

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/276
Date of Receipt:	11 February 2016
Property:	4 Innesdale Road, WOLLI CREEK NSW 2205 Lot 15 DP 4032
Owner:	VP1 Pty Ltd
Applicant:	VP1 Pty Ltd
Proposal:	Construction of a six (6) storey boarding house, comprising 38 boarding rooms including one manager's room, rooftop communal open space and ground level parking and demolition of existing structures
Recommendation:	Approved
No. of submissions:	Eight (8) including one (1) petition with 46 signatures, 4 submissions from one household and three individual letters.
Author:	Fiona Prodromou
Date of Report:	22 September 2016

Key Issues

As per Schedule 4A of the Environmental Planning and Assessment Act (as amended) 1979, 'affordable housing', of which includes 'boarding houses', with a capital investment value greater than \$5 million are to be determined by the Joint Regional Planning Panel.

The proposal does not comply with the solar access requirements to the internal communal room as stipulated by State Environmental Planning Policy - Affordable Rental Housing. The non compliance is a direct consequence of the site orientation and context of higher buildings approved and emerging to the north and north west of the site. A variation in this instance has been supported and is discussed further within this report.

The proposed development exceeds the maximum 17.5m permissible height limit for the site, with the development comprising a height of 18.7m to the rooftop level and 22.3m to the top of the lift / stair overrun. This is a 6.8% - 27% in excess of that permitted for a small portion of the development. A Clause 4.6 Exceptions to Development Standards has been submitted by the applicant and is supported in this instance for the reasons discussed within this report. The overall height, bulk, scale and massing of the development is deemed to be satisfactory.

The proposal indicates non compliances with the provisions of Rockdale DCP 2011 with respect to upper level building setbacks and driveway width. These matters have been discussed further within the planning report and variations are supported for the reasons outlined within the report.

The proposal was peer reviewed by the Design Review Panel (DRP) on two occasions being the 16 March and 23 June, given the nature and scale of the proposed development. Following its meeting of 16 March, the DRP sought amendments to the original scheme resulting in a reduction of FSR, relocation of communal open space from level 1 to the rooftop, modifications to the internal layout, addition of a second lift, ground level reconfiguration, greater front setback to levels 4 and 5 fronting Innesdale Road, increased rear setback and the introduction of a communal lobby fronting Innesdale Road.

Upon secondary review of amended plans by the DRP on 23 June, the Panel noted the aforementioned improvements and concurred that previous issues of concern had been resolved in the amended design. The DRP were supportive of the proposed development in its revised form.

The proposal was publicly notified on three occasions in accordance with the provisions of RDCP 2011. A total of 8 submissions opposing the proposed development were received, this included one (1) petition with 46 signatures, 4 submissions from one household and 3 individual letters. The issues raised include but are not limited to overdevelopment of the site, anti social behaviour, safety and security, insufficient parking provision, unsuitability of the site, acoustic impacts, devaluation of neighbouring properties etc. Issues raised by objectors have been discussed in detail within this report.

Recommendation

1. That the JRPP support the variation to Clause 4.3 - Height of Buildings of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the recommendations of the attached planning report.
2. The development application DA-2016/276 for the construction of a six (6) storey boarding house, comprising 38 boarding rooms including one manager's room, rooftop communal open space and ground level parking and demolition of existing structures at 4 Innesdale Road Wolli Creek 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 objectors be advised of the JRPP's decision.

Background

History

DA-2016/276 for the proposed construction of a six (6) storey boarding house, comprising 38 boarding rooms including one manager's room, rooftop communal open space and ground level parking and demolition of existing structures was submitted to Council on 11 February 2016.

On 1 June 2016 a separate application was submitted for 4 Innesdale Road, being DA-2016/398 seeking to undertake the demolition of existing buildings and associated site cleaning. This application was approved under delegation by Council on 24 June 2016.

Proposal

The proposal seeks to undertake the demolition of existing structures on site and construction of a six

(6) storey boarding house. The proposed boarding house is to comprise 38 boarding rooms including 1 manager's room, rooftop communal open space and ground level car parking for 9 vehicles being 3 spaces at grade and 6 spaces provided within three dual car stackers. Associated landscaping and stormwater works are also proposed on site. Vehicular access to the site is proposed via a single driveway along the western boundary of the site.

More specifically the proposal incorporates as follows:

Ground Level

Landscaping within front setback including turf and hedging, pedestrian ramp and platform lift to main entrance, glazed lobby fronting Innesdale Road, communal laundry and garbage rooms, dual lift core, hedge planting, vehicular access and fire booster enclosure along western side boundary.

Nine (9) car parking spaces, incorporating 2 ground level accessible spaces and 1 managers space located upon grass cell paving. Six car spaces are provided in the form of three dual level stackers.

Three banksias are proposed to be planted along the rear boundary of the site within an area of deep soil planting. Timber 1.8m high fencing is proposed along the rear and both side boundaries.

Level 1 - 4 (per floor)

Eight boarding rooms some with balcony spaces, central circulation space, fire stairs, dual lift core and service cupboards. A managers room is provided at level 1. A 200mm thick awning, comprising a dark grey aluminium beam within the front setback of the site.

Level 5

Six boarding rooms some with associated balcony spaces, central circulation space, fire stairs, dual lift core, service cupboards and communal living room with balcony facing the rear (north).

Rooftop

Communal open space area incorporating balustrades to the periphery, planting to eastern and western sides for the extent of the communal space, accessible toilet, store room, dual lift core, lobby space, fire stairs and succulent covered flat roof beyond the extent of the communal roof terrace. Pergola structures are proposed above the communal areas, with solar panels atop.

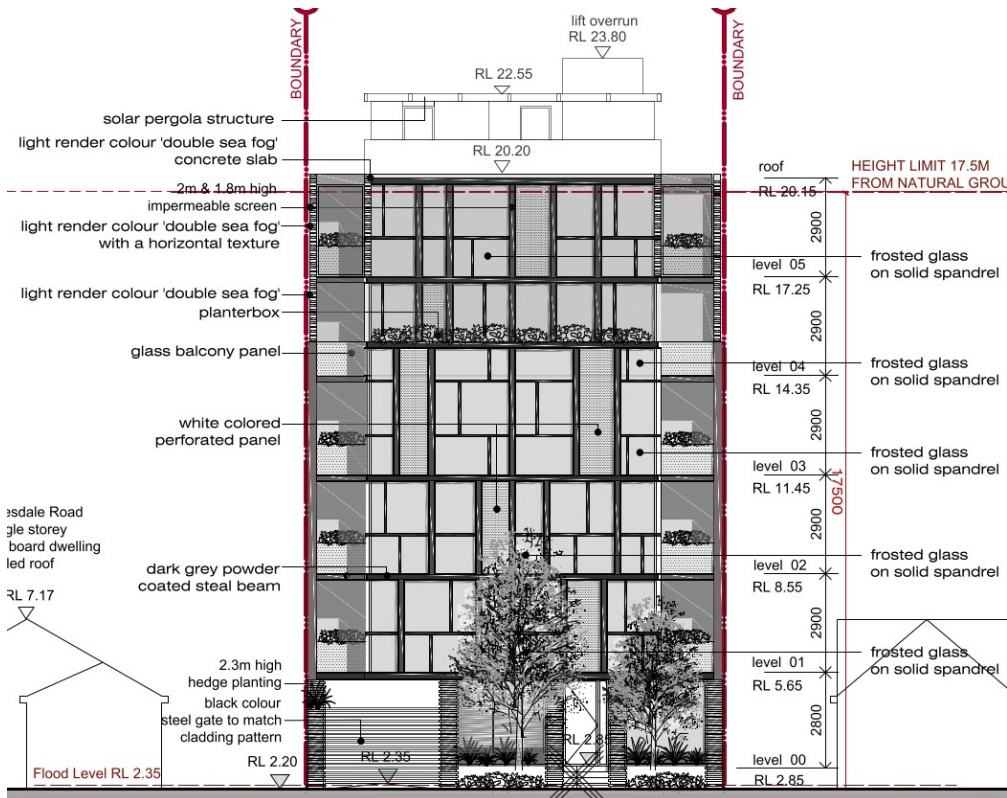


Figure 1 - Streetscape elevation of proposed development.

Site location and context

The subject site is zoned R4 high density residential and is currently occupied by a single storey detached dwelling house with associated outbuildings and vegetation. The proposal is the first DA proposed within the existing row of dwellings, being 2 – 18 Innesdale Road which are all zoned for high rise residential development. The site has a frontage of 12.19m to Innesdale Road and total site area of 519.5sq/m. The subject site slopes slightly to the rear, by 0.89m.



Figure 2 - Aerial Context

The image below details recent approvals and proposals of adjoining and nearby properties within close proximity to the subject site.

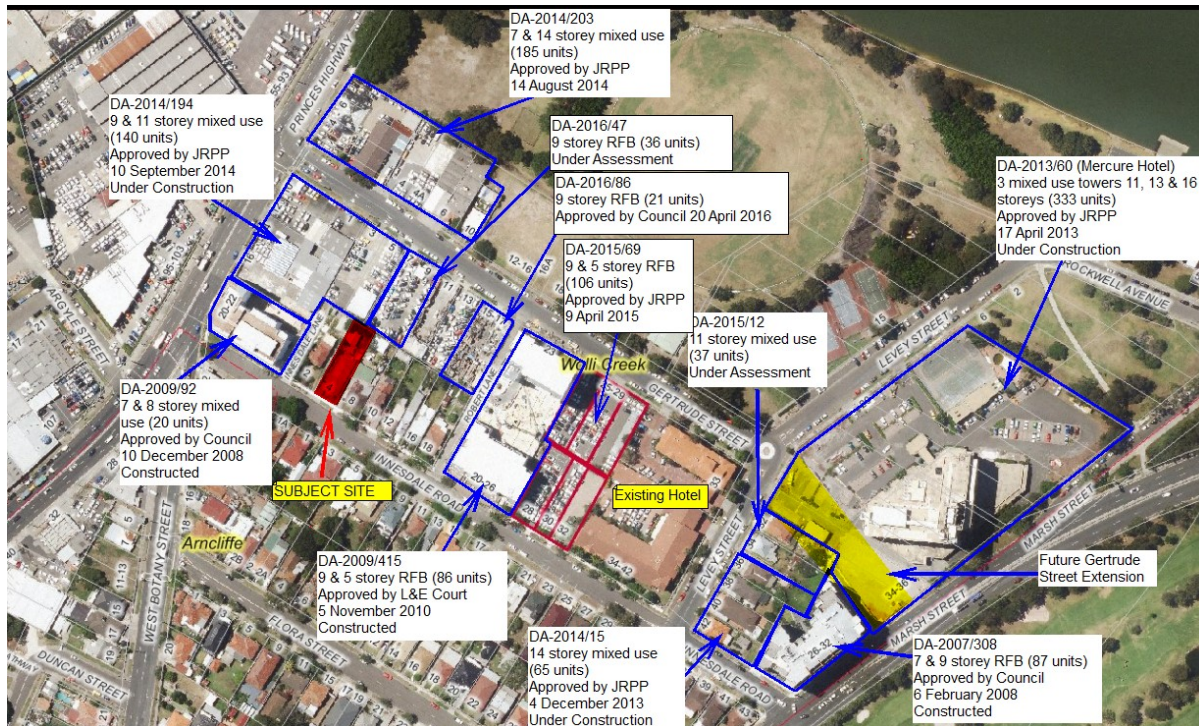


Figure 3 - Context of proposed development and approvals.

The subject site is affected by:

- Flooding
- Class 3 Acid Sulfate Soils
- Obstacle Limitation Surface & 15.24m Building Height Civil Aviation Regulations
- Open box drainage reserve to rear of site.

Statutory Considerations

Environmental Plannning 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 (Affordable Rental Housing) 2009

Part 2 – New Affordable Rental Housing

Division 3 – Boarding Houses

Clause	Requirement	Proposed	Complies
26 - Land to which this division applies	SEPP applies to R4 land	R4 zoned site	Yes
27 – Accessible Area	Site to be located within an “accessible area” i.e. 400m walking distance of bus stop with regular service	155m walking distance from 422 bus stop on west botany street 780m walking distance from Wolli Creek Railway Station	Yes
29 -Standards that cannot be used to refuse consent	FSR – 2.7:1 <i>(bonus 0.5:1 as permitted by clause 29(1)(c)(i) of SEPP)</i>	2.48:1	Yes
	Height – 17.5m maximum	18.7m roof of building (20.2RL) 19.7m top of balustrade (21.2RL) 21.05m top of lobby / solar pergola structure / store room / accessible toilet (22.55RL) 22.3m top of the lift/stair overrun (23.8RL). Proposed variation of 6.8% to 27% to a small portion of the proposed building on site.	No - Refer to height discussion in Clause 4.3 - Height of Buildings and Clause 4.6 - Exceptions to Development Standards within this report

Landscape front setback – compatible with streetscape	<p>Nil front fence proposed. Shrubs, ground covers and trees in front setback of site. Pedestrian pathway to main entry, low walls delineating front yard and incorporating letter boxes.</p> <p>Fire hydrant boosters are provided along the western side boundary, enclosed within a cupboard and screened with horizontal timber cladding. Hedging is proposed atop the fire booster enclosure.</p>	Yes
Solar Access – 3hrs midwinter to communal living room	45 minutes solar access to communal living room at level 5 in midwinter.	No – See discussion below (1)
Private Open Space – 1 x 20sq/m with min dimension 3m for lodgers	Rooftop communal open space for lodgers, incorporating two separate communal spaces (45sq/m and 35sq/m) both being greater than 3m in dimension, with access to toilet facilities and store room.	Yes
Parking – 0.2 spaces per room <i>37 rooms = 8 car spaces (2 accessible spaces required)</i> <i>1 Manager = 1 car space</i> Total required = 9 spaces	9 on site car spaces incorporating 2 accessible spaces at grade, 6 car spaces within three dual level stackers and a managers space at grade.	Yes
AccommodationSize – 12sq/m per single room excl kitchen / bathroom OR 16sq for multiple	Appropriately sized boarding rooms	Yes

	Facilities – Can be shared or independent e.g. kitchen / bathroom	Individual ensuites /servery and cupboards to boarding rooms.	Yes
30 - Development Standards	5+ rooms / min one communal living room	1 internal communal living room provided	Yes
	Boarding room max size 25sq/m	Max room size = 23sq/m	Yes
	Boarding room max 2 adult person occupancy	37 single occupancy boarding rooms (including 2 accessible boarding rooms 1.4/1.5) 1 single occupancy managers room	Yes
	Provision of kitchen / bathroom facilities for each lodger	Individual ensuites per room. Communal kitchen facilities provided within development.	Yes
	No ground level residential accommodation if zone is for commercial purposes.	R4 zone permits ground level residential uses. <i>Proposal provides a residential lobby at ground level to complement the future desired high density residential character of the area and provide an appropriate interface with low density residential dwelling houses on the southern side of Innesdale Road.</i>	Yes
	Boarding House Manager required on site if boarding house has capacity to accommodate 20 or more lodgers. Boarding room or dwelling to be provided for manager.	Boarding room provided for on site manager	Yes

	8 bicycle & 8 motorcycle spaces required	Combined bicycle and motorbike area indicated adjoining driveway.	No - Size of designated motorbike / bicycle area is unable to accommodate required number of spaces. Notwithstanding, sufficient area exists at ground level to accommodate the required spaces. The proposal has been conditioned to ensure compliance.
30A - Character of local area	Development to be compatible with local area	Refer to Part 4.2 - Streetscape and site context of this report.	Yes
52 - Subdivision	No subdivision of boarding houses	No subdivision proposed	Yes

Non Compliance

1. Solar Access to Internal Communal Living Room

The internal communal living room within the development is located at level 5 to the rear of the development and oriented to the north. Shadow diagrams submitted with the application indicate that this internal communal room is likely to obtain a maximum of 45 minutes of solar access between the 1.15pm - 2pm in midwinter. This is a direct consequence of the overshadowing generated by approved 11 and 14 storey developments further to the north and northwest of the site at 1-5 Gertrude Street (which is nearing completion) and 4-6 Princes Highway, of which construction has commenced. As the subject site is positioned to the south and south east of the aforementioned developments, solar access to the proposed internal communal room will be limited.

Given the above, the proposal has been designed to incorporate a rooftop communal open space area which will receive direct solar access in midwinter from 12pm - 2pm. This space is greater in overall size than that required by the provisions of the SEPP and is provided in addition to the internal communal living room.

Given the site and contextual circumstances noted above, a variation to the solar access provisions in this instance are not entirely unreasonable and are supported on the basis that the proposal has been designed to achieve satisfactory solar access to its communal open space at rooftop level in midwinter.

State Environmental Planning Policy (Major Development) 2005

As per the requirements of Schedule 4A, sub-clause 6, of the Environmental Planning and Assessment Act 1979 (as amended), development for the purposes of 'Private Infrastructure and Community Facilities' i.e. affordable housing, which has a capital investment value of greater than \$5 million dollars, is to be determined by the Joint Regional Planning Panel.

Accordingly the proposal is presented to the JRPP for determination and complies with the aforementioned provisions of the Act.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	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
5.9AA Trees or vegetation not prescribed by development control plan	Yes	Yes
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 R4 High Density Residential

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

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

The proposed development is consistent with the objectives of the zone in that it seeks to provide for the housing needs of the local community within a high density residential environment. The proposal provides for affordable housing within an accessible location within the local government area.

2.7 Demolition requires consent

As previously discussed within this report, it is reiterated that demolition of existing structures on site was approved by Council as part of a separate application on 24 June 2016.

4.3 Height of buildings

A maximum 17.5m height standard applies to the subject site. The proposal comprises an overall height as follows:

- 18.7m parapet of building (20.2RL)
- 19.7m top of balustrade at rooftop level (21.2RL)
- 21.05m top of lobby / solar pergola structure / store room / accessible toilet (22.55RL)
- 22.3m top of the lift/stair overrun (23.8RL)

This is a proposed variation of 6.8% to 27% to a small portion of the proposed building on site.

The applicant has requested that a variation to the maximum building height requirement. This has been discussed within clause 4.6- Exception to Development Standards, within this report. The proposal is considered to be satisfactory with regards to the objectives of this clause for the reasons outlined within Clause 4.6 of this report.

4.6 Exceptions to development standards

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

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

(3)(b) that there are sufficient environmental planning grounds to justify the variation.

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

(i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

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

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

The applicants proposed variation to height has been assessed below.

It is noted that the proposal has further been assessed against the principles established by the Land and Environment court judgement *Four2Five v Ashfield Council* [2015] NSWLEC 90. The judgement established that justification was required in order to determine whether the development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of the development standard. Consideration is to be given to the particular site circumstances of the site and the development.

Variation Sought - Height

As noted within Clause 4.3 - Height of Buildings, the proposal incorporates a proposed height variation of 6.8% to 27% to a small portion of the proposed building on site.

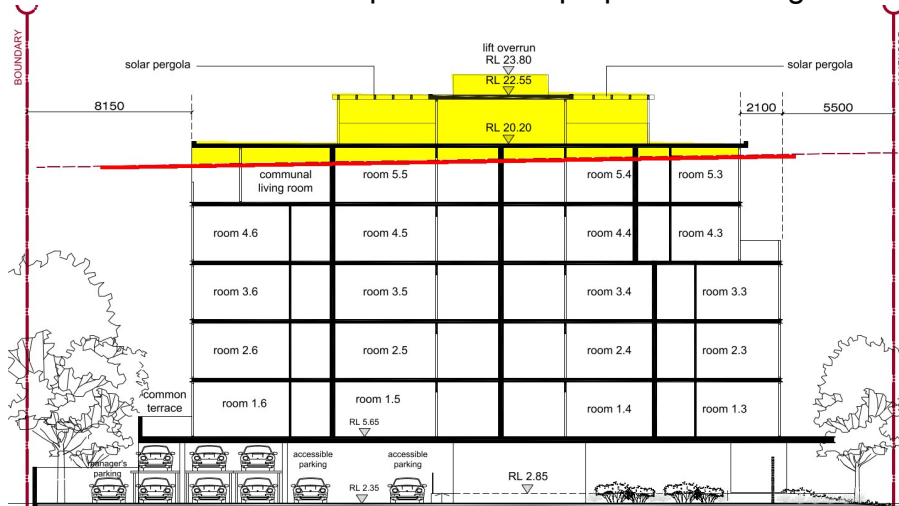


Figure 4 - Proposed height variation

Applicants Height Justification

A summary of the key arguments of the applicant's clause 4.6 justification in respect of the height development standard are summarized as follows;

- *The proposal will not result in any material environmental impact to the adjoining and adjacent properties, particularly in terms of overshadowing, aural and visual privacy, solar access, natural ventilation and views.*
- *The requirements for all habitable areas to be located above the 1 in 100 year flood level of 2.85RL is a direct consequence and adds to the buildings overall height.*
- *The height of the building is consistent with that existing and approved on adjacent properties with frontage to Innesdale Road.*
- *The height of the building is lower than numerous other buildings within the Wolli Creek redevelopment precinct.*
- *The height of the building does not preclude redevelopment of adjacent properties for a similar purpose.*
- *The proposal complies with the relevant FSR standard.*
- *The proposal exhibits design excellence and provided much needed low cost accommodation.*
- *The proposal will clearly read as a new element in the street and will not replicate or mimic the design of the adjacent buildings to the north / north west.*
- *Elements that depart from the height standard do not materially add to the buildings height, bulk and scale and account for a limited portion of the building footprint.*
- *The overall design fits comfortably within the established and likely future built form context.*
- *The proposal satisfies the objectives of the R4 zone and objectives of the height standard.*
- *The proposal complies with the FSR applicable.*
- *The non compliance relates to features of the property which will significantly improve the amenity of the occupants and is in excess of that required by the SEPP.*
- *Visual catchment contains a number of buildings that will present a similar or greater bulk and scale and which will set the character to a large degree. The non compliance is not out of scale with the existing and emerging contextual character.*

Height Discussion

The applicants written request is satisfactory in regard to addressing clause 4.6(3). Following a review of the application, it is considered that the height variation as proposed is acceptable for the following reasons:

- The subject site is constrained as a result of a flooding affectation. Accordingly the ground level of the development is required to be raised 1.35m in order to provide minimum habitable floor levels which will be above the flood level for the site. The flooding affectation is directly correlated to the additional height proposed in this instance. It is noted that in the event that the site was not subject to a flooding constraint the proposed development to the roof level would comply with the height limit for the site.
- The proposed rooftop structures are directly correlated to the design, function and intended use of the rooftop communal open space area which forms an integral part of the proposed development. The structures service the rooftop communal open space area which has been

provided to benefit the future occupants of the site. In general a 3m high structure is required for a lift cart with approximately 0.6m-1m additional height to permit the installation of the lift overrun which consists of cables / bolts and beams to pull the lift up and down the rails on the back wall. This is an essential piece of infrastructure to enable access to the communal rooftop terrace.

- Proposed balustrades at rooftop level are recessed into the design of the development, minimizing their visual bulk and prominence. The balustrades will not be clearly visible from the public domain at pedestrian level, will not affect the visual perception of the overall built form of the proposed building, nor the land use intensity at the site. It is further noted that balustrades are required to be provided within the rooftop communal open space area to ensure the safety of users and satisfy the requirements of the Building Code of Australia.
- The proposed area of height non compliance is not considered to result in a size or scale of development that is incompatible with the desired future character of the locality. The proposal is of a height which is commensurate with approved and emerging residential building heights within the context of the subject site.
- The height of proposed structures is not inconsistent with the aims of the Building Height provision within the Apartment Design Guide.
- The proposal is consistent with the objectives of Clause 4.3 – Height of Buildings of Rockdale LEP 2011 as it maintains satisfactory sky exposure to nearby buildings and the public domain and does not contribute to adverse overshadowing or overlooking of the habitable and or private open space areas of neighbouring properties.
- The rooftop communal terrace is recessed into the site with planting proposed forward of the southern extent, comprising shrubs and groundcovers with a mature height of 1.5m. The proposed landscaping will assist in softening the appearance and extent of rooftop structures which exceed the height limit.
- The redevelopment of the site will facilitate a use which is consistent with the objectives of the zone and the lift overrun and rooftop structures as proposed do not generate adverse impacts upon adjoining or nearby properties in terms of privacy and overshadowing.
- The proposal is consistent with the objectives of clause 4.6, the following provisions and is considered to therefore be in the public interest.
 - a. Objectives of SEPP 65,
 - b. Aims of Part 2C - Building Height of the Apartment Design Guide.
 - c. Objectives of the R4 – High Density Residential zone.

Given the site and development circumstances as discussed above, the proposed additional height sought by the applicant in this instance is not considered to be unreasonable. Given the above, the proposal provides for a development that facilitates the orderly economic development of the site in an appropriate manner. The particular circumstances of the site are considered to outweigh strict adherence to the numeric standards presented by the Height standard within RLEP 2011. It is considered that in this instance, there are sufficient environmental planning grounds and site circumstances in which to justify the contravention of the height standard for the site.

5.9 Preservation of trees or vegetation

The proposal seeks to remove five (5) trees on site (Cook Pine / African Olive / Kentia Palm/ Large Leaf Umbrella / Weeping Fig) in order to accommodate the proposed development. An Arboricultural Impact Assessment report prepared by Red Gum Horticultural dated 14 September 2015 was submitted with the application. This report notes that replacement planting is to be provided on site in accordance with the landscape plan accompanying the application.

Council's Tree Preservation Officer reviewed the submitted documentation and noted that existing site

trees either have poor form or are located within the footprint of the proposed building. Accordingly, appropriate conditions of consent have been imposed in the draft Notice of Determination, regarding 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 satisfies the requirements and meets the objectives of this Clause.

6.1 Acid Sulfate Soil - Class 3

Acid Sulfate Soils (ASS) – Class 3 affects the property. Development Consent is not required as the proposed works do not include excavation greater than 1m in depth on the subject site and are not likely to lower the water table.

Notwithstanding, the proposal has been conditioned to ensure that in the unforeseen event that excavation greater than 1m in depth is required on site, an Acid Sulfate Soils Management Plan (ASSMP) is to be prepared and implemented prior to any excavation occurring. A copy of the ASSMP is to be submitted to Council prior to the issue of the Construction Certificate.

6.2 Earthworks

Earthworks including excavation are required on site in order to enable the construction of footings and provide landscaped areas on site. 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 minimized.

6.4 Airspace operations

The proposed development is affected by the 51AHD Obstacle Limitation Surface. The building comprises a maximum 23.8RL to the top of the lift overrun on site and in this regard, it is considered that the proposed building will have minimal adverse impact on the OLS. It is further noted that the proposal was reviewed by Sydney Airport Corporation Limited, who noted that development on the subject site could be up to 30AHD. The proposal is satisfactory in this regard and complies with the provisions of this clause.

6.6 Flood Planning Land

The site is affected by flooding and the proposal has thus been designed to ensure that habitable floor levels and other relevant components of the development are in accordance with the requirements contained in Council's Flood Advice Letter. A minimum habitable floor level of 2.85RL has been provided.

Submitted plans have been assessed by Council's Development Engineer, and appropriate conditions of consent have been incorporated in the draft Notice of Determination, including compliance with the submitted Flood Management Plan. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

6.7 Stormwater

The proposal provides for adequate drainage design in order to appropriately manage stormwater for the proposed development. The proposed stormwater 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.

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
4.1.3 Water Management	Yes	Yes
4.1.3 Flood Risk Management	Yes	Yes
4.1.3 Groundwater Protection	Yes	Yes
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot size and Site Consolidation - isolated sites	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - General Controls	Yes	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes - see discussion
4.4.4 Glazing - General Controls	Yes	Yes
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	No - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes - see discussion
4.6 Driveway Widths	Yes	No - see discussion
4.6 Design of Loading Facilities	Yes	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes	No - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Servicing - Wolli Creek and bonar Street	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	No - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
7.1.2 Wolli Creek Vision	Yes	Yes
7.1.3 Wolli Creek Structure Plan	Yes	Yes
7.1.4 Wolli Creek Land Use Strategy	Yes	Yes
7.1.5 Wolli Creek Road Network and Vehicular Access	Yes	Yes
7.1.6 Wolli Creek Open Space and Movement	Yes	Yes
7.1.8 - Wolli Creek Residential Street Frontage	Yes	No - see discussion

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 - isolated sites

The proposal is not considered to result in the isolation of the adjoining western property at 2 Innesdale Road Wolli Creek, as this property benefits from an alternative secondary frontage and is of appropriate width and area to enable it to be redeveloped in its own right.

Further, the applicant submitted plans depicting the potential for this adjoining property to be redeveloped for the purposes of a residential flat building. These plans were reviewed and it was concurred by Council and the Design Review Panel that this adjoining property could be redeveloped as a single allotment.

The proposed development does not result in the isolation of adjoining properties and thus satisfies the requirements and objectives of this clause.

4.2 Streetscape and Site Context - General

The streetscape appearance of the development at ground level incorporates landscaping within the front setback of the site, including a range of shrubs ground covers and two frangipani trees with a mature height of 5m -10m. A single entry / exit driveway is proposed along the western side boundary with a horizontal steel vehicular entry gate provided. A pedestrian pathway links the main entrance of the development to the public domain. This main entrance adjoins a glazed communal lobby, enabling natural passive surveillance of the street. The ground level façade of the development incorporates concrete rendered walls with horizontal timber cladding elements.

At upper levels, the façade of the development incorporates frosted glazing with solid spandrels and recessed balconies with glass balustrades. Party walls are proposed to comprise a mix of render and horizontal elements to break up the expanse of the wall on the boundary and provide visual interest until such time as the adjoining properties are redeveloped to their full potential. The development incorporates a horizontal and vertical grid expression to its Innesdale Road elevation, with the aforementioned elements incorporated to provide a residential appearance to the development.

The proposal has been designed to present as a 4 storey building to Innesdale Road, with levels 5 / 6 and the rooftop communal open space area recessed further into the site from lower levels. Recessing the upper levels of the development minimises the bulk, height and scale of the development when viewed from Innesdale Road and allows the proposal to provide a sympathetic built form response to the low density residential nature of dwellings on the southern side of Gertrude Street.

Planting is proposed forward of the southern extent of the recessed rooftop communal open space area on site, comprising shrubs and groundcovers with a mature height of 1.5m. The proposed landscaping will assist in softening the appearance and extent of the development.

The proposal is compatible with the approved and emerging character of the R4 high density zone and sympathetic to the low density area opposite the site. The proposal was supported by the Design Review Panel and provides for a satisfactory streetscape response.

4.4.1 Energy Efficiency - Residential

The proposed boarding house is classified as a Class 3 building under the requirements of the Building Code of Australia. As such the development is subject to the energy efficiency requirements of Section J of the BCA. Accordingly a Section J Report, prepared by Windtech, dated 2 June 2016 was submitted with the application. The report considered matters relating to building fabric and sealing, glazing, air conditioning and ventilation systems, artificial power, lighting, water supply and facilities for energy monitoring.

The submitted report provided recommendations to achieve compliance with the Section J of the Building Code of Australia. The proposal has been conditioned to ensure compliance with the recommendations of the Section J report. Further to the aforementioned, it is noted that two solar pergola structures are proposed at rooftop level to assist in minimizing artificial energy use within the building, with the majority of the rooftop of the development beyond the footprint of the communal rooftop open space being planted with shrubs and groundcovers.

The proposal is satisfactory with regards to the provisions of this clause.

4.4.2 Solar Access - General Controls

DCP 2011 requires that living rooms and private open spaces of adjoining properties receive a minimum of 3 hours of solar access between 9am - 3pm in midwinter. It is reiterated that the properties directly adjoining the subject site are zoned R4 and have the potential to be redeveloped for high density development. Further, consideration has been given to the shadow impacts of the proposed development upon properties on the southern side of Innesdale Road, which are zoned R2 Low Density.

Shadow diagrams indicate that the proposal will result in minor additional overshadowing to portions of the front yard, northern and eastern elevation of the properties at 1A, 1 and 3 Innesdale Road between the hours of 9am - 10am. Notwithstanding, at 11am, the shadow cast by the development does not impact upon the dwellings and is purely within the front yard of the aforementioned sites.

At 12pm this shadow recedes and the properties on the southern side of Innesdale Road benefit from complete solar access for the remainder of the day. The proposal complies with the provisions of this clause.

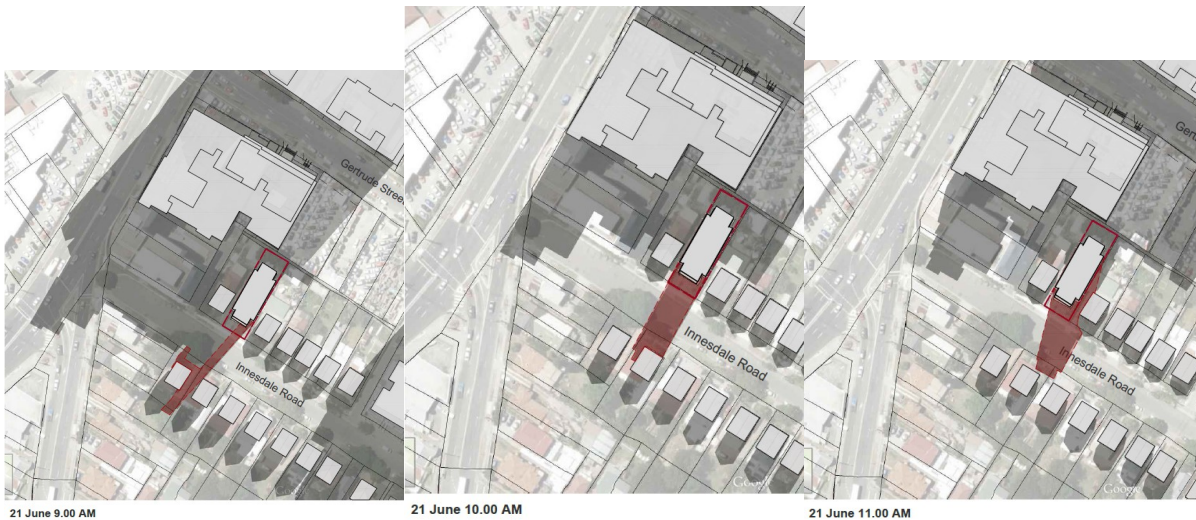


Figure 5 - Shadow Diagrams, 9am, 10am, 11am midwinter.

4.4.3 Natural Lighting and Ventilation - Residential

The proposed development is designed to achieve natural ventilation and lighting, incorporating minimum ceiling heights of 2.7m to habitable areas.

4.4.5 Visual privacy

The proposed development provides a building which is built to side boundaries. Balconies fronting Innesdale Road and the rear of the site are provided with blade walls, which ensure overlooking of directly adjoining properties does not arise.

The development incorporates a 7.5m - 8.1m building setback to the rear property boundary and as such appropriate building separation can be achieved with the future redevelopment of properties to the rear of the site and fronting Gertrude Street.

It is further noted that a rooftop communal open space is proposed as part of the development. This communal area is limited in its extent and recessed from the front and rear of the building. Concern is raised however with respect to the potential overlooking impacts to the adjoining properties at 2 and 8 Innesdale Road. As per the recommendations of the Wind Report, the eastern and western perimeter of the rooftop communal terrace is to be screened with 2.2m high glazing for wind amelioration. In order to minimise adverse privacy impacts to the aforementioned neighbours and until these neighbouring sites are redeveloped to their full potential the proposal will be conditioned to require that the wind amelioration screens at the eastern and western periphery of the rooftop communal open space area be opaque.

Given the above, the proposal is considered to be satisfactory with respect to visual privacy.

4.4.5 Acoustic privacy

The proposal was accompanied by a Plan of Management, (POM) which seeks to manage the ongoing operation of the boarding house. It is noted however that the POM did not detail or restrict the use of indoor / outdoor communal open space areas on site in order to minimize neighbor disturbances.

Accordingly the proposal has been conditioned to restrict the use of the communal open space areas on site and ensure these areas are not used between the hours of 10pm - 8am Monday to Friday and 11pm - 8am Saturdays / Sundays.

It is noted that the use of the site will remain residential and the boarding house will be restricted to

house a maximum of 38 persons at any one time. Any minor increase in noise from the use of the site as a boarding house will be residential in nature and not unlike that which could normally otherwise be expected within a high density residential zone.

Further to the above, an acoustic report prepared by Renzo Tonin & Associates Pty Ltd dated 16 September 2015 considered traffic noise along with floors and wall insulation within the development in order to ensure the acoustic amenity of future occupants within the development is maintained. The proposal has been conditioned to ensure compliance with the requirements of the Building Code of Australia.

Given the above, the proposed development is considered to be satisfactory with regards to acoustics.

4.4.7 Wind Impact

The application was accompanied by an original Wind Report and supplementary accompanying document and emails prepared by Wind Tech, dated 15 September 2015 and 3 August 2016 and 7 September 2016. The consultant stipulated that in order to ensure tolerable wind conditions are achieved for all trafficable outdoor areas within and around the site, the following treatments are to be implemented on site.

- a. Inclusion of 2-3m high densely foliating hedge planting on the south-western perimeter of the ground level driveway.*
- b. Inclusion of 2-3m high densely foliating hedge planting on the western edge of the private terrace on Level 1.*
- c. Inclusion of 2m high louvre panels or impermeable screen along the south-western edge on Level 5.*
- d. Inclusion of 1.8m high impermeable screen in the middle of the private balconies on Level 5.*
- e. Inclusion of the proposed impermeable glazing, approximately 2.2m high, along the eastern and western perimeter of the rooftop communal terrace.*

With the inclusion of the abovementioned recommendations within the final design of the development, the Wind Consultant advised that "*wind conditions for all outdoor trafficable areas within and around the development will be acceptable for their intended uses.*"

The proposal has been conditioned to ensure the above recommendations are implemented on site. The proposal complies with the requirements of this clause.

4.5.2 Social Equity - Equitable Access

As per the requirements of this clause and as stipulated within the Building Code of Australia, a minimum of two adaptable boarding rooms and two adaptable car parking spaces are required to be provided within the development, in addition to access to and within the development.

Plans indicate the provision of two adaptable boarding rooms, (1.4 and 1.5) on level 1 in addition to two adaptable car spaces provided at ground level. Further to the above, level and equitable access is provided from the footpath within Innesdale Road to the lobby via a platform lift, with access also provided to the internal communal room and rooftop communal open space areas via a dual lift core.

Given the above and subject to conditions of consent, the proposal is satisfactory with regards to access.

4.6 Car Park Location and Design

The proposal incorporates a 3m wide single access driveway in lieu of a 6m wide driveway, or passing bay on site enabling two way traffic. The aforementioned is a non compliance with respect to the requirements of this clause.

Notwithstanding the proposal has been reviewed by Councils Engineer who does not object to the proposed arrangement, subject to the installation of traffic signals being provided on site to manage vehicular movement. Traffic signals shall give priority to incoming vehicles to ensure the safe movement of vehicles and avoid queuing within Innesdale Road.

The proposed carparking area on site has been designed to provide sufficient maneuvering areas and enable vehicles to enter and exit in a forward direction.

Given the above, the proposal is considered satisfactory with regards to the objectives of this clause.

4.6 Vehicles Enter and Exit in a Forward Direction

The proposal has been designed to allow for forward entry and exit of vehicles to and from the site. The proposal complies with the objectives and requirements of this clause.

4.6 Driveway Widths

The matter of driveway width has been discussed previously within this report. The proposal is deemed satisfactory in this instance and a single driveway width is supported for the proposed development.

4.6 Design of Loading Facilities

The proposed boarding house seeks to provide fully furnished boarding rooms for future occupants within the development. In this regard, no loading / unloading facilities on site are likely to be required for future occupants. As such no loading / unloading bay is provided on site and this is not considered to be unreasonable given the above. The proposal is satisfactory with regards to this clause.

4.7 Air Conditioning and Communication Structures

Plans do not depict the location of proposed air conditioning units on site. Notwithstanding the proposal has been conditioned to ensure that should air conditioning units be placed upon balconies that they not be visible or detract from the public domain.

4.7 Waste Storage and Recycling Facilities

The proposed development is required to accommodate 10 x 240L garbage and 10 x 240L recycling bins. Plans indicate the provision of a large waste storage room at ground level, which accommodates 17 x 240 litre bins. It is noted however that sufficient area is provided within this garbage room to enable an additional 3 bins to be provided.

Notwithstanding the above, it is preferable that 3 x 1100 litre rubbish bins and 10 x 240 litre recycling bins be provided on site in order to minimise the number of bins on street for collection. As such the proposal will be conditioned to require the development to incorporate 3 x 1100 litre rubbish bins and 10 x 240 litre recycling bins on site for future occupants.

The proposal is satisfactory with regards to the objectives of this clause.

4.7 Servicing - Wolli Creek and Bonar Street

The proposal has been conditioned to require that the developer underground electricity cables along the frontage of the site at their own expense. The proposal is satisfactory with regards to the provisions of this clause.

4.7 Laundry Facilities and Drying Areas

Plans indicate the provision of a communal laundry at ground level within the development for the use of future occupants. The proposal satisfies the requirements of this clause.

4.7 Letterboxes

Letterboxes are illustrated on plans within the front setback of the site to Innesdale Road. The proposal complies with the requirements of this clause.

4.7 Hot Water Systems

Submitted plans do not depict the proposed location of hot water systems on site. The proposal will be conditioned to ensure any hot water systems/units upon balconies be enclosed with the lid/cover designed to blend in with the development. All associated pipe work is to be concealed.

7.1.8 - Wolli Creek Residential Street Frontage

The provisions of this clause require that buildings address the street with balconies, building entrances and living rooms on the ground floor. That a 1.2m high front fence is provided and that the 5th level of the development is setback an additional 3m to preserve solar access to buildings on the southern side of Innesdale Road.

With respect to the above, the proposed development incorporates a pedestrian pathway leading to a communal lobby with glazed frontage to Innesdale Road at ground level. This allows the development to provide a residential address and appearance at ground level as required by the provisions of this clause.

The proposed development does not incorporate front fencing and has been conditioned to require the provision of 1.2m high front fencing to delineate between the public and private domain.

The proposal provides a 5.5m front building setback up to level 4, with an additional 2.1m building setback provided to levels 5 and 6, thus a 7.6m front setback is provided at these upper levels. As per the provisions of this clause, a 3m setback is required to upper levels, and with the 2.1m proposed, this is a shortfall of 0.9m. Notwithstanding, as designed the proposal provides an appropriate upper level setback, with shadow impacts to the southern side of Innesdale Road minimised as previously discussed within this report.

The proposal is considered to be satisfactory with regards to the objectives of the controls.

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

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

Safety / Security / Management

The proposal has been accompanied by a Plan of Management, (POM) which seeks to manage the

ongoing operation of the boarding house. The POM states that the manager of the boarding house will be available 9am - 6pm Monday to Saturday to deal with any complaints as to the operation and / or management of the premises. The POM further states that an on site complaints register will be implemented on site.

The Plan of Management details house rules which seek to manage guest behaviour throughout the duration of their stay. Non adherence to guest rules will result in fines and termination of a boarders lease. The POM outlines the operational details of the boarding house with restrictions on the occupancy of boarding rooms.

The proposal has been conditioned to ensure external lighting on site is installed on site in accordance with the relevant Australian Standards, signage is provided internally with details of the managing agent and emergency services, a landline be installed within the internal communal room, the boarding house be a secure development with appropriate locking mechanisms to communal doors and private boarding rooms, the use of the communal areas be restricted and that the name and direct telephone number of the owner and/or building manager be located and publicly visible within the ground floor lobby.

The proposal has further been conditioned to require that the boarding house operates in accordance with the submitted Plan of Management to ensure the orderly operation of the development and to ensure minimal neighbour disturbances are minimised.

Social Impact

Boarding houses serve an important role in providing low cost accommodation for people who value affordability and location over space, and who prefer simple and flexible tenure arrangements. For cost or other reasons, boarding houses are a preferable option for many people and provide for a positive social impact.

Health

The proposal was reviewed by Councils Health Inspector who raised no objection to the development and conditioned the proposal to ensure it is designed, constructed, maintained and operated in compliance with the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Public Health Act 2010, Public Health Regulation 2012, Boarding Houses Act 2012 and Boarding Houses Regulation 2013. In addition the proposal has been conditioned to ensure it is registered with Council and the Department of Fair Trading prior to its occupation.

Building Code of Australia

The proposal has been designed and conditioned to ensure compliance with the Building Code of Australia in regards to fire safety of the building and future occupants.

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. The subject site is located within 800m of Wolli Creek Railway Station and within close proximity to 3 bus stops of bus route 422 - Kogarah to City via Newtown. The property is also located within close proximity to retail i.e. Woolworths, Sydney international airport and public recreational areas. The subject site is considered to be ideally located

to provide for a low cost affordable housing alternative for residents within Wolli Creek.

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 proposal was publicly notified on three occasions in accordance with the provisions of RDCP 2011. A total of 8 submissions opposing the proposed development were received. This included one (1) petition with 46 signatures, 4 submissions from one household and 3 individual letters.

The issues raised in the submission are discussed below:

A. Proposal exceeds maximum 5 storey height limit established by the Land and Environment Court on the corner of Innesdale Road, Robert Lane and Gertrude Street

Comment: The height limit for the subject site is set by the Rockdale Local Environmental Plan 2011. The matter referred to by the objector was in relation to a previous court appeal and subsequent approval for the redevelopment of the property at 23 Gertrude Street and 24 Innesdale Road in November 2010. Proceedings in relation to that property have no correlation to the subject application.

B. Proposal exceeds the FSR / Overdevelopment of the site

Comment: The Affordable Rental Housing SEPP permits a bonus 0.5:1 FSR for the subject site, given the proposal to redevelop the property for the purposes of a boarding house. The proposal therefore is subject to a maximum 2.7:1 FSR. The proposal as previously discussed within this report is compliant with the FSR applicable to the subject site.

C. Loss of Privacy

Comment: The matter of visual privacy has been addressed previously within this report.

D. Acoustic impacts

Comment: The matter of acoustic impacts has been previously discussed within this report.

E. Insufficient building setbacks to adjoining properties

Comment: The proposal to build to side boundaries is not inappropriate in the context of high density residential developments and is consistent with approved and emerging developments within the subject street block and locality.

F. Residents do not want any more boarding houses / Proposal is units disguised as a boarding house and is really a residential flat building and should be assessed as such / Development driven by profit / Development will be a future slum

Comment: The proposal is not a residential flat building, rather is a new generation boarding house. Proposed boarding rooms do not comprise individual kitchen facilities, nor do all boarding rooms benefit from private open space areas and as such boarding rooms cannot be quantified as

'dwellings'. Boarding houses are permissible within the R4 high density residential zone. Accordingly the proposal has been assessed against the requirements of SEPP - Affordable Rental Housing.

In order to ensure the proposal was designed appropriately with internal amenity maximised, the principles applicable to flat buildings were applied and the proposal was peer reviewed by the Design Review Panel whom supported the application.

Further to the above, a search of Councils records identified nil approved and / or registered boarding houses within close proximity of the subject site. Council records from 2008 and 2010 indicate 4 complaints made in regards to alleged unauthorised boarding houses operating within Innesdale Road. The aforementioned is beyond the scope of this application and investigations are ongoing by Councils Compliance Team.

G. Proposal does not enhance the streetscape and is an eyesore

Comment: The matter of streetscape has been previously addressed within this report.

H. Overcrowding of the local area

Comment: It is reiterated that the proposed development is permissible within the R4 High Density Residential Zone. The development has been designed to accommodate a maximum of 38 individuals and has been conditioned as such. The subject site is located within close proximity to retail, public transport, Sydney international airport and public recreational areas. The property is capable of being appropriately serviced with water, electricity, gas and other required connections. The proposal is not considered to result in adverse overcrowding given the zoning, nature and location of the site which encourages the provision of higher density living.

I. Dumping of Rubbish / Waste Management

Comment: Appropriate waste storage facilities have been provided for the development on site. The matter of waste storage and recycling has been previously addressed within this report. It cannot be assumed that future occupants of the proposed development will 'dump rubbish' in the local area.

J. Concern regarding the type of people residing within the boarding house / Safety and Security concerns / Social Impact Study not undertaken / Transients and dislocated residents will cause stress and scare elderly neighbours and families

Comment: The matter of safety and security has been addressed previously within this report. The development is a secure building. Opposition to boarding houses, in some cases reflects a lack of awareness of the people who are likely to occupy boarding houses. There is a social stigma attached to the boarding house industry, with many perceiving the traditional boarding house as primarily accommodating undesirable people. Many of the new generation boarding houses are more akin to a block of studio apartments with communal facilities i.e. kitchen, living and communal open space areas.

New generation boarding houses offer an investment opportunity to develop housing stock for a wide clientele including students, single women, young working singles and couples. These are ordinary citizens and it cannot be assumed that they will generate different and / or negative social impacts because they are living in a particular type of building. In addition, many of the occupants of boarding houses have jobs, often key workers who are looking for accommodation close to the place where they

work.

K. Traffic / Car Parking Impacts / Insufficient on site car parking

Comment: A key measure of the Affordable Rental Housing SEPP is the reduced level of car parking that boarding houses are required to provide. The intention behind this car parking requirement is to ensure affordability for future occupants, by reducing development costs and limiting the facilities provided to boarders. The SEPP recognizes that boarding house developments are ideally located close to centres providing good access to transport and services, thus restricting parking on these sites enables boarding houses to provide accommodation in highly accessible areas that might otherwise be unaffordable for lodgers without cars and encourages the use of public transportation services. The proposed development complies with the car parking requirements of SEPP - Affordable Rental Housing.

The application was reviewed by Councils Engineer, who confirmed that the proposal is unlikely to result in adverse traffic and car parking impacts & that the surrounding road network is capable of accommodating the minor additional traffic likely to be generated by the proposal. It was further noted that the proposed car parking area on site enables vehicles to enter and exit in a forward direction, maximizing vehicular and pedestrian safety.

L. Proposal was not notified to residents appropriately

Comment: The proposal was publicly notified on three occasions and in accordance with the requirements of Rockdale DCP 2011.

M. Cost of development is \$6.5 million and not over \$20 million as noted in Notification letter so why is the JRPP required

Comment: It is noted that the notification letter erroneously referred to the proposal having a cost of works in excess of \$20 million. The proposal comprises a cost of works of \$6.5 million. As per Schedule 4A of the Environmental Planning and Assessment Act (as amended) 'affordable housing', of which includes 'boarding houses', with a capital investment value of greater than \$5 million is to be determined by the Joint Regional Planning Panel.

N. Devaluation of neighbouring properties

Comment: This claim has not been substantiated. Nevertheless, the matter of devaluation is not a consideration for Council in the assessment of a development application against the provisions of S79C of the Environmental Planning & Assessment Act, 1979.

O. Site is not suitably located for the proposed development

Comment: The suitability of the site has been discussed previously within this report. It is reiterated that the site is suitable for the proposal.

P. Fire Safety Concerns for future occupants given a single entry / exit to the site

Comment: The proposal has been conditioned to ensure compliance with fire safety requirements of the Building Code of Australia.

Q. Inappropriate site management with duty manager to only work during office hours / How will management monitor and discipline house rules

Comment: A Plan of Management accompanied the application. The POM details that the boarding house manager is to be available 9am - 6pm Monday to Saturday to deal with any complaints as to the operation and management of the premises. The POM confirms that all complaints are to be dealt with by management within 24 hours of notification and the complaints register is to be made available to Police and Council upon request. The hours of employment stipulated by the POM for the boarding house manager are not considered to be unreasonable.

The POM details 'House Rules' and notes that boarders will be fined or have their lease terminated in the event that house rules are not adhered to. The proposal has been conditioned to require the POM to be adhered to.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties and was supported in principle by the Design Review Panel. As such it is considered that the development application is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

The proposal has been conditioned to require the payment of S94 Contributions, given the increased residential density on site.

Schedule 1 - Draft Conditions of consent

General Conditions

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

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

Plan/Dwg No.	Drawn by	Dated	Received by Council
Ground Floor DA2.01 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Level 1 DA2.02 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016

Level 2 DA2.03 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Level 3 DA2.04 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Level 4 DA2.05 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Level 5 DA2.06 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Terrace Level DA2.07 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Rooftop DA2.08 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
North Elevation DA3.01 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
South Elevation DA3.02 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
East Elevation DA3.03 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
West Elevation DA3.04 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Section AA DA4.01 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016
Section BB DA4.02 Issue E	Marchese Partners Pty Ltd	28/07/2016	28/07/2016

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. Balconies shall not be enclosed at any future time without prior development consent.
6. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
7. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

Development specific conditions

The following conditions are specific to the Development Application proposal.

8. To avoid clutter and enhance the visual quality of the development, the following shall be implemented on site.
 - A. All hot water systems/units must be enclosed with the lid/cover designed to blend in with the development. All associated pipe work is to be concealed.
 - B. Balconies and windows are not to be used as clothes drying areas or for the storage of household goods and air-conditioning units that would be visible & detract from the public domain.
 - C. Air conditioning units shall be concealed and not visible from the public domain.
9. The operation of all air conditioning units singly and /or collectively must not emit:

- i) a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary (during peak time), and
- ii) a noise level that is audible in habitable rooms of adjoining residences (during off peak time).

peak time means:

- (a) the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or*
- (b) the time between 7:00 am and 10:00 pm on any other day.*

off peak time means any time other than peak time.

habitable room has the same meaning as in the Building Code of Australia.

Each individual air conditioning unit installed on the premises shall have a maximum sound power level of Lw 66 dB(A).

10. The boarding house on site shall be at all times operated in accordance with the Plan of Management which forms part of this consent.

One (1) Boarding House Manager shall permanently reside on site at all times, whilst the boarding house is in operation. One (1) car parking space on site is to be permanently allocated to the boarding house manager and signposted as such.

Prior to the commencement of the use, a publicly visible sign is to be installed and displayed in a prominent position within the ground floor lobby and shall specify the following:

- (a) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building,
- (b) the name, address and telephone number of the council of the area in which the building is located,
- (c) the name and direct mobile telephone number of the owner and/or manager of the building.

At no time are the boarding rooms to be advertised or made available for short term (less than 3 consecutive months) accommodation.

Communal open space areas both indoor and outdoor are not permitted to be used at any time between;

- a) 10pm — 8am Monday — Friday, and
- b) 11pm — 8am Saturday — Sunday.

11. A minimum of 3 x 1100 litre rubbish bins and 10 x 240 litre recycling bins are to be provided on site within the garbage room at ground level for use by future occupants of the development.
12. No substation has been approved on the subject site. Should a substation be required, a S96 is required to be submitted to and approved by Council, showing the location and integration of the substation into the façade of the building.
13. The 'go get' car parking space shown on plans within Innesdale Road does not form part of this consent.
14. Glass balustrades on site are to comprise frosted or opaque glazing only. Details are to be provided within Construction Certificate documentation.
15. Cooking facilities including hotplates, ovens and the like are not permitted within

boarding rooms.

16. The glazed windows to the ground level lobby fronting Innesdale Road shall not be obscured or frosted and shall remain as clear glazing at all times to enable passive surveillance of the street.
17. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
18. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the Rain Tank system. The registered proprietor will:
 - (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
19. The 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.
20. 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.

The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.

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.

21. 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.
22. All proposed lights shall comply with the Australian Standard AS4282 - 1997

"Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

23. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
24. a) In order to ensure the design quality excellence of the development is retained:
 - i. Marchese Partners is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.
25. Receptacles are to be provided within the boarding house for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional. Maintenance of the receptacles is the responsibility of the building owner/manager.
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. The building shall be designed, constructed and maintained to comply with the requirements of the Local Government Act 1993 and Local Government (General) Regulations 2005 and Public Health Act 2010 and Public Health Regulation 2012 with regards to Places of Shared Accommodation / Boarding Houses.
29. Trading shall not commence until a final inspection has been carried out by Councils Environmental Health Officer and all health related requirements have been complied with regards to Places of Shared Accommodation / Boarding Houses.
30. The proprietor of the premises - places of shared accommodation / boarding houses shall provide Council with details for Council's Environmental Health Unit register by completing the Registration form available on request from the customer service centre.
31. Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW Environment Protection Authority's Environmental Guidelines: Waste Classification Guidelines (2009).
32. The design and construction of the off-street parking facilities shall:

(i) Comply with Australian Standards AS/NZS 2890.1:2004, AS2890.3:1993 and AS/NZS2890.6:2009.

Two on site residential car spaces shall be provided as accessible spaces.

(ii) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter.

(iii) Provide Semi-automatic car stacker that enables parking of both cars independently, without pit. The minimum vehicle height on the upper level to be 1.5m with a ground to ceiling clearance of 3.4m.

33. All recommendations contained in the Preliminary Site Investigation report by Environmental Investigations Australia, dated 22 September 2015, Ref: E22693 AA_Rev0 shall be implemented.

34. Safety and Security

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

35. The boarding house shall comprise a maximum of 38 individual boarding rooms, including 1 managers room and 2 accessible rooms. Each room shall be single occupancy only, with a maximum of 38 individual persons permitted to reside within the boarding house on site.

36. No strata/community title or other subdivision of the boarding house is permitted.

Prior to issue of the construction certificate

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

37. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

- i. A Footpath Reserve Restoration Deposit of \$4936.95. This is to cover repair of any damages, or other works to be done by Council. This includes

construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

ii. An environmental enforcement fee of 0.25% of the cost of the works.

iii. A Soil and Water Management Sign of \$17.50.

38. A minimum of eight (8) bicycle and eight (8) motorbike spaces shall be provided on site in accordance with relevant Australian Standards. These spaces are to be shown on Construction Certificate drawings and approved by Principal Certifying Authority (PCA) prior to the release of the Construction Certificate.

39. 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.

40. 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.

41. A front fence is to be provided along the Innesdale Road front boundary of the subject site. The colours and materials of the front fence are to complement the approved development and fencing is to be a maximum height of 1.2m above natural ground level. Details are to be submitted to the PCA prior to the issue of the Construction Certificate.

42. A schedule of colours, finishes and materials is to be submitted to the PCA prior to the issue of the Construction Certificate.

43. A Section 94 contribution of \$451,240.37 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 \$251,830.01

Town Centre / Streetscape \$26,985.88

Roads, Traffic Management, Public Parking \$97,285.91

Flood Mitigation / Stormwater \$41,603.51

Pedestrian / Cyclist \$13,934.50

Administration / Management \$7,426.69

Community Facilities / Services \$12,173.87

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

44. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 0.5% 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 0.5% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
45. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event.
46. The Council owned open channel will be required to continue to operate and convey stormwater flows from Innesdale Lane to Robert Lane. The development shall be designed and constructed to provide a setback from the drainage reserve of 1.5 metres (measured from the centreline of the channel) for the purposes of an easement to drain water, to enable upgrade to the culvert width and passage of overland flow. Details shall be provided and approved prior issue of initial Construction Certificate for the development.
47. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within two boarding rooms and between these boarding rooms and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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

48. Ausgrid

The applicant shall confer with Energy Australia to determine if:

- i) satisfactory clearances to any existing overhead High Voltage mains will be affected.
- ii) an electricity distribution substation is required
- iii) installation of electricity conduits in the footway is required

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

49. 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.

50. Details shall be submitted to Council for assessment and approval pursuant to

Section 138 of the Roads Act 1993 prior to the issued of the construction certificate, in relation to the following:

- i) Construction of footpath and streetscape works.
- ii) Construction of a vehicular entrance.

51. 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.
52. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Energy Australia to determine Energy Australia requirements. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
53. Prior to the issue of the Construction Certificate a Flood Evacuation Management Plan shall be submitted to Principal Certifying Authority (PCA) for assessment and approval. The Flood Evacuation Management Plan shall demonstrate whether evacuation provisions are required, and if so how they will be managed. Alternatively, where it is recommended that occupants stay within the building, how is this to be communicated to occupants. In this situation occupants need to escape above the PMF level. The plan is also to detail how the flood awareness of owners, residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitably qualified and experienced Flood/Hydraulic Engineer.
54. The number of car parking spaces accommodated in the ground floor car park shall be restricted to 9 spaces, in which 2 spaces are to be formed as accessible spaces. Prior to the issue of the Construction Certificate amended basement car park design plans shall be submitted to, and approved by Principal Certifying Authority (PCA).
55. Where excavation greater than 1m in depth is required on site, an Acid Sulfate Soils Management Plan (ASSMP) shall be prepared and implemented prior to any excavation occurring on the subject site. A copy of the ASSMP shall be submitted to Council prior to the issue of the Construction Certificate.
56. Prior to the issue of a Construction Certificate a detailed acoustic assessment report of all mechanical plant (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners, shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). Plant and associated equipment shall comply with the NSW EPA Industrial Noise Policy and Protection Of Environment Operations Act 1997 noise emission criteria .

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

- the name and qualifications or experience of the person(s) preparing the report
- the project description, including proposed or approved hours of operation
- relevant guideline or policy that has been applied

- results of background and any other noise measurements taken from most noise affected location at the boundary line
- meteorological conditions and other relevant details at the time of the measurements
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers
- noise criteria applied to the project
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- how compliance can be determined practically

All recommendations and/or noise mitigation measures (If applicable) shall be complied with. A copy of the report shall be submitted to Council.

57. Any part of the proposed building located in the vicinity of the existing open channel shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the channel invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
58. Any part of the proposed building within 3m of the proposed rain tank shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
59. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The design shall address the following particular issues regarding Stormwater management and flood management:

- (i) The overflow from the rainwater tank must be set at or above the level of the 0.5% AEP level, as specified by Council's Flood Advice Letter.
- (ii) Integrate stormwater treatment into the landscape.
- (iii) The stormwater reuse from proposed rain tanks. The size of the rainwater storage tank should be sized such that water can be reused without supply from town water for the majority of the year. As a minimum, the storage tank should be capable of storing the first 10-20mm of runoff from the site. Rainwater should be used for landscape irrigation, car washing, and toilet flushing in apartments and general cold water supply at lower levels.
- (iv) The piped drainage within the site should be capable of conveying the 5% AEP flow; and Overland flow paths (i.e. situated internally within the building and used when the flow in the piped drainage exceeds the 5% AEP flow) should be capable of

conveying the 1% AEP flows.

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

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

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

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL

61. The development shall implement the recommendations of the Section J Report, prepared by Windtech, dated 2 June 2016 with respect to building fabric and sealing, glazing, air conditioning and ventilation systems, artificial power, lighting, water supply and facilities for energy monitoring. Details are to be illustrated on plans to be reviewed and approved by the PCA prior to the issue of the Construction Certificate.
62. Samples of the materials, colours and textures to be installed to party walls at common boundaries are to be submitted and approved by the PCA prior to the issue of the Construction Certificate.
63. The following recommendations of the Wind Report prepared by Wind Tech Pty Ltd are to be implemented on site.

- a. Inclusion of 2-3m high densely foliating hedge planting on the south-western perimeter of the ground level driveway.
- b. Inclusion of 2-3m high densely foliating hedge planting on the western edge of the private terrace on Level 1.
- c. Inclusion of 2m high louver panels or impermeable screen along the south-western edge on Level 5.
- d. Inclusion of 1.8m high impermeable screen in the middle of the private balconies on Level 5.
- e. Inclusion of the proposed impermeable glazing, approximately 2.2m high, along the eastern and western perimeter of the rooftop communal terrace.

Impermeable glazing to the eastern and western perimeter of the rooftop communal terrace shall be opaque.

The above details are to be illustrated upon Construction Certificate drawings and amended Landscape Plans. Documentation is to be approved by the PCA prior to the issue of the Construction Certificate.

Prior to commencement of works

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

64. 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.
65. 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.

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

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

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

67. 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.
68. 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.

69. 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.
70. 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.
71. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
72. 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.
73. 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.
74. 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.

75. 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.
76. 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.
77. 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.
78. 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

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.

79. 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.
80. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
81. 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.
82. 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.
83. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
84. 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.

85. 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.

86. 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.

- 87. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

Prior to issue of occupation certificate or commencement of use

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

- 88. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 89. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.

- 90. 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.
- 91. 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.

92. All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

A schedule showing the numeral designating each boarding room and the maximum number of persons permitted to be accommodated in each must be conspicuously displayed within the communal lobby at ground level within the premises.

Each boarding room must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each boarding room the maximum number of persons permitted to be accommodated within the room.

93. The approved recommendations from the Flood Management Report shall be implemented prior to the issue of the final Occupation Certificate.

94. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.

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.

95. 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.

96. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.

97. 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".

98. 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.

Note: Council's Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5 metres.

99. Suitable vehicular bollards shall be provided within shared area that adjoining the accessible parking spaces.
100. Nine (9) off-street car spaces (including 2 accessible spaces) shall be provided in accordance with the approved plans and shall be sealed and line marked to Certifying Authority's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian

Standard AS3727 – Guide to Residential Pavements.

101. 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.
102. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'Acoustic Assessment for Development Application by Renzo Tonin & Associates – Doc Reference: TH631-01F02 Acoustic Report for DA (r1).docx, '4 Innesdale Road, Wolli Creek Acoustic Assessment for Development Application' dated the 16 September 2015' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
103. 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.
104. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 0.5% 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.
105. 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 0.5% A.E.P Annual Exceedance Probably (AEP) Flood Level OR [in the case of the garage floor/parking level being below the 0.5% 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 0.5% 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.
106. 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.
107. The development shall comply with Rockdale Development Control Plan (DCP)

2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter referenced FA-2016/42, dated September 2015.

108. The Provision of a 0.875m wide drainage easement to Council along open drainage channel. The drainage easement is to be in favour of Bayside Council and covered by a Section 88E Instrument, which may only be varied or extinguished with the consent of Bayside Council. A restriction to user preventing building works within the easement is also required.

The drainage reserve of 1.5 metres (measured from the centreline of the channel) for the purposes of an easement to drain water, to enable upgrade to the culvert width and passage of overland flow.

These provisions are to be put into effect prior issue of initial Occupation Certificate.

109. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title for the maintenance of the rain tank facility.
110. 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.
111. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

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

112. 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.
113. The boarding house shall be registered with the NSW Department of Fair Trading, prior to the occupation of the premises.

The boarding house must be registered with Council prior to its Occupation. Details including name, address, contact number & email of the Building's Manager and Managing Agent are to be submitted to Council prior to the issue of the Occupation Certificate.

Should the above details change at any time, revised confirmation of the managing agents details are to be forwarded to Council within 7 days of the change in management.

Roads Act

114. 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.

115. 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.

116. 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.
117. 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.
118. 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.
119. 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.

Development consent advice

- a. A street number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- b. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- c. Where Council is not engaged as the Principal Certifying Authority 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. 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.
- 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. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- g. If the development is not subject to BASIX, a mandatory rainwater tank may be required.
- h. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- i. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

