for mid-winter and the equinox. The information provided is considered to be acceptable in terms of determining the impact on adjoining properties.</p>	Yes
4.4.3 Natural Lighting and Ventilation		
<ul style="list-style-type: none"> - Minimum 2.7m ceiling height for habitable space 	Minimum 2.7m ceiling heights proposed.	Yes

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<ul style="list-style-type: none"> – Minimum 2.4m ceiling height for non-habitable space 	As above.	Yes
<ul style="list-style-type: none"> – Designed to maximise opportunities for cross flow ventilation. 	Large open plan areas and a significant number windows and bi-fold/sliding doors are proposed, which are considered to maximise opportunities for cross flow ventilation.	Yes
<ul style="list-style-type: none"> – Openable windows which can control airflow must be installed 	Majority of windows within the development are capable of being opened.	Yes
4.4.4 Glazing		
<ul style="list-style-type: none"> – Areas of glazing are located to avoid energy loss and unwanted energy gain 	Areas of glazing proposed in locations which avoid energy loss and unwanted energy gain.	Yes
<ul style="list-style-type: none"> – Development provides appropriate sun protection during summer for glazed areas facing north, west and east. 	Appropriate sun protection is considered to be provided through sizing and positioning of windows, landscaping and verandahs.	Yes
4.4.5 Visual and Acoustic Privacy		
<ul style="list-style-type: none"> • Visual Privacy <ul style="list-style-type: none"> – Windows of habitable rooms with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m: 	It is considered that the windows have been appropriately positioned and incorporate privacy measures such as appropriately positioned sill heights and window sizes to prevent direct overlooking to adjoining properties. Furthermore, the submitted plans indicate that windows to the side and rear elevations will be frosted which will further maintain the privacy of adjoining properties.	Yes
<ul style="list-style-type: none"> a. Are to be sufficiently off-set to preclude views into the or 	Refer above.	
<ul style="list-style-type: none"> b. have sill heights of 1.7m above floor level; or 	Refer above.	
<ul style="list-style-type: none"> c. have fixed obscure glazing in any part of the window below 	Refer above.	

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1.7m above floor level.		
<ul style="list-style-type: none"> Balconies, terraces, rooftop recreation areas etc are to minimise overlooking 	<p>Screening is to be provided at the south western and north eastern side of the rear facing balconies, as well as the south western front facing balcony of Dwelling 1. The screening provided to the balconies is considered to adequately minimise overlooking. Furthermore, overlooking will not occur from the front facing balconies onto the private open space or living rooms of adjoining properties.</p>	Yes
<ul style="list-style-type: none"> Use of roof top area for recreational purposes is permissible subject to: <ol style="list-style-type: none"> Internal stair access Usable area of roof must be set back at least 1.5m from building edge Planters/privacy screens must be utilised to protect visual and acoustic amenity of neighbouring properties 	<p>No useable roof top area provided.</p> <p>Refer above.</p> <p>Refer above</p>	N/A
<ul style="list-style-type: none"> Acoustic Privacy Driveways, open space and recreation areas must minimise noise impacts 	<p>The development is considered to have been designed to minimise noise impacts. The driveway is located at the front of the site away from the neighbours.</p>	Yes
<ul style="list-style-type: none"> Bedrooms of one dwelling should not share walls with living rooms or garages of adjacent dwellings. 	<p>All bedrooms located within the proposed development are located on the first floor, thus will not share walls with garages of adjacent dwellings.</p>	Yes
<ul style="list-style-type: none"> Party walls must be carried to the underside of the roof 	<p>Party wall is carried to the underside of the roof.</p>	Yes
<ul style="list-style-type: none"> AAAC Acoustical Star Rating 	<p>The Acoustic Report</p>	Yes

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of 5	submitted with the application has confirmed that the proposed development will achieve the required 5 star rating as required by Rockdale DCP 2011.	
– Acoustic Report to be submitted confirming the standards have been met	Acoustic Report submitted with the development application – refer to comments above.	Yes
– Attached dwellings and multi-unit development's internal layouts should consider acoustic privacy by locating circulation spaces and non-habitable rooms adjacent to party walls	Acoustic Report submitted with the development application – refer to comments above.	Yes
4.4.6 Noise Impact		
– Development must comply with the Australian Standard 2021 – 2000 acoustic – aircraft noise.	The subject allotment is not identified as being impacted by any significant noise sources.	N/A
– Mitigation measures must be BASIX compliant	Refer Above.	N/A
– External walls to be constructed with material with good sound insulating quality	Refer Above.	N/A
– The building plan, walls, windows, doors and roof are to be designed to reduce intrusive noise levels.	Refer Above.	N/A
– Balconies and other external building elements are to minimise noise infiltration.	Refer Above.	N/A
– New windows to be fitted with noise attenuating glass	Refer Above.	N/A
– Design landscaping to create a buffer between new residential development and adjacent potential sources of noise.	Refer Above.	N/A
4.4.7 Wind Impact		
– Buildings must be designed and proportioned to consider	Given the small residential nature of the proposed	N/A

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the wind generation effects	development, it is considered to have minimal impacts on wind generation.	
4.5 Social Equity		
4.5.1 Housing Diversity and Choice		
<ul style="list-style-type: none"> - Multi-dwelling housing must be compliant with AS4299: - 1 adaptable dwelling required for >10 dwellings - 2 adaptable dwellings required for 10-30 dwellings; and - 10% adaptable dwellings required for more than 30 dwellings. 	Not applicable. Dual occupancy development proposed.	N/A
4.5.2 Equitable Access		
<ul style="list-style-type: none"> - Access is to meet the requirements of: - Disability Discrimination Act - Relevant Australian Standards - BCA - Access Report required for DA's other than single dwellings and dual occupancies. 	Not applicable. Dual occupancy development proposed.	N/A
4.6 Car Parking, Access and Movement		
<ul style="list-style-type: none"> • Dwelling House/Dual Occupancy <ul style="list-style-type: none"> - 1 car parking space/dwelling with 2 bedrooms or less - 2 car parking spaces/dwelling with 3 bedrooms or more • Car Park Location and Design <p>Vehicle access points and parking areas are to be:</p> <ul style="list-style-type: none"> - Easily accessible - Minimise traffic hazards - Located on secondary frontage where possible - Minimise loss of on-street parking - Multiple driveway crossings not permitted 	<p>N/A</p> <p>Four (4) bedrooms proposed. One (1) covered parking space and one (1) uncovered space within the driveway, in a stacked parking arrangement, is provided for each dwelling.</p> <p>Vehicular access from Fairview Street is easily identifiable and accessible. The proposed development is not considered to impact on street parking, as adequate parking will be provided on site. The location of the garage and driveway allows sufficient space for manoeuvrability.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>

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	It is noted that the proposal was not referred to Council's development engineer; however the vehicle access points and parking areas are considered to be acceptable.	
<ul style="list-style-type: none"> - Car parking areas not to be visually dominate 	Proposed garage is not considered to visually dominant, despite being located forward of the front facade. This is due to the fact that they are integrated with the building design. This has been achieved as the proportion of the garage doors for each dwelling are consistent with the proportion of the front door, and similarly the windows located on the front façade. This allows for an improved integration onto the building design.	Yes
<ul style="list-style-type: none"> - Car parking areas must be well lit and laid out convenient to manoeuvring 	N/A – does not relate to low density residential development.	N/A
<ul style="list-style-type: none"> - Developments of four or more dwellings to be designed so that vehicles can enter and exit in forward direction 	Refer above.	N/A
<ul style="list-style-type: none"> - Mechanical parking systems supported subject to Council's Tech Specs 	Refer above.	N/A
<ul style="list-style-type: none"> - All visitor parking must be clearly marked and not located behind shutter unless intercom is provided. 	Refer above.	N/A
<ul style="list-style-type: none"> - Disable parking spaces must be close to lifts 	Refer above.	N/A

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage doors must be integrated in building design. 	<p>Proposed garage doors integrated into building design. This has been achieved as the proportion of the garage doors for each dwelling are consistent with the proportion of the front door, and similarly the windows located on the front façade. This allows for an improved integration onto the building design.</p>	<p>Yes</p>
<p>11. Basement car parking is to be:</p> <ul style="list-style-type: none"> - a. adequately ventilated, preferably through natural ventilation; - b. located within the building footprint. Construction must be carried out in a way to enable deep soil planting to be provided on the site; - c. located fully below natural ground level. Where site conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council; - d. designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated; and - e. provided with daylight where feasible 	<p>N/A – basement parking not proposed as part of the development.</p>	<p>N/A</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
12. The widths of access driveways shall comply with Council's Technical Specifications	The submitted plans indicate that the proposed vehicular crossing will be in accordance with council's requirements. A standard condition will be imposed on the consent.	Yes
<ul style="list-style-type: none"> Pedestrian Access and Sustainable Transport 		
- Separate pedestrian access should be provided	Separate pedestrian access is provided from the street to the front entry of each dwelling.	Yes
- Safe and convenient pedestrian access from car parking and public areas		
- Provide bicycle access which does not interfere with pedestrian access	Bicycle controls are not considered to apply to this development given its small scale residential. However, bicycle access can be achieved via the driveway.	Yes
- Bicycle parking to be secure and minimise pedestrian obstruction	Bicycle parking is available within the garage of each dwelling.	
- Bicycle parking to cater to various users.	This development control is not considered to be relevant to dual occupancy development.	N/A
- Where bicycle parking is to be provided for residents in basement, it is to be individual bicycle lockers	Refer above.	N/A
- New development must enhance and maintain pedestrian, cycle and public transport networks.	Refer above.	N/A
- Design initiatives promoting sustainable transport are encouraged.	Refer above.	N/A
- Use slip resistant ground surfaces which are traversable by wheelchairs and indicate changes of grade.	Refer above.	N/A
4.7 Site Facilities		
<ul style="list-style-type: none"> Air Conditioning and Communication Structures 		
- Ancillary structures are:		Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Not to be visually intrusive. - Located to have minimal impact on amenity of adjoining properties. - Do not have negative impact on architectural character of building. - 	<p>Ancillary structures are generally not visible and located so as to have minimal impact on adjoining properties, or have a negative impact on the architectural character of the building.</p>	
<ul style="list-style-type: none"> - For each building comprising >2 dwelling a master TV antenna/satellite dish to be provided. 	<p>A dual occupancy is proposed, therefore not applicable.</p>	N/A
<ul style="list-style-type: none"> • Waste Storage and Recycling Facilities - Must comply with Council's Tech Specs. - - Provision of separate recycling and waste reuse facilities - - Bins must be appropriately located - - Must incorporate convenient access 	<p>Considered capable of complying</p>	Yes`
	Refer above	Yes
<ul style="list-style-type: none"> - Bins must be appropriately located 	Bin storage is appropriately located to the side of each dwelling.	Yes
<ul style="list-style-type: none"> - Must incorporate convenient access 	Paved pathway with easy access to the street frontage will be provided.	Yes
<ul style="list-style-type: none"> • Service Lines/Cables - Internal communication cabling must be installed for telephone, internet and cable television use. 	Considered capable of complying	Yes
<ul style="list-style-type: none"> • Laundry Facilities and Drying Areas - Laundry in each dwelling 	Laundry provided for each dwelling.	Yes
<ul style="list-style-type: none"> - Drying areas not to be located forward of building line or in any street frontage setback 	Clothes drying areas are provided within the side setback of each dwelling.	Yes
<ul style="list-style-type: none"> - Drying areas in open, sunny part of site. 	Clothes drying areas are provided within the side setback of each dwelling and will have access to the sun.	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Each dwelling must be provided with a clothes line with min. length of 7.5m 	The submitted landscape plan shows that a clothes line structure is provided, which has a line length of greater than 7.5m, for each dwelling	Yes
<ul style="list-style-type: none"> • Letterboxes - Letterbox points to be integrated with building design and located in covered area 	Letterboxes will be integrated within the front fence.	Yes
<ul style="list-style-type: none"> - Letterboxes to be centrally located and lockable 	Letterboxes will be centrally located and capable of being locked.	Yes
<ul style="list-style-type: none"> - Letterboxes are to be visible for at least some dwellings 	Letterboxes are visible from the street.	Yes
<ul style="list-style-type: none"> • Hot Water Systems - HWS to be encased in recessed box if located on balcony. 	HWS not shown on plans however noted in Basix.	Yes
Part 5 – Building Types		
Part 5.1 – Low and Medium Density Residential		
Storey Height		
Dwelling house & Attached dwelling - Maximum two storeys	2 storey development proposed	Yes
Setbacks		
<ul style="list-style-type: none"> • Dual occupancy & semi-detached dwelling ○ Street Setback - Must be consistent with the prevailing setbacks in the street 	<p>The proposed development has a consistent building setback with the prevailing street setback within Fairview Street.</p> <p>The first level balcony proposes a front setback of between 5.46m and 6.25m.</p> <p>The main building line of the first floor proposes a front setback of between 12.010m and 8.540m.</p> <p>The garage is setback 6m</p>	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
	<p>from the front property boundary, while the front entry proposes a setback of 10.3m.</p> <p>The adjoining building, to the east, at 65 Fairview Street has a front setback of 4.85m. The adjoining building to the west has a front setback of 4.93m. These setbacks are generally consistent with all development within Fairview Street. Accordingly the proposed development is sympathetic to surrounding front setbacks.</p>	
- If there is not a consistent or established setback, a 6m setback	As above.	Yes
<ul style="list-style-type: none"> ○ Secondary Street Setback 		
- Min 3m	No secondary frontage.	N/A
- If fronting lane, building to address the lane as if primary frontage	No lane frontage	N/A
<ul style="list-style-type: none"> ○ Side Setback 		
- min 0.9m for single storey building or ground floor of a two storey building or secondary dwelling	Minimum 900mm setback to ground floor components of the proposed development.	Yes
- min 1.5m for first floor of a two storey building, except on lots with	1.5m side setback provided for each dwelling.	Yes
- street frontages less than 15m, it may be set back a min of 1.2m	N/A	N/A
- 0m between Attached Dwellings and Semi-detached Dwellings	Complies	Yes
<ul style="list-style-type: none"> ○ Rear setback and rear lane setback 		
- min 3m for single storey building or ground floor of a two storey building	Dwelling 1 proposes a rear setback of 13.915m measured to the alfresco area.	Yes
-	Dwelling 2 proposes a rear setback of 13.120m	

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - min 6m for first floor of a two storey building, except when fronting a lane may be set back 3m - Secondary Dwelling 900mm 	<p>measured to the alfresco.</p> <p>The two storey component of Dwelling 1 has a rear setback of 18.15m.</p> <p>The two storey component of Dwelling 2 has a rear setback of 17.370m.</p>	<p>Yes</p> <p>N/A</p>
Building Design		
<ul style="list-style-type: none"> - Building design is to interpret and respond to character of the locality. - Building articulation must respond to environmental conditions - Architectural design features, are to be utilised to minimise blank walls. - Building heights should be sympathetic to the natural land 	<p>The overall design of the building will complement the existing streetscape. It is acknowledged that a pitched roof is the predominant roof form within Fairview Street. Whilst the building proposes a flat roof and skillion roof, it is considered that visual interest has been incorporated into the design through the addition of features, such as cantilevered balconies and the use of a variety of materials which add depth to the facade.</p> <p>Sufficient building articulation is incorporated in the design of the dwelling which takes into account the site specific environmental conditions.</p> <p>It is considered that architectural design features have been incorporated to minimise blank walls. The building is generally well articulated and will include a variety of colours and materials to add depth.</p> <p>The maximum building height of 7.6m is sympathetic to the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<p>form and topographical features of the site and to existing buildings in the immediate vicinity.</p> <ul style="list-style-type: none"> - Staircases leading to the first floor should be internal. - Split level dwellings should be considered in situations where a two storey building will be out of character with adjoining and nearby properties. - Balconies may be located up to 1.2m into the front setback. - Garages must be integrated with the overall design of the building in terms of height, form, materials, detailing and colour. - Garages and carports are to be located a minimum distance of 300mm behind the front building line. - The total width of the garage doors which address the street must be a maximum width of 6.3m or 40% of the site frontage width, whichever is lesser (6.096m). - Roof must provide continuity and character of streetscape. 	<p>existing landform and topography of the site and consistent with the stepping down of building heights of other dwellings within Fairview Street.</p> <p>All staircases to the first floor are internal.</p> <p>The subject site is relatively flat, as such a split level is not required in this instance.</p> <p>Balconies are located within 1.2m of the front setback.</p> <p>Proposed garage doors integrated into building design. This has been achieved as the proportion of the garage doors for each dwelling is consistent with the proportion of the front door, and similarly the windows located on the front façade.</p> <p>The garages are not located behind the front building line</p> <p>Total width 4.85m proposed</p> <p>It is acknowledged that a pitched roof is the predominant roof form within Fairview Street. Whilst the building proposes a flat roof and skillion roof, it is considered that visual interest has been incorporated into the design through the</p>	<p></p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>No-Justifiable</p> <p>Yes</p> <p>Yes</p>

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
	<p>addition of features, such as cantilevered balconies and the use of a variety of materials which add depth to the facade.</p> <p>The design is of a high quality and will contribute to a varied streetscape with a variety of older cottages/bungalows and newer two storey dwelling houses</p>	
- Mansard roofs are prohibited.	No mansard roof proposed	N/A
Additions to Semi-detached Buildings		
<ul style="list-style-type: none"> - Must not dominate or compromise the uniformity or geometry of the principal/street front elevation - First floor additions should be set back beyond apex or main ridge. 	Not applicable to subject development. A new dual occupancy is proposed.	N/A
Attics		
<ul style="list-style-type: none"> - Attics may be habitable provided windows are small dormer windows - Attic roof space may be used provided it is: - contained wholly within the roof pitch - is part of the dwelling unit immediately below; and - is incapable of being used as separate unit - use of attic must not adversely impact on privacy of adjoining properties 	No attics proposed.	N/A
Residential Subdivision		
Torrens, Strata or Community title subdivision for dwelling houses, attached dwellings and semi-detached dwellings must take into account the principles in 4.1 Site Planning and other provisions in Part 4 of this DCP to	The relevant principles outlined in 4.1 of the DCP have been addressed in this compliance table.	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
<p>achieve a desirable development outcome with minimal adverse impacts on the environment.</p> <p>Each allotment in a proposed Torrens, Strata or Community title subdivision for dwelling houses, attached dwellings and semi-detached dwellings must have a frontage to a public road under the Local Government Act which has a width greater than 6m.</p> <p>The proposed subdivision must comply with the requirements: Dual Occupancy: 15m street frontage</p>	<p>Each allotment will have a road frontage which has a width greater than 6m.</p> <p>The subject site has a street frontage of 15.24m</p>	<p>Yes</p> <p>Yes</p>

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert	BASIX Certificates submitted	Yes
<ul style="list-style-type: none"> • Landscape 20m² indigenous or low water use species to be used 	Commitment on plan however details not provided	To comply
<ul style="list-style-type: none"> • Fixtures • Showerheads ≥3 star • Toilets ≥ 5 star • Kitchen and bathroom Taps ≥5 star 	To comply	CC
<ul style="list-style-type: none"> • RWT 1000L 	1 below ground RWT shown on the plans; however details not provided.	To comply
<ul style="list-style-type: none"> • Swimming Pool <ol style="list-style-type: none"> 1. <34kL 2. outdoors 	No swimming pool proposed	N/A
<ul style="list-style-type: none"> • Thermal Comfort Commitments: <ul style="list-style-type: none"> - Construction - TCC – Glazing. 	Shown on DA plans	Yes
<ul style="list-style-type: none"> • HWS Gas Instantaneous 5 star. 	Shown on DA plans	Yes
<ul style="list-style-type: none"> • Natural Lighting <ul style="list-style-type: none"> - Kitchen (1) - bathrooms (3) 	<p>Shown on DA plans</p> <p>Shown on DA plans</p>	<p>Yes</p> <p>Yes</p>
Water Target 40	Water: 43	Yes

BASIX	PROPOSAL	COMPLIANCE
Energy Target 40	Energy: 47	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

DEMOLITION	PROPOSAL	COMPLIANCE
• Plan showing all structures to be removed.	To be provided prior to CC	Condition
• Demolition Work Plan	To be provided prior to CC	Condition
• Waste Management Plan	Plan submitted	Yes

Summary of Issues/Non compliances:

Non compliances – justifiable

Development Standards

Clause 4.1 – Minimum subdivision lot size - consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:

- (a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and*
- (b) each of the lots will have one of the dwellings on it.*

Comment: The development proposes Torrens Title subdivision for a dual occupancy development where the resultant allotment size for each lot is 347.80m². Accordingly this is at variance with the above development standard. Subsequently, the applicant has submitted a Clause 4.6 request to vary this development standard.

Development Controls

- Section 4.1.9 in Part 4 of DCP2011 outlines the minimum allotment size for dual occupancy development, which is 700m². The submitted subdivision plan indicates that the minimum lot size is 695.6m². This development control essentially shadows the provisions of Clause 4.1 of LEP2011. Refer to comments above.
- Section 5.1 of Part 5 of DCP2011 provides development controls relating to building design. In particular, garages are to be located a minimum distance of 300mm behind the front building line. The location of the garages form part of the front building line as such are a variance with this development control.

Non compliances – not justifiable:

- Nil

Certification

I certify that all of the issues have been accurately and professionally examined by me.

Name: Ben Tesoriero

A handwritten signature in black ink, appearing to be 'BT' with a long horizontal stroke extending to the right.

Signature:

Date: 12 October 2015

NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

Approval Date	
Authority	Council
Reference	DA-2016/19
Contact	Thomas Kulchar 9562 1730

mCubed Design
13 Plant St
CARLTON NSW 2218

DRAFT

Property: 67 Fairview Street, ARNCLIFFE NSW 2205
Lot 18 DP 5343

Proposal: Construction of two (2) storey attached dual occupancy with front fence, Torrens Title Subdivision creating two lots and demolition of existing structures

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 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.

Title	Drawing number	Revision	Date	Received
<i>Plans and documents by DA house Architecture/Interiors</i>				
Site Plan	2/14	-	6.07.15	14.07.15
Ground Floor Plan	3/14	-	6.07.15	14.07.15
First Floor Plan	4/14	-	6.07.15	14.07.15
Roof Plan	5/14	-	6.07.15	14.07.15

South east & north east elevations	6/14	-	6.07.15	14.07.15
North west & south west elevations	7/14	-	6.07.15	14.07.15
Erosion and Sediment Control Plan	9/14	-	6.07.15	14.07.15
Subdivision Plan	10/14	-	6.07.15	14.07.15
Streetscape Plan	11/14	-	6.07.15	14.07.15
Landscape Plan	LA-001	A	13.07.15	14.07.15
Driveway Profile	Prepared by KD Stormwater		13.07.15	14.07.15

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 (646384S and 646390S dated 6 July 2015) other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. The dwelling shall be used as a single occupancy only.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
9. The dwelling located on the north eastern part of the site shall be known as 67 Fairview Street Arncliffe and the dwelling located on the south western part of the site shall be known as 67A Fairview Street Arncliffe.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

10. 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.

11. 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.
12. 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.
13. 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.
14. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
15. 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.
16. The development shall be insulated to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report by Noise and Vibration Pty Ltd, dated 10 July 2015 and received by Council on 14 July 2015.
17. External paths and ground surface adjoining the walls of the building shall be graded and drained away from the dwelling in such a manner as to not cause a nuisance to adjoining properties.
18. 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.
19. Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000mm. The top of the balustrade shall be a minimum height of 1200mm.
20. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling.
Ceiling heights for all non-habitable areas shall be a minimum of 2.4 m as measured vertically from finished floor level to the underside of the ceiling.
21. A minimum of 35% of the total site area shall be soft landscaped area. This is limited to turfed areas, garden beds, and gravel pervious surfaces.
22. 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.
23. The species selection and location of planting shall maximise winter solar access and summer shade to dwellings.

24. Screening species shall be included into the side setbacks to improve privacy between adjacent dwellings.
25. Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 800mm of soil/plant mix (over and above any drainage medium).
26. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
27. The approved completed landscape works shall be maintained for a period not less than 12 months.

On completion of the maintenance period, a Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council if Council is not the principal certifying authority) stating the landscape maintenance has been carried out in accordance with approved landscape plans and designated specifications before release of the nominated landscape bond.

28. Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW Environment Protection Authority's Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

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 \$4,998.00. 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 (811) of \$17.00.
30. A footpath inspection fee of \$143 shall be paid to Council with lodgement of the Construction Certificate with Council, or by the PCA when submitting the copy to Council.
31. 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.
32. 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 of 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.

33. A Section 94 contribution of \$15,352.23 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	\$13,657.02
Community Services & Facilities	\$541.98
Town Centre & Streetscape Improvements	\$287.90
Pollution Control	\$803.73
Plan Administration & Management	\$61.60

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

34. 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) fire rated ceilings/fire protective ceilings.
35. 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.
36. Timber framing members shall comply with the relevant provisions of the National Timber Framing Code AS 1684-1999. Details of the roof truss, truss layout and proposed method of bracing shall be submitted to the Principal Certifying Authority prior to the first inspection.

37. A landscape plan, prepared by a qualified Landscape Architect or Landscape Designer/Consultant, shall be submitted to Council or the accredited certifier (AC) for approval with or before the application for a Construction Certificate. The plan shall be at a scale of 1:100 or 1:200 and comply with Rockdale Technical Specification Landscape and all other relevant conditions of this Consent.
38. 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.
39. 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.
40. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
41. 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.
42. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
43. 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.
44. 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 submitted concept drainage plans do not comply with the Rockdale Technical Specifications – Stormwater Management.

PRIOR TO COMMENCEMENT OF WORKS

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

45. 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.

46. 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.

47. 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.

48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.

54. If a CC is required, a copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
55. 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.
56. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i) after excavation for, and prior to the placement of, any footings, and
 - ii) prior to pouring any in-situ reinforced concrete building element, and
 - iii) prior to covering the framework for any floor, wall, roof or other building element, and
 - iv) prior to covering waterproofing in any wet areas, and
 - v) prior to covering any stormwater drainage connections, and
 - vi) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

57. 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.

58. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.
Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.
59. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
60. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
61. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii) 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.
62. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:
 - i) preserve and protect the building from damage and
 - ii) underpin and support the building in an approved manner, if necessary and
 - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the

building being erected or demolished.

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

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

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

63. When soil conditions require it:
 - i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii) adequate provision shall be made for drainage.
64. Provide drop edge beams where and if necessary to contain all filling within the building envelope.
65. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
66. If groundwater is encountered during construction of the pool the pumped discharge from temporary dewatering shall be reinjected by either of the following methods:
 - Discharge to the approved absorption system for the development site, or

- Discharge to a temporary absorption system designed and certified by a qualified Engineer. The absorption system must comply with Rockdale Technical Specification Stormwater Management and be designed for rainfall over the excavated area and the expected pump rate for the dewatering operation.
67. 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.
 68. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.
 69. 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.
- 70. 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.
- 71. All existing trees located within the site may be removed.
- 72. 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.

- 73. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 74. 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.
- 75. 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.
- 76. 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.
- 77. 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.

78. 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.
79. Prior to completion of the building works, a full width vehicular entry is to be constructed to service proposed dwelling No. 1. 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.
80. The driveway and access arrangements are achieved compliance with the Rockdale City Council's Technical Specifications for Traffic Parking and Access. Details of compliance are to be provided in the plans for construction certificate and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
81. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.
82. 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.
83. Testing and evaluation of the wall insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show an Acoustical Star Rating of 5 has been achieved in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report submitted to Council with the Development Application. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
84. 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.
85. 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.
86. 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.

87. 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.
88. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. Such plans are those submitted with the Construction Certificate as the drainage concept plans submitted with this development application were not approved as they did not comply with Council's Technical Specification – Stormwater Management.

All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
89. 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE OR THE STRATA CERTIFICATE

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

90. The subdivision is to occur in accordance with Development Consent No. DA-2016/19.
91. 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.
92. The endorsed subdivision certificate shall not be released until completion of the development and the issue of the Final Occupation Certificate.
93. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.

94. 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.

95. The new lots created are to be numbered lot 700 and lot 701.
96. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
97. A positive covenant shall be provided over the on-site detention system to provide for the maintenance of the detention facility. A Section 88B Instrument and four copies shall be lodged with the Subdivision/Strata Certificate.

ROADS ACT

98. 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.
99. 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.
100. 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.

101. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
 - b. *Telstra Advice – Dial Before You Dig*
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
 - c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.
 - d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
 - e. If Council is the Principal Certifying Authority for the development, a drainage inspection fee of \$220 shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee of \$430 is payable. A confined space entry will be required where:
- a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or

- b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.
- f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005
- All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- g. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- h. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- i. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.

-
- j. 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.
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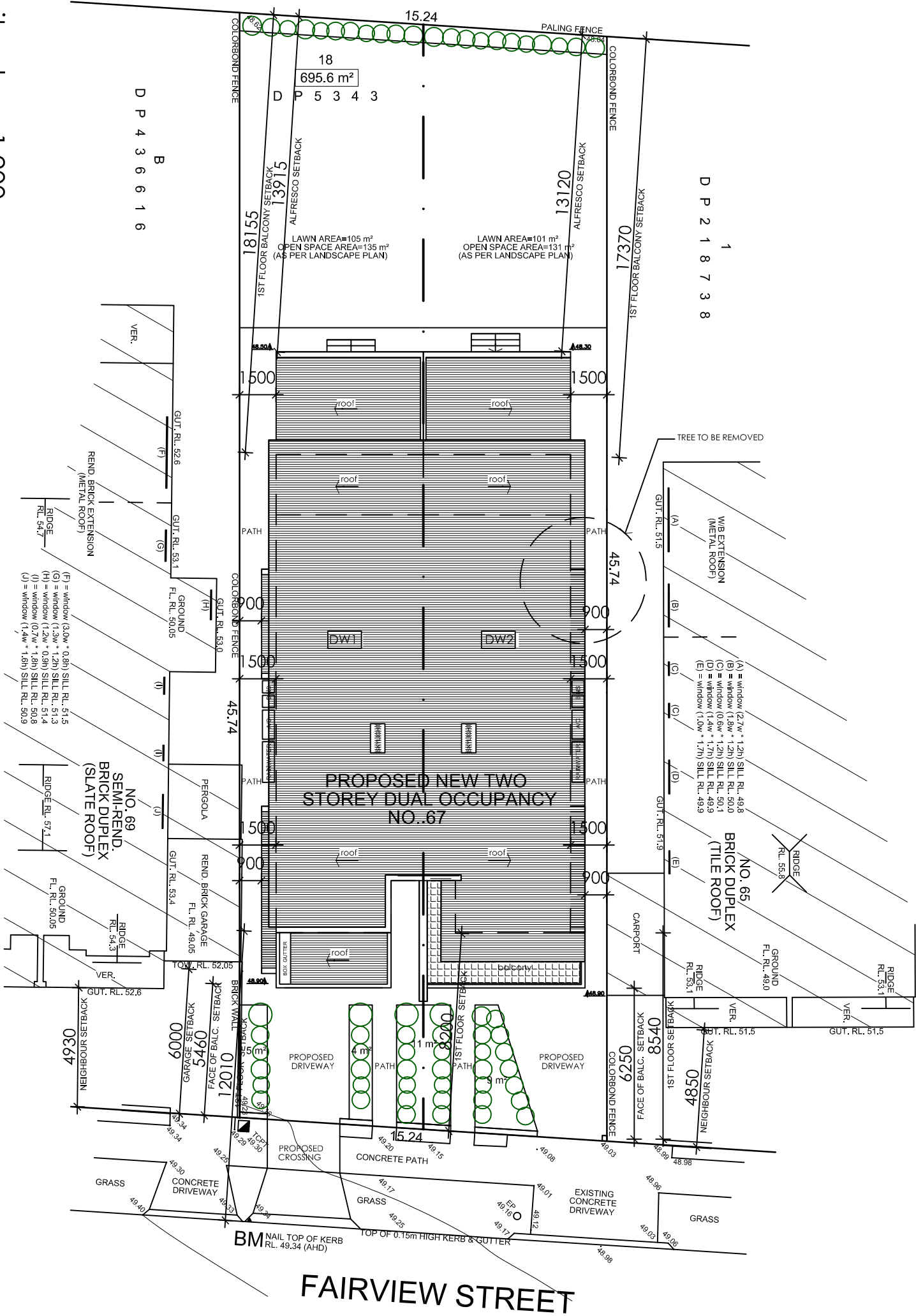
ADDITIONAL INFORMATION

- 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 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 queries please contact Thomas Kulchar on 9562 1730.

Luis Melim
Manager – Development Services

CALCULATIONS:	
site area:	695.60 sq.m
allowed FSR area 50%:	347.80 sq.m
DWELLING 1	
total site Dw 1:	347.80 sq.m
total ground floor area :	112 sq.m
total 1st floor area :	93 sq.m
total allowed area :	173.90 sq.m
total voids:	10 sq.m
total Proposed floor area:	173 sq.m
garage:	22 sq.m
private open space:	131 sq.m
DWELLING 2	
total site Dw 2:	347.80 sq.m
total ground floor area :	112 sq.m
total 1st floor area :	93 sq.m
total allowed area :	173.90 sq.m
total voids:	10 sq.m
total Proposed floor area:	173 sq.m
garage:	22 sq.m
private open space:	131 sq.m
total floor area:	346 sq.m 0.50% of site
LANDSCAPING	
total soft landscaping :	236 sq.m 33% of site



site plan 1:200

REMARKS:

- Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standards
- This drawing is copyright and is the property of M Cubed Design
- Larger scale drawings and written dimensions take preference.
- Do not scale from drawings, all dimensions to be verified on site before commencement of work.
- All discrepancies to be brought to the attention of the author.

NOTE:

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67 FAIRVIEW STREET, ARNCLEIFFE

New Dual Occupancy

SCALE: 1:200 @ A3

6th July, 2015

designer: mounzer mortada

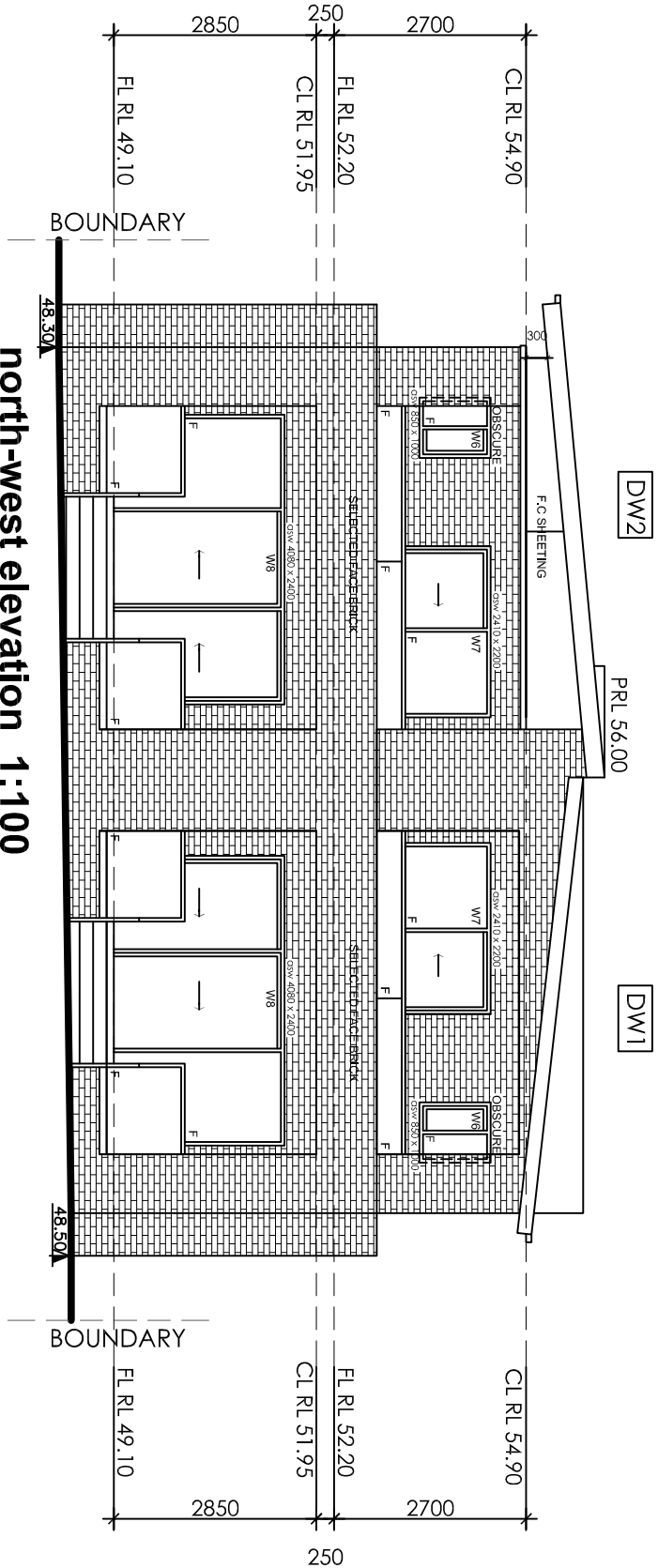
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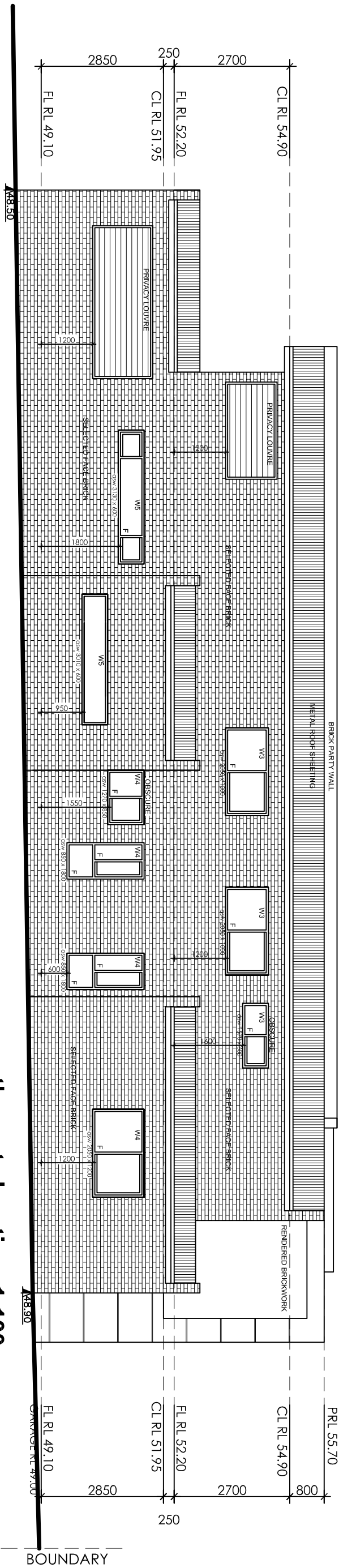
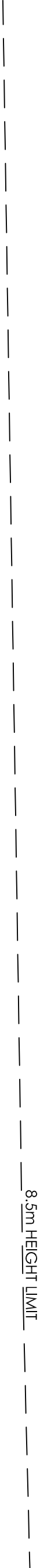
e: mortada@live.com.au

M CUBED DESIGN

2/14



MATERIALS COLOUR SCHEDULE	
BRICKWORK:	RENDERED PAINTED LIGHT GREY/ FACE BRICK WHISPER WHITE (DULUX)/DARK GREY
ROOF TILES:	METAL ROOF (COLORBOND "SUREMIST")
WINDOWS:	SILVER ALUMINIUM FRAME
BRICK COLUMNS/ PARAPETS	RENDERED AND PAINTED GREY
GARAGE DOOR	CHARCOAL/ TIMBER
FRONT DOOR:	TIMBER
RAILINGS:	GLASS
WEATHERBOARD:	LIGHT GREY TO MATCH WALLS



south-west elevation 1:100

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67 FAIRVIEW STREET, ARNCLEIGH

New Dual Occupancy

SCALE: 1:100 @ A3

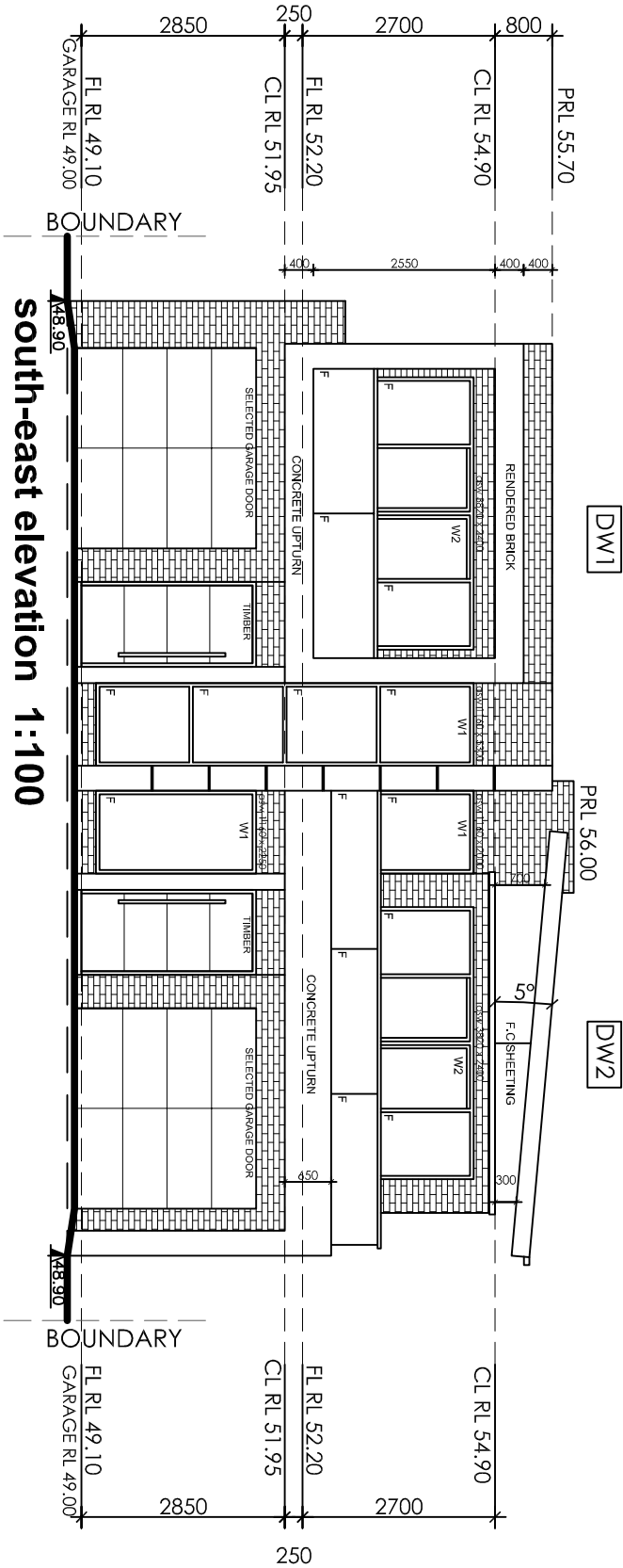
6th July, 2015

designer: mounzer mortada
b. architecture (ptons), dlp. arch. cert.4 arch. cert.4 building studies, ABSA accredited #20858

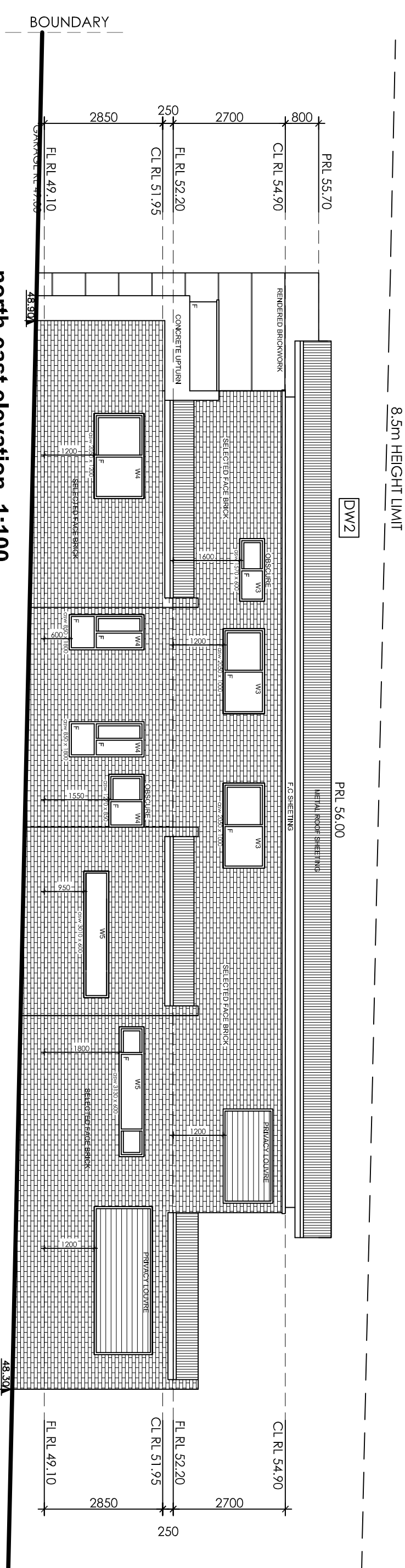
m: 0405 125 350
e: mortada@live.com.au

M CUBED DESIGN

7/14



MATERIALS COLOUR SCHEDULE	
BRICKWORK:	RENDERED PAINTED LIGHT GREY/ FACE BRICK WHISPER WHITE (DULUX)/DARK GREY
ROOF TILES:	METAL ROOF (COLORBOND "SURFMIST")
WINDOWS:	SILVER ALUMINIUM FRAME
BRICK COLUMNS/ PARAPETS	RENDERED AND PAINTED GREY
GARAGE DOOR	CHARCOAL/ TIMBER
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RAILINGS:	GLASS
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Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD09
Property:	152 FREDERICK STREET, ROCKDALE
Subject:	CONSTRUCTION OF TWO (2) STOREY ATTACHED DUAL OCCUPANCY DEVELOPMENT, INCLUDING FRONT FENCE, TORRENS TITLE SUBDIVISION CREATING TWO LOTS AND DEMOLITION OF EXISTING STRUCTURES
File Number:	DA-2016/15
Owner:	MR A BELCHEFF, MR S BELCHEFF AND MRS D BELCHEFF
Applicant:	MR A BELCHEFF
Developer:	-
Location:	ON THE WESTERN SIDE OF FREDERICK STREET BETWEEN LINWOOD AVENUE AND WATKINS STREET
Date of Receipt:	10/07/2015
Date of Receipt:	10/07/2015
No. of Submissions:	one (1)
Previous Report to Council:	No
Report by:	Manager - Development Services (Luis Melim)
Contributors:	Senior Assessment Planner (Michael Maloof)
Community Engagement:	Yes
Financial Implications:	No

Precis

Council is in receipt of a development application for the demolition of the existing structures and the construction of a two (2) storey attached dual occupancy development, including front fence and Torrens title subdivision creating two lots. The proposed dual occupancy comprises two attached two storey dwellings and each includes four bedrooms.

The subject site is located on the western side of Frederick Street between Linwood Avenue and Watkins Street. The site is zoned R2 Low Density Residential under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed attached dual occupancy development is permissible with the consent of Council.

The proposal does not comply with the minimum lot size of 350m² for each lot resulting from the subdivision of the dual occupancy development. The proposal represents a shortfall of 3.7m² for each lot or 1.1% of the standard.

The development application has been notified in accordance with Council's Development Control Plan 2011 and one letter of objection has been received. The several issues raised by the resident relates to privacy, noise, solar access and the like. The issues raised have been addressed in the body of this report.

The development application is recommended for approval.

Council Resolution

MOTION moved by Councillors Barlow and Mickovski

- 1 That Council support the variation to the minimum area of each lot resulting from the subdivision contained in clause 4.1(3B)(a) of Rockdale Local Environmental Plan 2011 (RLEP 2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA-2016/15 for the construction of a two (2) storey attached dual occupancy development, including front fence, Torrens title subdivision creating two lots and demolition of existing structures at 152 Frederick Street Rockdale 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.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.
- 4 That the objector be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Barlow and Mickovski

FOR THE MOTION

Councillors Macdonald, O'Brien, P Sedrak, Awada, Barlow, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 14 votes to 0.

Officer Recommendation

That voting on this matter be by way of a Division.

- 1 That Council support the variation to the minimum area of each lot resulting from the subdivision contained in clause 4.1(3B)(a) of Rockdale Local Environmental Plan 2011 (RLEP 2011) in accordance with the clause 4.6 justification submitted by the applicant..
- 2 That the development application DA-2016/15 for the construction of a two (2) storey attached dual occupancy development, including front fence, Torrens title subdivision creating two lots and demolition of existing structures at 152 Frederick Street Rockdale 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.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.
- 4 That the objector be advised of Council's decision.

Report Background

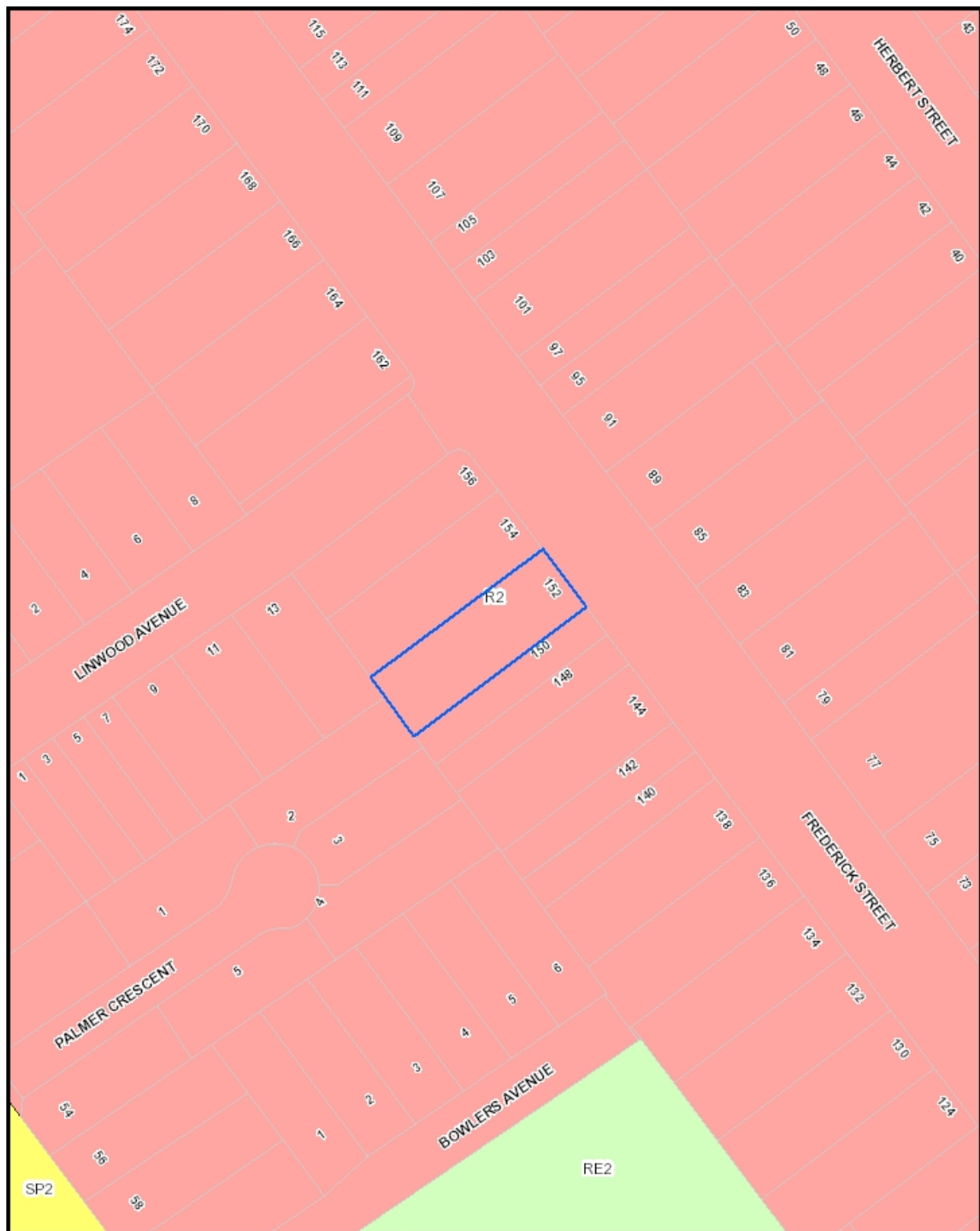
REASON FOR REFERRAL TO COUNCIL

The development application is referred to Council as it involves a variation to a development standard under clause 4.6 of Rockdale Local Environmental Plan 2011.

DEVELOPMENT ASSESSMENT REPORT

Refer to the attached development assessment report.

ZONING MAP



Community Engagement

The development application was publicly notified in accordance with the requirements of the Rockdale Development Control Plan 2011.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.B - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.B.1 - Investigate and implement new technology to improve assessment processing times for development applications including tablets and eLodgement (MDS)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



152 Frederick St Rockdale - Assessment Report - DA-2016-15.pdf



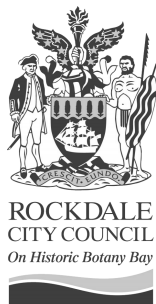
Site Subdivision Plan - 152 Frederick Street Rockdale - Belcheff.PDF



South West & South East Elevations - 152 Frederick Street Rockdale - Belcheff.PDF



North East & North West Elevations - 152 Frederick Street Rockdale - Belcheff.PDF



ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/15
Date of Receipt:	10 July 2015
Property:	152 Frederick Street, ROCKDALE NSW 2216 Lot 63 DP 1353
Owner:	Mr Alexander Belcheff
Applicant:	Mr Alexander Belcheff
Proposal:	Construction of two (2) storey attached dual occupancy development, including front fence, torrens title subdivision creating two lots and demolition of existing structures
Recommendation:	Approved
No. of submissions:	One submission received
Author:	Michael Maloof
Date of Report:	17 November 2015

Key Issues

The key issues related to this application are:

- Minimum Site Area
- Floor to ceiling height

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

Council's records show that the following application was previously lodged:

BA-1995/690, Outbuilding Garage Class 10 - Approved by Council on 28 November 1995

Proposal

Council is in receipt of a development application DA-2016/15 at 152 Frederick Street ROCKDALE NSW 2216, which seeks consent to carry out construction of a two (2) storey attached dual occupancy development, including a front fence, Torrens Title subdivision creating two lots and demolition of existing structures.

The proposal consists of:

- A two storey dual occupancy dwelling containing a living room, family room, bathroom, laundry and stair on the ground floor, and four bedrooms, bathroom and ensuite on the first floor
- A single car garage with one open car parking space in the front setback for each dwelling
- Direct vehicular and pedestrian access from Frederick Street to the site

Site location and context

The subject site is known as Lot 63 in DP 1353, at 152 Frederick Street, ROCKDALE NSW 2216. The site is a rectangular shape with front and rear boundary widths of 15.24 metres. The side boundaries are 45.44m and 45.465m deep. The total site area is 692.6 sq.m. The topography of the site is such that it has a moderate fall to the rear of 2.15m.

The subject site contains a one-storey dwelling and detached garage at the rear of the dwelling. The site is located on the western side of Frederick Street between Linwood Avenue and Watkins Street. Adjoining development to the sides includes a single storey dwelling house to the north (154) and a two storey attached terrace building to the south (148-150). The rear boundary of the site adjoins a two storey dwelling fronting Linwood Avenue and a single storey dwelling fronting Paler Crescent. There is a mix of one storey and two storey residential buildings within close proximity to the subject property.

There are eight Palm trees along the northern side boundary which are to be removed. However appropriate conditions are to be included in the Draft Notice of Determination regarding the existing trees and compensatory planting.

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 number is 645812S and 645824S.

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

Reduction in Energy Consumption 54 and 53%
Reduction in Water Consumption 45% and 45%
Thermal Comfort Pass and Pass

A condition has been imposed on the consent to ensure that these requirements are adhered to.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.3 Between 20 and 25 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as an attached dual occupancy development which constitutes a permissible development only with development consent. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.

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

4.3 Height of buildings

The height of the proposed building is 8.5m and therefore does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map.

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 348m² (174m² each) over a site area of 692.6m². In this regard, the proposed floor space ratio (FSR) for the building is 0.5:1 and therefore does not exceed the maximum FSR for the land (0.5:1) as shown on the Floor Space Ratio Map. 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 and satisfies the maximum FSR permitted by Clause 4.4 in RLEP 2011.

4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

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

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

The objectives of the relevant zone are stated in the RLEP 2011 as follows:

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

Development Standard to be varied

The applicant has sought to vary clause 4.1(3B)(a) of the Rockdale LEP 2011 which relates to the

minimum area of each lot resulting from the subdivision of a proposed dual occupancy development. The clause states:

- (3B) Despite subclause (3), development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:
- (a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and
 - (b) each of the lots will have one of the dwellings on it.

The objectives of this control in the above clause are as follows:

- (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
- (b) to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,
- (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

The proposed development includes a site area of 692.6m² which will result in the proposed lots having areas of 346.3m² each being 3.7m² short of the minimum area of 350m² required under the clause.

Justification of the Variation

The applicant has submitted a detailed justification to the proposed variation to the development standard. It is stated that the proposed variation:

- *Compliance with the standard is unreasonable and unnecessary due to the minor nature of the shortfall which is only 3.7m² per lot*
- *The proposal is consistent with the objectives of the standard and the objectives of the zone in which the development is to be carried out*
- *The immediate locality contains a variety of lot sizes and widths. The subdivision will not make a big difference to the presentation of the built form on the site. The shortfall would not make any difference to the adjoining properties when compared with a compliance scheme.*
- *The proposed subdivision will enable each lot to be of equal size. The site is sufficient to accommodate the dual occupancy development and the proposed subdivision will not alter it to any significant degree.*
- *Despite the variation to the lot size, the proposal is consistent with the objectives of clause 4.1 of the RLEP 2011*
- *The proposal is generally compliant with the remaining requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 3.7sqm for each dwelling relating to the minimum lot size requirement which equates to approximately 1.0 percent.*
- *The proposal has minimal impact on the adjoining properties in terms of privacy, amenity and shadow impacts.*

- *The proposed subdivision does not alter the physical relationship of the buildings to the site and adjacent sites, including changes in regards to private open space, landscaping and vehicular access. The siting of the buildings on the site, proposed access and services have been planned to ensure that each lot can be held under separate ownership.*

Conclusion

The only non compliance relates to the minimum required lot size which is a minimum of 350m² for each proposed lot. This requires a minimum lot size of 700 sq.m for the development. The site has a size of 692.6 sq.m., which represents 7.4 sq.m. less than the requirement. The non compliance is supported in this instance for the following reasons:

- The proposed variation is negligible (only 1%).
- The site complies with the minimum lot width requirement and all other requirements of the DCP 2011, including FSR. The proposal is consistent with the objectives of the clause and DCP 2011.
- The proposal has been designed to ensure a good amenity for future residents.
- Impacts on surrounding properties are not unreasonable.

Given the above, the proposal is not considered to be unreasonable and is supported in this instance. For these reasons, the proposed variation is considered to be consistent with the objectives of the minimum lot size control stated previously in this report. In addition, the proposal is also considered to satisfy the objectives of the R2 Low Density Residential zone.

The applicant's submission is supported in the context of clause 4.6 for the reasons outlined above. The proposed variation is not visually discernible and the proposed development is not likely to set an undesirable precedent within the locality. Further, the proposal is consistent with the objectives of the control. Accordingly, the proposal is acceptable in respect to the minimum lot size resulting from the subdivision of the site.

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

6.3 Between 20 and 25 ANEF (2033) contours

The development is on land that is located near the Sydney (Kingsford-Smith) Airport, and the land is located between 20 and 25 ANEF (2033) contours. Further, the development will result in an increase in the number of dwellings or 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 prepared by Acoustic Logic dated 3 July 2015, 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 8.5m (RL 50.85) and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS.

6.7 Stormwater

The proposal involves the construction of an on site detention system (rainwater tanks) to manage stormwater. The proposed stormwater system has been approved by Council's development engineers and is consistent with this clause.

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

The following are proposed instruments that are or have been the subject of public consultation under this Act:

- Rockdale Local Environmental Plan 2011 (Rockdale Town Centre) was on public exhibition from Monday, 19 May 2014 to Monday, 16 June 2014

None of the proposed changes affects the proposal and no other Draft Environmental Planning Instruments apply 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
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.6 Development on Sloping Sites	Yes	Yes
4.1.9 Lot size and Site Consolidation - Dual Occupancy	Yes	No - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.3.2 Private Open Space - Low density residential	Yes	Yes
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	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
4.6 Parking Rates - Dual Occupancy	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes - see discussion
4.6 Driveway Widths	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling	Yes	Yes - see discussion
5.1 Building Design - General	Yes	Yes - see discussion
5.1 Residential Subdivision	Yes	Yes - see discussion

4.1.1 Views and Vista

The site and adjoining properties contain a small fall to the rear but contain minimal views out over the curtilage of each parcel of land and the adjacent properties. In this regard, they do not contain any iconic or significant view corridors. As such, the siting of the proposed building will ensure that there is minimal adverse impact on the surrounding views presently enjoyed by adjacent residents.

4.1.3 Water Management

The roofwater and runoff is to be directed to an detention tank. A stormwater plan has been submitted.

4.1.4 Soil Management

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

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

4.1.9 Lot size and Site Consolidation - Dual Occupancy

The only non compliance relates to the minimum required lot size. The minimum lot size required by the DCP is 700 sq.m. The lot size is 692.6 sq.m., which represents 7.4 sq.m. less than the requirement. The non compliance is supported in this instance for the following reasons:

- The proposed variation is negligible (only 1%).
- The site complies with the minimum lot width requirement and all other requirements of the DCP 2011, including FSR. The proposal is consistent with the objectives of the clause and DCP 2011.
- The proposal has been designed to ensure a good amenity for future residents.
- Impacts on surrounding properties are not unreasonable.

Given the above, the proposal is not considered to be unreasonable and is supported in this instance.

4.2 Streetscape and Site Context - General

The proposal is located in a R2 low density Residential Zone. The immediate context is relatively low scale, consisting of single and more recently constructed two storey residential dwellings, including dual occupancy developments. The area is undergoing change, as reflected in a number of more recently constructed dwelling houses and dual occupancy developments in the street. The proposed dual occupancy development is consistent with the desired and future character of the area in terms of height, bulk and scale, and is generally appropriate in this context.

The proposed front setback is consistent with the variable setbacks of surrounding two storey buildings and in this regard the residential streetscape will be retained and complemented.

The proposed built form on site complies with the required height and FSR requirements. The proposed development has been designed with appropriate use of articulation and modulation to the facades via the incorporation of balconies, pedestrian entries at ground level, upper level voids and range materials which adds visual interest to the facades.

The proposed building has a balanced front facade and will include a pitched tile roof behind. The development provides for a balanced approach between horizontal and vertical articulation to the site. A range of materials, colours and finishes is proposed to provide for a modern contemporary building.

The proposed development has been designed with front balconies and front entry doors that will provide casual surveillance of the street. Further, the proposed fences, landscaping, and other features have been sited so as to provide clearly defined public, semi public and private spaces.

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

The submitted landscape plans are acceptable and shall be included in the draft Notice of Determination. The proposal provides adequate landscaping, 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.

4.4.1 Energy Efficiency - Residential

The applicant has submitted a BASIX Certificate for the proposed development. The commitments made result in reductions in energy and water consumption, and will achieve the efficiency target set under SEPP BASIX.

4.4.2 Solar Access - Low and medium density residential

Shadow diagrams were submitted with the application and appear to be accurate. The plans indicate the proposed development will cast a shadow to the south during the late afternoon in mid winter.

However, the proposal affords more than 3 hours of direct solar access to the adjoining property and generally complies with Council's requirements in respect to overshadowing. As such, the proposed development will have minimum impact on the level of sunlight currently received by adjoining properties and within the development site.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed development incorporates minimum floor to ceiling heights of 3.05m to the ground and 2.6m to the first floors. In this regard, a condition is to be imposed requiring the floor to ceiling height on the first floor to be increased by 100mm and the ground floor to ceiling height reduced by the same amount. Accordingly, subject to the conditions being imposed, the proposal is designed to achieved natural ventilation and lighting,

4.4.5 Visual privacy

The proposed attached dual occupancy has been designed and sited to minimise the overlooking of adjoining properties, incorporating:

- privacy screens to both sides of the rear first floor balconies
- windows with sill height of 1.5m
- windows are offset to preclude views into windows of adjacent buildings
- compliant building side setbacks

Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties. An appropriate condition is to be included in the draft notice of determination regarding the privacy screens.

4.4.5 Acoustic privacy

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.

4.6 Parking Rates - Dual Occupancy

The development will have minimal impact on access, parking and traffic in the area. Two carparking spaces are proposed per dwelling in accordance with Council's DCP 2011. The proposal is satisfactory in regards to traffic and parking.

4.6 Car Park Location and Design

The proposal includes a single car garage attached to the dwelling with a second open car parking space in the front building setback. This is not unreasonable and complies with Council's requirements

in respect to vehicular access, garage doors and car parking.

4.7 Air Conditioning and Communication Structures

The proposal will include residential air conditioners, TV antennas and ancillary structures. A condition has been imposed to ensure that the air conditioning units do not result in "offensive noise" being emitted from the site. The proposal complies with the requirements of clause 4.7 of Council's DCP 2011 and is acceptable in this regard.

5.1 Storey Height and Setbacks - Dual occupancy & Semi-detached dwelling

The proposed front setback is 5.5m which is consistent with the prevailing street setback, and accordingly, compliant with DCP 2011.

DCP 2011 requires a 0.9m ground floor and 1.5m first floor side setback with a minimum 3m ground floor and 6m first floor rear setback. The proposal involves a 1.5m side setback to both the ground and first floors with a 14m and 18.6m rear setback to the ground and first floors respectively. Accordingly, the proposal complies with these setback controls.

Further, the proposal is not considered to adversely impact upon the adjoining dwelling by way of overshadowing and overlooking, and will not significantly reduce the solar access, light and air received by the adjoining dwelling. Therefore, the proposed setbacks are consistent with the objectives of this control.

5.1 Building Design - General

The proposed attached dual occupancy development is compatible with the style and design of the surrounding precinct and responds in a positive manner to the context of the site. In this regard, the proposal does not involve any large expanse of walls and is appropriately designed such that it does not dominate the site. The proposal complies with the height and floor space controls applying to the land and includes appropriately designed garages and internal staircases. The development contains a pitched tile roof consistent with the context of the site.

Based on the above, the proposal is consistent with the requirements of clause 5.1 of Council's DCP 2011 in respect to building design.

5.1 Residential Subdivision

The proposal will involve Torrens Title subdivision of the site into two (2) lots in accordance with the design of the proposed dwellings. In this regard, the subdivision line is located between the two dwellings allowing the built form to follow the line of improvements within the existing street block. The proposed subdivision line ensures that each dwelling can be held under separate ownership and will provide a frontage of 7.62m for each lot having frontage to Frederick Street. The two major requirements under Council's DCP 2011 are identified as the minimum site area of 700 sq.m. and proposed floor space ratio of 0.5:1 for each lot. The proposal does not comply with the minimum site area as the site has an area of 692.6m² and this has been addressed previously in this report. (Please refer to clause 4.1.9 of the Rockdale DCP 2011). The proposal complies with the maximum permissible floor space ratio (FSR) requirements and the proposed subdivision boundary represents a suitable design and layout for the subject site that is consistent with the existing street pattern.

The proposal will result in sufficient curtilage of the site that is capable of accommodating landscaping elements that will screen and soften the proposed development. Accordingly, the current proposal is considered acceptable in respect to the proposed subdivision under Torrens Title subdivision.

S.79C(1)(a)(iv) - Provisions of regulations

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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.

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 by the provision of surface flows however, excavation for the proposed dwelling is not deep enough to cause any adverse impact on the direction of the surface flows.

Construction

The proposed development is to be constructed in brick and roof tiles with concrete floors. There are no specific issues relating to the BCA in the proposed design. Site and safety measures to be implemented in accordance with conditions of consent and Workcover Authority guidelines/requirements.

General

The proposed development has been assessed against the relevant DCP 2011 and found to comply.

In this regard, the proposal represents a suitable redevelopment of the site and will add to the character of the locality and the diversity of styles in the street. Accordingly, the proposal is acceptable and subject to conditions of development consent can be approved in this instance.

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 and one submission has been received. The issues raised in the submission are discussed below:

Issue 1: I request the trees to be planted next to my fence be moved away as they will not be cared for and my give me ongoing problems like the roots damaging my sewerage

Comment: The proposal will include the removal of the eight Palm trees adjacent to the northern side boundary of the site and replacement with an overall landscape strategy which involves 2 large compensatory trees on the site. The two trees include a Blueberry Ash (BA) which grows between 6m to 12m in height and a Melaleuca Linearifolia (ML) which grows between 6m to 12m in height. The ML will be located in the rear yard adjacent to the northern side boundary while the ER will be located at the front boundary adjacent to the northern side boundary. In this regard, the replacement trees are considered appropriate, not likely to affect the building on the adjoining property and will be managed by the future occupier of the site. Accordingly, the proposal is an improvement when compared with the existing trees on the site.

Issue 2: Can the air conditioning units not be placed close to the fence on my side to limit noise and air pollution affecting me

Comment: Residential air conditioners shall not result in "offensive noise" being emitted. This has been addressed by way of a condition of development consent being imposed.

Issue 3: Please move the stormwater pits away from the side boundary as I do not want them affecting my property

Comment: The stormwater concept plan contains one stormwater pit along the northern boundary adjacent to the rear boundary of the site. As such, the proposal is not likely to result in any significant adverse impact on the adjoining property in respect to stormwater drainage.

Issue 4: Overshadowing of my house and property

Comment: The subject site is located to the south of the neighbours property.

Issue 5: Windows facing my property should be tinted/frosted and made smaller so that I do not lose any privacy. The rear balcony is to have a large privacy screen to maintain my privacy.

Comment: The proposed development includes windows within the side elevations which are small and have a sill height of 1.5m above finished floor level, comply with the 1.5m setbacks and have been provided only where necessary based on the design. As such, it is considered that the side windows are not required to be frosted to retain adequate privacy levels between adjacent dwellings.

Issue 6: The existing side fence is new and should not be removed or damaged

Comment: The landscape plan submitted with the application indicates the existing side colour bond fences will be retained.

Issue 7: Concerns are raised regarding excavation and my house is old but should remain stable and not develop any cracks or movements as result of the development Can engineers monitor this and

assess my house prior to work commencing and during the building phase.

Comment: The proposal does not involve excavation of a basement car parking level. Notwithstanding this, conditions have been imposed in relation to earthworks and suitable methods of construction including submission of a dilapidation report.

The following matters were also raised in the submission. However, the submitter was contacted over the telephone and responded to verbally in respect to these matters.

1. The existing house contains asbestos
2. Will the existing driveway be removed and allow on street car parking
3. What are the working hours on the construction site

Comment: The owner will be required to use a professional asbestos removing company who will determine the correct method of removal. The redundant driveway will be removed and replaced with kerb and gutter to provide one on street car parking space. The construction hours has been addressed by way of a condition of development consent (these are 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).

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.

S94 Contribution towards provision or improvement of amenities or services

Section 94 of the Environmental Planning and assessment Act 1979 (as amended) applies to the proposal. In this regard, a standard condition of development consent has been imposed in respect to a levy applied under this section.

Civil Aviation Act, 1988

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

Civil Aviation (Building Control) Regulations 1988

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

Section 4 Prohibition of the construction of buildings of more than 25 feet in height in specified areas

The subject site is affected by the 7.62m building height Civil Aviation Regulation. The proposed building height is at 8.5m and therefore the proposal was referred to Sydney Airports for comment.

Sydney Airports approved the proposed height subject to conditions. The recommended conditions have been included in the draft Notice of Determination.

Schedule 1 - Draft Conditions of consent

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of 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, Drawing No. P-1511-A02, A03, A04, A05, A06, A12,	DA House	3 July 2015	10 July 2015
Stormwater Concept Plan, Drawing No. 1, Revision A,	DIH Engineering & Drafting Services	June 2015	10 July 2015
Landscaping Plan, Drawing No. 1 of 1,	James Preiffer Landscape Arch Pty Ltd	July 2015	10 July 2015
Subdivision plan, Drawing No. P-1511-A01,	DA House	3 July 2015	10 July 2015

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 (645824S and 645812S) 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. 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. 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.
9. The dwelling located on the southern part of the site shall be known as 152 Frederick Street and the dwelling located on the northern part of the site shall be known as 152A Frederick Street.

Development specific conditions

The following conditions are specific to the Development Application proposal.

10. 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.
11. 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.
12. 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.
13. The development shall be insulated to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report by Acoustic Logic,

dated 3 July 2015 and received by Council on 10 July 2015.

14. No structures shall be allowed in common driveway area. Landscape area shown between the driveways shall be deleted.

Prior to issue of the construction certificate

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

15. 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 \$4,998. 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.
16. A footpath inspection fee of \$143 shall be paid to Council with lodgement of the Construction Certificate with Council, or by the PCA when submitting the copy to Council.
17. 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.
18. 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.
19. The connection of stormwater drainage pipes to the existing drainage pipe in Frederick street road reserve in front of the property must be inspected by Council prior to backfilling. A payment of \$220 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.
20. A Section 94 contribution of \$6,707.81 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	\$5,047.87
Community Services & Facilities	541.98
Town Centre & Streetscape Improvements	\$278.61
Pollution Control	\$803.73
Plan Administration & Management	\$35.62

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

21. 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.
22. To ensure the development is compatible with the surrounding environment, colours and finishes of the roof and walls are to be submitted to Council prior to the issue of the Construction Certificate. Council will advise you on the suitability of the selected samples.
23. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any

Construction Certificate.

24. 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.
25. 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.
Detailed drainage plan shall include the details of the location and depth to invert for the existing Council pipe by excavation or other survey method.

Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

Prior to commencement of works

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

26. 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) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
27. 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.

28. 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.

29. 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.
30. 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.

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. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i) after excavation for, and prior to the placement of, any footings,
 - a. Trench and steel for footings
 - b. Pier/pad holes, and
 - ii) prior to pouring any in-situ reinforced concrete building element,
 - a. Ground floor steel
 - b. First floor steel, and
 - iii) prior to covering the framework for any floor, wall, roof or other building element,
 - a. Bearers and joists
 - b. First floor joists
 - c. Framework
 - d. Damp proof course, and
 - iv) prior to covering waterproofing in any wet areas, and
 - v) prior to covering any stormwater drainage connections, and
 - vi) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

If Council is appointed as the Principal Certifying Authority, 48 hours notice is to be given that the above works is ready for inspection.

34. 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.
35. 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.
36. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
37. 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.
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 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 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.
42. 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.
43. All existing trees located within the site may be removed.

Prior to issue of occupation certificate or commencement of use

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

- 44. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.

45. 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.
46. 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.
47. At least four (4) native or ornamental trees of at least 25litre pot size and capable of growing to a minimum height of four (4) metres shall be planted in suitable locations adjacent to the side boundaries and six (6) Crimson Bottlebrush of 200MM pot size shall be planted at the rear of the property on completion of the building works and prior to the final inspection.
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 combined width of common driveway shall be a maximum of 5.0 metres at the boundary. No structure will be allowed over the common driveway area.
50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.
51. 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.
52. 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.
53. Testing and evaluation of the wall insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show an Acoustical Star Rating of 5 has been achieved in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report submitted to Council with the Development Application. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
54. The noise reduction measures specified in the Acoustic Report prepared by Acoustic Logic dated 3 July 2015, 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.

55. 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.
56. The drainage system shall be constructed in accordance with the approved drainage plans. 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.

57. 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.

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.

58. Reciprocal rights of carriageway shall be provided over both allotments to allow manoeuvring into and out of the garages.
These provisions are to be put into effect prior to release of the Subdivision/Strata Certificate.
59. 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.
60. The endorsed subdivision certificate shall not be released until completion of the development and the issue of the Final Occupation Certificate.
61. The submission and approval of a subdivision certificate application. In this regard, a

fee is payable in accordance with Council's current adopted Fees and Charges.

62. 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.

63. The new lots created are to be numbered lot 700 and lot 701.
64. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
65. A positive covenant shall be provided over the on-site detention (below ground raintank) system. A Section 88B Instrument and four copies shall be lodged with 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.

66. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at RL 50.85 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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

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

Roads Act

67. 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. In this regard, the

ground floor ceiling level is to be reduced by 100mm and the first floor ceiling is to be increased by 100mm to provide a minimum floor to ceiling height of 2.7m on each floor.

Ceiling heights for all non-habitable areas shall be a minimum of 2.4 m as measured vertically from finished floor level to the underside of the ceiling.

68. The following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a new fully constructed concrete vehicular entrance/s;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iii) removal of redundant paving & replace redundant layback with kerb and gutter;
 - v) construct 1.8m KI pit on Council's existing drainage pipe located in Frederick street in front of the property.
69. 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.
70. 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.
71. 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.
72. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. If Council is appointed as the Principal Certifying Authority (PCA), a fee of \$1,069.44 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.

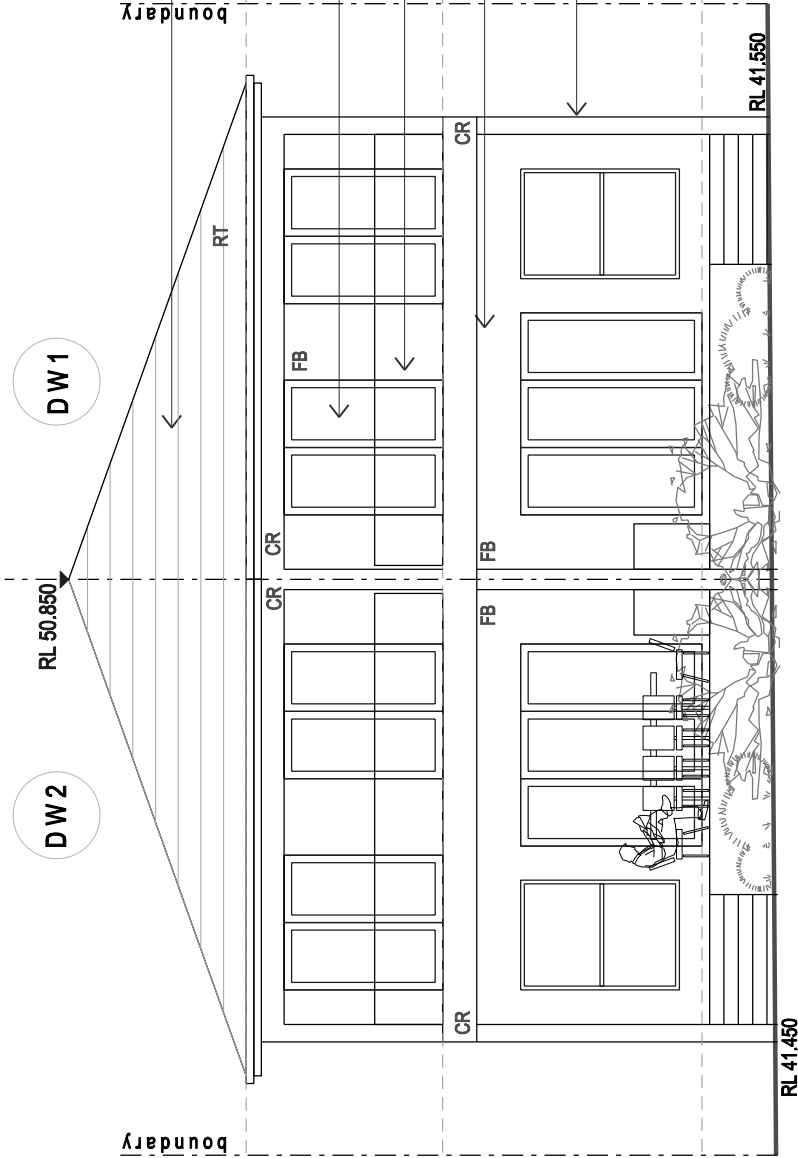
- c. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. 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. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- f. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- g. 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.
- h. Council will not issue the Subdivision Certificate unless the following has been provided to Council :
 - Works-As-Executed Plan for Stormwater Drainage System
 - Engineer's Compliance certificate for Stormwater Drainage System
 - Final Occupation Certificate
 - Utility Service Plan
 - Original of Section 73 Compliance Certificate referring to Subdivision – (Sydney Water Act 1994)
 - Landscape certification (if Council not appointed as PCA)
 - Administration Sheet and 88B instruments prepared by a qualified surveyor

Legend

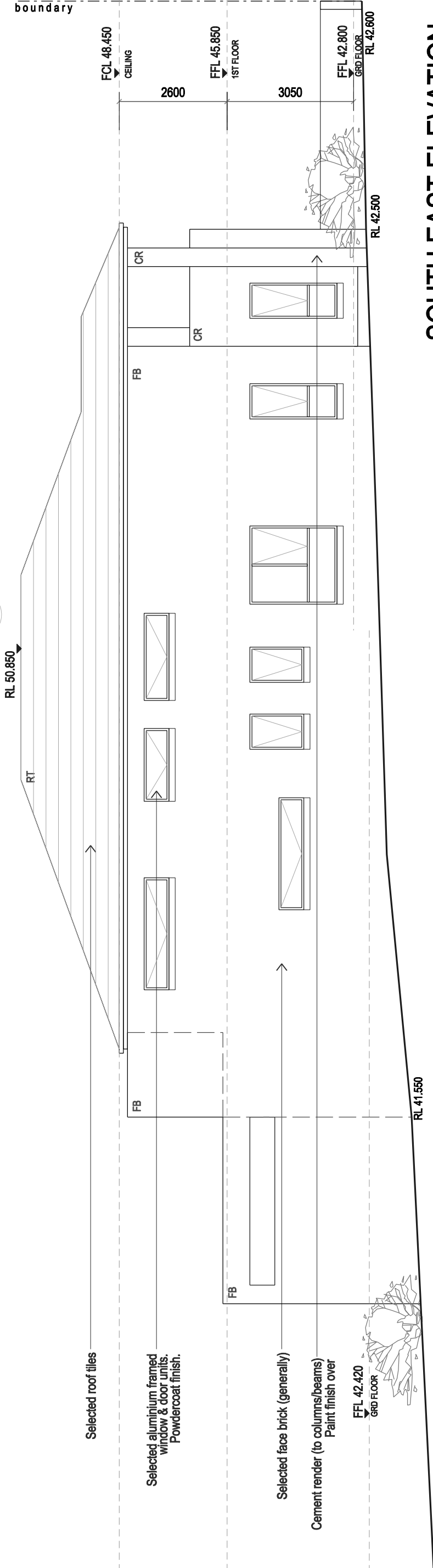
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- COS CHECK ON SITE
- CPT CARPET
- CR CEMENT RENDER
- D/A DISABLED
- DO DRAINAGE OUTLET
- DP DOWN PIPE
- DPC DAMP PROOF COURSE
- EG EXHAUST GRILLE
- EJ EXPANSION JOINT
- ELEC ELECTRICAL
- FB FACE BRICK
- FC FIBRE CEMENT
- FFL FINISHED FLOOR LEVEL
- FT FLOOR TILED
- FW FLOOR WASTE
- GD GRATED DRAIN
- GL GLAZING
- HR HANDRAIL
- LV LOUVRE
- MA METAL AWNING
- MC METAL CLADDING
- MF METAL FENCE
- MG METAL GATEFENCE
- MRS METAL ROOF SHEETING
- MJ1 MOVEMENT JOINT TYPE 1
- OG OPAQUE GLASS
- PS PLASTERBOARD
- PT POLISHED TIMBER
- RL RELATIVE LEVEL
- SC STEEL COLUMN
- SF SELECTED FINISH
- ST STONE
- SW STUD WALL
- S/S STAINLESS STEEL
- SA SMOKE ALARM
- STP SELECTED TILES /PAVERS
- TB TIMBER



SOUTH WEST ELEVATION

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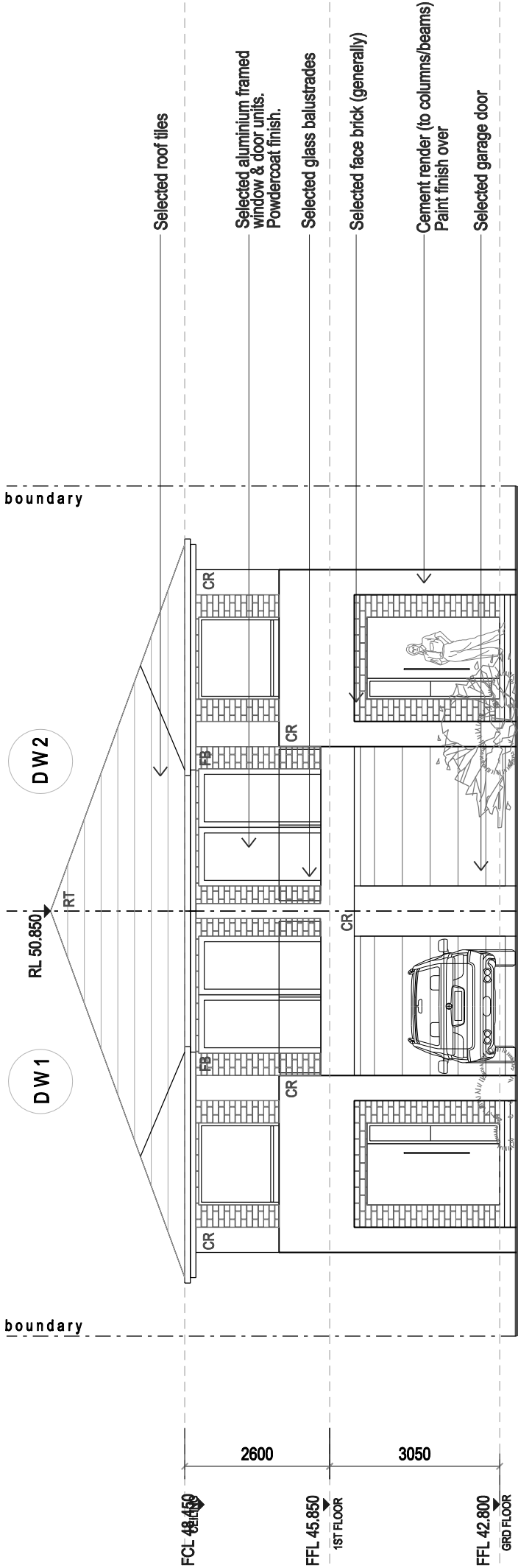


SOUTH EAST ELEVATION

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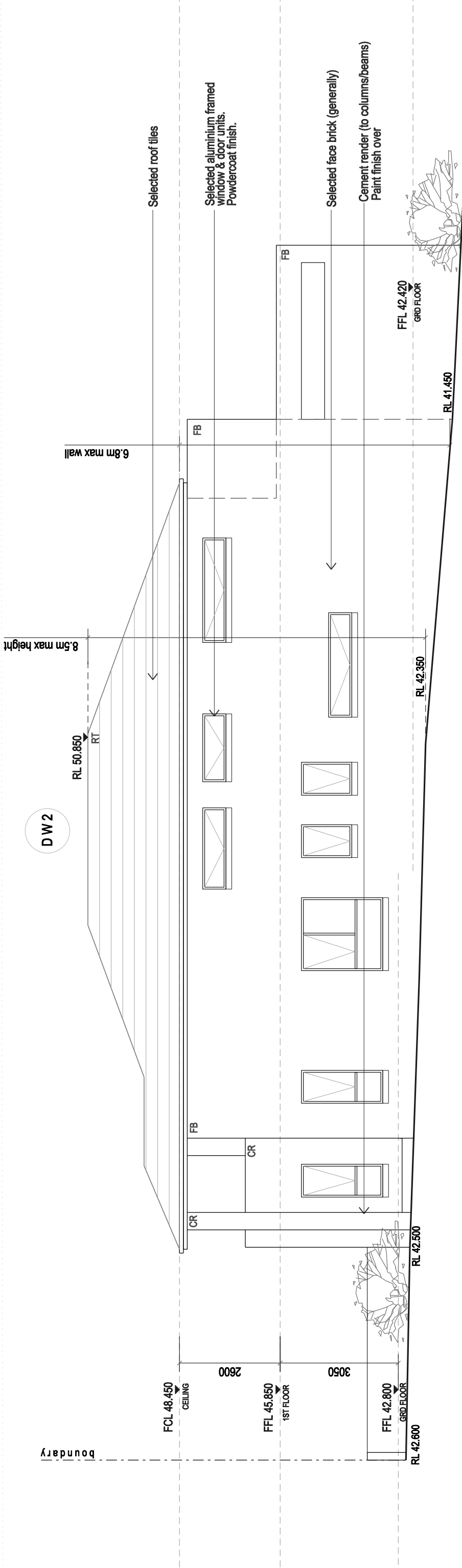
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- ST STONE
- SW STUD WALL
- S/S STAINLESS STEEL
- SA SMOKE ALARM
- STP SELECTED TILES /PAVERS
- TB TIMBER



NORTH EAST ELEVATION

1:100



NORTH WEST ELEVATION

1:100

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD10
Property:	53 MONTEREY STREET, MONTEREY
Subject:	CONSTRUCTION OF TWO (2) STOREY RESIDENTIAL DWELLING, INCLUDING BASEMENT PARKING AND SWIMMING POOL AND DEMOLITION OF EXISTING
File Number:	DA-2016/33
Owner:	MRS ALEXANDRA AGAMALIS
Applicant:	MR STEVE AGAMALIS
Developer:	-
Location:	NORTHERN SIDE OF MONTEREY STREET , EAST OF CHUTER AVENUE, MONTEREY
Date of Receipt:	24/07/2015
Date of Receipt:	24/07/2015
No. of Submissions:	nil
Previous Report to Council:	No
Report by:	Manager - Development Services (Luis Melim)
Contributors:	Development Assessment Officer (Alexander Buijs)
Community Engagement:	Yes
Financial Implications:	No

Precis

Council is in receipt of a development application for the demolition of the existing structures and the construction of a two (2) storey residential dwelling. The proposed building is a two (2) storey building and includes a family and dining room, kitchen, study, toilet and in ground swimming pool on the ground floor and master bed room with ensuite, 3 bedrooms, bathroom and small balconies at the front and rear on the first floor.

The subject site is located on the northern side of Monterey Street, east of Chuter Avenue. The site is zoned R2 under Rockdale Local Environmental Plan 2011 (RLEP2011). The proposed construction of a single unit dwelling is permissible with the consent of Council.

The proposal does not comply with Clause 4.4 - Floor Space Ratio of Rockdale Local Environmental Plan 2011. The proposal has a total floor space of 252.7 square metres which results in a Floor Space Ratio of 0.54:1, thus exceeding the allowable floor space by 18.6 square metres. The applicant has submitted a request to vary the development standard in accordance with clause 4.6 of the LEP2011 and it is considered that the justification provided by the applicant is satisfactory under Clause 4.6, and it would be unreasonable to enforce the strict application of the subject development standard in this instance.

The development application has been notified in accordance with Council's Development Control Plan 2011 and no objections have been received.

The development application is recommended for approval.

Council Resolution

MOTION moved by Councillors Macdonald and Tsounis

- 1 That Council support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA-2016/33 for the construction of two (2) storey residential dwelling, including basement parking and swimming pool and demolition of existing structures at 53 Monterey Street MONTEREY NSW 2217 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.
- 3 That the NSW Department of Planning be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Macdonald and Tsounis

FOR THE MOTION

Councillors Macdonald, P Sedrak, Awada, Barlow, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillor O'Brien

The MOTION was ADOPTED 13 votes to 1.

Officer Recommendation

That voting on this matter be by way of a Division.

- 1 That Council support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA-2016/33 for the construction of two (2) storey residential dwelling, including basement parking and swimming pool and demolition of existing structures at 53 Monterey Street MONTEREY NSW 2217 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.
- 3 That the NSW Department of Planning be advised of Council's decision.

Report Background

REASON FOR REFERRAL TO COUNCIL

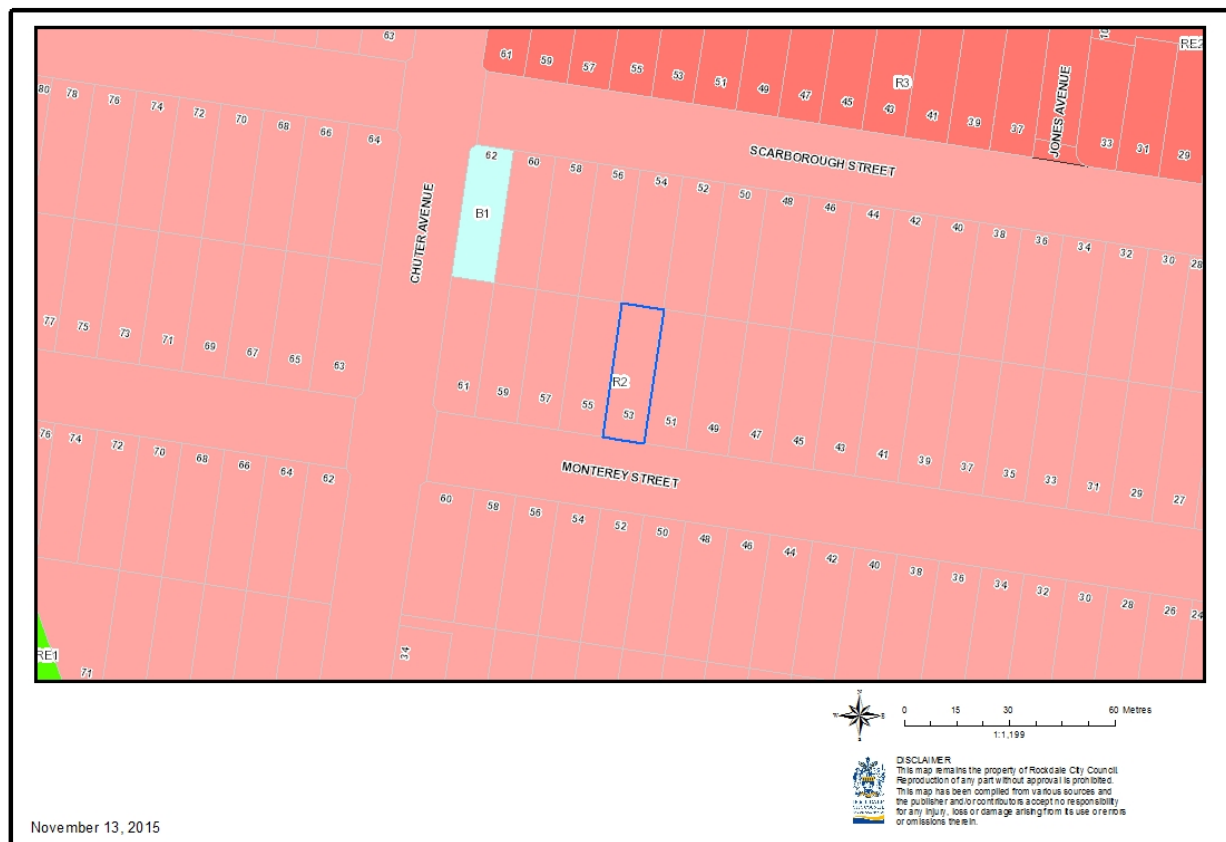
The development application is referred to Council as it involves a variation to a development standard

under clause 4.6 of Rockdale Local Environmental Plan 2000.

DEVELOPMENT ASSESSMENT REPORT

Refer to the attached report and plans

ZONING MAP



Community Engagement

The development application was publicly notified in accordance with the requirements of the Rockdale Development Control Plan 2011.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



53 Monterey Street Report.pdf



Notification Plans - 53 Monterey St Monterey - Agamalis.PDF



ROCKDALE CITY COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/33
Date of Receipt:	24 July 2015
Property:	53 Monterey Street, MONTEREY NSW 2217 Lot 125 DP 10707
Owner:	Mrs Alexandra Agamalis
Applicant:	Mr Steve Agamalis
Proposal:	Construction of two (2) storey residential dwelling, including basement parking and swimming pool and demolition of existing structures
Recommendation:	Approved
No. of submissions:	The development has been notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions on this proposal.
Author:	Alexander Buijs
Date of Report:	

Key Issues

The key issues related to this application are:

- The applicant submitted a clause 4.6 variation to vary the floor space ratio.

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

Council's records show that no applications were previously lodged with Council for this address.

Proposal

Council is in receipt of a development application DA-2016/33 - 53 Monterey Street MONTEREY NSW 2217, which seeks approval to the construction of a two storey dwelling with basement garage and

swimming pool.

The proposal consists of:

- New dwelling - basement, ground floor and first floor

The ground floor contains the entry porch, entry, study, toilet and laundry, pantry, kitchen, dining and family room and swimming pool.

The first floor contains master bedroom with en suite and walk in robe, 3 bedrooms with built in robe, bathroom, small balcony in the front and larger balcony at the rear.

Site location and context

The subject site is known as Lot 125 DP10707, 53 Monterey Street, Monterey. The site is a rectangular shape with front and rear boundary widths of 12.19 metres. The side boundaries are 38.405m deep. The total site area is 468.2sq.m. The topography of the site is such that it slopes slightly toward the rear of the property. The subject site contains a one storey dwelling with a garage situated at the rear of the dwelling.

Adjoining development to the west includes a single storey dwelling and a two storey dwelling to the east of the subject site. There is a mix of one storey and two storey residential buildings.

The streetscape along Monterey Street and surrounding streets is a diverse mix of modern and contemporary and 60+ year old Australian Architecture styles. The proposed design uses traditional materials and simple geometric forms to blend in with the dwelling's environment and siting. There is no predominant street scape along the street so an attempt to utilise materials such as masonry, aluminium and glass and roof forms has been adopted in order to ensure the proposal blends in, where practicable, within the local street scape and landscape.

There are trees on the site that are to be removed and retained, and appropriate conditions are to be included in the Draft Notice of Determination regarding protection of existing trees.

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 number is 648525S

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

Reduction in Energy Consumption 46%

Reduction in Water Consumption 41%

Thermal Comfort Pass

A condition has been imposed on the consent to ensure that these requirements are adhered to.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes
4.3 Height of buildings	Yes	Yes - see discussion
4.4 Floor space ratio - Residential zones	Yes	No - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a Dwelling house which constitutes a permissible development only with development consent. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.

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

4.3 Height of buildings

The height of the proposed building is 7.6m 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 proposed development does not comply with clause 4.4(2) in RLEP 2011, which restricts the floor space ratio (FSR) to 0.5:1 in an R2 zone. The proposed development will result in an overall FSR of 0.54:1.

In accordance with clause 4.6 of RLEP 2011, the applicant has requested that a variation to the maximum FSR requirement be allowed and this is discussed in this report.

4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

- 5(a) The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and
- 5(b) the public benefit of maintaining the development standard.

Development Standard to be varied:

The applicant has sought to vary clause 4.4 (2) of the Rockdale LEP 2011 which relates to the maximum floor space ratio of buildings. The clause states:

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The objectives of this clause are as follows:

- (a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,

- (b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

Justification of the variation:

- *Most significantly, the RLEP2011 makes provision for additional GFA on small lot sites. The subject site is only marginally larger (by 8.2m²) than the 460m² small lot FSR bonus controls. In theory, if the site was to be reduced in area by a boundary adjustment, the site could achieve the proposed 253m² GFA (or 0.55:1 FSR on a 460m² site) and not trigger a cl 4.6 to vary the cl 4.6 density standard. The proposal does not seek to fully exploit the small lot bonuses, only achieving a total of 0.54:1 on the 468.2m² site.*
- *The proposed development on balance does not result in adverse impacts on surrounding properties or the neighbourhood.*
- *The proposal achieves additional setbacks to the first floor level to that required under the DCP controls or narrow frontage sites.*
- *The proposed development is consistent with the objectives of the floor space ratio control;*
- *The proposed development is consistent with the objectives of the R2 Low-Density Residential Zone;*
- *The siting, design and external appearance of the proposed development are considered to be appropriate, it complements the scale and emerging character of development in the area and will meet the expectations of future residents;*
- *The proposed development is consistent with the floor space ratio of contemporary residential development in Monterey Street and is not discernibly different to the adjoining two storey dwellings*

The applicants request to vary the development standard Clause 4.4 (Floor space Ratio) is considered to be reasonable as the variation is consistent with the objectives in Clause 4.6 (Exceptions to development standards). Approval of the proposal would not create an undesirable precedent and is in the public interest. As such the proposal is supported in this instance. Further, it is considered that the FSR satisfies the objectives of Clause 4.4.

Conclusion

The applicant's submission is supported in the context of clause 4.6 for the reasons outlined above. The proposed variation is not visually discernible and the proposed development is not likely to set an undesirable precedent within the locality. Further, the proposal is consistent with the objectives of the control. Accordingly, the proposal is acceptable in respect to the proposed floor space ratio.

5.9 Preservation of trees or vegetation

The site contains trees that are subject to approval by Council under clause 5.9 of RLEP 2011 conferred by:

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

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.

In this regard, the amenity of the area will be preserved and accordingly, the proposed development satisfy's the requirements and meets the objectives of this Clause.

6.1 Acid Sulfate Soil - Class 3

Acid Sulfate Soils (ASS) – Class 3 and Class 4 affect the property. Development Consent is required as the proposal involves works below the natural ground level and the works may lower the watertable. In this regard, an Acid Sulfate Soils Assessment prepared by geo-environmental was prepared for the proposed development and the preliminary report recommended that an Acid Sulfate Soils Management Plan is not warranted. Therefore, the proposal is consistent with the objectives and requirements of clause 6.1.

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, including the request for a dilapidation report. The proposal meets the objectives of this clause.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD. The building height is at 7.6m (RL10.44) and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS.

6.6 Flood Planning Land

The site is affected by minimum floor levels and of risk of flooding, and accordingly, the proposed development will require protection from possible flooding by setting minimum floor levels.

The applicant submitted a Flood Advice Letter with the Development Application, indicating the minimum floor levels required for the proposed development on the subject site. The proposal has been designed to ensure that driveway crossings and floor levels are above the 100 year street flood level. The plans were referred to the Council's Engineer and appropriate conditions of consent have been incorporated in the draft Notice of Determination, 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 proposal involves the construction of an on site detention/retention system to manage storm water. The proposed storm water system has been approved by Council's development engineers and is consistent with this clause.

6.12 Essential services

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

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
4.1.1 Views and Vista	Yes	Yes
4.1.3 Water Management		Yes - see discussion
4.1.3 Groundwater Protection	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Dwelling	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	
4.3.1 Open Space & Landscape Design - Low & medium density residential	Yes	Yes - see discussion
4.3.2 Private Open Space - Low density residential	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - Low and medium density residential	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
4.6 Parking Rates - Dwelling House	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes
5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings	Yes	Yes - see discussion
5.1 Building Design - General	Yes	Yes

4.1.3 Water Management

The roofwater and runoff is to be directed to an absorption trench. A stormwater plan has been submitted.

4.1.3 Groundwater Protection

The Groundwater Protection Zone 3 affects the property, however it is considered that excavation in relation to the proposed building is not deep enough to cause any adverse impact on the Zone however, notwithstanding, an appropriate condition is to be included in the consent.

4.1.4 Soil Management

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

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

4.1.7 Tree Preservation

The development proposal involves the removal of street tree and 3 trees on site. 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.

4.1.9 Lot size and Site Consolidation - Dwelling

For dwelling house development, a minimum lot size of 450m² and a minimum width of 15m at the front building alignment is required. However, a dwelling house may be erected on a parcel of land which existed as a separate parcel on 30 March 1973. The subject site complies with the minimum lot size and width requirements. Further, according to council records, the parcel existed as a separate parcel on 30 March 1973. In this regard, the the allotment size is considered to be sufficient for a dwelling house development and complies with the relevant landscaping, parking and access provisions. The proposal is therefore consistent with the objectives and requirements of this standard.

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

The proposal provides adequate landscaping, 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.

4.3.2 Private Open Space - Low density residential

The proposal provides adequate landscaping, 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.

4.4.1 Energy Efficiency - Residential

The applicant has submitted a BASIX Certificate for the proposed development.

The commitments made result in reductions in energy and water consumption, and will achieve the efficiency target set under SEPP BASIX.

4.4.2 Solar Access - Low and medium density residential

Due to the North - South orientation the proposed development will have minimum impact of the level of sunlight currently received by adjoining properties and within the development site. Both properties located to the East and west respective will receive the minimum of 3 hours of sunlight as required in

this clause with regards to solar access.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed development is designed to achieved natural ventilation and lighting, incorporating minimum ceiling heights of 2.7m to the ground and first floors.

4.4.5 Visual privacy

The proposed dwelling has been designed and sited to minimise the overlooking of adjoining properties, incorporating louvres to the side windows and balcony and BBQ area at the rear. Having regard to the above, the proposed development provides a reasonable level of visual privacy between the adjoining properties.

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.

4.6 Parking Rates - Dwelling House

The development will have minimal impact on access, parking and traffic in the area. The provision of 2 car spaces within the proposed basement is in accordance with RDCP 2011.

5.1 Storey Height and Setbacks - Dwelling house and Attached Dwellings

The proposed front setback is 7.23m, which is consistent with the prevailing street setback, and the proposed floor to ceiling heights are 3 meters for both the ground floor and first floor and accordingly compliant with DCP2011.

DCP2011 requires a 1.2m side setback to the east and west side elevations. The proposal involves a 1.2m setback to the western side and a 1.27m setback to the eastern side. The rear setback is 9.450m and therefore the proposal is consistent with setback requirements.

Further, the proposal is not considered to adversely impact upon the adjoining dwelling by way of overshadowing and overlooking, and will not significantly reduce the solar access, light and air received by the adjoining dwelling. Therefore, the proposed setbacks are consistent with the objectives of this control.

S.79C(1)(a)(iv) - Provisions of regulations

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - *Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

S.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 subject to risk of flooding and minimum floor levels however, excavation for the proposed dwelling is not deep enough to cause any adverse impact on these conditions. Furthermore Councils engineers have imposed appropriate conditions with regards to flooding.

Construction

The residential building is to be constructed in brick and roof tiles with concrete floors. There are no specific issues relating to the BCA in the proposed design.

Site and safety measures to be implemented in accordance with conditions of consent and Workcover Authority guidelines/requirements.

Swimming Pool and Spa Code

The proposed swimming pool has been assessed against the relevant code and found to comply. Appropriate condition/s of consent will be included in the consent.

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.

Civil Aviation Act, 1988

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

Civil Aviation (Building Control) Regulations 1988

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

Section 5 Prohibition of the construction of buildings of more than 50 feet in height in specified areas

The proposed development is affected by the 51.0m Building Height Civil Aviation Regulations, however the proposed building height at 7.6m will have minimal impact upon the height requirement in the regulations.

Schedule 1 - Draft Conditions of consent

General Conditions

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

1. The term of this consent is limited to a period of five (5) years from the date of 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
A.301	Resolut Building Solutions	01/07/2015	07/09/2015
A.302	Resolut Building Solutions	01/07/2015	07/09/2015
A.303	Resolut Building Solutions	01/07/2015	07/09/2015
A.304	Resolut Building Solutions	01/07/2015	07/09/2015
A.305	Resolut Building Solutions	01/07/2015	07/09/2015
A.306	Resolut Building Solutions	01/07/2015	07/09/2015

A.308	Resolut Building Solutions	01/07/2015	07/09/2015
987-S3/1 Rev. A	TAA Consulting Engineers	15/07/2015	24/07/2015
987-S3/2 Rev. A	TAA Consulting Engineers	15/07/2015	24/07/2015
987-S3/3 Rev. A	TAA Consulting Engineers	15/07/2015	24/07/2015

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 648525S 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 proposed basement shall not be used for any habitable, commercial, industrial or business purposes without prior development consent.
8. The Alfresco area and first floor balconies shall not be enclosed at any future time without prior development consent.
9. The dwelling shall be used as a single occupancy only.
10. 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.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention (below ground raintank) 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.
12. 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.
 13. 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.
 14. 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.
 15. The pool/spa pump hours of operation shall be restricted to between 7am to 8pm weekdays and 8am to 8pm weekends.
 16. The bond beam or concrete pool surround shall be provided with a dish drain graded away from the adjoining premises. Alternatively, the outer edge of the bond beam or concrete surround shall be provided with a 100mm hob and all waste water shall be drained away from the adjoining premises.
 17. Suitable depth markers shall be provided at each end of the swimming pool.
 18. Waste water from the pool or spa is to be discharged into a Sydney Water gully riser, in accordance with the typical connection shown in Council's Swimming Pool and Spa Code.
 19. The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to the neighbours.
 20. A warning notice must be erected near swimming pools/spas. There shall be at all times maintained, in a prominent position in the immediate vicinity of the swimming pool, a sign erected and bearing the notice: "Young Children should be Supervised when using this Swimming Pool", together with details of resuscitation techniques (for adults, children and infants) in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australia Resuscitation Council. The warning notice may be purchased from Rockdale Council or the Royal Life Saving Society.
 21. Further alterations and/or additions to the pool including elevated decking shall not

be undertaken without first obtaining approval.

Prior to issue of the construction certificate

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

22. 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 \$2,435. 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.
23. 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.
24. 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.
25. 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.

26. Prior to the issue of the Construction Certificate the sum of \$1,014.50 is payable to Council for removal and replacement of the Cupressus street tree, however as contractors quotes are usually only valid for periods of up to 30 days, this amount is indicative only and is subject to revision prior to payment.
27. 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. all reinforced concrete floor slabs;
 - iii. all reinforced concrete stairs;

- iv. retaining walls over 600mm in height;
 - v. the work required to stabilise the excavation.
28. 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.
 29. 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.
 30. 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.
 31. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

32. 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.
Driveway crest shall be minimum RL 2.94m AHD or above to protect basement up to 1% AEP flooding.
33. The low level driveway must be designed to prevent inflow of water from the road reserve. *Driveway crest shall be minimum RL 2.94m AHD or above to protect basement up to 1% AEP flooding.*
34. 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 lowest point in front of the basement garage. 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.

35. 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.
36. 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.

37. 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.
38. Prior to the commencement of work, a Tree Protection Zone shall be established with protective fences at least 1.5 metres high erected outside the drip lines around the two Frangipani trees located at the rear of the property which are required to be retained. The protective fences shall consist of parawebbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zone at any time.
39. 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.

40. 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.

41. 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.
42. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering the framework for any floor, wall, roof or other building element, and
 - iv. prior to covering waterproofing in any wet areas, and
 - v. prior to covering any stormwater drainage connections, and
 - vi. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
 - vii. Steel reinforcement for the pool structure, and
 - viii. Pool fencing and associated gates (before the filling of pool), and
 - ix. After the construction of the swimming pool is completed and barrier (if one is required under the Swimming Pools Act 1992) has been erected and before the pool is filled with water, and
 - x. Completion of the pool before use incorporating depth markers and resuscitation chart.
 - xi. 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.

43. 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.
44. 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.

45. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
46. 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.
47. 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.
48. 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.
49. 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.
- 50. 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.
- 51. Removal of the Cupressus street tree to enable construction of the new vehicle crossing is approved, subject to a replacement tree being planted by Council in a suitable location. As street trees are Council assets, removal of the tree must be undertaken by Council or its nominated contractor at the applicant/property owners' cost. Removal or cutting of this tree by anyone other than Council or its nominated contractor will be deemed a breach of Council's Development Consent and may be subject to legal action.
- 52. The two Frangipani trees located adjacent to the rear boundary 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. All other existing site trees may be removed.

Prior to issue of occupation certificate or commencement of use

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

- 53. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 54. 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.
- 55. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
- 56. At least two (2) native or ornamental trees of at least 300mm pot size and capable of growing to a minimum height of three (3) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection.
- 57. On completion of the building works the applicant shall contact Council's Customer Service Centre on 9562 1666 to arrange planting of the replacement street tree.

58. 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.
59. 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.
60. The width of the single driveway shall be a minimum of 2.5 metres and a maximum of 4.5 metres.
61. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable 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.
62. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the garage floor/parking level is either constructed at or above 1% A.E.P Annual Exceedance Probability (AEP) Flood Level OR [in the case of the garage floor/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.
63. 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.
64. 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 1/6/2015.
65. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.
66. The drainage system shall be constructed in accordance with the approved drainage plans. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
67. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
68. 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

69. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a new fully constructed concrete vehicular entrance/s;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iii) removal of redundant paving;
 - iv) smooth transition between the driveway and the footpath area.
70. 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.
71. 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.
72. 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.
73. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

Development consent advice

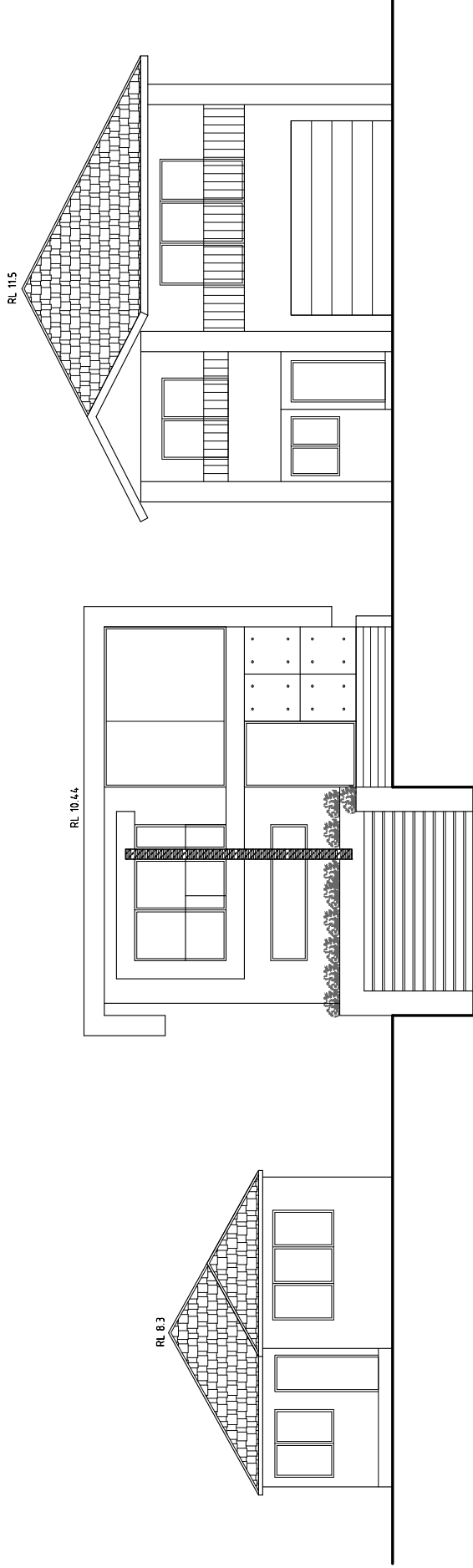
- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate 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.

- c. Section 88E Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- 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. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- f. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- g. 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.

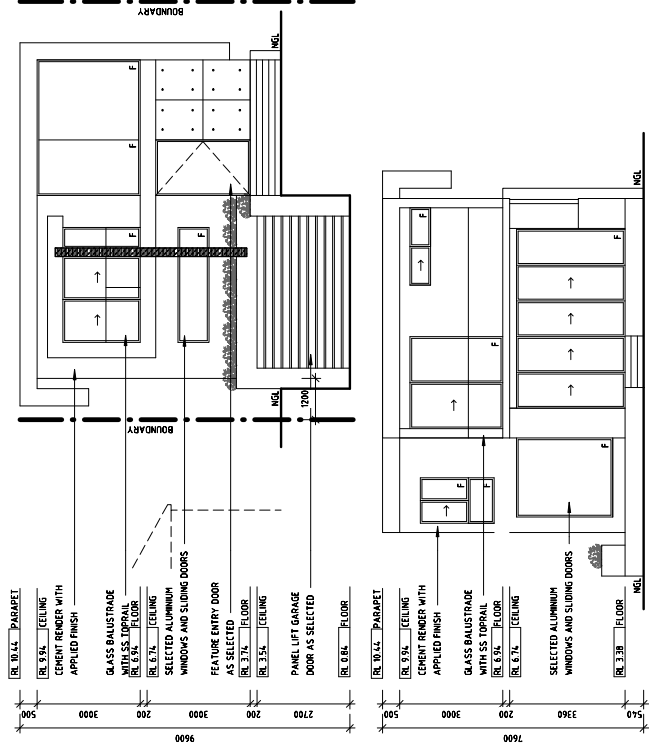
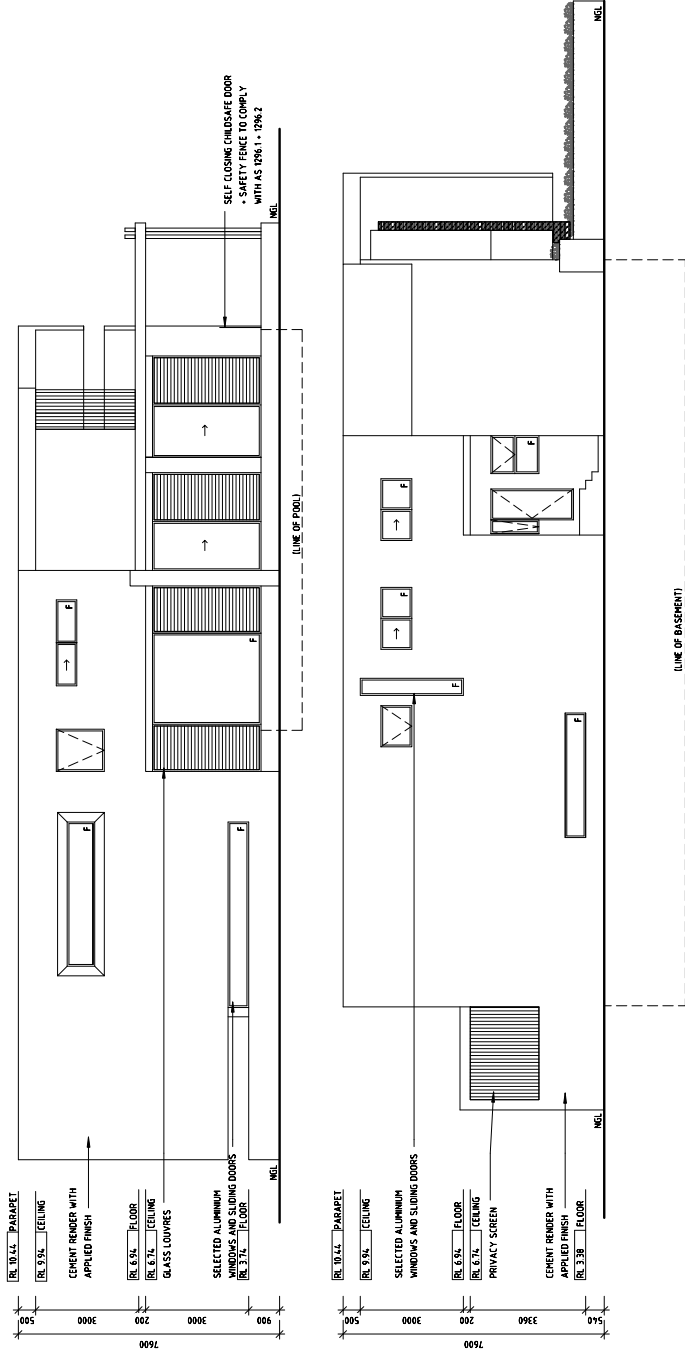


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Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD11
Subject:	CLAUSE 4.6 OF ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 - VARIATIONS TO DEVELOPMENT STANDARDS FOR THE MONTH OF NOVEMBER 2015
File Number:	F08/583
Report by:	Manager - Development Services (Luis Melim)
Contributors:	Team Leader Development Support (Helena Harper)
Community Engagement:	No
Financial Implications:	No

Precis

The purpose of this report is to promote transparent and accountable decision making.

Department of Planning Circular PS 08-014 - Reporting Variations to Development Standards requires, among other things, that NSW Councils provide a report to each meeting on the development applications determined where there had been a variation to development standards.

Rockdale Local Environmental Plan 2011 (LEP 2011) was gazetted on 5 December 2011 and clause 4.6 of LEP 2011 replaces SEPP 1 with regard to variations to development standards.

There were two development applications determined for the month of November 2015 which included a variation to development standards under Clause 4.6 of Rockdale Local Environmental Plan 2011.

Council Resolution

RESOLVED on the motion of Councillors Tsounis and Awada

That the report by the Manager - Development Services be received and noted.

NOTE:

Councillor Barlow requested her name be recorded as voting against the Motion.

Officer Recommendation

That the report by the Manager - Development Services be received and noted.

Report Background

Department of Planning Circular PS 08-014 also requires that a register is established and made available on the Council's website of development applications determined with variations in standards under SEPP 1 and all development applications where there is a variation in standards greater than 10%

are determined by the full council. Rockdale Council complies with these requirements.

Council at its meeting of 19 May 2010 resolved that all development applications relying on a SEPP 1 objection to vary a development standard be referred to a full meeting of Council for determination. On 5 December 2011 Rockdale Local Environmental Plan 2011 was gazetted by the Department of Planning and clause 4.6 of LEP 2011 replaces SEPP 1 with regard to variations to development standards.

There were two development applications with a variation to the development standards for November 2015 (refer to attachment). These variations were approved by Council at its meetings of 4 November 2015 and 18 November 2015 respectively and will be included in the quarterly reporting to the Department of Planning for the period October to December 2015.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.B - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.B.2 - Undertake annual Development Applications customer satisfaction survey (MDS)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Variations to Development Standards data - Nov 15.pdf

Council DA reference number	Lot number	DP number	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
DA-2015/332	51	16044		44	Churchill Street	Bardwell Park	2207	2: Residential - Single new dwelling	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	Height of dwelling exceeding 8.5 metres	The portion of the proposed building height that exceeds the height limit is restricted to the apex of the proposed roof mainly due to the slope of the site	The height of the proposed building is 10.1m which exceeds the maximum 8.5m height permitted in Clause 4.3 (Height of buildings) of RLEP 2011	Council	4/11/2015
DA-2015/242	1	1168351		62-64	Iliffe Street	Bexley	2207	6: Residential - Seniors Living	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	Height of buildings in the rear 25% area of the site must not exceed 1 storey in height	Clause 49(4)(c) restricts development in the rear 25% of the site to a maximum of one (1) storey in height. The amended proposal increased the setback of the first storey from 9.25m to 12.5m, however full compliance with the control requires a setback of 15.5m. The applicant demonstrated that the proposal is consistent with the objectives of the Building Height, that the proposal is consistent with the objectives of the R2 zone, that the resulting impacts would be minimal, and the proposal was acceptable against clause 4.6	19.40%	Council	18/11/2015

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD12
Subject:	POST-EXHIBITION ASSESSMENT OF PLANNING PROPOSAL & VOLUNTARY PLANNING AGREEMENT FOR 152-206 ROCKY POINT ROAD, KOGARAH (FORMER DARRELL LEA SITE)
File Number:	F13/274
Report by:	Manager Place Outcomes (Erika Pawley)
Contributors:	Urban Strategist (Josh Ford) Strategic Asset Planner (Albert Jean)
Community Engagement:	Yes
Financial Implications:	No

Precis

The Planning Proposal for the former Darrell Lea site was recently exhibited in accordance with the relevant provisions of the NSW Environmental Planning & Assessment Act, 1979. The aim of this Council report is to respond to the submissions and provide Council with a recommendation about how to progress the Planning Proposal. Given that the Planning Proposal has been considered by the Department of Planning & Environment under the Pre-Gateway process, a history of key dates and correspondence has been included in the Council report, to provide a timeline of key dates and matters associated with the Planning Proposal (including amendments) since this time.

The proposal to rezone this site to R4 High Density Residential zone varies from Council's typical approach to planning for this type of development. High density development as proposed in the subject Planning Proposal is more commonly supported near major transport nodes and major centres. It is, therefore, important that Council ensures that development standards relating to building heights and densities are reasonable and appropriate to ensure the economic and orderly use of the land, without compromising amenity and introducing unreasonable impacts to adjoining properties in the immediate locality.

Following a review of the submissions received during the exhibition period, it is recommended that building heights and floor space ratios for the site be reduced, as per Council's initial review of the Planning Proposal and Council's resolution dated 19 February 2014, and Council's subsequent submission to the Joint Regional Planning Panel.

A Voluntary Planning Agreement (VPA) proposal has been proposed by the land owners of 152-206 Rocky Point Road, Kogarah, in association with the Planning Proposal. The VPA provides the community with \$5.5 million of public benefit including, Local Area Traffic Management, upgrades to sporting fields, upgrades to Scarborough Park and surrounds, new playground, upgrades to Production Lane, and a child care centre.

Council Resolution

MOTION moved by Councillors Nagi and Poulos

1 That Council receives and notes the report of the Council officers and the accompanying public submissions and refers the report to the Department of Planning and Environment for its consideration and decision.

2 That should the Department approve the LEP amendment as exhibited, Council enters into the Voluntary Planning Agreement with the owners of 152-206 Rocky Point Road, Kogarah.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and Poulos

FOR THE MOTION

Councillors P Sedrak, L Sedrak, Kalligas, Nagi, Mickovski, Poulos and Saravinovski

AGAINST THE MOTION

Councillors Macdonald, O'Brien, Awada, Barlow, Ibrahim, Hanna and Tsounis

On the casting vote of the Mayor the MOTION was ADOPTED.

Officer Recommendation

That voting on this matter be by way of a Division.

1 That, in accordance with Section 59 of the Environmental Planning & Assessment Act 1979, Council request that the Minister makes the LEP amendment, subject to the following amendments as previously resolved by Council at its ordinary meeting of 19 February 2014, and in Council's subsequent submission to the Joint Regional Planning Panel:

a. for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b. for the land proposed to be zoned R4 High Density:

i) that the building heights be reduced as follows:

- the proposed 38 metre height be reduced to 31 metres;
- the proposed 34 metre height be reduced to 24 metres;
- the proposed 28 metre height be reduced to 26.5 metres;
- the proposed 24 metre height be reduced to 17.5 metres; and
- the proposed 15 metre height be reduced to 12 metres;

ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Excellence Competition.

2 That Council enters into the Voluntary Planning Agreement with the owners of 152-206 Rocky Point Road, Kogarah as exhibited.

Report Background

History of Planning Proposal

The subject Planning Proposal has a detailed history, having first been submitted to Council on 30 August 2013. It was reported to Council on 20 November 2013, where it was deferred pending an on-site meeting with Councillors, interested local residents, the proponent and their representatives, and Council staff. On 14 January 2014, Council received formal notification from the (then) Department of Planning and Infrastructure (now Department of Planning & Environment (DPE)), that the proponent was seeking a Pre-Gateway Review. However, that Pre-Gateway application was in relation to a revised Planning Proposal, dated December 2013. DPE's website indicates that the proponent lodged the Pre-Gateway application on 17 December 2013, just 3 days after the on-site meeting was held.

Despite the applicant's request for a Pre-Gateway review, Council sought to assess the Planning Proposal. A Council report was put before Council on 19 February 2014 and Council resolved to support the Planning Proposal, subject to a number of amendments prior to exhibition. The amendments largely related to reductions in Height of Building and Floor Space Ratio development standards that were sought under the Planning Proposal for land proposed to be zoned B6 Enterprise Corridor, and a reduction in the Height of Building development standards for the part of the land to be zoned R4 High Density Residential zone, as identified in that Council resolution (see **Attachment 1**).

Other key amendments in that resolution included: (i) the concurrent exhibition of the Planning Proposal and Voluntary Planning Agreement; and (ii) a request to write to the Minister for Planning and the NSW Premier to seek the return of control of assessment of the Planning Proposal to Council.

As part of the Pre-Gateway Review, the DPE referred the Planning Proposal to the Sydney East Joint Regional Planning Panel (JRPP). On 27 May 2014, the JRPP requested Council to comment on the Planning Proposal, as well as the additional information that the JRPP asked of the proponent.

Council engaged GMU Urban Design to undertake an independent review of the Planning Proposal and the additional information submitted by the proponent to the JRPP. Council subsequently provided a response to the JRPP on 26 June 2014, which included a copy of the review undertaken by GMU Urban Design (see **Attachment 2**).

The GMU review proposed reducing the Floor Space Ratio development standards sought for the site under the Planning Proposal. The FSR recommended by GMU for the R4 High Density Residential zone ranged from 1.6:1 to 1:1 (compared with the proposed 2:1), and it was demonstrated that the FSR for the B6 Enterprise Corridor zone could be as high as 1.6:1, based on a reduced Gross Floor Area of B6 zoned land, compared to that shown in the applicant's Planning Proposal at that time (1.8:1).

In undertaking its review, the JRPP assessed several schemes put forward by the proponent, and recommended two schemes be exhibited under the Planning Proposal. In their response to the JRPP's request for comments from DPE in relation to the Planning Proposal, the DPE advised that only scheme 2(a) should be exhibited, as it was preferred "on balance". Scheme 2(a) illustrated an FSR of 2:1 for the portion of the site proposed to be zoned R4 High Density Residential and an FSR of 1.8:1 for the portion of the site proposed to be zoned B6 Enterprise Corridor. These are the respective FSR development standards that were included in the exhibited Planning Proposal. The Height of Building development standards varied from Scheme 2(a), based on clarification between Council and the DPE regarding what would be an appropriate representation of Height of Building development standards mapping for the site. The "building height plane" identified in the Gateway determination for the Planning Proposal provides clarity over the approach that was taken to clarify these mapped development standards for the site.

The proponent responded to Council's submission to the JRPP, through a subsequent submission to the JRPP, dated 10 July 2014. In the DPE's response to JRPP on 8 August 2014 they indicated that given the proponent's submission addressed some of

Council's concerns, further investigations on urban design issues could be undertaken during the design development process, as these issues were most appropriately considered at the development application stage and accommodated for via a Development Control Plan (DCP). It should be noted, however, that Council's resolution dated 19 February 2014 stated that: "...*The instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangements of communal open space.*" A Staged DA will negate the requirement of a site specific DCP for the site, therefore the comments made by the DPE in their aforementioned correspondence that refer to a DCP should be interpreted as being relevant to a future Staged DA for the site.

After considering the request for Pre-Gateway Review, and the advice provided from Rockdale City Council, the JRPP determined that the Planning Proposal should proceed to Gateway determination stage. The JRPP determination, dated 13 October 2014, is annexed to this Council report as **Attachment 3**. In summary, the JRPP determination included the following:

- Council was asked whether it would like to be the Relevant Planning Authority for the Planning Proposal;
- The Planning Proposal was to reflect the development controls in scheme 2(a), as submitted to the JRPP on 26 May 2014, but with amendments to building heights such that they did not project beyond Council's proposed height plane;
- Documentation from the proponent was to ensure that accurate footprints and Floor Space Ratio are shown so that the quantum and location of communal and private open space could be clearly determined; and
- Any written offer or draft Voluntary Planning Agreement for elements of public benefit should be included as part of the Planning Proposal.

History of Voluntary Planning Agreement (VPA)

1. The applicant's draft VPA was presented at the 22 April 2015 Councillor Information Session and the feedback provided was that the quantum of the public benefits proposed were insufficient as a proportion of the value uplift resultant from the Planning Proposal as advised by independent valuation advice that Council sought on the VPA.
1. The applicant was advised of this on 30 April 2015 and invited to review their VPA in terms of quantum of public benefit.
2. On 22 July 2015, the applicant advised that they generally disagreed with the valuation report and stated that unless Council agreed to decouple the exhibition of the VPA from the Planning Proposal, they would withdraw the VPA. On 4 August 2015, the applicant was advised that their draft VPA offer would be presented to Council at the first opportunity, subject to the procedural provisions of the draft VPA being finalised.
3. On 2 September 2015 Council resolved to exhibit the VPA, which was exhibited concurrently with the Planning Proposal from 10 September to 9 October 2015.

Summary of Voluntary Planning Agreement

	Public Benefit	Value
A	Local Area Traffic Management Contribution	\$100,000
B	Baseball Club Contribution	\$50,000
C	Football Club Contribution	\$50,000
D	Scarborough Park South (and environs) Contribution	Master planning: \$70,000 Works: \$1,595,000

E	Playground Works	\$415,000
F	Production Lane Works	\$370,000
G	Child Care Centre Land Dedication and Works	Land Dedication: \$1,350,000 Fit-out: \$1,500,000
		Grand Total \$5,500,000

Exhibition Process

A Gateway determination was issued for the Planning Proposal by the DPE on 4 May 2015 (see **Attachment 4**). The Gateway determination stipulated that several amendments be made to the Planning Proposal prior to exhibition. These included:

- *A Preliminary Acid Sulfate Soils Assessment to address the requirements of Section 117 Direction 4.1 - Acid Sulfate Soils;*
- *A Site Contamination Assessment Report to address the requirements of State Environmental Planning Policy 55 - Remediation of Land;*
- *An updated Traffic Report to include cumulative impact of the proposed development on local roads;*
- *An updated section 4.1.6 of the Planning Proposal to include the intent of the proposed subclause regarding building height plane, in place of a draft clause; and*
- *Consideration of the Industrial Lands Strategic Assessment checklist to address Direction 1.9 of A Plan for Growing Sydney.*

This amended information was subsequently submitted by the proponent, and included in the exhibited Planning Proposal, thereby satisfying the requirements of the Gateway determination. The Planning Proposal was exhibited from 10 September to 9 October 2015. A total of thirty-four submissions were received, which included a number of key themes. These key themes related to:

- general objections or support for the proposal
- overdevelopment of the site;
- excessive building height;
- precedent for similar scale developments to follow;
- loss of industrial land;
- not an ideal location for high density residential development;
- dislocation from key transport nodes (railway stations);
- traffic and public transport issues;
- potential "rat runs" and on street carparking problems;
- impacts on local facilities and infrastructure (schools, medical facilities, recreation areas);
- land use conflicts (eg overshadowing and privacy);
- uncertainty over actual employment figures/opportunities; and
- separation of pedestrian/cycleway paths.

Assessment of Submissions

A summary and response to each of the key points in every submission has been formulated (see **Attachment 5**) to assist Council with identifying the key matters associated with the Planning Proposal and Voluntary Planning Agreement, and noting Council's previous position on those key matters that have been raised in the past.

Objections / Support for the Proposal

A number of submissions stated their objections to the Planning Proposal, while some submissions stated their support, subject to certain modifications to the planning proposal being considered. These

views have been noted in the response to submissions. No submissions were received that stated unconditional support for the Planning Proposal.

Overdevelopment of the Site & Excessive Building Height

The issues of site overdevelopment and excessive building height are two key matters that would be a direct consequence of implementing the exhibited development standards for building height and floor space ratio. The Council report of 19 February 2014 recommended that both building height and floor space ratio development standards be reduced to allow future planning outcomes for the site that would allow better assimilation with adjoining land zoned R2 Low Density Residential, which was again echoed in Council's later submission to the JRPP.

Council's submission to the JRPP dated 26 June 2014, which was supported by the GMU independent assessment, clearly argued the case for a reduction in the proposed building height and floor space ratio development standards for the site. The submission requested that the JRPP acknowledge Council's standing resolution of 19 February 2014, stating that the Planning Proposal was supported, subject to amendments being made prior to public exhibition. These included changes to the building height limits and floor space ratio controls both for the land to be zoned B6 Enterprise Corridor and for the land to be zoned R4 High Density Residential.

Precedent for future development & loss of Industrial Land

The issue of precedent was raised in many of the submissions, not only in relation to further perceived impacts on existing residents and their land from similar scale developments in the future, but also in relation to the pressure that the rezoning may apply to existing industrial land north of the site.

When considering the dislocation of the site from a major transport node and a major centre, these concerns are warranted and have merit on planning grounds. It is highly likely that rezoning the subject land will trigger rezoning enquiries in the future from other landowners in proximity to the site, notably in relation to industrial land north of the site. It should be noted that in the Council report dated 20th November 2013 concerning the original Planning Proposal, one of the key matters raised in the preliminary assessment was the potential precedent that the Planning Proposal may create.

Not an Ideal Location & Dislocation from Key Transport Nodes/Public Transport Issues

The Council report (dated 19th February 2014) for the Planning Proposal included two pertinent comments relating to (i) the dislocation of the site from a transport node (and that there were no plans to improve transport infrastructure within the vicinity of the site); and (ii) the dislocation of the site from a major centre. It is important to acknowledge that these very issues have been raised in many of the submissions received during the exhibition period. The Planning Proposal intends to introduce development standards to the subject land that are more appropriate for sites that are located around/adjoining major transport nodes or major centres, however, this site is not located in close proximity to either a major transport node or major centre. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and bus services are available to Kogarah railway station. Increasing bus services would be at the discretion of Transport for NSW, being the responsible State authority for public bus services in the locality. Similarly, any increased demand that arises over time for passenger train patronage would need to be managed by Sydney Trains, as the responsible State government authority.

Traffic & Potential On Street Carparking Problems

The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. The traffic report concludes that a new 4-way intersection at Rocky Point Road (opposite Weeney Street) would be capable of managing traffic flows to/from the site to/from Rocky Point Road.

RMS Submission: - Comments received from NSW Roads and Maritime Services (RMS) state that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site, including assessment and confirmation of restricted carparking areas. Furthermore, any future DA(s) for development at the site would need to include an assessment of traffic and carparking requirements, in accordance with Council's Development Control Plan requirements at that time. At present, there are no public roads within the subject site, however, logically it would be expected that when an internal road network is developed for the site,

there would be vehicles utilising on street vehicle parking. The extent to which this on street vehicle parking would overflow to land beyond the subject site is questionable, and would therefore require assessment at the time of future DAs for the land, where on site carparking requirements would be determined in accordance with the relevant type of development.

Impacts on Local Facilities & Infrastructure

A number of submissions argued that the additional development would put undue pressure on existing local facilities and infrastructure. The Voluntary Planning Agreement provides a number of public benefits to the community in the vicinity of the development. The Local Area Traffic Management Study will identify key local traffic issues in the area and provide some funding to resolve these issues. Upgrades to Scarborough Park will allow for increase permutability of a key open space in Kogarah. The provision of a child care facility will also increase the available child care spaces in the local area. The NSW Government and the Department of Education is responsible for the provision of primary and secondary schools. Medical services, such as General Practitioners, are provided by the private sector.

Land Use Conflicts

A significant number of submissions expressed concerns about the land use conflicts that could be introduced by implementing development standards that could permit significantly denser development within the site, including buildings far taller than those currently permitted in the locality. The majority of issues associated with this aspect of the submissions related to privacy, overshadowing, noise and vehicle movements.

While it is important to note that any future site specific development proposals would be notified to the adjoining landowners for comment, the Planning Proposal in its current form would introduce development standards that would allow a significant change in the built form within the immediate locality. Given this, Council must be satisfied that it would be willing to accept future DAs for development that, if built to the development standards identified in the Planning Proposal, would result in obvious interface issues between the subject site and adjoining landowners, particularly along Margate Street. Council's resolution of 19th February 2014, and Council's subsequent submission to the JRPP, included the following:

"v) the instrument should contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space."

As such, any future Staged Development Application for the site will need to address issues relating to interface land use conflicts, particularly in relation to determining appropriate building envelopes that assist in mitigating impacts such as privacy, overshadowing, vehicle movements and noise.

Uncertainty over Employment Opportunities

A number of submissions highlighted that the figures quoted in the Planning Proposal that relate to potential employment generation from future development within the site are purely estimates. These submissions contain merit, as Council cannot predetermine the number of jobs that future developments within the site would create, nor is it Council's role to influence the potential employment generation within the site. Figures relating to employment generation associated with a Planning Proposal do not solely determine the merits of that Planning Proposal.

Separation of Pedestrian/Cycleway Paths

Some submissions advocated for the separation of pedestrian pathways and cycleways, to avoid pedestrian/cyclist conflicts. The Voluntary Planning Agreement allows for a Masterplan process to be undertaken for Scarborough Park. The community will be able to address this detailed design issues as part of the consultation of the Masterplan.

Council's Historical Position - Height of Building & Floor Space Ratio Development Standards

Two clear themes that were raised in the various submissions received during the exhibition period related to (i) overdevelopment of the site; and (ii) excessive building

heights. On these two key points, the position of Council has remain relatively unchanged since the first Council report for the Planning Proposal on 20 November 2013. That resolution of Council stated:

MOTION moved by Councillors Macdonald and Tsounis

That the applicant be invited to amend the planning proposal to address the issues outlined in this report:

- *floor space ratio, building height and design excellence;*
- *public benefit; and*
- *technical amendments to meet the requirements of the Department of Planning and Infrastructure's 'A Guide to Preparing Planning Proposals' (April 2013).*

AMENDMENT moved by Councillors Poulos and Nagi

That this matter be deferred for an Information Session which will follow an on-site meeting of Councillors and interested parties.

That Council report raised concerns over the Height of Building and Floor Space Ratio development standards proposed for the site at that time. The relevant section (*Recommended Amendments to the Planning Proposal*) of that Council report stated:

1. Floor Space Ratio, Building Height and Design Excellence

The B6 Business Enterprise Corridor zone, proposed to apply to the portion of the site fronting Rocky Point Road, only appears in one other location in the City, being the Princes Highway Corridor between Rockdale Town Centre and Wolli Creek. The FSR for this zone is 1.5:1 with a height of 14.5 metres (4 storeys). There is no reason why the height and FSR should be in excess of the same zone as it applies elsewhere in the City. Further, there is already a recently constructed 4 storey building on the site that is tenanted by Harvey Norman, demonstrating the current development controls are economically feasible.

For the portion of the site proposed to be zoned R4 High Density Residential, there is a case for a residential density higher than that of immediately adjoining land provided impacts on these areas are addressed. There are existing residential flat buildings of 4 storeys in height directly opposite the site on Rocky Point Road in Kogarah Council. However the density and height the applicant is proposing is more consistent with heights within higher order local centres such as Wolli Creek and Rockdale. Further, the development concept provided in the planning proposal suggest there will be non-compliance with SEPP 65 - Design Quality of Residential Flat development.

For these reasons, it is recommended that:

** For the land proposed to be zoned B6 Business Enterprise, the FSR be reduced to 1.5:1 and height reduced to 14.5m (4 storeys).*

** For the land proposed to be zoned R4 High Density, the base FSR be reduced to 1:1. An additional FSR bonus of 0.2:1 could apply to a residential development proposal that exhibits design excellence, including excellence in sustainability, to be achieved through a design competition. The maximum building height should be reduced to 8 storeys, with lesser building heights on the southern and eastern boundaries of the site that adjoin low density residential and open space.*

Council's resolution included an invitation to the applicant to amend the Planning Proposal to reflect more appropriate Height of Building and Floor Space Ratio development standards for the site. Furthermore, an on-site meeting took place at the site on 14 December 2013, with Councillors, Council staff, the landowner's representatives, adjoining landowners and interested parties attending the meeting. On the 14 January 2014, Council received notification from the Department of Planning & Infrastructure (now the DPE) that a Pre-Gateway Review of the Planning Proposal had

been requested by the applicant. Despite the Pre-Gateway Review being lodged to the DPE, Council staff prepared a report for the ordinary Council meeting of 19 February 2014. At that meeting, Council resolved:

1 That Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:

a for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b for the land proposed to be zoned R4 High Density:

i) that the building heights be reduced as follows:

- the 38 metre height be reduced to 31 metres;*
- the 34 metre height be reduced to 24 metres;*
- the 28 metre height be reduced to 26.5 metres;*
- the 24 metre height be reduced to 17.5 metres; and*
- the 15 metre height be reduced to 12 metres;*

as per Figure J in this Council report.

ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competition.

c technical amendments as itemised in Attachment 4 to this report.

2 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

3 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

4 Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

It should be noted that the 8.5 metre building height adjoining properties that front Margate Street was not recommended for any change, as it was consistent with the adjoining Height of Building development standards for properties within the R2 Low Density Residential zone in the immediate locality. This was deemed an appropriate transition to potential future development within the subject site, being immediately North of these properties.

Next Steps

Following Council's determination of the Planning Proposal, the Planning Proposal will be forwarded to the DPE with a request that the Minister make the LEP amendment, subject to any amendments resolved by Council. The Planning Proposal is subject to the Pre-Gateway review process, and Council does not have delegation to make the LEP. Given that the DPE issued a Gateway determination that permitted exhibition of the Planning Proposal in its current form, and that the officer's recommendation is consistent with Council's resolution of 19 February 2014, the Minister will need to consider Council's resolution in determining the form of the LEP amendment.

It is also assumed that, given this Council report responds to the submissions and provides recommendations in order to address those submissions, the Minister will consider these in determining how the Planning Proposal shall proceed and what form the LEP amendment will be made. As this Planning Proposal represents the first Pre-Gateway review for a Planning Proposal within the City of Rockdale, no precedent exists regarding process and the liaison that can be expected between Council and the DPE at this part of the process. This point is particularly relevant since the officer's recommendation (if supported) would endorse a Planning Proposal that, although consistent with Council's previous resolution and subsequent submission to the JRPP, seeks to reduce the Height of Building and Floor Space Ratio development standards to those that were included in the exhibited Planning Proposal.

The Voluntary Planning Agreement is coupled to the Planning Proposal and will be linked to the outcomes of the final LEP Amendment that is made.

Community Engagement

As stated above, the Planning Proposal was exhibited for 29 days between Thursday 10 September and Friday 9 October 2015. Hard copies of the information were made available to all Council branch libraries and the Customer Service Centre. An advertisement was published in the St George Leader, notifying of the exhibition period and where exhibition materials could be viewed, including Council's 'Have Your Say' website. Letters were sent to adjoining landowners within both the Rockdale LGA and Kogarah LGA, as well as government agencies stipulated in the Gateway determination.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Attachment 1 - Council Report & Minutes 19.02.14.pdf



Attachment 2 - RCC Submission to Sydney East JRPP.pdf



Attachment 3 - Pre-Gateway Determination.pdf



Attachment 4 - Gateway Determination.pdf



Attachment 5 - Response to Submissions.pdf



Council Meeting

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General Report - Meeting Date: 19/02/2014

Public -

Item Number: ORD09

Subject: ASSESSMENT OF 152-206 ROCKY POINT ROAD, KOGARAH (DARRELL LEA SITE) PLANNING PROPOSAL

File Number: F13/274

Report by: Coordinator Urban Strategy (Jacky Wilkes)

Community Engagement: Yes

Financial Implications: No

Precis

This planning proposal seeks to rezone the former Darrell Lea site from IN2 Light Industrial to a mix of B6 Enterprise Business Corridor and R4 High Density Residential.

The purpose of this report is to determine whether the planning proposal has sufficient merit to be recommended to the Department of Planning & Infrastructure to be placed on public exhibition.

The first matter to consider is whether in fact the Light Industrial Zone should be retained. The owners have demonstrated, with supporting evidence, that redevelopment of the site is not viable given the cost of redevelopment and the rents that are achieved for light industrial premises in the region. To retain employment on the site the owner proposes to zone 0.84 ha (8,400 sqm) of land along the Rocky Point Road frontage B6 Enterprise Corridor. The B6 Zone permits a variety of uses but most notably bulky goods retail and business and office premises. The balance of the site, approximately 2.5 ha (25,088 sqm), is proposed to be zoned R4 High Density Residential.

The site is capable of accommodating high density residential development without unreasonably impacting on the neighbouring low density residential neighbourhood, specifically the residential properties at Margate Street.

The draft Sydney Metropolitan Strategy forecasts that 273,000 additional homes will be required in the Sydney Region by 2021 and 545,000 by 2031. As a matter of policy the draft Strategy requires that new housing is encouraged in areas close to existing and planned infrastructure. Similarly, Rockdale City Council's approach to planning for high density residential development has been to locate it near transport nodes and major centres.

The site, however, is not located near to (i.e. within 800m) of a transport node (the site is 1.6 km from the Carlton Station) nor is it near a major centre (Kogarah Town Centre is 1.9km away). As such there is no strategic imperative to maximise residential density on the site. The objective therefore is to ensure the heights and densities proposed are sufficient to ensure the orderly and economic use and development of the land, while also ensuring new development does not unreasonably impact on the amenity of the surrounding locality and the Margate Street properties in particular.

The applicant has sought to use low density development to screen the higher density development until the distance from the southern (Margate Street) boundary is sufficient for the high rise development to have limited or no impact. The height limits proposed by the applicant do not achieve this. Instead, it is recommended that the height limits be reduced as described within the report.

The appropriate FSR is then a function of the area of each height limit. Based on the revised height limits, a maximum floor space ratio of 1.4:1 is recommended.

Council Resolution

NOTE:

The Mayor, Councillor O'Brien, vacated the Chair. The Deputy Mayor, Councillor Barlow, assumed the Chair.

Ms Jenine Harris, Mr Ed Lippmann, Mr James Harrison and Mr Michael Lea objecting to the recommendation, addressed the Council.

Mr Michael Pebbles, Mr Christopher Garner and Mr Barry Melville, supporting the recommendation, addressed the Council.

MOTION moved by Councillors O'Brien and Macdonald

1 That Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:

a for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b for the land proposed to be zoned R4 High Density:

i) it is noted that the site is not located within a major centre nor is it close to a transport node;

ii) it is also noted that there are no plans to improve transport infrastructure within the vicinity of the site;

iii) therefore the planning proposal should respect the low rise character of the locality and the height limits should be restricted to 2 storeys on the southern boundary and 4 storeys elsewhere;

iv) the instrument should contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

v) the FSR be set at 1:1.

c technical amendments as itemised in Attachment 4 to this report.

2 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

3 Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

AMENDMENT moved by Councillors Poulos and Nagi

1 That the Council officers report dated 20 November 2013 concerning the planning proposal for 152-206 Rocky Point Road, Kogarah be received and noted.

2 That Council support the Planning Proposal submitted by JBA Urban Planning Consultants on behalf of Land & Portfolio Pty Ltd, for 152-206 Rocky Point Road, Kogarah, as amended December 2013 and submitted to Council on 15 January 2014, and directs that it be submitted to the Department of Planning & Infrastructure for Gateway approval on the basis that:

a it will be developed as an exemplary precinct exhibiting design excellence in both its residential and non-residential buildings;

b given the site's unique size, special features and location, the proposal would not cause an undesirable precedent for the area;

c the indicative master plan contained on pages 12-16 of the Planning Proposal is generally acceptable as it successfully minimises any impacts on neighbouring sites (noting that 70% of the proposed buildings do not exceed 7 levels and most of the site is at a lower level than Rocky Point Road and Margate Street) and provides substantial public benefits including open space and new access routes through the site.

3 That, prior to exhibition, Council's planning officers, modify the terms of the planning proposal so as to incentivise the proponent to achieve design excellence by including appropriate provision in the proposal LEP amendment for the site that give effect to the following requirements:

a That any development application(s) lodged for the site demonstrate strong adherence to the Design Principles contained in SEPP 65 – Design Quality of Residential Development and the related Residential Flat Design Code, and that a special design review panel be appointed by Council (in accordance with SEPP 65) specifically for the site to oversee the design of all buildings on the site;

b That, the Floor Space Ratios (FSR) controls be set as follows:

- At a ratio of 1.7:1 for the proposed R4 High Density Residential Zone, with a additional 0.3 :1 being achievable provided the consent authority considers the relevant DA (s) exhibit design excellence;

- At 1.8:1 for the B6 Enterprise Corridor Zone.

c That, height limits be set in accordance with the maximum heights contained in the LEP map on page 63 of the Planning Proposal.

d That, prior to or in conjunction with the lodgement of the first development application for the site a draft DCP and subdivision plan be submitted, and the proponent be invited to negotiate with Council a possible Voluntary Planning Agreement (VPA) as would deliver community benefits such as traffic improvements, and other improvements of a civic nature.

e That, at a minimum buildings exceeding 7 levels in height be the subject of a contestable design process involving at least three independent architecture firms and in accordance with a competition process agreed with Council.

4 That the Department of Planning & Infrastructure be advised of Council's decision and its requirements and that, subject to gateway approval, the exhibition and processing of the planning proposal be expedited.

FORESHADOWED AMENDMENT moved by Councillors Awada and Ibrahim

1 That Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:

a for the land proposed to be zoned B6 Enterprise Corridor:

i) that the height be reduced to 14.5 metres (4 storeys); and

ii) the FSR be reduced to 1.5:1.

b for the land proposed to be zoned R4 High Density:

i) that the building heights be reduced as follows:

- the 38 metre height be reduced to 31 metres;
- the 34 metre height be reduced to 24 metres;
- the 28 metre height be reduced to 26.5 metres;
- the 24 metre height be reduced to 17.5 metres; and
- the 15 metre height be reduced to 12 metres;

as per Figure J in this Council report.

ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.

iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competition.

c technical amendments as itemised in Attachment 4 to this report.

3 A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.

4 Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

DIVISION

DIVISION on the AMENDMENT called for by Councillors Poulos and Nagi

FOR THE AMENDMENT Councillors Bezic, P Sedrak, L Sedrak, Kalligas, Nagi, Mickovski and Poulos

AGAINST THE AMENDMENT Councillors O'Brien, Macdonald, Awada, Barlow (abstention), Saravinovski, Ibrahim, Hanna and Tsounis

The AMENDMENT was LOST 8 votes to 7.

The FORESHADOWED AMENDMENT then became the AMENDMENT.

DIVISION

DIVISION on the AMENDMENT called for by Councillors Awada and Ibrahim

FOR THE AMENDMENT Councillors Bezic, P Sedrak, Awada, L Sedrak, Nagi, Mickovski, Ibrahim and Poulos

AGAINST THE AMENDMENT Councillors O'Brien, Macdonald, Barlow (abstention), Saravinovski, Kalligas (abstention), Hanna and Tsounis

The AMENDMENT was CARRIED 8 votes to 7.

The AMENDMENT then became the MOTION.

DIVISION

DIVISION on the MOTION called for by Councillors Awada and Ibrahim

FOR THE MOTION Councillors Bezic, P Sedrak, Awada, L Sedrak, Nagi, Mickovski, Ibrahim and Poulos

AGAINST THE MOTION Councillors O'Brien, Macdonald, Barlow, Saravinovski, Kalligas (abstention), Hanna and Tsounis

The MOTION was ADOPTED 8 votes to 7.

NOTE:

The Deputy Mayor, Councillor Barlow, vacated the Chair at the conclusion of this item and the Mayor, Councillor O'Brien, resumed the Chair.

RECOMMENDATIONS

Officer Recommendation

That:

1. Voting on this matter be by way of a Division.
2. Council supports the planning proposal subject to the following amendments being made prior to the planning proposal's exhibition:
 - (a) for the land proposed to be zoned B6 Enterprise Corridor:
 - i) that the height be reduced to 14.5 metres (4 storeys); and
 - ii) the FSR be reduced to 1.5:1.
 - (b) for the land proposed to be zoned R4 High Density:
 - i) that the building heights be reduced as follows:
 - the 38 metre height be reduced to 31 metres;
 - the 34 metre height be reduced to 24 metres;
 - the 28 metre height be reduced to 26.5 metres;
 - the 24 metre height be reduced to 17.5 metres; and
 - the 15 metre height be reduced to 12 metres,
 - as per Figure J in this Council report.
 - ii) the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.
 - iii) the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competetion.
 - (c) technical amendments as itemised in Attachment 4 to this report.
3. A Planning Agreement be exhibited with the Planning Proposal. The Planning Agreement is to provide for a contribution into an internally restricted reserve to be used solely for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The amount of the contribution is to be negotiated with the applicant and brought back to Council for adoption prior to exhibition.
4. Council write to the Minister for Planning and the Premier requesting that this proposal, being a local planning matter, is returned to the control of the local community.

Background

THE PROCESS TO DATE

On 30 August 2013, Council received a planning proposal (dated August 2013) from JBA Planning ("the applicant") representing the owners of Darrell Lea site at 152-206 Rocky Point Road, Kogarah to rezone this land (refer to Attachment 1). The planning proposal seeks to permit a mix of high density and medium density residential development and commercial employment development.

An initial review of the planning proposal saw that it was largely inconsistent with the Department of Planning and Infrastructure's *Guidelines on preparing local environmental plans* (April 2013) and *Guidelines on preparing planning proposals* (October 2012) as well as Council's requirements. On 27 September 2013, Council officers (via email) articulated many of the inconsistencies and sought a revised planning proposal from the applicant. This correspondence also noted that a second request for additional information and/or changes was also forthcoming.

A Councillor Information Session was held on 23 October 2013 to inform Councillors of the proposal. Following this, a preliminary assessment of the planning proposal was undertaken. A Councillor Briefing session was held on 12 November 2013 and reported to Council on 20 November 2013 (See Attachment 3 to this report, Item No. ORD13). The report recommended the applicant revisit aspects of the planning proposal to ensure consistency with the Department of Planning and Infrastructure's guidelines and Council's requirements. The report also recommended the applicant reduce the proposed height and FSR controls over both proposed zones. At the meeting, Council resolved to defer the matter in order to hold an on-site meeting.

The on-site meeting took place on 14 December 2013. Those present included the applicant and their representatives, eight (8) residents who were invited to attend, Councillors and select Council staff.

On 14 January 2014, Council receive formal notification from the Department of Planning and Infrastructure (DP&I) that the applicant is seeking a pre-gateway review. However, the pre-gateway application is in relation to a revised planning proposal (dated December 2013). The revised planning proposal addresses some of the concerns raised in the council report and correspondence of 27 September 2013. However, some matters that have been raised by Council are yet to be addressed. Having consulted the DP&I's 'LEP Tracking webpage', it is noted that the applicant lodged their application for the pre-gateway process on 18 December 2013, some 4 days after the on-site meeting.

On 15 January 2014, the applicant forwarded a courtesy copy of the revised proposal to Council for its information.

Despite the request for pre-gateway review, Council has sought to progress the assessment of the planning proposal even though the 90 day assessment period has still not yet commenced (because the planning proposal is still not consistent with the DP&I's planning proposal guidelines (October 2012, p.19). To this end and in good faith, council has progressed this application by undertaking its detailed assessment of the planning proposal and makes recommendations about its progression.

SITE DESCRIPTION

The site occupies the most southern portion of the Production Avenue Industrial Precinct which is zoned IN2 Light Industry. The site equates to approximately one third of the Industrial Precinct and interfaces with R2 Low Density Residential zoned land to the south.

The site comprises the following lots:

- 152 Rocky Point Road - Lot 2 on DP 405531
- 160 Rocky Point Road - Lot 2 on DP 838198
- 168 Rocky Point Road - Lot 1 on DP 1144981
- 200 Rocky Point Road - Lot 1 on DP 599502 and Lot 22 on DP 620329
- 206 Rocky Point Road - Lot 1 on DP 666138

The total site area is 33,488 square metres and has a frontage of approximately 210 metres to Rocky Point Road and a 140 metres to Production Avenue.

The site houses:

- the former Darrell Lea factory which is now occupied by VIP Petfoods which are relocating to a purpose built facility in Western Sydney;
- a number of one to three storey warehouses,
- a relatively new development incorporating, *office and business premises* and warehouse development approved under the previous LEP (RLEP 2000) and enjoys existing use rights; and
- two residential dwellings.

The site is flanked by predominantly single storey development to the south, Leo Smith Reserve to the east, industrial warehouse development to the north and Rocky Point Road on the western boundary. Land on the western side of Rocky Point Road is predominantly single storey detached dwellings and but has some 4 storey residential flat building development in the vicinity of the site.

Refer to the aerial photo as Figure 2 in the attached planning proposal.

CURRENT CONTROLS

The current controls for the site as per *Rockdale Local Environmental Plan 2011* ("RLEP 2011") are as follows:

1. Zone: IN2 Light Industrial,
2. Building height: 14.5 metres
3. Floor space ratio: 1:1
4. Minimum lot size: 840sqm (for subdivision)

The land immediately to the south is zoned R2 Low Density to the south which has a maximum building height of height of 8.5 metres and a FSR of 0.5:1. The land to the east encompassing Leo Smith Reserve is zoned RE1 Public Open Space with no development standards. The industrial land immediately north of the site is zoned IN2 Light Industrial which has a maximum building height of 14.5 metres and a FSR of 1:1.

Land on the western side of Rocky Point Road which lies within the Kogarah local government area is zoned R2 Low Density, as per *Kogarah LEP 2012*, which houses the predominant low density development and the small portion of 4 storey residential flat building development. It is noted that the applicant's planning proposal incorrectly refers to *Kogarah LEP 1998*.

Refer to the figure below showing an extract of the RLEP 2011 zoning map.

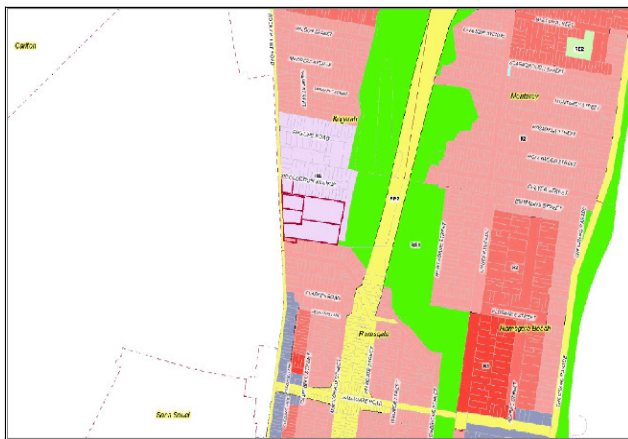


Figure A - Zoning map extract from RLEP 2011

THE PROPONENT'S REVISED PLANNING PROPOSAL

The revised planning proposal (dated December 2013) which was submitted to the DP&I for a Pre-Gateway review can be found at Attachment 1.

The revised proposal has been amended as follows:

- the re-arranging of Sections 4.0 'Explanation of Provisions' and 5.0 'Indicative Masterplan' in accordance with Council's request of September 2013.
- the inclusion of an explanation (and supporting map) about how the proposed Minimum Lot Size Map is amended, in accordance with Council's request of September 2013 and Council's report of 20 November 2013.
- the proposal provides more detail regarding the proposed development's densities (heights and FSRs) - refer to pages 14 and 15 of the attached planning proposal. This ensures consistency with the DP&I's guidelines and as per Council's request of September 2013.
- the inclusion of greater detail against the SEPPs to ensure consistency with the DP&I's guidelines - refer to pages 34-35 in the attached planning proposal - as request by Council in September 2013 and in Council's report of 20 November 2013.
- the inclusion of more information regarding environmental impact - refer to pages 45-49 of the attached planning proposal - as per request by Council in September 2013 and in Council's report of 20 November 2013.
- the inclusion a mapping section (Section 8) to ensure consistency with the DP&I's guidelines on mapping, as requested by Council in September 2013 and in Council's report of 20 November 2013.

Some of Council's requested changes - as per September and November 2013 requests - have not been included within the revised planning proposal:

- 3-dimensional drawings within Section 5.0 'Indicative Masterplan' of the planning proposal: these are considered critical as they enable the community to visualise the massing and heights of the proposed development in order to appropriately comment on the proposal should it proceed to exhibition.
- in terms of land proposed to be rezoned to the B6 Business Enterprise zone:
- the reduction in the building heights from 15 metres and 22 metres to 14.5 metres ensure consistency with the current B6 zone's height.
- the reduction in the FSR from 1.8:1 to 1.5:1 to ensure consistency with the current B6 zone's FSR.
- in terms of land proposed to be rezoned to the R4 High Density zone:
- the reduction in the building heights from the maximums of 38, 34 and 28 metres to 24 metres (8 storeys).
- the reduction the FSR from 2:1 to 1:1 with an additional bonus FSR of 0.2:1 if the residential development proposal exhibits design excellence, including excellence in sustainability, to be achieved through a design competition.
- redrafting of the consultation section to describe the proposed community consultation to be undertaken, so as to ensure consistency with the DP&I's guidelines in consultation with Council's Strategic Planners.
- inclusion of a timeline so as to ensure consistency with the DP&I's guidelines in consultation with Council's Strategic Planners.

Proposed Policy Changes

The revised planning proposal seeks to amend the zoning, building heights, floor space ratio and minimum lot size controls, as detailed in the sections below.

Zoning:

- Rezone approximately one third of the site (0.84ha) with frontage to Rocky Point Road to the B6 Business Enterprise zone.
- Rezone the remaining portion of the site (2.5ha) to the R4 High Density Residential zone.

Figure B below is an extract from the applicant's planning proposal.

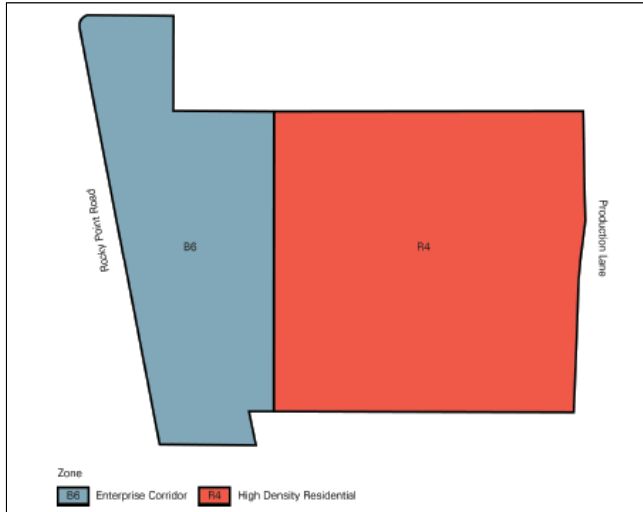


Figure B - Proposed zoning changes to RLEP 2011

Building Height:

The proposed building heights are discussed below in relation to each proposed zone.

Land Proposed to be rezoned to B6 Enterprise Corridor zone

- 15 metres (4 storeys) over an area of approximately 6,160 sqm,
- 22 metres (5 storeys) over an area of approximately 1,640 sqm, and
- 8.5 metres (2 storeys) over an area of approximately 600 sqm - proposed for private open space.

Figure 15 in the revised planning proposal illustrates the proposed height changes to the Building Heights Map. However, there is inconsistency with the descriptions at Table 2 (p.14) in the planning proposal. These heights in the Table 2 state:

- a 23.1 metres height over the area proposing 22 metres,
- a 18.4 metres height over the area proposing 15 metres,
- a 19.25 metres height over three sites proposing 15 metres.

Therefore, it is not clear what the proposed heights are being sought across the B6 zone. Regardless, the building heights that the applicant is seeking are higher than the standard height currently applying to the B6 zone (at the Princes Highway Corridor) which is 14.5 metres.

Land Proposed to be rezoned to R4 High Density zone

- 38 metres in the north-western corner,
- 34 metres immediately south west of the 38 metre height,
- 28 metres in the northern part of the site,
- 24 metres immediately south west of the 34 metre height,
- 15 metres fronting a portion of Production Avenue,
- 8.5 metres fronting the remaining portion of Production Avenue and the southern boundary of the site proposed to be zoned R4.

An extract from the revised planning proposal (Figure C below) shows the proposed building heights across the site.

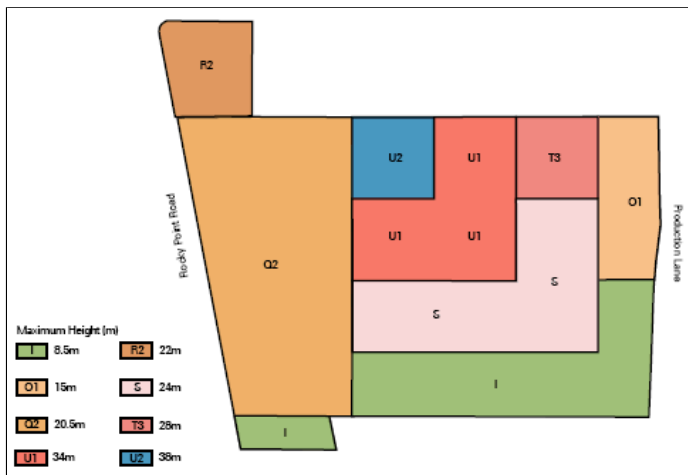


Figure C - Proposed height changes to RLEP 2011 (revised planning proposal)

As stated, these heights vary from the heights proposed in the planning proposal submitted to Council on 30 August 2013, which is provided in Figure D, below.

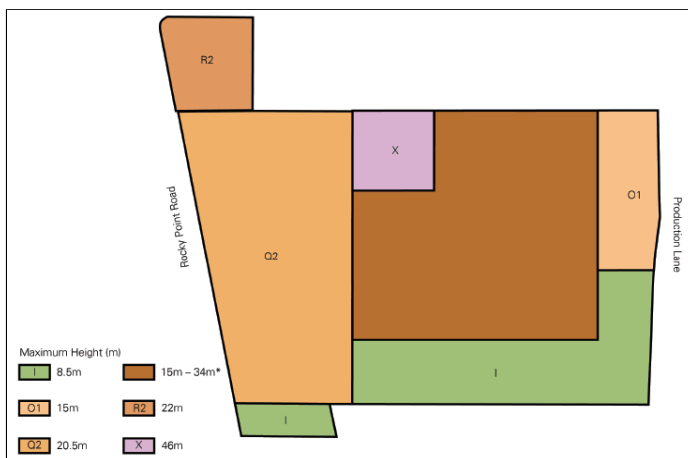


Figure D - Proposed height changes to RLEP 2011 (August planning proposal)

The differences in height between the two proposals are:

- the maximum height over the proposed R4 High Density zone land has been reduced from 46 metres to 38 metres.
- the largest portion that was proposing heights between 15 and 34 metres is now proposing heights between 24 and 34 metres.

Despite these changes, the applicant's Urban Design Statement and supporting elevation drawings (refer to Attachment 2A to this report) have not been amended to reflect these changes. It means the urban design material submitted to the DP&I is identical to the material submitted earlier to Council on 30 August 2013. The accuracy of the plan drawings and elevations over the portion of the site that was coloured purple and dark brown (in the August proposal - as per figure immediately above) is in doubt.

Should the planning proposal progress through gateway determination to public exhibition, all urban design work (including drawings) would need to be revised and updated in accordance with the recommendations within this report.

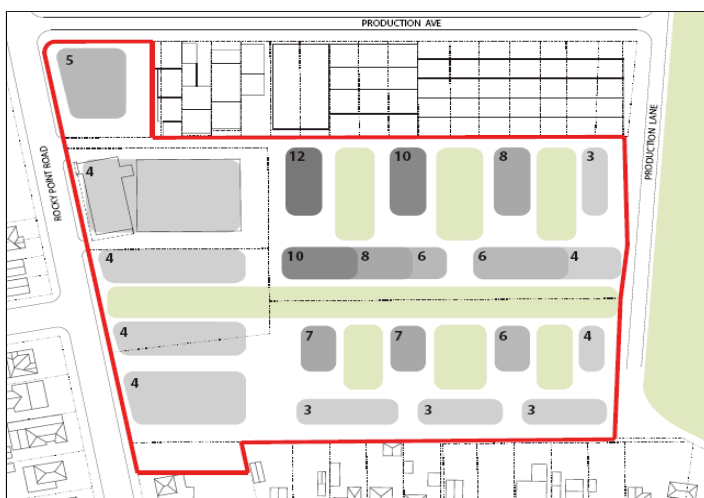


Figure E - Proposed number of storeys

Furthermore, Drawings 7 and 9 in Appendix B within the planning proposal, show heights stepping down (refer to Figure E above).

The predominant range of building heights proposed - from 38 metres, 34 metres, 28 metres, 24 metres, and 15 metres - are significantly higher than the

standard height in Council's out-of-centre areas zoned R4 High Density, which is 14.5 metres.

The height map also includes a notation "Final heights to be determined". However, an applicant must be clear on the proposed heights before lodgement of the planning proposal to Council for consideration.

Floor Space Ratio:

The proposed building heights are discussed below in relation to each proposed zone.

- FSR of 1.8:1 over the land proposed to be zoned B6 Business Enterprise.
- FSR of 2:1 over the land proposed to be zoned R4 High Density.

The figure below (Figure F) is an extract from the revised planning proposal (Figure 13) showing the proposed FSRs across the site.

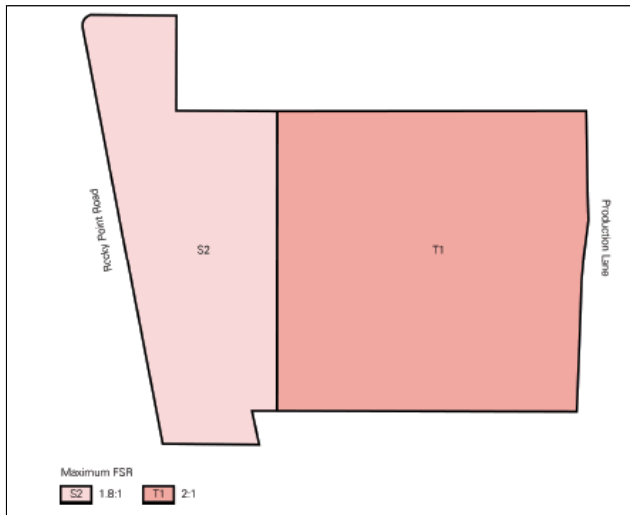


Figure F - Proposed floor space ratios controls for RLEP 2011

Land proposed to be rezoned to B6 Enterprise Corridor

The proposed FSR of 1.8:1 is higher than that of the standard FSR for the B6 zone which is 1.5:1. The applicant's proposal does not justify the need for the increase. Refer to the detailed assessment of the proposed FSR in the section entitled "Assessment of the Proposal".

Land proposed to be rezoned to R4 High Density

The proposed 2:1 FSR over land proposed to be zoned R4 is not illustrated in the applicant's Urban Design Statement (refer to Attachment 2A to this report) nor is it justified in the applicant's supporting elevation drawings (refer to Attachment 2B). The Urban Design analysis which support the planning proposal only tests a FSR of 1.83:1. This is evidenced by Drawing No. 8 Indicative Ground Plan (see Figure G below) the and confirmed by the applicant's architect. However, a 2:1 FSR is being sought by the applicant.

SITE AREA:	33,488 m ²
EXISTING	
NON RESIDENTIAL:	3,750 m ²
PROPOSED	
NON RESIDENTIAL:	17,365 m ²
RESIDENTIAL:	40,005 m ²
TOTAL:	61,120 m ²
FSR:	1.83 :1 m ²

Figure G - Calculations of current development proposal over the land proposed to be zoned R4 High Density

The documentation and urban design analysis submitted with the planning proposal illustrates a residential development scheme that achieves a FSR of 1.83:1. There is no explanation in the planning proposal of the rationale for a 2:1 FSR. It is noted, however, that the FSR in the nearby Ramsgate Small Village is 2:1 and this has been mentioned as the basis for the planning proposal.

It needs to be appreciated that the distribution of gross floor area (the basis for FSR controls) is markedly different in commercial and even mixed commercial development than compared to straight residential development. Typically, the majority of the ground floor plane of mixed commercial development counts towards the allowable gross floor area and almost the first 1:1 of the permitted FSR is consumed by the ground floor. The result is a more squat form of development that is appropriate in a village context. In a residential context, the same FSR would require much taller buildings in order to be accommodated.



Figure H - Concept diagrams provided by the applicant in October 2013



Figure I - Concept diagrams provided by the applicant in October 2013

The proposed FSR of 2:1 is double the standard height in Council's out-of-centre areas zoned R4 High Density (which is 1:1). Refer to the detailed assessment of the proposed FSR in the section entitled "Assessment of the Proposal".

Minimum Lot Size Map

The planning proposal proposes to amend the minimum lot size map to remove the minimum lot size for subdivision. This is consistent with Council's policy elsewhere in the B6 Business Enterprise and R4 High Density zones.

Proposed development concept

The planning proposal seeks amendments to *RLEP 2011* to enable a combined commercial and high and medium density residential development scheme, as detailed below.

Commercial component:

The commercial component (over the land proposed to be zoned B6 Enterprise Corridor) comprises one 5 storey and three 4 storey commercial buildings. The current design concept equates to an increase from 3,750 sqm of non-residential gross floor area (GFA) to 17,365 sqm of non-residential GFA.

Residential component:

The residential component (over the land proposed to be zoned R4 High Density Residential) comprises a number of residential blocks:

- six towers of 12, 10, 8, 7 (x 2) and 6 storeys,
- 2 wider tower blocks (ranging from 10 storeys, stepping down to as low as 4 storeys),
- 5 townhouses blocks.

The planning proposal quotes varying figures with regard to the total number of dwellings that will be yielded by the design concept. For instance, page 9 of the planning proposal provides a dwelling range of 350 - 450 dwellings whilst page 15 provides two figures: one at 422 dwellings and one which is calculated at 445 dwellings. However, as the planning proposal progresses, the number and types of dwellings will be further refined as part of the preparation process for the site-specific DCP.

It should also be noted that the dwelling estimates are calculated under the 1.83:1 FSR rather than the proposed 2:1 FSR. This additional FSR of 0.17:1 equates to 3,492 sqm for floor area. This can be subsequently calculated to 27 additional generous sized units (based on 100 sqm units with 0.8 for circulation).

Private Open Space

The proposal includes areas of private open space at No. 206 Rocky Point Road (600 sqm) and in six (6) other small areas throughout the development site. These areas are not sought to be zoned RE1 Public Open Space as they are likely to be part of a comprehensive community title or strata title subdivision scheme.

SUPPORTING DOCUMENTATION AND ANALYSIS

The planning proposal is supported by eight (8) appendices that would be available for public scrutiny and comment during public exhibition.

Appendix A - Site Survey

This is sufficient for the purposes of the planning proposal.

Appendix B - Proposed LEP Maps

Appendix B comprises the proposed Zoning, Height and Floor Space Ratio maps but it is unclear why the Minimum Lot Size Map has been excluded. Regardless, these maps are not required as an appendix to the planning proposal and are inconsistent with the DP&I's guidelines. Prior to the exhibition of the planning proposal, Appendix B will need to be removed from the planning proposal, and all appendices subsequently be re-alphabetised along with corresponding references in the planning proposal.

Appendix C - Urban Design Report and Indicative Masterplan

Appendix C comprises an Urban Design Statement (Attachment 2A) and 18 supporting drawings including plans, elevations and artist's impressions (Attachment 2B). However, the Urban Design Statement does not justify or explain the rationale for the urban design outcome.

The design work should establish clear urban design principles from which a proposed design emerges. Design principles would help inform the urban form (eg, the proportion of buildings to open space, building envelope, building densities (ie. heights and FSRs), building articulation, sustainable design, etc). It would also include principles around the relationship with the R2 zoned land to the south, and the IN2 zoned land to the north, open space land to the east, etc. However, the Urban Design Statement describes the proposal, but gives little insight into the rationale for the current schemes affecting both zones.

Also, as discussed in the 'Proposed Policy Changes' section of this report, the Urban Design Statement and Indicative Masterplan drawings do not reflect the 2:1 FSR.

Appendix D - Land Economics and Demographic Assessment

Appendix D comprises a Land Economics and Demographic Assessment which argues that most of the residential unit development - which is a substantial proportion of the proposal - will be targeted at first home buyers. However, since August last year, market trends have been increasingly squeezing out the first home buyer market. In the last quarter, the monthly trends have shown a steady decrease in the proportion of first home buyers in the Sydney market as this is being reiterated in weekly investment and real estate reports in Sydney and National newspapers. Should the market continue this way, the rezoning proposal will most likely be delivering housing stock to a strong investment market.

Appendix E - Industrial Options Study

This appendix provides a detailed economic analysis that demonstrates that redeveloping the purpose-built factory under the current industrial zoning is not economically feasible.

Appendix F - Assessment of Traffic and Transport Implications

This appendix comprises a traffic report which includes traffic count forecasts and partial SIDRA analysis. It identifies that "the access intersection [the proposed new local road into the development site] will be entirely unsatisfactory [sic] without the provision of traffic signals" (p.14).

However, the traffic report does embellish the frequency and quality of the existing bus service (Route 476/477). In reality, the site is not located near a transport node, nor does the site enjoy quality public transport system as at least two modes of transport are required for travellers between the site and larger, regional centres (Sydney CBD, Sydney Airport, Parramatta, north shore, western and south western Sydney, etc).

Appendix G - Phase 1 Contamination Study

This appendix comprises a Phase 1 Contamination Report which assesses the potential for contamination of the site from current and historical uses from a desktop. It recognises the need for a "targeted soil and groundwater assessment be made regarding the presence and extent of actual subsurface contamination".

The report says the potential presence of subsurface contamination "is unlikely to affect the suitability of the site for use in its current configuration", that is, its industrial use. It identifies numerous contaminants in the soil from historic uses and states there is "insufficient information currently available to assess the suitability of the site for the proposed rezoning" (p.17).

Section 6 of State Environmental Planning Policy 55 - Remediation of Land requires contamination and remediation to be considered in rezoning proposals and specifically whether the land is contaminated and whether the land is suitable in its contaminated state (or will be suitable after remediation) for all the purposes for which land in the proposed zone can be used. In this respect, a more detailed contamination report is required.

Appendix H - Flood Advice

Appendix H comprises a flood advice letter from Council for the property at 160 Rocky Point Road. This property is the only parcel of the six parcels is affected by the flood planning area in the *RLEP 2011* Flood Planning Map. The Flood Advice letter provides flood levels, flood risk exposure and overland flows and is sufficient for the purpose of the planning proposal.

ASSESSMENT OF THE REVISED PLANNING PROPOSAL

A preliminary assessment of the planning proposal was reported to Council on 20 November 2013 (Item ORD13 - refer to attachment 3) covered the following issues:

- Precedent of rezoning industrial land
- Housing and job targets under the Metropolitan Strategy (7,000 homes, 13,000 jobs)
- Housing choice
- Local Context
- Floor Space Ratio, Building Height and Design Excellence
- Public Benefit

Additional planning analysis is provided in the section below.

Land use analysis

Land proposed to be zoned B6 Enterprise Corridor

The Darrell Lea site is a purpose built confectionary factory which sets it apart from the neighbouring industrial land and also limits its likely future uses. Unless it was used by another food manufacturer, which is unlikely, the site would need to be redeveloped for it to be used for an economic purpose permitted by the zone.

The applicant has demonstrated, with supporting evidence, that redevelopment of the site is not viable given the cost of redevelopment and the rents that are achieved for light industrial premises in the region. Given these circumstances, it is apparent that the current Light Industrial Zone will no longer promote the orderly and economic use and development of land and is therefore inconsistent with the objectives of the *Environmental Planning & Assessment Act 1979*.

To retain employment on the site the owner proposes to zone 0.84 ha (8,400 sqm) of land along the Rocky Point Road frontage B6 Enterprise Corridor. The B6 Zone permits a variety of uses but most notably bulky goods retail and business and office premises. It has been assumed that the B6 Zone would be viable in this location given it permits a variety of modern employment uses that are more suited to the demographic characteristics of the region. However, the proposed 22 and 15 metre building heights and proposed 1.8:1 FSR are inconsistent with the *Rockdale LEP 2011* density controls for the B6 Enterprise Corridor zone. The revised planning proposal does not include any economic justification or planning argument for increasing the density controls from the standard B6 zone controls.

It is recommended that for the land proposed to be zoned B6 Business Enterprise, that the FSR be reduced to 1.5:1 (and that this be reflected in the proposed Floor Space Ratio Map) and height reduced to 14.5m (4 storeys) to ensure consistency with current policy. The portion of land with a proposed height of 8.5 metres can remain unchanged. Therefore, the planning proposal should be amended accordingly (refer also to Figure L - Proposed building heights in the urban design analysis section, below).

Land proposed to be zoned R4 High Density Residential

The proposed high density residential land enjoys good access to local facilities and services including Scarborough Park and Ramsgate Small Village centre and dwellings above 3 storeys high would enjoy sweeping views of Botany Bay and the bayside suburbs. The site is capable of accommodating high density residential development without unreasonably impacting on the neighbouring low density residential neighbourhood, specifically the residential properties at Margate Street.

The draft Sydney Metropolitan Strategy forecasts that 273,000 additional homes will be required in the Sydney Region by 2021 and 545,000 by 2031. As a matter of policy the draft Strategy requires that new housing is encouraged in areas close to existing and planned infrastructure. Similarly, Rockdale City Council's approach to planning for high density residential development has been to locate it near transport nodes and major centres.

Being located more than 800 metres from the nearest transport node (the site is 1.6 km from the Carlton Station) and 1.9km from the nearest major centre (being Kogarah Town Centre), there is no strategic imperative to maximise residential density on the site. The objective therefore is to ensure the heights and densities proposed are sufficient to ensure the orderly and economic use and development of the land, while also ensuring new development does not unreasonably impact on the amenity of the surrounding locality and the Margate Street properties in particular.

Given the unique size and shape of the land, the proposed R4 High Density Residential zone is supported. However, the proposed height and density (FSR) controls should be reduced as explained below.

Height and Density

The applicant has sought to minimise the impact on surrounding residential properties by proposing a 6 metre landscaped buffer and a low density residential height limit of 8.5 metres along the southern (Margate Street) boundary. The proposed height limits then increases in 3 storey 'layers' (24m, 34m and 38m) travelling north. The height limits are also reduced toward Scarborough Park to the East. Refer to Figure J, below.

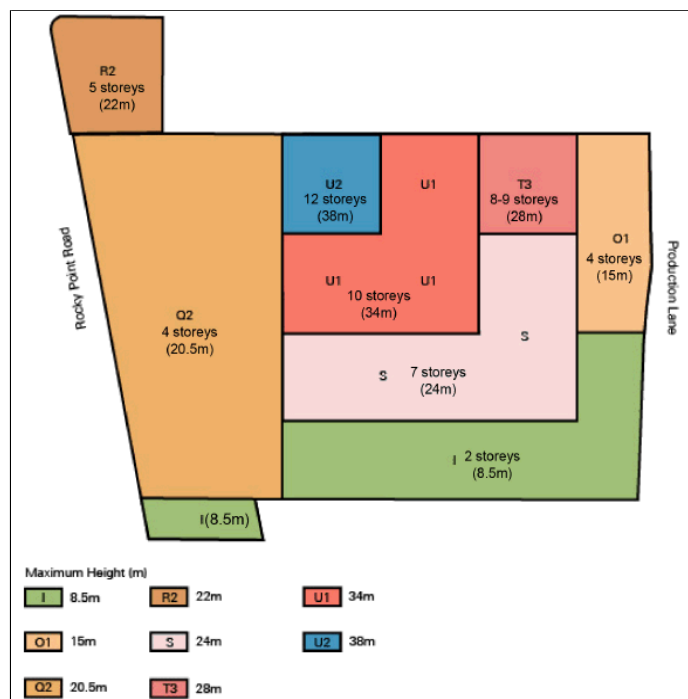


Figure J - The applicant's proposed heights incorporating the number of storeys consistent with Rockdale DCP 2011

The applicant's aim is to enable the low density development to screen the higher density development until the distance from the southern (Margate Street) boundary is sufficient for the high rise development to have limited or no impact. When preparing the scheme the applicant has made note of the blank wall of the existing factory building although it is also worth noting that the existing factory building only extends two thirds of the way down the site and does not contain either windows or balconies.

The height limits proposed by the applicant do not achieve this aim as illustrated by the (black) sight line in Figure K. The resulting development would be overbearing and would impact on the privacy of the neighbouring low density residential properties. Instead, it is recommended that the height limits be reduced as indicated by the (red) sight line in Figure K.

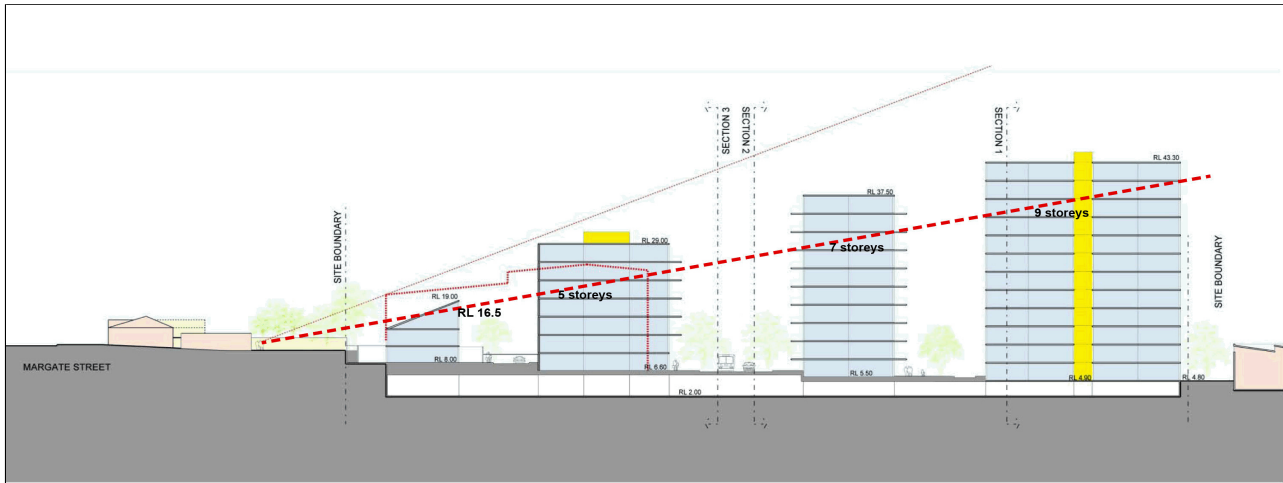


Figure K - Elevations showing sight lines

As a result of this analysis, it is recommended that the proposed Building Height Map be amended to reflect the height limits illustrated in Figure L, below.

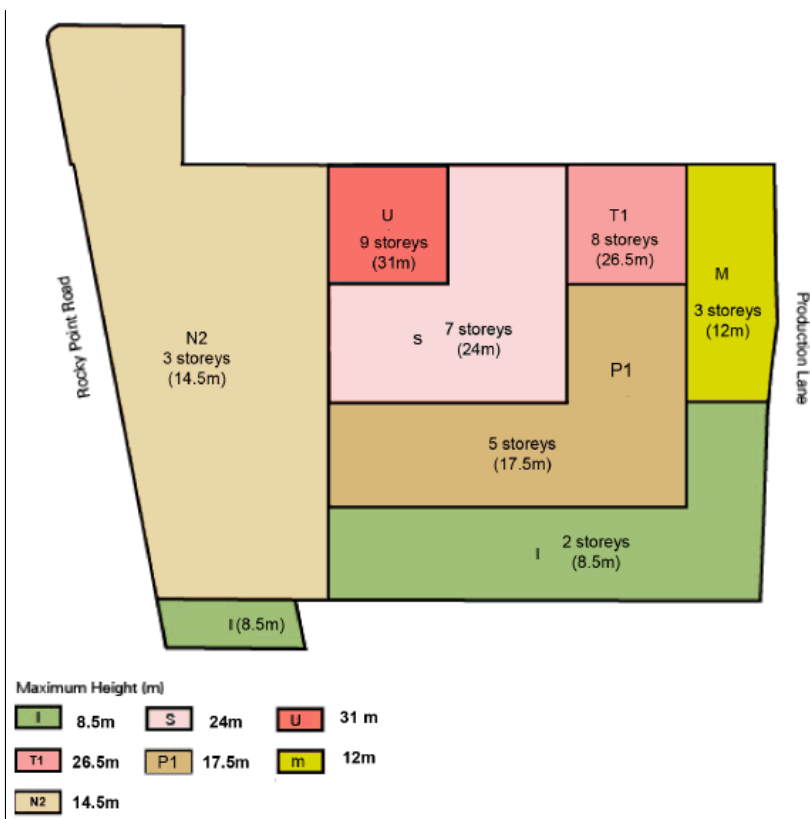


Figure L - Recommended Building Heights Map

The appropriate FSR is then a function of the area of each height limit, the maximum building footprints permitted by the Rockdale DCP 2011 (35%), and an allowance to ensure the resulting building envelopes are at least 20-25% greater than the achievable floor area to allow for building articulation (as recommended by the Residential Flat Design Code that accompanies SEPP 65 – Design Quality of Residential Flat Buildings). On this basis the recommended overall FSR is 1.4:1 which would yield approximately 350 dwellings.

It is further recommended that the base FSR be 1:1, with the additional 0.4:1 only available if the development application exhibits design excellence, including excellence in sustainability achieved via a design competition. Irrespective of whether there is a design competition, a mandatory Stage 1 Development Application is recommended for the entire residential component of the site. A Stage 1 DA would determine the building envelopes and distribution of building mass across the site, the traffic and access arrangements and the arrangement of communal open and ensure the site is master-planned as a whole, rather than being subdivided into smaller parcels and developed in a piecemeal fashion.

Community Consultation

Section 9.0 entitled 'Community Consultation' of the planning proposal needs to be amended to include details of the community consultation that will undertaken should the Proposal proceed beyond the Gateway. It is recommended that there be a 4 week public exhibition period and that certified photo montage images be prepared by the applicant (in accordance with the specifications issued by the Land & Environment Court) that illustrate the wider visual impact of the Proposal. In this respect it is noted that even the revised heights will be prominent in the landscape and it is important that the public is given the opportunity to make informed comment on its impact.

Project Timeline

A Project Timeline will be required to satisfy the Department of Planning & Infrastructure.

Public Benefit

The proposal will benefit the wider public interest by preserving employment opportunities on the land and increasing housing diversity to meet local and metropolitan demand.

Additionally, however, it is recommended that a Planning Agreement be negotiated with the applicant to secure off-site planning benefits for the wider community so that it delivers a net community benefit. It is suggested that the Planning Agreement provide for a contribution by the landowner to an internally restricted reserve that will be held by Council for the purpose of protecting and enhancing the natural environment in the Rockdale Local Government Area. The principal in the reserve would be preserved with the interest earned on the reserve used for works identified in Rockdale's City Plan.

The draft Planning Agreement, including the quantum of the contribution, would be referred to Council for approval before it was placed on exhibition.

Precedent

Even though there are unique circumstances that apply to the Darrell Lea site, it will create pressure to convert other nearby industrial land for residential purposes. The greater the windfall gain on the Darrell Lea site, the greater that pressure will be. Other industrial lands will need to overcome the same planning hurdles as the Darrell Lea site - in particular the Minister's Planning Direction regarding the preservation of industrial land should they also pursue rezoning. At present the neighbouring industrial land is serving a useful economic purpose as demonstrated by the low vacancy rates and economic rents.

WHERE TO FROM HERE?

The revised planning proposal submitted by the applicant to the DP&I for a Pre-Gateway determination will see the planning proposal reviewed by the Joint Regional Planning Panel (JRPP). The planning proposal will not be returned to Council for a decision prior to the JRPP review and Gateway determination.

Regardless, Council's resolution on this report will form Council's formal position on the planning proposal. As the Pre-Gateway Review process progresses, Council will be given an opportunity to provide its position on the proposal prior to the JRPP making its recommendation and the Minister issuing a gateway determination.

The Council should, however, argue for control of this site to be returned to the local community.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

Should the planning proposal progress through the Gateway, the DP&I's gateway determination will articulate the timeframe for the exhibition period. Exhibition of the planning proposal will be undertaken in accordance with Council's procedures.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	1

Additional Comments:



[Attachment 1 December Planning Proposal.pdf](#)



[Attachment 2A - Design Statement.pdf](#)



[Attachment 2B - Indicative Drawings.pdf](#)



[Attachment 3 -20-11-13 Council Business Paper.pdf](#)



[- Attachment 4 - Detailed list of amendments.pdf](#)

A# General Manager

26 June 2014

Our Ref: F13/274 14/91694
Contact: Stephen Kerr - 9562 1737



Mr John Roseth
Chairman
Sydney East Joint Regional Planning Panel
c/o Regional Panels Secretariat
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mr Roseth

2014SYE041 - 152-206 Rocky Point Road Kogarah - Comment on Proponent's Submission

Thank you for the opportunity to comment on the proponent's supplementary submission to the Regional Panel dated 26 May 2014.

Following the Regional Panel's decision to defer the Planning Proposal Rockdale Council engaged GM Urban Design to provide independent urban design advice to help inform future decisions on the Planning Proposal.

A copy of that report is attached for the information of the Regional Panel.

With respect to the key questions put forward by the Regional Panel, and matters that have arisen from the urban design report and the proponent's supplementary submission, we offer the following.

Can the proponent's desired FSR be achieved within a reasonable building envelope?

The modelling undertaken on behalf of Rockdale City Council by GM Urban Design demonstrates that the proponents desired FSR is not capable of being achieved within a reasonable building envelope.

For the residential scheme, the indicative building envelope put forward by the proponent has significant urban design shortcomings including seriously deficient deep soil zones, poor internal access, inadequate street widths, overshadowing, inadequate building separation and inadequate landscape buffers (see page 3 of the report by GM Urban Design).

Furthermore, when the resulting FSR of the residential scheme was modelled by GM Urban Design it was found that the actual FSR it represented was 1.6:1 and not the 1.82:1 FSR claimed by the proponent.

2 Bryant Street Rockdale NSW 2216 Australia
PO Box 21 Rockdale NSW 2216 Australia
Tel 02 9562 1666 Fax 02 9562 1777 Email rcc@rockdale.nsw.gov.au
DX 25308 Rockdale www.rockdale.nsw.gov.au
ABN 66 139 730 052

In relation to the desired FSR of 2:1, GM Urban Design concluded that:

"the site is not capable of supporting the extent of additional development, and it would become overdeveloped as per the applicant's proposed FSR, compromising urban design outcomes and resulting in:

- *internal overshadowing onto communal courtyard spaces and properties in the lower levels of buildings during winter;*
- *overshadowing onto the low density dwellings on Margate Street to the south;*
- *additional visual impacts when viewed from the Margate Street properties;*
- *overlooking issues onto the Margate Street properties;*
- *disproportionate width/height scale for the local streetscape."*

In the case of the commercial scheme, GM Urban Design calculates that the proposed building heights would produce an FSR of 1.4:1 compared to the applicants desired FSR of 1.8:1.

What FSR could be achieved if the development was consistent with the Residential Flat Design Code?

GM Urban Design have prepared an alternate indicative master plan that is consistent with the Residential Flat Design Code and provides a transition of building heights and forms towards existing low-scale dwellings to the south.

The alternate master plan achieves a FSR, in the residential component, of 1:1.

Should the area of the proposed B6 zone be reduced to enable a residential address on Rocky Point Road?

The alternate master plan prepared by GM Urban Design has moved the location of the entrance road south to enable the provision of a residential street presence on Rocky Point Road. At this stage traffic advice has not been obtained to confirm whether the new intersection location would be appropriate given it is now offset from the Weeney Street intersection. The question that arises, however, is whether it would be appropriate to reduce the area of the proposed B6 zone to enable a residential street presence on Rocky Point Road.

Rockdale Council accepts that the current zoning of the land for industrial purposes is no longer appropriate given demographic and economic changes that have reduced manufacturing activity in Sydney's south and the particular characteristics and unique circumstances of this site.

While the applicant has sought to maintain equivalent employment numbers on the site through the inclusion of the B6 Zone, there is no evidence upon which to assess the viability of this zone and the likelihood that it would maintain existing employment numbers.

As such, a reduction in the area proposed to be zoned B6 to enable a residential presence on Rocky Point Road would be considered favourably by Council.

Proposed Community Benefits

We note that the proponent has now made a voluntary planning agreement (VPA) offer. This is accompanied by a schedule of public and community benefits that includes ordinary development costs including development infrastructure and Section 94 contributions

The VPA offer varies from nothing to \$7.18 million (proponent's estimate) depending on the dwelling yield of each of the 4 options that have been put to the Regional Panel.

Curiously, the marginal VPA offer per dwelling of the 3 options above the proponent's base case, at which there is no VPA offer, is \$31,818 for Option 1(b), \$80,980 for Option 2(a) and \$31,132 for Option 2(b). The logic of this is not apparent to us.

Council does not accept all of the proposed VPA benefits as bona fide, for example, the 'public park and playground on N/E corner' is in fact communal open space required for the development and the cost of design competitions is a development cost. In any event, Council has not proposed design competitions for buildings exceeding 8 storeys in height.

In summary, we note that the proponent makes no VPA offer for what they regard to be the base case (Option 1(a)) and what Council regards to be an appropriate development outcome in this location.

We further note that a planning agreement must be a voluntary agreement. Should, however, circumstances change and a genuine offer is put forward in the future, Council reserves the right to agree to the items comprising the quantum to ensure they align with the elected Council's own views of community priorities as set out in its Community Strategic Plan, Delivery Program and supporting strategies.

Conclusion

The analysis by GM Urban Design highlights the risk of establishing a FSR for the site that is not achievable except by compromising the amenity of future residents of the site and existing neighbouring properties. This would manifest itself in inadequate building separation, insufficient deep soil zones, poor landscape character, excessive overlooking and excessive overshadowing.

The applicant has approached the planning proposal by determining a desired FSR and then attempted to justify it by way of an indicative masterplan. It is telling that the indicative masterplan is unable to achieve the FSR sought by the proponent. By the proponent's own calculations the indicative master plan falls short by about 10%. The independent review undertaken by GM Urban Design calculates the shortfall at 20%.

We would urge the JRPP to refuse the pre-gateway review and in so doing note Rockdale City Council's standing resolution of 19 February 2014 to support the planning proposal with the following amendments made prior to exhibition:

A. For the land proposed to be zoned B6 Enterprise Corridor:

- i. that the height be reduced to 14.5 metres (4 storeys); and
- ii. the FSR be reduced to 1.5:1.

B. For the land proposed to be zoned R4 High Density:

- i. That the building heights be reduced as follows:
 - the 38 metre height be reduced to 31 metres;
 - the 34 metre height be reduced to 24 metres;
 - the 28 metre height be reduced to 26.5 metres;
 - the 24 metre height be reduced to 17.5 metres; and
 - the 15 metre height be reduced to 12 metres;
- ii. as per Figure J in the Council report.
- iii. the instrument contain provisions that mandate a Stage 1 Development Application for the entire residential site. The Stage 1 Development Application is to establish, as a minimum, building envelopes, traffic and access arrangements, and the arrangement of communal open space.
- iv. the base FSR be set at 1:1 with an additional FSR of 0.4:1 permitted if the Stage 1 Development Application is the product of a Design Competition.

In view of the analysis prepared by GM Urban Design, we would recommend that the proponent also be required to prepare, for public exhibition, a 3D model and calculations that demonstrate how an FSR of 1.4:1 can be achieved while ensuring:

- The objectives and rules of thumb of the Residential Flat Design Code are achieved;
- There is no overshadowing or overlooking of properties in Margate Street;
- There is an adequate and substantial buffer to the industrial properties to the north;
- The local road network creates opportunities to extend linkages to the adjoining industrial sites in the future; and
- The provision of a collection of communal open spaces that provide; recreational opportunities for future residents, relief from long and repetitive building forms, a flexible and centrally located gathering place for the neighbourhood and termination points for viewing corridors.

Please do not hesitate to call with any questions.

Yours sincerely



Stephen Kerr
Director City Planning and Development



FSR testing & alternative master plan

For Rockdale City Council

03/06/2014

GMU

FORMER DARRELL LEA SITE 152-206 ROCKY POINT, KOGARAH

Prepared by : GMU URBAN DESIGN & ARCHITECTURE PTY LTD

Studio 703, Level 7
75 Miller Street
North Sydney NSW 2060

Email: gmurris@gmurris.com.au
Tel: (02) 8920 8388
Fax: (02) 8920 9333

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1.0 INTRODUCTION

GMU has been engaged by Rockdale City Council to test and critically review the Planning Proposal received by Council for the redevelopment of the former Darrell Lea site at 152-206 Rocky Point Road, Kogarah. The purpose of this report is to carry out preliminary testing to determine the appropriate FSR for the site as well as to provide an alternative option of the master plan with improved design outcomes that would comply with the relevant planning controls, Residential Flat Design Code (RFDC) and recommended heights provided by Council.

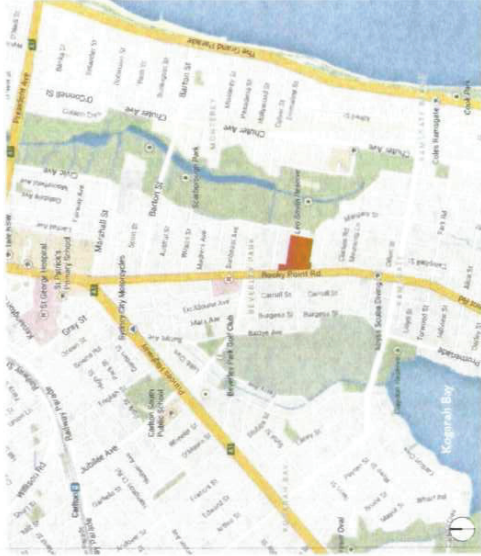
GMU has applied the following methodology in conducting the testing of the site: our initial site visit and review of the existing strategic and planning controls informed the critical review of the proposed development. The two development scenarios, one proposed by the applicant and another recommended by Council, were tested and the findings are summarised in the following pages in this report; our indicative master plan provides a third scenario based on improved spatial arrangements to present an alternative solution, in order to assist Council with the review of the revised Planning Proposal prior to the determination by the Joint Regional Planning Panel (JRP).

Site Description

152-206 Rocky Point Road was formerly the Darrell Lea Chocolate Factory. The site is currently owned by Land and Portfollio Pty Ltd and a company held by the Lea family. It is bounded by predominantly single-storey residential houses to the south, Leo Smith Reserve to the east, industrial warehouse development to the north and Rocky Point Road on the western boundary.

The site has an area of approximately 3.35ha and the surrounding land uses are as follows:

- to the north: light industrial and commercial;
- to the east: Leo Smith Reserve, comprising large sports and recreation playing fields;
- to the south: low-density detached dwellings along Margate Street and Clarkes Road;
- to the west: two four-storey residential flat buildings on the opposite side of Rocky Point Road, detached dwellings along Carroll Street and Burgess Street; the Beverley Park Golf Club is located further to the west.



Location Plan - location of the subject site in Kogarah



Aerial photo of the site dated January 2014 (source: Rockdale City Council)

1.1 SITE ANALYSIS

Based on GMU's site visit and review of the existing context, GMU has formulated opportunities and constraints for the site, which have informed the preparation of the alternative master plan. We have summarised our analysis into the following categories:

Strengths:

- Proximity to large sports and recreational open space;
- Proximity to school and health facilities including Ramsgate Public School, Carlton South Public School, St Patrick's Primary School, Moorefield Girls High School and Blakehurst High School and St George Hospital;
- Proximity to bus routes 476 and 477 which connect to local centres including Rockdale, Kogarah, Ramsgate, San Souci and Miranda;
- A gently sloping topography across the site from southwest to northeast allowing for easy universal access.

Weaknesses:

- Location of the site is not within walkable distance to any railway station (2km from Kogarah Station and 1.8km from Carlton Station);
- Noise impacts from Rocky Point Road along the western boundary;
- Potential contamination issues to be addressed before becoming suitable for mixed use or residential development;
- Minor flooding at eastern end of the site;
- Poor landscape character;
- Lack of a sense of place.

Opportunities:

- To regenerate an unattractive industrial area to a pleasant mixed use neighbourhood;
- To provide new jobs and housing to accommodate future growth;
- To improve the site's interface with Rocky Point Road;
- To create 'green links' to the west to Leo Smith Reserve;
- To create expansive view to Leo Smith Reserve and Botany Bay;
- To set a precedent for future similar redevelopment of industrial land in the local area;

Constraints:

- The northern interface with the back of existing industrial warehouses causing adverse visual impacts on the new development;
- Existing low-density housing to the west and south requiring careful built form transition to minimise visual impacts and overshadowing;
- Existing Harvey Norman buildings to be retained;



Viewing from the southeastern corner of the site towards the back of the existing low-density dwellings on Margate Street.



Looking north from Margate Street to existing low-density dwellings.



Recently developed apartment buildings on the opposite side of Rocky Point Road.



Existing Harvey Norman Buildings on Rocky Point Road to be retained.

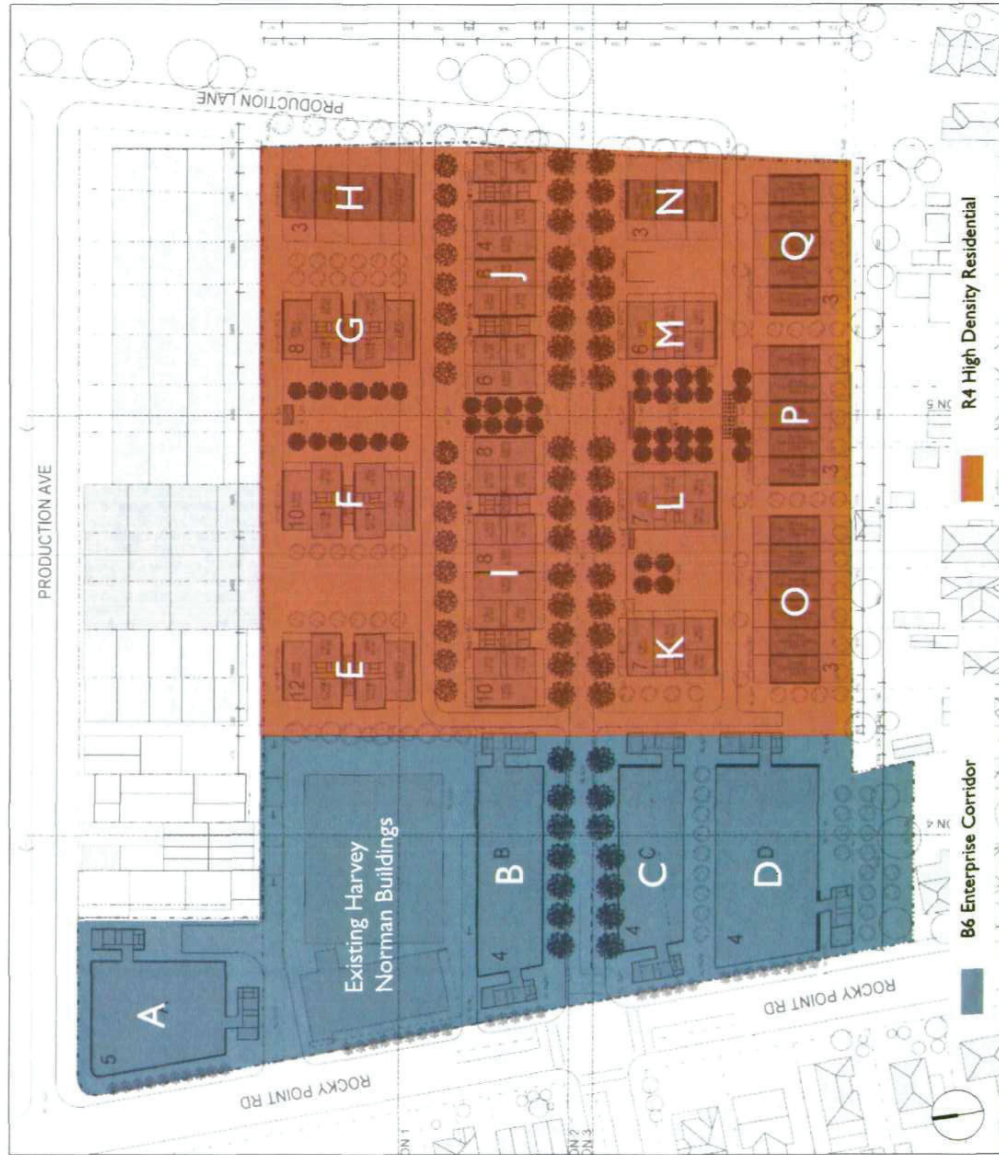


The northern edge of the development interfaces with existing industrial warehouses.



An existing tree at the corner of Weenee St and Rocky Point Road; an arborist report is recommended to decide value for retention.

1.2 URBAN DESIGN REVIEW



Key Plan - proposed zoning and buildings

Urban Design review on the proposed master plan layout:

After reviewing the overall configuration of the proposed master plan we have identified a number of concerns in relation to the building orientation and the character of the public space:

- Proposed development frontage with Rocky Point Road is completely dominated by 'big-box' commercial buildings, lacking an identity and sense of place for the new residential neighbourhood;
- Proposed Buildings B and C are not built to the western boundary and do not have active building frontages addressing Rocky Point Road;
- Buildings E, F, G and H immediately adjoin the existing industrial warehouses to the north, but no landscape buffer is provided on plan to mitigate the visual impacts and interface issues;
- Buildings E, F, G and H have turned the side onto the local street and have no frontage addressing the street space;
- There is no direct access provided from local streets into Buildings E, F, G, K, L and M do not have;
- Internal streets lack continuous building frontages to define the edges;
- Proposed building heights create long shadows that cause extensive overshadowing;
- Proposed street network has excessive streets both in front and at the back of Buildings I, J, K, L, M and N;
- The internal streets proposed have not allowed for any on-street parking;
- The proposed widths of some internal street are too narrow and inadequate for proper vehicular movement; some streets only contain one 3m wide travel lane;
- The proposal only provides approximately 2.4% deep soil zone in the entire site, which is well below the requirement as per the RDC; the RDC requires 25% of the proposed open space area or around 6-7% of the site area is to be a deep soil zone.

2.0 FSR CALCULATION - APPLICANT PROPOSED

The following tables and calculations illustrate the testing of FSR based on the applicant's proposed heights of buildings. The result of the testing is shown in the tables below:



Applicant's proposed building heights.

Assumptions:

- The size of building footprint is measured based on Drawings No. 8 and 9 in the Urban Design Report by Lippmann August 2013; an inaccuracy tolerance of 1% is allowed.
- The number of storeys are given on Drawing No. 9 in the Urban Design Report by Lippmann August 2013.
- Building area used for driveway, stairs, lifts and foyer etc is referred as 'area to be deducted' in the table.
- A 95% efficiency is assumed for buildings within the B6 zone, and 80% for those within the R4 zone.
- No. of units is calculated based on an average unit size of 90m².
- 'Actual FSR' refers to the FSR found by GMU's testing while 'proposed FSR' refers to the applicant's proposed FSR.

Ho zone (Enterprise Corridor) - Applicant's proposed scenario									
Building	A	Harvey Norman (eastern)	Harvey Norman (western)	B	C	D			
Footprint	870	566	1,444	735	626	1,219			
Height in storeys	5	4	1	4	4	4			
Area to be deducted				52					
GBA	4,350	2,264	1,444	2,888	2,504	4,876			
GFA (assume 95% efficiency)	4,133	2,151	1,372	2,744	2,379	4,632			
Total GFA			17,410						
Site Area			12,717						
FSR			1.4						

Notes:
Areas shown in tables are in m²;
GBA = gross building area;
GFA = gross floor area;
FSR = floor space ratio;

ME zone High Density Residential - Applicant's proposed scenario															
Building	E	F	G	H	I (western)	I (eastern)	J (western)	J (eastern)	K	L	M	N	O	P	Q
Footprint	520	520	520	381	492	492	492	492	386	309	309	213	501	418	418
Height in storeys	32	30	8	3	30	8	6	4	4	7	7	6	3	3	3
Area to be deducted									103						
GBA	6,240	5,200	4,160	1,143	4,920	3,833	2,952	1,449	2,163	2,163	1,854	639	1,503	1,254	1,254
GFA	4,992	4,160	3,328	914	3,936	3,066	2,362	1,198	1,730	1,730	1,483	511	1,202	1,003	1,003
No. of units	55	46	37	10	44	34	26	13	19	19	16	6	13	11	11
Total No. of units															362
Total GFA															32,882
Site Area															20,822
FSR															1.6

Findings:

Based on the above tables, we are able to identify that:

- the combined FSR across the site would be 1.5:1 based on the total GFA.
- the total actual non-residential floor space is 17,410m², largely consistent with the GFA (17,365m²) that is proposed in the Planning Proposal. While the actual FSR for the B6 zone being 1.4:1, the applicant is seeking a FSR of 1.8:1 in the Planning Proposal. The higher FSR will result in extra floor space of 5,087m², equivalent to two additional small warehouse buildings similar to Building C.
- the total actual residential floor space is 32,582m², resulting in 6,537m² less GFA than that (39,119m²) proposed in the Planning Proposal. The extra GFA in the proposal is equivalent to 72 additional apartment units.
- while the actual FSR for the R4 zone is 1.6:1, the applicant is seeking a FSR of 2.0:1 in the Planning Proposal. The higher FSR will result in an extra GFA of 8,313m², equivalent to two additional residential buildings similar to Building F, or 92 additional apartment units.

Conclusion:

Based on the findings discussed above, we can conclude that in the proposed scenario the site is not capable of supporting that extent of additional development, and it would become over-developed as per the applicant's proposed FSR, compromising urban design outcomes and resulting in:

- internal overshadowing onto communal courtyard spaces and properties in the lower levels of buildings during winter;
- overshadowing onto the low-density dwellings on Margate Street to the south;
- additional visual impacts when viewed from the Margate Street properties;
- overlooking issues onto the Margate Street properties;
- disproportionate width/height scale for the local streetscape.

2.1 FSR CALCULATION - COUNCIL RECOMMENDED

The following tables and calculations illustrate the testing of FSR based on Council's recommended heights of buildings; the result of the testing is shown in the tables below:



Council's recommended building heights.

B6 zone (Enterprise Corridor) - Council's recommended scenario						
Building	A	Harvey Norman (western)	Harvey Norman (eastern)	B	C	D
Footprint	870	566	1,444	735	626	1,219
Height in storeys	4	4	3	4	4	4
Area to be deducted				52		
GBA	3,480	2,264	1,444	2,888	2,504	4,876
GFA	3,306	2,151	1,372	2,744	2,379	4,632
Total GFA			16,583			
Site Area			12,717			
FSR			1.3			

Notes:

Areas shown in tables are in m²;
GBA = gross building area;
GFA = gross floor area;
FSR = floor space ratio;

R4 zone (High Density Residential) - Council's recommended scenario																
	Building	E	F	G	H	I (western)	I (eastern)	J (western)	J (eastern)	K	L	M	N	O	P	Q
	Footprint	520	520	520	381	492	492	492	388	309	309	309	213	501	418	418
	Height in storeys	9	7	8	3	7	7	7	5	3	5	5	2	2	2	2
	Area to be deducted						103	103								
	GBA	4,680	3,640	4,160	1,143	3,444	3,444	2,460	1,061	1,545	1,545	1,545	426	1,002	836	836
	GFA	3,744	2,912	3,328	914	2,755	2,673	1,988	849	1,236	1,236	1,236	341	802	669	669
	No. of units	42	32	37	10	31	30	22	9	14	14	14	4	9	7	7
	Total No. of units								281							
	Total GFA								25,331							
	Site Area								20,782							
	FSR								1.2							

Assumptions:

- The size of building footprint is measured based on Drawings No. 8 and 9 in the Urban Design Report by Lippmann August 2013; an inaccuracy tolerance of 1% is allowed.
- The number of storeys shown above are recommended building heights provided on page 3 in Council's Meeting Report dated 19/02/2014.
- Building area used for driveway, stairs, lifts and foyer etc is referred as 'area to be deducted' in the table.
- A 95% efficiency is assumed for buildings within the B6 zone, and 80% for those within the R4 zone.
- No. of units is calculated based on an average unit size of 90m².
- 'Actual FSR' refers to the FSR found by GMU's testing while 'proposed FSR' refers to the applicant's proposed FSR.

Findings:

Based on the above tables, we are able to identify that:

- the combined FSR across the site would be 1.25:1 based on the total GFA.
- the total non-residential floor space is 16,583m², providing 827m² less GFA than that is measured in the applicant's scheme, and dropping the FSR from 1.4:1 to 1.3:1. By lowering the height of Building A from 5 storeys to 4 storeys, this results in a 5% reduction in total GFA.
- the total residential floor space is 25,331m², resulting in 7,251m² less GFA than that is measured in the applicant's scheme. The recommended building heights result in a 22% reduction in total GFA, also dropping the proposed FSR from 1.6:1 to 1.2:1, equivalent to approximately 81 less apartment units in yield.

Conclusion:

The findings of GMU's analysis are based on a desktop analysis of Council's recommended scenario. It is GMU's opinion that the reduction in height will assist in mitigating some of the issues identified in the proposal. However, GMU strongly recommends that a 3D model be developed and used to accurately examine the implications of the building bulk/heights in terms of shadowing and solar access to assist with the development assessment.

3.2 ALTERNATIVE INDICATIVE MASTER PLAN

As requested by Council, GMU has prepared an alternative indicative master plan for the site with an approach that seeks the best urban design outcome for the future development. Based on the opportunities and constraints found on the site, we have created a set of principles to respond to the site's character. These are as follows:

Design principles:

a) to establish a sense of identity for the new neighbourhood by allowing the residential frontage facing Rocky Point Road; this will increase the area in the R4 zone and as a result reduce the area in the B6 zone.

b) to create a memorable place and a 'heart' for the neighbourhood by:

- providing centrally located public and semi-public spaces as gathering places for the future residents and workers;
- using perimeter blocks to create a form of medium-rise to higher-density development interspersed with enclosed courtyard spaces creating defined block edges.

c) to design in response to existing context/constraints of the site by:

- allowing for multi-storey residential development on Rocky Point Road to echo with similar development already existing on the opposite side of the road;
- providing a transition of building heights and forms towards existing low-scale dwellings to the south;
- providing a new local street with adequate tree planting for the interface between proposed commercial and residential buildings to soften the interface between uses;
- creating opportunities to extend linkages to the adjoining sites.

d) to create a connected and legible network for access and circulation by:

- providing a permeable street network for pedestrians/cyclists;
- reconfiguring the internal street layout to avoid having excessive streets both in front and at the back of buildings; this results in moving the site entry further south;
- establishing a hierarchy for streets, including:
 - Local Street Type A (17.0m) - 2 parking lanes and 2 travel lanes;
 - Local Street Type B (14.8m) - 2 parking lanes and 1 travel lane;
 - Local Street Type C (13.0m) - 1 parking lane and 1 travel lane.

e) to improve and enhance the landscape character of the site by:

- providing pocket parks at ends of local street where vistas terminate;
- utilising generous street tree planting to create a leafy, lush and pleasant streetscape;
- opening up vistas looking east to the adjoining Leo Smith Reserve;
- retaining existing vegetation where possible.

f) to promote environmental, social and economic sustainability by:

- positioning and orientating buildings to maximise solar access;
- retaining and increasing employment opportunities on-site;
- providing a mix of housing types;
- providing generous on-street parking to reduce the number of basement parking required; this can potentially reduce the size of basement car parks for larger deep soil zone on-site, as well as make the walking experience on street footpaths more protected and safe behind parked cars;
- providing a bio-retention basin at the eastern end where is the lowest point of the site to mitigate flooding and also to collect, retain and treat stormwater on-site.

3.2 ALTERNATIVE INDICATIVE MASTER PLAN



3.3 FSR CALCULATION - GMU'S ALTERNATIVE

The following tables and calculations illustrate the testing of FSR based on GMU's alternative master plan layout and heights of buildings: the result of the testing is shown in the tables below:



GMU's alternative building heights.



GMU's alternative zoning and buildings.

B6 zone (Enterprise Corridor) - GMU's alternative scenario				
Building	A	Harvey Norman (eastern)	Harvey Norman (western)	B
Footprint	870	566	1,444	2,099
Height in storeys	5	4	1	4
Area to be deducted				
GBA	4,350	2,264	1,444	8,396
GFA (assume 95% efficiency)	4,133	2,151	1,372	7,976
Total GFA				
Site Area		10,059		
FSR		1.6		

Notes:

Areas shown in tables are in m².
GBA = gross building area;
GFA = gross floor area;
FSR = floor space ratio;

R4 zone (High Density Residential) - GMU's alternative scenario																			
Building	A1	A2	A3	B1	B2	B3	C1	C2	C3	C4	C5	D1	D2	D3	D4	E1	E2	E3	E4
Footprint	540	231	231	432	179	179	358	165	165	165	524	287	187	132	187	504	418	202	444
Height in storeys	9	6	6	6	3.5	3.5	6	3	3	3	4	6	3	3	3	3	2.5	2.5	2.5
Area to be deducted																			
GBA	4,860	1,386	1,386	2,592	627	627	2,148	495	495	495	2,096	1,772	561	396	561	1,512	1,254	505	1,110
GFA	3,888	1,109	1,109	2,074	501	501	1,718	396	396	396	1,677	1,378	449	317	449	1,210	1,003	404	888
No. of units	43	12	12	23	6	6	39	4	4	4	19	15	5	4	5	13	11	4	10
Total No. of units																			
Total GFA																			
Site Area																			
FSR																			

Assumptions:

- The size of building footprint is measured based on GMU's alternative master plan shown on page 7.
- The number of storeys shown above are alternative building heights by GMU.
- Building area used for driveway, stairs, lifts and foyer etc is referred as 'area to be deducted' in the table.
- A 95% efficiency is assumed for buildings within the B6 zone, and 80% for those within the R4 zone.
- No. of units is calculated based on an average unit size of 90m².
- 50% floor space is assumed in attic space in the roof form; e.g building height of 3+ is interpreted as 3.5 storeys.

Findings:

Based on the above tables, we are able to identify that:

- the combined FSR across the site would be 1.2:1 based on the total GFA.
- the total non-residential floor space is 15,631m², providing 1,779m² less GFA than that is measured in the applicant's scheme, yet it still raises the FSR from 1.4:1 to 1.6:1 due to a reduced site area for the B6 zone.
- the total residential floor space is 23,862m², resulting in 8,720m² less GFA than that is found in the applicant's scheme. GMU's alternative indicative master plan drops the FSR from 1.6:1 to 1:1, equivalent to approximately 97 less apartment units in yield.

APPENDIX

GMU

APPENDIX A REVIEW OF APPLICANT'S RESPONSE TO JRPP

As requested by the Sydney East Joint Regional Planning Panel (JRPP), the applicant of the former Darrell Lea site at 152-206 Rocky Point Road, Kogarah had provided additional information to the JRPP to justify the proposed FSR. The panel had then sought response from Rockdale City Council on the applicant's submission. GMU has been engaged by Council to prepare a written commentary on the applicant's additional four master plan options submitted to the JRPP. The applicant's submission is as follows:

- "a) There is no justifiable reason to deny the applicant's request for approval of an FSR of 2:1 for the part of the site proposed to be zoned R4.
- b) The proposed R4 area be expanded to include the additional area included in Option 2(b);
- c) The part of the site proposed to be zoned B6 be granted an FSR of 1:8:1 as has been consistently proposed.
- d) The heights controls be as proposed in the height map at Figure 4.
- e) That the matter be submitted for gateway approval without further delay and that strict timelines be set for its future processing."

Considering that all four options of the applicant's revised master plan share a largely similar configuration, our review intends to provide an overview and general comments covering all options of the revised master plan with a focus on the character, built form, street network and open space. GMU understands that Option 2(b) is the applicant's preferred scenario for the Planning Proposal, therefore we have also provided more targeted comments specifically for Option 2(b) on the next page.

GMU's comments are based on a desktop analysis of the four options, namely Options 1(a), 1(b), 2(a) and 2(b) provided by the applicant dated 26 May 2014. The findings of our analysis are as follows:

Character:

- Residential Buildings A, B, C, H, I and J have been designed to turn their sides onto the street rather than allowing building entrances and balconies facing them; this orientation of buildings compromises the opportunities for passive surveillance on the streets;
- In Options 1(b) and 2(b), the approach of demolishing an existing warehouse adjacent and immediately east of the Harvey Norman Building and replacing it with a residential building that is tightly surrounded by industrial and 'big-box' commercial buildings creates unnecessary land use conflicts and negative visual impacts; it is also an isolated building hidden away from the rest of the neighbourhood with no frontage facing any street.
- The revised master plan does not provide sufficient landscape buffering to the adjacent industrial uses;
- The revised master plan suggests compliance with RFDC's minimum deep soil zone requirement; however, no evidence has been given to show how the layout of the basement car park can allow for the proposed amount of deep soil zone;
- There is a lack of landscape character with an absence of a comprehensive landscape strategy.

Built Form:

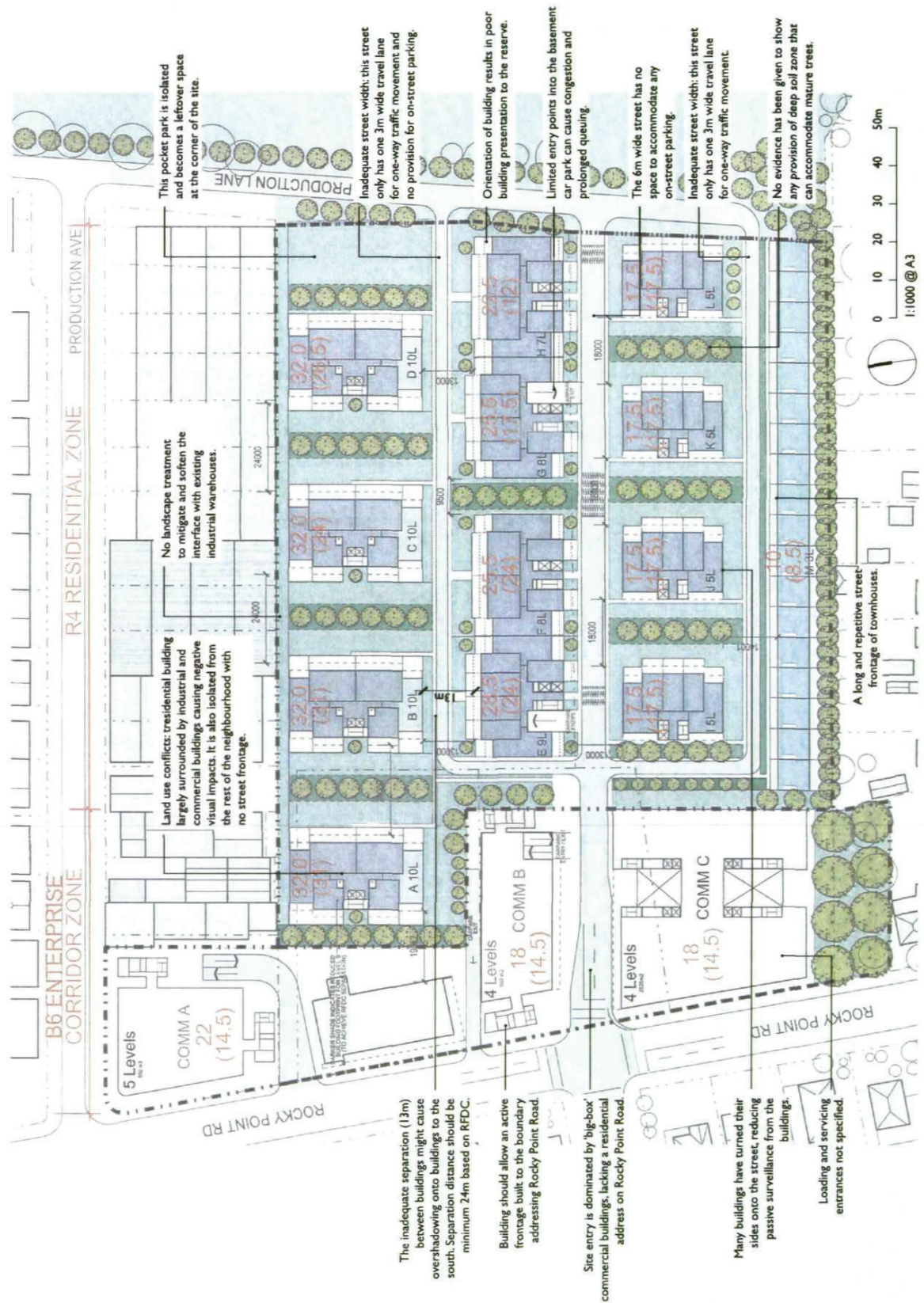
- In Option 2(b) Residential Buildings E, F, G and H might cause overshadowing to buildings located immediately to the south considering that only 13m building separation is given; this does not comply with the objectives and numerical controls recommended by the RFDC;
- In Option 2(b) there is a lack of adequate height transition to the east towards Leo Smith Reserve, considering that the buildings proposed immediately adjacent to the reserve are 7 storeys and 5 storeys high;
- Building COMM B does not have an active frontage built to the boundary to address Rocky Point Road.

Street Network and Open Spaces:

- The proposed widths of internal streets are inadequate for proper vehicular circulation; reconsideration of the street design is required as it is excessive and does not promote legibility and a 'sense of place';
- There is no provision of any on-street parking to encourage pedestrian movement on the street;
- All four options create many free-standing buildings with 'lost' space that is undefined and unenclosed around buildings; this approach does not provides any quality space that would cater for gathering and activities to help create a "village atmosphere" that the proposal has claimed to deliver;

A review specifically on Option 2(b) is provided on the following page. GMU strongly recommends that a 3D model be developed and used to accurately examine the implications of the building mass/heights in terms of shadowing and solar access to assist with the development assessment for this revised master plan.

APPENDIX A REVIEW OF APPLICANT'S RESPONSE TO JRPP - OPTION 2(b)





**Planning &
Environment**

ROCKDALE CITY COUNCIL
RECEIVED

16 OCT 2014

AUSTRALIA POST

Ms Meredith Wallace
General Manager
Rockdale City Council
PO Box 21
ROCKDALE NSW 2216

relate to: 14/112465 14/110335
F13/274 - J. Wilkes

Contact: Diane Sarkies
Phone: (02) 8575 4111
Email: diane.sarkies@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PGR_2014_ROCKD_001_00, 14/14901

Attention: Jacky Wilkes, Coordinator Urban Strategy

Dear Ms Wallace

Re: Request for pre-Gateway review - PGR_2014_ROCKD_001_00

I refer to the request for pre Gateway review (PGR_2014_ROCKD_001_00) lodged on 19 December 2013 by JBA Planning Consultants on behalf of Land and Portfolio Pty Ltd for a proposal to amend Rockdale Local Environmental Plan 2011 to rezone the site at 152-206 Rocky Point Road, Kogarah, from IN2 Light Industrial to part B6 Enterprise Corridor and part R4 High Density Residential.

I have now determined that the proposal should proceed to Gateway determination stage. In making my decision, I considered the request for a pre-Gateway review together with the recommendation of the Sydney East Joint Regional Planning Panel and advice provided by Rockdale City Council.

Consequently, Council is asked to advise if it would like to be the Relevant Planning Authority for this proposal. Should Council agree to be the Relevant Planning Authority, it will need to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979*, and submit it for a Gateway determination within 28 days of the date of this letter.

The planning proposal should reflect the development controls proposed by the proponent as scheme 2(a), as submitted to the Panel on 26 May 2014. Scheme 2(a) however is to be amended so that building heights do not project beyond Council's proposed height plane. Revised plans shall also clearly define maximum building heights in AHD.

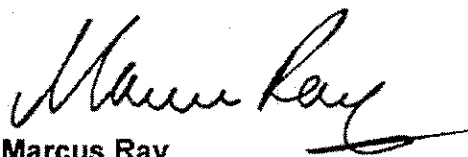
The proposal must include sufficient documentation to ensure that accurate building footprints and FSR are shown and that a determination can be made as to the quantum and location of communal and private open space. Any written offer or draft Voluntary Planning Agreement for those elements of public benefit should also be included as part of the planning proposal.

If Council does not wish to progress this matter, an alternate Relevant Planning Authority may be appointed to prepare the planning proposal. Should Council not wish to be the Relevant Planning Authority for this proposal, please contact the Department of Planning and Environment to discuss this matter further. You can check the progress of the pre-Gateway review on the Tracking System at <http://pgrtracking.planning.nsw.gov.au/>

Please find attached copy of the Panel's review and decision for your convenience.

Should you have any questions in regard to this matter, I have arranged for Ms Diane Sarkies, of the Department's Metropolitan Delivery (CBD) team, to assist you. Ms Sarkies may be contacted on the above contact details.

Yours sincerely



Marcus Ray
A/Deputy Secretary
Planning Services

13/10/14

Encl. – Panel Recommendation



Planning & Environment

Ms Meredith Wallace
General Manager
Rockdale City Council
PO Box 21
Rockdale NSW 2216

Contact: Deewa Baral
Phone: (02) 85754127
Email: deewa.baral@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001
Our ref: PP_2015_ROCKD_001_00 (15/05371)

Dear Ms Wallace

I refer to Council's letter dated 23 February 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 152-206 Rocky Point Road, Kogarah to allow a mix of residential and commercial uses.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have agreed that the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. However, the planning proposal should be updated to include a preliminary acid sulphate soils assessment to address the inconsistency with section 117 Direction 4.1 Acid Sulfate Soils. Additionally, the planning proposal should also address any inconsistencies with Direction 1.9 of *A Plan for Growing Sydney*, particularly Action 1.9.2, which requires assessment against the Industrial Lands Strategic Assessment checklist.

I have noted the proposed additional provision of building height plane in the planning proposal. At this stage, it is recommended to include a paragraph explaining the intent of the proposed height plane and its relationship to the proposed development rather than a draft clause.

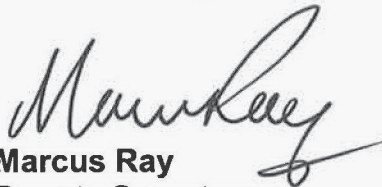
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested delegation for this planning proposal. It is not Department practice to issue delegation for planning proposals which have been subject to a pre-Gateway review. As such, Council's request to exercise delegation to make this plan is not supported.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Deewa Baral of the Metropolitan (CBD) branch of the Department of Planning and Environment on (02) 8575 4127.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

04/05/2015
Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2015_ROCKD_001_00): to amend Rockdale Local Environmental Plan 2011 by rezoning 152-206 Rocky Point Road, Kogarah from mostly IN2 Light Industrial to part B6 Enterprise Corridor and part R4 High Density Residential and amend the associated maximum permissible building height and floor space ratio controls.

I, the Deputy Secretary, Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Rockdale Local Environmental Plan 2011* to rezone the site and amend the associated maximum permissible building height and floor space ratio controls, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to include:
 - a. a preliminary acid sulphate soils assessment to address the requirements of section 117 Direction 4.1 Acid Sulfate Soils;
 - b. a site contamination assessment report to address the requirements of *State Environmental Planning Policy 55 - Remediation of Land*;
 - c. an updated traffic report to include cumulative impact of the proposed development on local roads;
 - d. an updated section 4.1.6 of the planning proposal to include the intent of the proposed subclause regarding building height plane, in place of a draft subclause; and
 - e. consideration of the Industrial Lands Strategic Assessment checklist to address Direction 1.9 of *A Plan for Growing Sydney*.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**; and
 - b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing LEPs* (Department of Planning and Environment website).
3. Consultation is required with the following public authorities under section 56(2) (d) of the Act in relation to the proposal:
 - Roads and Maritime Services
 - Energy Australia
 - Sydney Water
 - Telstra
 - Kogarah City Council

The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment website)

Dated 4th day of May 2015



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning

WRITTEN SUBMISSIONS

Submission Maker	Issue	Council Officer Response
Cummings	<ul style="list-style-type: none"> Scale of development proposed is inappropriate for the location Traffic is already an issue, especially on weekends Council should reject the rezoning due to the scale of the development 	<ul style="list-style-type: none"> Noted. Council's resolution dated 19 February 2014 recommended that the Height of Building and Floor Space Ratio development standards be reduced. This was echoed in Council's subsequent submission to the Joint Regional Planning Panel (JRPP). In the Council report dated 19 February 2014, points about the site's dislocation from a transport node and a major centre were highlighted. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and bus services are available to Kogarah railway station. <p>The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. RMS submission states that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site.</p> <ul style="list-style-type: none"> Currently the subject land is occupied by industrial buildings that have exhausted their historical use. The Planning Proposal represents an opportunity to implement a residential zoning and development standards for the site that will create opportunities for future development that are more amenable than an idle industrial site.
Melville (Combined response to 2 submissions)	<ul style="list-style-type: none"> Object to the overdevelopment of the site Site is located greater than 1.5km from the major transport hubs of Kogarah and Carlton railway stations Clearway restrictions on Rocky Point Road limit the road to 2 lanes at times, which has impacts on car parking in adjoining local roads Traffic lights would improve traffic management from the site, but would not improve traffic congestion along Rocky Point Road The site and adjoining suburbs are set within a locality of low and medium density residential development, not high density like Rockdale Town Centre or Wolli Creek 	<ul style="list-style-type: none"> Over-development/precedent: Noted. Council's resolution dated 19 February 2014 for the Planning Proposal recommended that the Height of Building and Floor Space Ratio development standards be reduced. This was echoed in Council's subsequent submission to the Joint Regional Planning Panel (JRPP). It was also noted that the development standards proposed for the portion of land to be zoned B6 Enterprise Corridor be consistent with the existing development standards for other B6 Enterprise Corridor zoned land in the LGA, including the site occupied by the nearby Harvey Norman building. <p>The issue of precedent for future development proposals is noted. However, every proposal is assessed on its merit and in the context of the precinct in which it exists.</p>

	<ul style="list-style-type: none"> ▪ The F6 motorway is proposed East of the site, which will result in existing fields being dissected, thereby limiting pedestrian access to these recreational areas ▪ Rear exit from site is via a one lane road through an industrial area ▪ The Rockdale LEP 2011 was prepared at great cost to the Council, the LEP should be adhered to rather than permitting ad hoc proposals ▪ If the rezoning proceeds, it will bring pressure on industrial land adjoining the site, reducing industrial/employment land ▪ The height of buildings should not be higher than the existing Harvey Norman building ▪ The proposed B6 Enterprise Corridor zone should be limited to land North of the proposed Weeney Street East road, in order to (i) limit traffic and car parking impacts on local roads; and (ii) provide greater assimilation with residential uses, including the existing aged car facility on Rocky Point Road 	<ul style="list-style-type: none"> ▪ Traffic/transport/car parking: The site's dislocation from a transport node and a major centre are acknowledged. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and some bus services are available to Kogarah railway station. The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. RMS comments state that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site, including assessment/confirmation of restricted car parking areas. The traffic report is based on modelling to determine the impact that the future development of the site would be expected to have on Rocky Point Road and the surrounding road network. The traffic report concludes that a new 4-way intersection at Rocky Point Road (opposite Weeney Street) would be capable of managing traffic flows to/from the site to Rocky Point Road, subject to detailed traffic analysis as mentioned above. The future proposed 4-way intersection for the site would lead traffic directly onto Rocky Point Road. The merits of any rear access to the site would be assessed as part of detailed traffic analysis as part of a future Development Application (DA) in the future. ▪ Industrial zone: Currently the subject land is occupied by industrial buildings that have exhausted their historical use. The Planning Proposal represents an opportunity to implement a residential zoning and development standards for the site that will create opportunities for future development that are more amenable than an idle industrial site. ▪ F6/open space: The planning for the F6 motorway is being undertaken by the NSW Government. Council's Land Reservation Map in the Rockdale LEP 2011 shows the proposed reservation for that project. However, no plans are in place for the F6 extension and the F6 reservation corridor represents a broader city-wide concern for Council in terms of potential open space loss that go beyond this specific planning proposal. Council continues to maintain a close watching brief on this issue. ▪ Planning: While this Planning Proposal was progressed under the Pre-Gateway review process, Local Environmental Plan (LEP) amendments are part and parcel of the land use
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		<p>planning system that operates within NSW. The consideration for Council needs to focus on the planning merits of any Planning Proposal.</p> <ul style="list-style-type: none"> ▪ B6 Enterprise Corridor: The extent of B6 Enterprise Corridor zoning proposed for the subject land will provide an interface between Rocky Point Road and proposed R4 High Density Residential zoned land further East within the site. One of the key objectives of the B6 Enterprise Corridor zone is <i>“To promote businesses along main roads and to encourage a mix of compatible uses”</i>. No similar type of objective exists under the provisions of the R4 High Density Residential zone. As such, the B6 Enterprise Corridor zone is best located along the entire frontage to Rocky Point Road.
Kemp	<ul style="list-style-type: none"> ▪ It is positive that the site is to be redeveloped, as it is beginning to look ‘tired’ ▪ The proposed building heights are not in line with the locality, going above 5 storeys is excessive ▪ The site area is not appropriate for a high density zoning, these types of zonings should be targeted around key transport hubs such as Wollli Creek, Rockdale and Kogarah railway stations ▪ Council should not be considering such large developments when there is unlikely to yet be full occupancy at other comparatively sized development sites ▪ How is affordable housing going to be managed within the site? ▪ Could Council legally enforce the generation of 400 full time jobs post development? ▪ Schools, sporting clubs and local facilities are likely to be pushed to their limits within the next 5 years ▪ What are the impacts if the F6 corridor goes ahead? The development would adjoin a freeway should the rezoning and the F6 corridor both be progressed, having impacts on open space ▪ A modern townhouse community similar to 346 West Botany Street would be more suited to the site 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Need for revitalisation of site is noted. Council’s resolution dated 19 February 2014 for the Planning Proposal recommended that the Height of Building and Floor Space Ratio development standards be reduced. This was echoed in Council’s subsequent submission to the Joint Regional Planning Panel (JRPP). It was also noted that the development standards proposed for the portion of land to be zoned B6 Enterprise Corridor be consistent with the existing development standards for other B6 Enterprise Corridor zoned land in the LGA, including the site occupied by the nearby Harvey Norman building. ▪ Traffic/transport/parking: The site’s dislocation from a transport node and a major centre are acknowledged. While the site is not located adjacent to a railway station, it is located adjacent to Rocky Point Road and some bus services are available to Kogarah railway station. The Planning Proposal is supported by a traffic report that has assessed traffic modelling for the subject land. RMS comments state that detailed traffic analysis would need to be undertaken and provided to RMS as part of any future master plan (Staged) Development Application for the subject site, including assessment/confirmation of restricted car parking areas. ▪ The rate of occupancy at other comparatively sized development sites is not a planning consideration for Council when assessing a Planning Proposal. Occupancy rates in different locations will vary, as a result of some locations being more popular than others.

		<ul style="list-style-type: none"> Affordable housing: Any proposal to incorporate affordable housing within the site would be assessed as part of a future DA, should the rezoning proceed. Council cannot enforce employment generation. The figure quoted in the Planning Proposal is an estimate only. Community facilities: Council's ongoing reviews of Section 94 Developer Contributions Plans will assist in ensuring that local facilities are managed in the best way possible, and for the maximum amount of users possible. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. F6/open space: The planning for the F6 motorway is being undertaken by the NSW Government. Council's Land Reservation Map in the Rockdale LEP 2011 shows the proposed reservation for that project. However, no plans are in place for the F6 extension and the F6 reservation corridor represents a broader city-wide concern for Council in terms of potential open space loss that go beyond this specific planning proposal. Council continues to maintain a close watching brief on this issue.
Cobb, Watt & Barrett	<ul style="list-style-type: none"> The site should remain low density, consistent with the surrounding locality Buildings should not be higher than four storeys Large number of dwellings will introduce social problems On street vehicle parking will increase, commercial land will add to that issue Rocky Point Road is already overburdened, any extra roads will terminate at Rocky Point Road in any case, or impact on existing rat runs Existing road users do not want an additional set of traffic lights at Rocky Point Road Any workers will use vehicles which will need to be parked, adding further pressure on surrounding streets Infrastructure cannot sustain this huge proposal Noise, garbage removal and constant movement of people will disrupt the lifestyle of current and future residents in the locality 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Amenity impacts: social problems can exist in all types of development. It cannot be attributed to large number of dwellings. Noise issues and waste services currently exist in the industrial zone and the local surrounds. Development controls are put in place to manage such impacts in new developments. The Voluntary Planning Agreement, as outlined, will deliver \$5.5 million of public benefit to the local community.

	<ul style="list-style-type: none"> ▪ “Sugar on the Table” VPA mentioned but no details 	
Corones	<ul style="list-style-type: none"> ▪ The scale of the proposal seems disproportionate, given the site is not located adjacent to a transport hub or town centre ▪ All residential and commercial traffic will need to use Rocky Point Road, which will have local and sub-regional impacts given other multi-storey developments that have been constructed ▪ Building heights are considerably taller than other developments in the area, while the Floor Space Ratio is far greater than currently in the RLEP 2011 for the site ▪ There is a danger of the rezoning setting a precedent for further rezonings on the industrial land North of the site ▪ The proposed commercial area is very large and is questionable given the location, bringing into question the traffic congestion and car parking problems that may arise ▪ The prospect of approximately 450 townhouses and apartments plus the commercial / retail businesses seems a gross overdevelopment of the site ▪ VPA reference: Local traffic management – too constrained. Other facilities in Leo Smith Reserve will be dissected by F6. ▪ Fund gap for RCC 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ The Local Area Traffic Management study identified in VPA will allow Council to identify and treat traffic concerns in the vicinity of the Development. Traffic issues resultant from the Development will be resolved through the Development Assessment Process. ▪ Council has other funding sources, including development contributions, which will address the shortfalls of funding in relation to upgrades to Scarborough Park South and environs. ▪ F6/open space: The planning for the F6 motorway is being undertaken by the NSW Government. Council’s Land Reservation Map in the Rockdale LEP 2011 shows the proposed reservation for that project. However, no plans are in place for the F6 extension and the F6 reservation corridor represents a broader city-wide concern for Council in terms of potential open space loss that go beyond this specific planning proposal. Council continues to maintain a close watching brief on this issue.
Peek	<ul style="list-style-type: none"> ▪ The number of dwellings proposed seems inordinately large for the area for which it is intended ▪ The scale of development is completely out of character with the existing locality, and will bring many problems ▪ Main concern is the amount of traffic that the proposal will engender, including further afield, such as Princes Highway ▪ The development would result in 8 sets of traffic lights between Ramsgate Road and the Rocky Point Road / Princes Highway junction 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Provision of any pedestrian and cycleway paths would need to be in accordance with Council’s relevant engineering requirements and policies relating to pathway connectivity, which is unlikely to involve separation of pedestrian and cycleway paths given the cost of providing these assets.

	<ul style="list-style-type: none"> ▪ Rat runs could eventuate, particularly along Sunbeam Avenue, as people try to avoid 3 sets of traffic lights ▪ Consideration should be given now, rather than in the future, to widening and removing barriers for roads including Production Lane, Sunbeam Avenue and Margaret Lane ▪ It is positive that facilities are proposed to be improved as part of the proposal, however questions arise over where users of facilities will park their vehicles, and where car parking overflow will occur ▪ Pedestrian footpaths and cycleways should be separated, to avoid pedestrian / cyclist conflicts. ▪ VPA: support for sport facilities improvement but worried about parking. 	<ul style="list-style-type: none"> ▪ The Voluntary Planning Agreement provides funding for Council to undertake a Master Plan for Scarborough Park. Detailed design issues such as separated pedestrian and cycles will be addressed through the associated community consultation. ▪ The upgrades identified in the Voluntary Planning Agreement do not propose to intensify the uses of the existing sporting facilities. Therefore, no increase in parking requirements has been identified. 	
Peebles, S	<ul style="list-style-type: none"> ▪ Oppose the rezoning and redevelopment of the site ▪ There will be a loss of privacy, particularly with so many proposed dwellings overlooking and overshadowing my property on the Northern and Eastern boundaries ▪ Increased noise from Rocky Point Road, given the proposal to demolish the dwelling immediately West of my property, and this dwelling acts as a buffer to noise between my property and Rocky Point Road ▪ There are inadequacies in the proposed plans, including the (i) 1.2m separation distance between the rear fences of residents in Margate Street and the boundary fence of the Darrell Lea site, and (ii) the retaining wall starts at No. 8 Margate Street, not No. 2 ▪ The building envelope height of 8.5 metres to the rear of existing dwellings in Margate Street assumes the retaining wall and the houses in Margate Street are on the higher side of the land, which is incorrect for No.'s 2 & 4 Margate Street ▪ Currently, there is a setback of approximately 7.8 metres between my rear fence and the existing Darrell Lea building, however the proposed plan shows a separation 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls: Currently, the subject site is occupied by industrial development. An inevitable outcome of rezoning non-residential zoned and to residential is that there is the potential for privacy or overshadowing/solar access issues. These can be managed through appropriate urban design and built form elements (such as window placement and privacy screening), as well as fencing and landscaping treatments. These can be considered as part of any future DA(s) for the subject land. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. <p>While the Planning Proposal includes indicative plans in order to demonstrate what could be pursued as part of a future DA for the site, it should not be assumed that these will be the final plans that would be submitted. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.</p>	

	<p>distance of just 2 metres from the rear boundary, which is too close from a noise, privacy and overshadowing point of view</p> <ul style="list-style-type: none"> ▪ Given that I am legally blind I am concerned about who may be able to see in to, and access, my property without my knowledge ▪ A building height of ten storeys is too high for the locality. ▪ Development control issues: If the planning proposal proceeds, the following amendments should be made: (i) there be no increase in overshadowing on my property at No. 2 Margate Street; (ii) the green space at the rear of No. 2 Margate Street be extended to the rear of No. 6 Margate Street; (iii) new dwellings bordering the rear of No. 6 Margate Street be restricted to one storey in height; (iv) noise and privacy screening be placed along all perimeters of my property; (v) a minimum setback of 7.8 metres be implemented from my rear boundary; (vi) adequate lighting be installed in all public spaces adjoining my property to discourage antisocial behaviour; (vii) no overhanging trees be planted on the boundaries of my property to ensure security and maintain low maintenance of the green space; (viii) amendments be made to the Voluntary Planning Agreement (VPA). ▪ VPA Proposed Inclusions: Covered bus stops on both sides of Rocky Point Road between Ramsgate Road and Calvary Hospital; the proposed park include facilities for children with disabilities like a wheelchair accessible swing; a hoist be installed in each of the pools including the outdoor 50 meter pool at Sans Souci; The path which leads from Ramsgate Primary school on Florence Street and runs along the park beside Tonbridge Oval and gives access to Tonbridge Street be upgraded. Currently it floods and fast running water flows into the creek making it a dangerous journey to school for children and their parents/grandparents; 	<ul style="list-style-type: none"> ▪ The amendments that have been requested (apart from those relating to the VPA) are matters that relate to specific issues concerning the submission maker's property. Adjoining landowners will have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ Voluntary Planning Agreement: The public benefits identified within the Voluntary Planning Agreement was negotiated between the applicant and Rockdale City Council. A range of works and upgrades were provided to the proponent as part of the VPA discussions. The works proposed in the VPA are those selected by the applicant. ▪ As part of the Scarborough Park Master Plan the community will be consulted in regards the embellishment of the proposed park and pedestrian facilities.
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Cooper	<ul style="list-style-type: none"> ▪ Density of development inappropriate for the locality ▪ To increase the number of residences by 450 would result in a minimum of 1,000 additional people in the locality, having a vast impact on all resources ▪ Given the topography of the land, the development will be highly visible ▪ The number of vehicles will have a huge impact on Rocky Point Road and turning movements to/from Weeney Street ▪ There cannot be certainty in stating that 400 jobs will be provided given the current uncertainty faced by Harvey Norman and other lessors in attracting suitable tenants ▪ The building height for the site should be a maximum of 4 storeys ▪ VPA: His contribution towards sporting facilities, upgrade of Scarborough Park and a new children's playground and childcare centre are very commendable and sound wonderful. However, his outlay towards these will not even be 10% of what he will gain by erecting 450 apartments etc. 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Topography/building heights: The Gateway determination issued for the Planning Proposal acknowledges the issue of the topography and building heights. A paragraph was included in the exhibited Planning Proposal, and included an explanatory diagram to demonstrate the intent of the proposed height plane. The intention of the building height plane is to manage building height in a way that transitions across the site, and reduces the visible bulk and scale of any future development within the site. ▪ Employment generation: there can never be precisely quantified with any development. The figure quoted in the Planning Proposal is an estimate. ▪ The Voluntary Planning Agreement proposes \$5.5 million of Public Benefit, which is 14% of the proposed Planning Uplift and is a contribution to the community.
Sanbar-Carovigno	<ul style="list-style-type: none"> ▪ Object to the current development proposal, particularly the R4 High Density Residential zone ▪ We do not want the development to tower against the entire suburb and substantially increase the population of the area to make it feel like the Sydney CBD ▪ We want to ensure that Margate Street doesn't become a main road for residents to access the beach, as the proposed development will not have direct access to Ramsgate Beach or The Grand Parade ▪ If the proposal proceeds there will be a high probability of traffic increasing in Margate Street ▪ We are happy to have a development on the site that does not detriment the area or tower against surrounding houses 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above

Akratos	<ul style="list-style-type: none"> ▪ The character and amenities of the Ramsgate locality need to be considered, as well as the wishes of local residents ▪ Object to the scale of the proposal, including building heights and density ▪ The proposed development is an over-development of the site, out of character for the Ramsgate locality, and will place pressure on traffic, public transport, schools and medical services ▪ The proposal could set a precedent for further high rise development in the locality ▪ Currently, the only sites within the Rockdale LGA that accommodate buildings of a comparative height to those proposed within the site are within Rockdale Town Centre and Wollie Creek, which are more suitable locations ▪ While Kogarah and Rockdale railway stations can be serviced by buses from the site, Carlton railway station is not serviced by buses, and car parking at Kogarah and Rockdale railway stations is beyond capacity ▪ The sudden increase in heights from the Southern end of Margate Street will severely impact the privacy of residences on surrounding streets ▪ The details of dwelling mix outlined in the planning proposal indicate that an additional 650 children would require day care and schooling in the locality. Despite the childcare centre proposed for the site, facilities in the locality would not cope. ▪ Improvements to the area included in the proposal focus mainly on improvements to the site itself ▪ The 400 new jobs mentioned in the report is positive, however, this may be an overestimation, depending on the mix of proposed commercial uses ▪ Current developments on the Western side of Rocky Point Road are more in keeping with the area and will reduce the impacts of privacy on residents and minimise the strain on local amenities 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls: Currently, the subject site is occupied by industrial development. An inevitable outcome of rezoning non-residential zoned and to residential is that there is the potential for privacy or overshadowing/solar access issues. These can be managed through appropriate urban design and built form elements (such as window placement and privacy screening), as well as fencing and landscaping treatments. These can be considered as part of any future DA(s) for the subject land. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. <p>While the Planning Proposal includes indicative plans in order to demonstrate what could be pursued as part of a future DA for the site, it should not be assumed that these will be the final plans that would be submitted. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.</p> <ul style="list-style-type: none"> ▪ The submission maker notes the intention to provide a childcare centre within the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. It should be noted that planning for public schools, student intakes and public transport patronage is the responsibility of the NSW government and that is taken into account when the NSW Government, makes its determination on planning proposals. ▪ It should be acknowledged that the VPA includes a child care centre and several other benefits that extend beyond the site and would therefore benefit residents in the wider locality. ▪ Employment generation: there can never be precisely quantified with any development. The figure quoted in the Planning Proposal is an estimate.
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Sydney Water	<ul style="list-style-type: none"> Sufficient capacity exists in both Sydney Water's water and wastewater servicing infrastructure to accommodate future development within the site, and all requirements for future development can be addressed at the Section 73 application phase 	<ul style="list-style-type: none"> Noted.
NSW Roads & Maritime Services	<ul style="list-style-type: none"> RMS will grant approval to the provision of traffic signals at the proposed intersection, subject to several conditions Detailed traffic analysis will need to be completed and submitted to the RMS as part of any future master plan (Staged) Development Application for the subject site Agreement should be reached between RMS, Council and the proponent on full geometric design of the proposed signalised intersection, including any land dedication requirements, prior to the gazettal of the Planning Proposal 	<ul style="list-style-type: none"> It is noted that the RMS have no objection to the Planning Proposal. Full geometric design and detailed traffic configurations are more appropriately addressed in a future Staged Development Application for the subject site.
HAVE YOUR SAY SUBMISSIONS (ROCKDALE CITY COUNCIL WEBSITE)		
Submission Maker	Issue	Response
Pillar	<ul style="list-style-type: none"> Object to buildings in excess of three storeys in height, and of high density The locality is already congested and excessive density leads to unnecessary social problems 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Social problems are a broad societal issue not specifically connected to this planning proposal.
Heath	<ul style="list-style-type: none"> Oppose the proposed development as Rocky Point Road is a major road connecting North-South traffic flows between the St George area and Southern Sydney suburbs 	<ul style="list-style-type: none"> Traffic/transport/parking: Noted – refer to previous Council responses above

	<ul style="list-style-type: none"> Higher population densities should only be permitted near rail transport, and the site is too far from rail services Bus services in the locality are already stretched, and no plans exist for the expansion of bus services VPA: Improved recreational facilities are positive, but will not eliminate traffic congestion Rezoning industrial land to residential will reduce the supply of industrial land in the St George area, thereby leading to residents of the locality needing to travel outside of the area for work 	<ul style="list-style-type: none"> The Planning Proposal seeks to retain part of the site to B6 Enterprise Corridor, which would mean that part of the site retains employment land.
Catorall	<ul style="list-style-type: none"> VPA: New facilities would be great for the St George area, including leash free areas for dogs 	<ul style="list-style-type: none"> The community will be provided the opportunity to have input into the Scarborough Park Master Plan in relation to detailed design.
Heber	<ul style="list-style-type: none"> VPA: Why is the proposal considering a SHARED pedestrian and cycle link? Every nearby Sydney council realises this puts pedestrians at risk and slows down cyclists so they can only use the link for recreational use rather than for cycling as transport. Rockdale should be specifying all new cycling infrastructure as separated if they are to be in high pedestrian areas, like this development proposes to be. Separate your modes of transport RCC, it's not rocket science. Bikes and pedestrians do not mix, bikes and cars do not mix. 	<ul style="list-style-type: none"> The Voluntary Planning Agreement provides funding for Council to undertake a Master Plan for Scarborough Park. Detailed design issues such as separated pedestrian and cycles will be address through the associated community consultation.
Blue & Hogan	<ul style="list-style-type: none"> Traffic monitoring should be undertaken on Margate Street after construction is finished, and if the amount of traffic substantially increases, then traffic calming measures (such as chicanes) should be implemented The traffic lights at the intersection of Ramsgate Road and Rocky Point Road should be reconfigured to permit a right-hand turn onto Rocky Point Road from West-bound Ramsgate Road 	<ul style="list-style-type: none"> Traffic/transport/parking: Noted – refer to previous Council responses above Development controls: refer to previous Council responses above The Voluntary Planning Agreement proposes that the Child Care Centre is to be located within the development site. However if an alternate site has been identified, through mutual agreement, the child care centre may be located outside the development site.

	<ul style="list-style-type: none"> A substantial bus shelter is required at the corner of Rocky Point Road and Weeney Street, as the sun is incredibly hot during the Summer months for people waiting at that stop The proposed childcare centre should be built within the site and not in Leo Smith Reserve or any other adjoining sporting ground Any footpaths or cycleways should not be built directly adjacent to houses within Margate Street (i.e. behind fences of properties bordering the Southern end of Leo Smith Reserve) 	<ul style="list-style-type: none"> A substantial bus shelter is required at the corner of Rocky Point Road and Weeney Street, as the sun is incredibly hot during the Summer months for people waiting at that stop The proposed childcare centre should be built within the site and not in Leo Smith Reserve or any other adjoining sporting ground Any footpaths or cycleways should not be built directly adjacent to houses within Margate Street (i.e. behind fences of properties bordering the Southern end of Leo Smith Reserve) 	
Garner	<ul style="list-style-type: none"> The proposal should not be given any special treatment over the existing locality in respect to height of building controls The high density is a major issue given that public transport, surrounding roads, doctors, schools and shopping facilities are already stretched to their limits Improving Production Avenue and constructing traffic lights at Weeney Street will not help the traffic situation Bus services will need to be increased to service the development VPA: There should be a requirement for both a doctor and a childcare centre to be integrated within the development 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above The Voluntary Planning Agreement has identified a child care centre to be included within the development site. Council cannot <i>require</i> that a child care centre and a doctor’s surgery be provided as part of the Planning Proposal or development assessment process. Furthermore, the market would typically dictate where child care and medical centres establish themselves within the locality, once sufficient demand is generated. 	
Cummings	<ul style="list-style-type: none"> SEE EARLIER IDENTICAL WRITTEN SUBMISSION 	N/A – SEE EARLIER IDENTICAL WRITTEN SUBMISSION	
Peebles, M	<ul style="list-style-type: none"> Against the proposed rezoning of the subject land The scale and density of the proposal are more than three times the limit now permitted by the RLEP 2011 The infrastructure of the locality cannot sustain such development The proposal would establish a dangerous precedent for similar development Rockdale Town Centre and Wolli Creek are the only precincts where buildings of a comparative height are 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Infrastructure already exists in the locality, such as water, sewer, electricity and telecommunications, which has serviced the existing Darrell Lea factory over time. The extent to which this infrastructure would need to be upgraded to support higher density development would be determined at the time of any future DA(s) for the site, with 	

	<p>currently permitted under the RLEP 2011, and unlike both these sites, the Darrell Lea site is not located adjacent to major roads and rail links</p> <ul style="list-style-type: none"> ▪ The improvements proposed for infrastructure are related directly to the site, not the locality. For example, traffic lights at Weeney Street will not improve traffic management on Rocky Point Road ▪ The proposal contains no improvements to external roads, traffic flows, public transport, the capacity of local schools and medical facilities ▪ Traffic management issues relating to Rocky Point Road, Margate Street and Ramsgate Road require investigation and resolution ▪ Given that the site is not located close to a railway station, public transport issues relating to the carriage of users by bus to local railway stations is an issue ▪ VPA: There are limited educational, child minding and medical facilities available in the locality, and the introduction of higher density development will place additional pressure on these services ▪ Employment generation of 400 jobs cannot be guaranteed, especially when considering the evidence of long term vacancies in other similar types of development ▪ The cumulative impacts from other developments should be considered, such as the proposed 77 bed retirement home within the Kogarah LGA, opposite the subject site ▪ Residential development is viewed as a better use of the site than industrial development, but it must be sustainable and in the interests of the local community ▪ VPA: Margate Street has become an overused speedway linking Rocky Point Road and Ramsgate Road. The current traffic volume and excessive speeds are too much for what is supposed to be a residential street. Although \$100,000 is to be allocated for a traffic study, this does not ensure that the current situation will improve. 	<p>those infrastructure agencies responsible for the upgrade and determination of capacities for that infrastructure.</p> <ul style="list-style-type: none"> ▪ The VPA associated with the proposal highlights the intention to provide a childcare centre within the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. It should be noted that planning for public schools and student intakes is the responsibility of the State government. ▪ The employment generation figure quoted in the Planning Proposal is an estimate only. ▪ Cumulative impacts would be better determined at the time of assessing a future DA for the subject land, in order to have a better understanding of the likely dwelling numbers and associated vehicle movements to be generated from a particular DA. ▪ The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community.
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Corones	<ul style="list-style-type: none"> ▪ The indicative master plan for the proposed development highlights that new road linkages, and the construction of traffic lights at Weeney Street, would only benefit residents within the site ▪ The proposed development and subsequent construction of the proposed signalised intersection would make it more dangerous for everyone else turning right onto Rocky Point Road from land East of Rocky Point Road 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above
Kohilas	<ul style="list-style-type: none"> ▪ Major privacy concerns with the proposed development and traffic signals resulting in queued vehicles impeding privacy from road ▪ We do not object to the proposal, as we are located in an area of transition, with apartments being constructed in the locality, however, we seek that the applicant plant screening trees 3 metres in height on our property facing Rocky Point Road, to alleviate privacy impacts on our property 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.
Dragone	<ul style="list-style-type: none"> ▪ While most residents do not object to the area being rezoned for residential use, it is the number of storeys and dwellings that people are opposed to ▪ Any development must be sustainable and consider community interests ▪ Council should ensure that there is not be a shortfall in car parking ▪ Do not shadow neighbouring properties with monstrosities like has been, and continues to be, done between Wolli Creek and Kogarah 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.
Wilson	<ul style="list-style-type: none"> ▪ There should be adequate car parking for both occupants and visitors, which should also take into consideration that 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls: Council does not have the ability to enforce this.

	<p>for apartments of 2 or more bedrooms it is highly likely that there will be two cars registered at that address</p> <ul style="list-style-type: none"> ▪ The proposed development will likely have a significant impact on local traffic, particularly as it is a long way from transport hubs and therefore the overall number of apartments should be reduced ▪ The quality of the build should be secured via quadrupling the bond for building defects, and that internal walls, floors and ceilings be constructed at 4 times existing minimum specifications 	
Wood	<ul style="list-style-type: none"> ▪ Don't want Scarborough Park turned into another foreshore Ramsgate area which faces littering problems and disturbances to the environment ▪ Cycleways and pedestrian walking paths bring disturbance to the bird life in the creek ▪ People will not have space to park their vehicles ▪ Stop trying to urbanise local wetlands in Scarborough Park ▪ Not representing resident's views with high rise ghettos and then trying to change the natural environment 	<ul style="list-style-type: none"> ▪ There is a significant population within the immediate locality that already utilise Scarborough Park. Littering issues and disturbances to the environment already exist and are managed by Council. Changes to this are not pertinent to this specific planning proposal. ▪ The riparian corridor is located some distance east of the subject land, therefore the provision of pedestrian footpaths and cycleways adjoining the subject site would not impact the riparian corridor. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community.
Degney	<ul style="list-style-type: none"> ▪ The site is not close to trains, and the additional road traffic will not improve, no matter what is done 	<ul style="list-style-type: none"> ▪ Traffic/transport/parking: Noted – refer to previous Council responses above

	<ul style="list-style-type: none"> Rocky Point Road is a nightmare now, however all residents get is overdevelopment VPA: These developments are not good for the City, and the “carrots” offered to the community are not going to solve the traffic and density problems that will follow, refer to Wollli Creek 	
Farleigh	<ul style="list-style-type: none"> Strongly object to the proposed development The excision of a significant proportion of an important local employment precinct is inconsistent with and at odds with long standing Government policy Should the rezoning proceed, there would be pressure in the future to rezone other industrial / employment land in this precinct The proposal is nothing short of overdevelopment in a low scale, low density suburban context, that isn’t part of, and doesn’t adjoin, a recognised centre that has good public transport Traffic conditions along Rocky Point Road are already strained during peak hours and also on weekends, and a new signalised intersection will not alleviate this, but rather worsen the traffic loads and intersection functioning The proposal is not transport oriented development and there is no reason to contemplate development of this bulk, scale and intensity Supporting documents concede that the site is located well beyond the 800 metres (10 minute) walkable distance to a railway station Buildings of the height proposed are excessive and without justification Placing 10 storey buildings directly abutting industrial properties is actually creating a new amenity problem, not resolving one The sight lines used appear to be from the lowest points of adjoining properties, rather than floor levels of existing 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. The NSW Department of Planning & Environment are currently undertaking work on industrial and employment land within the Sydney South subregion. The results of that work would assist in determining the appropriateness of considering the rezoning of any additional industrial land within the locality. The Planning Proposal includes the rezoning of a portion of the site to B6 Enterprise Corridor, which would enable commercial development within the site, which will integrate with the remaining industrial land within the locality. The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community.

	<p>dwelling, from which the proposed buildings would be highly visible</p> <ul style="list-style-type: none"> Development of the scale and intensity proposed is completely out of character with the low to medium scale development currently in the area The Department of Planning & Environment has commissioned a study to examine employment lands as part of <i>A Plan for Growing Sydney</i>. Any rezoning of existing industrial land should not be contemplated until that study has been completed The proposal is inconsistent with <i>A Plan for Growing Sydney</i> in terms of the impact on employment lands This location is a well-established and successful local business / light industrial hub, and the continued success will be in jeopardy if the precinct is fragmented 	
Vary-Spriggs	<ul style="list-style-type: none"> Against the planning proposal Concerned about overdevelopment, as 450 new homes will have devastating effects on traffic, schools, public transport and existing home owners VPA: Upgrading a baseball field and adding a playground is not taking proper care of the infrastructure required when implementing a high density residential zone Traffic lights won't help There should be a smaller scale, lower height, lower density development if Council and the State government are to rezone industrial land 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. The VPA includes a childcare centre, which is considered to be a beneficial item when implementing a high density residential zone.
Garner	<ul style="list-style-type: none"> The use of the area would be better suited to residential and commercial zoning than its current zoning, however the proposal is overzealous to the detriment of the community The number of units, floor space ratio and building heights are too generous 	<ul style="list-style-type: none"> Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process.

	<ul style="list-style-type: none"> ▪ The development would need to offer substantial community benefits to permit the number of units, floor space ratio and building heights proposed ▪ Locations such as Wollie Creek are more appropriate given the proximity to public transport, as opposed to the subject site which would place additional demand on public transport and current infrastructure ▪ The addition of traffic lights on Rocky Point Road does not benefit the community and would re-route motorists to other side streets that have not been planned for increased traffic, therefore it would be beneficial to focus on Production Lane for resident access to the development ▪ Services that the community rely on, such as shopping, medical and schooling are currently limited and the addition of 450 units would place greater strain on these services ▪ The proposed employment numbers for the commercial zoned areas are misleading as looking at any nearby developments would be evidence enough that this target cannot be met, including the current Harvey Norman site where the ground floor is empty and a lease sign has been erected for 8 months ▪ The impacts on the community must be considered ▪ The precedent for future developments must be considered 	<ul style="list-style-type: none"> ▪ The Voluntary Planning Agreement proposes \$5.5 million of public benefit. ▪ Ramsgate shopping centre is located at the intersection of Ramsgate Road and Rocky Point Road, approximately 500 metres south of the subject land. A neighbourhood centre is located approximately 600 metres north of the subject land, at the intersection of Austral Street and Rocky Point Road. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. The VPA associated with the proposal highlights the intention to provide a childcare centre within the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. Furthermore, the market would typically dictate where medical centres establish themselves within the locality, once sufficient demand is generated. ▪ The employment generation figure quoted in the Planning Proposal is an estimate only. ▪ The exhibition period provides an opportunity for Council to receive submissions and determine what the main concerns of local residents are, in order to seek a balance between development interests and what is in the interests of the local community. 	
Spriggs	<ul style="list-style-type: none"> ▪ There is no analysis of buses passing the closest bus stops during peak hours that are already full or nearly full of passengers. The scale of this development will result in additional queuing / waiting and there are no plans to alleviate this ▪ Fast trains were removed in October 2013 in favour of slower all-stops trains that are frequently overcrowded, which indicates a lack of assessment of the actual public transport options in the area 	<ul style="list-style-type: none"> ▪ Over-development/precedent: Noted as per previous council responses above. ▪ Traffic/transport/parking: Noted – refer to previous Council responses above ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ As per the comments above, Council is not the authority charged with the responsibility of providing adequate carparking areas for State government assets and infrastructure. Furthermore, the NSW Department of Planning and Environment supported the Planning 	

	<ul style="list-style-type: none"> There is no reference to vehicle parking at the closest railway station (Kogarah), which is full before 7am weekdays and results in on street parking The major bottleneck in the mornings is the intersection of Rocky Point Road and Princes Highway, and there is no analysis of the impact that more traffic from 500 dwellings will have on this junction Other local developments (such as the apartments being developed in Meurants Lane) have not been considered in relation to cumulative traffic impacts There is no indication of the impact that 500 additional families will have on local schools, and as a parent of a child at Ramsgate Public School, we are aware of the struggles to fit the current students VPA: There is no indication of the impact that 500 additional families will have on local childcare services, merely referencing a proposal for a new centre. As President of Ramsgate Out of School Hours Care centre, we are already at capacity most days and this lack of service needs to be addressed before introducing such a large number of dwellings into the local area There is no mention of local shops and parking at shops, and existing shops in the locality are already full or near full during peak hours and at weekends A more thorough analysis of the impacts should be conducted and plans created to alleviate problems before 500+ dwellings are introduced in such a confined space I object to the scale of the proposal, given the lack of consideration provided in the reports 	<p>Proposal during the Pre-Gateway Review, issuing a Gateway determination for the proposal.</p> <ul style="list-style-type: none"> Community facilities: Council's ongoing reviews of Section 94 Developer Contributions Plans will assist in ensuring that local facilities are managed in the best way possible, and for the maximum amount of users possible. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. The VPA annexed to the Planning Proposal identifies a 60 place childcare centre for the site. It is likely that the market would dictate whether any other additional childcare centres emerge in the locality. This proposal relates to the rezoning of the land. It should not be taken that the indicative development plans included with the Planning Proposal are the plans that would support any future DA(s) for the subject site. Ramsgate shopping centre is located at the intersection of Ramsgate Road and Rocky Point Road, approximately 500 metres south of the subject land. A neighbourhood centre is located approximately 600 metres north of the subject land, at the intersection of Austral Street and Rocky Point Road. Carparking requirements for these centres have previously been determined as part of historical approvals for those sites. Most centres experience high demand for carparking during peak periods and at weekends. It is anticipated that, given the proximity to the centres in the locality, at least some future residents would walk, cycle or utilise public bus services to negate the need to take their vehicles to these centres.
Savoca	<ul style="list-style-type: none"> In principle, favour the site being rezoned for residential purposes, as it is a much better use than its current industrial use Vehemently opposed to overdevelopment of the site, the number of storeys should be limited to six as a maximum 	<ul style="list-style-type: none"> Support for residential rezoning noted. Over-development/precedent: Noted as per previous council responses above. Traffic/transport/parking: Noted – refer to previous Council responses above

	<ul style="list-style-type: none"> ▪ Tall buildings block out natural light and cast shadows, rendering them oppressive to occupy ▪ Schools and doctors are already under pressure ▪ Car parking in Kogarah is a nightmare ▪ Pollution is awful ▪ The locality is already densely populated and the local amenities and traffic systems can't cope ▪ There is no local railway station and users must first drive or board a bus to get there ▪ Recent train timetable changes for Kogarah have impacted on reliability of services ▪ Fervently opposed to a set of traffic lights being installed at Weeney Street, as this will only result in delays and more difficult navigation for existing residents living in streets such as Carroll and Burgess Streets ▪ The site must be developed in a way that ensures a substantial amount of green spaces and trees are incorporated into the design ▪ A park with equipment that is suitable for both younger and older children would be a great asset for the community ▪ Green walls would ensure vibrancy in urban design ▪ Solar power and other sustainable, green, carbon footprint neutral and eco-friendly system sand materials should be used in all aspects of the building and for the longer-term use of residents ▪ Let the area be developed, but make it sustainable in every aspect ▪ Development should not result in the community being overburdened by additional dwellings and residents 	<ul style="list-style-type: none"> ▪ Development controls. Adjoining landowners have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ Community facilities: Council's ongoing reviews of Section 94 Developer Contributions Plans will assist in ensuring that local facilities are managed in the best way possible, and for the maximum amount of users possible. It should be noted that planning for public schools and student intakes is the responsibility of the NSW government. ▪ Any future DA(s) prepared for the site would need to considered relevant State Environmental Planning Policies (SEPPs) and Council's prevailing Development Control principles at that point in time, which would include ensuring adequate areas of green space and private open space. ▪ Urban design elements could be considered as part of any future DA(s) for the subject land. Adjoining landowners would have the opportunity to comment about specific details of any DA(s) in the future when they are notified as part of that process. ▪ The provisions of any SEPPs and DCP controls relevant to any future DA(s) for development within the site would assess elements relating to sustainability and "green" design. ▪ Council aims to strike a balance between development interests and the interests of the community, particularly local residents, when assessing any Planning Proposal.
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Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD13
Subject:	DRAFT ROCKDALE CONTRIBUTIONS PLAN 2016 - URBAN RENEWAL AREA
File Number:	F14/93
Report by:	Manager Place Outcomes (Erika Pawley)
Contributors:	Coordinator Asset Strategy (Zoran Sarin)
Community Engagement:	Yes
Financial Implications:	Yes

Precis

A new development contributions planning framework is being prepared for the City of Rockdale. The framework will use a suite of mechanisms to ensure that the infrastructure required to support population growth is adequately funded and delivered efficiently.

The first step involves the preparation of a new Section 94 Development Contributions Plan to apply exclusively to the urban renewal areas of Wolli Creek and the Bonar Street Precinct.

Council Resolution

NOTE:

Councillor O'Brien was absent for the voting on this item.

MOTION moved by Councillors Tsounis and Awada

- 1 That the draft Contributions Plan 2016 - Urban Renewal Area be placed on public exhibition for a minimum period of 28 days in accordance with clause 28 of the Environmental Planning and Assessment Regulation 2000.
- 2 That Council endorses the submission of the draft Contributions Plan 2016 - Urban Renewal Area to IPART in accordance with IPART's "Application for assessment of a section 94 development contributions plan"
- 3 That Council notes that the draft Plan results in contribution rates which exceed the \$20,000 cap and acknowledge that if supported by IPART and the Minister, developers will only be required to pay the maximum cap rate of \$20,000 per dwelling. The difference between the contributions rate nominated in the adopted Plan and the \$20,000 cap would be subject to an application through the Local Infrastructure Growth Scheme.

DIVISION

DIVISION on the MOTION called for by Councillors Tsounis and Awada

FOR THE MOTION

Councillors Macdonald, P Sedrak, Awada, Barlow, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 13 votes to 0.

Officer Recommendation

That voting on this matter be by way of a Division.

- 1 That the draft Contributions Plan 2016 - Urban Renewal Area be placed on public exhibition for a minimum period of 28 days in accordance with clause 28 of the Environmental Planning and Assessment Regulation 2000.
- 2 That Council endorse the submission of the draft Contributions Plan 2016 - Urban Renewal Area to IPART in accordance with IPART's "Application for assessment of a section 94 development contributions plan"
- 3 That Council note that the draft Plan results in contribution rates which exceed the \$20,000 cap and acknowledge that if supported by IPART and the Minister, developers will only be required to pay the maximum cap rate of \$20,000 per dwelling. The difference between the contributions rate nominated in the adopted Plan and the \$20,000 cap would be subject to an application through the Local Infrastructure Growth Scheme.

Report Background

Council currently has 3 development contributions plans in force:

- Rockdale Section 94 Contributions Plan 2004
- Rockdale Section 94A Development Contributions Plan 2008
- Ramsgate Commercial Centre Development Contributions Plan 2006.

The Rockdale Section 94 Contributions Plan 2004 (RCP2004) was first prepared over 10 years ago and subsequently amended. Several elements of the Plan now require updating, namely:

- Development and population forecast (demand for infrastructure). The development potential of several precincts has been increased by upzoning in Rockdale Local Environmental Plan 2011 (RLEP2011) and subsequent masterplans including Rockdale Town Centre.
- Infrastructure requirements require review. The scope of some infrastructure items have been further developed. Infrastructure items in RCP2004 also need to be reviewed for currency to determine if they are still required.
- Cost estimates for all infrastructure items.
- Changes to the legislative and policy context. The changes include the opportunity to levy indirect contributions under Section 94A, and the introduction of a \$20,000/new dwelling 'cap' for direct contributions.

In addition, there are opportunities to:

- Strengthen the alignment between the new contributions planning framework and the organisation's asset management framework.
- Simplify administration of the contributions planning framework.

The Rockdale Section 94A Development Contributions Plan 2008 is limited in its

application and scope. The s94A plan only applies to development to which RCP2004 does not apply, such as commercial development and alterations/additions to existing dwellings. The work schedule shares many items with RCP2004 in order to meet the funding shortfall generated by the very low apportionment rates in that s94 Plan.

The Ramsgate Commercial Centre Development Contributions Plan 2006 is a joint plan with Kogarah Council. Its primary purpose is to fund upgrades to the public domain within the centre that were identified through a joint masterplanning process. There are no changes to the joint Plan proposed at this time. Regular liaison with Kogarah Council on its administration will continue. In the event that the development capacity of the centre changes, the Plan should be reviewed.

Outcomes of the new contributions planning framework

The key objective of the new contributions planning framework for the City of Rockdale is to support Council's position as financially sound and fit for the future.

To deliver on this objective, the framework will include:

- a range of funding strategies to suit the different development rates and types across the City
- development and population forecasts that are up to date and reflect anticipated growth
- infrastructure items and descriptions that are current
- infrastructure items that have been costed using best available information
- process of continuous review to ensure currency.

Scope

The new contributions planning framework will apply to the whole City of Rockdale, excluding the Ramsgate shopping strip along Rocky Point Rd, which is the subject of a joint contributions plan with Kogarah Council.

The framework will be subject to an initial review in 2 years to align with the Integrated Planning & Reporting City Plan cycle. Subsequent comprehensive reviews will then occur every 4 years to ensure currency and relevance. Work priorities will be determined annually.

Arncliffe/Banksia Priority Precincts and Cooks Cove

Planning for the Arncliffe and Banksia Priority Precincts is currently underway. Future growth in this area will require additional or augmented infrastructure. When the infrastructure needs of the area have been determined, Council will need to consider whether to fund the items through s94 or s94A, and a new plan or amendment will be required. Similarly, when planning for the Cooks Cove precinct is further progressed by the Department of Planning & Environment, Council will need to determine the most suitable contributions mechanism.

This report deals exclusively with the proposed Urban Renewal Plan for the Wolli Creek and Bonar Street precincts. A revised s94A Plan for the remainder of the City will be separately presented to Council in February 2016.

Urban Renewal - direct s94 Contributions Plan

A draft Rockdale Contributions Plan 2016 - Urban Renewal Area is attached to this report. The draft Plan:

- incorporates upgraded development assumptions and population projections.
- revises the works schedule. In this regard, development has been ongoing in this area

since the early 2000s and while some of the infrastructure items envisaged within RCP2004 have since been delivered or remain valid, others have required review based on changing circumstances or as a consequence of issues which have arisen which require reconsideration of either the works item or its anticipated cost.

- Land and works costs have increased. In this regard, RCP2004 contains infrastructure items with a value of \$111 million (2013/14) in the Wolli Creek and Bonar Street Precincts. In the preparation of a new Contributions Plan for the Urban Renewal Area, infrastructure items with a value of \$260 million (2014/15) have been identified, an overall increase of \$139 million. Due to the significant cost of the infrastructure and the financial risk to Council of any s94 Plan, the works items have been independently costed by Quantity Surveyors.

Additionally, studies undertaken since RCP2004 was adopted have informed new or revised infrastructure requirements. The studies include:

- the Wolli Creek Wolli Creek Traffic and Transport Study 2013
- Bonnie Doon Pipe & Overland 2D Flood Study, December 2011
- Bonar Street Upgrade Drainage Design (DRAFT), September 2013
- Bonar Street Upgrade Project – Design Options Assessment, February 2014
- Bonar Street Development Precinct Drainage Study February 2014
- Peer review of the TUFLOW modelling for the Bonar Street Upgrade Project (BSUP) at Bonar and Bidjigal Road, Arncliffe, April 2014

It is important to note that the majority of the infrastructure items within the draft Rockdale Contributions Plan 2016 - Urban Renewal Area are the same as those listed in the existing RCP2004. The overall increase of \$139 million is not as a result of the addition of new infrastructure items, rather it is a reflection of the escalating costs associated with the provision of the nominated infrastructure and the difficulties associated with brownfields development, which has many issues not faced by greenfields subdivisions.

As a consequence of the updated value of the infrastructure schedule, the corresponding s94 contributions in the Urban Renewal Area will exceed the \$20,000/dwelling cap imposed by the NSW Government in September 2010.

The draft Rockdale Contributions Plan 2016 - Urban Renewal Area results in contributions rates of:

- \$23,297 per 0-1 bed dwelling
- \$32,681 per 2 bed dwelling
- \$39,698 per 3 or more bed dwelling

Independent Pricing and Regulatory Tribunal (IPART) Review

The Department of Planning & Environment's 2014 Practice Notes requires that all Plans that exceed the \$20,000 cap must be reviewed by IPART. Council must firstly exhibit the Plan and engage with the community, before reconsidering the Plan. If Council endorses the Plan, at that stage it must be forwarded to IPART for review in accordance with IPART's "Application for assessment of a section 94 development contributions plan".

IPART's role is to assess all contributions plans against criteria listed in the Department of Planning & Environment's "Revised Local Development Contributions Practice Note for the Assessment of Local Contributions Plan by IPART, February 2014". IPART will review the contributions plan against 7 assessment criteria, being:

- The public amenities and public services in the plan are on the "Essential Works List"
- There is nexus between the development in the area to which the plan applies and the kinds of public amenities and services identified in the plan
- The proposed development contribution is based on a reasonable estimate of the cost of the proposed public amenities and public services
- The proposed public amenities and public services can be provided within a

reasonable timeframe

- The proposed development contribution is based on a reasonable apportionment of costs eg, between demand from existing population and demand from new population
- The council has conducted appropriate community liaison and publicity in preparing the contributions plan
- The plan complies with other matters IPART considers relevant.

When IPART has completed the assessment (anticipated to take 5 months) it will provide the Minister for Planning & Environment with advice regarding the contributions plan. After consideration of this advice the Minister may:

- determine no further action is required, or
- request the council to make changes to the contributions plan prior to it coming into effect.

The Minister will advise Council of the outcome in writing. Council should not proceed with formal adoption of the plan until such time as confirmation has been received that all issues raised have been satisfactorily addressed in the plan.

Local Infrastructure Growth Scheme

The Local Infrastructure Growth Scheme (LIGS) funds the gap between the maximum contribution that Councils can charge developers and what it actually costs Councils to deliver the infrastructure. The funding goes towards delivering essential local infrastructure in housing growth areas, including:

- roads
- stormwater facilities
- public open space.

The LIGS helps Councils to deliver local infrastructure at the same time as new homes are built. It also helps to keep house prices down as the developer does not need to pay the full cost of infrastructure, and boosts housing supply by easing the pinch points that slow new home development.

Should the draft Rockdale Contributions Plan 2016 - Urban Renewal Area be assessed as reasonable by IPART and subsequently supported by the Minister, Council would be eligible for funding under LIGS.

It is acknowledged that to date, only 2 Council's have had plans approved which exceed the \$20,000 cap, being Blacktown City Council and The Hills Shire Council.

Rollover of current Plans

The new contributions planning framework will replace the current plans which will need to be formally repealed by Council. Further, a Council resolution will also be required, at the time of adopting the new plans, regarding any unspent funds collected under the current plans. Council currently holds funds from Rockdale Section 94 Contributions Plan 2004 and even older Plans. It is recommended that unspent funds collected through previous s94 and s94A Plans be expended as if they were funds received under the new s94 and s94A Plans.

Next Steps

The next steps for the Urban Renewal Contributions Plan are:

- exhibit the draft Rockdale Contributions Plan 2016 - Urban Renewal Area for a minimum period of 28 days.
- Council to reconsider the draft Plan following public consultation (to be reported to Council in mid February 2016)
- Council to commence consultation with IPART if it adopts the Plan with contributions

exceeding the \$20,000 cap

A separate report will come to Council in early 2016 regarding the proposed section 94A Contributions Plan applying to the rest of the City.

Community Engagement

Clause 28 of the Environmental Planning and Assessment Regulation 2000 states that:
Following the preparation of a draft contributions plan, the council:

- (a) must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan, and
- (b) must publicly exhibit at the places, on the dates and during the times set out in the notice:
 - (i) a copy of the draft plan, and
 - (ii) a copy of any supporting documents, and
- (c) must specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).

Subject to the endorsement of Council, the draft Plan would be publicly exhibited for a period of approximately 8 weeks, from mid December 2015 to early February 2016. The extended period is to allow extra time as the exhibition will cross over the Christmas and New Year holiday period.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.5 - Finalise and implement the review of the Rockdale Contributions Plans (MUES)

Additional Comments:

Financial Implications

Is the expenditure and/or income in the current approved No
Budget?

Additional Comments

RCP2004 is not a fully funded Plan. The principle of apportionment means Council is only able to levy development contributions on new developments on the basis of the proportional demand or benefit that the development has on the infrastructure proposed. RCP2004 provided Council with a significant funding stream to provide for much needed infrastructure, but due to apportionment, requires a significant financial contribution by Council for the balance of the costs not met by the contributions.

Draft Rockdale Contributions Plan 2016 - Urban Renewal Area maintains the principle of apportionment required by any development contributions plan. However by providing a significant review and renewal of the Plan, Council aims to minimise the risk that its financial burden increases due to increasing costs associated with the delivery of the infrastructure Council has determined is necessary for these Urban Growth areas.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



draft Rockdale Contributions Plan 2016 - Urban Renewal Area.pdf



DRAFT

Rockdale Contributions

Plan 2016

Urban Renewal Area

2016



Important

This document contains important information about Rockdale City Council. If you do not understand, please visit Council's Customer Service Centre at 2 Bryant Street Rockdale, Monday – Friday from 8.30am – 4.30pm, Saturday from 9am – 1pm. Council Staff will be happy to arrange interpreter services for you.

You may also contact Telephone Interpreter Services on 131 450 and ask them to ring Rockdale City Council on 9562 1666 on your behalf.

Arabic

هام:

تحتوي هذه الوثيقة على معلومات هامة عن بلدية روكدايل. إذا لم تكن قادراً على فهمها، يرجى زيارة مركز خدمة زبائن البلدية على العنوان التالي: 2 Bryant Street في روكدايل من الإثنين إلى الجمعة بين الساعة ٨.٣٠ صباحاً و ٤.٣٠ مساءً، والسبت بين الساعة ٩.٠٠ صباحاً و ١.٠٠ بعد الظهر حيث سيقوم موظفو البلدية بتأمين مترجم لك بكل سرور.

كما يمكنك الاتصال بخدمة الترجمة الهاتفية على الرقم 131 450 والطلب منهم الاتصال ببلدية روكدايل على الرقم 9562 1666 نيابةً عنك.

Chinese

重要消息

本文件載有關於 Rockdale 市政府的重要資訊，如果您有不明之處，請於星期一至星期五，上午8時30分至下午4時30分，及星期六上午9時至下午1時，前來位於 2 Bryant Street，Rockdale，市政府的顧客服務中心。市政府的職員會很樂意為您安排傳譯員的服務。

您也可以聯絡電話傳譯服務處，電話 131 450，並請他們代您致電 9562 1666 給Rockdale 市政府。

Greek

Σημαντικό:

Αυτό το έγγραφο περιέχει σημαντικές πληροφορίες για τη Δημαρχία Rockdale City Council. Αν δεν τις καταλαβαίνετε, παρακαλείσθε να επισκεφτείτε το Κέντρο Εξυπηρέτησης Πελατών [Customer Service Centre] του Δήμου στο 2 Bryant Street, Rockdale, Δευτέρα - Παρασκευή από 8.30πμ - 4.30μμ και Σάββατο από 9.00πμ - 1.00μμ. Το Προσωπικό του Δήμου θα χαρεί να κανονίσει υπηρεσίες διερμηνέων για σας.

Μπορείτε επίσης να επικοινωνήσετε με τις Τηλεφωνικές Υπηρεσίες Διερμηνέων [Telephone Interpreter Services] στο 131 450 και να τους ζητήσετε να τηλεφωνήσουν στο Rockdale City Council στο 9562 1666 για λογαριασμό σας.

Italian

Importante:

Questo documento contiene importanti informazioni sul Comune di Rockdale City. Se avete difficoltà a comprenderne il contenuto, recatevi presso il Customer Service Centre del Comune a 2 Bryant Street, Rockdale dal lunedì al venerdì dalle ore 8.30 alle 16.30 e al sabato dalle 9.00 alle 13.00. Il personale del Comune sarà ben lieto di procurarvi un servizio interpreti.

Potete anche chiamare il Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che telefoni per vostro conto al Comune di Rockdale City al numero 9562 1666.

Macedonian

Важно:

Овој документ содржи важни информации за Rockdale City Council (Градската општина на Rockdale). Ако не го разбирате, ве молиме, посетете го општинскиот Customer Service Centre (Центар за услуги на клиенти), кој се наоѓа на 2 Bryant Street, Rockdale, од понеделник до петок, од 8.30 наутро до 4.30 попладне и во сабота од 9.00 наутро до 1.00 попладне. Вработените во општината со задоволство ќе ви организираат да користите преведувач.

Исто така, можете да телефонираате во Telephone Interpreter Services (Служба за преведување по телефон) на 131 450, и да ги замолиме во ваше име да се јават во Градската општина на Rockdale на 9562 1666.

Spanish

Importante:

Este documento contiene información importante sobre el Rockdale City Council (Municipio de Rockdale). Si no la entiende, le rogamos concurrir al Centro de Servicio al Cliente del Municipio, ubicado en 2 Bryant Street, Rockdale, atención de lunes a viernes, de 8:30 am a 4:30 pm y el sábado de 9.00 am a 1.00 pm. El personal del municipio se complacerá en obtener los servicios de un intérprete para usted.

Puede asimismo llamar al Servicio Telefónico de Intérpretes al 131 450 y pedirles que llamen de su parte al Rockdale City Council, teléfono 9562 1666.

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Appendix A:	Infrastructure schedule summary
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1. Introduction

Rockdale's Urban Renewal Area is in the northern part of the Rockdale Local Government Area (LGA) on either side of the Illawarra line and immediately south of Wolli Creek and the Cooks River.

The Urban Renewal Area has since the early 2000s been undergoing redevelopment from an industrial area to a high density, mixed use residential and employment area.

The redevelopment is to be sustained by the provision of new and upgrade Local Infrastructure including roads, flood mitigation and stormwater drainage facilities, open space and recreation facilities, and community facilities.

The Local Infrastructure needs of the Urban Renewal Area were first described in a contributions plan that was first adopted by the Council in 2004, and which has been amended on several occasions. Consent authorities have used these predecessor plans to impose section 94 contributions as consent conditions on developments approved in the area.

There are several factors that have led to the comprehensive review of this plan, namely:

- The scope of works have evolved.
- Land and works costs have increased.
- Changes to the development assumptions and population projections for the area.

This contributions plan updates the predecessor plans and contains the following:

- A schedule of Local Infrastructure with a total value (in 2015 dollars) of around \$260 million.
- A schedule of contribution rates for various classes of developments that are expected in the area.
- Provisions enabling reasonable contributions to be imposed on development.
- Information on how the contribution rates were calculated.
- Council's policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- Specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- Various other provisions related to the fair and transparent administration of section 94 contributions involving development in the Urban Renewal Area.

2. Plan summary

2.1 How to use this plan

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below:

Section 2 – Plan Summary

This section identifies both the land and development that this plan applies to as well as the contributions rates that apply to development.

Section 3 – How are the contributions rates calculated?

This section explains how the contributions for development in the Urban Renewal Area are calculated. The expected development is described as well as summaries of the infrastructure strategies that have informed the schedule of works funded by this contributions plan and the associated nexus of the contributions to the projected development. It also provides the formulas and approach for how the contribution rates have been calculated.

Section 4 – How and when will contributions be imposed on development?

This section explains how conditions of consent will be used to collect contributions levied under this plan and provisions to index the contributions payable to reflect changes in land acquisition and construction costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and complying development certificates.

Section 5 – How and when a contribution requirement can be settled?

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan through the use of Voluntary Planning Agreements and Works In Kind arrangements.

Section 6 – Other administration matters

This section outlines other administrative arrangements surrounding the operation of this plan, including a Dictionary of terms used in this plan.

Appendices

The appendices include schedules and maps of the Local Infrastructure that has been or will be delivered under this plan. A series of technical studies were prepared to inform the land use and infrastructure planning for the Urban Renewal Area. The information this plan relies upon is also listed in the appendices.

2.2 Name and commencement of plan

This plan is called Rockdale Contributions Plan 2015 – Urban Renewal Area.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

2.3 What is this plan's purpose?

The primary purpose of this plan is to authorise:

- the Council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a Complying Development Certificate for development to which this plan applies,

to require a section 94 contribution to be made towards the provision, extension or augmentation of Local Infrastructure that are required as a consequence of development in the Urban Renewal Area, or which were provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

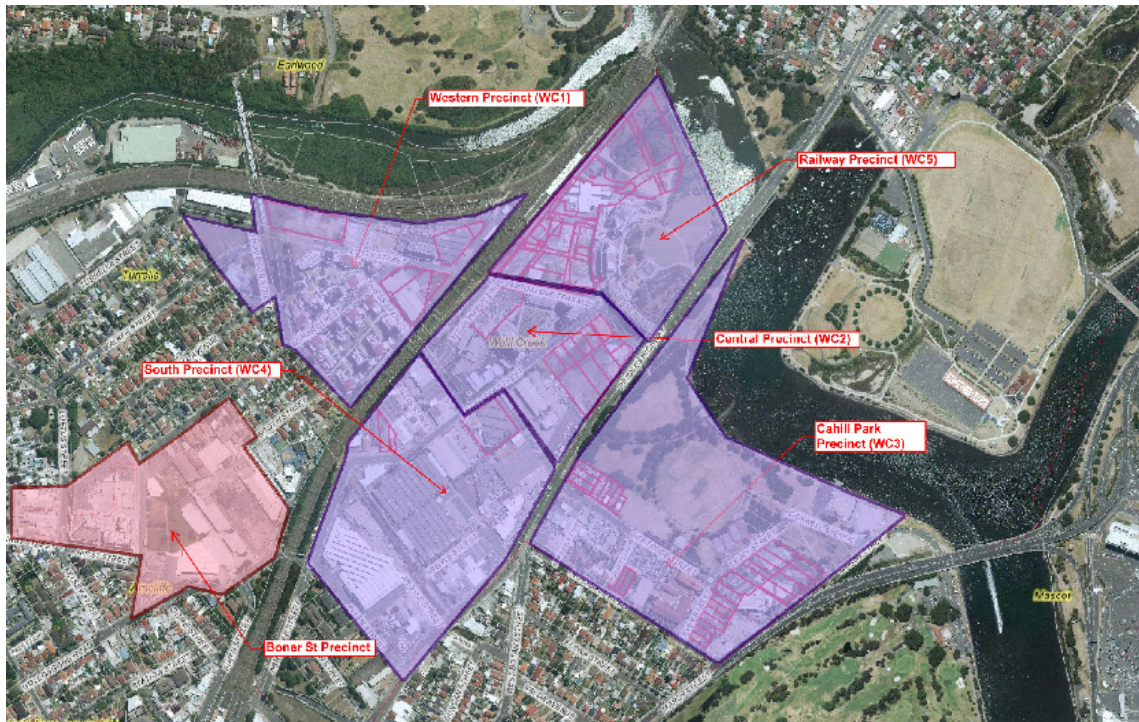
- To provide a clear and transparent basis for levying contributions under the provisions of section 94 of the EP&A Act.
- To provide the framework for the efficient and equitable determination, collection and management of section 94 contributions in the Urban Renewal Area.
- To establish the relationship between the expected development and proposed Local Infrastructure to demonstrate the required contributions are reasonable.
- To update the assumptions underpinning the predecessor plans (Rockdale Section 94 Contributions Plan 2004 and its amendments, or **CP 2004**) as it relates to the Urban Renewal Area.
- To allow for the provision of facilities as works in kind in lieu of a monetary contribution.
- To provide for the dedication of land at no cost to Council in lieu of a monetary contribution.
- To ensure that the broader Rockdale community is not unreasonably burdened by the provision of Local Infrastructure required as a result of development in the Urban Renewal Area.

2.4 What land and development does this plan apply to?

Subject to **Section 2.5**, this plan applies to the Urban Renewal Area, the extent of which is shown in **Figure 1** over the page.

This plan applies to the following types of development:

- Residential Accommodation development that would result in a net increase in dwellings.
- Other development that would create a net increase in demand for the Local Infrastructure items to be provided under this plan.



Note: Area included in Wolli Creek precinct is shaded purple. Area included in Bonar Street precinct is shaded pink.

Figure 1 Land affected by this plan

2.5 What development is exempted?

This plan DOES NOT apply to the following types of developments:

- Development proposed by or on behalf of the Council.
- Seniors housing development (other than self-contained dwellings forming part of seniors housing development).
- Public schools, public hospitals and emergency services.
- Development exempted from section 94 contributions by way of a direction made by the Minister for Planning under section 94E of the EP&A Act.

2.6 What Local Infrastructure will be provided under this plan?

The types of Local Infrastructure which are covered by this plan include the following:

- Roads, traffic, parking and streetscape facilities, including upgrades to existing roads and intersections, new and widened roads, cyclways, footpath treatments, street furniture etc.
- Flood mitigation and stormwater drainage facilities, including culverts and gross pollutant traps, etc.
- Open space and recreation facilities, including new and upgraded parks, etc.
- Community facilities, including multi-purpose community floor space.

The costs of administering this plan will also be met by contributions imposed under this plan.

A summary of the costs of Local Infrastructure to be met by development approved under this plan and predecessor contributions plans is shown in **Table 1**.

More details on the demand for Local Infrastructure, the relationship of the Local Infrastructure with the expected development, and specific facilities to be provided are included in **Part 3** of this plan.

Table 1 Summary of infrastructure costs

Local Infrastructure type	Sub category	Total cost to be met by entire Urban Renewal Area development
Essential infrastructure		
Roads, traffic, parking and streetscape Infrastructure	Land	\$30,920,062
	Works	\$65,682,459
Flood mitigation and stormwater drainage Infrastructure	Land	\$0
	Works	\$71,391,080
Social Infrastructure	Land	\$70,300,552
	Works	\$15,252,523
Plan administration		\$2,473,261
Non essential infrastructure		
Social Infrastructure	Works	\$2,978,872

2.7 What are the contribution rates for Local Infrastructure?

Table 2 below summarises the total cost of infrastructure to be funded by this plan, as well as the contribution rates for the various categories of Local Infrastructure in this plan. Part 3 of this plan itemises the infrastructure to be provided under this plan, including ‘essential infrastructure’ as defined by the Department of Planning and Environment, and how the contribution rates have been derived.

Table 2 Summary of contribution rates

		Per resident or worker	Per 0 or 1 bed dwelling	Per 2 bed dwelling	Per 3 or more bed dwelling
Essential infrastructure					
Roads, traffic, parking and streetscape	Land	\$1,650	\$2,814	\$3,947	\$4,794
	Works	\$3,506	\$5,977	\$8,384	\$10,185
Flood mitigation and stormwater management	Land	\$0	\$0	\$0	\$0
	Works	\$3,810	\$6,496	\$9,113	\$11,070
Social infrastructure	Land	\$3,752	\$6,397	\$8,974	\$10,901
	Works	\$814	\$1,388	\$1,947	\$2,365
Plan management and administration	Land	\$132	\$225	\$316	\$384
Essential infrastructure total		\$13,664	\$23,297	\$32,681	\$39,698
Non essential infrastructure					
Social infrastructure	Works	\$159	\$271	\$380	\$462

* Despite the contribution rates shown in **Table 2** the Consent Authority will not impose a monetary contribution on residential development that exceeds a total of \$20,000 per lot or dwelling. This is to ensure that the contribution that is imposed on the development is consistent with a direction made by the Minister for Planning. Refer to **Section 4.3** of this plan for more details.

3. How are the contribution rates calculated?

This part of the plan explains the expected development of the Urban Renewal Area, the infrastructure necessary to support this development, and the way the contributions for that infrastructure have been calculated including the costs which have been included in the calculation.

3.1 Expected demand for Local Infrastructure

3.1.1 Area context

The Urban Renewal Area is situated either side of the Illawarra Railway Line and on the southern side of Wolli Creek and the Cooks River. Much of the land is very low lying and flood liable.

The area enjoys excellent access to the rail, road and regional open space networks which has led to the State Government and Council designating it as a priority location to accommodate much of LGA's future population growth.

The area includes the development precincts of Wolli Creek and Bonar Street. The Wolli Creek precinct is the larger precinct surrounding Wolli Creek railway station and reflects the area that was rezoned for mixed use urban renewal in the early 2000s. The Bonar Street precinct lies to the south west and is situated closer to Arncliffe railway station. This precinct was rezoned for higher density residential development in 2008.

The infrastructure planning for these precincts was undertaken at different times, which is reflected in the separate contributions plans that previously applied to the Urban Renewal Area (i.e. the 'predecessor plans'). The precincts are however contiguous, are being planned with similar types of infrastructure, and the infrastructure in each area links to other precinct's infrastructure to a large extent. For example:

- the flooding and stormwater facilities provided upstream in Bonar Street precinct will benefit developments in the Wolli Creek precinct
- parks to be provided in Wolli Creek precinct will be demanded by the new populations living in Bonar Street precinct.

It is therefore reasonable to consolidate the precincts into one contributions plan comprising the Rockdale Urban Renewal Area contributions catchment. This plan consolidates the infrastructure items required for the entire Urban Renewal Area and spreads the apportioned cost of this infrastructure over the same area.

Prior to its rezoning and the commencement of redevelopment, the entire Urban Renewal Area was a traditional industrial and related employment area accommodating factories, warehouses and the like. Redevelopment is now well underway, and the Urban Renewal Area is now evolving from an industrial area into a high density mixed use, residential and commercial area.

3.1.2 Expected development

The full development of the Urban Renewal Area is expected to have the following characteristics:

- A town centre with the highest development densities focused around the Wolli Creek railway station and Brodie Spark Drive. Most of the non residential uses will be located in this area.

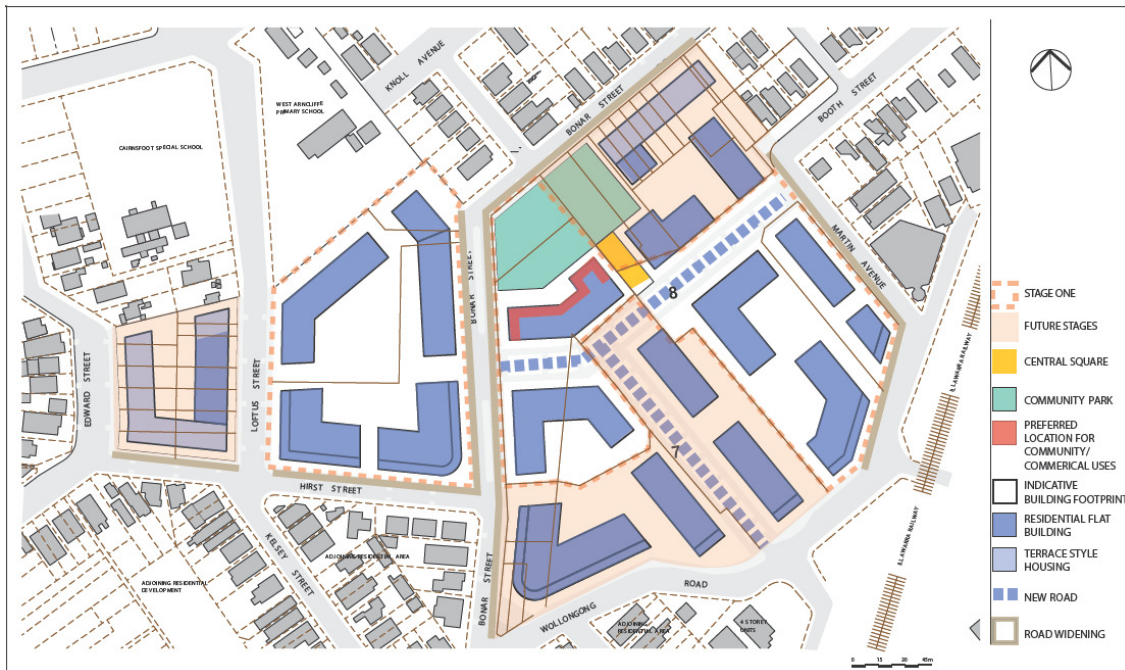
- High density residential uses on certain land west of the railway and on land south of Cahill Park
- Highway service businesses located along the Princes Highway
- Mixed land uses in other areas
- Effective and direct road, pedestrian and cycling links to surrounding networks
- An open space network and public domain network focused on existing and new parks and streets and along the waterfront.

The anticipated arrangement of these land uses is shown in the structure plans for the Wolli Creek and Bonar Street precincts shown in Figures 2 and 3:



Source: Rockdale DCP 2011, page 7-8

Figure 2 Wolli Creek Precinct Structure Plan



Source: Rockdale DCP 2011, page 7-26

Figure 3 Bonar Street Precinct Structure Plan

The land use planning strategy for the Urban Renewal Area has evolved since its inception in the early 2000s. A balanced mix of high density residential, as well as commercial and retail developments was originally anticipated, particularly in the Wolli Creek precinct. For example it was originally envisaged that Wolli Creek would accommodate 3,700 dwellings accommodating 7,600 residents, and there would be 7,200 workers at full development.¹

Current projections for Wolli Creek are for significantly more dwellings and residents, and significantly fewer workers.

There has been much less non residential development approved in the area than was originally envisaged, reflecting a priority in market demand for residential uses. This trend is likely to continue and has resulted in the employment forecast for the Urban Renewal Area being significantly reduced.

CP 2004 anticipated a mix of employment land uses with an overall average employment density of 1 worker for every 30 square metres of gross floor area. That anticipated employment density has been retained in this plan in order to estimate the anticipated number of workers that will come to the Urban Renewal Area each day.²

Approvals for the redevelopment of the area's former industrial sites began in the mid-2000s. Development has proceeded generally in accordance with the approved planning strategy. Council has tracked the development applications in the area. Significant high density mixed use development has been completed in the areas around Discovery Point and Brodie Spark Drive, while high density residential development has occurred around Bonar Street, Lusty Street and Gertrude Street.

¹ CP 2004, page 61

² CP 2004, page 58

Table 3 shows a summary of the developments approved up to mid-2015.

Table 3 Approved developments in Urban Renewal Area

	Retail and commercial floor area (m ²)	Net dwelling increase
Bonar Street precinct	60	864
Wolli Creek precinct	14,244	4,078
Urban Renewal Area	14,304	4,942

Council has combined the information on approvals with the planning constraints on the remaining development sites to determine the expected maximum development potential in the Urban Renewal Area. The results of that analysis are shown in Table 4.

Table 4 Total maximum development potential in Urban Renewal Area

	Retail and commercial floor area (m ²)	Net dwelling increase
Bonar Street precinct	60	1,363
Wolli Creek precinct	37,482	6,459
Urban Renewal Area	37,542	7,822

The planning for the Urban Renewal Area in the early 2000s envisaged that the development would take place over a timeframe of up to 25 years – that is, by about 2030. In 2015 around 60 percent of the total available development potential had either been constructed or approved. While it is possible that not all of the approved development will convert into completed development, the 2030 development horizon for the area remains valid.

3.1.3 Expected population

The demand for local infrastructure to support the Urban Renewal Area redevelopments arises from both the developments themselves and the populations that will live and work in them. Contributions for local infrastructure are therefore based on the population expected to be accommodated in each development and the ultimate population of the entire Urban Renewal Area.

Table 5 shows the assumptions that have been used to estimate these populations.

Table 5 Assumptions used for population estimates

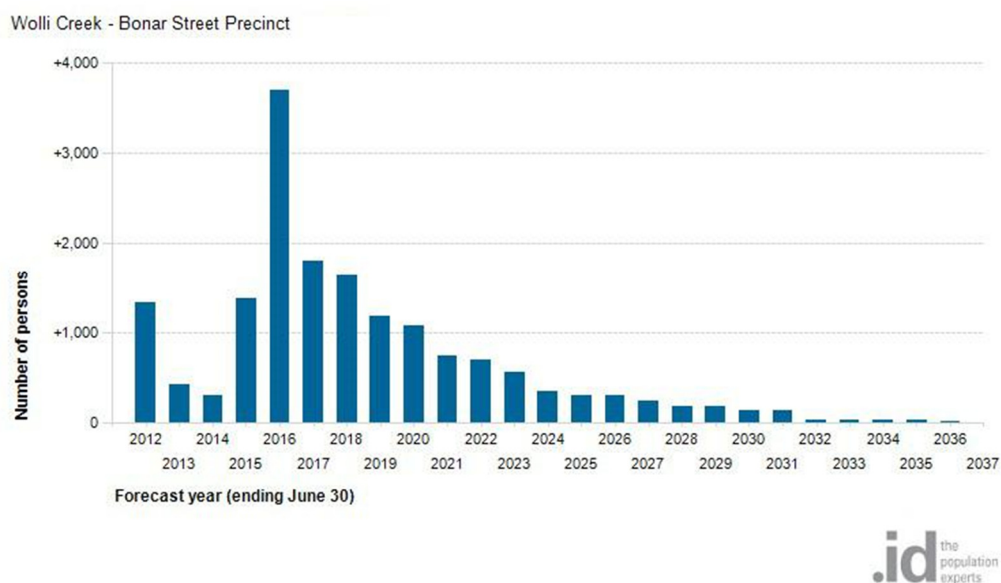
	Assumption	Sources
Residential development	<ul style="list-style-type: none"> Each bedsit or 1 bedroom dwelling is likely to accommodate 1.7 residents. Bedsit or 1 bedroom dwellings will comprise 29.95% of all dwellings. Each 2 bedroom dwelling is likely to accommodate 2.39 residents. 2 bedroom dwellings will comprise 61.16% of all dwellings. Each 3 or more bedroom dwelling is likely to accommodate 2.91 residents. 	<ul style="list-style-type: none"> 2011 Census of Population and Housing for Wolli Creek area Council data on dwelling approvals in Urban Renewal Area 2006-2015

	Assumption	Sources
	3 or more bedroom dwellings will comprise 8.89% of all dwellings.	
Non residential development	<ul style="list-style-type: none"> Overall average worker occupancy of non residential floor space: 1 worker per 30 square metres of gross floor area 	CP 2004, page 58

Contributions for residential accommodation development in this plan are determined by first calculating the per person rate and converting that rate to a per dwelling rate. This plan adopts a set of average occupancy rates shown in Table 5 for this purpose. These rates are also used to determine any existing population on a development site for the purpose of establishing the net increase in infrastructure demand that is attributable to a particular development.

Using the assumptions in Table 5 it is expected that the Urban Renewal Area will accommodate 15,685 residents and 3,051 workers. This combined population of **18,736** is the basis for sharing the infrastructure costs among the Urban Renewal Area developments.

Figure 4 shows the expected profile of the population increase in the Urban Renewal Area from 2012 onwards. It shows that most of the expected development being occupied by the early 2030s.



Source: <http://profile.id.com.au/rockdale>

Figure 4 Profile of Urban Renewal Area population increase

The demographic characteristics of a development area are important in understanding the future social infrastructure needs of that area. A major change in land use, such as from industrial to residential, will generate new social infrastructure demands relevant to the characteristics of the expected population.

Council has undertaken an assessment of the likely characteristics of the future population of the Urban Renewal Area. A summary of this assessment follows:

- The area is currently mainly occupied by young working age residents and their very young children. Persons aged 0-4 years and 20-39 years make up around three quarters of the resident population. The primacy of these age groups will not materially change over time, with these groups still anticipated to comprise over 68% of the population in 2036.
- In 2011, compared to the Greater Sydney average the Urban Renewal Area had significantly fewer numbers of school-age children, older workers, empty nesters and retirees; and had significantly greater numbers of young workers and tertiary students.
- Child-less couples are the dominant household type, with lone person and group households also significantly represented. Group households make up around 15% of all households, which is high compared to Greater Sydney (4%). Families and singles with children make up only 22% of total households. The dominance of couple-only, single person and group households is expected to continue throughout the development horizon.
- In 2011 the average household size was 2.36 persons per dwelling.
- Just over half of residents in 2011 were in rented dwellings, compared to the Sydney average of 30%.
- The area is highly multi-cultural, with 63% of residents having been born overseas and 37% having arrived recently in the country. The dominant cultural group is Chinese, with 32% of the residents having Chinese ancestry which is four times the Sydney average. Some 56% of the population have a non English speaking background, which is more than double the Sydney average. This cultural diversity is likely to persist in the future.
- The resident population is comparatively highly educated, with 44% having a degree qualification or higher. Some 46% of the adult population in 2011 identified as managers or professionals. This profile was reflected in workers having relatively high incomes compared to the rest of Sydney.
- The area in 2011 had greater rates of workforce participation and persons in full-time employment than the Sydney average. The rate of unemployment among residents was close to the Sydney average.
- Compared to Greater Sydney, the use of public transport for the journey to work is high and rates of car ownership are low.³

This social profile points to a need to provide the Urban Renewal Area development with accessible and multi-purpose open space, open space linkages and community facilities suitable for a population that is ethnically diverse, and that has a predominance of young working age people, with some having young children.

3.1.4 Demand for infrastructure

Prior to the commencement of mixed use development in the Urban Renewal Area, public amenities and services were essentially been designed to cater for the predominantly industrial development that existed in the area at that time. To support the full re-development of the Urban Renewal Area, significant augmentation and upgrading of existing infrastructure and public amenities is required.

The Local Infrastructure needs likely to be generated by this development were investigated as part of, and following, the rezoning of the land to permit mixed use development. Those investigations concluded that the redevelopment would have the following Local Infrastructure impacts:

³ Summary drawn from the community profile accessed at <http://profile.id.com.au/rockdale>, November 2015

- Increased pressure on the existing vehicle and pedestrian access networks requiring capacity upgrades to roads and intersections.
- Increased pressure on the existing stormwater drainage facilities which already struggle to cope with the water run-off from significant storm events.
- Increased demand for active and passive recreation facilities such as sports fields, sports courts, playgrounds, walking trails, cycle paths, recreation centres and community facilities.

In order to provide a safe, convenient and amenable urban redevelopment, new and upgraded roads, traffic, parking and streetscape facilities; flood mitigation and stormwater management facilities; and social infrastructure including open space and recreation facilities and community facilities, will be required.

Section 3.2 of this plan summarises the cost of land and works required for each of these Local Infrastructure types, the nexus between the development and the infrastructure, and how the contribution rates are calculated.

Further detail on the costs, indicative timing for delivery and locations of the Local Infrastructure is included at **Appendices A and B**.

3.1.5 Contribution rates based on entire development

This plan constitutes an update of predecessor contributions plans. Developments in the Urban Renewal Area that have already been approved have been subject to a requirement to make contributions under the predecessor plans. Those contributions were required for the full suite of Local Infrastructure required to sustain all of the development in the area. Some of the infrastructure items in the predecessor plans have been completed while others have not.

Future development will be subject to a requirement to make contributions under this plan. Contributions in this plan have been calculated based on the updated cost to provide the full suite of Local Infrastructure that is required to sustain all of the development in the area. This includes the completed cost of infrastructure that has already been provided in advance of this development, as well as the infrastructure that is yet to be provided. This method of calculation has been adopted to ensure all of the expected development, both previous and future, makes an equitable and reasonable contribution toward all of the Local Infrastructure required for the Urban Renewal Area.

3.2 Infrastructure schedule and nexus

The delivery of new Local Infrastructure to support Urban Renewal Area development will include the acquisition of land and carrying out of capital works. Council is also anticipating future expenditure in administering this plan so that it remains valid and the contribution rates remain reasonable.

The infrastructure necessary to support the expected development in the Urban Renewal Area has been identified through various technical studies and cost estimates. The list of studies and other information sources informing this plan and its predecessor plans is included in **Appendix C**.

The following sections describes the scope and total costs of the various items of Local Infrastructure that is included in this plan. Further detail on specific items, their estimated costs and staging, and location maps are included in **Appendices A and B**.

3.2.1 Roads, traffic, parking and streetscape infrastructure

Objectives

The objectives for planning for access in the Urban Renewal Area are:

- (a) Facilitate safe, accessible and convenient movement to, from, and within the area
- (b) Create a permeable road network that facilitates efficient vehicular access to and circulation within the area which can be conveniently used by all modes of transport
- (c) Encourage use of public transport and alternative transport modes to help prevent further congestion of the regional road system
- (d) Manage the scale of development and the provision of parking to match the capacity of the road network
- (e) Create a town centre that is the heart of the precinct with high quality streetscapes, active building edges, high quality pedestrian environment and good access to transport links
- (f) Encourage and increase the multiple functions performed by streets.^{4 5}

Needs assessments and infrastructure strategy

Roads, traffic and parking infrastructure

Planning for the traffic needs of the Urban Renewal Area development commenced in the early 2000s when the area was being rezoned to permit mixed use commercial and residential development. These assessments informed the strategies and works schedules in the predecessor contributions plans. The access planning for the Urban Renewal Area was updated with the completion for the Wolli Creek and Bonar Street Precinct Traffic Study prepared by Bitzios Consulting in 2013.

To achieve the objectives for safe and convenient access for the Urban Renewal Area developments, the following will be required to be provided:

- New roads
- Upgrading of existing roadways
- Widening of some existing roads
- Improved linkages to the arterial road system including Princes Highway and Marsh Street, including additional signalised intersections and the upgrading of some existing signalised intersections
- New and adjusted traffic management facilities, such as traffic signals, signs, etc.
- Provision and management of the supply of on-street parking by appropriate signage and line marking, and integrated into the streetscape design
- Accommodation of additional alternative transport modes on roadways, such as bicycles, bus priority, the provision of bus stops and bus shelters, etc.
- Safety improvements to the two existing road underpasses beneath the Illawarra Railway.

The proposed access network for the area is described in sections 7.1.5 and 7.2 of the DCP, including the proposed new and widened roads. The specifications for the proposed works are

⁴ *ibid.*, p7-11 and p7-16

⁵ CP 2004, p100

contained in the Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.

This plan facilitates the delivery of the proposed access network by:

- Identifying the land required for access infrastructure that will be dedicated free of cost by developers of land
- Identifying the access infrastructure works that will be carried out by the developers of the land as part of their developments
- Identifying the access infrastructure works, the costs of which will be met by section 94 contributions

This plan continues the implementation of the predecessor contributions plans, with some modifications to the scope of works that reflect the evolving development circumstances of the area. This plan also integrates an updated infrastructure costs assessment and includes some of the works recommended in the 2013 Wolli Creek and Bonar Street Precinct Traffic Study.

Streetscape and public domain works

The quality of the street environment that existed at the start of the Urban Renewal Area redevelopment reflected the area's use as an industrial employment area. That is, the streets contained basic footpaths and few if any facilities for people to gather.

The Urban Renewal Area developments will create increased street life and demand for public domain improvements. The streets will experience greater movement and pressure for active street uses such as cafes and seating. Streets will also perform an important function as pedestrian and cycle connectors to existing and planned open space. Council's policy is that streets must comfortably accommodate vehicular, cycle and pedestrian use, and reduce conflict between these forms of access.⁶

The proposed streetscape works include the following:

- landscaping and embellishment of road verges, including the provision of footpaths, paving, street trees, turfing and other planting
- new kerb and gutter
- undergrounding of existing utilities
- landscaping and embellishment of traffic islands and roundabouts
- street furniture, such as decorative street lighting, seating, bollards, bins.

The specifications for the proposed works are contained in the Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.

The proposed streetscape works in the Urban Renewal Area have the following main purposes:

- To provide reasonable landscaping to the frontage of new development.
- To upgrade and widen footpaths to allow for the greater population.
- To mitigate the impact of increased traffic.

⁶ Wolli Creek and Bonar Street Precinct Public Domain Plan, p9

- To provide streets and public domain of a standard that is suitable as an additional recreation resource for the additional population.

The anticipated Urban Renewal Area development should be accountable for the full cost of delivering the new street environments because the works are needed to provide extra capacity for the additional population and to mitigate the impact of the new development and the significantly increased population in the area.

Both residential and non residential development in the town centre should be levied contributions for these facilities on the basis that both residents and workers will demand the facilities.

Nexus and apportionment

The need for all of the access infrastructure is generated by the expected development in the Urban Renewal Area. The contribution rates are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

Despite this, the expected contributions will not fund the full cost of the infrastructure. This is because the estimated cost of the infrastructure has increased significantly since the predecessor contributions plan was prepared. In excess of 60 percent of the expected development in the Urban Renewal Area is the subject to contributions calculated under the predecessor plan. As a result, Urban Renewal Area development contributions will be insufficient to meet the cost of Urban Renewal Area infrastructure. Council will therefore find other sources to fund the contributions shortfall.

Land required for the new and widened roads will be dedicated free of cost to the Council by the developer of land at the time of development. Dedication without cost is reasonable as the value of the land has been accounted for in the transfer of development rights from the dedicated portion of the site to the residual or development portion of the site.

The costs will be shared between the expected resident and worker population. Contributions will be levied on a per resident or per worker basis. The resident demand for the infrastructure is assumed to be the same as the worker demand. The predecessor plan adopted a complicated rates calculation for non residential development based on trip generation benchmarks published by the RMS. This plan does not continue this approach on the grounds that:

- the anticipated amounts and varieties of non residential floor space and workers are much lower than when the area was initially planned; and
- vehicle trips as an apportionment method does not adequately address the multi-function purpose of the street network for pedestrians and cyclists as well as cars.

Contribution rates calculation

Table 6 below summarises the roads, traffic, parking and streetscape infrastructure costs and contributions. A detailed breakdown of these costs and maps showing the locations of these facilities can be found in **Appendices A and B**.

Table 6 Summary of roads, traffic, parking and streetscape infrastructure costs

	Cost	Contribution per resident or worker
Land acquisition	\$30,920,062	\$1,650
Construction	\$65,682,459	\$3,506
TOTAL	\$96,602,521	\$5,156

Contribution rates are calculated on the expected population in the area, both residents and workers. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents and workers that are expected will live and work in the Urban Renewal Area.

The contribution formula for roads, traffic, parking and streetscape infrastructure can be expressed as:

$$\text{Contribution per resident or worker (\$)} = \sum \left(\frac{\$INF}{P_{R+W}} \right)$$

Where:

$\$INF$ = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the roads, traffic, parking and streetscape infrastructure items required to meet the development of the Urban Renewal Area (refer Table 6).

P_{R+W} = The expected total number of residents and workers that will generate the demand for the roads, traffic, parking and streetscape infrastructure (i.e. 18,736).

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents and workers in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rates shown in Table 5.

3.2.2 Flood mitigation and stormwater drainage infrastructure

Objectives

The objectives for planning for flood mitigation and stormwater management in the Urban Renewal Area are:

- Provide adequate flood protection to the area which is appropriate to the scale, value and intensity of the development that is likely to occur
- Implement appropriate strategies to ensure safety and minimise damage to property as a result of a pre-existing flood risk.
- Ensure existing floodplain users do not experience any increase in flood level as a result of development in the Urban Renewal Area.

- (d) Ensure that development sites in the area are satisfactorily drained.
- (e) Implement water management strategies to minimise the effect of stormwater pollution on nearby waterways, encourage water conservation and reduce stormwater runoff to minimise flooding.

Needs assessment and infrastructure strategy

The Urban Renewal Area is generally low-lying, with ground levels in the Wolli Creek precinct predominantly between RL 2.00 and 5.00 (Australian Height Datum). Most of the land in the Bonar Street precinct is on higher land that drains towards the Wolli Creek precinct. Flooding is known to occur in all parts of Wolli Creek. The majority of the Urban Renewal Area is located below the design flood level.

The low lying nature of the Urban Renewal Area was a key factor in its historic development as an industrial area. Such uses have tended to locate in low lying and flood affected areas because of long standing community expectations that residential housing should not locate in these high hazard areas. This traditional settlement pattern was evident in many other parts of southern Sydney, including Mascot, Alexandria, Marrickville and Tempe.

The competition for land means that many of these areas are coming under pressure for conversion to housing. With that conversion there is a need to maintain the community's expectation that the areas where people live, and the safe evacuation routes, will be flood-free. Council's flood policy requires buildings to be built to a design floor level which is the design level plus freeboard. The design flood is established at the 0.5% AEP (annual exceedance probability) flood and the freeboard 500mm.

Flood mitigation work is essential if the Urban Renewal Area is to be redeveloped for residential, commercial or other non industrial purposes. The rezoning of the area to permit such redevelopment depended on adequate provision being made for the flood protection of the area in order to satisfy the requirements of planning directions issued by the Minister for Planning.

Council has undertaken studies to identify the flood mitigation and drainage works will be required in this area. Included in these works are improvements needed to convey stormwater from other areas through Wolli Creek without causing local flooding.

The Urban Renewal Area is served by a substandard stormwater drainage system that results in frequent overland flows and ponding of stormwater. Redevelopment of the area is unlikely to result in a substantial increase in the volume of stormwater runoff generated. However, consistent with Council's policy, the intensity and value of development which is likely to occur in the area will require a higher standard of stormwater servicing to be implemented than presently exists, necessitating the implementation of an appropriate, reasonable and equitable funding mechanism to deliver the needed facilities. Section 94 contributions are the proposed mechanism.

Stormwater management in the Urban Renewal Area will be dealt with through providing trunk facilities. These facilities include, where appropriate, combining the construction of drains with new local roads above. Water quality management measures, such as gross pollutant traps, are also proposed to be implemented as trunk facilities.

On-site detention is not encouraged in the Wolli Creek precinct as the land is located at the lower end of catchments and detaining stormwater could exacerbate the risk of local flooding. Because of its higher level, on-site detention of water is to be implemented for development in the Bonar Street precinct.

The proposed infrastructure strategy includes the acquisition of land for facilities and the construction of facilities. This contributions plan continues the implementation of the predecessor contributions plans, with some modifications to the scope of works that reflect the evolving development circumstances of the area. This plan also integrates an updated infrastructure costs assessment.

Nexus and apportionment

The proposed flood mitigation works are a pre-requisite to make the sites within the Urban Renewal Area developable for residential, commercial and other non residential purposes. This is despite the flood waters coming from other areas.

Similarly, the drainage works are needed to enable the new developments to take place.

The contribution rates are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

Despite this, the expected contributions will not fund the full cost of the infrastructure. This is because the estimated cost of the infrastructure has increased significantly since the predecessor contributions plan was prepared. In excess of 60 percent of the expected development in the Urban Renewal Area is the subject to contributions calculated under the predecessor plan. As a result, Urban Renewal Area development contributions will be insufficient to meet the cost of Urban Renewal Area infrastructure. Council will therefore find other sources to fund the contributions shortfall.

The costs will be shared between the expected resident and worker population. Contributions will be levied on a per resident or per worker basis. The resident demand for the infrastructure is assumed to be the same as the worker demand.

Contribution rates calculation

Table 7 below summarises the flood mitigation and stormwater drainage infrastructure costs and contributions. A detailed breakdown of these costs and maps showing the locations of these facilities can be found at **Appendices A and B**.

Table 7 Summary of flood mitigation and stormwater drainage infrastructure costs and contributions

	Cost	Contribution per resident or worker
Land acquisition	\$-	\$-
Construction	\$71,391,080	\$3,810
TOTAL	\$71,391,080	\$3,810

Contribution rates are calculated on the expected population in the area, both residents and workers. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents and workers that are expected will live and work in the Urban Renewal Area.

The contribution formula for flood mitigation and stormwater drainage infrastructure can be expressed as:

$$\text{Contribution per resident or worker (\$)} = \sum \left(\frac{\$INF}{P_{R+W}} \right)$$

Where:

$\$INF$ = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the flood mitigation and stormwater drainage infrastructure items required to meet the development of the Urban Renewal Area (refer Table 7).

P_{R+W} = The expected total number of residents and workers that will generate the demand for the flood mitigation and stormwater drainage infrastructure (i.e. 18,736).

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents and workers in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Table 5.

3.2.3 Social infrastructure

In this plan 'social infrastructure' includes all Local Infrastructure required to sustain the social life of, and community wellbeing in, the Urban Renewal Area. Social infrastructure includes open space and recreation facilities, and community facilities.

Objectives

The objectives for open space and recreation facilities in the Urban Renewal Area include the following:

- (a) Ensure that the nature and distribution of public spaces, buildings and facilities enhances the public domain and links key features and activities within Wolli Creek.
- (b) Enhance local pedestrian and cycle routes and link them with the regional networks, residential areas, work, shopping and recreation activities and public transport nodes.
- (c) Retain, manage and upgrade environmentally significant areas, including Wolli Creek Wetlands and the Cooks River.

The objectives for community facilities in the Urban Renewal Area include:

- (a) Continue Council's role in resourcing and supporting local community based groups commensurate with population growth.
- (b) Provide community facilities and deliver community services in response to community needs arising from growth in the resident and worker population.
- (c) Provide community facilities in locations of high demand and/or good accessibility.

Needs assessment and infrastructure strategy

Open space and recreation

The anticipated open space demands for the Urban Renewal Area were assessed as part of the studies that informed the predecessor contributions plans. These studies included an Open Space Strategy prepared in 2001.⁷ The open space requirements were refined and updated in the original and subsequent versions of the development control plan for the area, and detailed implementation documents were prepared including a public domain plan and technical manual.⁸

These analyses concluded that the supply of open space and recreation facilities that existed in the area before the redevelopment commenced would only satisfy the demands of the existing population at that time. There was no spare capacity to meet the additional needs of the expected population increase in the area. Additional or augmented facilities would be required if the additional needs of the incoming population were to be met without reducing the standard of facilities enjoyed by existing residents.

Council's approach to meeting future demands in the Urban Renewal Area is twofold:

- Acquisition of strategic land that contributes to the network of open space currently provided.
- Embellishment of the existing parkland and improvements to the existing public domain (including embellishment of the proposed open space land acquisitions).⁹

This balanced and practical approach remains valid.

The proposed open space network for the area is described in section 7.1.6 of the DCP and in section 3.1.4 of the Public Domain Plan. The strategy includes new parks and enlarged existing parks as well as embellishments on existing and new open space. The specifications for the proposed works are contained in the Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.

Previous contributions plans identified a works schedule and costs apportionment that reflected the Open Space Strategy and that would meet the needs of the development that was then anticipated in the Urban Renewal Area. This plan continues the implementation of these plans, with some modifications to the scope of works that reflect the evolving development circumstances of the area. This plan also integrates an updated costs assessment.

Community facilities

Council provides and supports many community services and facilities. Existing facilities include community centres, meeting halls, senior citizens centres, child care centres and pre-schools, cultural centres, volunteer emergency services and libraries.

The Urban Renewal Area will generate a significant more residents and workers who will demand similar services to those that are currently provided.

⁷ Don Fox Planning, *Rockdale Section 94 Contributions Plan: Open Space Strategy*, prepared for Rockdale City Council (November 2001)

⁸ Rockdale Development Control Plan 2011; Jane Irwin Landscape Architecture, *Wolli Creek and Bonar Street Precinct Public Domain Plan*, prepared for Rockdale City Council 2011; Wolli Creek and Bonar Street Precinct Public Domain Technical Manual 2011

⁹ CP 2004, p69

Council has previously identified that there is little capacity in the existing facilities that can cater for the increased demands that will occur as a result of the Urban Renewal Area development.¹⁰

All sectors of the community share the need for some type of cultural facility or community service at some time. Some types of community services are age specific (such as child care, youth centres or senior citizens centres) while others are generic and used by people of all ages (such as exhibition space and libraries).

Council seeks to provide community services that are able to provide for the demand of the whole population of all ages. Accordingly, the provision of multi-use facilities that are able to be adapted for use for a broad range of purposes will best address these demands. Council therefore sees the provision of multi-purpose floor space as a community service priority.

The predecessor contributions plans authorised contributions to be levied on Urban Renewal Area development for a range of purposes including a new multi-purpose community facility, an occasional child care centre, new library buildings and library resources / bookstock. This plan will instead only levy for the costs of a new multi-purpose community centre, with the Urban Renewal Area's demands for other community facilities to be met from other funding sources.

Council plans to provide a centre of approximately 400 square metres to meet the new community's needs. This size would allow for kitchen and amenities as well as areas to be cordoned off so that multiple uses could operate.

With a planned resident and worker population in the Urban Renewal Area of more than 18,000, this equates to a rate of community facilities provision of 21.3 square metres per 1,000 population. This is well below the prevailing rate of provision of similar classes of community facilities floor space for Rockdale LGA as a whole, which is 87 square metres per 1,000 population.¹¹ The levying of the full cost of the facility on the Urban Renewal Area population is reasonable in that the development would not be required to provide any more community facilities, and in fact would provide a lesser quantum, than those currently enjoyed by the Rockdale LGA population.

The facility will be provided by Council acquiring floor space in a yet-to-be-determined mixed use development located within the Urban Renewal Area. This approach is preferred as it enables the community centre to integrate with the other non residential uses in the area, and is less expensive than acquiring land and developing a stand-alone building. This contributions plan includes the cost of acquiring land in stratum as well as the building fit-out. It is recognised that the fit-out component of the facility would not meet the definition of essential infrastructure included in the IPART practice note.

Nexus and apportionment

The need for most of the social infrastructure is generated by the expected development in the Urban Renewal Area. The contribution rates for most of the social infrastructure are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

The exceptions are:

¹⁰ CP 2004, p149 and p151

¹¹ In 2008 Council provided 25,847 square metres of community services floor space; 9,439 square metres of which comprised halls, senior citizens centres and community centres. In 2014 the estimated resident population of Rockdale LGA was 108,072, meaning that there were 87 square metres of floor space for community centre-type floor space per every 1,000 residents.

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- Cahill Park land acquisitions and works
- Cook Park embellishments.

Cahill Park, although located in the Urban Renewal Area, is a facility that attracts users from throughout the City of Rockdale. It is therefore appropriate that the costs of land acquisition and the embellishments at Cahill Park be met by the anticipated population growth in the LGA between the commencement of the Urban Renewal Area development (2004) and 2031.

Cook Park is located along the Botany Bay foreshore and Council plans to augment the facilities there to cater for the future population growth. The existing facilities at Cook Park are enjoyed by the entire Rockdale LGA population. It is anticipated that the population of the Urban Renewal Area will demand the additional Cook Park facilities as much as the populations that will occupy other recent and future developments in the LGA. It is therefore appropriate that the costs of the embellishments at Cook Park be met by the anticipated population growth in the LGA between the commencement of the Urban Renewal Area development (2004) and 2031.

For the other social infrastructure items the demand for which is fully apportioned to Urban Renewal Area development, the expected contributions will not fund the full cost of the infrastructure. This is because the estimated cost of the infrastructure has increased significantly since the predecessor contributions plan was prepared. In excess of 60 percent of the expected development in the Urban Renewal Area is the subject to contributions calculated under the predecessor plan. As a result, Urban Renewal Area development contributions will be insufficient to meet the cost of Urban Renewal Area infrastructure. Council will therefore find other sources to fund the contributions shortfall.

The costs will be shared between the expected resident and worker population. Contributions will be levied on a per resident or per worker basis. The resident demand for the infrastructure is assumed to be the same as the worker demand.

Contribution rates calculation

Table 8 below summarises the social infrastructure costs and contributions. A detailed breakdown of these costs and maps showing the locations of these facilities can be found at **Appendices A and B**.

Table 8 Summary of social infrastructure costs and contributions

	Cost	Contribution per resident or worker
Land acquisition	\$70,300,552	\$3,752
Construction (essential infrastructure)	\$15,252,523	\$814
Construction (non essential infrastructure)	\$2,978,872	\$159
TOTAL	\$88,531,946	\$4,725

Contribution rates are calculated on the expected resident population in the area. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents that are expected will live in the Urban Renewal Area.

The contribution formula for social infrastructure can be expressed as:

$$\text{Contribution per resident or worker (\$)} = \sum \left(\frac{\$INF}{P_{R+W}} \right)$$

Where:

$\$INF$ = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the social infrastructure items required to meet the development of the Urban Renewal Area (refer Table 8).

P_{R+W} = The expected total number of residents and workers that will generate the demand for the social infrastructure (i.e. 18,736).

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Table 5.

3.2.4 Plan administration

Objectives

The development contributions scheme for the Urban Renewal Area commenced in the early 2000s. It is anticipated that the full development of the Urban Renewal Area will not occur for at least another 15 years. There will be a need to monitor and update the assumptions underpinning this plan so that the contribution rates remain reasonable.

Strategy

Council has used its resources to draft this contributions plan (including the various strategies prepared under predecessor plans which have been incorporated in this plan). The research that has been undertaken to formulate this plan relates to the future demands of future growth in the Urban Renewal Area. It is reasonable for the costs associated with drafting of the plan be recouped through contributions.

The costs that Council has incurred in this regard include the following:

- Preparation of this plan, including the review and amendment of the provisions of the predecessor plans which have been incorporated in this plan
- The commissioning of external technical advice, costings and land valuations used to prepare the works schedule in this plan.

Additionally, Council is required to manage, monitor and maintain the contributions plan. The effective coordination and administration of the plan will involve many tasks, some of which include:

- Administering the plan generally and ensure that the contributions are used to provide the public facilities for which they were intended and in a manner and time dictated by new development.

- Monitoring the receipt and authorise the expenditure of contributions in respective accounts and the recoupment of the costs of facilities already provided.
- Assessing the merit of land proposed by developers to be dedicated to the Council.
- Monitoring the dedication and development of land contributions.
- Recommending to Council the appropriate management and expenditure of funds in accordance with the adopted works schedules.
- Recommending to Council the appropriate interim use of dedicated land, the acquisition of appropriate land for the identified public purpose or the re-use of existing Council facilities (including land) for an alternative public purpose under the terms of the contributions plan.
- Monitoring and programming works identified in the works schedules.
- Regularly reviewing the works schedules in accordance with levels of contributions received and expended and seek Council's adoption of updated schedules.
- Regularly reviewing the contribution rates in accordance with construction costs, land costs, levels of demand, population and demographic changes and recommend to Council amendments where necessary.
- Determining the appropriate time for provision of public facilities having regard to the works schedule, the availability of funds, demand generated by development, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications.
- Monitoring the implications arising from development including the demands created for additional facilities for which contributions are not currently sought, the needs of specific one-off developments, the costs of development and land acquisition, the extent and type of development and the effect of this on the works schedules .
- Advising Council of appropriate management, expenditure and policy implications regarding development contributions including those arising from legal decisions and State government policy making.
- Determining the extent and implications of recurrent costs and assess the implications to Council in providing for these.
- Assessing whether a credit or reassessment of the contribution may be appropriate and how that may be determined.
- Reviewing and determining the suitability of proposed works in kind and material public benefits in accordance with the objectives, key principles and works schedules of this plan.
- Preparing and making available the accountability information required by the EP&A Regulation.
- Providing advice to applicants and the general public regarding the operation of the plan.

Consultant studies are also commissioned by Council from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions of the contributions plan. Council is also required to engage the services of legal professionals from time to time to assist in the administration of this plan.

Nexus, apportionment and contribution rates calculation

As plan administration costs arise directly as a result of the development in the Urban Renewal Area, it is reasonable that the costs associated with preparing and administering this plan be recouped through contributions from development in that area. Costs associated with the ongoing

administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for these purposes are determined based on the Independent Pricing and Regulatory Tribunal (**IPART**) benchmark of an allowance equivalent to 1.5% of the cost of construction works identified in this plan.¹²

Table 9 Summary of plan administration costs and contributions

	Cost	Contribution per resident or worker
Plan administration costs (1.5% of the total works schedule cost that is apportioned to development in the plan - IPART benchmark)	\$2,473,261	\$132

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents and workers in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Table 5.

3.3 Infrastructure costs

Table 10 shows the cost components of Local Infrastructure that have been included and that have been excluded, for the purposes of calculating contribution rates in this plan.

Table 10 Infrastructure costs components used for calculation of rates

Included components	Excluded components
<ul style="list-style-type: none"> The capital cost of the Local Infrastructure, based on comparable projects and accepted industry rates or costings provided by a qualified estimator. Current land values provided by Council or independent valuers. 	<ul style="list-style-type: none"> The costs associated with any proposed Local Infrastructure (capital and land costs) that are intended to serve the existing population, to make up for any existing deficiency of provision or to satisfy an existing demand in the community. Any assured grants, subsidies or funding from other sources which may be payable in respect of any nominated Local Infrastructure item. Any recoverable funding that has been provided for Local Infrastructure that may have otherwise been provided under section 94. Any Local Infrastructure that may be required by the population but which another organisation or government agency is responsible for providing. Maintenance and recurrent expenses for the continued operation of the provided Local Infrastructure.

¹² Independent Pricing and Regulatory Tribunal of New South Wales (2014), *Local Infrastructure Benchmark Costs*, page 63

4. How and when will contributions be imposed on developments?

4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a Complying Development Certificate (**CDC**), and subject to other provisions of this plan, to impose a condition requiring a contribution under section 94 of the EP&A Act on that approval for:

- the provision, extension or augmentation of Local Infrastructure to be provided by Council; and / or
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Accredited certifiers should also refer to **Section 4.6** of this plan as to their obligations in assessing and determining applications.

4.2 Land contributions

This plan authorises the Consent Authority, other than an accredited certifier¹³, when granting consent to an application to carry out development to which this plan applies, to impose a condition under section 94(1) of the EP&A Act requiring the dedication of land free of cost to Council for the provision, extension or augmentation of Local Infrastructure to be provided by Council.

Wherever land required under this plan is situated within a development site, the Consent Authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

The value of this land will be taken into account in determining the total monetary contributions required by the development under this plan. Council may at its discretion offset the value of the land against contributions for the same facility category. Only land ascribed a value under this plan shall be entitled to an offset, as explained in **Section 4.3**.

4.3 Infrastructure provision philosophy

Consent Authorities will facilitate the provision of Local Infrastructure by requiring developers to make monetary and / or land section 94 contributions, and also to directly undertake works on or near the development site.

Generally:

- If the infrastructure is listed in this plan's works schedule then that infrastructure will be provided using section 94 contributions collected from developers in the Urban Renewal Area.

¹³ Note: the EP&A Act does not allow an accredited certifier other than a Council to impose a condition requiring the dedication of land free of cost.

- If the infrastructure land or works is not included in this plan then the developer shall provide that land or directly undertake those works at no cost to Council or other developers in the Urban Renewal Area.

Table 11 summarises the approach:

Table 11 Infrastructure provision philosophy

Local Infrastructure type	Delivery mechanism
Land for new roads Land for widening of existing roads Land for flood mitigation and stormwater facilities Land for social infrastructure	For land identified in the works schedule of this plan: <ul style="list-style-type: none"> • Council to acquire the land using section 94 contributions. • If contributions plan land is located on a development site, developer may offer land to Council and receive a contribution offset up to the value of the land, or part thereof, identified in this plan. For other land: <ul style="list-style-type: none"> • Section 94 condition - dedication free of cost to Council. • No contribution offset will be given as the value of land has been transferred to the developable portion of the site at the rezoning stage.
New roads construction Widening of existing roads On-street parking works Streetscape works Flood mitigation and stormwater works Social infrastructure works	For works identified in this plan: <ul style="list-style-type: none"> • Section 94 contribution condition and developers encouraged to carry out works in kind. • Contribution offset will be given for any works in kind up to the value of the works identified in this plan. If part of the works are undertaken then a portion of the value will be granted as an offset. For other works: <ul style="list-style-type: none"> • Condition of consent requiring developer to carry out works. • No contribution offset given.

4.4 Cap on monetary section 94 contributions for residential development

On 21 August 2012 the Minister for Planning issued a Direction to Council that caps section 94 contributions for residential development.

The Direction requires, in terms of residential developments proposed on land in the Urban Renewal Area:

A council (or planning panel) must not grant development consent ... subject to a condition under section 94 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that:

(a) in the case of a development consent that authorises one or more dwellings, exceeds \$20,000 for each dwelling authorised by the consent, or

(b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$20,000 for each residential lot authorised to be created by the development consent.

This plan is consistent with the Minister's Direction in that it authorises section 94 contributions on residential development not to exceed the cap.

Where the sum of the contributions for a particular development calculated under this plan and any other contributions plan adopted by the Council exceeds \$20,000 per residential lot or dwelling, the total amount included in the consent shall not exceed the cap.

4.5 Contributions to only reflect net increase in infrastructure demands

In order for contributions to be reasonable, the Consent Authority shall only impose a section 94 contribution on a development that reflects the net increase in the demand for Local Infrastructure included in this plan.

The net increase in infrastructure demand is calculated by determining the subtracting the existing resident population of the development site from expected resident and worker population of the proposed development using the assumptions contained in **Table 5** of this plan. Any existing resident population on a development site shall be assumed to have an infrastructure demand credit.¹⁴

The existing population on a development site, if any, shall only be determined by the Council in accordance with the assumptions in this plan. Accredited certifiers shall seek Council's written advice on the infrastructure demand credit, if any, applying to a Complying Development Certificate.

4.6 Latest rates to be used

The section 94 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 94 contribution rates shown in **Table 1** reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation and fluctuations in land values (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.

¹⁴ Note that no existing demand credit will be made for the workforce that existed on a site immediately prior to commencement of redevelopment in the Urban Renewal Area as the future workers of the area will be an entirely new workforce with different needs and requirements.

4.7 Obligations of accredited certifiers

4.7.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 94 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 94(6) of the EP&A Act such as that envisaged in **Section 4.5** of this plan, or an exemption or part or the whole of the development under **Section 2.5** of this plan, the accredited certifier must:
 - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in Table 1 of this plan taking into account any exempt development specified in **Section 2.5** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3** to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed Local Infrastructure demand relating to existing development.

Terms of a section 94 condition

The terms of the condition required by this section are as follows:

Contribution

The developer must make a monetary contribution to Rockdale City Council in the amount of \$[insert amount] for the purposes of the Local Infrastructure identified in the Rockdale Contributions Plan 2015 - Urban Renewal Area.

<i>Roads, traffic, parking and streetscape Infrastructure</i>	<i>- Land</i>	<i>\$[insert amount]</i>
	<i>- Works</i>	<i>\$[insert amount]</i>

<i>Flood mitigation and stormwater drainage Infrastructure</i>	- Land	\$0
	- Works	\$(insert amount)
<i>Social Infrastructure</i>	- Land	\$(insert amount)
	- Works	\$(insert amount)
<i>Plan administration</i>		\$(insert amount)

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

$$\frac{\$C_C \times CPI_P}{CPI_C}$$

Where:

\$C_C is the contribution amount shown in this certificate expressed in dollars

CPI_P is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution

CPI_C is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate

Note: The contribution payable will not be less than the contribution specified in this certificate.

Time for payment

The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.

Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

Works in kind agreement

This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council.

4.7.2 Construction certificates

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution

before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

4.8 Variation to contributions authorised by this plan

The Council may, after considering a written application, reduce the section 94 contribution otherwise calculated in accordance with the provisions of this plan.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application. Such request will be considered as part of the assessment of the application.

An accredited certifier other than the Council cannot vary a section 94 contribution calculated in accordance with this plan, without Council's written approval.

5. How and when can a contribution requirement be settled?

5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development where no further approvals are required – before the development consent is issued.
- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (line plan).
- For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works above the floor level of the ground floor.
- For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commencing, as required by section 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contributions amounts to be updated in accordance with the relevant indexes (see **Section 6.3**).

5.2 Process for deferred payments

Council may accept a written request for the deferred or periodic payment of a section 94 contribution if the applicant (including any other person entitled to act upon the relevant consent) satisfies Council that:

- Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case, or would cause the applicant undue hardship, and
- Deferred or periodic payment will not prejudice the timing or the manner of the provision of the Local Infrastructure for which the contribution was required, and
- There will be no prejudice to the community deriving benefit from the public amenity or service required by the proposed development, and
- There will be no prejudice to the operation of this contributions plan.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

Council may accept deferred or periodic settlements of contributions over a maximum period of 5 years from the date on which the contribution would otherwise be payable by way of equal six monthly instalments (plus interest and Council charges), or as otherwise agreed to by Council.

Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the amount of the contribution, or the outstanding balance, plus any interest or charges required by Council, on condition that:

- (a) the bank guarantee requires the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing if the applicant has defaulted on the payment of the

contribution, or any instalment of the contribution (including interest and Council charges), under the terms of their deferred or periodic payment agreement with Council,

(b) the guarantee prohibits the bank from:

- i. having recourse to the applicant or other person entitled to act upon the consent, and
- ii. having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount,

(c) the bank's obligation under the guarantee is discharged:

- i. when payment is made to Council in accordance with the terms of the bank guarantee, or
- ii. if the related consent lapses, or
- iii. if Council otherwise notifies the bank in writing that the bank guarantee is no longer required, and

(d) the applicant pays to Council:

- i. interest on the contribution, or the outstanding balance, at the overdraft rate on and from the date when the contribution would have been otherwise payable, and
- ii. an administration charge of 2% on the contribution, or the outstanding balance, at the end of each six monthly period,

such payments to be made when each instalment of the contribution is due.

Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under section 88E of the Conveyancing Act 1919 to be registered on the title to the land to which the relevant application relates.

Where Council agrees to a request for deferred or periodic payment, the applicant will be required to lodge a section 96 application to modify the development consent to specify the new payment arrangements.

5.3 Can the contribution be settled by dedicating land or undertake works?

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 94 contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

- (a) The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.

- (b) If the developer has already received a development consent containing a condition requiring a section 94 contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

5.3.1 Offers and agreements generally

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

Works in kind or the dedication of land will be accepted by Council only under the following circumstances:

- Council will generally only accept offers of works or land that are items included in the schedule of Local Infrastructure in this plan; and
- Council determines that the works in kind are, or the land to be dedicated is, appropriate; and
- The value of the works to be undertaken or the land to be dedicated is at least equal to the value of the contribution assessed in accordance with this plan, or where the value of the proposed works in kind or the land to be dedicated is less than the monetary value of the contribution, the difference will be met by way of a monetary contribution.

In assessing the request, Council will take into account the following:

- Consistency with the detailed design of the facilities, as agreed to by Council
- The proposed works or land dedication will not constrain the future provision of facilities identified in the works schedule, or conflict with what Council has prioritised.

Plans and cost estimates of the proposed works, or a valuation by a registered valuer of the land to be dedicated, are to be prepared and submitted by the applicant.

Should an offer of works in kind or land dedication be accepted, Council will establish with the applicant the following as relevant:

- An acceptable standard for workmanship and materials
- Timing of inspection of works in progress
- A program for completion of the works or dedication of the land
- An appropriate defects liability period.

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

5.3.2 Reimbursement of land and works values in excess of contribution requirements

Council will consider reimbursing an applicant who provides works in kind in excess of the monetary contribution payable by their development, under the following circumstances:

- The works in kind provided by the development are for a facility that is identified in this contributions plan and for which the development would have been required to pay a contribution.

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- The amount of the reimbursement is limited to the value of the facility identified in the contributions plan, adjusted to reflect cost changes over time as allowed by this plan.
- The reimbursement will be drawn only from the monies available in the same contributions fund from which the facility would have normally been funded.
- Council is satisfied that sufficient monies would become available in that contributions fund to fully fund the facilities required to be provided under that fund.
- If Council has previously agreed to the applicant offsetting their works in kind against another contributions fund, any future contributions received would be used to fully reimburse these offsets in the first instance.

Where Council agrees to reimburse an applicant over a period of time they will be required to enter into a deed of agreement with Council to establish the arrangements under which the reimbursement will be made.

6. Other administration matters

6.1 Relationship of this plan to other contributions plans

This plan repeals CP 2004 to the extent that CP 2004 authorises the imposition of section 94 contributions on development in the Urban Renewal Area.

This plan however does not affect development consents containing requirements for developments to make contributions under CP 2004.

Contributions imposed on developments under CP 2004 and paid to Council will be applied to the specific Local Infrastructure described in that plan.

6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC submitted after the date on which this plan took effect.

A development application or application for a CDC that was submitted, but not yet determined, on or before the date on which this plan took effect, shall be assessed under the contributions plan or plans that applied at the date of submission of the application.

6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

6.3.1 Contribution rates in this plan

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the contribution rates set out in this plan to reflect quarterly movements in the value of land acquisition and works.

The Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates for works and for land that has already been acquired by the Council in anticipation of development.

The Established House Price Index for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates for land that is yet to be acquired by the Council.

6.3.2 Contribution amounts in consents

A monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

6.4 Pooling of contributions funds

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the works schedule to this plan.

6.5 Accountability and access to information

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- Particulars sufficient to identify each development consent for which contributions have been sought
- Nature and extent of the contribution required by the relevant condition of consent
- Name of the contributions plan under which the condition of consent was imposed
- Date the contribution was received, for what purpose and the amount.

Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's Administration Office and may be inspected upon request.

6.6 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in Rockdale Local Environmental Plan 2011 or the EP&A Act, except as provided for below.

In this plan, the following words and phrases have the following meanings:

CDC means complying development certificate.

Consent Authority has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

Council means Rockdale City Council.

CP 2004 means Rockdale Section 94 Contributions Plan 2004 incorporating Amendments 1-5 and adopted by Council on 4 November 2010.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2000.

LGA means local government area.

Local Infrastructure means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

Urban Renewal Area means all of the land shown in Figure 1.

APPENDIX A

Infrastructure schedule summary

Rockdale Contributions Plan 2015 - Urban Renewal Area Infrastructure Schedule

Ref	Property description	Project (incl CP 2004 ref no.)	CP 2004 Reference	Status	Cost Estimate	Non essential?	Timeframe/Trigger
Roads, traffic, parking and streetscape							
Land							
WC2.5.7	Pt 22 Guess Avenue, Woll Creek	Acquire land for new link road (RT3)	Chapter 9, Table 9.1	In Progress	\$ 2,488,509		Completed
WC3.3.5	32 Levey Street, Woll Creek	Acquire land for new link road (RT2)	Chapter 9, Table 9.1	Not Started	\$ 72,292		When land becomes available
WC3.3.6	Residue 32 Levey St & 32 Marsh St (sale), Woll Creek	Sell residue land not required for link road (RT2)	Chapter 9, Table 9.1	Not Started	\$ 26,891		When land becomes available
WC3.3.7	32 Marsh Street, Woll Creek	Acquire land for new link road (RT2)	Chapter 9, Table 9.1	Completed	\$ -		Completed
WC3.3.8	36 Marsh Street, Woll Creek	Acquire land for new link road (RT2)	Chapter 9, Table 9.1	Completed	\$ -		When land becomes available
WC3.3.9	Residue 36 Marsh Street (sale), Woll Creek	Sell residue land not required for link road (RT2)	Chapter 9, Table 9.1	Completed	\$ -		When land becomes available
WC4.5.3	Pt 55-93 Princes Highway, Woll Creek	Acquire land for new link road (RT1)	Chapter 9, Table 9.1	Not Started	\$ 19,994,137		When land becomes available
WC4.5.4	Pt 34-38 Arncliffe Street, Woll Creek	Acquire land for new link road (RT14)	Chapter 9, Table 9.1	Not Started	\$ 8,338,233		Adjacent redevelopment
Works							
BS1.2.1	Block bounded by Bonar St, Wollongong Rd, Martin Ave & Booth St	Construct and landscape internal access roads (including pedestrian / cycle links through precinct to Bonar St, Wollongong Rd, Martin Av, community park)	Chapter 15, Table 15.1	In Progress	\$ 2,058,012		Adjacent redevelopment
BS1.2.2	Block bounded by Bonar St, Wollongong Rd, Martin Ave & Booth St	Bdjalga Rd East	Chapter 15, Table 15.1	Completed	\$ 366,210		Adjacent redevelopment
BS1.3.1	Bonar St, Hirst St, Martin Ave & Wollongong Road	Widen existing streets / carriageways within and around precinct (Bonar Street, Hirst Street, Martin Avenue, Wollongong Road), including raised threshold, stormwater pipes and median in Bonar Street	Chapter 15, Table 15.1	In Progress	\$ 2,425,127		Adjacent redevelopment
BS1.3.2	Wollongong Road and Bonar Street	Traffic / pedestrian management facilities on existing roads within and around precinct (roundabouts, traffic lights, intersection improvements and pedestrian islands, crossings, safety fences)	Chapter 15, Table 15.1	In Progress	\$ 2,189,998		Ongoing
BS1.3.3	Streets within and near the precinct	Provide / upgrade pedestrian / cycle links to Arncliffe and Turella stations and to adjoining areas	Chapter 15, Table 15.1	Completed	\$ 288,210		Ongoing
BS1.3.4	Loftus St, Hirst St & Wollongong Rd	Upgrade existing bus stops within precinct (lighting, seating, shelters)	Chapter 15, Table 15.1	Not Started	\$ 160,000		Adjacent redevelopment
BS1.3.5	Bonar Street and Hirst Street	Underground State Rail 33 kV power lines through precinct	Chapter 15, Table 15.1	Not Started	\$ 4,180,807		Ongoing
BS1.3.6	Existing streets on the perimeter of the precinct opposite development sites	Streetscaping and on-street car parking management facilities on the opposite sides of streets to development sites	Chapter 15, Table 15.1	Not Started	\$ 2,396,770		Road or streetscape upgrades
BS1.3.7	Wollongong Rd/Bonar St	Ban right turn from Bonar St onto Wollongong Rd	Chapter 15, Table 15.1	Not Started	\$ 338,920		Linked to One-way system
WB1.1.1	Woll Creek	Streetscape design and embellishment	Chapter 10, Table 10.11	Not Started	\$ 10,396,857		Ongoing

Ref	Property description	Project (incl CP 2004 ref no.)	CP 2004 Reference	Status	Cost Estimate	Non essential?	Timeframe/Trigger
WC1.2.1	Bonar and Lusty Streets	Undergrounding of 33kV State Rail power lines	Chapter 10, Table 10.11	Completed	\$ 545,550		Adjacent redevelopment
WC1.4.1	Lusty Street	Road improvements (RT9)	Chapter 9, Table 9.1	In Progress	\$ 723,503		Adjacent redevelopment
WC1.4.2	Bonar Street and Guess Avenue	Intersection improvements (RT20)	Chapter 9, Table 9.1	Not Started	\$ 230,000		30-32 Guess Ave Development Completed
WC1.4.3	SWSOOS aqueduct between Thompson and Lusty Streets	Underpass	Chapter 14, Table 14.1	Completed	\$ 43,530		
WC2.3.1	Princes Highway (west side) between Burrows Street and Brodie Spark Drive	Road widening (RT10)	Chapter 9, Table 9.1	Not Started	\$ 10,730,904		When land becomes available
WC2.4.1	Princes Highway to Arndiff Street	New link road (RT1)	Chapter 9, Table 9.1	Not Started	\$ 2,535,413		When land becomes available
WC2.4.2	Princes Highway and Gertrude Street	Intersection improvements (RT1A)	Chapter 9, Table 9.1	Not Started	\$ 1,726,002		RT1 Provision
WC2.4.3	Gertrude St (west extension) and Arndiff St	Intersection improvements (RT1B)	Chapter 9, Table 9.1	Not Started	\$ 1,726,002		RT1 Provision
WC2.4.4	Brodie Spark Drive between Magdalene Terrace and Princes Highway	Road widening (RT5)	Chapter 9, Table 9.1	Completed	\$ 1,832,760		When land becomes available
WC2.5.1	Arndiff St, Guess Ave, My Olympus Blvd, Magdalene Trc	One-way circuit	Chapter 14, Table 14.1	Not Started	\$ 2,451,389		
WC2.5.10	Magdalene Terrace, Arndiff Street and Brodie Spark Drive	Intersection improvements (RT12)	Chapter 9, Table 9.1	Completed	\$ 390,820		Completed
WC2.5.2	Various locations within development area	Public transport improvements (PT1)	Chapter 9, Table 9.1	Not Started	\$ 205,882		Ongoing
WC2.5.3	Magdalene Terrace to Guess Avenue	New link road (Mt. Olympus Boulevard) (RT3)	Chapter 9, Table 9.1	In Progress	\$ 1,816,582		When land becomes available
WC2.5.4	Bonar St, Thompson St	Install Roundabout	Chapter 9, Table 9.1	Not Started	\$ 230,000		Linked to One-way system
WC2.5.6	Guess Ave Underpass	Improve Pedestrian and Cycleway Facilities	Chapter 9, Table 9.1	Not Started	\$ 306,919		Ongoing
WC2.5.8	Magdalene Terrace, west of Arndiff Street	Road widening and reconstruction (RT4)	Chapter 9, Table 9.1	Completed	\$ 1,514,880		Completed
WC2.5.9	Princes Highway and Brodie Spark Drive	Intersection improvements (RT11)	Chapter 9, Table 9.1	Completed	\$ 2,231,290		Completed
WC3.3.1	Levey St (opposite Gertrude St) to Marsh St	New link road (RT2)	Chapter 9, Table 9.1	In Progress	\$ 1,667,314		When land becomes available
WC3.3.2	Gertrude Street (east extension) and Marsh Street	Intersection improvements (RT2A)	Chapter 9, Table 9.1	Not Started	\$ 1,499,999		When land becomes available
WC3.3.4	Gertrude St (north side) between Princes Hwy and Levey St	Road widening (RT1C)	Chapter 9, Table 9.1	Not Started	\$ 1,553,894		Adjacent redevelopment
WC4.3.1	Arndiff Street between Magdalene Terrace and SWSOOS	Road widening (RT6)	Chapter 9, Table 9.1	Completed	\$ 1,321,450		Adjacent redevelopment
WC4.3.2	Wollongong Road at Illawarra Railway Line	Safety improvements to railway underpass (RT17A)	Chapter 9, Table 9.1	Completed	\$ 70,730		Allen St Underpass
WC4.3.3	Arndiff St South from Guess Ave to SWSOOS	Streetswidening and embankment		Not Started	\$ 1,574,643		Adjacent redevelopment
WC4.3.4	Arndiff St South from SWSOOS to Allen St	Streetswidening and embankment		Not Started	\$ 887,013		Adjacent redevelopment
WC4.5.1	Princes Highway to new mid-block access road	New link road (RT14)	Chapter 9, Table 9.1	Not Started	\$ 1,447,667		Adjacent redevelopment
WC4.5.2	Princes Highway, West Botany Street and future link road	Intersection improvements (RT13)	Chapter 9, Table 9.1	Not Started	\$ 1,572,810		Bonnie Doon road
WC1.2.2	Lusty St Reserve	Cycle connection over SWSOOS to Thompson St		Not Started	\$ 45,000		
Flood mitigation and stormwater management							
Land							
Nil							
Works							
BS1.4.1	Bonar Street to SWSOOS	Trunk stormwater / floodwater improvements from Bonar St to the SWSOOS	Chapter 15, Table 15.1	In Progress	\$ 36,064,010		FRMP
BS1.4.2	Bonar Street to SWSOOS	Trunk drainage within 9-11 Wollongong Rd Arndiff	Chapter 15, Table 15.1	Completed	\$ 1,142,910		FRMP
WB1.2.1	All drainage systems in Woll Creek	Provide water quality improvements (FS13)	Chapter 11, Table 11.1	In Progress	\$ 1,073,919		TBD

Ref	Property description	Project (incl CP 2004, ref no.)	CP 2004 Reference	Status	Cost Estimate	Non essential?	Timeframe/Trigger
WC1.1.1	East Hills Railway embankment at Henderson St	Construct levee to prevent overflow from Woll Creek (FS1)	Chapter 11, Table 11.1	Not Started	\$ 2,432,444		TBD
WC1.1.2	Walker St / Thompson St	Provide drainage system to area (FS3)	Chapter 11, Table 11.1	Not Started	\$ 5,096,664		TBD
WC1.1.3	Woll Creek Precinct 1	Provides drainage system for precinct (FS4)	Chapter 11, Table 11.1	In Progress	\$ 5,594,540		TBD
WC1.1.4	Lusty St Reserve	Construct levee on east side of SWSOOS (FS5)	Chapter 11, Table 11.1	In Progress	\$ 408,836		TBD
WC1.1.6	Woll Creek Precinct 1	(FS4) - Stage 1 Completed	Chapter 11, Table 11.1	Completed	\$ 1,825,510		Completed
WC2.1.2	Woll Creek Precinct 2	Provide enhanced stormwater drainage for precinct (FS10)	Chapter 11, Table 11.1	Not Started	\$ 1,472,562		TBD
WC2.1.3	Magdalene Terrace	Provide drainage (FS9)	Chapter 11, Table 11.1	Completed	\$ 512,760		Completed
WC3.1.1	Cahill Park	Construct levee around perimeter of park (FS7)	Chapter 11, Table 11.1	Not Started	\$ 1,436,988		Cahill Park Masterplan
WC3.2.1	Woll Creek Precinct 3	Provide enhanced stormwater drainage for precinct (FS14)	Chapter 11, Table 11.1	Not Started	\$ 1,472,562		TBD
WC4.1.1	Bonnie Doon Channel	Amplify channel (FS8)	Chapter 11, Table 11.1	Not Started	\$ 11,384,812		Adjacent redevelopment
WC4.1.2	Woll Creek Precinct 4	Provide enhanced stormwater drainage for precinct (FS11)	Chapter 11, Table 11.1	Not Started	\$ 1,472,562		TBD
Social Infrastructure							
Land							
BS1.1.3	47 Bonar Street, Arncliffe	Acquire for Bonar Street community park	Chapter 15, Table 15.1	Not Started	\$ 4,931,487		Bonar St Precinct 7
BS1.1.4	49 Bonar Street, Arncliffe	Acquire for Bonar Street community park	Chapter 15, Table 15.1	Not Started	\$ 4,183,135		Bonar St Precinct 7
BS1.1.5	Residue 47-49 Bonar Street (sale), Arncliffe	Acquire for Bonar Street community park	Chapter 15, Table 15.1	Not Started	\$ -		Bonar St Precinct 7
WC1.1.5	Pt 25 Lusty Street, Woll Creek	Acquire land for park	Chapter 7, Table 17.8	Not Started	\$ 9,279,861		TBD
WC1.3.2	56 Walker Street, Turrella	Acquire to enhance Ray Oxford Reserve Land	Chapter 7, Table 17.8	In Progress	\$ 4,444,316		When land becomes available
WC2.2.1	Multi-purpose community centre - location TBD		Chapter 12, Table 12.1	Not Started	\$ 1,436,631		Discovery Point or Town Park
WC2.6.2	29 Arncliffe Street (now 2 Guess Avenue), Woll Creek	Acquire for Woll Creek town park	Chapter 7, Table 17.8	In Progress	\$ 23,869,403		When land becomes available
WC2.6.3	16 Guess Avenue, Woll Creek	Acquire for Woll Creek town park	Chapter 7, Table 17.8	In Progress	\$ 20,382,378		When land becomes available
RG1.2.1	12-16 Gertrude Street, Woll Creek	Acquire for Cahill Park	Chapter 7, Table 7.4	Completed	\$ 2,757,078		
RG1.2.2	18 Gertrude Street, Woll Creek	Acquire for Cahill Park	Chapter 7, Table 7.4	Completed	\$ 941,132		
Works							
BS1.1.1	Bonar Street community park	Park embellishment	Chapter 15, Table 15.1	In Progress	\$ 2,377,858		Land Acquisition
WC1.3.1	Ray Oxford Reserve	Park embellishment	Chapter 7, Table 17.9	Not Started	\$ 713,815		Land Acquisition
WC2.2.2	Multi-purpose community centre - location TBD	Fill Out	Chapter 12, Table 12.1	Not Started	\$ 2,978,872	Yes	
WC2.6.1	Woll Creek Town Park	Park embellishment	Chapter 7, Table 17.9	Not Started	\$ 5,810,719		Land Acquisition
RG1.1.1	Cahill Park	Park embellishment	Chapter 7, Table 17.9	Not Started	\$ 5,038,322		Adjacent redevelopment
WC4.2.1	Argyle Street	Park embellishment	Chapter 7, Table 17.9	Not Started	\$ 331,009		Local Redevelopment
WC4.2.2	SWSOOS aqueduct between Arncliffe Street and Pinnoes Highway	Pathway on top of aqueduct	Chapter 14, Table 14.1	Not Started	\$ 574,972		Bonnie Doon road and approval from Sydney Water
RG1.2.2	Cook Park, Botany Bay foreshore	Park embellishment		Not Started	\$ 405,828		
Plan management and administration							
BS9.1.1	Woll Creek Urban Renewal Precinct (inc Bonar St)	Plan preparation and administration (Town Planner, Project Manager)	Chapter 16, Table 16.1	Not Started	\$ 2,473,261		Ongoing

APPENDIX B

Infrastructure location maps

Maps to be inserted

APPENDIX C

List of supporting information

LIST OF SUPPORTING DOCUMENTS

Roads, traffic, parking and streetscape

- Wolli Creek Traffic and Transport Study 2013, Bitzios Consulting
- Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual

Flood mitigation and stormwater management

- Bonnie Doon Pipe & Overland 2D Flood Study, December 2011, WMA Water
- Bonar Street Upgrade Drainage Design (DRAFT); NA89913059-001/Report 001 Ver 1, September 2013, Cardno,
- Bonar Street Bonar Street Upgrade Project – Design Options Assessment; NA89913059-001/Report 002 Ver 3, February 2014, Cardno,
- Bonar Street Development Precinct Drainage Study February 2014, Jamie Milner
- Peer review of the TUFLOW modelling for the Bonar Street Upgrade Project (BSUP) at Bonar and Bidjigal Road, Arncliffe; April 2014, BMT WBM Pty Ltd

Social infrastructure

- Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual

Demographics

- id. - the population experts (profile and forecast data) accessed at <http://profile.id.com.au/rockdale>

Other

- Rockdale Section 94 Contributions Plan 2004 (Incorporating Amendments 1-5)
- Rockdale Development Control Plan 2011
- Independent Pricing and Regulatory Tribunal of New South Wales (2014), Local Infrastructure Benchmark Costs



Prepared for
Rockdale City Council
By



GLN Planning Pty Ltd
ABN 39 585 269 237

Level 10, 66 King Street Sydney NSW 2000
GPO Box 5013 Sydney NSW 2001

P [02] 9249 4100
F [02] 9249 4111

E info@glnplanning.com.au
W glnplanning.com.au



Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD14
Subject:	PUBLIC EXHIBITION OF WESTCONNEX ENVIRONMENTAL IMPACT STATEMENT (EIS)
File Number:	SF13/688
Report by:	Manager Place Outcomes (Erika Pawley)
Contributors:	
Community Engagement:	No
Financial Implications:	No

Precis

The public exhibition of the Westconnex Environmental Impact Statement (EIS) is expected to commence at the end of November 2015. At the time of preparing this report, the commencement date of the exhibition period is not known, and neither is the length of the consultation period.

In the event that the public exhibition period ends before Council meets in 2016, it is recommended that Council's submission be finalised by the General Manager and reported to Council for information at the first available opportunity.

Council Resolution

NOTE:

Councillor O'Brien was absent for the voting on this item.

RESOLVED on the motion of Councillors Tsounis and Nagi

That finalisation of Council's submission on the Westconnex Environmental Impact Statement (EIS) be delegated to the General Manager should the closing date for receiving submissions be prior to the Council's first meeting in 2016.

Officer Recommendation

That finalisation of Council's submission on the Westconnex Environmental Impact Statement (EIS) be delegated to the General Manager should the closing date for receiving submissions be prior to the Council's first meeting in 2016..

Report Background

The Westconnex Environmental Impact Statement (EIS) is expected to be exhibited in late 2015. The proposed Westconnex motorway is likely to have a range of impacts on the City of Rockdale and its residents.

It is recommended that Council prepare a submission on the Westconnex EIS. Whilst the EIS has not been released at the time of preparing this report, it is anticipated that the following range of issues will need to be addressed:

- traffic impacts
- public and sustainable transport accessibility
- flooding
- environmental impacts
- impact on Council land, including Cooks Cove.

In the event that the public exhibition period ends before Council meets in 2016, it is recommended that Council's submission be finalised by the General Manager and reported to Council for information at the first available opportunity.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.5 - Our community will be able to get around and connect with a range of effective linkages across the City and beyond
Strategy:	2.5.2 - Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living.
Delivery Program:	2.5.2.A - Plan and advocate for sustainable transport services and facilities, (DCPD)
Operational Plan:	2.5.2.A.1 - Plan for and advocate to minimise the impact of the proposed F6/WestConnex (MUES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD15
Subject:	OCCUPANCY RENEWAL EVALUATION - 9 ADOR AVENUE ROCKDALE - NSW POLICE CITIZENS YOUTH AND BOYS CLUB
File Number:	F08/379
Report by:	Acting Manager Property & Venues (Benjamin Heraud)
Contributors:	
Community Engagement:	No
Financial Implications:	No

Precis

Council at their meeting of 21 October 2015 adopted the Community Facilities - Occupancy Renewal Policy. The Policy acknowledges the importance of use of Council land and facilities by community groups for community benefit, but is mindful that optimisation of these facilities is desired for the betterment of the community.

Council resolved to commence application of the Policy for the expired tenancies associated with 9 Ador Avenue, Rockdale (occupied by the NSW Police Citizens Youth and Boys Club) and 72 Laycock Street, Bexley (occupied by the Bexley Bowling and Community Club). This report deals with the occupancy associated with the NSW Police Citizens Youth and Boys Club (the PCYC).

An evaluation was conducted in line with the Policy which has resulted in the PCYC not achieving the threshold scores of the evaluation themes being condition, financial, service and use.

In accordance with the Policy and based on the evaluation scores achieved by the PCYC, Council officers must make a recommendation that either an expressions of interest (EOI) is conducted or continued accommodation occur based on a revised utilisation proposal. This report recommends Council conducts an EOI, in the first instance.

Council Resolution

MOTION moved by Councillors Nagi and P Sedrak

- 1 That in accordance with the Local Government Act 1993 Section 55 1(h) Council invites public tenders for the use of the facility at 9 Ador Avenue, Rockdale.
- 2 That the tender invites proposals from community groups which address the evaluation themes contained within Council's Community Facilities: Occupancy Renewal Policy, being strategy, condition, financial service and use.
- 3 That the results of the tender process be reported to Council for determination at the earliest possible date.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and P Sedrak

FOR THE MOTION

Councillors Macdonald, P Sedrak, Awada, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillors O'Brien and Barlow

The MOTION was ADOPTED 12 votes to 2.

Officer Recommendation

- 1 That Council undertake an Expressions of Interest (EOI) campaign for the facility at 9 Ador Avenue, Rockdale.
- 2 That the EOI invites proposals from community groups which address the evaluation themes contained within Council's Community Facilities: Occupancy Renewal Policy, being strategy, condition, financial, service and use.
- 3 That the EOI proposals from the community groups may be based on exclusive or non-exclusive occupancy of the facility.

Report Background

Background

Post the Council resolution of 21 October, Council staff have engaged with PCYC representatives including an on site meeting at 9 Ador Avenue, Rockdale. During November, the PCYC lodged 2 submission with Council to assist with the evaluation undertaken by Council staff.

The outcome of the evaluation in accordance with the themes outlined Community Facilities - Occupancy Renewal Policy is summarised in Table 1.

Table 1 - Evaluation Scores: PCYC at 9 Ador Avenue, Rockdale

Theme	Score Achieved	Threshold Score
Condition	5	15
Financial	15	20
Service	20	25
Use	35	50

Evaluation Outcome and Recommendation

The Policy states that if the results of the evaluation produce an individual score for at least one 1 of the 4 scored themes which is less than the threshold score, then the evaluating Council Officer must make a recommendation to Council which considers either an EOI for the facility or to continue to accommodate the incumbent community group at the facility based on a revised utilisation proposal.

It is proposed that Council invite proposals for the facility via an EOI campaign. The EOI would allow Council to consider proposals which address the evaluation themes contained within the Policy, being strategy, condition, financial, service and use before a decision is made on future occupation of the site.

This approach does not preclude Council from exploring options for continued occupation by the PCYC by way of either a successful submission made during the EOI or via a revised occupancy proposal after considering the proposals emanating from the EOI. To this end, Council would invite the PCYC to submit an EOI proposal/s.

Appeal

Council staff further met with representatives of the PCYC on 24 November, in response to the PCYC being advised of the results of their evaluation. The PCYC intimated that they would seek to appeal the evaluation, however as of time which this report was published no written response has been received. In accordance with the Policy, the PCYC have a 14 day appeal period which expires on 2 December 2015. Council officers have advised the PCYC of this provision.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
Objective:	Objective 1.4 - Our City has quality and accessible services, and community and recreational facilities
Strategy:	1.4.1 - Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community.
Delivery Program:	1.4.1.A - Ensure the Community Services Plan is implemented to optimise the quality and use of facilities, and the accountability of community groups for the subsidies received. (DCC)
Operational Plan:	1.4.1.A.1 - Review utilisation and promote community facilities to encourage increasing use and align with Council strategies (MSAM)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD16
Subject:	OCCUPANCY RENEWAL EVALUATION - 72 LAYCOCK STREET, BEXLEY NORTH - BEXLEY BOWLING AND COMMUNITY CLUB
File Number:	F08/379
Report by:	Acting Manager Property & Venues (Benjamin Heraud)
Contributors:	
Community Engagement:	No
Financial Implications:	No

Precis

Council at their meeting of 21 October 2015 adopted the Community Facilities - Occupancy Renewal Policy. The Policy acknowledges the importance of use of Council land and facilities by community groups for community benefit, but is mindful that optimisation of these facilities is desired for the betterment of the community.

Council resolved to commence application of the Policy for the expired tenancies associated with 9 Ador Avenue, Rockdale (occupied by the NSW Police Citizens Youth and Boys Club) and 72 Laycock Street, Bexley North (occupied by the Bexley Bowling and Community Club). This report deals with the occupancy associated with the Bexley Bowling and Community Club (the Club).

An evaluation was conducted in line with the Policy which has resulted in the Club not achieving the threshold scores of the evaluation themes being condition, financial, service and use.

In accordance with the Policy and based on the evaluation scores achieved by the Club, Council officers must make a recommendation that either an expressions of interest (EOI) is conducted or continued accommodation occur based on a revised utilisation proposal. This report recommends Council conducts an EOI, in the first instance.

Council Resolution

MOTION moved by Councillors Nagi and Tsounis

1 That in accordance with the Local Government Act 1993 Section 55 1 (h) Council invites public tenders for the use of the facility at 72 Laycock Street, Bexley North.

2 That the tender invites proposals from community groups which address the evaluation themes contained within Council's Community Facilities: Occupancy Renewal Policy, being strategy, condition, financial, service and use, and includes criteria that address asset rehabilitation, capital investment and maintenance, Continuation of the Lawn Bowls facility, proposed lease terms and connection to the local Rockdale Community.

3 That the results of the tender process be reported to Council for determination at the earliest possible date.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and Tsounis

FOR THE MOTION

Councillors Macdonald, P Sedrak, L Sedrak, Kalligas, Nagi, Mickovski, Ibrahim, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillors O'Brien, Awada and Barlow

The MOTION was ADOPTED 11 votes to 3.

Officer Recommendation

- 1 That Council undertake an Expressions of Interest (EOI) campaign for the facility at 72 Laycock Street, Bexley North.
- 2 That the EOI invites proposals from community groups which address the evaluation themes contained within Council's Community Facilities: Occupancy Renewal Policy, being strategy, condition, financial, service and use.
- 3 That the EOI proposals from the community groups may be based on exclusive or non-exclusive occupancy of the facility.

Report Background

Background

Post the Council resolution of 21 October, Council staff have engaged with Club representatives including an on site meeting at 72 Laycock Street, Bexley North. During November, the Club lodged a submission with Council to assist with the evaluation undertaken by Council staff.

The outcome of the evaluation in accordance with the themes outlined in the Community Facilities - Occupancy Renewal Policy is summarised in Table 1.

Table 1 - Evaluation Scores: Bexley Bowling and Community Club at 72 Laycock Street, Bexley North

Theme	Score Achieved	Threshold Score
Condition	5	15
Financial	15	20
Service	10	25
Use	20	50

Evaluation Outcome and Recommendation

The Policy states that if the results of the evaluation produce an individual score for at least one 1 of the 4 scored themes which is less than the threshold score, then the evaluating Council Officer must make a recommendation to Council which considers either an EOI for the facility or to continue to accommodate the incumbent community group at the facility based on a revised utilisation proposal.

It is proposed that Council invite proposals for the facility via an EOI campaign. The EOI would allow Council to consider proposals which address the evaluation themes contained within the Policy, being strategy, condition, financial, service and use before a decision is made on future occupation of the site.

This approach does not preclude Council from exploring options for continued occupation by the Club by way of either a successful submission made during the EOI or via a revised occupancy proposal after considering the proposals emanating from the EOI. To this end, Council would invite the Club to submit an EOI proposal/s.

Appeal

The Club wrote (via email) to Council on 23 November requesting clarifications on the scores achieved as a result of the evaluation. Further, on 24 November the Club expressed in writing (via email) their objection to the evaluation outcome. As of the date of writing this report, the Club have not tabled further information that would prompt a review of the individual evaluation points and the scores awarded. The Club have flagged to Council that without a fixed period of tenure they cannot explore future capital options for the site.

In accordance with the Policy, the Club have a 14 day appeal period which expires on 2 December 2015. Council officers have advised the Club of this provision.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
Objective:	Objective 1.4 - Our City has quality and accessible services, and community and recreational facilities
Strategy:	1.4.1 - Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community.
Delivery Program:	1.4.1.A - Ensure the Community Services Plan is implemented to optimise the quality and use of facilities, and the accountability of community groups for the subsidies received. (DCC)
Operational Plan:	1.4.1.A.1 - Review utilisation and promote community facilities to encourage increasing use and align with Council strategies (MSAM)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD17
Subject:	ROCKDALE TOWN CENTRE MASTERPLAN - STATUS OF CAR PARKING PROJECTS
File Number:	F08/387
Report by:	Acting Director - City Planning & Development (Michael McCabe)
Contributors:	
Community Engagement:	No
Financial Implications:	No

Precis

Council's adopted Rockdale Town Centre Masterplan 2012 includes a parking plan that proposed the following actions in relation to off-street public parking:

- Chapel St Precinct - reduce overall parking to accommodate short stay parking that serves the centre only
- Target Site - remove parking from the site to alleviate traffic circulation in the heart of the centre
- York St Carpark - increase parking supply for short stay parking that serves the centre
- Geeves Avenue- relocate long stay (commuter) parking

Council is currently endeavouring to implement the above via a series of separate but related projects. This report provides an update on those projects.

Council Resolution

NOTE:

The Mayor, Councillor Saravinovski, vacated the Chair and left the Chamber having previously declared a Significant Non-Pecuniary Interest in this item on the basis that his family owns business within the Rockdale Town Centre. The Deputy Mayor, Councillor Nagi, assumed the Chair.

RESOLVED on the motion of Councillors Tsounis and O'Brien

That the Rockdale Town Centre - Status of Car Parking Projects be received and noted.

NOTE:

The Deputy Mayor, Councillor Nagi, vacated the Chair at the conclusion of this item and the Mayor, Councillor Saravinovski, resumed the Chair.

Officer Recommendation

That the Rockdale Town Centre - Status of Car Parking Projects be received and noted.

Report Background

Chapel Street Precinct

Council officers continue to engage with Deicorp (the developers of the site) to achieve future on and off street public parking provision in accordance with the Rockdale Town Centre Masterplan. It is anticipated that Deicorp will lodge a development application in coming months. In the meantime public parking provision is retained in accordance with the sale and leaseback conditions associated with the sale of the site to Deicorp.

1 Market Street, Rockdale - Target Building

The head lease expiring in 2024 is currently held by Plaza Apartments whose performances are underwritten by City Freeholds. The Target Site was in turn subleased to Target who vacated the site in November 2015.

On 4 November, Council resolved not to invite tenders for a proposed redevelopment 1 Market Street, Rockdale having regard to extenuating circumstances and the unavailability of competitive or reliable tenderers, by virtue of the existing lease to Plaza Developments not expiring until December 2024.

Further, Council endorsed direct negotiations, however, the direct negotiations are not binding on the Council and a further report will be provided to Council before any approval could be granted to enter into contracts. Direct negotiations have commenced.

York Street Multi Level Car Park

Initial investigations have been completed (survey, geotechnical and environmental testing). The tender for the design and documentation of the York Street car park was reported to Council at its Meeting of 15 July 2015. Council resolved to accept the tender submission offered by DEM Architects for phase 1 of the project, which will include the investigation of a number of options for underground and above-ground car park structures.

In September, Council engaged Wilde & Woollard Quantity Surveyors for phase 1 of the project. Two costed concept plans for the proposed York Street Car Park are currently being analysed.

Phases 2, 3 & 4 to commence subject to Council resolution upon completion of Phase 1. Delaying the next phase of the York St car park project is recommended until Council has had the opportunity to understand the relationship between this project and other car parking projects in the Town Centre. This will be explored at a February 2016 Information Session.

On and Off Street Parking Opportunities

Council has existing road reserves and parking reservations as specified in the Rockdale LEP 2011. Examples of these are the reservations which exist over privately owned lots located on the east side of York Street.

Another example is the existing road reserve located on George Street where Council resolved in November 2014 to undertake detailed design and construction of the George Street 'on grade' car spaces in accordance with the Rockdale Town Centre Masterplan. Designs commissioned by Council conclude that 15 car spaces can be realised in this location.

Council is currently investigating parking and roadway opportunities associated with Council and privately owned land located around Geeves Avenue. An example of this is

the Council owned land at 429 Princes Highway where Council resolved in October 2015 to enter in direct negotiations with parties for the disposal of 429 Princes Highway, Rockdale, without such negotiations being binding on the Council. These negotiations may provide an opportunity to extend Geeves Lane further north to improve the road network.

Rockdale Town Centre Masterplan Parking Plan

The parking plan also recommended ongoing monitoring of parking demand in the town centre. As part of the ongoing implementation of the Masterplan, more detailed and contemporary parking surveys have been undertaken by Parking & Traffic Consultants. The surveys, undertaken in June and October 2015 indicate that there is varying demand and supply factors when comparing timed and untimed parking spaces within the town centre. The findings will inform Council in realising the above-mentioned parking projects.

Realising the Car Parking Projects

The status and influencing factors of the above-mentioned projects are scheduled to be presented at a Councillor Information Session in February 2016. Realising the parking plan will be achieved by implementing a combination of the above-mentioned projects, with Council confirming the scope to realise each project via Council resolutions thereafter.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 3 - Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.
Objective:	Objective 3.3 - Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors
Strategy:	3.3.1 - Ensure Town Centres are improved on a rolling program
Delivery Program:	3.3.1.A - Plan and implement the Town Centre Improvement Program (DCPD)
Operational Plan:	3.3.1.A.3 - Commence project investigation, community engagement and concept development of the York Street multi deck car park (DCO)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD18
Subject:	CHANGE OF COUNCIL ORDINARY MEETING TIMES
File Number:	F11/563
Report by:	Manager - Executive Services (Fausto Sut)
Contributors:	Governance - Consultant (Bruce Cooke)
Community Engagement:	No
Financial Implications:	No

Precis

Council has resolved to publicly exhibit an amended Code of Meeting Practice that includes a change of time for Ordinary Council Meetings from 6.30pm to 7.00pm. No public submissions were received during the exhibition period.

This report proposes that the proposed change of meeting time be ratified by adopting the attached amended Code of Meeting Practice which formalises the change of meeting times.

Council Resolution

MOTION moved by Councillors Tsounis and Poulos

That Council adopts the attached amended Code of Meeting Practice, which includes the Council Ordinary Meeting time changing from 6:30pm to 7:00pm.

DIVISION

DIVISION on the MOTION called for by Councillors Tsounis and Poulos

FOR THE MOTION

Councillors Macdonald, O'Brien, P Sedrak, L Sedrak, Kalligas, Nagi, Mickovski, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Councillors Awada, Barlow, Ibrahim and Hanna

The MOTION was ADOPTED 10 votes to 4.

Officer Recommendation

That Council adopts the attached amended Code of Meeting Practice, which includes the Council Ordinary Meeting time changing from 6:30pm to 7:00pm.

Report Background

Section 360(2) of the Local Government Act 1993 (the Act) provides that a Council may adopt a Code of Meeting Practice (Code) that incorporates the regulations made for the purposes of the section and supplements those regulations with provisions that are not inconsistent with them. Council has a Code which was last reviewed and adopted on 2 May 2012. Council must conduct all Council and committee meetings, where all councillors are members, in accordance with the adopted Code. The primary objective of meeting procedures in the Code is for the conduct of orderly, efficient and well run Council meetings. Orderly meeting processes contribute to good, open and transparent public decision-making and increase Council's accountability to the community.

A Council may amend its Code provided it follows the statutory process as outlined in the Community Engagement section of this report. Following the public exhibition process, Council must consider all public submissions prior to making a decision on whether or not a new Code should be adopted.

The current proposed amendment to the Code is in regard to the commencement time of Ordinary Council Meetings, that is from 6.30pm to 7.00pm. This change has been discussed at a Councillor Information Session on 26 August 2015 and considered at the Council Meeting of 16 September 2015. Following this meeting, the proposal was publicly exhibited in accordance with the Act, with no submissions being received.

There is no administrative impediment to the proposal other than some minor staff cost increases.

It is therefore recommended that the attached Code of Meeting Practice, which includes the amended meeting time, be adopted.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.
Objective:	Objective 4.3 - Rockdale City Council ensures and implements an effective governance framework for the delivery and management of its services and infrastructure
Strategy:	4.3.1 - Enable continuous improvement through technology, service and process review to deliver effective services to meet community needs
Delivery Program:	4.3.1.A - Ensure that Council maintains the highest governance standards by continuously updating and implementing its Governance Review Framework (GM)
Operational Plan:	4.3.1.A.3 - Provide Executive Services to support Councillors in their decision-making (MES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution

[Action raised by Anne Suann on 03/12/2015](#)

File Attachments



Code of Meeting Practice - for adoption.pdf

DRAFT Code of Meeting Practice

Last Adopted 2 May 2012

Important

This document contains important information about Rockdale City Council. If you do not understand, please visit Council's Customer Service Centre at 2 Bryant Street Rockdale, Monday – Friday from 8.30am – 4.30pm, Saturday from 9am – 1pm. Council Staff will be happy to arrange interpreter services for you.

You may also contact Telephone Interpreter Services on 131 450 and ask them to ring Rockdale City Council on 9562 1666 on your behalf.

Arabic

هام:

تحتوي هذه الوثيقة على معلومات هامة عن بلدية روكدايل. إذا لم تكن قادراً على فهمها، يرجى زيارة مركز خدمة زبائن البلدية على العنوان التالي: 2 Bryant Street في روكدايل من الإثنين إلى الجمعة بين الساعة ٨,٣٠ صباحاً و ٤,٣٠ مساءً، والسبت بين الساعة ٩,٠٠ صباحاً و ١,٠٠ بعد الظهر حيث سيقوم موظفو البلدية بتأمين مترجم لك بكل سرور.

كما يمكنك الاتصال بخدمة الترجمة الهاتفية على الرقم 131 450 والطلب منهم الاتصال ببلدية روكدايل على الرقم 9562 1666 نيابةً عنك.

Chinese

重要消息

本文件載有關於 Rockdale 市政府的重要資訊，如果您有不明之處，請於星期一至星期五，上午8時30分至下午4時30分，及星期六上午9時至下午1時，前來位於 2 Bryant Street，Rockdale，市政府的顧客服務中心。市政府的職員會很樂意為您安排傳譯員的服務。

您也可以聯絡電話傳譯服務處，電話 131 450，並請他們代您致電 9562 1666 給Rockdale 市政府。

Greek

Σημαντικό:

Αυτό το έγγραφο περιέχει σημαντικές πληροφορίες για τη Δημαρχία Rockdale City Council. Αν δεν τις καταλαβαίνετε, παρακαλείσθε να επισκεφτείτε το Κέντρο Εξυπηρέτησης Πελατών [Customer Service Centre] του Δήμου στο 2 Bryant Street, Rockdale, Δευτέρα - Παρασκευή από 8.30πμ - 4.30πμ και Σάββατο από 9.00πμ - 1.00πμ. Το Προσωπικό του Δήμου θα χαρεί να κανονίσει υπηρεσίες διερμηνέων για σας.

Μπορείτε επίσης να επικοινωνήσετε με τις Τηλεφωνικές Υπηρεσίες Διερμηνέων [Telephone Interpreter Services] στο 131 450 και να τους ζητήσετε να τηλεφωνήσουν στο Rockdale City Council στο 9562 1666 για λογαριασμό σας.

Italian

Importante:

Questo documento contiene importanti informazioni sul Comune di Rockdale City. Se avete difficoltà a comprenderne il contenuto, recatevi presso il Customer Service Centre del Comune a 2 Bryant Street, Rockdale dal lunedì al venerdì dalle ore 8.30 alle 16.30 e al sabato dalle 9.00 alle 13.00. Il personale del Comune sarà ben lieto di procurarvi un servizio interpreti.

Potete anche chiamare il Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che telefoni per vostro conto al Comune di Rockdale City al numero 9562 1666.

Macedonian

Важно:

Овој документ содржи важни информации за Rockdale City Council (Градската општина на Rockdale). Ако не го разбирате, ве молиме, посетете го општинскиот Customer Service Centre (Центар за услуги на клиенти), кој се наоѓа на 2 Bryant Street, Rockdale, од понеделник до петок, од 8.30 наутро до 4.30 попладне и во сабота од 9.00 наутро до 1.00 попладне. Вработените во општината со задоволство ќе ви организираат да користите преведувач.

Исто така, можете да телефонирате во Telephone Interpreter Services (Служба за преведување по телефон) на 131 450, и да ги замолисте во ваше име да се јават во Градската општина на Rockdale на 9562 1666.

Spanish

Importante:

Este documento contiene información importante sobre el Rockdale City Council (Municipio de Rockdale). Si no la entiende, le rogamos concurrir al Centro de Servicio al Cliente del Municipio, ubicado en 2 Bryant Street, Rockdale, atención de lunes a viernes, de 8:30 am a 4:30 pm y el sábado de 9:00 am a 1:00 pm. El personal del municipio se complacerá en obtener los servicios de un intérprete para usted.

Puede asimismo llamar al Servicio Telefónico de Intérpretes al 131 450 y pedirles que llamen de su parte al Rockdale City Council, teléfono 9562 1666.

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Amendment history

Version	Release Date	Author	Reason for Change
1	2 May 2012	Fausto Sut	New document
<u>2</u>	<u>16 September 2015</u>	<u>Fausto Sut</u>	<u>Proposed change to meeting times</u>

Related documents

This document should be read in conjunction with:

- Local Government Act 1993
- Local Government (General) Regulation 2005

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PART I – PRELIMINARY

Introduction

Title

This Code of Meeting Practice (**Code**) has been developed in accordance with the Local Government Act 1993 (**Act**), Local Government (General) Regulation 2005 (**Regulation**), Division of Local Government's Meetings Practice Note No. 16, dated August 2009.

Objectives

This Code has the following objectives:

- 1 To ensure that Council and Committee Meetings are conducted expeditiously in an orderly, efficient and equitable manner.
- 2 To ensure that Council and Committee Meetings promote open government and maximise community access and participation.
- 3 To ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process.
- 4 To ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views.
- 5 To ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.
- 6 To ensure that Council Meetings restrict themselves to matters of policy, direction, resource allocation and statutory decisions.

Interpretation

This Code may be cited as the Rockdale City Council Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the Act, Regulations, and objectives of this Code.

Definitions

In this Code:

Advisory Committee, in relation to Council, means a Committee established under Clause 6.2 of the Code.

amendment, in relation to an original motion, means a motion moving an amendment to that motion. Amendments may be in the form of additional words to a motion and/or the removal of words from a motion. Any amendment to a motion must not alter the motion to the extent that

it effectively reverses the motion. If more than one amendment has been moved against the motion subsequent amendments are Foreshadowed Amendments and are only considered after the original amendment is defeated. Each amendment is separately considered and voted on.

Chairperson,

- a in relation to a meeting of the Council - means the person presiding at the meeting as provided by Clause 3.1 of this Code; and
- b in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by Clause 5.9 of this Code;

Committee in relation to a Council means a Committee established under Clause 5.2 or the Council when it has resolved itself into a Committee of the Whole;

Division of Local Government means the Division of Local Government, Department of Premier and Cabinet and its successors;

late Report means a report which is not listed on the published agenda for the meeting but is considered by the General Manager, in view of the importance or urgency of the issue, to be a report which must be submitted to the meeting of the Council, provided the statutory notice is given;

motion is a proposal put forwarded by a Councillor or Committee member calling for action to be taken or a decision to be made on a particular matter under consideration. A motion should be specific. If possible, it should be qualified by referring to a timetable, amounts of money involved, who is to take the necessary action and so on. It should be simple, clearly expressed and easy to understand so that there is no doubt as to its meaning. It should be well structured and if it involves a number of different aspects then there should be different parts to the motion or a series of separate motions. A motion needs to be seconded to become a motion for consideration at the meeting. Any amendments to a motion put forward by a Councillor need to be seconded but it cannot be accepted if it is a direct rebuttal of the motion it seeks to amend (see definition of amendment);

record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council;

relative, in relation to a person, means any of the following:

- a the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
- b the spouse or the de facto partner of the person or of a person referred to in paragraph (a).

supplementary report means a report which adds to or amends a report which is included on the agenda for a meeting of Council;

task group means a group established under Clause 6.1 of the Code;

the Act means the Local Government Act 1993;

the Code means the Rockdale City Council Code of Meeting Practice; and

the Regulation means the Local Government (General) Regulation 2005.

Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

Act and Regulation

- a This Code is made pursuant to Section 360(2) of the Act.
- b It incorporates relevant provisions of the Act and the Regulation.
- c In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Notes to text

Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

General

I.1 Application of the Code - Conduct of Meetings of Council and Committees (Section 360 of the Act)

- I.1.1 The regulations may make provision with respect to the conduct of meetings of Councils and Committees of Councils of which all the members are Councillors.
- I.1.2 A Council may adopt a Code that incorporates the regulations made for the purposes of this section and supplement those regulations with provisions that are not inconsistent with them.
- I.1.3 A Council and a Committee of Council of which all the members are Councillors must conduct its meetings in accordance with the Code adopted.

I.2 Preparation of the Code of Meeting Practice - Preparation, public notice and exhibition of draft Code (Section 361 of the Act)

- I.2.1 Before adopting the Code, Council must prepare a draft.
- I.2.2 The Council must give public notice of the Draft Code after it is prepared.
- I.2.3 The period of public exhibition must be not less than 28 days.
- I.2.4 The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to Council.
- I.2.5 The Council must publicly exhibit the draft Code in accordance with this notice.

I.3 Adoption and Amendment of the Code - Adoption of Draft Code (Section 362 and Section 363 of the Act)

- I.3.1 After considering all submissions received by it concerning the draft code, the Council may decide:
 - a To amend those provisions of its draft Code that supplement regulations made for the purposes of Section 360 of the Act; or
 - b Adopt the draft Code as its Code.
- I.3.2 If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this Division, or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft Code without public exhibition as its Code.
- I.3.3 A Council may amend a Code adopted under this Part by means only of a Code so adopted (Section 363 of the Act).

I.4 Revision of the Code

- I.4.1 Changes to the Local Government Act and Regulations automatically change the Code. Automatic amendment of the Code by the Act and/or Regulation does not require public notification under Sections 361 to 363 of the Local Government Act 1993.
- I.4.2 The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advices from the Division of Local Government. The General Manager shall cause Councillors to be informed of such amendments to the Code.

I.5 Availability of the Code (Section 364 of the Act) - Public Availability of the Code

- I.5.1 The Code under this Division adopted by a Council must be available for public inspection free of charge at the office of the Council during ordinary working hours.
- I.5.2 Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.
- I.5.3 A copy of the Code will also be available on Council's website.

PART 2 – BEFORE COUNCIL MEETINGS

2.1 Frequency of Meetings of the Council (Section 365 of the Act)

- 2.1.1 The Council is required to meet at least 10 times each year, each time in a different month.
- 2.1.2 The Council meets, ordinarily, on the first and third Wednesday of each month (except January) commencing at ~~6.30~~7:00 pm in the Council Chamber, Princes Highway, Rockdale, unless otherwise resolved by Council.

2.2 Extraordinary Meetings of Council (Section 366 of the Act)

- 2.2.1 Notwithstanding Sub Clause 2.1.2, the Mayor may call Extraordinary Meetings of the Council on any matter or matters considered necessary.
- 2.2.2 If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within 7 days after the receipt of the request.
- 2.2.3 If the Mayor refuses or delays to call an Extraordinary Meeting after receiving a request, signed by at least two (2) Councillors, those Councillors, may, in writing, request the General Manager to call the Extraordinary Meeting. The General Manager shall call the meeting as soon as practicable.

2.3 Notice of Meetings to Councillors (Section 367 of the Act)

- 2.3.1 The General Manager of the Council must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held and the business proposed to be transacted at the meeting.
- 2.3.2 Notice of less than three (3) days may be given of an Extraordinary Meeting called in an emergency, but in no case shall notice of less than one day be given. [Note: Notice of meetings can be delivered by courier or by facsimile transmission].
- 2.3.3 A notice under this section and the agenda for, and the business paper relating to, the meeting will be given in either:
 - a Electronic form if all Councillors have such access, or
 - b Hard copy but allowing Councillors the option to be notified electronically.

2.4 Order of Business (Clause 239 of the Regulation)

- 2.4.1 At a meeting of the Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Regulations) as fixed by Council's Code of Meeting Practice or (if the Council does not have a Code of Meeting Practice or its Code does not fix the general order of business) as fixed by resolution of Council.

2.4.2 The order of business for Ordinary Meetings is as follows:

- a Acknowledgement of traditional owners
- b Opening Prayer
- c Apologies
- d Confirmation of Minutes of Previous Meetings
- e Notification of Interests
- f Mayoral Minutes
- g Public Forum and associated business paper items
- h Rescission Motions
- i Notices of Motion
- j Officer Reports
 - General Manager
 - City Planning and Development
 - City Operations
 - Corporate and Community
- k Receipt of Minutes of Committees
- l Reminders
- m Questions With Notice
- n Consideration of Business in Closed Session
- o Call for Rescission Motions

2.4.3 Apart from those items on the business paper that members of the public have registered to speak on, the Mayor may bring forward an item of business from the business paper where it is established there is a strong community interest or that a member of the public with an interest in that item is present in the public gallery.

2.4.4 The order of business fixed under Sub-Clause 2.4.2 may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

2.4.5 Despite Clause 3.23, only the mover of a motion referred to in Sub-Clause 2.4.4 may speak to the motion before it is put.

2.5 Giving Notice of Business (Clause 24I of the Regulation)

2.5.1 A Council must not transact business at a meeting of the Council:

2.5.1.1 unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the business paper is prepared and delivered to Councillors; and

2.5.1.2 unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act. [Note: This is ordinarily the Wednesday prior to the meeting.]

2.5.2 Sub-Clause 2.5.1 does not apply to the consideration of business at a meeting if the business:

2.5.2.1 is already before, or directly relates to a matter that is already before, the Council; or

2.5.2.2 is the election of a Chairperson to preside at the meeting as provided by Clause 3.9; or

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- 2.5.2.3 is a matter or topic put to the meeting by the Chairperson in accordance with Clause 2.6; or
 - 2.5.2.4 is a motion for the adoption of recommendations of a Committee of the Council; or.
 - 2.5.2.5 are reports from officers listed on the business paper which require additional information pursuant to a decision of a Committee or for other circumstances.
- 2.5.3 Despite Sub-Clause 2.5.1, business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- 2.5.3.1 a motion is passed to have the business transacted at the meeting; and
 - 2.5.3.2 the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- Such a motion can be moved without notice.
- 2.5.4 Despite Clause 3.23, only the mover of a motion referred to in Sub Clause (3) can speak to the motion before it is put.

2.6 Mayoral Minutes (Clause 243 of the Regulation)

- 2.6.1 If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- 2.6.2 Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.
- 2.6.3 A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

2.7 Agenda for Extraordinary Meeting (Clause 242 of the Regulation)

- 2.7.1 The General Manager must ensure that the business paper for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.
- 2.7.2 Despite Sub-Clause 2.7.1, business may be transacted at an Extraordinary Meeting of a Council even though due notice of the business has not be given to the Councillors. However, this can happen only if:
 - 2.7.2.1 a motion is passed to have the business transacted at the meeting; and
 - 2.7.2.2 the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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- 2.7.3 Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
 - 2.7.4 Despite Clause 3.23, only the mover of a motion referred to in Sub-Clause 2.7.3 can speak to the motion before it is put.

2.8 Notice of Motion- Lodgement

- 2.8.1 Notice of Motion serves two purposes:
 - 2.8.1.1 It enables a Councillor to bring to the attention of the Council, matters particularly of a policy nature, which may not otherwise be included in the business of a Council Meeting.
 - 2.8.1.2 It also provides opportunity for other Councillors to consider the form and content of the motion before a matter is presented at the meeting.
- 2.8.2 A Notice of Motion must be submitted in writing to the General Manager or their delegate no later than 12 noon on the Tuesday before the day on which the business paper is delivered to the Councillors.

2.9 Public Notice of Meetings (Section 9(1) of the Act) (Clause 232 of the Regulation)

[**Note:** This clause prescribes the manner in which the requirements outlined in Section 9(1) of the Act are to be complied with.]

- 2.9.1 A Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors
- 2.9.2 A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
- 2.9.3 Notice of more than one meeting may be given in the same notice.
- 2.9.4 The Council and each Committee (of which all Councillors are members) must have available to the public at its offices and each meeting, copies (for inspection or take away by any person) of the agenda and the associated business papers for the meeting.
- 2.9.5 In the case of a meeting where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
 - 2.9.5.1 the agenda for the meeting must indicate that the relevant item of business is of such a nature (but not give details of that item); and
 - 2.9.5.2 the requirements of Clause 2.9.4 with respect to the availability of business papers do not apply for that item of business.
- 2.9.6 The copies of the agenda and associated business paper are to be available to the public as soon as possible to the time they are available to Councillors.

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- 2.9.7 The copies of the agenda and associated business paper are to be available free of charge.
 - 2.9.8 A notice given under this clause or a copy of an agenda or of a business paper made available under this clause may in addition be given or made available in electronic form.
 - 2.9.9 Public Notices of meetings will also be displayed on the website.

2.10 Application for Leave of Absence (Section 234 of the Act)

- 2.10.1 A Councillor applying for a leave of absence from the meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.
- 2.10.2 A Councillor's application for leave of absence from Council Meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent (Clause 235A(1) of the Regulation).
- 2.10.3 If the holder of a civic office attends a Council Meeting (whether or not an Ordinary Meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future Council Meeting.
- 2.10.4 This section does not prevent the Council from granting further leave of absence in respect of any future Council Meeting.
- 2.10.5 A Councillor who intends to attend a Council Meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days notice of his or her intention to attend, (Clause 235A(2) of the Regulation).

2.11 Agendas and Business Papers for Council Meetings (Clause 240 of the Regulation)

- 2.11.1 The General Manager must ensure that the business paper for a meeting of the Council states:
 - 2.11.1.1 all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - 2.11.1.2 (if the Mayor is the Chairperson) - any business that the Chairperson may decide to put before the meeting without notice or the Deputy Mayor if acting for the Mayor; and
 - 2.11.1.3 subject to Sub-Clause 2.11.2 any business of which due notice has been given.
- 2.11.2 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

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- 2.11.3 The General Manager must cause the agenda for a meeting of the Council or a Committee of Council to be prepared as soon as practicable before the meeting.
[Note: The agenda is ordinarily delivered to Councillors on the Wednesday evening preceding the Wednesday meeting. The papers are available to the public on the Friday preceding the meeting.]
 - 2.11.4 If, in the opinion of the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in Clause 3.7, the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an ordinary business paper.
 - 2.11.5 If a confidential business paper is prepared for a kind of business referred to in Clause 3.7, the business must be referred to in the ordinary business paper prepared for the same meeting.
 - 2.11.6 Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulation.

2.12 Supplementary or Late Reports

- 2.12.1 As circumstances necessitate, supplementary or late reports may be tabled at an Ordinary Meeting.
- 2.12.2 In the case of a supplementary report, where the report is distributed at or just prior to the Meeting, a period of time (to be determined by the Chairperson) shall be allowed for Councillors to read the report.
- 2.12.3 Supplementary and/or late reports are to be forwarded to Councillors as far as possible prior to the Meeting and via email as well as facsimile.
- 2.12.4 Notwithstanding this clause, the requirements of Clause 2.3 concerning notice of meetings to Councillors must be met for late reports except minutes by the Mayor.

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

3.1 Quorum and Attendance

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

3.2 Councillor Presence at Council Meetings (Clause 235 of the Regulation)

- 3.2.1 A Councillor cannot participate in a meeting of Council unless personally present at the meeting.
- 3.2.2 A Councillor shall not be deemed to be present at any meeting of the Council, unless they are within the Council Chamber. For the purposes of this requirement, the Council Chamber foyer is not regarded as being in the Council Chamber.
- 3.2.3 However, for the sake of clarity, a Councillor declaring an interest in a matter and leaving the Chamber shall not remain in either the public gallery or any part of the foyer within view of the meeting.

3.3 What Happens When a Quorum is Not Present (Clause 233 of the Regulation)

- 3.3.1 A meeting of the Council must be adjourned if a quorum is not present:
 - a within half an hour after the time designated for the holding of the meeting; or
 - b at any time during the meeting.
- 3.3.2 In the case of 3.3.1, the meeting must be adjourned to a time, date and place fixed:
 - a by the Chairperson; or
 - b in his or her absence - by the majority of the Councillors present; or
 - c failing that, by the General Manager
- 3.3.3 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

3.4 Councillor Attendance at Council Meetings (Section 234 of the Act)

A civic office becomes vacant if the holder (Councillor) is absent from 3 consecutive Ordinary Meetings of the Council (unless the holder is absent because he or she has been suspended from office under Section 482 of the Act) without:

- a prior leave of the Council, or
- b leave granted by the Council at any of the meetings concerned.

3.5 Councillor Departure from Meeting

Councillors are required, on proposing to retire from a meeting of Council for the remainder of that meeting, to give prior notice of intended departure to the Chairperson.

3.6 Who is entitled to attend Council Meetings (Section 10 of the Act)

3.6.1 Except as provided by this Part:

- a everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors; and
- b a Council must ensure that all meetings of the Council and of such Committees are open to the public.

3.6.2 However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:

- a by a resolution of the Council;
- b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

3.6.3 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

3.7 Attendance of General Manager (Section 376 of the Act)

3.7.1 The General Manager is entitled to attend, but not to vote at a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.

3.7.2 The General Manager is entitled to attend a meeting of any other Committee of the Council, and may if a member of the Committee exercises a vote.

3.7.3 However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

3.8 Attendance of Council Employees

The General Manager shall arrange for the attendance of such Council employees as are considered necessary by the General Manager for the transaction of the notified Council business.

3.9 Chairperson of Council Meetings (Section 369 of the Act) (Clause 236 of the Regulation)

3.9.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of the Council.

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- 3.9.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
- 3.9.3 If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.
- 3.9.4 The election must be conducted:
- 3.9.4.1 by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
- 3.9.4.2 if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- 3.9.5 If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 3.9.6 For the purposes of Clause 3.9.5, the person conducting the election must:-
- 3.9.6.1 arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
- 3.9.6.2 then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 3.9.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

3.10 Chairperson to Have Precedence (Clause 237 of the Regulation)

When the Chairperson rises or speaks during a meeting of the Council:

- a any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- b every Councillor present must be silent to enable the Chairperson to be heard without interruption.

3.11 Chairperson's Duty with Respect to Motions (Clause 238 of the Regulation)

- 3.11.1 It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 3.11.2 The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 3.11.3 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

3.12 Recognition of Chairperson

- 3.12.1 In addressing Council, Councillors and other persons addressing the Council shall at all times speak through the Chairperson.
- 3.12.2 Councillors and other persons addressing the Council shall at all times show appropriate respect and observe the ruling of the Chairperson.
- 3.12.3 A Councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the Chairperson.

3.13 Mode of Address

Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

3.14 Report of a Division of Local Government's Representative to be Tabled at Council Meeting (Clause 244 of the Regulation)

When a report of a Departmental representative has been presented to a meeting of Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- a is laid on the table at that meeting; and
- b is subsequently available for the information of Councillors, General Manager and members of the public at all reasonable times.

3.15 Notice of Motion - Absence of Mover (Clause 245 of the Regulation)

In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of the Council:

- a any other Councillor may move the motion at the meeting; or
- b the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

3.16 Motions to be Seconded (Clause 246 of the Regulation)

- 3.16.1 A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak for five (5) minutes to the motion before calling for the motion to be seconded. (Note: seconder is not required to speak).
- 3.16.2 The seconder of a motion or of an amendment may reserve the right to speak for five (5) minutes later in the debate.

3.17 How Subsequent Amendments May be Moved (Clause 247 of the Regulation)

- 3.17.1 A Councillor who does not agree with the motion, or agrees in part, may move an amendment after the motion has been seconded. (Note: Amendments cannot be accepted if they are a direct rebuttal of the motion they seek to amend).

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- 3.17.2 If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
 - 3.17.3 It is permissible to debate the motion and an amendment concurrently.
 - 3.17.4 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such Foreshadowed Amendment shall not be moved and debated until the amendment is dealt with.
 - 3.17.5 If a Councillor who moves a motion thinks that an amendment moved later is an improvement on the motion, the Councillor may withdraw the motion in favour of the amendment, provided the seconder agrees. Alternatively, the mover and seconder of the original motion may agree to incorporate in the motion, points raised in the amendment. On this basis the amendment would be withdrawn.

3.18 Procedural Motions

- 3.18.1 Procedural Motions are used for dealing with the Order of Business of the meetings. A Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson. A Procedural Motion requires a seconder and cannot be moved by the Chairperson.
- 3.18.2 Procedural Motions can seek to:
 - a Bring forward an item of business
 - b Withdraw an item
 - c Defer an item of business to later in the meeting
 - d Adjourn the meeting
 - e Reconvene the meeting

3.19 Motions of Dissent (Clause 248 of the Regulation)

- 3.19.1 A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the Motion of Dissent. A Motion of Dissent does not require a seconder.
- 3.19.2 If a Motion of Dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 3.19.3 Despite Clause 3.23, only the mover of a Motion of Dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

3.20 Petitions May be Presented to the Council

- 3.20.1 A Councillor may present a petition to the Council.

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- 3.20.2 The Chairperson must not permit discussion on the petition, unless it relates to an item on the business paper. Petitions shall be referred to the General Manager for report, reply or other appropriate action.

3.21 Tabled Documents

- 3.21.1 Other than those documents referred to in Clause 3.20, documents (including correspondence) are not to be tabled during a meeting, either by a Councillor or a member of the public, in relation to a matter before that meeting except in exceptional circumstances and then only with the leave of the Chairperson whose decision will be final on the matter.
- 3.21.2 In the event that a Councillor or member of the public wishes to table a document during a meeting, that document must be given to the General Manager or nominee by 4.00 pm on the day of the meeting.
- 3.21.3 Any other documents that a Councillor or a member of the public wishes to submit to Council should be forwarded to the General Manager in the normal manner.

3.22 Questions May be Put to Councillors and Council Employees concerning matters on the Council Business Paper (Clause 249 of the Regulation)

[Note: For questions about matters not on the Business Paper Councillors should lodge a Question With Notice]

- 3.22.1 A Councillor:
- a may, through the Chairperson, put a question to another Councillor; and
 - b may, through the Chairperson and the General Manager, put a question to a Council employee.
- 3.22.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3.22.3 Any such question must be put directly, succinctly, and without argument. Councillors may draw the Mayor's attention to the relevance of the questions.
- 3.22.4 The General Manager may exercise the option to take on notice a question under this clause.
- 3.22.5 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.
- 3.22.6 Nothing in this clause prevents a Councillor putting a question which is similar or related to a question put earlier at the same meeting.

3.23 Limitation as to Number of Speeches (Clause 250 of the Regulation)

- 3.23.1 A Councillor who, during debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

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- 3.23.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 3.23.3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 3.23.4 Despite Clauses 3.23.1 and 3.23.2, if at least two (2) Councillors have spoken in favour of a motion or an amendment and at least two (2) Councillors have spoken against the motion or amendment, any Councillor may move that the matter be now put. A Councillor may also move that the matter be now put if the mover of a motion or amendment has spoken in favour of the motion or amendment and no Councillor indicates to speak against it.
- 3.23.5 The Chairperson must immediately put to the vote a motion that the matter be now put and without debate.
- 3.23.6 If a motion that the matter be now put is passed, the Chairperson must, after the mover of the motion has exercised his or her right of reply under Clause 3.23.1, immediately put the question to the vote without further debate.
- 3.23.7 If a motion that the matter be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

3.24 Motions Put Without Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

3.25 Voting at Council Meetings (Section 370 of the Act)

- 3.25.1 Each Councillor is entitled to one vote.
- 3.25.2 The Chairperson has, in the event of an equality of votes, a second or casting vote and that vote shall be used at the absolute discretion of the Chairperson. Should the Chairperson fail to exercise a casting vote the motion will be lost.
- 3.25.3 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This sub clause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.
- 3.25.4 If a Councillor who has voted against a motion put at a Council Meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.

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- 3.25.5 The decision of the Chairperson as to the result of a vote is final, unless:
- a in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - b the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.
- 3.25.6 When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately.
- 3.25.7 The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the minutes. Divisions can be taken on both amendments and motions.
- 3.25.8 Voting at a Council Meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Note: The Local Government (General) Regulation 2005 provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 394 of the Regulation and Clause 3 of Schedule 7 of the Regulation). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

3.26 Recording of Voting on Planning Matters (Section 375A of the Act)

- 3.26.1 In this Section, Planning Decision means a decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979:
- a including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution under that Act; but
 - b not including the making of an order under Division 2A of Part 6 of that Act.
- 3.26.2 The General Manager is required to keep a register containing, for each planning decision made at a meeting of Council or a Council Committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or who are taken to have opposed) the decision.
- 3.26.3 For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.
- 3.26.4 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document and is to include the information required by the regulations.
- 3.26.5 This section extends to a meeting that is closed to the public.

3.27 Which Parts of a Meeting Can Be Closed to the Public?

3.27.1 A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- a the discussion of any of the matters listed in Clause 3.27.2; or
- b the receipt or discussion of any of the information so listed.

3.27.2 The matters and information are the following:

- a personnel matters concerning particular individuals (other than Councillors);
- b the personal hardship of any resident or ratepayer;
- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- d commercial information of a confidential nature that would, if disclosed:
 - i prejudice the commercial position of the person who supplied it; or
 - ii confer a commercial advantage on a competitor of the Council; or
 - iii reveal a trade secret;
- e information that would, if disclosed, prejudice the maintenance of law;
- f matters affecting the security of the Council, Councillors, Council staff or Council property;
- g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; and
- h information concerning the nature and location of a place or an item of Aboriginal significance on community land.

3.27.3 A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

3.27.4 A Council, or a Committee of Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (see clause 3.31).

3.28 Further Limitations Relating to Closure of Parts of Meetings to Public (Section 10B of the Act)

- 3.28.1 A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2) of the Act (see Sub Clause 3.27.2):
- a except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - b if the matter concerned is a matter other than a personal matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 3.28.2 A meeting is not to be closed during the receipt and consideration of information or advice referred to in Section 10(2)(g) of the Act (see Sub Clause 3.27.2g) unless the advice concerns legal matters that:
- a are substantial issues relating to a matter in which the Council or Committee is involved; and
 - b are clearly identified in the advice; and
 - c are fully discussed in that advice.
- 3.28.3 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Section 10A(3) of the Act (see Clause 3.27), the consideration of the motion must not include any consideration of the matter or information to be discussed in that part of the meeting (other than consideration of whether the matter concerned is a matter referred to in Section 10A(2) of the Act (see Clause 3.27).
- 3.28.4 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a a person may misinterpret or misunderstand the discussion; or
 - b the discussion of the matter may:
 - i cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council; or
 - ii cause a loss of confidence in the Council or Committee.
- 3.28.5 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director-General.

3.29 Notice of Likelihood of Closure Not Required in Urgent Cases (Section 10C of the Act)

Part of a meeting of Council, or of a Committee of Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- a it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Section 10A(2) of the Act (see Clause 3.27); and
- b the Council or Committee, after considering any representations made under Section 10A(4) of the Act (see Clause 3.31), resolves that further discussion of the matter:
 - i should not be deferred (because of the urgency of the matter); and
 - ii should take place in a part of the meeting that is closed to the public.

3.30 Grounds for Closing Part of Meeting to be Specified (Section 10D of the Act)

3.30.1 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

3.30.2 The grounds must specify the following:

- a the relevant provision of Section 10A(2) of the Act (see Sub Clause 3.27.2);
- b the matter that is to be discussed during the closed part of the meeting; and
- c the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

3.31 Representation by Members of the Public - Closure of Part of Meeting (Clause 252 and 264 of the Regulation)

[Note: For public participation in the Public Forum see Section 8].

3.31.1 To ensure adherence with Council's objective that proceedings should be transparent and understandable to all persons participating in and observing meetings of Council the following process will occur:

- 3.31.1.1 After a motion to close part of the Council Meeting to the public has been moved or seconded, the Chairperson will ask the General Manager (or his/her representative) if there are any written representations from the public on the proposed closure.
- 3.31.1.2 The General Manager (or his/her representative) will read out any written representation.

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- 3.31.1.3 The Chairperson will ask if any persons present wish to make verbal representations.
 - 3.31.1.4 The opportunity to speak will be given to each person present to make verbal representations.
 - 3.31.1.5 The opportunity to speak will be given to each person or representative person chosen by the public gallery on a “for” or “against” basis.
 - 3.31.1.6 Each person addressing the Council will be allowed a maximum time of five (5) minutes.
 - 3.31.1.7 After receiving all presentations on this matter and on a motion moved, seconded and carried that the meeting be closed under Section 10A(3) of the Act, the meeting should be closed to consider the matter in closed session.
 - 3.31.1.8 The determination of the resolution in Sub Clause 3.31.7.7 will be announced by the Chairperson.
 - 3.31.1.9 The grounds on which a meeting is closed must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
 - 3.31.1.10 A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
 - 3.31.1.11 Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, provided such limitation is for reason of safety or security.

3.32 Resolutions Passed at Closed Meetings to be Made Public (Clause 253 of the Regulation)

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson will make the resolution public as soon as practicable after the closed part of the meeting has ended.

3.33 What constitutes a decision of the Council (Section 371 of the Act)

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

3.34 Rescinding or Altering Resolutions (Section 372 of the Act)

- 3.34.1 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the regulations made under Section 360 and, if applicable, this Code of Meeting Practice.
- 3.34.2 If notice of motion to alter or rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion has been dealt with, except that, in the case of a motion of alteration, this

sub section only applies to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.

- 3.34.3 If notice of motion to alter or rescind a resolution is given prior to the resolution having been carried into effect, then the resolution must not be carried into effect until after the motion has been dealt with, except that, in the case of a motion of alteration, this sub section only applies to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- 3.34.4 If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Council's Code of Meeting Practice.
- 3.34.5 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by a least three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 3.34.6 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three (3) months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 3.34.7 A motion to which this clause applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.
- 3.34.8 The provisions of this clause concerning negated motions do not apply to motions of adjournment.
- 3.34.9 All motions to rescind or alter a resolution received in accordance with this clause will be included in the agenda of the next available meeting of Council.
- 3.34.10 If it is proposed to move a further motion in the event that a motion to rescind a resolution is carried, the required notice must be given of the proposed further motion.
- 3.34.11 A proforma for a Notice of Motion to alter or rescind a resolution is included in the Appendix.

3.35 Motions of Adjournment

- 3.35.1 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 3.35.2 If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 3.35.3 A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.

3.36 Adjournment of Council Meetings

Notwithstanding Clause 3.35 no meeting shall be permitted to continue beyond 11.00 pm without approval of a majority of the Councillors who are present and eligible to vote. A new time limit must be established before taking a vote to extend the meeting. Any further extension must also be approved by the majority of the Councillors who are present and eligible to vote.

PART 4 - KEEPING ORDER AT MEETINGS

Councillors, employees of Council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of the Council. Failure on the part of a Councillor or an employee to observe the Code of Meeting Practice may be subject to a complaint under the Code of Conduct.

4.1 Questions of Order (Clause 255 of the Regulation)

- 4.1.1 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 4.1.2 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson by raising a “point of order” regarding the matter. A point of order does not require a seconder.
- 4.1.3 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 4.1.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

4.2 Acts of Disorder (Clause 256 of the Regulation)

- 4.2.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:-
 - a contravenes the Act, any regulation in force under the Act or this Code; or
 - b assaults or threatens to assault another Councillor or person present at the meeting; or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
 - d insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt; or
 - f reads at length from any correspondence, report or other document without the leave of the Council.
- 4.2.2 The Chairperson may require a Councillor:-
 - a to apologise for an act of disorder referred to in Clause 4.2.1(a) or (b); or
 - b to withdraw a motion or an amendment referred to in Clause 4.2.1(c) and, where appropriate, to apologise without reservation; or

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- c to retract and apologise for an act of disorder referred to in Clause 4.2.1(d) or (e); or
 - d to refrain from any further reading and apologise for the act of disorder in Clause 4.2.1(f).

4.2.3 The Council or Committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under Clause 4.2.2. The expulsion of a Councillor under this sub clause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

4.3 How Disorder at a Meeting may be Dealt With (Clause 257 of the Regulation)

4.3.1 If disorder occurs at a meeting of the Council or Committee of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council, on reassembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

4.3.2 The Council or Committee may, as provided by Section 10(2)(a) or (b) of the Act, by resolution, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

4.4 Power to Remove Persons from Meeting after Expulsion Resolution (Clause 258 of the Regulation)

If a Councillor or a member of the public fails to leave the place where a meeting of a Council or Committee is being held:-

- a immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- b where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting;

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

4.5 Relevance in Debate

4.5.1 Councillors, in the course of debate, should not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking and resume his or her seat.

4.5.2 Members of the public who address Council also have an obligation to ensure relevance to the item under discussion. The Chairperson has the discretion,

including action similar to Sub Clause 4.5.1, to deal with members of the public who introduce irrelevant material.

PART 5 - COUNCIL COMMITTEES

5.1 Committee of the Whole (Section 373 of the Act and Clause 259 of the Regulation)

- 5.1.1 The Council may resolve itself into a Committee of the Whole to consider any matter before the Council.
- 5.1.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions:
 - a limiting the number and duration of speeches; and
 - b requiring Councillors to stand when speaking .
- 5.1.3 The General Manager is responsible for reporting to the Council proceedings in a Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 5.1.4 The Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

5.2 Council may establish Committees (Clause 260 of the Regulation)

- 5.2.1 The Council may, by resolution, establish such Committees as it considers necessary.
- 5.2.2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 5.2.3 The quorum for a meeting of a Committee is to be:-
 - a such number of members as the Council decides, or
 - b if the Council has not decided a number - a majority of the members of the Committee.
- 5.2.4 if a Committee lacks a quorum, another Councillor may be seconded to the Committee to achieve a quorum and that seconded member will have full voting rights.

5.3 Functions of Committees (Clause 261 of the Regulation)

The Council must specify the functions of each of its Committees when the Committee is established but may from time to time amend those functions.

5.4 Notice of Committee Meetings to be Given (Clause 262 of the Regulation)

- 5.4.1 The General Manager of the Council must send to each Councillor, at least three (3) days before each meeting of the Committee, a notice specifying:
- a the time and place at which and the date on which the meeting is to be held; and
 - b the business proposed to be transacted at the meeting.
- 5.4.2 However, notice of less than three (3) days may be given of a Committee meeting called in an emergency.
- 5.4.3 The provisions of Sub Clause 2.3.3 apply to the agenda of Committee Meetings in the same manner as they apply to the agenda of Meetings of the Council

5.5 Non-members Entitled to Attend Committee Meetings (Clause 263 of the Regulation)

- 5.5.1 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at, a meeting of the Committee.
- 5.5.2 Except as provided by Clause 5.2.4, a Councillor is not entitled:
- a to give notice of business for inclusion in the business paper for the meeting, or
 - b to move or second a motion at the meeting, or
 - c to vote at the meeting.

5.6 Representations by the Members of the Public - Closure of Part of Meeting (Clauses 252 and 264 of the Regulation)

The same process will be undertaken for Committees as detailed under Clause 3.27 for Council Meetings.

5.7 Procedure in Committees (Clause 265)

- 5.7.1 Subject to Sub Clause 5.7.3 each Committee of the Council may regulate its own procedure.
- 5.7.2 Without limiting Sub Clause 5.7.1, a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote. (Note: the Council's current adopted policy on Committee functions does not provide for a casting vote in Council Committees.)
- 5.7.3 Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands).

5.8 Committee to Keep Minutes (Clause 266 of the Regulation)

- 5.8.1 Each Committee of a Council must ensure that full and accurate Minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's Minutes:-
- a details of each motion moved at a meeting and of any amendments moved to it;
 - b the names of the mover and seconder of the motion or amendment;
 - c whether the motion or amendment is passed or lost.
 - d All Committee Minutes are to be submitted to the next available meeting of Council.
- 5.8.2 As soon as the Minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the Minutes of the earlier meeting.

5.9 Chairperson and Deputy Chairperson of Committee (Clause 267 of the Regulation)

- 5.9.1 The Chairperson of each Committee of the Council must be:-
- a the Mayor; or
 - b if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council; or
 - c if the Council does not elect such a member - a member of the Committee elected by the Committee.
- 5.9.2 A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- 5.9.3 If neither the Chairperson nor the Deputy Chairperson of a Committee of a Council is unable or unwilling to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.
- 5.9.4 The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if either the Chairperson or the Deputy Chairperson is unable or unwilling to preside, the Acting Chairperson is to preside at the meeting.
- 5.9.5 The Mayor is, by virtue of holding that office, a member of each Committee of the Council. (Clause 260 of the Regulation).

5.10 Absence from Committee Meetings (Clause 268 of the Regulation)

- 5.10.1 A member ceases to be a member of a Committee if the member (other than the Mayor):-
- a has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
 - b has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.
- 5.10.2 Sub Clause 5.10.1 does not apply if all of the members of the Council are members of the Committee. [Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.]

5.11 Reports of Committees (Clause 269 of the Regulation)

- 5.11.1 If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- 5.11.2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- 5.11.3 If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:-
- a make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - b report the resolution or recommendation to the next available meeting of the Council.

5.12 Disorder in Committee Meetings (Clause 270 of the Regulation)

The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council Meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

5.13 Committee May Expel Certain Persons from its Meetings (Clause 271 of the Regulation)

- 5.13.1 If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with section 10A of the Act, the Committee may, by resolution, expel from the place where the meeting is being held any person who is not a Councillor.
- 5.13.2 If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.

PART 6 - TASK GROUPS AND ADVISORY COMMITTEES

6.1 Task Groups

- 6.1.1 The Council may appoint a group of Councillors and staff members to investigate a specific proposal and to report to the Council or appropriate Committee.
- 6.1.2 The Council shall determine the terms of reference for the Task Group, such to clearly state:
 - a the specific issues to be addressed
 - b the time available to the Task Group to complete its investigation
- 6.1.3 The Task Group shall have the power to regulate its own procedures and need only report to the Council or Committee when a decision on policy or resources is required.
- 6.1.4 Notwithstanding 6.1.3.3 the minutes of Task Groups shall be reported to Council for notation.
- 6.1.5 The Task Group shall be disbanded after the terms of reference have been completed. [Note: The General Manager appoints staff member representatives on Task Groups.]

6.2 Advisory Committees

- 6.2.1 The Council may appoint a group of Councillors, staff and on occasions community representatives to undertake a particular administrative responsibility.
- 6.2.2 Where possible, community representatives on Advisory Committees shall be nominated by community organisations.
- 6.2.3 The Council shall determine the terms of reference for the Advisory Committee.
- 6.2.4 The Advisory Committee shall have power to regulate its own procedures, subject to:-
 - a the Chairperson of the Advisory Committee being the Mayor of the Council;
 - b minutes of meetings being submitted to the next available meeting of the Council.
- 6.2.5 The Advisory Committees term of reference shall not be time limited but the Council can disband the Advisory Committee or alter its terms of reference and membership composition at any time.

PART 7 - DEALING WITH CONFLICTS OF INTERESTS

Note: The General Manager cannot give a ruling on whether a Councillor has a pecuniary or non-pecuniary interest in a particular matter. If Councillors are in doubt they should seek their own legal advice.

Pecuniary Interests

7.1 Pecuniary interest (Section 442 of the Act)

- 7.1.1 For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
- 7.1.2 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Act.

7.2 Persons who have a Pecuniary Interest

- 7.2.1 For the purposes of the Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - a the person; or
 - b another person with whom the person is associated.
- 7.2.2 A person is taken to have a pecuniary interest in a matter if:
 - a the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter; or
 - b the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- 7.2.3 However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
 - a if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
 - b just because the person is a member of, or employed by, a Council or a statutory body or is employed by the Crown; or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

7.3 Interests that Need Not be Declared (Section 443 of the Act)

- 7.3.1 The following interests do not need to be disclosed for the purposes of this Part:
- 7.3.1.1 An interest as an elector.
 - 7.3.1.2 An interest as a ratepayer or a person liable to pay a charge.
 - 7.3.1.3 An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part.
 - 7.3.1.4 An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part.
 - 7.3.1.5 An interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not).
 - 7.3.1.6 An interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee.
 - 7.3.1.7 An interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of permissible uses of:
 - a land in which the person or a person, company or body referred to in Section 443(1)(b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise); or
 - b land adjoining, or adjacent to, or in proximity to land referred to in paragraph (a);if the person or the other person with whom the person is associated would by reason of the propriety interest have a pecuniary interest in the proposal.
 - 7.3.1.8 An interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights of the company.

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- 7.3.1.9 An interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a Director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership.
- 7.3.1.10 An interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation of any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
- a the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation;
 - b security for damage to footpaths or roads;
 - c any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract.
- 7.3.1.11 An interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor).
- 7.3.1.12 An interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under Section 252 of the Act.
- 7.3.1.13 An interest relating to the election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor.
- 7.3.1.14 An interest of a person arising from the passing of payment of a regular account for wages and salary of an employee who is a relative of the person.
- 7.3.1.15 An interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council Committee.
- 7.3.1.16 An interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

7.4 Disclosure and Participation in Meetings (Section 451 of the Act)

- 7.4.1 A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable. [Note: One of the first items on each Council and Committee Meeting Agenda is Notification of Interests].

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- 7.4.2 The disclosure ideally should be in writing and describe the nature and extent of the pecuniary interest. [Note: A proforma declaration is provided in Attachment I in order to facilitate declarations.]
- 7.4.3 The Councillor or member must not take part in the consideration or discussion of the matter.
- 7.4.4 The Councillor or member must not be present at, or in sight of, or within earshot of the meeting of the Council or Committee:
- a at any time during which the matter is being considered or discussed by the Council or Committee, or;
 - b at any time during which the Council or Committee is voting on any question in relation to the matter.
- 7.4.5 The exclusion is from all discussions on the matter, not just discussions on a formulation motion or a resolution of the matter.
- 7.4.6 Councillors barred from taking part in a discussion because of a pecuniary interest cannot escape this by addressing the meeting as a “resident” or “ratepayer”.

7.5 Disclosure by Advisers (Section 456 of the Act).

A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

7.6 Circumstances where Disclosure Rules are not breached (Section 457 of the Act)

A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

7.7 Disclosures to be Recorded (Section 453 of the Act)

A disclosure made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting. [Note: A register of declared interests is held by the Council's Public Officer]

7.8 Powers of the Council in Relation to Meetings (Section 10 of the Act)

A Councillor or member of a Council Committee must not, if the Council or Committee so resolves, attend a meeting of the Council or Committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Part.

7.9 Division of Local Government - Power of Minister in relation to meetings (Section 458 of the Act)

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at the meeting of the Council Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a that the numbers of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- b that it is in the interests of the electors for the area to do so.

Non-Pecuniary Interests

7.10 Special duty of a Councillor, member of staff and delegate

A Councillor, member of staff or delegate must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or public or professional duties.

7.11 Non-Pecuniary Interest

For the purposes of this Part, non-pecuniary private or personal interests that the Council official has, that do not amount to a pecuniary interest as defined in the Act, commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

7.12 Conflict of Interest

- 7.12.1 A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.
- 7.12.2 A non-pecuniary conflict of interest need not mean automatic or complete exclusion from participation in discussion or decision making and a determination of how the non-pecuniary conflict of interest is to be dealt with is to be made in accordance with Council's Policy on Conflicts of Interest.

7.13 Disclosures and Participation in Meetings – Non-Pecuniary (Section 454 of the Act)

- 7.13.1 A Councillor or a member of a Council Committee who has a non-pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as is practicable.
- 7.13.2 The disclosure ideally should be in writing and describe the nature and extent of the pecuniary interest. [Note: A proforma declaration is provided in Attachment I in order to facilitate declarations.]

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- 7.13.3 Non-pecuniary conflicts of interest must be managed in accordance with Council's Code of Conduct.
- 7.13.4 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary conflict of interest is considered by the Councillors to be significant, the Council must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter.
- 7.13.5 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary interest is considered by the Councillor to be less than significant and not requiring further action, the Councillor should provide an explanation of why he/she believes the conflict requires no further action in the circumstances.

PART 8 - PRESS AND PUBLIC

8.1 Public Forum

- 8.1.1 The Council shall make provision for members of the public to address the Council meeting on matters that are raised in the Business Paper.
- 8.1.2 Applications to address the Council:-
 - a must be made no later than 4.00pm on the day of the Council Meeting to the Director - Corporate and Community or nominee who receives applications;
 - b must state the name and address of the applicant, a contact telephone number, and general details of the nature of the address;
 - c will be listed with a copy given to the Mayor immediately prior to the commencement of the meeting. The Mayor shall give first speaking preference to those persons who have an interest in a matter before the Council that evening.
- 8.1.3 The Council shall give consideration to allowing opposing points of view to be presented prior to determining a matter.
- 8.1.4 Subject to 8.1.5, fifteen (15) minutes will be allocated for discussion on any one item, with preference given to the arrangement where one person speaks for the motion and one speaks against the motion. Groups are encouraged to nominate a representative to make the presentation to the Council on behalf of the group.
- 8.1.5 Where two speakers have registered on the one subject, five (5) minutes will be given to each speaker. Where more than two speakers have registered to speak on the same item, the Chairperson will determine the equal allocation of time between speakers.
- 8.1.6 When making a presentation:-
 - a Subject to 8.1.5, each presentation shall be limited to five (5) minutes, and the Council may extend the presentation by a further three (3) minutes if considered appropriate. The maximum time for all presentations on each subject will be limited to fifteen (15) minutes.
 - b Where it is considered that a particular matter requires further discussion, the Council may wish to resolve itself into a Committee of the Whole in accordance with clause 5.1.
 - c Speakers shall conduct themselves with due respect to the Council and observe the rules of order and meeting procedure as contained in the Code of Meeting Practice.
- 8.1.7 Councillors may, through the Chairperson, ask questions of the speakers at the conclusion of their address.

8.2 Committee Interviews – Public Forum

- 8.2.1 Any person with an interest in a matter before a Committee will be given the opportunity to make a presentation to the Committee.
- 8.2.2 All requests should be referred to the Committee Secretary who will liaise with the Chairperson and the applicant and make the necessary arrangements prior to the meeting.
- 8.2.3 The Chairperson will allow opposing views on the same issue to be put to the Committee without interruption.
- 8.2.4 As far as possible individuals with the same view should be encouraged to appoint a spokesperson to speak on their behalf.
- 8.2.5 All presenters are expected to answer questions put to them by Committee members and the Chairperson will not permit parties with opposing views to question each other.

8.3 Public Access to Correspondence and Reports (Section 11 of the Act)

- 8.3.1 The Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. [Note: Clause 2.9 allows public access to agendas and associated business papers issued prior to the Council Meeting.]
- 8.3.2 This clause does not apply if the correspondence or reports:
 - a relate to a matter that was received or discussed; or
 - b were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- 8.3.3 This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Section 10A(2) of the Act (see Sub Clause 3.27.2), are to be treated as confidential.

PART 9 - RECORD OF MEETINGS

9.1 Minutes of Meetings (Section 375 of the Act)

- 9.1.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- 9.1.2 The minutes must when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.
- 9.1.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of proceedings.
- 9.1.4 The temporary absences from a meeting of Council or any Committee shall not be recorded in the Minutes unless the temporary absence is during a vote on a decision.

9.2 Minutes – Matters required to be recorded

- 9.2.1 Details of each motion and of any amendments moved to it (Clause 254(a) of the Regulation).
- 9.2.2 The names of the mover and seconder of any motion or amendment (Clause 254(b) of the Regulation).
- 9.2.3 Whether each motion and amendment is passed or lost (Clause 254(c) of the Regulation).
- 9.2.4 The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (Clause 233(3) of the Regulation).
- 9.2.5 The dissenting vote of a Councillor when requested (Clause 251(2) of the Regulation).
- 9.2.6 When a valid division is called, a table of the names of each Councillor and the way their vote was cast, either For or Against, is recorded in the Minutes. (Clause 251(4) of the Regulation). Note that a division is always required when a motion for a planning decision is put to a meeting of the Council (Section 375A of the Act).
- 9.2.7 A report of the proceedings of the Committee of the Whole, including any recommendations of the Committee (Clause 259(3) of the Regulation).
- 9.2.8 The grounds for closing part of the meeting to the public (Section 10D of the Act).
- 9.2.9 The report of a Council Committee leading to a rescission or alteration motion (Section 372(6) of the Act).
- 9.2.10 The disclosure to a meeting by a Councillor of a pecuniary interest (Section 453 of the Act).

PART 10 - MISCELLANEOUS

10.1 Disclosure and Misuse of Information

- 10.1.1 A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
- a with the consent of the person, from whom the information was obtained; or
 - b in connection with the administration or execution of this Act; or
 - c for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
 - d in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Government Information (Public Access) Act 2009*; or
 - e with other lawful excuse.
- 10.1.2 In particular, should part of a meeting of a Council or a Committee of a Council is closed to the public in accordance with Section 10A(1) of the Act, a person must not, without the authority of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.
- 10.1.3 Clause 10.1.2 does not apply to:
- a the report of a Committee of a Council after it has been presented to the Council; or
 - b disclosure made in any of the circumstances referred to in Clause 10.1.1; or
 - c disclosure made in circumstances prescribed by the regulations; or
 - d any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Schedule 1 of the *Government Information (Public Access) Regulation 2009*.
- 10.1.4 A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- 10.1.5 A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:

-
- a the determination of an application for an approval; or
 - b the giving of an order.

10.2 Inspection of the Minutes of the Council or a Committee

- 10.2.1 Schedule 1 of the Government Information (Public Access) Regulation 2009 requires that the Minutes of the Council or a Committee are to be made publicly available for inspection. The public is entitled to inspect these documents either on Council's website or at the offices of the Council during ordinary working hours or at any other place determined by Council. Any current or previous Minutes may be inspected free of charge.
- 10.2.2 An inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes. [Note: The person so designated are the Director - Corporate and Community and in his absence another employee as designated by the General Manager.]
- 10.2.3 The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. [Note: Schedule 1 of the Government Information (Public Access) Regulation 2009 confers a right to inspect the minutes of a Council or Committee of a Council.]

10.3 Access to Records

- 10.3.1 Councillors have access to Council records under the Government Information (Public Access) Act and Regulation 2009.
- 10.3.2 Nothing in this clause derogates from the common law right of a Councillor to inspect any record of the Council which is necessary for the Councillor to exercise the office of Councillor.

10.4 Recording of Meeting of the Council or a Committee Prohibited Without Permission (Clause 273 of the Regulation)

- 10.4.1 A person may use a recorder to record the proceedings of a meeting of the Council or a Committee of a Council only with the authority of the Chairperson, who will advise all other Councillors in attendance of the situation.
- 10.4.2 A person may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a recorder in contravention of this clause.
- 10.4.3 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from the place and, if necessary, restrain that person from re-entering that place.

10.4.4 In this clause, recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

10.4.5 All mobile phones in the Chamber and Public Gallery are not to be used and are to be turned off or switched to silent/vibrate. Failure to do so or use of a mobile phone may be treated as an act of disorder.

10.5 Audio Recording of Meetings by Council Staff

10.5.1 Audio recordings of a meeting of the Council or a Committee of Council may be made by Council staff for the purpose of:

10.5.2 Assisting in the preparation of the Minutes;

10.5.3 Ensuring decisions are accurately recorded;

10.5.4 Verifying the accuracy of Minutes prior to their confirmation.

10.5.5 Audio recordings will be erased or otherwise destroyed as soon as the minutes of the meeting to which they relate has being officially confirmed or within three (3) months, whichever is the greater.

10.5.6 The tapes will be subject to the provisions of the Government Information (Public Access) Act 2009.

10.6 Certain Circumstances do not invalidate Council Decisions (Section 374 of the Act)

Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:-

a a vacancy in a civic office; or

b a failure to give notice of the meeting to any Councillor or a Committee member; or

c any defect in the election or appointment of a Councillor or a Committee member; or

d a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or a Committee Meeting; or

e a failure to comply with this Code.

10.7 Council Seal (Clause 400 of the Regulation)

10.7.1 The Seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.

10.7.2 The Seal of a Council may be affixed to a document only in the presence of:-

a the Mayor and the General Manager; or

-
- b at least one (1) Councillor (other than the Mayor) and the General Manager;
or
 - c the Mayor and at least one (1) other Councillor; or
 - d at least two (2) Councillors other than the Mayor.

10.7.3 The affixing of a Council Seal to a document has no effect unless the persons who were present when the Seal was affixed (being persons referred to in Clause 10.8.2) attest by their signatures that the Seal was affixed in their presence.

10.7.4 The Seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed. (The power to authorise the fixing of the Seal of Council can only be exercised by the Council. It cannot be delegated to a Committee or employee (Section 377 of the Act)).

10.7.5 For the purposes of Clause 10.8.4, a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

Disclosure of Interest – Pecuniary and Non-pecuniary



In accordance with the Council's Code of Meeting Practice, Council's Code of Conduct, and the *Local Government Act 1993* and *Regulations*, I hereby disclose the following Pecuniary Interest/Non-Pecuniary Interest at the meeting and in respect of the item indicated:

Date of Meeting:		Item No:	
Subject:			

☐

Pecuniary Interest – You must comply with Section 451 of the Local Government Act and state the nature of the interest at the meeting, leave the Chamber and be out of sight of the meeting, take no part on the discussion or consideration of the matter, and not vote on the matter.

☐

Significant Non-Pecuniary Interest – You must comply with Council's Code of Conduct (Section 7) and state the nature of the interest at the meeting, leave the Chamber and be out of sight of the meeting, take no part on the discussion or consideration of the matter, and not vote on the matter.

☐

Less than Significant Non-Pecuniary Interest – In accordance with Council's Code of Conduct (Section 7), you must state the nature of the interest at the meeting and where you decide that the interest does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Nature of Interest:

Reason for no further action:

Only where Less than Significant Non-Pecuniary Interest

Councillor: _____
(Please print name)

(Signature)

Date: _____

Notice of Motion to alter or rescind a resolution



Original Resolution

Date of Meeting:	
Report title:	
Decision:	

Notice of Motion to rescind / alter

In accordance with the Council's Code of Meeting Practice, we hereby give notice that at the next available meeting of Council we intend to put the motion outlined below.

That Council rescinds the above decision. ☐
In the event that this motion to rescind is adopted,
we put the following further motion: ☐

OR

That the Council alters the above decision as outlined below. ☐

New Motion

Further motion (if rescission adopted)	That ...
OR	
Re-worded altered motion	

Councillors	Name	Signature	Date
	Name	Signature	Date
	Name	Signature	Date

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD19
Subject:	WARD BOUNDARIES REVIEW
File Number:	F13/15
Report by:	Manager - Executive Services (Fausto Sut)
Contributors:	Governance - Consultant (Bruce Cooke)
Community Engagement:	Yes
Financial Implications:	No

Precis

Council is required to review ward boundaries to ensure the variance of electors meets legislative requirements. Council has previously approved the public exhibition of proposed amended ward boundaries that meet these requirements.

No public submissions were received on the matter during the 42 days of exhibition. This report proposes to adopt the boundaries that have been publicly exhibited, to advise the NSW Electoral Commission of the changes before the 14 December 2015, and to advise the public.

In the light of the Fit for the Future reforms, the approach has been to develop the proposal that will make Council legislatively compliant for the 2016 election.

Council Resolution

RESOLVED on the motion of Councillors Tsounis and Awada

- 1 That Council approves the proposed amended ward boundaries as described in the body of this report and defined in the ward boundary map attached to this report.
- 2 That Council advises the NSW Electoral Commission of the approved amendments to the ward boundaries.
- 3 That Council issues a notice, in accordance with section 277 of the Local Government Act 1993, advising the public of the amendments to the ward boundaries.

Officer Recommendation

-
- 1 That Council approves the proposed amended ward boundaries as described in the body of this report and defined in the ward boundary map attached to this report.
 - 2 That Council advises the NSW Electoral Commission of the approved amendments to the ward boundaries.
 - 3 That Council issues a notice, in accordance with section 277 of the Local Government Act 1993, advising the public of the amendments to the ward boundaries.

Report Background

Councillors will recall that ward boundaries are to be reviewed to ensure the variance of electors meets legislative requirements, and that at their meeting of 7 October 2015 it was resolved:

- 1 That Council approves the proposed amended ward boundaries for public exhibition as outlined in Option 2 in the body of the report.
- 2 That Council publicly exhibits the proposed amended ward boundaries, subject to satisfactory consultation with the NSW Electoral Commission, through a notice in the St George & Sutherland Leader, and details on Council's website, in Customer Service and the libraries.

Public Exhibition

In accordance with section 210A of the Local Government Act 1993, public notice of the proposed changes to the ward boundaries was given, with the exhibition period being 28 days and the period for receipt of submissions being 42 days following commencement of the exhibition period. The 'submissions' period concluded on 26 November 2015. No submissions have been received up to the date of preparing this report. If any are received before the end of the 'submissions' period, a supplementary report will be prepared for Council.

Approach to altering ward boundaries

Normally, proposed changes to ward boundaries would be based on an approach that attempts to align boundaries with SA1 boundaries, taking into consideration future growth projections.

Given that Fit for the Future proposals are under consideration, it is proposed that only minimal changes be made in order to meet the 10% statutory requirement for the scheduled September 2016 election. Under this approach, major changes to align boundaries with SA1 boundaries are not proposed necessarily. Many of the split SA1s will remain split - this approach has been endorsed by the NSW Electoral Commission.

Proposed amended ward boundaries

The affected areas of the proposed amendments are shown on the attached ward boundary plan, and described below:

- Bardwell Valley - area bounded by Lorraine Avenue, Wilsons Road Upper, Wilsons Road Lower, Bardwell Creek, Douglas Street, George Street, Sackville Street (389 electors move from Second Ward into First Ward).
- Rockdale - area bounded by Railway Street, Rockdale Street, Arlington Street, Clarence Road and Gloucester Street (522 electors move from Second Ward to Fourth Ward).
- Monterey - area bounded by Solander Street, The Grand Parade, President Avenue, O'Connell Street (1220 electors move from Third Ward to Fifth Ward).
- Rockdale - area bounded by Bryant Street, Muddy Creek, Bestic Street, George Street (947 electors move from Second Ward to Third Ward).
- Bardwell Valley - area bounded by Forest Road, Wolli Creek

Road, Lorraine Avenue, Sackville Street (265 electors move from Second Ward to First Ward).

The resulting variations of the number of electors in each ward following the ward boundary changes are as follows:

Ward	Electors	Variation to highest
First Ward	13503	6.8%
Second Ward	13759	5.1%
Third Ward	13946	3.8%
Fourth Ward	13276	8.4%
Fifth Ward	14491	0.0%
Total	68,975	-

Timeline

In order to achieve the statutory requirements, the remaining timeline is as follows:

Timeline	Action
2 December 2015	Council report seeking approval of new ward boundaries
3 December 2015	Second formal notification to NSW Electoral Commission
10 December 2015	Reg 277 Notice (and associated publicity, especially for affected households)
14 December 2015	Deadline for submission to NSW Electoral Commission
September 2016	New ward boundaries effective

For consideration

Given that no public submissions have been received on the proposed amended boundaries, it is recommended that the publicly exhibited ward boundary plan be adopted.

Community Engagement

Community engagement commenced with the issuing of a public notice in accordance with section 210A of the Local Government Act 1993 regarding the proposed changes. The notice outlined an exhibition period of 28 days and invited submissions for a period of 42 days from the beginning of the exhibition period. The community engagement concluded on 26 November 2015.

Rockdale City Plan

Outcome:	Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.
Objective:	Objective 4.3 - Rockdale City Council ensures and implements an effective governance framework for the delivery and management of its services and infrastructure
Strategy:	4.3.1 - Enable continuous improvement through technology, service and process review to deliver effective services to meet community needs
Delivery Program:	4.3.1.A - Ensure that Council maintains the highest governance standards by continuously updating and implementing its Governance Review Framework (GM)

Operational Plan: 4.3.1.A.1 - Key governance policies reviewed and updated as necessary (MES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

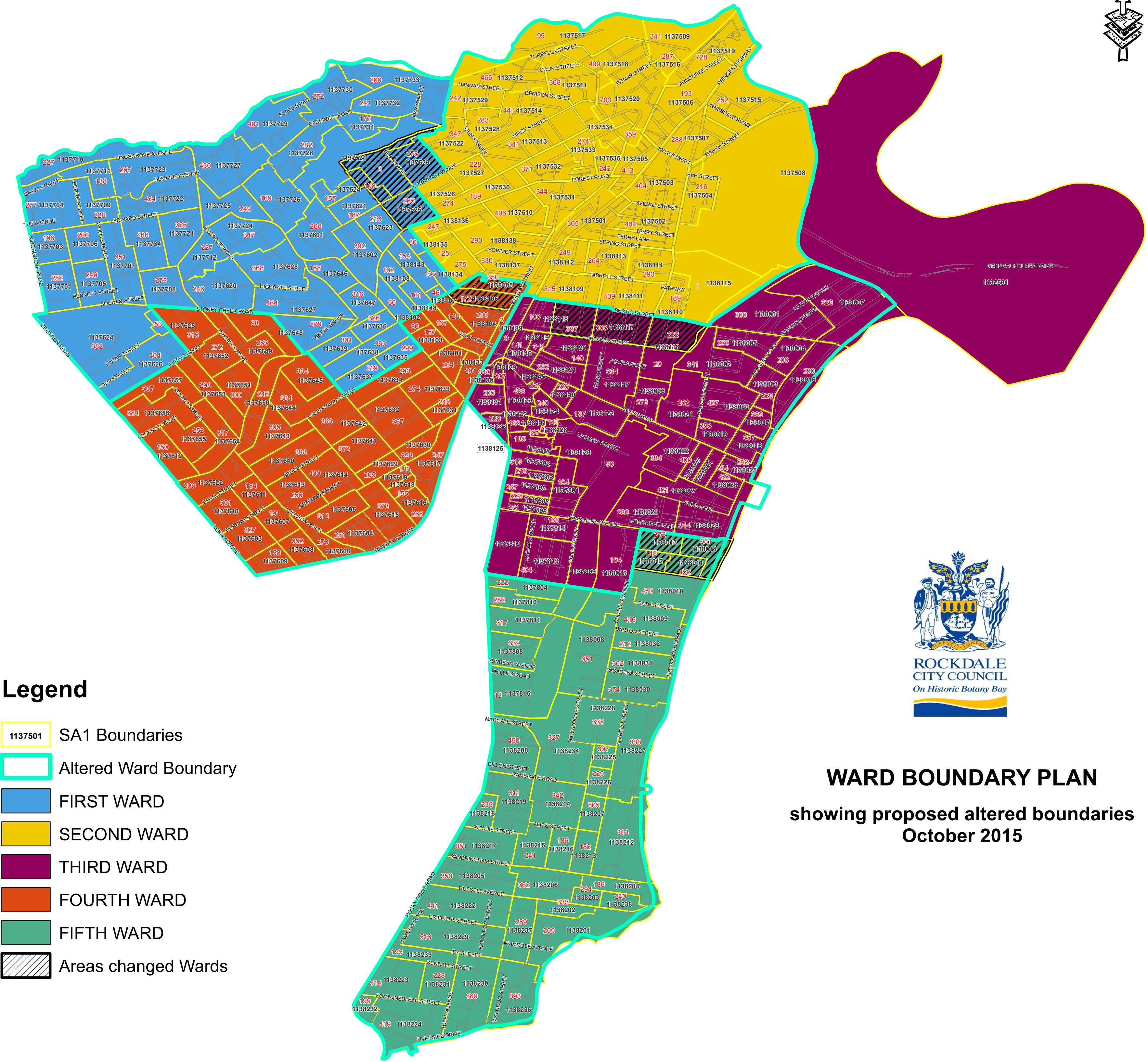
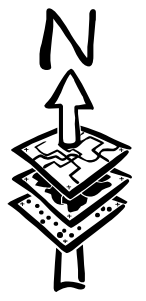
Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Ward Boundary Plan 15 10 2015.pdf



- Legend**
- 1137501 SA1 Boundaries
 - Altered Ward Boundary
 - FIRST WARD
 - SECOND WARD
 - THIRD WARD
 - FOURTH WARD
 - FIFTH WARD
 - Areas changed Wards

WARD BOUNDARY PLAN
showing proposed altered boundaries
October 2015

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD20
Subject:	STATUTORY FINANCIAL REPORT - OCTOBER 2015
File Number:	F09/605
Report by:	Manager - Finance & Administration (Alister Duncan)
Contributors:	
Community Engagement:	No
Financial Implications:	No

Precis

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5 paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report, and the Statutory Financial Reports are presented as follows:-

- Investment Performance Against Benchmark
- Statement of Bank Balances
- Restricted and Unrestricted Cash Balances
- Schedule of Investments

As at 31 October 2015 Council had \$120.8m in cash and investments with an adjusted portfolio yield of 2.94%.

Details of individual investments held are tabled in the body of this report

Council Resolution

RESOLVED on the motion of Councillors O'Brien and Tsounis

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Officer Recommendation

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Report Background

Balance of report is attached.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.
Objective:	Objective 4.4 - Rockdale City Council ensures transparent and effective human resource, financial, asset and risk management.
Strategy:	4.4.1 - Ensure that Council has effective and efficient financial planning and management that ensures a sustainable future for the community
Delivery Program:	4.4.1.A - Ensure that Council makes steady progress towards financial sustainability. (DCC)
Operational Plan:	4.4.1.A.1 - Review the Long Term Financial Plan (MFA)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Statutory Financial Report October 2015.pdf

REPORT HEADER

Subject: STATUTORY FINANCIAL REPORT- OCTOBER 2015
File Number: F09/605
Report By: Manager-Finance & Administration (Alister Duncan)
Contributors:
Community Engagement: No
Financial Implications: No

Officer Recommendations

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Precis

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5 paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report, and the Statutory Financial Reports are presented as follows:-

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- Statement of Bank Balances
- Restricted and Unrestricted Cash Balances
- Schedule of Investments

As at 31 October 2015, Council had \$120.8m in cash and investments with an adjusted portfolio yield of 2.94%. Details of individual investments held are tabled in the body of this report.

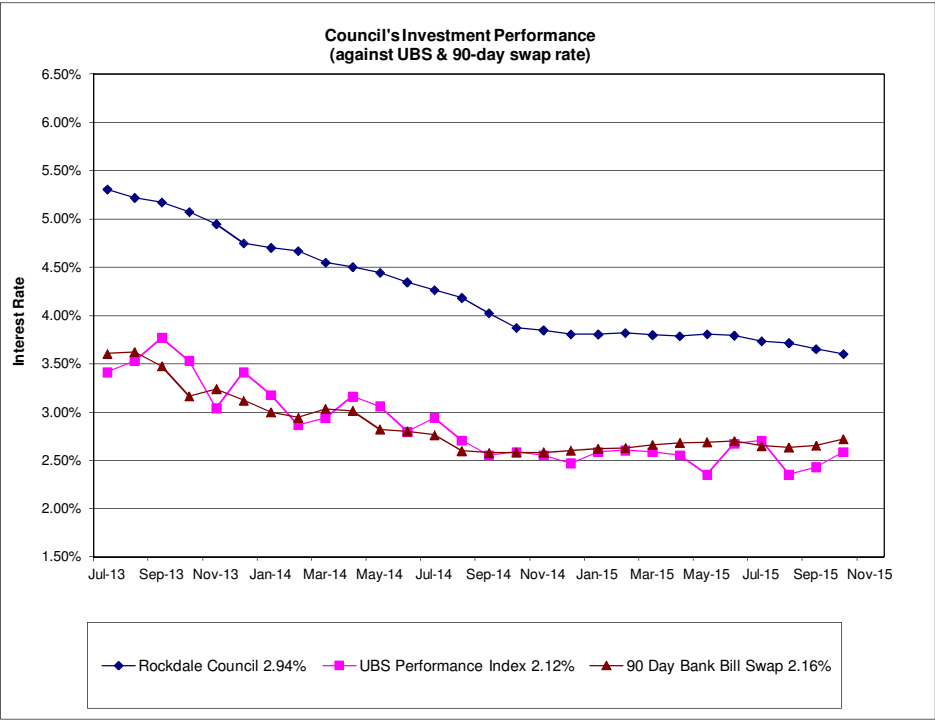
REPORT BACKGROUND

Legislative Reporting Requirements

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer must provide Council with a report detailing Council's investments under s625 of the Local Government Act 1993. This is to be reported to Council on a monthly basis.

Investment Performance

The table below shows the performance of Council's investments since July 2013. The UBS Rate is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance. For the current period, Council outperformed the market by 82 basis points. As demonstrated by the following graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for the month of October.

STATEMENT OF BANK BALANCES AS AT 31 October 2015		
		GENERAL FUND
Cash at Bank (Overdraft) as at:	30/09/2015	-\$54,774
Add:	Receipts for Period	
	- Rates	\$2,520,584
	- Sundry Debtors	\$1,298,851
	- Other Direct Deposits	\$336,710
	- DA Fees & FCDs	\$239,320
	- Interest	\$85,728
	- GST	\$345,428
	- Parking and Other Infringements	\$277,224
	- Long Service Levy	\$36,453
	- Grants	\$123,756
	- Matured Investments	\$1,000,000
	- Outstanding Deposits *	\$232,251
	- Transfer from Short-Term Money Market	\$6,710,000
		\$13,206,305
Less:	Accounts Paid for Period (includes urgent cheques)	-\$6,759,725
	Direct Payroll	-\$2,102,581
	Loan Repayments	-\$33,901
	Cancelled Cheques	\$24,584
	Unpresented Cheques	\$12,817
	Dishonoured Cheques	-\$30,112
	Bank Charges (including Agency Fees)	-\$15,124
	Transfer to Investments	-\$3,600,000
		-\$12,504,042
Cash at Bank (Overdraft) as per General Ledger:		\$647,489
Unreconciled/Outstanding Items as at 31/10/2015		-\$314,980
Cash at Bank (Overdraft) as per Bank Statement at: 31/10/2015		\$332,509
Limit of overdraft arranged at Bank		-\$350,000

* Outstanding deposits include rates payments via Australia Post and bank tape not receipted.

Restricted Cash

Council has established various Internal Cash Reserves as a financial strategy to provide funds for future expenditure that could not otherwise be financed during a single financial year. External reserves (s.94 Developer Funds) are quarantined for a specific purpose and are not to be reallocated to other programs.

THE INVESTED FUNDS ARE HELD FOR:-	BALANCE 30/09/2015	NET MOVEMENTS	BALANCE 31/10/2015
UNRESTRICTED			
General Funds	\$11,166,756	-\$5,897,405	\$5,269,351
INTERNAL RESTRICTIONS			
CASH RESERVES			
- Employee Liability Reserve	\$4,953,800	\$0	\$4,953,800
- Office & IT Reserve	\$2,152,674	\$0	\$2,152,674
- Plant Reserve	\$800,000	\$0	\$800,000
- Central Library Reserve	\$1,745,640	\$0	\$1,745,640
- S.94 Obligation Reserve	\$2,016,264	\$0	\$2,016,264
- Arncliffe Youth Centre Reserve	\$2,970,220	\$0	\$2,970,220
- Public Liability Reserve	\$407,444	\$0	\$407,444
- Workers Compensation Reserve	\$115,870	\$0	\$115,870
- Council Election Reserve	\$404,750	\$0	\$404,750
- Revotes Reserve	\$570,300	\$0	\$570,300
- Strategic Priorities Reserve	\$16,051,338	\$0	\$16,051,338
- Street Lighting Reserve	\$429,664	\$0	\$429,664
- Brighton Bath Amenities Build Reserve	\$1,845,391	\$0	\$1,845,391
Total Internal Restrictions	\$34,463,355	\$0	\$34,463,355
EXTERNAL RESTRICTIONS			
LOCAL AREA FUNDS			
- Arncliffe	\$99,509	\$0	\$99,509
- Banksia	\$19,042	\$0	\$19,042
- Bexley	\$347,004	\$0	\$347,004
- Brighton	\$208,549	\$0	\$208,549
- Kingsgrove	\$1,046,925	\$0	\$1,046,925
- Ramsgate	\$475,241	\$0	\$475,241
- Ramsgate Beach	\$228,227	\$0	\$228,227
- Rockdale	\$5,043,073	\$0	\$5,043,073
- West Botany Street	\$4,415,754	\$0	\$4,415,754
Total Local Area Funds	\$11,883,324	\$0	\$11,883,324
- Domestic Waste Reserve	\$2,444,085	\$0	\$2,444,085
- Stormwater Levy Reserve	\$306,916	\$0	\$306,916
- Unexpended Grants	\$1,598,738	\$155,822	\$1,754,560
- Infrastructure Levy Reserve	\$5,783,319	\$0	\$5,783,319
- s94 Developer Contributions	\$58,667,139	-\$276,574	\$58,390,565
- Community Levy Reserve	\$468,215	\$0	\$468,215
Total External Restrictions (incl Local Area Funds)	\$81,151,736	-\$120,752	\$81,030,984
Total for all Reserves and Unrestricted Cash	\$126,781,847	-\$6,018,156	\$120,763,691

Schedule of Investments Held

Council currently holds \$120.8m in investments and cash at call as detailed in the table below. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF COUNCIL AS AT: 31/10/2015								
	Credit	Purchase	Purchase	Maturity	Term	Prop	Interest	Market
	Rating	Price	Date	Date	Days	%	Rate	Value
Term Deposits								
Bank of Western Australia	A1+	\$1,132,857	22/10/2015	19/02/2016	120	1.04%	2.85%	\$1,132,857
Bank of Western Australia	A1+	\$1,110,222	23/07/2015	25/11/2015	125	1.02%	2.90%	\$1,110,222
Bank of Western Australia	A1+	\$1,145,546	05/08/2015	03/12/2015	120	1.06%	2.90%	\$1,145,546
Bank of Western Australia	A1+	\$1,057,615	06/08/2015	10/12/2015	126	0.98%	2.85%	\$1,057,615
Bank of Western Australia	A1+	\$1,038,968	13/10/2015	10/02/2016	120	0.96%	2.90%	\$1,038,968
Bank of Western Australia	A1+	\$1,201,728	23/10/2015	22/03/2016	151	1.11%	2.85%	\$1,201,728
Bank of Western Australia	A1+	\$1,007,729	02/06/2015	02/11/2015	153	0.93%	2.90%	\$1,007,729
Bank of Western Australia	A1+	\$1,017,909	07/10/2015	05/01/2016	90	0.94%	2.85%	\$1,017,909
Bank of Western Australia	A1+	\$1,254,915	11/08/2015	09/12/2015	120	1.16%	2.80%	\$1,254,915
Bank of Western Australia	A1+	\$1,072,274	20/10/2015	19/01/2016	91	0.99%	2.80%	\$1,072,274
Bank of Western Australia	A1+	\$1,054,580	15/10/2015	13/01/2016	90	0.97%	2.85%	\$1,054,580
Bank of Western Australia	A1+	\$1,086,642	17/07/2015	04/11/2015	110	1.00%	2.85%	\$1,086,642
Bank of Western Australia	A1+	\$1,254,781	21/07/2015	18/11/2015	120	1.16%	2.85%	\$1,254,781
Bank of Western Australia	A1+	\$1,267,803	21/10/2015	18/02/2016	120	1.17%	2.85%	\$1,267,803
Bank of Western Australia	A1+	\$1,119,008	16/07/2015	12/01/2016	180	1.03%	2.85%	\$1,119,008
Bank of Western Australia	A1+	\$1,123,685	23/09/2015	21/01/2016	120	1.04%	2.90%	\$1,123,685
Bank of Western Australia	A1+	\$1,121,290	30/09/2015	28/01/2016	120	1.03%	2.90%	\$1,121,290
Bank of Western Australia	A1+	\$1,117,047	15/07/2015	12/11/2015	120	1.03%	2.85%	\$1,117,047
Bank of Western Australia	A1+	\$1,223,022	20/10/2015	17/02/2016	120	1.13%	2.85%	\$1,223,022
Bank of Western Australia	A1+	\$1,123,024	28/07/2015	26/11/2015	121	1.04%	2.90%	\$1,123,024
Bank of Western Australia	A1+	\$1,217,486	04/08/2015	08/12/2015	126	1.12%	2.90%	\$1,217,486
						21.90%		
Illawarra Mutual Building Society	A2	\$1,190,437	12/08/2015	10/02/2016	182	1.10%	2.80%	\$1,190,437
Illawarra Mutual Building Society	A2	\$1,112,813	7/07/2015	13/01/2016	190	1.03%	2.80%	\$1,112,813
Illawarra Mutual Building Society	A2	\$1,459,263	21/05/2015	19/11/2015	182	1.35%	2.80%	\$1,459,263
Illawarra Mutual Building Society	A2	\$1,312,625	26/05/2015	24/11/2015	182	1.21%	2.80%	\$1,312,625
Illawarra Mutual Building Society	A2	\$1,322,363	8/10/2015	07/01/2016	91	1.22%	2.75%	\$1,322,363
Illawarra Mutual Building Society	A2	\$1,058,824	1/09/2015	01/03/2016	182	0.98%	2.80%	\$1,058,824
Illawarra Mutual Building Society	A2	\$1,122,403	19/08/2015	17/11/2015	90	1.04%	2.75%	\$1,122,403
Illawarra Mutual Building Society	A2	\$1,278,153	9/07/2015	06/11/2015	120	1.18%	2.75%	\$1,278,153
Illawarra Mutual Building Society	A2	\$1,652,277	3/09/2015	03/03/2016	182	1.52%	2.80%	\$1,652,277
Illawarra Mutual Building Society	A2	\$1,218,031	22/07/2015	14/01/2016	176	1.12%	2.80%	\$1,218,031
Illawarra Mutual Building Society	A2	\$1,179,848	2/09/2015	02/03/2016	182	1.09%	2.80%	\$1,179,848
						12.83%		
Newcastle Permanent Build Society	A2	\$1,195,163	18/09/2015	17/12/2015	90	1.10%	2.70%	\$1,195,163
Newcastle Permanent Build Society	A2	\$1,214,138	17/09/2015	16/12/2015	90	1.12%	2.70%	\$1,214,138
Newcastle Permanent Build Society	A2	\$1,116,656	27/08/2015	26/11/2015	91	1.03%	2.70%	\$1,116,656
Newcastle Permanent Build Society	A2	\$1,270,822	04/09/2015	04/12/2015	91	1.17%	2.70%	\$1,270,822
Newcastle Permanent Build Society	A2	\$1,152,200	11/08/2015	11/11/2015	92	1.06%	2.70%	\$1,152,200
Newcastle Permanent Build Society	A2	\$1,059,032	18/08/2015	17/11/2015	91	0.98%	2.70%	\$1,059,032
Newcastle Permanent Build Society	A2	\$1,164,831	07/08/2015	06/11/2015	91	1.07%	2.70%	\$1,164,831
Newcastle Permanent Build Society	A2	\$1,232,998	10/09/2015	10/12/2015	91	1.14%	2.70%	\$1,232,998
Newcastle Permanent Build Society	A2	\$1,118,641	06/08/2015	05/11/2015	91	1.03%	2.70%	\$1,118,641
						9.71%		
National Australia Bank	A1+	\$1,000,000	02/06/2015	01/12/2015	182	0.92%	2.88%	\$1,000,000
National Australia Bank	A1+	\$1,000,000	14/05/2015	12/11/2015	182	0.92%	2.90%	\$1,000,000
National Australia Bank	A1+	\$1,000,000	02/09/2015	02/03/2016	182	0.92%	2.83%	\$1,000,000
National Australia Bank	A1+	\$1,000,000	27/08/2015	25/02/2016	182	0.92%	2.83%	\$1,000,000
National Australia Bank	A1+	\$1,000,000	19/05/2015	19/11/2015	184	0.92%	2.90%	\$1,000,000
National Australia Bank	A1+	\$2,000,000	10/09/2015	08/03/2016	180	1.84%	2.85%	\$2,000,000
National Australia Bank	A1+	\$2,000,000	03/09/2015	03/03/2016	182	1.84%	2.83%	\$2,000,000
National Australia Bank	A1+	\$2,000,000	27/08/2015	25/11/2015	90	1.84%	2.80%	\$2,000,000
National Australia Bank	A1+	\$1,000,000	20/08/2015	18/02/2016	182	0.92%	2.85%	\$1,000,000
National Australia Bank	A1+	\$2,000,000	09/09/2015	09/03/2016	182	1.84%	2.85%	\$2,000,000
National Australia Bank	A1+	\$2,000,000	18/06/2015	15/12/2015	180	1.84%	2.88%	\$2,000,000
National Australia Bank	A1+	\$1,000,000	16/09/2015	16/03/2016	182	0.92%	2.85%	\$1,000,000
National Australia Bank	A1+	\$2,000,000	04/08/2015	03/02/2016	183	1.84%	2.85%	\$2,000,000
National Australia Bank	A1+	\$2,000,000	29/10/2015	28/04/2016	182	1.84%	2.75%	\$2,000,000
National Australia Bank	A1+	\$2,000,000	14/10/2015	13/04/2016	182	1.84%	2.85%	\$2,000,000
						21.21%		

Schedule of Investments cont'd

AMP Bank	A1	\$3,000,000	18/08/2015	16/02/2016	182	2.77%	2.90%	\$3,000,000
AMP Bank	A1	\$2,000,000	19/08/2015	17/02/2016	182	1.84%	2.90%	\$2,000,000
						<u>4.61%</u>		
ME Bank	A2	\$1,000,000	03/06/2015	10/11/2015	160	0.92%	2.85%	\$1,000,000
ME Bank	A2	\$1,000,000	05/08/2015	09/02/2016	188	0.92%	2.80%	\$1,000,000
ME Bank	A2	\$1,000,000	29/07/2015	04/02/2016	190	0.92%	2.80%	\$1,000,000
ME Bank	A2	\$1,000,000	26/08/2015	24/02/2016	182	0.92%	2.80%	\$1,000,000
						<u>3.69%</u>		
ING Direct	A-	\$1,000,000	02/06/2015	02/12/2015	183	0.92%	2.43%	\$1,000,000
ING Direct	A-	\$1,000,000	15/09/2015	15/03/2016	182	0.92%	2.47%	\$1,000,000
ING Direct	A-	\$1,000,000	09/09/2015	09/03/2016	182	0.92%	2.44%	\$1,000,000
ING Direct	A-	\$2,000,000	04/09/2015	07/12/2015	94	1.84%	2.45%	\$2,000,000
ING Direct	A-	\$1,000,000	03/09/2015	07/12/2015	95	0.92%	3.05%	\$1,000,000
ING Direct	A-	\$1,000,000	03/09/2015	03/12/2015	91	0.92%	2.89%	\$1,000,000
ING Direct	A-	\$2,000,000	10/09/2015	14/12/2015	95	1.84%	2.49%	\$2,000,000
						<u>8.30%</u>		

Direct Investments (Floating & Fixed Term Deposits -TDs)

Westpac Bank Fixed Term Deposit	A1+	\$1,000,000	22/08/2015	22/11/2015	92	0.92%	3.05%	\$1,000,000
Westpac Bank Fixed Term Deposit	A1+	\$1,000,000	04/04/2015	04/11/2015	214	0.92%	2.95%	\$1,000,000
Commonwealth Bank Greater BS FTD	BBB	\$2,000,000	07/06/2013	07/06/2016	1096	1.84%	3.60%	\$2,015,240
Commonwealth Bank BOQ Fixed Bond	BBB+	\$1,000,000	08/08/2012	02/08/2016	1455	0.92%	5.20%	\$1,028,080
Commonwealth Bank BOQ Fixed Bond	BBB+	\$1,000,000	07/09/2012	02/08/2016	1425	0.92%	5.20%	\$1,028,080
Commonwealth Bank ME Bank FRN	BBB	\$1,000,000	28/11/2013	28/11/2016	1096	0.92%	3.38%	\$1,010,710
Commonwealth Bank Greater BS FTD	BBB	\$1,000,000	24/02/2014	24/02/2017	1096	0.92%	3.42%	\$1,007,620
Commonwealth Bank CUA FRN	BBB	\$1,000,000	31/07/2014	20/03/2017	963	0.92%	3.49%	\$1,006,600
Commonwealth Bank CUA FRN	BBB	\$1,000,000	20/03/2014	20/03/2017	1096	0.92%	3.49%	\$1,006,600
Commonwealth Bank Police Bank FRN	BBB+	\$1,000,000	09/09/2014	21/08/2017	1077	0.92%	3.24%	\$1,002,940
Commonwealth Bank Fixed Rate Deposit	A1+	\$2,000,000	30/09/2015	02/02/2016	125	1.84%	2.84%	\$2,000,000
Commonwealth Bank Fixed Rate Deposit	A1+	\$2,000,000	04/06/2015	03/12/2015	182	1.84%	2.82%	\$2,000,000
ANZ Bank Fixed Term Deposit	A1+	\$1,126,502	01/08/2015	01/02/2016	184	1.04%	2.55%	\$1,126,502
ANZ Bank Fixed Term Deposit	A1+	\$1,109,587	21/06/2015	21/12/2015	183	1.02%	2.80%	\$1,109,587
Bendigo and Adelaide Bank	A2	\$2,000,000	23/09/2015	23/03/2016	182	1.84%	2.70%	\$2,000,000
						<u>17.74%</u>		

BOQ= Bank of Queensland

Greater BS= Greater Building Society

Unlisted Community Bank Shares

Bendigo Bank	A2	\$5,000				0.01%		
Total Investments		\$108,420,737				100.00%		
CASH ACCOUNT (at call)		\$12,342,954						
Total Investments and Cash		\$120,763,691						

NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

ALISTER DUNCAN

RESPONSIBLE ACCOUNTING OFFICER

Investment Translation

The following investment information is provided as translation of what the types of investments are:

- * A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- * A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- * A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- * A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- * A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- * A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- * Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- * Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

Credit Ratings

- * AAA - Extremely strong capacity to meet financial commitments (highest rating).
- * AA - Very strong capacity to meet financial commitments.
- * A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- * BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- * BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- * B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- * CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- * CC - Currently highly vulnerable.
- * C - Highly likely to default.

Community Engagement

The issues raised in this report concern matters that do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome: Outcome 4- Rockdale is a City with engaged communities, effective leadership and access to decision making.

Objective: Objective 4.4- Rockdale City Council ensures transparent and effective human resource, financial, asset and risk management.

Strategy: 4.4.1- Ensure that Council has effective and efficient financial planning and management that ensures a sustainable future for the community.

Delivery Program: 4.4.1.A- Ensure that Council makes steady progress towards financial sustainability. (DCC)

Operational Plan: 4.4.1.A.1- Develop, implement and review Council's Long Term Financial Plan. (MFA)

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD21
Subject:	REDUNDANT COUNCIL POLICIES - DEVELOPMENT SERVICES
File Number:	F12/321
Report by:	Manager - Executive Services (Fausto Sut)
Contributors:	Manager - Development Services (Luis Melim) Governance - Consultant (Bruce Cooke)
Community Engagement:	No
Financial Implications:	No

Precis

This report builds on a previous report of 15 April 2015, that outlined a project underway, Policy Register Review. At that time Council rescinded several policies that were redundant. This report proposes to rescind further redundant policies associated with development.

Council Resolution

RESOLVED on the motion of Councillors Mickovski and Awada

That Council rescinds the redundant 'development' policies outlined in this report.

Officer Recommendation

That Council rescinds the redundant 'development' policies outlined in this report.

Report Background

The Rockdale City's Operational Plan includes the following action: 4.3.1.A.1 'Council's formally adopted policies are being reviewed to ensure they are current and applicable',

Consistent with this action a review is underway that identifies opportunities for rationalisation of the policy register. Such opportunities arise for the reasons below:

- some 'one-line' policies can be incorporated into more comprehensive policies.
- some policies are incompatible with modern statutory requirements.
- some policies are quite old and do not reflect Council's current well established practices and/or operations.

The following 'development' policies (which are attached) are considered to be redundant for the reasons included in the table:

Policy name	Originally adopted	Reason to rescind
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Commercial Buildings - Electricity Substations	10/02/1988	Now covered by the suite of standard consent conditions
Drainage Requirements For Single Unit Dwellings And Small Development	23/10/2002	Now covered by 'Stormwater Management' Technical Specifications, appendix to Rockdale Development Control Plan 2011
Hours of Operation for Restaurants With The Rockdale Town Centre	18/11/1998	Dated due to growth of mixed developments, community expectations, and current practice.
Hours of Operation of Restaurants In The Brighton Le Sands Area	07/02/1996	Dated due to growth of mixed developments, community expectations, and current practice.
LPG Installations	25/02/1992	Now covered by Department of Planning & Environment 'Hazardous Industry Locational Guidelines'
Moderation (Development Applications, Code Of Planning Practice, Rezoning, Mediation, Objectors)	29/01/2003	Dated due to ineffective process (trialled in 2003), not current practice
Review Of Determination Of Development Application Pursuant To Section 82A	11/02/2004	Covered by section 82A EP&A Act. Aspects may be retained for in-house procedures
Tow Truck Operations Policy	03/11/1993	Covered by Rockdale Local Environmental Plan 2011

As the review project progresses, further policies considered to be redundant will be brought to Council with a view to rescinding them.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.
Objective:	Objective 4.3 - Rockdale City Council ensures and implements an effective governance framework for the delivery and management of its services and infrastructure
Strategy:	4.3.1 - Enable continuous improvement through technology, service and process review to deliver effective services to meet community needs
Delivery Program:	4.3.1.A - Ensure that Council maintains the highest governance standards by continuously updating and implementing its Governance Review Framework (GM)
Operational Plan:	4.3.1.A.1 - Key governance policies reviewed and updated as necessary (MES)

Additional Comments:

Financial Implications

Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Commercial Building - Electricity Substations.pdf



Drainage Requirements For Single Unit Dwellings And Small Development.pdf



Hours Of Operation For Restaurants With The Rockdale Town Centre.pdf



Hours Of Operation Of Restaurants In The Brighton Le Sands Area.pdf



LPG Installations.pdf



Moderation (Development Applications, Code Of Planning Practice, Rezoning, Mediation, Objectors).pdf



Review Of Determination Of Development Application Pursuant to Section 82A.pdf



Tow Truck Operations Policy.pdf

Policy Document: Commercial Buildings - Electricity Substations

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Commercial Buildings - Electricity Substations Details

Policy Metadata: City Development
Electricity

Adopted: Council 10/2/88

Precis: Erection of commercial buildings be referred to Sydney Electricity to determine whether an electrical substation is required

Policy Detail

That all applications for the erection of commercial buildings be referred to Sydney Electricity to determine whether an electrical substation is required in the development.

Policy Document: Drainage Requirements For Single Unit Dwellings And Small Development

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Drainage Requirements For Single Unit Dwellings And Small Development Details

Policy Metadata: City Development
Drainage

Adopted: Council 6/11/96

Precis:

Policy Detail

That the drainage requirements for single unit dwellings and small developments be determined by the Building Surveyor using a flexible approach that adapts to suit the site circumstances.

Policy Document: Hours Of Operation For Restaurants With The Rockdale Town Centre

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Hours Of Operation For Restaurants With The Rockdale Town Centre Details

Policy Metadata: City Development
Restaurants
Hours of Operation

Adopted: Council 18/11/98

Precis:

Policy Detail

That the following policy be adopted by Council, with respect to the operating hours of restaurants within the Rockdale Town Centre:

- 1 Restaurants along the Princes Highway, Rockdale whose public entrance is only from the Princes Highway be permitted to trade to a maximum of 2.00 a.m., seven (7) days a week, subject to obtaining development consent from Council.
- 2 In locations other than in 1 above, trading hours be permitted until 2:00a.m., seven days a week subject to the location of the restaurant having public access from a street which is not used for residential purposes or where public access is not adjacent to or nearby residential properties. This would be subject to prior Council approval.
- 3 Any approval to permit restaurant trading until 2.00 a.m. be subject to a condition which restricts the development consent to a period of twelve (12) months, after such time the further consent of Council will be required.
- 4 Applications seeking extensions to hours of trading for restaurants beyond 2.00 a.m. be assessed on merit and are to be determined by Council.
- 5 This policy does not apply to premises predominantly used for take away food.

Policy Document: Hours Of Operation Of Restaurants In The Brighton Le Sands Area

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Hours Of Operation Of Restaurants In The Brighton Le Sands Area Details

Policy Metadata: City Development
Restaurants
Hours of Operation

Adopted: F&G Cttee 7/2/96

Precis:

Policy Detail

a That Council consider applications which propose operating hours for restaurants to 2.00 a.m. in the Brighton Town Centre.

b That Council request each restaurant operating in breach of its hours of operation to submit an application to regularise their trading hours to coincide with Recommendation A.

c That the General Manager be given delegated authority to determine applications for operating hours to 2.00 a.m. in the Brighton Centre on the basis that no objections are received during the period of notification and that any application approved be restricted to a six (6) month trial period.

d That a review of the hours of operation for restaurants in Brighton Centre be undertaken in six (6) months' time and reported to Council.

e That legal action be taken if there are any breaches of the approved hours.

Policy Document: LPG Installations

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LPG Installations Details

Policy Metadata: Planning and Development
LPG Tanks

Adopted: Council 25/2/92

Precis:

Policy Detail

1 That LPG tanks not be approved, above or below ground, where the exclusion zone intrudes upon residential property.

2 That the location of LPG tanks, fittings and fixtures be in accordance with Department of Planning "Draft Locational Guidelines" in respect of 'exclusion zones' and to be in accordance with the requirements of the Australian Standards Council (AS 1596 - 1989) in other respects.

3 That where possible, LPG tanks be located towards the rear of properties, preferably behind the building line of existing structures.

4 That where requirement (2) cannot be achieved, LPG tanks are to be screened from main roads, dwellings and public places where they appear prominent, by means of decorative brick and other approved wall(s), and appropriate landscaping.

5 That no advertising signs or structures appear on LPG tanks or their screening walls.

6 That LPG tank locations and their fittings and fixtures not impede required site car parking spaces or accessways. In some circumstances the absence of suitable locations may require the tanks be located underground.

7 That where Council considers LPG pumps or fittings will affect nearby residential properties by noise generation, it may require that the pump and fittings be acoustically treated so that noise generation does not exceed the background noise level measured at the nearest residential boundary.

8 That Council take into account the dimensions of the existing site and design of the existing development and in the case of service station sites also assess compliance with Clause 19 of Model Provisions as adapted by Clause 10 of Local Environment Plan 2000, and the appropriateness of expansion of use in terms of the ability of the site to accommodate expansion.

Policy Document: Moderation (Development Applications, Code Of Planning Practice, Rezoning, Mediation, Objectors)

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Moderation (Development Applications, Code Of Planning Practice, Rezoning, Mediation, Objectors) Details

Policy Metadata:	Planning and Development Moderation
Adopted:	Council 29.01.2003
Precis:	Outline an initial process for the resolution of significant community objections to development applications. This process is to be known as the Moderation Program.

Policy Detail

Moderation Policy

AIM

The purpose of this policy is to outline an initial process for the resolution of significant community objections to development applications. This process is to be known as the Moderation Program. This policy specifies:

- The principles embodied in the Moderation Program.
- Procedures and guidelines for conducting the Moderation Program.

OBJECTIVES

The objectives of this policy are:

- To establish an effective and equitable process for the resolution of objections between Council and members of the community, between the applicant and objectors, and between members of the community themselves.
- To define procedures that enable parties to identify and resolve issues of contention on a mutually acceptable basis.
- To ensure consistency and fairness in the manner in which the Council deals with and resolves objections.

POLICY STATEMENT

Rockdale City Council is committed to assisting the community in resolving disputes that may arise through development applications where there is potential for the parties in conflict to benefit from participating in moderation.

Council will encourage parties to meet on a face to face basis, empowering them to resolve their conflict themselves rather than relying on an imposed outcome by Council.

APPLICATION

The Policy applies to the following matters:

- Development Applications that attract significant objections in either number or in the impacts of the issues raised.
- Rezoning Applications.
- Matters at the discretion of Council, the Mayor or the General Manager.

NOTE: *Council will not become involved in a dispute or conflict between a staff member and a resident. In this instance a professional and totally independent moderator will be appointed.*

DEFINITIONS

Moderation

Moderation is a voluntary process, that guides the identification and achievement of objectives in a group setting and is particularly appropriate for planning forums.

A moderator controls the process that a planning consultation group will follow. In this process, the moderator acts differently from a mediator. The moderator can be demanding and directive in the administration of the process in order to achieve an outcome.

However, the moderator does not control the input that a group may create nor can the moderator direct the decisions that may be taken in the process. In community consultation, the moderator provides the process that achieves the objective – identifying the issues and concerns, (as well as potential benefits) that may arise from a development or other planning proposal and helps identify the changes needed to eliminate or reduce the concerns to make the proposal acceptable or more acceptable to the community or objectors.

A benefit of a well-structured Moderation Process is that it is very time efficient and therefore produces an outcome in a definable timeframe.

How does it work?

Moderation is a method of interactive working with groups that can have a diverse social, community and cultural background.

Traditional facilitation processes encourage talking as the communication method. That method is capable of being dominated by the most articulate or dominant personalities often to the detriment of the majority of participants.

Moderation in this case will encourage people to use the contribution they have already made by way of a submission to Council. In preparation the Moderator will categorise the concerns or issues raised in the submissions and the results will be posted by categories on cards on mobile pin boards. In the introduction, the moderator will explain what he has done and ask people to confirm their concerns are covered and invite them to add any others.

The result is the display of concerns in a manner that allows them to represent various categories of topics for discussion. This process provides at all times a high level of

transparency and structure for the participants. In the event that there are language difficulties this is overcome by the moderator(s) providing assistance to those people to enable them to fully participate.

The process ensures that all people participate actively in the same way. It also ensures that the views of all persons are represented i.e. everybody has their say, since every submission that expresses a view is recognised and cannot be ignored.

The process also means that people from all cultural and social backgrounds are able to have an equal voice in the process without domination from any sector or party.

The process encourages a great depth and breadth of exploration of the issues and encourages all relevant issues to be put into the table. These issues can be added to at any time during the process. In this way, the process ensures that the commitment of the participants to any outcome is very high. With Moderation, sustainable outcomes can be achieved in a short time frame.

Moderation Coordinator

Is a person appointed by Council to manage the Moderation Program, including its standards of moderation, premoderations, registration of moderations and maintenance of a panel of moderators.

PRINCIPLES

The Moderation Program encompasses the following principles as appropriate:

Decision to Proceed to Moderation

The decision for a dispute to proceed to moderation is a decision of the Council and the Council has granted delegated authority to the General Manager to make decisions on which cases are appropriate for moderation.

Early Initiation of Procedures

Moderation procedures will be initiated as early as possible after the conflict or objection has been identified. This will help avoid parties becoming locked into inflexible positions of conflict.

Face to Face Contact through an initial Facilitation Meeting

All objectors should be able to meet each other on a face to face basis. Meetings should allow parties to explain details, express points of view, define issues and resolve differences in an atmosphere conducive to conciliation.

Pre-application Consultation

Applicants for development approval will be encouraged to engage and respond to community concerns as part of their initial design process. By discussing proposals with the affected community before lodging applications with Council, unnecessary conflict can be avoided and the standard of proposals improved.

Pre-objecting Consultation

Prospective objectors to development proposals or “Council planning policy” will have the opportunity to discuss the matter with Council staff before lodging objections or seeking moderation. Council staff should in turn provide adequate information and advice in order to increase the awareness of the prospective objector to such matters as legislative and planning controls and limitations.

Self Resolution of Differences

The parties should be encouraged to resolve their differences amongst themselves through moderation without reliance upon an imposed decision by the Council. An agreed resolution will avoid an imposed decision which may lead to protracted litigation.

Outcome of Moderation

At the conclusion of the moderation, if an agreement is reached the parties will be required to sign a short statement of the agreed items for their records. This should also indicate whether or not the objection is withdrawn.

Time Limits

A time limit may be imposed by the moderator for the successful conclusion of moderation procedures. In the event that these procedures remain incomplete or unworkable at the end of the time limit, the matter will proceed directly to Council.

Address to Council

The opportunity to publicly address Council in all matters referred to moderation is proposed for situations of last resort. All other avenues of dispute resolution offered by Council should have been exhausted and participated in by the parties.

Councillor Involvement

Moderation is grounded in the principles of impartiality and neutrality, confidentiality and self determination. The attendance of councillors at these facilitation, moderation meetings or any meeting with the public in relation to an issue that is before Council, must preserve their neutrality as elected members and as the final decision makers. The process of Moderation does not in any way diminish this responsibility. A Code of Conduct has been adopted by Councillors. Councillors may attend moderation or public meetings, but will be advised that they are present to listen to but not debate the issues.

Council’s Final Decision Making Role

The Council is the responsibly authority under the Environmental Planning and Assessment Amendment Act 1997 and the Local Government Act 1993. These responsibilities are separate from the Moderation Service being offered by Council.

Costs

The Council will meet administrative and venue costs associated with the meeting, including the fees of the facilitator/moderator. Any other costs borne by the parties in

preparing or information or attendances at the meeting are the responsibility of the parties concerned.

PROCEDURES

The Moderation Program will operate according to the following procedures:

Planning Issues

Step 1: The participants would be invited to bring a copy of their submission to compare with the Moderators summary to ensure their concerns are covered in the summary.

Step 2: The people attending will be presented with the proposal and be given an opportunity to understand completely the proposal that is being considered. The presentation is normally handled by the Applicant or their Architect. This is done in a very structured process that enables the parties to work together to achieve a maximum understanding of the matters that are involved. It also allows for the clarification of matters that may not be fully understood.

An exhibition-like format could be used as part of this process.

Step 3: The participants will then be asked to review the contents of the categories identified in Step 1 and as appropriate add to or delete from the list in each category. The participants will be asked to identify the benefits and disbenefits of the proposal and these will be listed and the issues of greatest concern will be identified by way of a ballot.

Step 4: The participants will then be asked to nominate the categories of concern/ benefit that they believe have the most impact on the community. This is undertaken with a form of balloting system that ensures that each participant has an equal viewpoint to express.

The participants (including the applicant) are then asked to put forward a positive contribution by answering the question.

What are the options that are available to overcome the various categories of concerns that have been raised?

Step 5: The applicant is then asked the question *What are your suggested action steps from here?*

If agreement is reached participants are asked to “sign off” on the project.

The Moderator prepares a summary Report for Council’s Assessment Officer.

Moderation Coordinator’s Responsibilities

The Assessing Officer or Moderation Coordinator is to contact applicant to discuss the option of moderation.

- If only a few objections are received, Moderation Coordinator to contact objectors to discuss concerns and the possibility of resolving these issues through moderation.

- If significant objections are received, the Moderation Coordinator is to set up a “Facilitation Session” to discuss the objections and to explore option of resolving these issues through moderation. This includes selecting a time, date, location, facilitator and sending an invitation to each objector in conjunction with the assessing officer from Development Assessment. The objectors must receive minimum seven (7) days notice of the proposed meeting.
- If the applicant, objectors or community members decide moderation is not an option, the Moderation Coordinator is to provide the assessing or referring officer with a summary of discussions held with relevant parties. This is to be referred to/included in the report submitted to Council.
- If moderation is accepted, a time, date, location, moderator, and an invitation to each party is to be organised. The timing of the moderation is at the parties’ convenience.
- Prior to the meeting, the Moderation Coordinator meets with all parties in order to:
 - explain how the moderation is conducted
 - endorse the statement of issues
 - to ensure that each party is willing to participate
 - to ensure that each party has the authority to make a *Moderated Agreement* or an *Agreement in Principle* at the moderation
 - to discuss whether the party wishes to have advisors or observers present
 - to complete the necessary facilitation session documentation.
- If the matter to be moderated is deemed by the Coordinator to be particularly sensitive, then a professional moderator will be appointed.
- In issues where Council has a decision making role, the moderator will be selected on the basis that they have no connection with the dispute or any of the parties in the dispute.
- The outcome of the moderation ie successful or unsuccessful, in attaining an agreement between the parties, is to be documented via a moderation report. In planning matters this report is to be included on the DA file and in the report to Council.

Authority to Settle, Confidentiality, Statement of Indemnity, Declaration of Interest

Prior to the moderation, the Moderation Coordinator arranges for the parties to complete documentation which ensures that the moderation will proceed in a proper manner.

Moderation Meetings Format

The Moderator is to explain procedures to be followed in the meeting and introduce the parties.

- Any information disclosed during the course of the meeting is confidential and must not be divulged without authorisation by any of the parties or the moderator. This issue is to be reinforced at the commencement of the moderation.
- Issues to be raised by objectors on a “without prejudice” basis.

- Attendees to be invited to add any issues.
- Those addressing the meeting be permitted to do so without interjection and with others in attendance remaining silent.
- Comments are to be limited to the issues being discussed.
- The moderator may request the assistance of Councils staff to advise on matters of law or Council policy in order to ensure that any agreed outcome is lawful and practical.
- No transcript will be kept of the meeting proceedings.
- For Council record purposes, a summary of the proceedings and outcomes will be retained on file.

Liability

Neither Council nor the moderator shall be liable to any party for any act or omissions, whether involving negligence or not.

THE OUTCOMES OF MODERATION

A Moderation Agreement

If the dispute is resolved at moderation, the parties sign a *Moderated Agreement* which they forward to Council.

If the terms of the Moderated Agreement require changes to an application in order for objections to be withdrawn, the applicant is to submit amended plans as part of the original development application with a letter stating that the changes are in accordance with the Moderated Agreement.

An Agreement in Principle

Where a Moderated Agreement is reached at moderation, but it is subject to the approval of a person or organisation, this shall become an *Agreement in Principle* until that approval has been given, at which time it becomes the Moderated Agreement.

A Joint Statement of Outcome

If the dispute is not resolved at moderation, the parties may wish to forward to Council a *Joint Statement of Outcome* reached at the moderation. This states any common ground which has been agreed and clarifies the outstanding points of disagreement.

Policy Document: Review Of Determination Of Development Application Pursuant To Section 82A

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Review Of Determination Of Development Application Pursuant To Section 82A Details

Policy Metadata:	Development Assessment Applications
Adopted:	11.02.2004
Precis:	Determining the extent of alterations that could be made by applicants to their original development applications upon review of Council's determination of that application, made pursuant to Section 82A of the Environmental Planning & Assessment Act 1979.

Policy Detail

Document Type: Policies

Review of Determination of Development Application Pursuant to Section 82A

Purpose

The purpose of this policy is to assist in assessing applications made pursuant to Section 82A of the Environmental Planning and Assessment Act 1979. The policy establishes a platform for determining the extent of alterations that could be made by applicants to their original development applications upon review of Council's determination of that application, made pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979*.

The Environmental Planning & Assessment Act 1979 - Section 82A, part 4 (c) states that, Council may review the determination if,

"In the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application."

The meaning of the phrase "substantially the same development" in the context of the review power contained in section 82A, is ultimately dependent on individual cases. The phrase "substantially the same development" has been used elsewhere in the EP & A Act, and has been considered on a number of occasions by the Court. The Court's determinations as contained in the legal advice provided by Council's solicitors, dated 5 January 2004, have been used in this policy to help interpret the scope within which a development is "substantially the same development".

Definitions

Council means Rockdale City Council.

Court means the Land and Environment Court.

Development means:

- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.

Dual Occupancy means two dwellings on one or more allotment of land or originally approved on one allotment of land prior to subdivision, including two detached or attached dwellings, where subdivision is permissible.

Regulations means a regulation made under the EP & A Act.

Residential Flat Building means a building containing 3 or more dwellings, but does not include other forms of residential building elsewhere specifically defined in this Clause.

The Act means the Environmental Planning and Assessment Act 1979.

Interpretation of the term “substantially the same development” (having regard to Court decisions that have considered the phrase)

1. To retain the same essence will require the development to retain the same description.

E.g. An amendment that changed a dual occupancy development to a residential flat building will rarely be considered as substantially the same development.

2. If the description of the development remains the same, a comparison between the original application and the review application must occur.

E.g. The addition or subtraction of two or three units from a twenty unit residential flat building proposal would probably constitute the same development depending on the location of those units, however, doubling of dwelling numbers in a town house proposal from three to six would not meet the test.

3. If the overall mass, volume and siting of the development, is generally the same, then the amendment will more likely be substantially the same development.

E.g. An original consent was granted for ten residential units and basement car parking. The amendments included a different footprint, layout and architectural design, changes to the shape and appearance of the roof lines, reduction in the front setback, changes to pedestrian access arrangements and an extension to the underground basement car parking. Many of these changes were minor, however, significant changes to any of those matters may mean that a development is not substantially the same.

Based on the Court's determination, this development was considered to be substantially the same as that previously approved, as the number of dwellings, bedrooms, gross floor area, height in storeys and height above natural ground level remained the same.

4. Where an amendment to a development will not radically transform the development as approved or change its character and it will remain essentially the same as the development approved by Council, then it may be considered to be substantially the same development.

E.g. An original consent was granted for a residential flat building containing 16 units and above basement car parking. The modification application involved increasing the overall height of the development by approximately 200 mm and changing the roof form. The front setback was also reduced, balconies were increased in width, various steps to court yards were deleted and floor to ceiling height was reduced.

The Court considered that the essential character of the building will not be changed by the modifications proposed. On the basis that the Court was satisfied that the development propose to be modified was substantially the same development to that approved by the Council. Council would consider this development to be substantially the same. In isolation and in combination, the proposed development will remain essentially, materially and substantially the same.

5. A conclusion that an amended application is substantially the same development is a question of fact and degree in each particular case. This policy should be used as a guide in thinking through some of the factual issues that arise on each application.

Re-notification

In all instances, a request for review of a determination of a development application made pursuant to section 82A of the Act is to be re-notified in accordance with *Development Control Plan No. 50 -Community Engagement in Development Assessment*, as if it was a full application. In addition, any person who made a submission to the original applicant, who falls outside of the notification area is also to be notified.

Determination

Determination of a request to review a determination of a development application is delegated to the General Manager unless a Councillor has requested that the matter be referred to Council for determination. Where the General Manager sub-delegates his delegation, the determination is to be made by an officer with a grade at least one level higher than the officer who made the original determination. The officer making the determination shall having regard to this policy decide whether the extent, type and scale of changes proposed can be described as ‘substantially the same development’, and if so, proceed to determine the request.

Policy Document: Tow Truck Operations Policy

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Tow Truck Operations Policy Details

Policy Metadata:	Planning and Development Trucks
Adopted:	B&D 3/11/93 & 8/12/93
Precis:	Development Consent be required for the use of premises or land in the Rockdale City Council area by tow trucks.

Policy Detail

That Development Consent be required for the use of premises or land in the Rockdale City Council area by tow trucks. In consideration of a Development Application for the use of premises or land by tow trucks, Council must have regard to and/or apply as conditions of consent the following matters:

- 1 That the tow truck(s) can manoeuvre in the premises or on the land in order that they may enter and exit the land in a forward direction.
- 2 That the tow truck(s) can be parked in the premises or on the land in a location that does not impede accessways or other required car parking spaces.
- 3 That the tow truck(s) not be parked on the footpath or street.
- 4 That if the tow truck operation is proposed in premises or on land within 50 metres of a residential property, the owners of those properties be notified of the proposal. In such cases, the permitted hours of the tow truck operation be determined having regard to the potential of that use to impact on the amenity of residential properties.
- 5 That if the tow truck operation is proposed in a residential area the matter be referred to the City Development Committee for determination and any approval be limited to a twelve (12) month period.

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD22
Subject:	REQUEST FOR FINANCIAL ASSISTANCE FOR EMILY PREKETES
File Number:	F09/1059
Report by:	Coordinator Community Capacity Building (Cheryl Brady)
Contributors:	
Community Engagement:	No
Financial Implications:	Yes

Precis

Council has received a request for financial assistance from Eleni Preketes for her daughter Emily to purchase a track wheelchair to train for and compete for Australia at future international athletic events.

Council Resolution

RESOLVED on the motion of Councillors Mickovski and Tsounis

That Council provides \$500 of financial assistance to Emily Preketes under its Financial Assistance Policy.

Officer Recommendation

That Council provides \$500 of financial assistance to Emily Preketes under its Financial Assistance Policy.

Report Background

Emily has a genetic disorder that is called hereditary spastic paraparesis recessive format and is wheelchair bound. This has not stopped her excelling as an athlete in the sport of athletics and currently Emily is classified as a T34 athlete and ranked 2nd in Australia in this classification. Emily trains four days per week with St George Athletics Club with specific coaching from Australian Gold Paralympian Angie Ballard . Emily does not have an international ranking as yet as she has not competed overseas. Emily is currently training to secure a place with the Australian paralympian team to compete at the IPC Athletics World Championships 2017 in England and at the Tokyo Paralympics in 2020.

In order to achieve her athletic ambition Emily requires a customised track wheelchair to train and compete at this international level of athletics. At the moment Emily is using an older style wheelchair which is damaged and this is having a detrimental impact on her track performance times.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
Objective:	Objective 1.1 - Our community's health and well being will increase
Strategy:	1.1.4 - Improve the access and effectiveness of services and facilities available to all members of the community to encourage active living to improve health and well being.
Delivery Program:	1.1.4.A - Ensure that a range of active recreation, leisure and sporting opportunities are available for all ages, genders, ethnicities, ability-levels and socio-economic groups (DCC)
Operational Plan:	1.1.4.A.4 - Improve participation of under-represented groups in a range of active recreation, leisure and sporting opportunities (MCPR)

Additional Comments:

Financial Implications

Is the expenditure and/or income in the current approved Yes
Budget?

Additional Comments

It is proposed that \$500 will come from the funds in the Grants, Donations and Subsidies budget.

Supporting Information

Action From Resolution	Action raised by Anne Suann on 03/12/2015
File Attachments	

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD23
Subject:	REQUEST FOR FINANCIAL ASSISTANCE FOR DANIEL ARAHU
File Number:	F09/1059
Report by:	Manager Community Planning & Reporting (Karen Purser)
Contributors:	
Community Engagement:	No
Financial Implications:	Yes

Precis

Council has received a request for financial assistance from Daniel Arahū, a resident of Sans Souci, to enable him to represent Australia in the 2015 Tag Football World Cup, Sunshine Coast Queensland

Council Resolution

RESOLVED on the motion of Councillors Awada and Mickovski

- 1 That Council receives and notes the report.
- 2 That Council approves the donation of \$250 to Daniel Arahū under its Financial Assistance Policy.

Officer Recommendation

-
- 1 That Council receive and note the report.
 - 2 That Council approves the donation of \$250 to Daniel Arahū under its Financial Assistance Policy.

Report Background

Daniel is 19 and has been selected to represent Australia in the 2015 Tag Football World Cup to be held on the Sunshine Coast in Queensland between 3 and 6 December. He is an accomplished young sports person and lists the following achievements in his application:

- Represented Australia in School Boys Cricket 2011
- 2012 & 2013 selected SG Ball u/18 for St George Dragons
- 1st and 2nd Grade player for St George Cricket 2013 to 2015
- Representative player for Poidevin Gray Shield - St George Cricket Club 2011 to 2015
- NSW u/19 Cricket 2014 & 2015
- NSW Ron Massey Cup League for Kingsgrove 2015
- Australian National Wolves mixed 20 Oztag 2014 & 2015
- Seniors State Cup Mix 20 Oztag 2015

- Australian Mixed 20 Oztag 2015

Daniel is seeking a donation towards his travel and accommodation expenses and meets the requirements of Financial Assistance Policy. The letter from OZTAG confirming Daniel's selection is attached to this report.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
Objective:	Objective 1.1 - Our community's health and well being will increase
Strategy:	1.1.4 - Improve the access and effectiveness of services and facilities available to all members of the community to encourage active living to improve health and well being.
Delivery Program:	1.1.4.A - Ensure that a range of active recreation, leisure and sporting opportunities are available for all ages, genders, ethnicities, ability-levels and socio-economic groups (DCC)
Operational Plan:	1.1.4.A.4 - Improve participation of under-represented groups in a range of active recreation, leisure and sporting opportunities (MCPR)

Additional Comments:

Financial Implications

Is the expenditure and/or income in the current approved Yes
Budget?

Additional Comments

It is proposed that \$250 will come from the funds in the Grants, Donations and Subsidies budget.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



OZTAG Letter - Daniel Arahua.pdf



To whom it may concern,

This letter is sent to confirm that Daniel Arahua has been selected to represent Australia in the 2015 Tag Football World Cup in the Mixed 20 division.

This tournament will be held on the Sunshine Coast, Queensland.

Players are required to arrive in camp on the Sunshine Coast on Tuesday December 1st. The tournament will run from Thursday December 3rd until Sunday December 6th.

Should you have any further questions regarding this matter, please contact me on the number below.

Kind Regards,

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

Adel Hage

Director of Australian Teams

PO BOX 703 CRONULLA NSW 2230

P: (02) 9522 2700

F: (02) 9522 3500

E: info@oztag.com

W: www.oztag.com

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD24
Subject:	DONATION REQUEST - ROTARY CLUB OF HURSTVILLE
File Number:	F09/1152
Report by:	Manager Community Planning & Reporting (Karen Purser)
Contributors:	
Community Engagement:	No
Financial Implications:	Yes

Precis

The Rotary Club of Hurstville are seeking a donation of \$660 to sponsor 12 local special needs and disadvantaged children to attend the 14th annual St George and Sutherland World Festival of Magic Show.

Council Resolution

RESOLVED on the motion of Councillors Tsounis and Awada

- 1 That Council receives and notes the report.
- 2 That Council approves a donation of \$660.00 to sponsor 12 local children to attend the World Festival of Magic Show.

Officer Recommendation

-
- 1 That Council receive and note the report.
 - 2 That Council approve a donation of \$660.00 to sponsor 12 local children to attend the World Festival of Magic Show.

Report Background

The 'World Festival of Magic' is held at the Sutherland Entertainment Centre, and is a spectacular family show starring world renowned magicians and performers. It is held in October, November and December 2015 and in addition to providing free entertainment for children and their carers, raises money towards children's facilities at St George Hospital. This year the money raised will go towards:

- 1 purchasing a defibrillator that the Cardio thoracic Intensive Care Unit needs; and
- 2 refurbishing facilities for children at St George Hospital.

Children attending from the Rockdale LGA include:

- Bexley - Autism Community Network - 60 Kids
- Arncliffe - Cairnsfoot Special School -30 Kids
- Carlton - St George Family Support Service - 50 Kids
- Kogarah - Development Assessment Service - 70 Kids
- Sunnyhaven Disability Service - 12 Kids
- St George School - 13 Kids
- Rockdale - Integricare Family Worker Project- 20 Kids

The Rotary Club are seeking a donation of \$660, which will sponsor 12 local children, and their carers to attend the World Festival of Magic Show.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
Objective:	Objective 1.1 - Our community's health and well being will increase
Strategy:	1.1.3 - Build a healthy community with people of all ages and abilities
Delivery Program:	1.1.3.A - Work in partnership with the South Eastern Sydney Local Health District and the South Eastern Sydney Medicare Local to improve the health and well being of the community. (DCC)
Operational Plan:	1.1.3.A.1 - Partner with local and state stakeholders to advocate on behalf of the community and explore local health initiatives (MCPR)

Additional Comments:

Financial Implications

Is the expenditure and/or income in the current approved Yes
Budget?

Additional Comments

The funds for this donation would come from the Donations budget

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)



Hurstville Rotary.pdf



ROTARY CLUB of HURSTVILLE Inc.

Rotary International District 9675 Club No 18182

Charter 2 Sept 1939

Secretary: Kevin Smith

www.worldfestivalofmagic.com.au



“WORLD FESTIVAL OF MAGIC” 2015

PH: 1800 727 857

Postal: P.O. Box 143, Hurstville, NSW, 2220

FAX: 1800 823 287

Email: hurstrotary@sponsorship.net.au

ATTN: Karen Purser

FROM: Henry Wilson

Rockdale City Council

DATE: 11-11-2015

Thank you for asking for more information about this project, and for taking the time to read this letter.

The Rotary Club of Hurstville is hosting its **14th annual 'World Festival of Magic'** for the entertainment of LOCAL Special Needs and Disadvantaged Children from all over the St George, Hurstville and Sutherland Shire Districts.

The 'World Festival of Magic' is held at the Sutherland Entertainment Centre, and is a spectacular family show starring world renowned magicians and performers, whose grand illusions will amaze and astound everyone! Over and above sponsoring these Special Children to a wonderful day out, money raised will go to: 1) purchasing a defibrillator that the Cardiothoracic Intensive Care Unit needs and has requested and 2) refurbishing facilities for children at **St George Hospital**.

The 'World Festival of Magic' fundraising is being held over the months of October, November & December 2015. This year we are looking to get around 2000 children and their carers to the festival. Now we need LOCAL business support to sponsor the kids, so that we can continue to hold this *magical* event completely free for the children and their families.

For us, the Magic Show is a once-a-year event, but for some of the children it could be a once in a lifetime opportunity. There are so many generous local businesses who have over the years helped our Club make this project happen, and we hope that this year yours will be one of those businesses.

Sponsorship of 1 Child is \$55. Where their budgets permit, companies often fund groups, and we are happy to suggest the following – But please remember that support on any level is gratefully received:

12 Children - \$660	17 Children - \$935	22 Children - \$1210	(GST Inclusive)
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Your company details will be sent out with the tickets, and we hope that you will receive a personal thanks from those you helped enjoy the show. We also send all supporters a certificate of appreciation, which we hope you will print & display proudly on your office wall.

Thanks again for taking the time to read this letter.

We prefer payment by credit card – Please simply complete this section and return it by fax to 1800 823 287

Credit Card: - - -

Card Type: ☐ **VISA** ☐ Expiry Date: / Payment \$ _____

Name on card: _____

I confirm that this information is true and correct and I authorise the debit of my credit card for the amount stated above. Note: This transaction will appear on your credit card statement as "Rotary Club of Hurstville Inc"

Council Meeting

Meeting Date 02/12/2015

Public

Report Header

Item Number:	ORD25
Subject:	DONATION REQUEST FOR KIDS WITH CANCER FOUNDATION
File Number:	F09/1122
Report by:	Manager Community Planning & Reporting (Karen Purser)
Contributors:	
Community Engagement:	No
Financial Implications:	Yes

Precis

The Kids with Cancer Foundation Australia is a non-profit organisation, who have raised over \$17 million for children's cancer services in 10 hospitals & thousands of families. They are seeking a donation of \$500.

Council Resolution

RESOLVED on the motion of Councillors Poulos and Mickovski

- 1 That Council receives and notes this report.
- 2 That Council approves the donation of \$500 to the Kids with Cancer Foundation.

Officer Recommendation

-
- 1 That Council receive and note this report.
 - 2 That Council approve the donation of \$500 to the Kids with Cancer Foundation.

Report Background

The Kids with Cancer Foundation Australia is a non-profit organisation, who have raised over \$17 million for children's cancer services in 10 hospitals & thousands of families. 100% of their donations are passed on - used to assist families who are struggling financially through having a child treated for a childhood cancer, or directly to support medical services for those children across 10 hospitals with specialist childhood cancer departments.

The Funding Committee receives requests from hospitals for specific needs. After direct consultation with the doctors or social workers concerned, the requests are prioritised. It may be that the hospital requires wages, for doctors to be trained in the special care needed for paediatrics oncology, or for nursing staff, social workers and other personnel. It may also be for computer equipment, or possibly an additional pharmacist for the oncology ward. Funds may be used for something as simple as recliner chairs to make the kids more comfortable, or blood pressure monitors when they receive treatment (as in The

Mater Children's Hospital in Brisbane).

Laptop computers and iPads have been given as games are very important. iPads allow the kids to create slide shows of family photos, with the in-built camera taking pictures of family and hospital staff and using the 'Garage Band' program to record their own music.

Rockdale Council was approached by a local St George business and invited to donate \$500.00 to the The Kids with Cancer Foundation, in support of St George families.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

Rockdale City Plan

Outcome:	Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.
Objective:	Objective 1.1 - Our community's health and well being will increase
Strategy:	1.1.3 - Build a healthy community with people of all ages and abilities
Delivery Program:	1.1.3.A - Work in partnership with the South Eastern Sydney Local Health District and the South Eastern Sydney Medicare Local to improve the health and well being of the community. (DCC)
Operational Plan:	1.1.3.A.1 - Partner with local and state stakeholders to advocate on behalf of the community and explore local health initiatives (MCPR)

Additional Comments:

Financial Implications

Is the expenditure and/or income in the current approved Yes
Budget?

Additional Comments

The funds for this donation would come from the Donations budget

Supporting Information

Action From Resolution	Action raised by Anne Suann on 03/12/2015
File Attachments	

Council Meeting

Meeting Date 02/12/2015

MINUTES OF THE MEETING OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, ON MONDAY, 9 NOVEMBER, 2015, AT 6:00PM

File Number: 11/7782

PRESENT:

RCC - Manager City Infrastructure - Mr Jeremy Morgan (Chairperson)

ALSO PRESENT:

RCC - Coordinator - City Assets - Mr Jamie Milner
RCC - Stormwater Projects Engineer - Mr Vladimir Stojkovic
RCC - Manager - Place Outcomes - Ms Erika Pawley
RCC - Coordinator Major Assessments - Ms Marta Gonzalez-Valdes
RCC - Manager - Development Services - Mr Luis Melim
RCC - Minute Clerk - Ms Pat Hill
Storm Consulting - Mr Rod Weise
Sydney Water Representative - Mr Fernando Ortega
BMT WBM - Mr Paul Dunne
WMA Water - Mr Richard Dewar

FM01 - ACKNOWLEDGEMENT OF COUNTRY -

The Chairperson read the Acknowledgement of Country.

FM02 - APOLOGIES -

The apologies from RCC - Coordinator Environmental Strategy, Mr David Dekel, State Emergency Services Representative - Mr Andrew Jenkins, State Emergency Services Representative - Ms Kerith Cameron, Community Representative, Mr Harry Panagopoulos and Community Representative, Mr Jamesm Shann, were received and noted.

FM03 - NOTIFICATIONS OF INTEREST -

There were no notifications of interest.

FM04 - MINUTES OF THE MEETING OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE HELD IN THE 2ND FLOOR CONFERENCE ROOM, ADMINISTRATION BUILDING, 2 BRYANT STREET, ROCKDALE ON 1 DECEMBER, 2014 AT 4:30PM - 11/7782

That the minutes be confirmed.

FM05 - MATTERS ARISING -

There were no Matters Arising.

FM06 - BONNIE DOON, EVE STREET & CAHILL PARK CATCHMENTS 2D FLOOD STUDY REVIEW - F12/472

PRECIS

To consider a status report on the Bonnie Doon, Eve Street & Cahill Park Catchments two-dimensional (2D) Flood Study Review

COMMITTEE RECOMMENDATION

That the report on the Bonnie Doon, Eve Street & Cahill Park Catchments two-dimensional (2D) Flood Study Review be received and noted.

FM07 - CAHILL PARK MASTERPLAN - INTEGRATION OF A FLOOD LEVEE INTO THE MASTERPLAN - F13/441

PRECIS

Council has undertaken a draft masterplan for Cahill Park, Wolli Creek. The draft masterplan proposes the incorporation of a flood levee into the park landscape.

COMMITTEE RECOMMENDATION

1. That the report be received and noted.
2. That the Committee provide feedback on the analysis and determination of the flood levee design flood event prior to 14 December, 2015.

FM08 - COMMUNITY ENGAGEMENT FOR THE DRAFT CITYWIDE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN - F11/176

PRECIS

To consider a report on a draft Community Engagement Strategy for the Rockdale Citywide Floodplain Risk Management Study and Plan prior to 16 November, 2015.

COMMITTEE RECOMMENDATION

1. That the report be received and noted.
2. That the Committee provide feedback on the draft Community Engagement Strategy for the Rockdale Citywide Floodplain Risk Management Study and Plan.

FM09 - FLOODPLAIN RISK MANAGEMENT PROJECTS - CONSOLIDATED REPORT - F11/186

PRECIS

The following provides updates to progress on general Floodplain Risk Management Projects not covered under separate reports.

COMMITTEE RECOMMENDATION

That the report be received and noted.

FM10 - MUDDY CREEK, SPRING STREET & SCARBOROUGH POND CATCHMENTS TWO-DIMENSIONAL (2D) FLOOD STUDY REVIEW - F12/473

PRECIS

To consider a status report on the Muddy Creek, Spring Street & Scarborough Pond Catchments two-dimensional (2D) Flood Study Review.

COMMITTEE RECOMMENDATION

That the report on the Muddy Creek, Spring Street & Scarborough Pond Catchments two-dimensional (2D) Flood Study Review be received and noted.

FM11 - GENERAL BUSINESS -

The following General Business was discussed:

Councillor Delegates

At the Council meeting on 7 October, 2015 there were no Council delegates appointed to the

Committee.

FM12 - NEXT MEETING DATE -

That the next meeting of the Floodplain Risk Management Committee be held on Monday, 8 February, 2016.

This concluded the business of the Floodplain Risk Management Committee meeting at 7:20pm

Officer Recommendation

That the Minutes be received and the Recommendations therein be adopted.

NOTE: The Committee will confirm its Minutes at its next meeting.

Council Resolution

NOTE:

Councillors Kalligas and Mickovski were absent for the voting on this item.

RESOLVED on the motion of Councillors Tsounis and Nagi at the meeting of 2 December 2015

That the Minutes be received and the Recommendations therein be adopted.

Council Meeting

Meeting Date 02/12/2015

MINUTES OF THE ROCKDALE TRAFFIC COMMITTEE MEETING HELD IN THE CONFERENCE ROOM, ADMINISTRATION BUILDING, 2 BRYANT STREET, ROCKDALE ON WEDNESDAY, 11 NOVEMBER, 2015, AT 9:15AM

File Number: F08/887P04

PRESENT:

RCC - Councillor Andrew Tsounis (Chairperson)
Roads and Maritime Services (RMS) Representative, Mr Nicolas Kocoski
St George Local Area Command – Sergeant Craig Picker

ALSO PRESENT:

State Transit Authority (STA) representative – Mr Rabih Bekdache
St George Cabs representative- Mr Joe Scarpignato
St George Bicycle Group Users representative - Mr Paul Gage
Pedestrian Council of Australia representative - Ms Lyn Moore
RCC - Coordinator Traffic & Road Safety - Mr Pintara Lay
RCC – Coordinator Regulations - Mr Glen McKeachie
RCC – Traffic Engineer – Ms Agasteena Patel
RCC – Meeting Clerk– Ms Pat Hill
RCC - Manager City Infrastructure - Mr Jeremy Morgan
RCC - Town Centre Manager - Mr Greg Briscoe-Hough
RCC - Senior Public Domain Engineer - Mr Wignes Wigneswaran - Item 12 - Magdalene Terrace northern kerblane parking restrictions
Frasers Property Australia - Mr Chris Koukoutaris - Item 12 - Magdalene Terrace northern kerblane parking restrictions
Ganellen Construction Company - Mr George Tsimourto - Item 12 - Magdalene Terrace northern kerblane parking restrictions

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

That the recommendations of the previous meeting held on 14 October 2015 be confirmed as true and correct.

RT01 - APOLOGIES

The apologies from Mr Les Crompton representative of Mr Chris Minns, Member for Kogarah and Mr George Perivolarellis representative of Mr Steve Kamper Member for Rockdale were received and noted.

RT02 - NOTIFICATIONS OF INTEREST

Ms Lyn Moore representative Pedestrian Council of Australia declared a non-pecuniary Interest in Item RT18 Sybil Lane, Brighton Le Sands, on the basis that she owns property in the area.

RT03 - ARNCLIFFE STREET BETWEEN BRODIE SPARK DRIVE AND GUESS AVENUE, WOLLI CREEK - DETAILED PLAN OF THE PROPOSED MARKED FOOT CROSSING - F08/887, WARD 2

PRECIS

The proposed marked footcrossing in Arncliffe Street was previously dealt with by the Rockdale Traffic Committee at its meeting on 11 March 2015 via, item RT04. The Committee

recommended that:

- 1 That the marked footcrossing be provided at the existing gap in Arncliffe Street, south west of Brodie Spark Drive, Wolli Creek.
- 2 That the existing pedestrian refuge island in Arncliffe Street south west of Brodie Spark Drive be modified and designed to suit the marked footcrossing.

Council at its meeting on 1 April 2015, adopted the above recommendations.

COMMITTEE RECOMMENDATION

That the Committee endorse the implementation of a marked foot crossing in Arncliffe Street immediately south of Brodie Spark Drive, Wolli Creek.

RT04 - BERMILL STREET, ROCKDALE - PROPOSED REMOVAL OF 120M 'NO PARKING' RESTRICTIONS ALONG SOUTHERN KERBLINE TO PROVIDE MORE PARKING - F08/887 CRM 153434 AND 157192

PRECIS

Council has received a request to investigate the possibility of providing parking in Bermill Street, Rockdale for visitors and workers.

COMMITTEE RECOMMENDATION

- 1 That approval be given for the removal of 120m 'No Parking' restrictions along southern kerbline of Bermill Street east of West Botany Street to provide unrestricted parking for the local businesses and workers, as follows:

- * from 0m to a point 10m - Retain the existing 'No Stopping' restriction
- * from 10m to 130m - Proposed removal of 'No Parking' restriction to allow unrestricted parking
- * from 130m eastward - retain existing parking and restriction

- 2 That the existing 'No Stopping' and 'No Parking' restriction along the northern kerb line of Bermill Street east of Botany Street, be retained.

RT05 - BRODIE SPARK DRIVE, WOLLI CREEK, NORTHERN KERB LINE - PROPOSED CHANGE FROM '2P' PARKING RESTRICTIONS TO '1/2P, 8:30AM-6:00PM MON-FRI, 8:30AM-12:30PM, SAT' - F08/887 CRM 150754

PRECIS

Council has received a request from the local businesses to consider existing parking arrangements in Brodie Spark Drive to allow for a greater turnover.

COMMITTEE RECOMMENDATION

- 1 That approval be given for the changing of '2P' parking restrictions to '1/2P, 8:30am-6:00pm, Mon-Fri, and 8:30am-12:30pm Sat' parking restrictions along the northern kerb line of Brodie Spark west of Princes Highway, Wolli Creek, as follows:

- * from 0m to a point 28m - retain the existing 'No Stopping' restriction
- * from 28m to 58m - proposed change '2P' to '1/2P, 8:30am-6:00pm, Mon-Fri, and 8:30am-12:30pm Sat' restriction
- * from 58m westward - retain the existing 'No Stopping' restriction

- 2 That approval be given to the installation of 'No Stopping' along the southern kerb line of Brodie Spark Drive from Princes Highway to Arncliffe Street.

RT06 - BROE AVENUE, HIRST STREET, WOLLONGONG ROAD, DENISON STREET AND EDWARD STREET INTERSECTIONS - AROUND ARNCLIFFE PARK AND A CHURCH - PROPOSED 10M 'NO STOPPING' SIGNPOSTING - F08/887, WARD2

PRECIS

Council has received a request to investigate problems caused by people parking too close to the corners in a local precinct, impacting on sight distance when exiting side streets. Council's Parking Officers have been called upon on several occasions to manage the situation. This issue becomes a continuous compliance problem.

COMMITTEE RECOMMENDATION

That approval be given to the installation of 'No Stopping' signposting to highlight the 10m statutory 'No Stopping' zones around Arncliffe Park and a Church, at the corners of the following intersections:

- 1 Broe Avenue and Wollongong Road
- 2 Denison Street and Hirst Street
- 3 Denison Street and Edward Street
- 4 Park Street and Hirst Street
- 5 Mitchell Street and Hirst Street

RT07 - BRUCE STREET, BRIGHTON LE SANDS - PROPOSED SIGN-POSTING EXISTING STREET POSTING BOX WITH TIME-RESTRICTED 'MAIL ZONE, 6PM-8PM, SUN-FRI' ADJACENT TO THE SERVICE STATION - F08/887, WARD 3 CRM 154020

PRECIS

Council has received a request to review parking in the vicinity of the existing street Postal box outside the service station along Bruce Street.

COMMITTEE RECOMMENDATION

That approval be given for the installation of a 6m time restricted 'Mail Zone, 6pm-8pm, at the existing Mail Zone along the northern kerb line of Bruce Street in front of Nos. 1- 7 Bruce Street, west of the service station west of The Grand Parade, Brighton Le Sands, as follows:

- * from 0m to a point 26m - Proposed 'No Stopping' restriction
- * from 26m to 32m - Proposed 'Mail Zone, 6pm-8pm' restriction
- * from 32m westward - retain parking

RT08 - CHUTER AVENUE ACCESS ROAD - RAMSGATE RSL CLUB CAR PARK, RAMSGATE BEACH - PROPOSED IMPROVEMENTS TO TRAFFIC AND PARKING CONDITIONS IN THE CAR PARK - F08/752, WARD

PRECIS

Council has received a request to improve pedestrian safety in the car park in Chuter Avenue Access Road adjacent to Ramsgate RSL Club.

COMMITTEE RECOMMENDATION

1 That approval be given for the following changes to signs and lines in the carpark adjacent to Ramsgate RSL Club in Chuter Avenue Access Road;

- a Proposed removal of a car parking space on both sides of the pedestrian crossing along the eastern side of the carpark opposite the portico leading to the entrance of the Club.
- b Proposed 2 pedestrian crossing signs (R3-1); on the existing column and on the proposed blister island facing northbound traffic in the car park.
- c Proposed concrete blister islands approximately 2.5m wide at the marked footcrossing
- d Removal of hatched line-marking from one bay to convert it to a car parking space.

2 That the Club management be requested to make alternate arrangements for their community bus drop-off and pick-up at their entrance on Chuter Avenue access road. The marked foot crossing needs to remain clear from parked vehicles at all times

RT09 - EDEN STREET, ARNCLIFFE - PROPOSED MOTORBIKE PARKING BETWEEN THE DRIVEWAYS OF NUMBER 54 EDEN STREET AND 23-25 FOREST ROAD - F08/887 CRM 150369

PRECIS

Council has received a request from resident to review the problem of drivers parking their cars and sometimes trucks overnight in Eden Street and partially blocking their driveways as well as sight lines.

COMMITTEE RECOMMENDATION

That approval be given to the proposed installation of 'Motorbike only' restriction between two driveways of 54 Eden Street and 23-25 Forest Road, Arncliffe.

RT10 - FREDERICK STREET, ROCKDALE - PROPOSED REARRANGEMENT OF PARKING RESTRICTIONS NEAR RAISED PEDESTRIAN CROSSING - F08/887 CRM 121883

PRECIS

Council had received a request for the review of the parking restrictions in the vicinity of the children's crossing in Frederick Street that has been installed to facilitate walkway access to Bexley Public School. The marked foot crossing in Frederick Street has been raised and built with kerb blister islands on both sides of the crossing.

COMMITTEE RECOMMENDATION

That the existing 20m 'No Stopping' restriction be retained as the proposed parking rearrangement does not meet the RMS requirements.

RT11 - KINGSGROVE ROAD, KINGSGROVE, EASTERN KERB LINE, BETWEEN SHAW STREET AND THE AVENUE - PROPOSED EXTENSION OF LOADING ZONE BY TWO PARKING SPACES - F08/887, WARD1

PRECIS

To consider parking and traffic conditions in Kingsgrove Road between Shaw Street and The Avenue, Kingsgrove.

Hurstville City Council installed a 'No Right Turn, 7am-3pm, Mon -Fri' restriction in March 2014. It has been suggested that since the installation of the right-turn restriction, there are significant delays and queues for southbound vehicles on Kingsgrove Road by vehicles illegally turning right from Kingsgrove Road to Paterson Avenue.

Rockdale City Council has not supported requests for any proposed removal of on-street parking on the eastern kerb line of Kingsgrove Road adjacent to Paterson Avenue.

This parking and traffic matter had been dealt with by the Rockdale Traffic Committee on two previous occasions, namely, item RT09 of 11 February 2015 Meeting and item RT14.1 of 10 June 2015 Meeting.

This report considers alternative traffic and parking measures that do not require the removal of on-street parking spaces on the eastern kerb line of Kingsgrove Road.

COMMITTEE RECOMMENDATION

That this Kingsgrove Road traffic matter be deferred to a subsequent Traffic Committee meeting.

RT12 - MAGDALENE TERRACE NORTHERN KERB LINE BETWEEN SPARK LANE AND BRODIE SPARK DRIVE, WOLLI CREEK - PROPOSED PARKING RESTRICTIONS IN FRONT OF NEWLY CONSTRUCTED BUILDINGS NOS. 3 AND

5 OF DISCOVERY POINT - F08/887

PRECIS

To consider a request to provide parking restrictions along the northern kerb line of Magdalene Terrace between Sparks Lane and Brodie Spark Drive, Wolli Creek, after the completion of three new buildings, Nos. 2, 3 and 5 of Discovery Point. The '2P, 8:30am- 6pm, Mon- Fri and 8:30am- 12:30pm, Sat' parking and bus zone issues in Magdalene Terrace had been previously dealt with by the Rockdale Traffic Committee on 11 June 2014, item RT10.

COMMITTEE RECOMMENDATION

1 That approval be given to the installation of parking restrictions along the northern kerb line of Magdalene Terrace east of Spark Lane toward Brodie Spark Drive, Wolli Creek, in front of newly constructed buildings, as follows:

- * from 0m to a point 15m - proposed 'No Stopping' restriction
- * from 15m to 29m - proposed 14m 'Loading Zone'
- * from 29m to 104m- proposed 75m '2P, 8:30am- 6pm, Mon- Fri and 8:30am- 12:30pm, Sat'
- * from 104m to 116m- proposed 12m 'Loading Zone'
- * from 116m to 136m - proposed 20m 'No Stopping' to the western gap of the pedestrian refuge island
- * from 136m eastward toward Brodie Spark Drive - retain the 'No Stopping' restriction

2 That the enlargement of the existing pedestrian refuge island in Magdalene Terrace near the big roundabout of Brodie Spark Drive/Arncliffe Street, to meet the Roads and Maritime Services' requirements (TDT - Pedestrian Refuges - TDT2011/01a) and that detailed plans be submitted to the Traffic Committee for approval.

RT13 - OAKURA STREET, ROCKDALE - PROPOSED STATUTORY 10M 'NO STOPPING' RESTRICTIONS - F08/887

PRECIS

Council has received a request for the provision of 'No Stopping' signs in Oakura Street, Rockdale at its intersection with Hesten Lane to keep this area free from parked vehicles.

COMMITTEE RECOMMENDATION

That approval be given for the installation of 'No Stopping' signs to highlight the 10m statutory 'No Stopping' restrictions on both sides of Oakura Street, at its intersection with Hesten Lane, Rockdale.

RT14 - PRODUCTION AVENUE, KOGARAH - PROPOSED 3.6M 'NO PARKING' RESTRICTION NEAR WALKWAY TO SCARBOROUGH PARK - F08/887 CRM 156444

PRECIS

Council has received a request from a sporting organiser who uses the sporting field at Production Avenue for a 'No Parking' restriction near the access ramp to the pedestrian walkway to the sporting facility on the ground.

COMMITTEE RECOMMENDATION

That approval be given for 3.6m 'No Parking' restrictions along eastern kerblines of Production Avenue, Kogarah near the access ramp for the pedestrian walkway to the Scarborough sports field and amenities building.

RT15 - RAMSGATE BEACH TOWN CENTRE CAR PARK OFF RAMSGATE ROAD AND ALFRED STREET - PROPOSED PARKING LIMIT, 'NO STOPPING' , BUS ZONE AND ONE WAY RESTRICTIONS - F11/21, WARD 5

PRECIS

To consider the parking limit restrictions and the one way street in the Ramsgate Beach Car Park off Ramsgate Road and the new 90 degree angle parking in Alfred Street.

This matter was dealt with by the Rockdale Traffic Committee at its meeting on 12 August 2015, item RT17. The Committee recommended as follows:

That this matter be deferred to the next Traffic Committee meeting after further consultation with Ward Councillors.

Subsequent, meetings were held with Council's Officers and the Chairperson of the Traffic Committee, the representatives of Roads and Maritime Services and State Transit Authority.

COMMITTEE RECOMMENDATION

- 1 That approval be given to the installation of '1P, 8:30am- 6pm' restriction along the southern kerb line of Ramsgate Road Access Road in the Ramsgate Beach Car Park in front of the shops.
- 2 That approval be given to the installation of '2P, 8:30am- 6pm' restriction along the northern kerb line of Ramsgate Road Access Road in the Ramsgate Beach Car Park opposite the shops.
- 3 That approval be given to the installation of 'No Stopping' restrictions at the corners and at some critical sections of the Ramsgate Road Car Park by painting yellow 'No Stopping' lines. The 'No Stopping' yellow lines are to replace the 'No Stopping' signs and stems as per RMS Delineation Guidelines - Chapter 13 to reduce the number of signs and stems.
- 4 That approval be given to the installation of 90 degree angle parking in the existing median of Alfred Street between Nos. 97 and 103 Alfred Street and that the parking time limit in the new area to be '4P, 8:30am-6pm Mon - Sat' restriction. This proposal will provide additional 30 angled parking spaces.
- 5 That approval be given to the installation of disabled parking spaces, motorbikes, loading zone and Council's authorised vehicles areas in Ramsgate Road Access Car Park as marked on the attached plans.
- 6 That approval be given to the installation of the one-way street in the Ramsgate Beach Car Park as shown in the attached plans.
- 7 That approval be given to the installation of '1P, 8:30am- 6pm, restriction along the northern kerb line frontage of No. 160 Ramsgate Road measured from the east side of the driveway (0m) extending 29.5m east of the driveway.
8. That approval be given to the installation of '1/4P, 8:30am- 6pm' restriction along the northern kerb line frontage of No. 160 Ramsgate Road measured east from the driveway 29.5m to 41m.
- 9 That the proposed work along the Grand Parade be submitted to the RMS for approval.

RT16 - ROCKDALE STREET, ROCKDALE - PROPOSED EXTENSION OF 23M OF "NO STOPPING" RESTRICTION ALONG CUL-DE-SAC END OF ROCKDALE STREET IN ELEVATED SECTION - F08/887

PRECIS

Council has received a request for the provision of a parking restriction at the subject location Rockdale Street, west of Railway Street, Rockdale, due to ongoing parking problems.

COMMITTEE RECOMMENDATION

- 1 That the Council endorse the proposed extension of 23m of "No Stopping" restriction along cul-de-sac end outside house numbers 18 and 20 Rockdale Street.
- 2 That the above endorsement be referred to Roads and Maritime Services for approval as Rockdale Street is situated within 1km radius of Rockdale Railway Station.

RT17 - 16 SEGENHOE STREET, ARNCLIFFE - CHILD CARE CENTRE CATERING FOR 50 CHILDREN AND 11 STAFF MEMBERS - PROPOSED DROP OFF AND PICK UP AREA IN SEGENHOE STREET AND ONE WAY STREET NORTHBOUND IN THE LANEWAY - F08/887, DA-2015/259, WARD3

PRECIS

To consider parking and traffic measures in front of and at the rear of the proposed child care centre at No. 16 Segenhoe Street, Arncliffe.

COMMITTEE RECOMMENDATION

That this matter be deferred to a subsequent Traffic Committee meeting.

RT18 - SYBIL LANE, BRIGHTON LE SANDS BETWEEN THE GRAND PARADE AND CRAWFORD ROAD - PROPOSED "PARK IN MARKED BAYS ONLY" RESTRICTION - F08/887, WARD 3

PRECIS

Council has received a request to implement parking restrictions in Sybil Lane to improve residents access and egress to their garages.

COMMITTEE RECOMMENDATION

That approval be given to the installation of "Park in Marked Bays Only" restriction on both sides of Sybil Lane between The Grand Parade and Crawford Road, Brighton Le Sands.

RT19 - THE GRAND PARADE AT PRESIDENT AVENUE, BRIGHTON LE SANDS - ROADS AND MARITIME SERVICES PROPOSED DUAL RIGHT TURN LANES - F08/887

PRECIS

Roads and Maritime Services propose a dual right turn lanes from The Grand Parade to President Avenue, Brighton Le Sands to relieve the traffic congestion along the State road network as shown in the attached plans. It is anticipated that this project will be completed in 2016.

COMMITTEE RECOMMENDATION

That the Roads and Maritime Service proposal to introduce a dual right turn from The Grand Parade to President Avenue, Brighton Le Sands, be noted, however, some concerns be presented to the RMS for consideration including

- * the loss of nine (9) parking spaces along The Grand Parade
- * the relocation of the bus shelter
- * high number of stems and traffic lights pedestals
- * pedestrian fencing

RT20 - TURRELLA STREET, BETWEEN LOFTUS STREET AND THOMPSON STREET - INTERSECTION TREATMENTS AND KERB PARKING LANE - DETAILED PLAN - F08/887, WARD3

PRECIS

Turrella Street traffic calming scheme has now secured \$10,500 (50/50% funded) funding from the Roads and Maritime Services under the Active Transport Grant for the 2015/2016 Program to be built in this financial year.

The detailed plan is being submitted for endorsement.

COMMITTEE RECOMMENDATION

That the Council endorse the implementation of a traffic calming scheme in Turrella Street between Loftus Street and Thompson Street including intersection treatments, kerb parking lane and 'No Stopping' zones as shown in the Detailed Plan.

**RT21 - WEST BOTANY STREET AT BRYANT STREET INTERSECTION,
ROCKDALE - PROPOSED TRAFFIC CONTROL SIGNALS - F08/887P04, WARD3**

PRECIS

Council has received a request to provide traffic safety measures at the intersection of West Botany Street and Bryant Street, Rockdale.

COMMITTEE RECOMMENDATION

That the existing traffic conditions and restrictions at the intersection of West Botany Street and Bryant Street be retained.

**RT22 - WOLLONGONG ROAD, ARNCLIFFE - LANE LINES BETWEEN WOLLI
CREEK ROAD AND ALLEN STREET/ARNCLIFFE STREET WITH KERB BLISTER
ISLANDS AND PAINTED ISLANDS WITH RUMBLE BARS AND STOP/GIVE WAY
RESTRICTIONS AT VARIOUS SIDE STREETS DETAILED DRAWINGS FOR
APPROVAL - F08/887, WARD 2**

PRECIS

Council at its meeting of 1 October 2014 via the recommendations of the Rockdale Traffic Committee of 10 September 2014 resolved as follows:

- 1 That in principle support be given to the installation of separate kerb parking lanes and lanes lines with raised reflective pavement markers on edge lines and centres lines in Wollongong Road between Wolli Creek Road and Allen Street/Arncliffe Street, subject to the availability of funding.
- 2 That in principle support be given to the installation of kerb blisters near Fripp Street and Walters Street along with the separate and through parking lanes, subject to the availability of funding.
- 3 That in principle support be given to the installation of a raised island with additional stop/give way signs in Wilsons Road, Earle Street and Stewart Street, subject to the availability of funding.

This above project has now secured \$48,000 (100%) funding from the Federal Government under the Nation Building Blackspot Program 2015/2016 to be built in this financial year.

COMMITTEE RECOMMENDATION

That the Council endorse the implementation of the following treatments in Wollongong Road, Fripp Street, Walter Street, Wilsons Road, Earle Street and Stewart Street in Arncliffe:

- 1 Separate kerb parking lanes and lanes lines with raised reflective pavement markers on edge lines and centres lines in Wollongong Road between Wolli Creek Road and Allen Street/Arncliffe Street, (i.e, kerb parking lane width is 2.5m wide).
- 2 Double barrier lines in Fripp Street and Walters Street and kerb blisters in Wollongong Road near Fripp Street and Walters Street along with the separate and through parking lanes
- 3 Double barrier centre lines with rumble bars in Wilsons Road, Earle Street and Stewart Street at their intersection with Wollongong Road
- 4 'No Stopping' restrictions at various intersections in association with the proposed treatments.

**RT23 - ADDITIONAL ITEMS - GENERAL BUSINESS - MATTERS RAISED BY
MEMBERS OF THE ROCKDALE TRAFFIC COMMITTEE - F08/887, ALL WARDS**

PRECIS






To consider matters raised by the Members of the Rockdale Traffic Committee during the

General Business Session.

COMMITTEE RECOMMENDATION

No raised matters be investigated.

Attached are the drawings showing the proposed 10m No Stopping signposting in various intersections relating to ITEMRT05- Broe

 
Avenue. Park St Hirst St No Stopping TC1213.pdf Hirst St Mitchell St No Stopping TC988.pdf
 
Hirst St Denison St Broe Ave No Stopping TC987.pdf Broe Ave Wollongong Rd No Stopping TC1211.pdf

Hirst St Edward St No Stopping TC1212.pdf

This concluded the business of the Rockdale Traffic Committee meeting at 12.25pm.

Officer Recommendation

That the Minutes be received and the Recommendations therein be adopted.

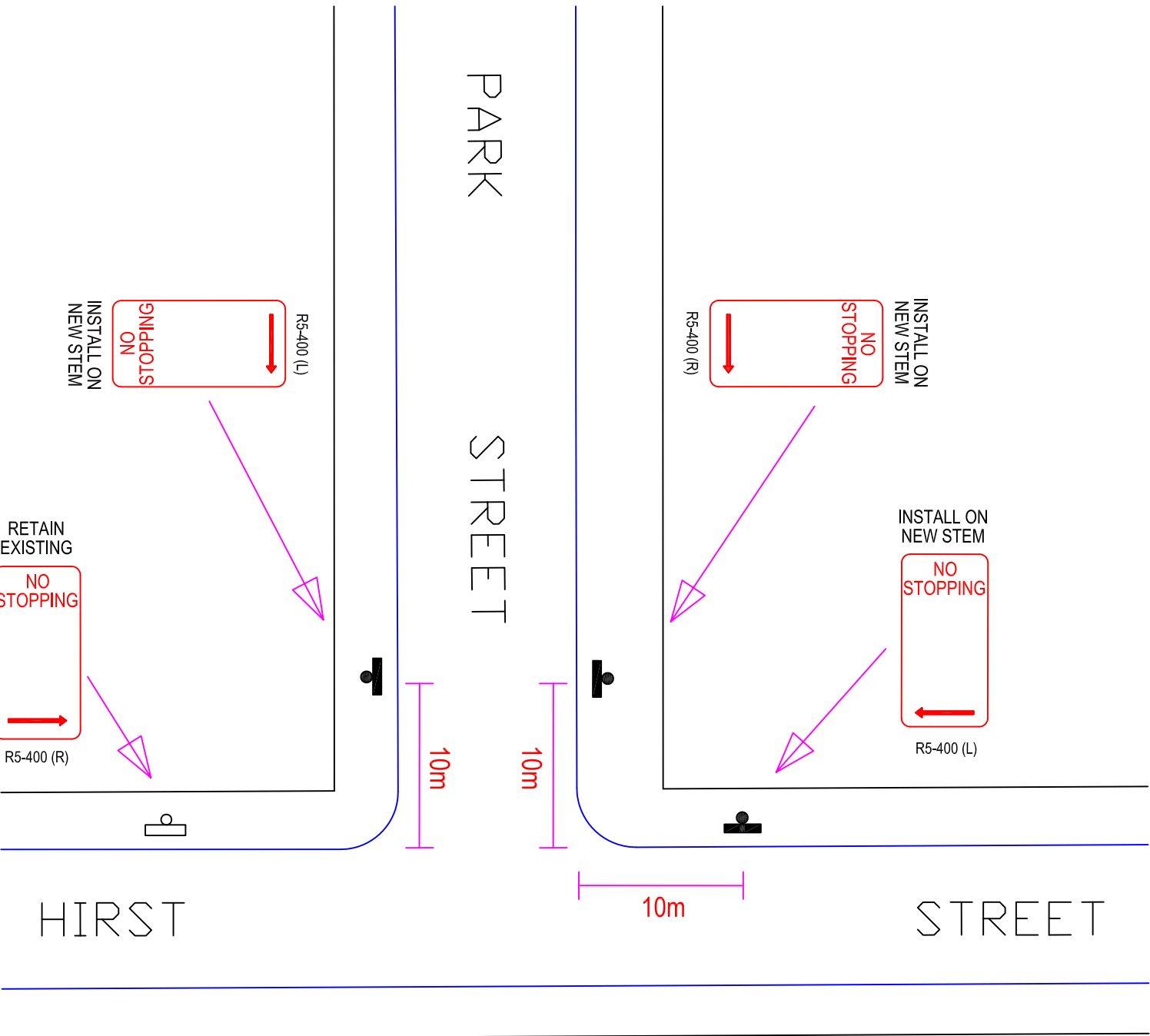
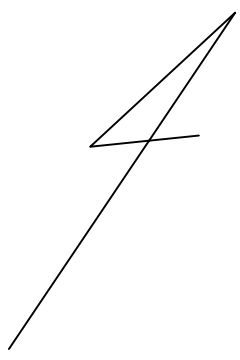
Council Resolution

NOTE:

Councillor Mickovski had previously declared a Significant Non-Pecuniary Interest in this item on the basis that he is employed by Transport of NSW and has dealings with Roads and Maritime Services and Transport Agencies within its cluster, which may give rise to dealings with Agencies and Agency staff on the Traffic Committee, and in particular he declared an interest in RT06 as he is a resident in the subject street and had made a submission on the matter, and left the Chamber for discussion and voting.

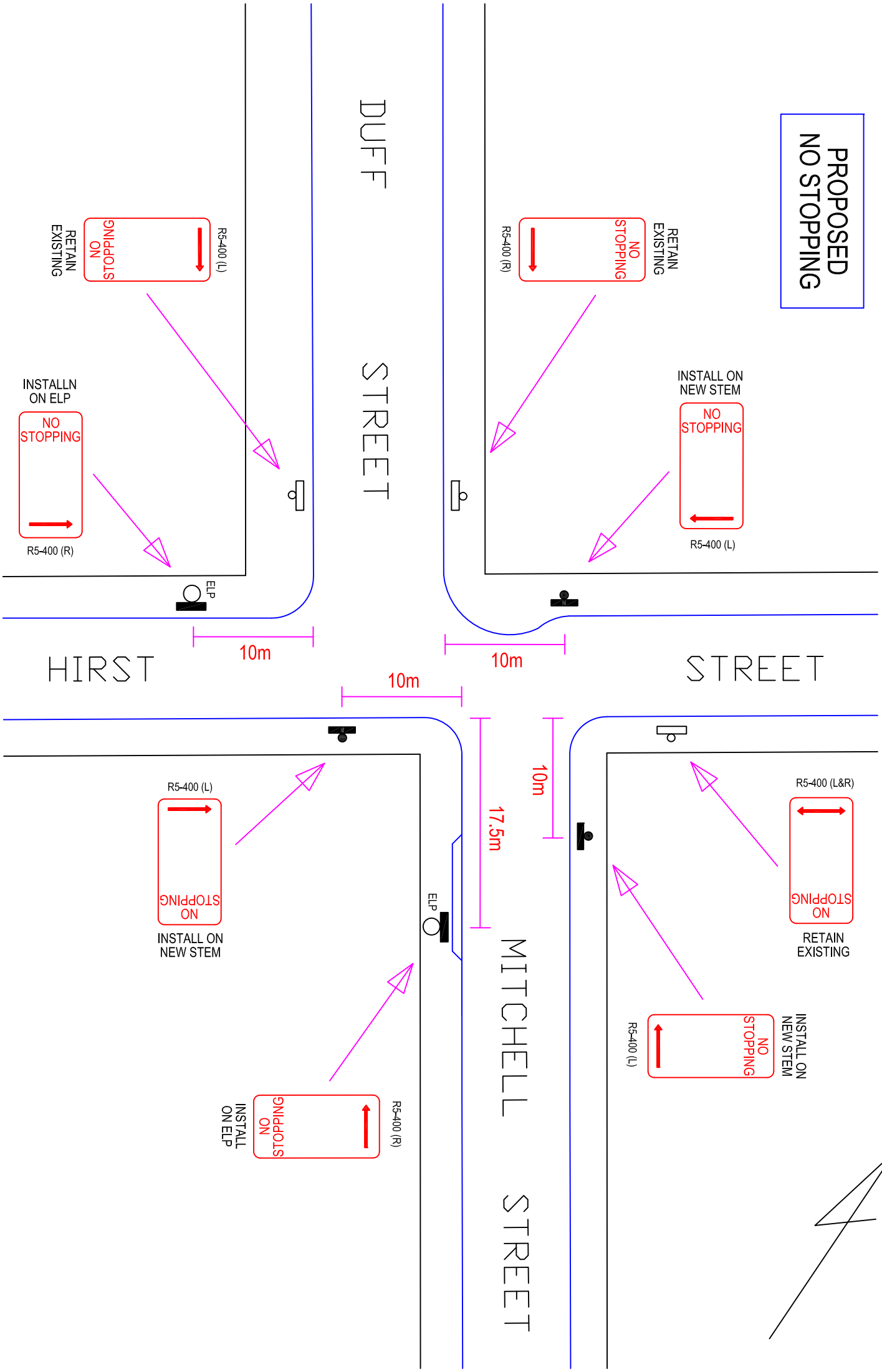
RESOLVED on the motion of Councillors Tsounis and Barlow at the meeting of 2 December 2015

That the Minutes be received and the Recommendations therein be adopted with the exception of RT17 (see ORD41 - Minute No. 215).

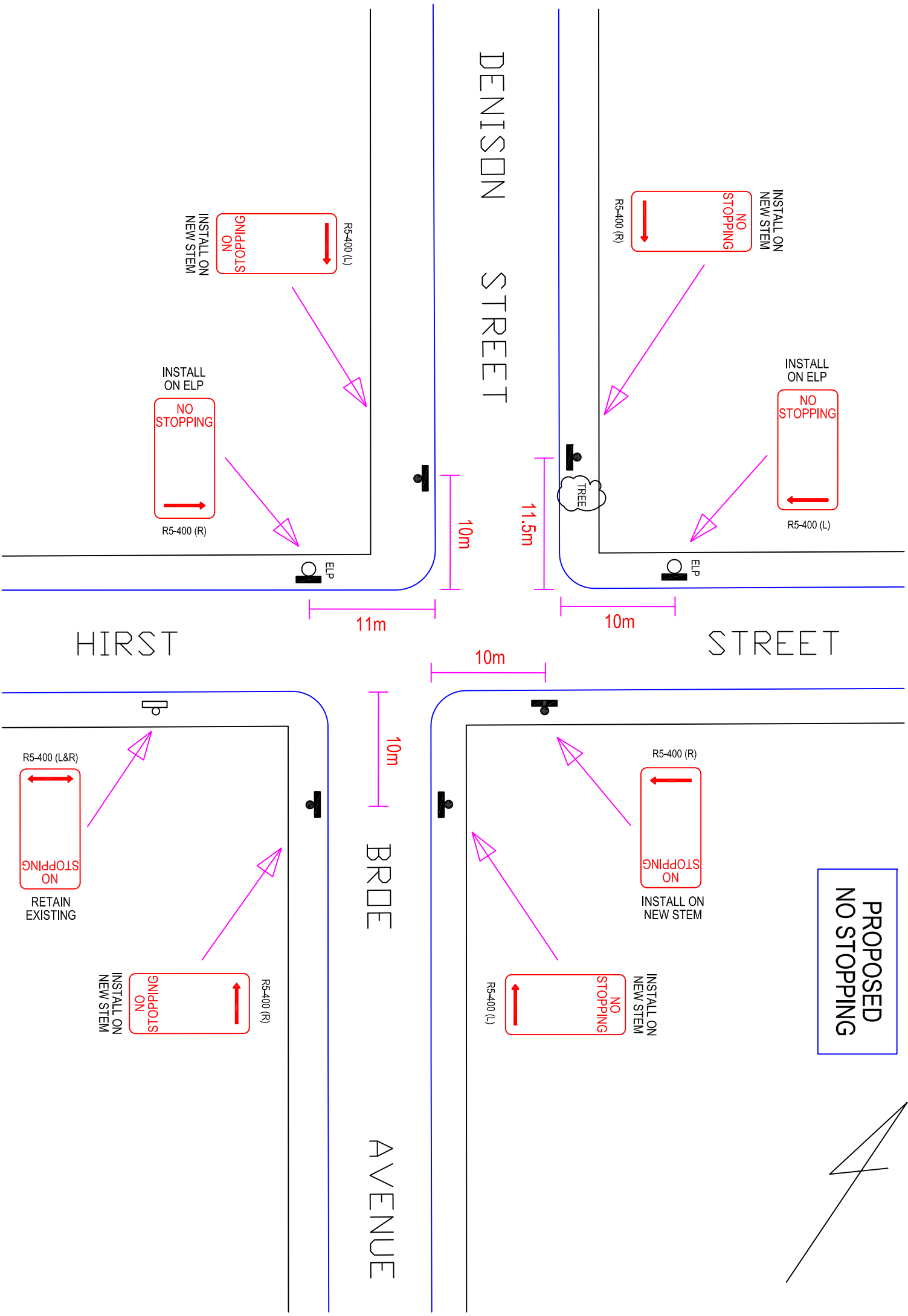


PROPOSED
NO STOPPING

PROPOSED
NO STOPPING



PROPOSED
NO STOPPING



PROPOSED
NO STOPPING

INSTALL ON
EXIST STEM
NO STOPPING
R5-400 (L)

AVENUE

10m

10m

WOLLONGONG

ROAD

R5-40 (L) R5-400 (L)
RETAIN EXISTING
NO STOPPING
WEDDING & FUNERAL VEHICLES EXCEPTED

RETAIN EXISTING
NO STOPPING
R5-400 (R)

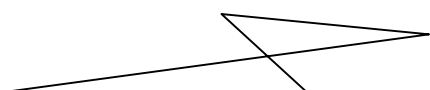
BROE

R5-400 (L&R)
RETAIN EXISTING
NO STOPPING

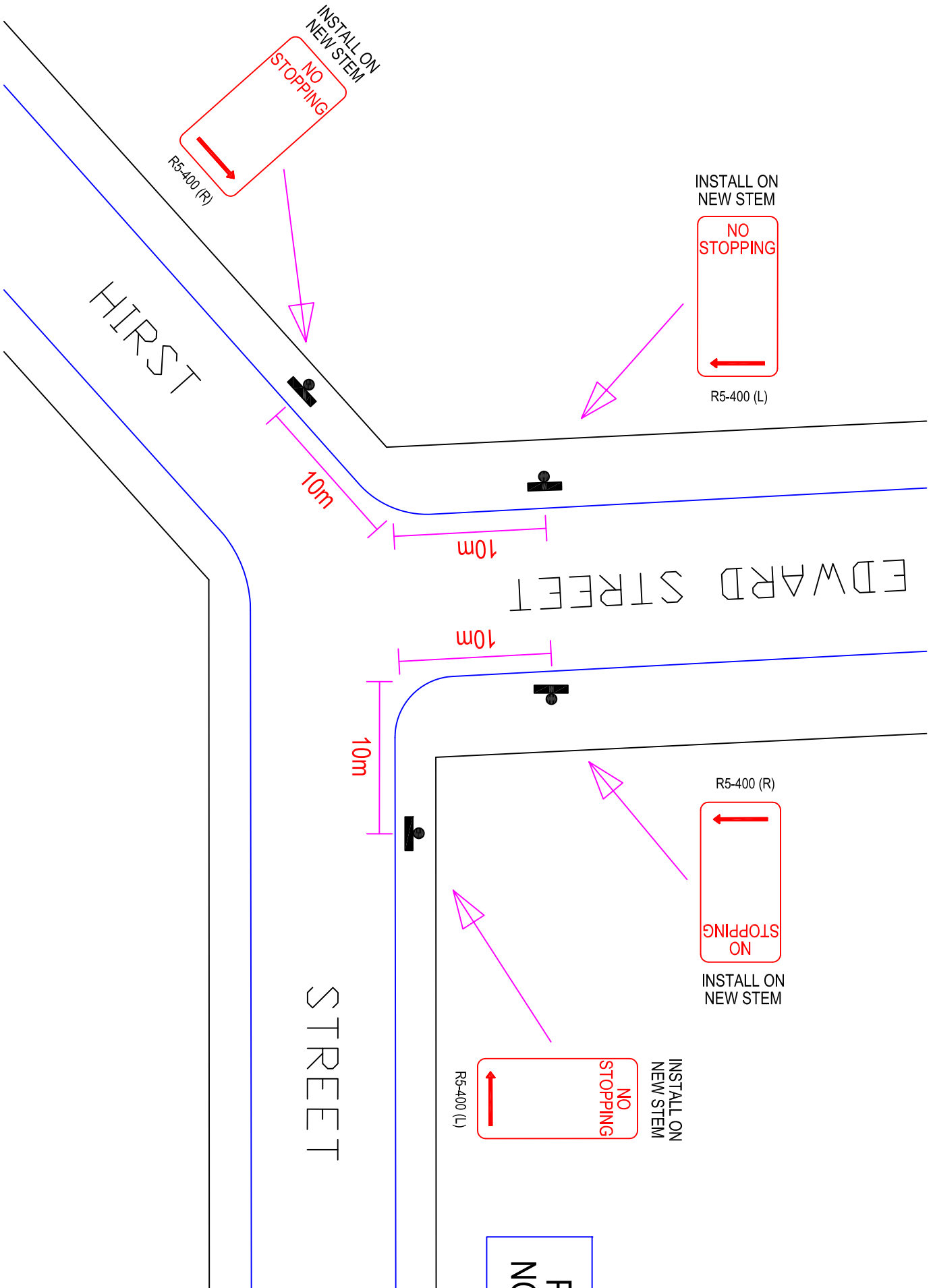
R5-400 (R)
RETAIN EXISTING
NO STOPPING

R5-400 (R)
INSTALL ON NEW STEM
NO STOPPING

RETAIN EXISTING
NO STOPPING
R5-400 (L)



PROPOSED
NO STOPPING



Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number: ORD28
File Number: F13/550
Subject: REMINDERS
Report by: Executive Assistant - General Manager (Maria Dixon)

Precis

The purpose of the 'Reminders' is to highlight upcoming events/meetings/conferences

Council Resolution

RESOLVED on the motion of Councillors L Sedrak and P Sedrak

That the Reminders to the 31 December 2015 be received and noted.

Officer Recommendation

That the Reminders to the 31 December 2015 be received and noted.

Background

The following table includes upcoming events/meetings/conferences for Councillors' information.

Saturday	5 December 2015	6.00pm - 9.00pm	Carols by the Sea Lady Robinsons Beach
Wednesday	9 December 2015	6.30pm	Councillor Information Session - Level 2 Admin Bldg - Conference Room. This information session will only be held if there is an announcement from the State Government just prior to this date about Fit for the Future which requires input or direction from Councillors
Wednesday	9 December 2015	8.30am - 4.30pm	Light up your Life This Christmas Christmas Light Display Lynwen Crescent, Banksia & Madrers Avenue Kogarah
Thursday	10 December 2015	7.00pm - 11.00pm	Mayoral Charity Christmas Dinner The Grand Roxy, Botany Bay Seafood Restaurant 128 The Grand Parade - Brighton Le Sands

Thursday	31 December 2015	9.00pm	New Year's Eve Fireworks First Fleet Monument Lady Robinsons Beach, Brighton Le Sands
Tuesday	26 January 2016	8.15am	Australia Day Peter Depena Reserve - Dolls Point

Annual Leave - General Manager, Directors & Senior Managers

Name	From:	To	Delegate
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Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number: ORD29
File Number:
Subject: QUESTION WITH NOTICE
Submitted by:

Question

There were no Questions With Notice.

Background

Councillors may ask Questions With Notice about matters which are not on the business paper. Responses will be provided at subsequent Council Meetings.

Supporting Information

Action From Resolution
File Attachments

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number: ORD30
Subject: CLOSED SESSION OF COUNCIL

Council Resolution

NOTE:

In accordance with Section 10A(4) of the Local Government Act, the Chairman invited any members of the public present at the meeting to address the Council on whether that part of the meeting should be closed.

No requests were made.

RESOLVED on the motion of Councillors O'Brien and Tsounis

1 That, in accordance with Section 10A(1) of the Local Government Act 1993, the Council resolve itself into closed session, at 8.47 pm, with the press and public excluded to consider the following item for the reason indicated:-

ORD31C - CONFIDENTIAL - CITIZEN OF THE YEAR 2016 - In accordance with Section 10A (2) (a) of the Local Government Act 1993 by reasons of personnel matters concerning particular individuals (other than Councillors).
(See Minute No. 218)

ORD32C - CONFIDENTIAL - TENDER CANONBURY GROVE EMBANKMENT STABILISATION AND DRAINAGE UPGRADE - In accordance with Section 10A (2) (d) of the Local Government Act 1993 by reasons of commercial information of a confidential nature that would, if disclosed: i) prejudice the commercial position of the person who supplied it, or ii) confer a commercial advantage on a competitor of the Council, or iii) reveal a trade secret.
(See Minute No. 219)

ORD33C - CONFIDENTIAL - ADVICE ON AIRPORT MATTERS - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(See Minute No. 220)

ORD34C - CONFIDENTIAL - MEALS ON WHEELS - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(See Minute No. 221)

ORD35C - CONFIDENTIAL - LE SANDS RESTAURANT & PROPOSED SUBLEASE TO BRIGHTON HOGS PTY LTD - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(See Minute No. 222)

ORD36C - CONFIDENTIAL - SUPPLY AND INSTALLATION OF STREET LIGHTS MT OLYMPUS BOULEVARD, WOLLI CREEK - TENDER FOR CONSTRUCTION - In accordance with Section 10A (2) (d) of the Local Government Act 1993 by reasons of commercial information of a confidential nature that

would, if disclosed: i) prejudice the commercial position of the person who supplied it, or ii) confer a commercial advantage on a competitor of the Council, or iii) reveal a trade secret.
(See Minute No. 223)

ORD37C - CONFIDENTIAL - PROPOSED ACQUISITION - ROCKDALE TOWN CENTRE - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(See Minute No. 224)

ORD38C - CONFIDENTIAL - SELECT TENDER FOR CONSTRUCTION SERVICES - RAMSGATE BEACH THRIVING TOWN CENTRE - In accordance with Section 10A (2) (c) of the Local Government Act 1993 by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(See Minute No. 225)

2 That, in accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to these matters be withheld from the press and public.

Officer Recommendation

1 That in accordance with Section 10A(1) of the Local Government Act 1993, the Council resolve itself into closed session with the press and public excluded to consider the following items for the reasons indicated:-

ORD31C - CONFIDENTIAL - CITIZEN OF THE YEAR 2016 - That in accordance with Section 10A (2) (a) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of personnel matters concerning particular individuals (other than Councillors).

ORD32C - CONFIDENTIAL - TENDER CANONBURY GROVE EMBANKMENT STABILISATION AND DRAINAGE UPGRADE - That in accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed: i) prejudice the commercial position of the person who supplied it, or ii) confer a commercial advantage on a competitor of the Council, or iii) reveal a trade secret

ORD33C - ADVICE ON AIRPORT MATTERS - That in accordance with Section 10A (2) (c) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ORD34C - CONFIDENTIAL - MEALS ON WHEELS - That in accordance with Section 10A (2) (c) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ORD35C - LE SANDS RESTAURANT & PROPOSED SUBLEASE TO BRIGHTON HOGS PTY LTD - That in accordance with Section 10A (2) (c) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ORD36C - CONFIDENTIAL - SUPPLY AND INSTALLATION OF STREET LIGHTS MT OLYMPUS BOULEVARD, WOLLI CREEK - TENDER FOR CONSTRUCTION - That in accordance with Section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if

disclosed: i) prejudice the commercial position of the person who supplied it, or ii) confer a commercial advantage on a competitor of the Council, or iii) reveal a trade secret

ORD37C - CONFIDENTIAL - PROPOSED ACQUISITION - ROCKDALE TOWN CENTRE - That in accordance with Section 10A (2) (c) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ORD38C - CONFIDENTIAL - SELECT TENDER FOR CONSTRUCTION SERVICES - RAMSGATE BEACH THRIVING TOWN CENTRE - That in accordance with Section 10A (2) (c) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2 That, in accordance with the provisions of Section 11(2) and (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to these matters be withheld from the press and public.

Background

Meetings of Council, as a general rule, must be open to the public. However Chapter 4 Part 1 of The Local Government Act 1993 and Part 3 of Council's Code of Meeting Practice make provision for closing parts of Council meetings to the public in certain circumstances. The Act and Code outline the matters and information that may be considered in closed session.

In accordance with Section 10A(4), if Council resolves to close a part of the meeting, the Chairperson invites representations from the public on the proposed closure.

If Council passes any resolutions during a closed session of Council, the Chairperson (generally through the General Manager) makes the resolutions public as soon as practicable after the closed session has ended.

Supporting Information

[Action From Resolution](#)
[File Attachments](#)

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number:	ORD39
Subject:	RESUMPTION OF OPEN SESSION OF COUNCIL

Council Resolution

RESOLVED on the motion of Councillors Tsounis and Poulos

That the meeting resume into Open Session of Council.

NOTE:

The meeting resumed into open session at 9.49 pm.

Officer Recommendation

That the meeting resume into Open Session of Council.

Background

If Council passes any resolutions during a closed session of Council, the Chairperson (generally through the General Manager) makes the resolutions public as soon as practicable after the closed session has ended - in accordance with clause 253 of the Local Government (General) Regulation 2005 and Council's Code of Meeting Practice.

Supporting Information

Action From Resolution
File Attachments

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number:	ORD40
Subject:	CALL FOR RESCISSION MOTIONS

Notation

There were no Rescission Motions lodged at the meeting.

Background

A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the regulations made under section 360 of the Act and the Code.

Section 372 of the Local Government Act 1993 and Council's Code of Meeting Practice make provision for rescinding or altering resolutions, including the manner in which motions are put. Rescission motions are included in the agenda of the next available Council meeting.

Supporting Information

[Action From Resolution](#)
[File Attachments](#)

Council Meeting

Meeting Date 02/12/2015

Report Header

Item Number:	ORD41
File Number:	F08/887, DA-2015/259
Subject:	RT17 - 16 SEGENHOE STREET, ARNCLIFFE - CHILD CARE CENTRE CATERING FOR 50 CHILDREN AND 11 STAFF MEMBERS - PROPOSED DROP OFF AND PICK UP AREA IN SEGENHOE STREET AND ONE WAY STREET NORTHBOUND IN THE LANEWAY - WARD3

Precis

Council Resolution

NOTE:

Item RT17 of the Rockdale Traffic Committee of 11 November 2015 was considered in conjunction with Item ORD41 of the Council Meeting of 2 December 2015 (also refer to Item ORD27 of the Council Meeting of 2 December 2015 - Minute No. 214).

Councillor Mickovski had previously declared a Significant Non-Pecuniary Interest in this item on the basis that he is employed by Transport of NSW and has dealings with Roads and Maritime Services and Transport Agencies within its cluster, which may give rise to dealings with Agencies and Agency staff on the Traffic Committee, and left the Chamber for discussion and voting.

Councillor Awada had previously declared a Pecuniary Interest in this item on the basis that his family owns a Child Care Centre in close proximity to the subject Child Care Centre, and left the Chamber for discussion and voting.

Councillors L and P Sedrak had previously declared a Significant Non-Pecuniary Interest in this item on the basis that they have had previous dealings with the applicant and, even though they have no interest in this issue, left the Chamber for discussion and voting.

RESOLVED on the motion of Councillors Barlow and Tsounis

That this matter be deferred to a subsequent Traffic Committee meeting.

Officer Recommendation

Background

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 03/12/2015](#)