

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYE083
DA Number	DA-2017/27
LGA	Bayside Council
Proposed Development	Integrated Development - Construction of a part three (3) and part four (4) storey residential care facility comprising 198 sole occupancy rooms including amenity, services and car parking within two (2) levels of basement, chapel, function room, roof top communal open space, vegetable garden, putting green and demolition of existing structures
Street Address	62-82 Harrow Road Bexley
Applicant/Owner	St Basils Homes
Date of DA lodgement	26 July 2016
Number of Submissions	Nine (9) submissions received following the original notification. Four (4) received following re-notification of amended plans. Total of thirteen (13) submissions.
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	CIV >\$20 million
List of all relevant s79C(1)(a) matters	S91A – EP&A Act 1979 (as amended) SEPP Infrastructure 2007 SEPP (Infrastructure) Amendment (Review) 2016 SEPP (Major Development) 2005 SEPP 55 – Remediation of Land Rockdale LEP 2011 Rockdale LEP Amendment 13 Rockdale DCP 2011 EPA Regulations 92, 98A and 98E Section 94 Development Contributions Plan 2008
List all documents submitted with this report for the Panel's consideration	Amended Architectural Plans Amended Landscape Details and Specifications Clause 4.6 – Exception to Development Standard (Clause 4.3 – Height of Buildings / Clause 4.4 – FSR)

Report prepared by	Fiona Prodromou – Senior Assessment Planner Marta Gonzalez-Valdes – Co-ordinator Major Developments Luis Melim – Manager Development Services
Report date	2 May 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/27
Date of Receipt:	26 July 2016
Property:	62 - 82 Harrow Road, BEXLEY NSW 2207 Lot 174 DP 715467
Owner:	St Basil's Home
Applicant:	St Basil's Home
Proposal:	Integrated Development - Construction of a part three (3) and part four (4) storey residential care facility comprising 198 sole occupancy rooms including amenity, services and carparking within two (2) levels of basement, chapel, function room, roof top communal open space, vegetable garden, putting green and demolition of existing structures
Recommendation:	Approved
No. of submissions:	Thirteen (13)
Author:	Fiona Prodromou
Date of Report:	2 May 2017

Key Issues

The subject site was previously zoned RE2 - Private Recreation and comprised a heritage item, being the former bowling club on site. The applicants original intention was to redevelop the site for an aged care facility via the heritage incentive provisions of RLEP 2011. Following an arson attack in 2013 the heritage item was destroyed and it was necessary to rezone the subject site in order to facilitate its redevelopment for an aged care facility. On 22 July 2016 Rockdale LEP Amendment 13 rezoned the site from RE2 Private Recreation zone to R2 Low Density Residential. A 9.5m / 14.5m height limit and 1.25:1 FSR was afforded to the site, with the heritage listing on site removed.

The development application has been submitted under the provisions of Rockdale LEP 2011 and Rockdale DCP 2011 in lieu of State Environmental Planning Policy - Housing for Seniors or Persons with a Disability 2004, given the aforementioned planning proposal which provides FSR and Height development standards greater than those specified by the SEPP for the subject site.

The proposed development constitutes Integrated Development pursuant to the provisions of S91A of the Environmental Planning & Assessment Act 1979 (as amended) as temporary groundwater extraction is required in order to construct the basement levels of the development. The proposed development was referred to the NSW Office of Water for approval. NSW Office of Water raised no objections and issued their General Terms of Approval which have been incorporated into the draft determination.

The property is identified in Council's records as being potentially contaminated. Clause 7 of State Environmental Planning Policy 55 – Remediation of Land requires the consent authority to be satisfied prior to determination that the site is or can be made suitable for the proposed development. The application was accompanied by a Detailed Environmental Site Assessment Report dated 24 November 2015 undertaken by Aargus Pty Ltd. The report Conclusion states "The site is therefore considered to be suitable for the proposed residential aged care facility with basement and open spaces." In accordance with Clause 7 (1)(b) of SEPP 55, Council is satisfied that the land is suitable for the purpose for which the development is proposed to be carried out.

Given the location of the subject site on Harrow Road, which is a classified road, various provisions of SEPP infrastructure apply to the proposed development. The proposal has been assessed against the relevant provisions of SEPP Infrastructure and the proposal is deemed to be satisfactory in this regard.

The proposal is subject to a Clause 4.6 - Exception to Development Standards in relation to Clause 4.3 - Height of Buildings and Clause 4.4 - Floor Space Ratio. The proposal seeks to vary the height limit on site to certain portions of the building by 1m - 4.42m (10.5% - 46.5%). The proposal further seeks to vary the applicable FSR standard by 566.1sq/m (5.4%) given the provision of 12.63sq/m of surplus service areas within the basement level and 41 surplus car spaces (553.5sq/m). A written request has been provided by the applicant justifying the variations. The requests have been assessed against the criteria in Clause 4.6 of RLEP 2011. Based on the justification provided by the applicant, relationship of the proposal with the immediately surrounding context and compliance with the objectives of the controls, the proposed variations are supported in this instance.

The development was notified on two occasions in accordance with the provisions of Rockdale DCP 2011. A total of nine (9) submissions were received following the initial notification, with four (4) submitted following the re-notification of amended plans. The issues raised in the submission have been considered in the assessment of the application. The details are explained in the body of this report.

The proposal was assessed by the Design Review Panel and the recommendations of the Panel have been incorporated into the amended design. The proposal is considered to provide a positive contribution to the area and is in the public interest.

The proposal has a Capital Investment Value greater than \$20 million (i.e.37 million) and as such the development application is subject to State Environmental Planning Policy (State and Regional Development) 2011. The development application is referred to the Sydney Central Planning Panel (SCPP) for determination. The recommendation is for approval.

Recommendation

1. That the Sydney Central Planning Panel support the variations to Clause 4.3 - Height of Buildings and Clause 4.4 - FSR of Rockdale LEP 2011, in accordance with the request under clause 4.6 of RLEP 2011 submitted by the applicant.
2. That development application DA-2017/27 for the construction of a part three (3) and part four (4) storey residential care facility comprising 198 sole occupancy rooms including amenity, services and car parking within two (2) levels of basement, chapel, function room, roof top communal open space,

vegetable garden, putting green and demolition of existing structures 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 Sydney Central Planning Panel decision.

Background

History

6 August 2013

Letterbox drop by applicant to approximately 500 local residents to advise of intended aged care proposal utilising the heritage provisions of RLEP 2011 given the RE2 - Private Recreation zoning.

15 August 2013

Invitation placed in local newspaper by applicant advising of on site community information session.

17 August 2013

On site community information and feedback session. (15 persons attended session including two Councillors at the time)

October 2013

Arson attack on site results in the Heritage Item (Bowling Club) being destroyed and subsequently demolished.

December 2013

As the applicant was relying on the heritage provisions applicable to the site for development, given the destruction of the heritage item, the use of the site for a 'residential care facility' was prohibited by the RE2 - Private Recreation zoning. As such a Planning Proposal was submitted by the applicant to Council to seek to rezone the site and modify height and FSR controls to facilitate the proposed development.

22 July 2016

Rockdale LEP Amendment 13 comes into effect. The amendment includes:

- (i) rezoning the entire site from RE2 Private Recreation zone to R2 Low Density Residential zone;
- (ii) applying a building height limit of 9.5m across the entire site, along with a building height incentive up to 14.5m for the area of the site within 38m of Harrow Road (the incentive applies only if the development is for Seniors Housing, otherwise a maximum 9.5m across entire site for any other permissible use);
- (iii) applying a minimum lot size of 450m² across the entire site; and
- (iv) applying an FSR of 0.6:1 across the entire site, along with an FSR incentive up to 1.25:1 (the incentive applies only if the development is for Seniors Housing, otherwise 0.6:1 across entire site for any other permissible use); and
- (v) removing the heritage listing from the site.

26 July 2016

DA-2017/27 submitted to Council.

Construction of a part three (3) and part four (4) storey residential care facility comprising 198 sole

occupancy rooms including amenity, services and carparking within two (2) levels of basement, chapel, function room, roof top communal open space, vegetable garden, putting green and demolition of existing structures

22 August - 19 September 2016

Public notification of proposal.

23 December 2016

Revised plans submitted to Council

9-24 January 2017

Public notification of amended plans

Proposal

The proposed development seeks to undertake the demolition of the existing on site bowling greens, carpark and remnants of the prior bowling club in order to construct a part 3 and 4 storey H shaped residential care facility accommodating 198 sole occupancy ensuite rooms, comprising 130 high care, 32 dementia care and 36 low care rooms for seniors. The proposed development incorporates two levels of basement car parking, with vehicular access proposed via Goyen Avenue.

The proposal specifically comprises as follows:

Basement Level 2

Independent vehicular ramp entry via Goyen Avenue, plant rooms, garbage room / holding area, maintenance store, workshop, laundry / linen room, store room, kitchen with adjoining cold and dry storage rooms. Goods lift, triple lift core, associated pedestrian and vehicular circulation, fire stairs and 58 car parking spaces (50 staff / 8 visitor) . An ambulance bay, loading and unloading zone are also provided at this level with void space above to enable higher vehicles to access basement i.e. on site waste collection.

Basement Level 1

Independent vehicular entry from Goyen Avenue via proposed ramp down to basement level 2, plant rooms, deep soil zones, diesel back up generator room, storage rooms, communications room, men's shed, goods lift, triple lift core, associated pedestrian and vehicular circulation, fire stairs and 62 visitor car parking spaces.

Ground Level

Vehicular drop off / pick up area adjoining main entrance and via a private vehicular access way adjoining Goyen Avenue. Separate vehicular entries are proposed via a single 6.1m wide ramp to both basement levels. Planter boxes adjoin the driveway on either side.

A landscaped buffer delineating the private vehicular access to the site from Goyen Avenue is proposed for a length of 36m adjoining the main entrance of the facility. This landscape buffer incorporates a range of trees including weeping figs, shrubs and ground covers with a mature height of up to 8m. A 1.1m wide pedestrian pathway is proposed along the Goyen Avenue frontage of the site.

The ground floor of the building fronting Goyen Avenue incorporates the main entrance to the facility which incorporates heritage windows salvaged from the prior heritage building on site, chapel, reception, administration offices, beauty salon, consultation rooms, staffrooms and associated lockers,

respite day care facility, toilets, theatre with adjoining servery and kitchen, triple lift core.

A central courtyard is proposed with lawn areas, pedestrian pathways, water fountain, range of landscaping incorporating trees, shrubs and ground covers i.e. Chinese Elm, Magnolia's, lime trees, seating areas, children's playground and putting green. Surrounding the periphery of the building fronting Bowlers Avenue is also a landscaped communal area intended for dementia patients. This communal area is secured by 1.8m high fencing and comprises a pedestrian strolling path, shade structures and an array of landscaping. In the easternmost corner of the site adjoining 6 Goyen Avenue is a proposed vegetable garden, secured with fencing and accessible via two on site pathways from both the central communal area and Goyen Avenue wing of the building.

A range of landscape planting is proposed along the north eastern boundary of the site with properties fronting Frederick Street. This includes Snow Pear trees and blue berry ash screen planting ranging in height up to 8m.

The ground level of the building fronting Bowlers Avenue comprises the dementia ward of the development and comprises 32 single dementia rooms with ensuite and built in robes. Sitting rooms are located at the end of each wing, with a central corridor leading to two communal dining / lounge areas with two servery's to accommodate the eastern and western wings of the building. Associated garbage, dirty utility, store rooms, bathrooms, linen cupboards and wash stations are also provided in the centre of this wing.

The front setback of the site to Harrow Road incorporates a range of landscaping, pathways, a fire hydrant booster at the junction of Harrow Road and Goyen Avenue and periphery boundary fencing, being 1.8m height vertical slat aluminium fencing above rendered masonry base with stone pillars at intervals. Fencing to Bowlers Avenue is stepped along this boundary of the site, splayed at the junction of Harrow Road and Bowlers Avenue and setback 1.1m - 7.2m from the Harrow Road boundary of the site. Forward of the fencing to Harrow Road is a landscaped area with trees, shrubs and groundcovers.

Level 1

71 aged care rooms with ensuite facilities and built in robes, some with private balconies fronting Bowlers Avenue, others with Juliet balconies. Internal sitting and activity rooms with adjoining communal balconies facing into the site. Communal balconies are also proposed fronting Harrow Road, Bowlers and Goyen Avenues.

Internal medical, garbage, storage rooms, central combined lounge, TV and dining area with access to an outdoor terrace with partial pergola structure, linen rooms, nurses stations, toilets, store rooms, serving stations, goods and passenger lift/fire stair cores and central pedestrian circulation spaces. The kitchen / carpark exhaust is positioned adjoining rooms 162/163 internally on site.

Level 2

71 aged care rooms with ensuite facilities and built in robes, some with private balconies fronting Bowlers Avenue, others with Juliet balconies. Internal sitting and activity rooms with adjoining communal balconies facing into the site. Communal balconies are also proposed fronting Harrow Road, Bowlers and Goyen Avenues.

Internal medical, garbage, storage rooms, central combined lounge, TV and dining area, linen rooms, nurses stations, toilets, store rooms, serving stations, goods and passenger lift/fire stair cores and central pedestrian circulation spaces. The kitchen / carpark exhaust is positioned adjoining rooms

262/263 internally on site.

Level 3

24 aged with ensuite facilities and built in robes, some with Juliet balconies fronting Harrow Road, Bowlers and Goyen Avenues. Internal medical, garbage, storage rooms, central combined lounge and dining area, nurses stations, toilets, store rooms, servery, goods and passenger lift/fire stair cores and central pedestrian circulation spaces.

Communal rooftop area recessed from floors below, surrounded with 1m high balustrading and planter box areas, comprising a range of landscaping. A timber pergola structure is positioned adjoining the passenger lift core above the Goyen Avenue wing of the development. Fixed and moveable seating is proposed, along with tables, umbrellas and feature pot plants.

The proposal seeks to remove trees on site and two small street trees within Bowlers Avenue. Associated on site stormwater and landscape works are proposed along with the addition of a substation in the northern most corner of the site adjoining the rear of 134 Frederick Street.

The proposed residential care facility incorporates kitchen / meal preparation facilities, on site laundering, nursing / related support services, recreation facilities and ancillary functions. The facility is proposed to operate 24 hours a day, 7 days a week, with a total of 117 staff. Three primary shifts are proposed in order to operate the facility as follows:

Morning - 7am - 3pm (approximately 60 staff)

Afternoon - 3pm - 10pm (approximately 30 staff)

Night - 10pm - 7am (approximately 10 staff)

Of the 117 total staff, 10 support services staff are proposed, i.e. hairdresser, maintenance etc. with up to 7 allied health service staff also proposed i.e. General Practitioner, Podiatrist, Physiotherapist etc. Support services for residents on site are proposed as follows:

Beauty Salon

Located at ground level a range of services, including hair care and personal grooming are proposed. The salon will operate three (3) days a week during the hours of 8.30am to 4.30pm.

Multi-purpose / Wellness Centre (Function Room)

Located at ground level and notated as 'Function Room' on architectural drawings, this room will be available 7am - 7pm for residents and their guests. The space is proposed to be used for support programs and/or social events and gatherings run by St Basils for the private use of residents. This area is not proposed to be open or used by members of the general public.

Day Care (Respite) Centre

Located at ground level, the day care area will offer respite to long term carers. The day care service is proposed to be made available to both residents and the wider community, five (5) days a week between the hours of 9.30am and 2.30pm. Two (2) dedicated staff members will run the centre and bookings will be managed by St Basils administration.

Chapel

The chapel is located at ground level adjacent to the main entrance of the facility. The chapel is intended to meet the needs of residents who are unable to commute from the facility to their usual place

of worship. The chapel will remain open throughout the day to allow residents to visit at their leisure. Services will be conducted throughout the year to mark religious events and hold memorial services, these services are for residents and their guests and not for members of the general public. Management of services, times and days will be the responsibility of St Basils administration.

Men's Shed

The men's shed is a workshop room to be located at basement level. It will be accessible to all residents for the purpose of pursuing hobbies or activities. The mens shed is for the use of residents only. The men's shed will operate five (5) days week between the hours of 9.00am and 5.00pm.



Figure 1 - Aerial view of proposed development



Figure 2 - 3D view of proposed development, corner of Harrow Road and Goyen Ave



Figure 3 - 3D view of proposed development within Bowlers Ave, looking towards Harrow Road.

Site location and context

The subject site is primarily rectangular in shape with an irregular portion in the north eastern corner. The site comprises a frontage of 70.52m to Harrow Road (State Road), 114.88m to Bowlers Avenue, 95m to Goyen Avenue and 57.58m to the rear of properties fronting Frederick Street, and a total site area of 8 307.5sq/m. The site has a crossfall of up to 2.8m from the north western side of the property adjoining Bowler Avenue to the southern property boundary adjoining Goyen Avenue. The site is zoned R2 – Low Density Residential.



Figure 4 - Aerial Context

Vehicular access to the site as existing is via Goyen Avenue. Both Bowlers Avenue and Goyen Avenue are cul-de-sacs. The subject site is currently vacant and was previously known and used as the St George Bowling Club. The site comprises the remains of the burnt out club house, bowling greens and car park on site. A range of trees are scattered across the site, primarily at the periphery of the site to Bowlers Avenue, closest to the location of the previous club house.

The context surrounding the site includes a diverse mix of low to high density residential uses. To the north west of the site on the opposite side of Bowlers Avenue and south east of the property on the opposite side of Goyen Avenue are single storey low density residential dwellings. It is noted that 6 Goyen Avenue adjoins part of the southern eastern boundary with the subject site. Further to the south east lies Watkin Street, which comprises a range of single storey detached dwelling houses with a larger 3 storey flat building development at 43 Watkin Street.



Figure 5 - Bowlers Avenue streetscape



Figure 6 - Goyen Avenue streetscape

To the north east of the site are properties fronting Frederick Street, these properties comprise 1 x 3 storey residential flat building and 1 – 2 storey dwelling houses. The Frederick Street properties adjoining the site have a fall to the rear given the natural topography of the area.



Figure 7 - Frederick Street properties adjoining the site

To the south west of the subject site on the opposite side of Harrow Road are 2-3 storey residential flat buildings.



Figure 8 - Opposite site along Harrow Road

The subject site is affected by the following:

- Potential Contamination Landfill Soils
- Class 5 - Acid Sulfate
- Flooding
- Obstacle Limitation Surface
- 25 and 30 ANEF (2033) contours

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.91A - Development that is Integrated Development

The proposed development constitutes Integrated Development pursuant to the provisions of S91A of the Environmental Planning & Assessment Act 1979 (as amended) and approval is required from the NSW Office of Water given temporary groundwater extraction is required on site in order to construct

the basement levels of the development. As specified within the submitted Geotechnical Report prepared by JK Geotechnics dated June 2013, groundwater seepage was encountered at depth of 1.8m to 6m on site. In this regard the proposed development was referred to the NSW Office of Water for approval. NSW Office of Water raised no objections and issued their General Terms of Approval which have been incorporated into the draft notice of determination.

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 (Infrastructure) 2007

Given the location of the subject site on Harrow Road, which is a classified road the following provisions of SEPP Infrastructure apply to the development.

- *Clause 101 - Development with frontage to classified road*
- *Clause 102 - Impact of road noise or vibration on non-road development*

The above requires the consent authority to require vehicular access from an alternative road other than the classified road, to ensure the ongoing efficient operation of the classified road and also to ensure the development is appropriately insulated from potential road noise and vibration.

Vehicular access to the subject site is via Goyen Avenue and as such satisfies the provisions of Clause 101. Additionally, the proposal has been accompanied by an Acoustic Report, prepared by Acoustic Logic, dated 04/12/2015 which recommends appropriate design construction measures in order to ameliorate traffic and rail noise and vibration. The proposal will be conditioned accordingly with respect to acoustics to ensure compliance with the provisions of Clause 102 of the ISEPP.

- *Clause 45 - works within the vicinity of electricity infrastructure*

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure, being power poles and lines at the Harrow Road frontage of the site. In accordance with clause 45(2) written notice was provided to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risk. Accordingly, the proposal was referred to Ausgrid, who raised no objections to the proposed development subject to the imposition of standard conditions of consent. The proposal has been conditioned accordingly.

Subject to compliance with draft conditions the application is consistent with the provisions of the SEPP and is acceptable in this regard.

State Environmental Planning Policy (Major Development) 2005

The proposed development has a capital investment value greater than \$20 million dollars. Accordingly the proposal is presented to the Sydney Central Planning Panel for determination in accordance with the provisions of the SEPP.

State Environmental Planning Policy No 55—Remediation of Land

The property is identified in Council's records as being potentially contaminated. Clause 7 of State

Environmental Planning Policy 55 – Remediation of Land requires the consent authority to be satisfied prior to determination that the site is or can be made suitable for the proposed development.

The application was accompanied by a Detailed Environmental Site Assessment Report dated 24 November 2015 undertaken by Aargus Pty Ltd. The report Conclusion states *"The site is therefore considered to be suitable for the proposed residential aged care facility with basement and open spaces."*

Councils Environmental Health Officer reviewed the submitted documentation and raised no objections subject to the imposition of appropriate conditions of consent ensuring that the recommendations of the aforementioned report are adhered to.

Therefore, in accordance with Clause 7 (1)(b) of SEPP 55, Council is satisfied that the land is suitable for the purpose for which the development is proposed to be carried out.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes
4.3 Height of buildings	Yes	No - see discussion
4.4 Floor space ratio - Residential zones	Yes	No - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
5.9AA Trees or vegetation not prescribed by development control plan	Yes	Yes
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.3 Between 25 and 30 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 - Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as 'Seniors Housing' which constitutes permissible development only with development consent. The proposal is deemed to be consistent with the objectives of the zone in that it has been designed in a manner that seeks to minimise impact on the character and amenity of the surrounding local area. The proposal is generally satisfactory in regards to the objectives and requirements of this clause.

4.3 Height of buildings

RLEP Amendment 13 was notified on 22 July 2016. The amendment permits a maximum building height of 14.5 metres for the portion of the site within 38 metres of the Harrow Road frontage, and a maximum building height of 9.5 metres for the residual area of the site beyond the 38 metre distance

from the Harrow Road frontage.

Given the topography of the site and split height limit, a detailed analysis of the proposed height has been illustrated below.

Height within 14.5m limitation

- a) Top of parapet to Bowlers Ave wing - 9.6m - 12.32m (compliant)
- b) Top of wall to central building link - 10.2m (compliant)
- c) Top of parapet to Goyen Ave wing - 9.45m - 10.19m (compliant)

Height within 9.5m limitation

- a) Top of goods lift - 12.89m (3.39m height variation)
- b) Top of passenger lift, lift lobby and adjoining toilet - 13.92m (4.42m height variation)
- c) Top of parapet to 3 storey building fronting Bowlers Ave - 8.05m - 8.45m (compliant)
- d) Top of parapet to rear of 3 storey building fronting Bowlers Ave - 9.4m - 10.43m (partially compliant and up to 0.93m variation)
- e) Top of parapet to 3 storey building fronting Goyen Ave - 10.5m (1m height variation)
- f) Top of parapet to rear of 3 storey building fronting Goyen Ave - 10.5m (1m height variation)
- g) Top of balustrade to communal rooftop terrace (Bowlers Ave wing) - 9.12m (compliant)
- h) Top of balustrade to communal rooftop terrace (Goyen Ave wing) - 10.62m (1.12m height variation)
- i) Top of balustrade to communal rooftop terrace (central building link) - 10.72m (1.22m height variation)
- j) Top of parapet above main entrance to building 11.22m (1.72m height variation)
- i) Top of pergola at communal rooftop terrace - 12.72m (3.22m height variation)

As can be seen above, the proposal partially complies with the 9.5m height limit to the parapet of the building and balustrade at rooftop level along the Bowlers Avenue wing of the development. The proposal however penetrates the 9.5m height limit in various locations on the site as detailed above and illustrated in the image below. The variation to the height limit as proposed is 1m - 4.42m which equates to 10.5% - 46.5%.

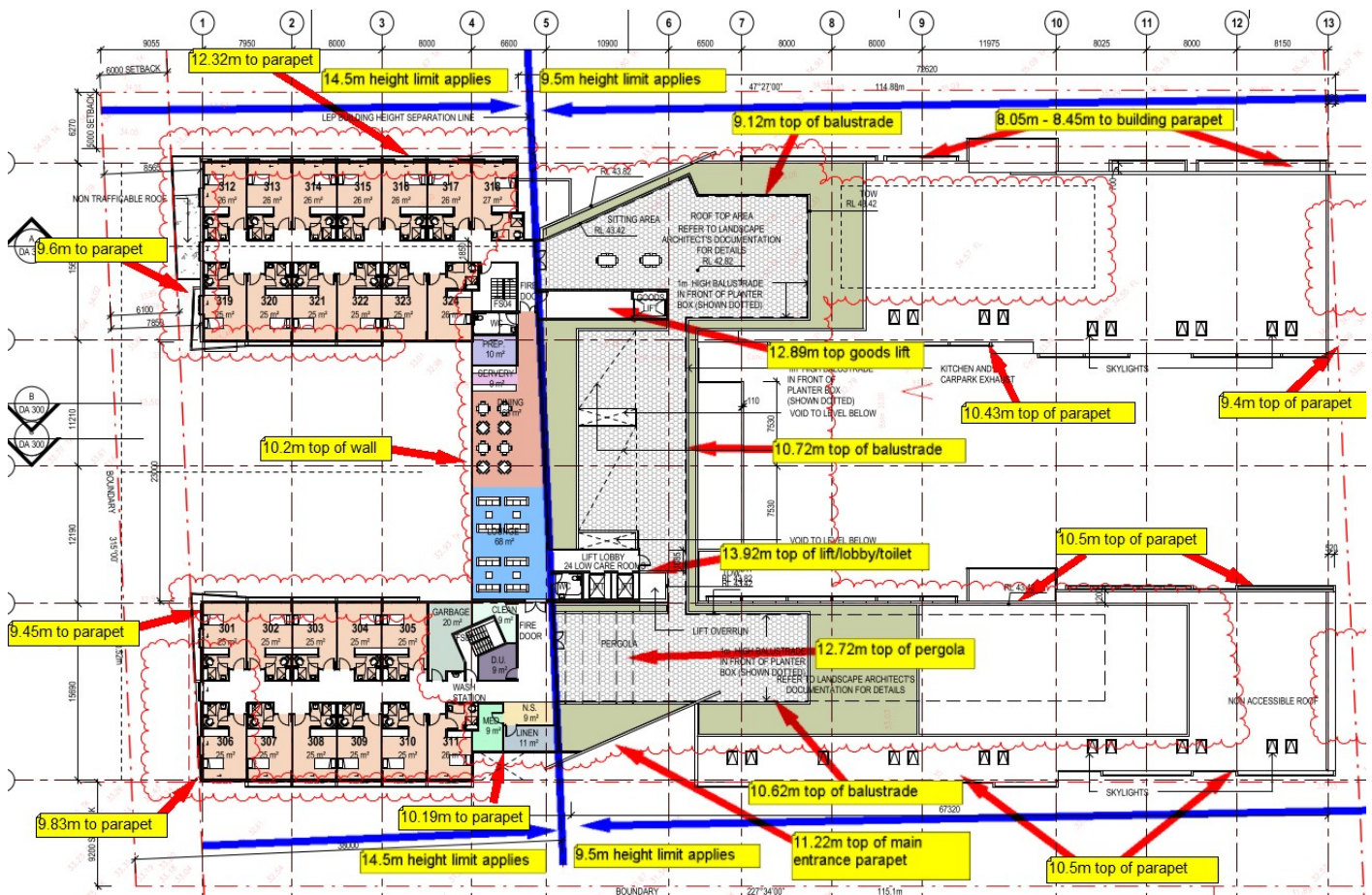


Figure 9 - Height as proposed

The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed above exceedance. The above has been addressed within Clause 4.6 of this report.

4.4 Floor space ratio - Residential zones

Rockdale LEP Amendment 13, was notified on 22 July 2016. This LEP amendment applied a maximum FSR of 1.25:1 upon the subject site for the purposes of redevelopment for Seniors Housing. This equates to a maximum gross floor area of 10 384.37sq/m.

The proposed building form comprises a total gross floor area of 10 091sq/m. Plans illustrate the provision of a range of services i.e. kitchen (95sq/m), laundry (99sq/m), workshop (47sq/m) and men's shed (65sq/m) within the basement level of the development in addition to 41 surplus car spaces (553.5sq/m) beyond that required by the RMS Guide to Traffic Generating Development.

Given the above, it is noted that the proposal exceeds the maximum permissible FSR as a result of 12.63sq/m of surplus service areas within the basement level and 41 surplus car spaces (553.5sq/m). This results in the proposal comprising a total gross floor area of 10 950.5sq/m, equating to an FSR of 1.31:1 and 566.1sq/m of surplus GFA below ground level. This is a 5.4% variation as proposed to the maximum FSR development standard for the site.

The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed above exceedance. The above has been addressed within Clause 4.6 of this report.

4.6 Exceptions to development standards

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

justifying the variation by demonstrating:

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

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

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

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

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

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

Variations to height and FSR have 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 development.

A. Height

As noted within Clause 4.3 - Height of Buildings, the proposal seeks to vary the 9.5m height standard applicable to the subject site. The proposal partially complies with the 9.5m height limit to the parapet of the building and balustrade at rooftop level along the Bowlers Avenue wing of the development. The proposal however penetrates the 9.5m height limit in various locations on site. The variation to the height limit as proposed is 1m - 4.42m which equates to a 10.5% - 46.5% exceedance to the height standard.

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

- *The proposal is generally compliant with the standard apart from several elements that mostly relate to the access and use of the proposed roof top communal open space.*
- *The subject site contains bowling greens associated with the former use of the site. Consequently there is considerable variation in the existing ground levels such that there exists a 'sunken' pathway around one bowling green which is half a metre lower than the level of the adjacent bowling green. Additionally the topography of the site falls away significantly along the southern edge. As such the variable topography of the site contributes to the degree of variation in the height control.*
- *Development at the site is subject to a flood planning level and as such the finished ground level of the building is required to be set higher than it otherwise would. This contributes to the degree of non-compliance with the height control.*
- *The non-compliant elements are considered relatively minor in terms of any visual impacts they may have. The lifts, which represent the main variation, are centered over the site and will sit behind the 14.5m four storey element of the building. They are setback from the building edge and the site boundaries. The lifts will not result in significant visual massing and will not result in adverse visual impacts when viewed from surrounding locations.*

- *The lifts are required to provide equitable access to the proposed rooftop landscaped communal open space which is considered a feature of the proposal and recognized as a desirable element by the Design Review Panel (DRP). The rooftop landscaped area will provide considerable amenity to the future residents of the seniors housing development and will also provide a pleasant and visually interesting finish to the building.*
- *The pergola is a light weight structure and is appropriately arranged on the roof so that it will not result in adverse visual impacts.*
- *The proposed non-compliant elements do not result in additional floor space being realized at the site and the proposal (but for additional basement car spaces) is compliant with the density envisaged for the site. Specifically, the above ground floor space achieved in the proposal is less than the 1.25:1 FSR allowable for seniors living developments at the site.*
- *The non-compliant elements, being the balustrade, pergola and lifts, have been arranged and designed in a manner that will not result in any discernible adverse impacts on the overall bulk and scale of the development, but will provide significant benefit to the future residents of the development.*
- *The non-compliant elements will not result in additional adverse overshadowing of adjacent properties, view loss or privacy issues.*
- *The rooftop landscaped communal open space could be deleted from the proposal in order to achieve numerical compliance with the building height control, however this would, on balance, result in an inferior development outcome and no discernible public benefit would be gained.*
- *There is negligible difference in the impacts between a building that strictly complies with the building height control.*
- *The proposal, inclusive of the building height variation, better satisfies the objectives of the zone and the development standard.*

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

a) The subject site is constrained as a result of a flooding affectation and the natural topography of the site. Accordingly the ground level of the development is required to be raised 0.95m - 1.22m in order to provide minimum habitable floor levels which will be above the flood level for the site. The flooding affectation and topography of the site 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, portions of the parapet and balustrades would comply with the height limit for the site.

b) The proposed rooftop structures i.e. lift overrun, toilet, pergola, 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. 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 relevant planning controls. Rooftop elements that depart from the height standard account for a limited portion of the building footprint and are significantly recessed into the site i.e. 16m from Goyen Ave boundary to pergola / 25m from Goyen Ave to pedestrian lift and toilet facility / 17.5m from Bowlers Ave boundary to goods lift.

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.

c) 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.

d) The proposal is consistent with the objectives of Clause 4.3 – Height of Buildings of Rockdale LEP 2011, in that the development is a high quality urban form & retains appropriate sky exposure and solar access on site and to neighbouring properties.

e) The additional height proposed does not result in detrimental environmental planning outcomes, as it does not give rise to adverse solar access, view loss or visual or acoustic privacy impacts on site, or to neighbouring properties.

f) Given the above, and as a result of the flooding constraints on site which require the development to be raised, the flexible application of the Height standard is not inappropriate in this instance.

g) The proposal is consistent with the objectives of the zone, providing a land use that provides facilities / services to meet the day to day needs of residents. The proposed development has further been designed to appropriately transition with surrounding existing building forms and minimise any impact upon the character and amenity of the surrounding local area. The proposal is consistent with the future desired character of the area as envisaged by the current planning controls.

h) The proposal is consistent with the objectives of clause 4.6 and the R2 Low Density Zone.

The written submission provided by the applicant in relation to the proposed height variation is satisfactory in the context of Clause 4.6. The height variation does not create an undesirable outcome, the objectives of clause 4.3 and 4.6 have been met and the proposal is deemed to be in the public interest, given the public benefit of orderly development of the site outweighs strict adherence to the numeric standards presented by the height control of RLEP 2011. The height development standard is deemed unreasonable and unnecessary in this instance for the reasons noted above and there are sufficient environmental planning grounds in which to justify the contravention of the height standard for the site.

B. FSR

The proposal seeks to vary the FSR standard for the site as noted in Clause 4.4 - FSR. The proposal comprises a maximum FSR of 1.31:1 being 566.1sq/m (5.4%) of surplus floor space on site. The applicant has submitted a detailed justification to the proposed variations to both the height and FSR development standards. Variations to height and FSR have been assessed below.

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

- The proposal would be fully compliant with the FSR standard but for the inclusion of the floor area of

additional basement car parking spaces which are provided above the minimum car parking requirement of Council.

- The additional basement car spaces have no visual impacts on the external built form of the building and they do not result in any above ground floor space or impacts on the building.*
- The deletion of the additional car spaces and other below ground level facilities could occur in order to achieve numerical compliance with the FSR standard and there would be no change to the design of the building above basement level at all. The building form would remain unchanged for all intents and purposes.*
- The additional car spaces are proposed to be provided in order to minimise adverse impacts to the on-street car parking availability in the vicinity of the site and wider locality and to adequately service the anticipated staff and visitor car parking needs of the seniors housing development.*
- The additional car parking will not result in adverse traffic impacts to the local road network.*
- Council have shown an appropriate degree of flexibility in the application of the FSR control in the LGA. The proposed FSR variation does not increase the intensity of the development in such a way that it will give rise to any additional environmental impacts such as bulk, scale or overshadowing.*
- There is negligible difference in the impacts between a building that strictly complies with the FSR control including in relation to visual, acoustic and overshadowing impacts.*
- The proposal satisfies the objectives of the development standard.*
- The proposal, inclusive of the FSR variation, better satisfies the objectives of the zone and the development standard.*

The applicant's justification is supported in this instance, in context of clause 4.6 for the following reasons:

- a) The proposed FSR non-compliance is located below ground level and does not contribute to the overall bulk, height or scale of the proposed development above ground level on site.
- b) The proposed development provides an appropriate built form, intensity and public domain response on the subject site and contributes to the varied streetscape character within context of the site. Furthermore the subject site is of an overall area which accommodates the proposed development without resulting in adverse amenity impacts on site or to neighbouring properties.
- c) A minor portion of the proposed additional FSR (12.63sq/m) relates to services which are directly correlated to the use of the site for the purposes of an aged care facility and will provide amenity to future occupants.
- d) The proposal is consistent with the objectives of Clause 4.4 – FSR in that the development will facilitate a use and built form which does not result in adverse environmental planning impacts upon adjoining or nearby properties in terms of overshadowing, aural and visual privacy, solar access, natural ventilation and views & vistas.
- e) The proposal is consistent with the objectives of the zone and facilitates the orderly economic development of the site in an appropriate manner. The proposed development above ground level comprises a bulk, height, scale and mass which is consistent with the planning controls envisaged for the site. The design of the development sits comfortably within the existing and future desired character of the area.
- f) High visitation rates are anticipated by the applicant as a direct result of the cultural values of future occupants and their families likely to occupy and visit the facility. The provision of additional car parking

for visitors on site would likely result in less vehicles being parked within Goyen Avenue and / or local surrounding streets, where limited on street parking is available, thus maximizing amenity for nearby residents, enabling local residents to park within close proximity of their homes. Furthermore Goyen Avenue and the local surrounding road network including Harrow Road, a classified road, are capable of accommodating the associated traffic likely to be generated by the proposed development.

g) The proposed development will not set an undue precedent given the circumstances of the site and development as noted above.

The written submission provided by the applicant in relation to the proposed FSR variation is satisfactory in the context of Clause 4.6, its intent and objectives. The FSR variation does not create an undesirable outcome on site or to neighbouring properties, the objectives of clause 4.4 and 4.6 have been met and the proposal is deemed to be in the public interest. The FSR development standard is deemed unreasonable and unnecessary in this instance for the reasons noted above and there are sufficient environmental planning grounds in which to justify the contravention of the FSR standard for the site.

5.9 Preservation of trees or vegetation

The proposal involves the removal of 24 trees both in and adjacent to the boundaries of the subject site. An Arboricultural Assessment prepared by tree IQ dated 12 September 2013 was submitted with the application. It is noted that all trees on site will need to be removed to accommodate the proposed works.

Two 2 small trees within the public domain adjoining the frontage of the site to Bowlers Avenue, being a powerder puff lilly pilly and she - oak are proposed to be removed, as are 22 trees scattered across the subject site in order to accommodate the proposed development.

The document concludes that 20 of the trees assessed are allocated a low retention value of either 'consider or removal' or 'priority for removal'. With the remaining 4 (*Thuja orientalis* *Arborvitae*) assessed as 'consider for retention' as they have a moderate landscape significance. It was noted however that although these 4 trees are the best specimens on site, their removal would have a relatively low visual impact and replacement specimens would replace the loss of amenity.

It was further noted that the proposed landscape plan illustrates replacement planting, including up to 40 trees proposed to be planted throughout the subject site.

Councils Tree Management Officer reviewed the aforementioned report and raised no objections to the findings or conclusion of the aforementioned report. The proposal is satisfactory with regards to the provisions and objectives of this clause.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD.

6.2 Earthworks

The proposal involves extensive excavation within the site to accommodate the basement levels. The impacts of the proposed earthworks have been considered in the assessment of this proposal. Additional conditions of consent are proposed to further minimise impacts to the environment and neighbouring properties requiring the implementation of dilapidation surveys prior to construction

and sediment controls measures during construction. Subject to compliance with these conditions, the proposal is satisfactory in regards to the objectives and requirements of this clause.

6.3 Between 25 and 30 ANEF (2033) contours

The development is on land that is not located near the Sydney (Kingsford-Smith) Airport, however the land is located between 25 and 30 ANEF (2033) contours. Further, the development will result in an increase in the number of people affected by aircraft and in accordance with this clause, the proposed development requires noise mitigation measures.

The proposal was accompanied by an Acoustic Report prepared by Acoustic Logic dated 4 December 2015, which addresses the matter of aircraft noise and details noise amelioration measures to be incorporated into the construction of the development in order to minimise aircraft noise impacts to future occupants, in compliance with the Australian Standards for indoor design sound levels. The proposed development complies with the requirements and objectives of this clause. A condition has been imposed in the draft Notice of Determination requiring the development to meet with the Australian Standards for indoor design sound levels.

6.4 Airspace operations

The subject site is affected by the Obstacle Limitation Surface (OLS) which is set at 51m AHD and the site is located within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 7.62 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The building comprises an overall 46.7RL to the highest point being the top of the lift overrun and as such the proposal was referred to Sydney Airport Corporation Limited (SACL) and the Civil Aviation Safety Authority (CASA) for review. Written documentation received from SACL and CASA confirmed no objection was raised to the erection of the development to a maximum height of of 46.7 metres AHD.

In this regard the proposed building will have minimal adverse impact on airspace operations and the proposal has been conditioned accordingly. The proposal is satisfactory in regards to the provisions of this clause.

6.6 Flood Planning Land

The site is affected by flooding and the proposal has therefore been designed to ensure that the driveway crossing, habitable floor levels and other relevant components of the development are in accordance with the requirements contained in Council's Flood Advice Letter. The plans have been assessed by Council's Stormwater Project 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

As part of the application to redevelop the subject site, it is proposed to redirect an existing Council storm water line which crosses the site at the junction of Harrow Rd and Goyen Avenue, to be located within the public domain, align with part of the site boundaries to Harrow Road and Goyen Avenue and drain to kerb inlet pits in Goyen Ave.

Additionally it is proposed to incorporate on site detention, with overflow directed to kerb inlet pits in

Goyen Avenue and use rainwater harvesting on site. Rainwater will be used for irrigation and wash down of hard surface areas on site.

Councils Engineer reviewed the aforementioned proposed storm water and rainwater systems on site and advised that the proposal has been conditioned accordingly to ensure appropriate storm water disposal and management on site. The proposal is thus satisfactory in regards to the provisions and objectives of this clause.

6.12 Essential services

Services such as water, sewer, electricity and telecommunications are available on the site. Further, the proposal involves the construction of an electricity substation in the northern corner of the site at the end of the Bowlers Avenue cul de sac and provision of vertical fire hydrant / booster pipework within the proposed planter along Goyen Ave. Additional conditions of consent are proposed requiring consultation with relevant utility providers to ensure appropriate provision of services on the site and compliance with their requirements.

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

State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016

The NSW Department of Planning has released for public comment amendments to State Environmental Planning Policy (Infrastructure) 2007. Amendments to the ISEPP propose to simplify the delivery and maintenance of social infrastructure including health facilities, correctional centres, emergency and police services, and council services. They will simplify the approval process while still ensuring appropriate levels of environmental assessment and consultation are undertaken for these activities. The provisions outlined within the draft ISEPP do not affect the proposed development upon the subject site.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes
4.1.3 Flood Risk Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.5 Contaminated Land	Yes	Yes
4.1.7 Tree Preservation	Yes	Yes
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.2 Streetscape and Site Context - Fencing	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
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
4.4.6 Noise Impact	Yes	Yes
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates - Other Uses	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes
4.6 Basement Parking - General	Yes	Yes - see discussion
4.6 Driveway Widths	Yes	Yes
4.6 Traffic - Classified Roads	Yes	Yes
4.6 Access to Parking	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes - see discussion

4.1.1 Views and Vista

Residential flat buildings on the opposite side of Harrow Road comprise outlook onto the existing undeveloped site, bowling greens and surrounding building forms. The proposal will incorporate the proposed development and introduce substantial landscape planting along the periphery of the site, thus it is considered that the outlook from flat buildings opposite the site would be improved. The proposal does not result in adverse impacts in this regard and complies with the provisions of this clause.

4.1.4 Soil Management

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

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

4.2 Streetscape and Site Context - General

The subject site comprises three street frontages, Harrow Road, Goyen and Bowlers Avenues, with the 'rear' boundary aligning with properties fronting Frederick Street. The proposed development has been designed as a H shaped building and sited accordingly, in order to provide a building form which addresses each street frontage and provides for a common central courtyard space for future

occupants. The massing and form of the proposed development is an appropriate built form response to the aforementioned nature of the site.



Figure 10 - Building form proposed

The proposed building on the site comprises 'front' setbacks as follows:

- Bowlers Avenue - 6.27m to building line / 4.2m to edge of communal balcony at levels 1 and 2
- Harrow Road - 6m to edge of communal balcony at levels 1 and 2 of northern wing / 6.185m - 6.71m to building line of southern wing / 7.95m - 9m to building line of northern wing / 31.7m to central building link.
- Goyen Avenue - 9.2m to building line / 8m to edge of communal balcony at levels 1 and 2.

The front setbacks referred to above are consistent with existing setbacks of building forms on the opposite side of Harrow Road, Goyen and Bowlers Avenues. Proposed front setbacks are consistent with the provisions of DCP 2011.

The central link of the proposed building form has been significantly recessed from the Harrow Road frontage of the site, allowing the development to be perceived as two building forms when viewed from the public domain in Harrow Road. The design of the building form in this manner results in the development being generally consistent with the established residential flat building forms opposite the site along Harrow Road. The front setback of the site to Harrow Road has been heavily planted with shrubs, trees and groundcovers capable of growing to a mature height of up to 25m. A 1.8m high security fence is stepped along the Harrow Road boundary, recessed 1.3m - 7.3m into the site.

Given the extensive length of the Bowlers and Goyen Avenue frontages, the three storey building wings extending from the four storey building component, have been articulated with the use of breaks and vertical framed elements which assist in minimising the bulk, perceived length and mass of these building wings. The aforementioned design treatments to the building components fronting Goyen and Bowlers Avenues provides architectural relief and allows the proposed development to be sympathetic to existing detached dwelling forms opposite the site. The addition of periphery landscaping forward of the building line to both Goyen and Bowlers Avenues, planter boxes adjoining the vehicular entry ramp and the provision of a 33m length planter adjoining the raised vehicular entry to Goyen Avenue assists in softening the base of the development. These landscaped areas incorporate a range of groundcovers, shrubs and trees capable of growing to a mature height of up to 8m and will provide

amenity and visual interest.

The northern and southern wings of the development are setback 6.095m - 8.46m from the common rear boundary of the site with Frederick Street properties. Proposed setbacks are appropriate and do not give rise to adverse visual privacy impacts as discussed within this report.

The proposal incorporates a varied palette of colours and materials to create visual interest when viewed from the public domain, yet retain a residential rather than institutional appearance. Materials proposed include but are not limited to rendered concrete, face brick, glass balustrades, composite timber 'teak' cladding, metallic cladding and aluminium 'timber look' blades. These materials will provide a modern, contemporary, high quality and visually appealing development on site.



Figure 11 - View to Harrow Road and Goyen Avenue



Figure 12 - View from Bowlers Avenue to Harrow Road

Overall it is considered that the bulk, height, form, scale and design of the development responds and sensitively relates to the existing and future desired streetscape and neighbourhood character of the immediately surrounding context. The proposal is satisfactory with regards to the objectives and requirements of this clause, providing an appropriate streetscape response.

4.2 Streetscape and Site Context - Fencing

Plans illustrate the provision of 1.8m height vertical slat fencing above a 0.7m high rendered masonry base with stone pillars at intervals. Fencing is proposed in the locations illustrated below by the blue line.

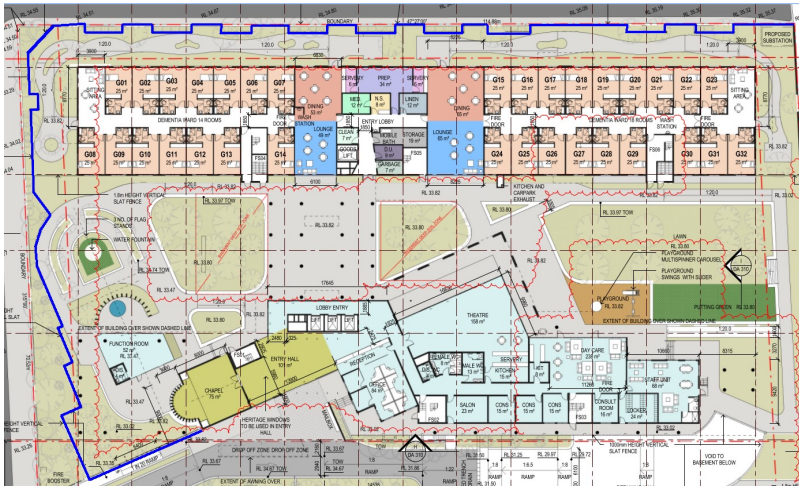


Figure 13 - Fencing illustrated by blue line

The 1.8m high front boundary fencing to Bowlers Avenue is stepped along this boundary of the site, with screen planting proposed in front of the fencing at intervals. Screen planting comprises trees and shrubs capable of growing to a mature height from 0.3m to 8m. i.e. Dwarf gardenia / blueberry ash. It is important to note that the height of boundary fencing in this location is directly correlated to the use of the front setback of the site as a landscaped communal strolling area for dementia patients.

Whilst the screen planting proposed has the ability to partially obscure the 1.8m high fence, the provision of fencing to a height of 1.2m in this location would be more appropriate given the low front boundary fencing that exists within the Bowlers Avenue streetscape. Given the aforementioned, due consideration has also been given to the security of dementia patients likely to occupy the front setback of the site to bowlers avenue. It is noted that the dementia strolling path comprises a level of 33.82RL, this is 0.68m - 1.5m below the existing footpath level along Bowlers Avenue. The addition of a 1.2m high fence in lieu of a 1.8m high fence as proposed, would ensure that a minimum fence height of 1.8m is provided above the dementia strolling path to ensure the security of future patients.

In this regard, given the above, the proposal has been conditioned to ensure a maximum fence height of 1.2m is provided to the Bowlers Avenue frontage of the site.

Fencing to the Harrow Road and Goyen Avenue frontages of the site is setback 1.1m - 7.2m from these property boundaries. Forward of proposed fencing, landscaping is proposed, this incorporates a range of trees, shrubs and groundcovers. Adjoining the partial fencing to the Goyen Avenue frontage is the main accessible ramp to the principal entrance of the development.

Fencing as proposed is recessed from the property boundaries, open form in nature and is sought to be provided in this manner to secure the site and its central courtyard, retain passive surveillance of surrounding areas and sensitively relate to the surrounding context.

The proposal is consistent with the provisions and objectives of this clause.

4.3.1 Open Space and Landscape Design

As per the requirements of DCP 2011, 25% of a site is to be provided as landscaped area for low and medium residential building forms. Whilst the proposal is not strictly subject to this control as it is a higher density building form, it was considered appropriate to apply this requirement given the R2 low density zoning of the site.

Accordingly 2076sq/m (25%) of the site is to be provided as deep soil planting. Plans illustrate the provision of a total of 2308sq/m (28%) of the site as deep soil planting which includes landscaped areas along the periphery of the site, planters and landscaped areas outside the basement footprint and the planter proposed along the Goyen Avenue frontage of the site. The proposal complies with and exceeds the landscaped area requirements and satisfies the objectives of the clause.

4.4.1 Energy Efficiency - Residential

The proposal is required to be designed in accordance with the energy efficiency measures of Section J of the Building Code of Australia. The proposal has been conditioned to require that details of the energy efficiency measures of the development be submitted to Council prior to the issue of the Construction Certificate. The proposal is therefore satisfactory in regards to this clause.

4.4.2 Solar Access - General Controls

As per the provisions of clause 4.4.2 - Solar Access, a minimum of 3 hours of solar access in midwinter is to be retained to the private open space and habitable areas of neighbouring developments.

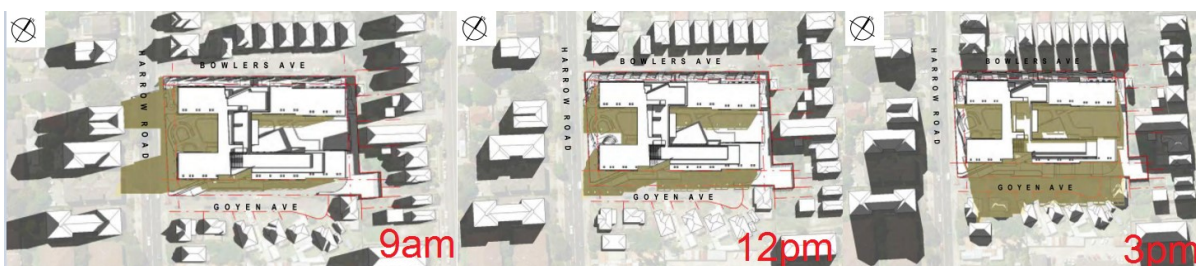


Figure 14 - Shadow impacts midwinter

As can be seen above, properties within Bowlers Avenue are located to the north / north west of the subject site. The proposed development does not generate shadows onto these properties given this orientation.

Properties fronting Frederick Street are positioned to the north east of the site and accordingly are not affected by overshadowing from the development from 9am - 3pm in midwinter.

Residential flat buildings on the opposite side of Harrow Road are positioned to the west / south west of the subject site. Given the separation distance of the development from flat buildings opposite i.e. 32m - 35m, the proposal results in minor overshadowing of a portion of the front building façade of 39 and 45 Harrow Road at 9am in midwinter. This shadow however recedes and from 11am the front facades of these buildings are in full sun for the remainder of the day in mid winter.

Properties within Goyen Avenue are positioned to the east and south east of the subject site. 84 Harrow Road is also positioned to the south east of the site. Properties within Goyen Avenue and 84 Harrow Road, their habitable rooms and private open spaces receive full winter sun from 9am - 12pm in midwinter. At 3pm the proposed development overshadows the rear yard of 84 Harrow Road and 1 Goyen Avenue, along with the front yards of 2-6 Goyen Avenue and part of the existing single storey dwellings. Notwithstanding, it is noted that the proposed development complies with the requirements of DCP 2011, with a minimum of 3 hours of solar access being retained to properties opposite the site in Goyen Ave and at 84 Harrow Road in midwinter.

On site the proposal provides for a range of primary and secondary communal areas for future residents, including a central ground level courtyard, dementia courtyard within the front setback of the

site to Bowlers Avenue, large level 1 outdoor terrace adjoining the central lounge room, six (6) smaller balconies per floor at levels 1 and 2 adjoining sitting areas / activity rooms and a rooftop communal open space area.

Of the communal areas on site, it is noted that the central ground level courtyard receives a minimum of 3 hours of solar access to 50% of its overall area from 9am - 12pm in midwinter. Subsequently the large level 1 communal terrace receives full sun from 9am - 12pm in midwinter and the rooftop communal open space area achieves more than 3 hours of sun in midwinter given its location. Solar access to the balcony spaces referred to above within levels 1 and 2 receive a range of sunlight and daylight in midwinter, these balcony spaces are supplementary communal areas, in addition to the primary courtyards and terraces previously discussed.

The proposal complies with the requirements and objectives of the solar access provisions of DCP 2011, provides appropriate solar access on site to communal areas in midwinter and does not unreasonably diminish sunlight to neighbouring properties. The proposal is satisfactory in this regard.

4.4.3 Natural Lighting and Ventilation - Residential

The proposal incorporates 2.7m habitable and 2.4m non habitable floor to ceiling heights as required by the provisions of this clause.

4.4.5 Visual privacy

Properties fronting Frederick Street to the rear of the subject site comprise 1-2 storey detached dwelling houses and a lone three storey older style residential flat building. Dwelling houses are positioned 8m - 21m from the rear common boundary with the subject site, with the three storey flat building positioned 5.5m from the common rear boundary at 130 Frederick Street. The flat building comprises window and balcony openings 5.5m from the rear boundary with the subject site.



Figure 15 - View of rear of Frederick Street properties

Plans indicate the provision of a 6.095m - 8.46m rear building setback to the common boundary of the site with properties fronting Frederick Street. The end of the building wings at these locations comprise two bedroom windows and full height glazing to the end of corridors, at levels 1 and 2. Fixed angled louvers are provided at the external building façade in this location, in order to avoid direct overlooking of the rear yards of Frederick Street properties and maximise visual privacy between neighbours.

Balconies are provided at levels 1 and 2 fronting Bowlers Avenue, off rooms 158 and 258 at levels 1 and 2. It is considered that a privacy screen is required along the north eastern side of these balconies in order to avoid direct overlooking into the rear yard of 134 Frederick Street. The proposal has been conditioned appropriately.

It is important to note that the lone 3 storey residential flat building referred to above, despite being positioned 5.5m from the common rear boundary is offset from the building wings. A communal outdoor

terrace at level 1 of the development, within the centre of the site is positioned 37m - 49m from the rear building façade of 130 Frederick Street and as such it is considered that there is sufficient building separation of which to ensure appropriate visual privacy is maintained between these neighbours.

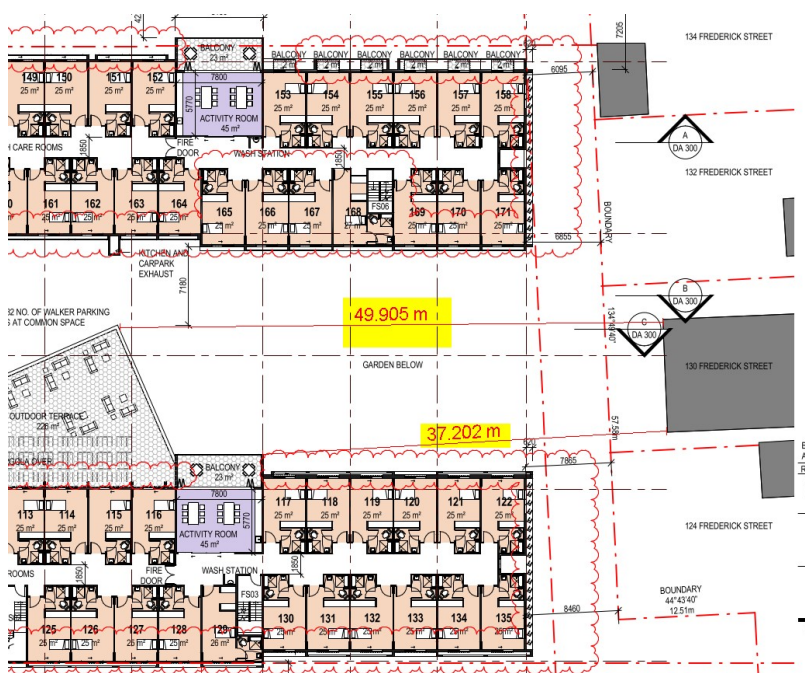


Figure 16 - Level 1 building separation with 130 Frederick Street

Plans illustrate the provision of a centrally located communal rooftop area for future occupants. The rooftop area is recessed into the site from levels below, being 7.5m - 16.4m from the Bowlers and Goyen Avenue Street frontages. The north eastern edge of the communal rooftop area is positioned in excess of 52m from the common rear boundary of the site with Frederick Street properties. Given the distances referred to above, central and recessed location of the communal rooftop area, it is unlikely that this area will give rise to adverse visual privacy impacts.

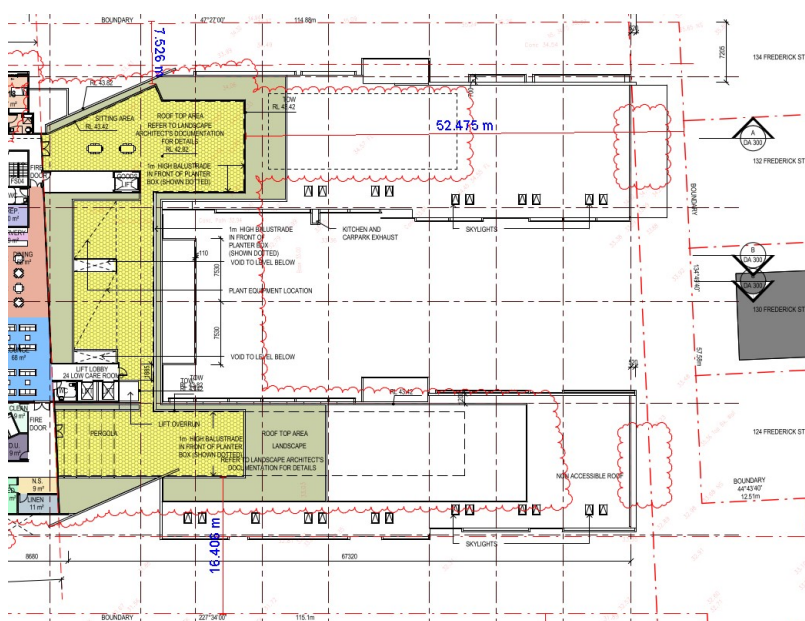


Figure 17 - Rooftop communal open space area

The following components of the development are considered to require further resolution in order to avoid privacy and overlooking concerns within the site itself between private aged care rooms and

communal areas.

- a) Bedroom window of aged care room 159 at level 1 and 259 at level 2 is positioned 3.5m from full height glazing to the communal lounge area.
- b) Rooms 160/161/162/163/164 at level 1, are positioned 8.4m - 124.4m from the communal outdoor terrace.
- c) Rooms 211/212 at level 2 are positioned 4.5m - 5.1m from full height glazing to the communal lounge area.

The proposal has been conditioned to require the provision of angled louvres to these bedroom windows in order to retain appropriate levels of privacy to these rooms, whilst maintaining the ability to achieve solar access and ventilation.

Given the above, it is considered that the proposed development complies with the provisions and objectives of this clause and is performs satisfactorily in regards to visual privacy.

4.4.5 Acoustic privacy

An acoustic report prepared by Acoustic Logic, dated 04/12/2015 was submitted to Council. The report considered aircraft and traffic noise given the proximity of the site to Harrow Road and its location near a flight path. The report provides recommendations in relation to glazing, wall construction, windows, doors and ventilation to maximize the acoustic amenity of future occupants.

The report notes that plant will be acoustically treated to prevent noise emissions from adversely impacting surrounding properties. As discussed within part 4.7 - Air Conditioning and Communication Structures of this report, plant rooms within the basement level are proposed to house central services, including air conditioning and hot water systems required for the proposed development. A maximum of two 0.6m width / length x 0.6m high cooling towers are proposed at rooftop level, obscured between the goods and passenger lift cores. It is reiterated that the proposed development has been conditioned appropriately to ensure that no further plant is installed at rooftop level other than that aforementioned.

The proposal has been conditioned to ensure the recommendations of the report are implemented. The proposal is therefore satisfactory in this regard.

4.5.2 Social Equity - Equitable Access

An Access Report prepared by Morris Goding Accessibility Consulting dated 16/12/2015 was submitted to Council with the application. The report ensures that ingress, egress, path of travel, signage, lighting, sanitary facilities, the main entrance, emergency access areas, circulation spaces, car-parking and related amenities have been designed to comply with relevant statutory requirements. The proposal has been conditioned to comply with the recommendations of the Access Report and is satisfactory in this regard.

4.6 Parking Rates - Other Uses

Rockdale DCP 2011 does not specify a parking rate for seniors housing. Where parking rates are not specified, RDCP 2011 refers to rates within the RMS Guide to Traffic Generating Development as being applicable. Given the aforementioned, the following parking rates apply to the proposed development.

RMS Rate	Required	Proposed	Complies
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<i>Visitor</i> 1 space per 10 beds (198 beds)	20 visitor spaces	70 visitor spaces	Yes - 50 surplus
<i>Staff</i> 1 space per 2 employees (117 staff)	59 staff spaces	50 staff spaces	No - 9 spaces can be utilised from visitor surplus
1 space per ambulance	1 ambulance space	1 ambulance space	Yes

A total of 79 on site car spaces are required, the proposal provides for 120 spaces, thus indicating a surplus of 41 car spaces on site. The proposed development has been conditioned to ensure the required number of staff spaces i.e. 59 are allocated on site, with the remainder i.e. 61 being utilized as visitor car spots.

Further to the above, the proposal has been conditioned to require all ambulance patient pick-up and/or drop-off to take place from within the dedicated ambulance bay located in the basement parking area.

Ambulance vehicles are to arrive at the main entry drop off zone in Goyen Ave, with the ambulance officer to then be directed to the Ambulance Bay in the basement and met by a representative of the operator.

The proposal complies with the objectives and requirements of the subject clause.

4.6 Car Park Location and Design

The proposal seeks to provide basement car parking on site for residents and visitors. Basement levels are accessed via a 6.1m wide vehicular entry / exit. Basement levels are configured to enable forward entry and exit on site. The proposal is considered to satisfy the requirements of this clause.

4.6 Basement Parking - General

Given the topography of the site i.e. bowling greens to Goyen Avenue are raised almost 2m higher than street level, the proposed basement carpark is positioned below existing ground level. Given the level difference, when the development is viewed from Goyen Avenue the basement appears to be raised. This is not technically the case and is a result of the excavation of the existing bowling greens.

Notwithstanding the above, and in order to provide an appropriate streetscape response, the basement wall to Goyen Avenue is screened by landscaped planters, with additional planting proposed to be provided adjoining the vehicular entrance driveway to the basement ramp. This will ensure an appropriate streetscape response and satisfactory visual amenity when viewed from Goyen Avenue. The proposal is satisfactory with regards to the provisions of this clause.

4.7 Air Conditioning and Communication Structures

Plant rooms within the basement level are proposed to house central services, including air conditioning and hot water systems required for the proposed development. A maximum of two 0.6m width / length x 0.6m high cooling towers are proposed at rooftop level, obscured between the goods and passenger lift cores. The proposed development has been conditioned appropriately to ensure that no further plant is installed at rooftop level other than that aforementioned. The proposal is satisfactory with regards to this clause.

4.7 Waste Storage and Recycling Facilities

Plans illustrate the provision of waste storage and collection areas on site within basement level 2. On site waste collection has been accommodated within basement level 2, and the submitted Plan of Management confirms that waste collection is to occur between the hours of 7am - 7pm Monday to Saturday and 9am - 6pm Sunday / public holidays. Waste collection areas on site are appropriately located, the proposal will be conditioned to ensure waste collection occurs on site and within the aforementioned hours. The proposal is satisfactory in regards to this clause.

4.7 Service Lines/Cables

Plans indicate the provision of a substation in the northern most corner of the site, adjoining the cul de sac to Bowlers Avenue and the rear boundary fence of 134 Frederick Street. The substation is 1.2m in height and located at footpath level, in the northern corner of the site which is discrete and is setback 0.4m from the front property boundary. A 1.2m high fence shall be provided along the frontage of the site to Bowlers Avenue. The proposal has further been conditioned to require the provision of screen planting within the 0.4m front setback to Bowlers Avenue, in order to further obscure the appearance of the substation from the public domain.

Plans illustrate the provision of vertically positioned pipework for the fire booster / hydrant located within the planter bed proposed to be provided along the Goyen Ave frontage of the site. The proposed pipework is discretely located amongst the landscaping and is considered to be located appropriately on site. The proposal is satisfactory in relation to the provisions of this clause.

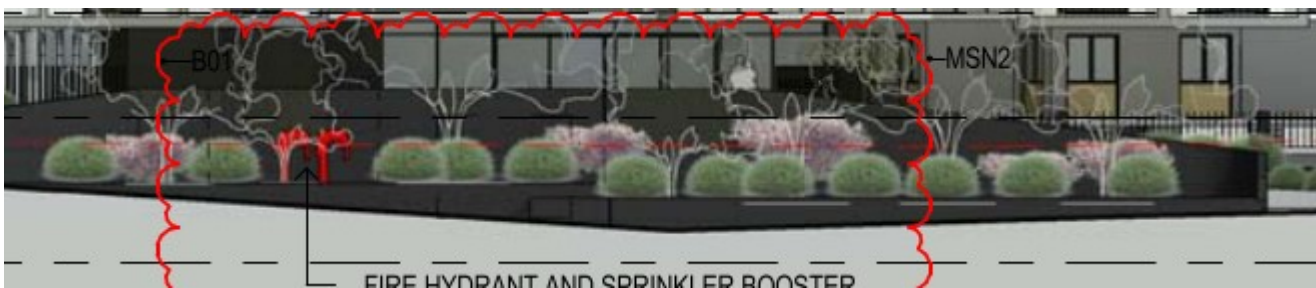


Figure 18 - Proposed vertically positioned hydrant pipes

4.7 Laundry Facilities and Drying Areas

Plans illustrate the provision of an appropriately sized laundry services room within basement level 2. The proposed development has been designed to allow appropriate laundry and linen storage to occur on site. The proposal satisfies the requirements of this clause.

4.7 Letterboxes

Plans illustrate the provision of a letter box adjoining the main entrance of the seniors housing facility, within close proximity to the reception, office and administration areas. The proposal satisfies the provisions of this clause.

4.7 Hot Water Systems

Plant rooms within the basement level are proposed to house central services, including hot water systems required for the proposed development. The proposal is satisfactory with regards to this clause.

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

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

Prior Heritage Significant

As previously discussed within this report, prior to an arson attack in 2013, the former bowling club house on site was a heritage item. Following the destruction of the heritage item, the heritage values of the site were destroyed and subsequently the item was de-listed and site rezoned by RLEP Amendment 13 in July 2016.

In correspondence prepared by NBRS & Partners submitted to Council, it was recommended that timber-framed windows with a diamond pattern that were salvaged from the storage sheds along the Bowlers Avenue frontage of the site, be incorporated into the development, in order to provide a useful on site interpretation of the former bowling club.

Plans indicate the provision of these windows in the main entry foyer of the development, yet no further detail is provided. In order to retain the prior heritage values associated with this site, the proposal has been conditioned to require the retention and installation of these heritage windows within the entry foyer, with further details in relation to the location and placement of the windows to be incorporated into Construction Certificate plans and approved by the PCA prior to the issue of the Construction Certificate.

Traffic

The proposed development provides for a total of 120 basement car parking spaces. The proposal complies with and exceeds the car parking requirements of the Roads and Maritime Service Guide to Traffic Generating Development. The proposed development was accompanied by a Traffic Report prepared by McLaren Traffic Engineering, which confirms the proposal is satisfactory in regards to traffic and car parking provision.

Councils Development Engineer and the Bayside Traffic Advisory Committee assessed the application, in relation to parking and traffic generation. It was determined that Goyen Avenue and the local surrounding road network including Harrow Road, a classified road, are capable of accommodating the associated traffic likely to be generated by the proposed development.

Further to the above it is noted that the proposal was referred to the Roads and Maritime Service given the location of the site fronting Harrow Road a Classified Road. The RMS requested that the developer be required to install full time 'No Stopping' restrictions along the frontage of the site to Harrow Road to ensure vehicles do not stop and impede traffic flows along this state road. The draft Notice of Determination thus includes a condition requiring the developer to contact the Roads and Maritime Service for works instruction prior to the installation of the aforementioned signage.

Public Domain Works

In addition to the relocation of an existing Council stormwater pipe as previously discussed within this report, the proposal incorporates public domain works in relation to;

- a) Connection of stormwater diversion to existing pit in Harrow Road.
- b) Installation of kerb and cutter at the junction of Harrow Road and Goyen Avenue

- c) Installation of new stormwater inlet pit along the northern side of Goyen Avenue
- d) Modification to existing stormwater pit on northern side of Goyen Ave
- e) Connect grated trench drain to dish drain crossing
- f) Proposed new dish drain into existing kerb and gutter.
- g) 1.1m wide pedestrian pathway along the periphery of the Goyen Avenue frontage of the site along with associated street lighting.

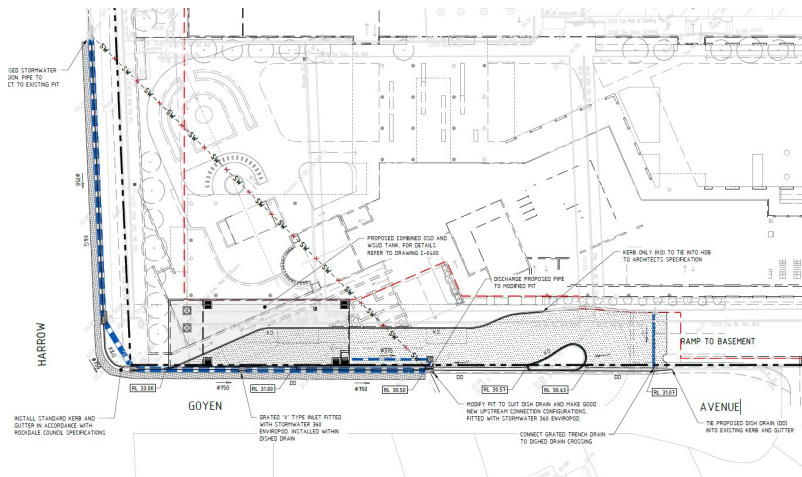


Figure 17 - Proposed reconfiguration of stormwater pipe / proposed civil works

Councils Assets Department reviewed the concept public domain works plan and raised no objection to the proposed works subject to the imposition of conditions of consent requiring the applicant to seek approval for proposed works under the Roads Act 1993. The proposal has been conditioned to require that the applicant submit a Section 138 Roads Act application to Council, to ensure all public domain works outside property boundaries are designed in accordance with Councils requirements. The proposal is satisfactory in this regard.

Social Impact

The proposal seeks to provide 198 beds within the local government area for the elderly and persons with a disability. The increase in facilities will cater for an aging & disabled population in the LGA. The proposal will further generate 117 employment opportunities for staff working within the aged and disability care services industry.

The facility will provide both low and high care environments for the elderly and disabled to reside in and be cared for by industry professionals, including when a sudden decline in health or mental ability means that they can no longer care for themselves or receive the kind of care they need at home from family caregivers. The proposal is considered to provide for a positive social impact within the local community.

Plan of Management

The application was accompanied by a revised Plan of Management (POM), dated April 2017, prepared by Momentum Project Group. The POM provides details in relation to hours of operation, staffing, shifts, parking / service management and community relations. The submitted POM details the number of staff, range, time and availability of support services on site.

Notwithstanding the above, the proposal has been conditioned to require the aforementioned POM to be reviewed, updated, and approved by the Director of Planning and Development, prior to the issue of an Occupation Certificate, to ensure all relevant operational conditions of consent are reflected, that

staff, residents (where required) and visitors have access to car parking areas within the development site and that the following matters are included;

- a) a staff induction procedure in relation to on site car parking is to be prepared;
- b) details provided in relation to the allocation and management of visitor, staff and accessible car spaces on site;
- c) details provided in relation to the management of traffic and car parking during special events, including but not limited to Christmas, Easter, Mothers and Fathers day periods.
- d) incorporation of a complaints handling procedure for managing complaints received from neighbours and community members. This procedure shall at minimum include a contact person & phone number (with written details to be provided to the owners and occupants of 1 - 6 Goyen Avenue, 1 - 6 Bowlers Avenue, 60 and 84 Harrow Road, 120-136 Frederick Street, prior to commencement of operations), the time period within which a response shall be provided, and the method of advising the member of the public that the complaint has been resolved and the action taken;
- e) management of noise from the pick up / drop-off area at the front of the facility within Goyen Avenue, including provision of relevant signage if/as required;
- f) management of noise from cooling plant towers at rooftop level as restricted by this consent;
- g) any other relevant matters included within conditions of consent.

The POM must be consistent with the conditions of consent and the facility shall be operated in accordance with the approved POM at all times.

A copy of the approved POM shall be provided to each staff member prior to their commencement of employment and/or use of the facility. A copy of the approved POM shall be clearly displayed within staff and locker rooms on site.

The POM shall be reviewed annually and any changes made to address issues raised by neighbours and / or community members where relevant. Should changes be required to the POM or revisions result in a conflict with conditions of consent, a Section 96 Application must be submitted to Council for assessment prior to the amendment taking place. The POM is to be made available to Council upon request.

Safety & Security

The development provides a clearly identifiable and legible main building entry from Goyen Avenue. The main entrance of the facility comprises direct pedestrian access from Goyen Avenue / Harrow Road and a high level of visibility to the street via the location of the reception adjoining the main entrance. The development operates 24 hours a day with staff on site at all times. Common internal and external areas on site, private rooms and car parking areas are accessible via a secure electronic system. Common areas are to be well lit with clearly defined pathways.

The proposal has been designed to maximize passive surveillance of the public domain via the incorporation of windows and balcony openings to address all street frontages.

Further, draft conditions are proposed requiring the installation of CCTV cameras at relevant locations, the preparation of a lighting maintenance policy and the use of graffiti resistant materials at ground floor level.

Construction

Construction of the proposed development includes excavation works, piling and the construction of the development. Impacts will be minimized through the use of standard conditions of consent relating to hours of construction, noise, dust suppression traffic management and the like.

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

The subject site is considered to be of appropriate dimensions and overall area in order to accommodate the proposed development. Bexley Town Centre is positioned 395m direct walking distance from the subject site via an accessible walkway. Rockdale Town Centre is also positioned 638m direct walking distance from the site. Both Bexley and Rockdale Town Centres comprises a range of retail / community and medical services, including but not limited to a dentist, supermarket, bakery, convenience stores, medical centres, butchers, restaurants, pharmacies, banks etc.

Two bus routes the 400 - Burwood, Airport, Eastgardens, UNSW, Bondi Junction and the 452 - Beverly Hills to Rockdale are located within 30m of the subject site along Harrow Road via an accessible footpath. A third bus route the 492 Drummoyne to Rockdale is also positioned 368m direct walking distance within Frederick Street. The site therefore benefits from good access to nearby public transport services.

The orientation and location of the site is as such that shadow impacts to neighbouring properties are minimized in midwinter. The site is identified as being flood affected, however minimum floor levels have been adhered to. The intensity of use as proposed is not beyond the environmental capacity of the land & the additional traffic generation resulting from the proposed development will not adversely affect the existing road network. Further the site is suitable from a contamination standpoint.

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

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

The development was notified on two occasions in accordance with the provisions of Rockdale DCP 2011. A total of nine (9) submissions were received following the initial notification, with four (4) submitted following the re-notification of amended plans. The issues raised in the submission are discussed below:

Excess bulk, scale, height / Proposal should be 2 storeys maximum / Excess FSR / Overdevelopment of the site

Comment: Matters relating to height, FSR and streetscape have been previously discussed within this report. It is reiterated that surplus FSR in this instance is the direct consequence of the provision of additional car parking spaces within the basement level of the development. The building form above ground level complies with the FSR requirements for the site. The proposed development is not deemed to be an overdevelopment of the subject site.

Proposal and its architectural style are inconsistent with low density residential surroundings / Inconsistent with streetscape / Adverse visual impact of proposal

Comment: The matter of streetscape has been previously discussed within this report, in Part 4.2 - Streetscape and Site Context. The proposal is considered to respond satisfactorily in regards to streetscape and provides an appropriate transition with surrounding existing development and the future desired character of the area.

More landscaping should be provided to alleviate bulk, scale and height of development

Comment: Final revised plans incorporate additional landscaping on site and the proposal provides 25% of the site as landscaped area. Permeable paving is also proposed in order to assist with irrigation and stormwater management. The front setback of the site to Harrow Road has been heavily planted with shrubs, trees and groundcovers capable of growing to a mature height of up to 25m. Periphery landscaping is also proposed forward of the building line to both Goyen and Bowlers Avenues. A 33m length planter box is proposed adjoining the vehicular pick up /drop off area and main entrance to the facility, this assists in softening the base of the development. Landscaped areas on site incorporate a range of groundcovers, shrubs and trees capable of growing to a mature height of up to 25m and will provide amenity and visual interest.

Surplus aged care facilities exist within Bexley

Comment: The proposal is a permissible use within the subject R2 low density zoning. The subject site is appropriately located between the Rockdale and Bexley town centres and is of sufficient overall area and dimensions to accommodate the proposed development. Two aged care facilities are located within 1km of the subject site, being Scalibrini Village and Huntingdon Gardens. The proposed development will add variety of choice and increase the number of low and high care rooms available within the local government area.

Inadequate setbacks

Comment: Final revised plans depict increased setbacks to all site boundaries. Setbacks as proposed are considered to be satisfactory and have been discussed in detail within Part 4.2 - Streetscape and Site Context of this report.

No footpath proposed to Goyen and Bowlers Avenues

Comment: Plans indicate that the existing 1m wide pedestrian pathway along the Bowlers Avenue frontage of the site is to be retained, this is deemed to be satisfactory. The main entrance to the proposed aged care facility is from Goyen Avenue. Appropriate pedestrian access is provided from the public domain to the main entrance of the facility in the form of a ramp which acts as an extension of the public footpath at the junction of Harrow Road and Goyen Avenue. Additionally a 1.1m wide pedestrian pathway is proposed along the periphery of the Goyen Avenue frontage of the site.

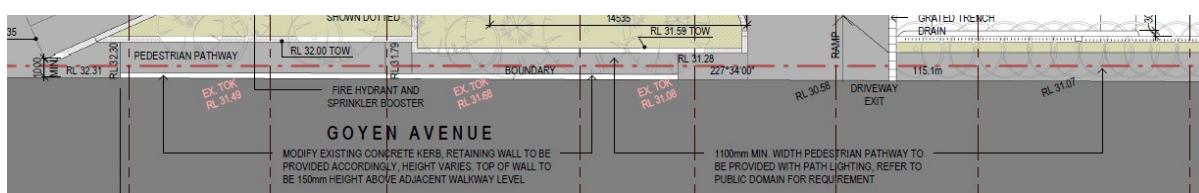


Figure 18 - Proposed pedestrian pathway along Goyen Avenue

Proposal will set a negative precedent allowing heritage items to be destroyed and sites redeveloped

*/ Former bowling club should be rebuilt and/or restored based on old plans and photos /
Development should not be proposed at the location of the former bowling club*

Comment: The subject site previously accommodated a heritage item, being the clubhouse building of the former St George Bowling Club. The clubhouse was destroyed as a result of an arson attack in 2013 and as such the site was delisted as a heritage item under Rockdale LEP Amendment 13, which was finalised on 22 July 2016.

Adverse traffic and car parking impacts / Traffic report does not clarify dates of surveys undertaken / Traffic counts may have been undertaken in January when residents businesses and schools are on holiday / Unsafe access for garbage trucks in Goyen Avenue as it is too narrow for trucks to turn around / Goyen Avenue is too narrow for the traffic to be generated by the proposed development and vehicular entries / exits should be via Harrow Road / Traffic will bank up in Goyen Avenue in peak times inconveniencing residents / Visitors will park on the street and this is unfair to residents in Goyen Avenue

Comment: The proposal complies with and exceeds the parking requirements of the RMS Guide to Traffic Generating Development. The proposal has been conditioned to ensure 59 staff and 61 visitor car spaces are provided for future use. The provision of a vehicular entry / exit via Harrow Road is not possible, given Harrow Road is a classified road managed by the Roads and Maritime Service.

The proposal accommodates on site garbage collection, loading and unloading facilities as well as an ambulance bay. Councils Engineer has reviewed the proposal and considers that Goyen Avenue is of sufficient width and capacity of which to accommodate vehicular traffic anticipated to be generated by the proposed development.

Access to basement levels is to be via a swipe card or intercom system. A condition of consent is proposed requiring the applicant to provide a revised Plan of Management to Council prior to the issue of the Occupation Certificate, demonstrating that a system is in place to ensure that the on site car parking spaces are used by staff and visitors, with a further condition requiring that access to visitor car spaces be made freely available between the hours of 6am - 10pm 7 days a week.

Area of site to rear of 122 Frederick street should be sold to that property / opposed to workshop to service vehicles on this part of the site

Comment: The area of the subject site in the eastern most corner to the rear of 122 Frederick Street and adjoining 6 Goyen Avenue is proposed to be used for the purpose of a vegetable garden.

Overshadowing impacts to properties in Goyen and Bowlers Avenue

Comment: Properties within Bowlers Avenue are located to the north / north west of the subject site. The proposed development does not generate shadows onto these properties given the aforementioned orientation. Properties within Goyen Avenue are positioned to the east and south east of the subject site. 84 Harrow Road is also positioned to the south east of the site. Properties within Goyen Avenue and 84 Harrow Road, their habitable rooms and private open spaces receive full winter sun from 9am - 12pm in midwinter. At 3pm the proposed development overshadows the rear yard of 84 Harrow Road and 1 Goyen Avenue, along with the front yards of 2-6 Goyen Avenue and part of the existing single storey dwellings. Notwithstanding, it is noted that the proposed development complies with the requirements of DCP 2011, with a minimum of 3hours of solar access being retained

to properties opposite the site in Goyen Ave and at 84 Harrow Road in midwinter. The proposal is satisfactory in this regard.

Council deceitful in information provided to residents and allowing rezoning to occur i.e. residents were advised of 2 – 3 storeys and proposal is 3-4 storeys / Council didn't provide plans to residents prior to finalisation of the rezoning / residents has no idea of the consequences of the zoning change

Comment: The Planning Proposal included building massing diagrams which showed the scale of the potential site development, including maximum height limit to scale with existing building height limits in the RLEP 2011. Council does not approve any final development outcome at the rezoning stage, as plans are finalized for approval through the Development Application process, whereby adjoining residents are yet again notified, so as to be made aware of any specific development plans that could affect them. The exhibition material also included Council's resolution regarding additional building height and floor space ratio incentives, only for Seniors Housing within the site. No other development type would have been able to utilise the additional building height and fsr incentives.

Excavation for proposed basement levels will cause problems to street foundation and dwellings opposite the site

Comment: The proposal has been conditioned to require the applicant to undertake a dilapidation survey prior to the commencement of works on site. The 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.

Devaluation of neighbouring dwellings

Comment: This objection has not been substantiated and is not a matter for consideration under S79C.

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. As such it is considered that the development application is in the public interest.

S94 Contribution towards provision or improvement of amenities or services Rockdale Section 94 Contribution Plan

Section 2.11.1 of the Council's Section 94 Development Contributions Plan 2008 applies to Seniors housing (including housing for people with a disability), as defined in State Environmental Planning Policy (Seniors Living) 2004, except where the applicant is the Department of Housing, a local government housing provider or a community housing provider.

The Section 94 Contributions to be levied for 198 beds is \$1,029,123.93 and the contributions are to be used by Council towards the provision or improvement of amenities and services in the local government area. The proposal has been conditioned accordingly.

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.

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.

Plan/Dwg No.	Drawn by	Dated	Received by Council
Architectural Plans			
DA 000 Rev D Cover Sheet	CDA Architects Pty Ltd	14/03/2017	11/04/2017
DA 001 Rev B Site Plan	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 100 Rev D Basement 2 Plan	CDA Architects Pty Ltd	11/04/2017	11/04/2017
DA 101 Rev C Basement 1 Plan	CDA Architects Pty Ltd	28/03/2017	11/04/2017
DA 102 Rev F Ground Floor Plan	CDA Architects Pty Ltd	10/04/2017	11/04/2017
DA 103 Rev B Level 1 Plan	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 104 Rev B Level 2 Plan	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 105 Rev B Level 3 Plan	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 106 Rev B Roof Level Plan	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 735 Rev A Goyen Avenue Concept Public Domain Plan	CDA Architects Pty Ltd	10/04/2017	11/04/2017
DA 200 Rev F North / South Elevations	CDA Architects Pty Ltd	11/04/2017	11/04/2017
DA 201 Rev D East / West Elevations	CDA Architects Pty Ltd	14/03/2017	11/04/2017
DA 300 Rev D Sections	CDA Architects Pty Ltd	11/04/2017	11/04/2017
DA 301 Rev C Sections	CDA Architects Pty Ltd	11/04/2017	11/04/2017

DA 310 Rev B Driveway Sections	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 500 Rev A Accessible Room Floor Plans	CDA Architects Pty Ltd	17/05/2016	11/04/2017
DA 730 Rev D Finishes Schedule	CDA Architects Pty Ltd	14/03/2017	11/04/2017
DA 733 Rev A Pergola Plan and Details	CDA Architects Pty Ltd	05/12/2016	11/04/2017
DA 734 Rev B Boundary Fence Details	CDA Architects Pty Ltd	28/03/2017	11/04/2017
Landscape Plans			
Ground level L01 Rev J	habit8	20/03/2017	11/04/2017
Level 3 L02 Rev H	habit8	21/12/2016	11/04/2017
Sections L03 Rev F	habit8	15/12/2016	11/04/2017
Proposed Planting L04 Rev G	habit8	15/12/2016	11/04/2017
Specification Notes and Details L05 Rev D	habit8	15/12/2016	11/04/2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. Pergola structures and 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. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. **Public Place Works - Supervising Engineer**
The implementation of this Consent generates a need for the adequate supervision of the works and activities in a public place.

A. Before Construction

The consent holder must engage an appropriately qualified supervising engineer to supervise construction of any works approved to be carried out in a public place approved by Bayside Council under the Roads Act and/or Local Government Act.

The supervising engineer must hold qualifications, licenses and insurance as determined by Council, and submit evidence of the qualifications, licenses and insurance prior to the commencement of construction.

B. During Construction

The supervising engineer must supervise the works as listed above to ensure

compliance with:

- i) any consent issued by Bayside Council pursuant to the Roads Act and/or the Local Government Act, including conditions annexed to this consent.
- ii) the approved design and specification, including any approved amendments by Rockdale City Council to the design and specification
- iii) the consent issued by the consent authority under the Environmental Planning and Assessment Act
- iv) any related design and construction parameters specified by Council.

C. Before Occupation

The engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of the consent for the works approval for works in a public place have been met.

11. INTEGRATED DEVELOPMENT / EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

WATER NSW

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need

to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to Excavation

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

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

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

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

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]

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

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

9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

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

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

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

Operations Act 1997 and any requirements of the relevant controlling authority.

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

During Excavation

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

15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

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

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

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

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

20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following Excavation

21. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:

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

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

SYDNEY AIRPORT CORPORATION LIMITED (SACL)

SACL has approved the maximum height of the proposed building at 46.72metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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

ROADS AND MARITIME SERVICE

A) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Harrow Road, boundary.

B) The removal of the existing vehicular crossing on Harrow Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plan of the proposed kerb are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

C) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

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

D) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8848 2114
Fax 8849 2766

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

E) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Harrow Road during construction activities.

F) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Harrow Road.

12. **Required Infrastructure Works –Roads Act 1993**

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Bayside Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a principal Certifying Authority or by a Private Certifier. Failure to obtain approval from Bayside Council may result in fines or prosecution.

The implementation of this Consent generates a need for works to be completed in a public place owned by Council and RMS, with such works being at no cost to Council or the RMS. Works include the following:

- i) Landscaping and embellishment of Harrow Road, Goyen Avenue and Bowlers Avenue frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture etc;
- ii) Undergrounding of existing Ausgrid electricity supply cabling (low and high voltage, as applicable) in above Street frontages to the development site;
- iii) Installation of new street lighting in Goyen Avenue road frontages to the development site;
- iv) Construction of a driveway (vehicular entrance) and associated construction and reconstruction of driveway layback, footpath and kerb and gutter in Goyen Avenue.
- v) Removal of redundant driveway laybacks and reinstatement with kerb and gutter in above streets.
- vi) Proposed Drainage Pipe relocation (along sections of the Harrow Road and the Goyen Avenue)

A. Design

The scope of works is to be confirmed by Bayside Council. For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Bayside Council, and the Engineering Drawing Guide: For Works In Association With Developments And Subdivisions and Engineering

Specification Guide: For Works In Association With Developments And Subdivisions, or approved replacement documents. For identified works the preparation of the design and specification shall be undertaken by a professional engineer, or other professional person, meeting the requirements of the design brief issued by Bayside Council.

Note: To enable the scope of works to be determined and alignment levels issued a completed Driveway/Frontage Works Application Form must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993 for the scope of works to be confirmed and alignment levels issued.

Proposed Drainage Pipe relocation (along sections of the Harrow Road and the Goyen Avenue, Bexley)

Full Hydrologic+Hydraulic (H+H) assessment is required to determine required pipe size for proposed pipe relocation along the section of the Harrow Road and the Goyen Avenue. Please refer to the most recent 2D Flood Study Review (BMT WBM Pty Ltd, 2016/17) for up-to-date data.

Assumptions

H+H analysis is to be carried out for all combinations of the following design components:

1. Design Events (AEP): 10% and 20%
2. Catchment Development: Existing and Ultimate (contributing catchment fully developed up to the level allowed by current zoning)
3. Downstream Boundary Conditions: Downstream pipe is flowing full at a nominated pipe friction slope.

The following factors are also to be taken into account:

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

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

- 2.5 m/s.

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

- Construction of twin/several smaller pipes rather than single large pipe is allowed subject to site/construction/services constraints.
- New pits and junctions are to be designed to minimise head loss and allow for maximum entry/inlet capacity.
- A pipe slope of greater than 0.5% is required to prevent siltation. If/where physical restraints prevented this requirement being met slope under 0.5% is acceptable.
- The existing pipe/pits ("to remove") are to be decommissioned/removed at a

developer's expense.

Note: The works required will be confirmed using the following criteria:

- i) To ensure that infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site is provided.
- ii) To ensure that there is adequate construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii) To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv) To mitigate any impacts the development may have on traffic and pedestrian safety.
- v) To satisfy the requirements of any Development Control Plan, Public Domain Plan, Streetscape Manual or any other relevant Council Plan, including the Section 94 Contributions Plan.
- vi) To ensure there are adequate transitions between newly constructed infrastructures and existing infrastructure.

The Certifying Authority shall ensure that engineering design plans and specifications have been prepared for the above identified works. For identified works the preparation of the design and specification shall be undertaken by a meeting the qualification and registration requirements of the *Rockdale Technical Guide: Computer Aided Design and Drafting (CADD), 2012*. The plans and specifications must be to a detail suitable for construction issue purposes and comply with all documentation specifications identified in the *Rockdale Technical Guide: Computer Aided Design and Drafting (CADD), 2012*.

The detailed design and specification shall be undertaken in accordance with Rockdale City Council's current infrastructure design and specifications guidelines:

- i) Applicable Australian Standards, AUSTRODS guidelines and Council's Minor Works Specifications;
- ii) *Infrastructure Design Manual / AUS-SPECs (neither approved / adopted);*
- iii) *Engineering Specification Guide: For Works in Association with Developments and Subdivisions.*

Note: *An application is to be made to Bayside Council for a permit for Frontage Works Construction, along with payment of the required fees and charges prior to undertaking design. Under this application, Council will provide boundary levels and confirm technical specifications for design of the works. A minimum of 21 days will be required for Council to design submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate.*

B. Prior to Issue of the Relevant Construction Certificate

A detailed design and specification for works to be carried out on public land (including a road or footpath) shall be completed and approved by Bayside Council pursuant to the Roads Act and/or Local Government Act prior to construction. All fees for inspection by Bayside Council shall be paid and the works approval for works in a public place activated.

Note: *Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval from Rockdale City Council may result in fines or prosecution.*

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993. Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

C. Before Occupation

All works required in the public place as detailed by the approved design and specification must be completed before occupation of the development. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Bayside Council, and a handover certificate issued by Bayside Council.

13. Public Place Activities - Site Management Plan

The implementation of this Consent generates a need for works on the development site and in a public place to be appropriately managed to ensure the protection of the environment and safety of the other public place users.

A. Before Commencement of Works including Demolition

A Site Management Plan must accompany the completed Driveway/Frontage Works Application Form. If any demolition of infrastructure in a public place is to commence prior to the issue of a works approval for works in a public place the applicant must submit to Bayside Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Bayside Council Development Control Plan 2011 relating to site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

B. During Works

The site management plan measures must remain in place and be maintained throughout the period of works and until the site has been stabilized and/or restored in accordance with the works approval for works in a public place.

14. Public Place Works - Pre-commencement Inspection

The implementation of this Consent generates a need for the adequate regulation of the works and activities in a public place.

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the holder of the Consent for the works approval for works in a public place. The meeting shall be held on-site a minimum 5 days prior to any demolition and/or construction activity and be held between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must

be attended by a representative of the Principal Certifying Authority, the builder/site manager of the building/civil construction company and supervising engineer, in addition to a representative of Bayside Council. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Rockdale City Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the consents, approved design plans and approved specifications are retained on site.

Note: The consent for the works approval for works in a public place must be activated and all inspection fees must be paid to Bayside Council prior to the meeting. Please refer to Bayside Councils Adopted Schedule of Fees and Charges.

Development specific conditions

The following conditions are specific to the Development Application proposal.

15. The design and construction of the off-street parking facilities shall comply with the following Australian Standards:

- AS/NZS 2890.1:2004
- AS2890.2:2002
- AS2890.3:1993
- AS/NZS2890.6:2009

The following conditions apply to the provision of car parking on site and the adequacy of vehicular movements within the site:

- a. Provide bicycle parking facilities for residents that are class 1 or 2 in accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3 facilities.
- b. 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.
- c. Design the ramp entry and manoeuvring area to accommodate a MRV size vehicle within the basement, subject to compliance with AS2890.2 Specifies minimum requirements for the layout of off-street facilities for the loading and unloading of commercial vehicles, including design requirements for access driveways across the property boundary and for internal circulation roadways.
- d. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
For parking with people with disabilities, vehicular path of travel to have clearance of 2.3m and clearance and above the parking bay shall be 2.5m minimum.
- e. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
- f. The proposed loading bays shall be designed to accommodate a Medium Rigid Vehicle (MRV) in terms of forward direction entry and exit, height clearance of 4.5m and clear swept path within the ramp.
- g. The swept path analysis for the a MRV vehicle using recognised computer software package such as Autoturn, complying with Section B3 of

AS/NZS2890.1:2004.

h. Off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6, specifies required aisle and bay widths to relevant user class.

16. All Ambulance patient pick-up and/or drop-off shall take place from within the dedicated ambulance bay located in the basement parking area.
17. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
18. The function room on site is to be made available from 7am - 7pm for residents and their guests. This area is not to be leased to or utilised by members of the general public.
19. The maximum number of persons working on the premises shall be limited to 117.
20. Access to visitor car spaces on site is to be made freely available between the hours of 6.00am - 10.00pm 7 days a week.
21. All loading, unloading and transfer of goods, including garbage collection to and from the loading bays and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
22. Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2002. Commercial vehicles greater in size and mass than the MRV are not permitted to enter the site.
23. 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.
24. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system and Management of Garbage collection and Ambulance bay.

Detention system

Terms and Conditions of the Positive Covenant.

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

The Registered Proprietor will:

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

requirements of this clause within the time stated in the notice.

The management plan for Garbage collection and Ambulance bay.

Terms and Conditions of the Positive Covenant:

The existing and future owners (Registered Proprietor) of the property will be responsible for the implementation of a management plan for garbage collection and the ambulance bay.

The Registered Proprietor will:

- a. The associated traffic movements will be via Goyen Ave, and will be managed to ensure deliveries and collections will generally occur during working hours.
- b. All service vehicles will enter and exit the site via the main entry drive from Goyen Ave. A secure service area, incorporating a secure loading dock is located at the basement level. It is intended to utilise the loading dock for both deliveries of goods to the site as well as the collection of goods and waste.
- c. Ambulance vehicles will arrive at the main entry drop off zone in Goyen Ave. The ambulance officer will then be directed to the Ambulance Bay in the basement to be met by the Operators representative prior to occupant pick up.
- d. Refuse removal and servicing shall be undertaken by a private contractor within the property utilising a MRV size vehicle.
- e. Carry out the matters referred to in paragraphs (d) at the proprietor's expense;
- f. Permit the Council of its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the system for compliance with the requirements of this clause;
- g. Comply with the terms on any written notice issued by the Council in respect to the requirements of this clause within the time stated on the notice.

2. In the event of the registered proprietor failing to comply with the terms of any written notice served in respect of the matters in Clause 1 the Council of its authorised agents may enter with all necessary equipment and carry out any work required to ensure the safe and efficient operation of garbage collection and recover from the registered proprietor the cost of liaison with the proprietor and the cost of carrying out the work, and if necessary, recover the amount due by legal proceedings (including legal cost and fees) and entry of a covenant charge on the land under Section 88F of the Conveyancing Act 1919. In carrying out any work under this clause, the Council shall take reasonable precautions to ensure that the building is disturbed as little as possible.

Name of the Authority Empowered to Release, Vary or Modify Covenant: Bayside Council

25. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
26. 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.
27. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.
28. The use of mechanical plant including air conditioners, fans, compressors,

condensers, freezers (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.

29. Contaminated, clinical or pathological wastes shall be stored, handled, transported and disposed of in accordance with the requirements of the NSW Environment Protection Authority and the NSW Health Department.
30. The operation of the premises, including maintenance of the waste storage and collection processes and the pumping of stormwater and/or liquids from the site as permitted by this consent or relevant legislation, shall not give rise to nuisance to neighbours or the emission of offensive odours in contravention of the Protection of the Environment Operations Act 1997.
31. 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.
32. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
33. 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.
34. Services or utility systems shall not be located in the garbage room. Hot and cold water hose cocks shall be installed to the garbage room.
35.
 - a) In order to ensure the design quality excellence of the development is retained:
 - i. CDA Architects is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorized by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to Bayside Council prior to release of the Construction Certificate.
 - b) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
36. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Details are to be submitted to and approved by the PCA prior to the issue of the Construction Certificate.
37. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
38. Landscape
 - a) Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
 - b) Podium landscaping and paved areas shall be drained into the stormwater

drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.

c) All playground structures and softfall treatments shall satisfy the relevant AS/NZS standards (AS/NZS 4486.1:1997, AS/NZS 4422:1996).

d) All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.

e) 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.

39. Any proposed water cooling tower, evaporative cooling and/or warm water system shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012, Australian Standard 3666.1 "Air Handling and Water Systems of Buildings - Microbial Control - Design, installation and commissioning", and the current code of practice published by the NSW Health department.
40. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulation 2015 and the Australian Standard AS 4674 – 2004 "Design, Construction and Fit out of Food Premises".
41. The proposed development and/or beauty salon shall comply with the requirements of the Local Government Act 1993, the Regulations there under, Public Health Act 2010 and Public Health Regulation 2012.
42. No skin penetration, including but not limited to ear or nose or body piecing, tattooing and acupuncture shall be carried out on the premises without the prior consent from Council.
43. Acoustic

Adopt and implement all recommendations contained in the 'DA Acoustic Report, St Basil, 62-82 Harrow Rd, Bexley' prepared by Acoustic Logic dated 04 December 2015 Ref: 20131222.3/0412A/R0/GW.

A revised Acoustic Report including a detailed assessment of noise emissions of all required mechanical plant and services within the building must be prepared and approved by the PCA prior to the issue of the Construction Certificate.

A suitably qualified and experienced acoustic consultant is required to undertake the report. The report must detail, where required, all acoustical treatments to ensure the proposed development meets all the noise criteria and objectives given in the 'DA Acoustic Report, St Basil, 62-82 Harrow Rd, Bexley' prepared by Acoustic Logic dated 04 December 2015 Ref: 20131222.3/0412A/R0/GW. All recommendations of the revised report are to be incorporated into Construction Certificate drawings and implemented on site.

44. All paving located / installed over approved deep soil zone within the site must be an approved water permeable paver.
45. A maximum of 198 beds / single patient rooms are to be provided within the development for seniors and / or persons with a disability.
46. The operation of the kitchen exhaust fan must not emit:

- (a) 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
- (b) a noise level that is audible in habitable rooms of adjoining residences (during off peak time).

Note:

- *peak time means:*
the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
- the time between 7:00 am and 10:00 pm on any other day.
- *off peak time means: any time other than peak time.*
- *habitable room has the same meaning as in the Building Code of Australia.*

47. The operation of all air conditioning unit/s must not emit:

- (1) 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
- (2) a noise level that is audible in habitable rooms of adjoining residences (during off peak time).

Note:

- *peak time means:*
(a) the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
(b) the time between 7:00 am and 10:00 pm on any other day.
- *off peak time means: any time other than peak time.*
- *habitable room has the same meaning as in the Building Code of Australia.*

48. The hours of operation of the approved use shall be Monday to Sunday, 24 hours per day. However, the hours of deliveries and waste collection shall be restricted as follows:

a) Waste collection shall occur on site at all times within basement level 2 and be restricted to occur between the hours of 7am - 7pm Monday to Saturday and 9am - 6pm Sunday / public holidays.

b) Deliveries, loading and unloading are to occur on site within basement level 2 between hours of 7am - 6pm Monday to Saturday. No deliveries are to occur on Sunday or Public Holidays.

Prior to commencement of operations, a sign shall be erected adjacent to the loading bay which clearly shows the approved loading bay operating times identified above. The sign should clearly state that noise should be minimised and that deliveries are not permitted outside of the approved hours.

49. Flagpoles do not form part of this consent.

50. A maximum of two cooling tower units with a maximum height of 0.6m are permitted upon the rooftop level between the goods and passenger lift cores. No other plant equipment is to be located at rooftop level.

Prior to issue of the construction certificate

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

51. 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 \$98,406.90. 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.
52. 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.
53. 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.
54. A Section 94 contribution of \$1,029,176.28 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of 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 \$877,334.04
Community Services & Facilities \$51,135.48
Town Centre & Streetscape Improvements \$19,219.86
Pollution Control \$75,834.00
Plan Administration & Management \$5,652.90
- Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.
55. 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 levels plus 0.5m. The plan is also to detail how the flood awareness of residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitable qualified and experienced Flood / Hydraulic Engineer and approved by the PCA prior to the issue of the Construction Certificate.

56. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
57. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
58. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.

All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.

59. Ausgrid

(i) The applicant shall confer with Ausgrid to determine if an electricity distribution substation and/or the installation of electricity conduits in the footway is required. The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.

(ii) All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary.

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

60. The approved plans must be submitted to Sydney Water to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifying Authority must ensure that Sydney Water has approved the plans before issue of any Construction Certificate. For more information, visit www.sydneywater.com.au.
61. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
 - i) Construction of footpath and streetscape works.
 - ii) Public Domain Works.
 - iii) Public drainage works.
 - iv) Construction of vehicular entrance.
62. Prior to issue of the Construction Certificate, a longitudinal driveway profile for ramps and proposed vehicular crossings 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.
63. Any sub-surface structure within the highest known groundwater table / rock + 0.5m shall be designed with a waterproof retention system (ie Structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to

water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate for the relevant stage of works.

A design certificate is required to be submitted for the design of the basement system including shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.

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

Note:

a. All structures that are fully or significantly below ground shall be fully tanked to finished ground level.

b. After construction is completed no seepage water is to discharge to the kerb. Permanent dewatering will not be permitted.

c. Continuous monitoring of ground water levels may be required.

64. Architectural and Landscape plans are to be amended as follows and approved by the Principal Certifying Authority prior to the issue of the construction certificate.

a) A maximum fence height of 1.2m shall be provided to the Bowlers Avenue frontage of the site and at the splayed corner of Bowlers Avenue and Harrow Road.

b) Balconies at levels 1 and 2 fronting Bowlers Avenue, off rooms 158 and 258 are to be provided with a fixed 1.8m high privacy screen comprising VTB Aluminium Timber look blades in horizontal form, as noted upon approved elevations.

c) Screen planting with a minimum height of 1.5m is to be provided within the 0.4m setback to Bowlers Avenue in front of the substation on site.

d) Fixed privacy screen comprising VTB Aluminium Timber look blades, as noted upon approved elevations shall be provided to the bedroom windows of rooms 159/160/161/162/163/164 at level 1 and rooms 211/212 and 259 at level 2.

e) Details, location and placement of Heritage windows to be incorporated into the entry hall of the development are to be illustrated and notated upon plans.

65. Prior to the issue of a construction certificate, approval from utility providers is required for any works relating to existing utilities within the road reserve. You are required to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.

66. *Adjoining buildings founded on loose foundation materials*

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

(a) Implement all recommendations contained in the report prepared by JK

Geotechnics, Ref: 26613Vrpt-Bexley, Dated 24 June 2013.

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

(c) Confirm the proposed construction methodology

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

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

(e) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

67. Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

68. Prior to the issue of a Construction Certificate for building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including ramp vehicular crossing, loading bays and ambulance bay comply with the relevant Australian Standards, Council Technical specification and conditions of consent.
69. Prior to issue of Construction Certificate, swept path analysis shall be submitted to Certifying Authority for assessment and approval.

The swept path drawings shall include the entry/exit of the internal ramps within the basement levels and an 'MRV' sized vehicle entering/exiting of the driveway / loading bay in accordance with section 7.2 of Councils Technical Specification – Traffic, Parking and Access.

Where a Private Certifier issues an Construction Certificate, the plans mentioned in the above paragraph must be provided to Council.

70. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
71. A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h.
72. Prior to the issue of a Construction Certificate, all structural or equipment requirements for food premises specified in the conditions of development consent, the structural requirements of the Food Act 2003, Food Regulation 2015 and the Australian Standard AS 4674 – 2004 "Design, Construction and Fitout of Food Premises" are to be incorporated into the plans and specifications for the Construction Certificate.
73. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting

documentation.

74. All basement surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

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

75. Prior to the issue of the Construction Certificate the Council pipeline that traverses the property shall be located.
76. 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.

Note:

a. DCP 2011 requires the provision of on-site detention. Concept drainage design plans, supporting calculations and design certification will be required to be submitted in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management

b. The basement pump storage shall be sized to contain the total volume of runoff generated by the two hour 1 in 50 year storm assuming the pumps are not operating. This is equivalent to 10.6 m³ per 100 m² of area being drained anticipated groundwater seepage capacity. All the pump storage volume is to be underground and to have minimum dual pumps.

c. To implement any required drainage measures on the base of geotechnical Engineer's advice on the drainage under the floor slab and basement walls. Drainage plans must show how groundwater is managed within basement including shoring walls, temporary and permanent. Subsoil drainage shall be provided and designed to allow the free movement of groundwater around any proposed structure, but is not to be connected to the internal drainage system

d. Basement ramps are to have a crest level to prevent inundation from gutter flows.

e. The openings (grated covers) to the proposed OSD tank shall be kept away from overland flow paths to prevent inundation from flooding.

f. Detailed plans are required to incorporate an oil interceptor for the driveway and carpark stormwater run-off in accordance with Rockdale Technical Specification Stormwater Management, section 7.5.4

g. Detailed plans are required to show the basement levels as a tanked system.

h. The design shall identify, and discuss in detail, the measures put in place to re-use water, maintain groundwater quality, minimise at source generation of water pollutants, and convey stormwater flows through the site.

77. Full time '*No Stopping*' restrictions are to be implemented along the Harrow Road frontage of the site. Signage and all associated work costs are to be at the expense of the developer. The developer is to contact the Roads and Maritime Service for works instruction prior to the issue of the Construction Certificate. A copy of signage details and written approval from the RMS shall be submitted to Council, if Council is not the PCA.
78. The building must be designed in accordance with Energy efficiency measures as outlined within Section J of the Building Code of Australia. Details of compliance must be submitted to Council prior to the issue of the Construction Certificate.
79. The following conditions are required to be implemented and maintained at all times

in order to maximise safety and security on site. Details are to be approved by the PCA prior to the issue of the Construction Certificate.

i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), driveway and loading / delivery bay, the main entry areas to the development and garbage/storage areas. Digital or video technology should be used to record images from the cameras.

ii) A lighting maintenance policy shall be established for the development.

iii) Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

iv) Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.

v) Intercom facilities shall be installed into entry/exit points to enable residents / visitors / staff to communicate and identify with people prior to admitting them to the development.

Prior to commencement of works

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

80. 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.
81. 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.

82. 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.
83. 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.

84. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:
- hazard identification and control
 - site security
 - personal protective equipment
 - work zones and decontamination procedures
 - contingency plans and incident reporting
 - environmental monitoring.
85. 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.
86. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

During demolition / excavation / construction

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

87. 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.
88. 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.
89. For Class 5-9 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i. after excavation for and before the placement of, any footing, and
 - ii. prior to covering any stormwater drainage connections, and
 - iii. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

90. 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.

91. 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.
92. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
93. 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.
94. 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.
95. 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.

96. 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.

97. 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.
- 98. 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.
- 99. All recommendations contained in the Arborist's report by Tree IQ dated 12 September 2013 Rev A shall be implemented and complied with.

Prior to issue of occupation certificate or commencement of use

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

- 100. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
- 101. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
- 102. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
- 103. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
- 104. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
- 105. Plan of Management

Prior to the issue of the Occupation Certificate, the Plan of Management Plan (POM) April 2017, prepared by Momentum Project Group and submitted to Council on 20 April 2017, shall be reviewed, updated, and approved by the Bayside Council Director of City Futures, to ensure all relevant operational conditions of consent are reflected, that staff, residents (where required) and visitors have access to car parking areas within the development site and that the following matters are included;

- a) a staff induction procedure in relation to on site car parking is to be prepared;
- b) details provided in relation to the allocation and management of visitor, staff and accessible car spaces on site;
- c) details provided in relation to the management of traffic and car parking during special events, including but not limited to Christmas, Easter, Mothers and Fathers day periods.
- d) incorporation of a complaints handling procedure for managing complaints received from neighbours and community members. This procedure shall at minimum include a contact person & phone number (with written details to be provided to the owners and occupants of 1 - 6 Goyen Avenue, 1 - 6 Bowlers Avenue, 60 and 84 Harrow Road, 120-136 Frederick Street, prior to commencement of operations), the time period within which a response shall be provided, and the method of advising the member of the public that the complaint has been resolved and the action taken;
- e) management of noise from the pick up / drop-off area at the front of the facility within Goyen Avenue, including provision of relevant signage if/as required;
- f) management of noise from cooling plant towers at rooftop level as restricted by this consent;
- g) incorporation of a lighting maintenance policy;
- h) any other relevant matters included within conditions of consent.

The POM must be consistent with the conditions of consent and the facility shall be operated in accordance with the approved POM at all times.

A copy of the approved POM shall be provided to each staff member prior to their commencement of employment and/or use of the facility. A copy of the approved POM shall be clearly displayed within staff and locker rooms on site.

The POM shall be reviewed annually and any changes made to address issues raised by neighbours and / or community members where relevant. Should changes be required to the POM or revisions result in a conflict with conditions of consent, a Section 96 Application must be submitted to Council for assessment prior to the amendment taking place. The POM is to be made available to Council upon request.

- 106. Prior to the issue of an Occupation Certificate for building works, a Flood Management Plan prepared by a professional engineer shall be submitted to the Certifying Authority for assessment and approval. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
- 107. Trading shall not commence until a final fit out inspection has been carried out by Council's Environmental Health Officer and all conditions of consent have been complied with. Council's Environmental Health Officer shall be given 2 business days advance notice of an inspection.
- 108. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
- 109. All works within the road reserve, which are subject to approval pursuant to Section

138 of the Roads Act 1993, shall be completed and accepted by council.

110. A restriction as to user under section 88E of the Conveyancing Act 1919, shall be registered with the Land and Property Information Officer, limiting the use of the building to 'seniors housing' as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This provision shall be in place prior to the issue of the Final Occupation Certificate.
111. The vehicular entry in Goyen Avenue is to be clearly marked and signposted ("entry" / "no entry") from the street and ("exit" / "no exit") internally.
112. 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".
113. 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.
114. A convex mirror is to be installed at blind corners to provide increased sight distance for vehicles.
115. The provision of a 0.9 metre wide right of footway in favour of Rockdale City Council along the boundary with along Goyen Avenue frontage. The right of footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council.
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
116. The dedication to Council of a 3m x 3m corner splay at both the intersections, Bowlers Avenue and Goyen Avenue to Harrow Road for road widening purposes. Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
117. Bollard(s) shall be installed by the developer to adaptable shared spaces, prior to the issue of any Occupation Certificate.
118. 120 off-street car spaces, being 59 staff and 61 visitor spaces shall be provided in accordance with the submitted plan and shall be linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
119. 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.
120. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the

approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.

121. Acoustic

Prior to the issue of any Occupation Certificate the following is required:

a) An appropriately qualified Noise Consultant is to certify that Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion has been met.

b) A suitably qualified Consultant is to certify that The Environmental Criteria for Road Traffic Noise, May 1999 standard has been met or, where this standard would not practically or reasonably be met, the internal noise objectives of the Building Code of Australia have been met.

c) An acoustic assessment report from a qualified and experienced acoustic consultant shall be submitted to and approved by the Principal Certifying Authority, demonstrating compliance with the noise criteria and objectives given in the 'DA Acoustic Report, St Basil, 62-82 Harrow Rd, Bexley' prepared by Acoustic Logic dated 04 December 2015 Ref: 20131222.3/0412A/R0/GW, and the recommendations of any revised Acoustic Report as required by this consent.

122. 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.

123. 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.

124. A certificate of playground safety installation compliance shall be submitted to Council prior to release of the Occupation Certificate.

125. The air conditioning and/or mechanical ventilation systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.

126. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.

127. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.

128. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority.

129. Prior to the issue of any Occupation Certificate, a certificate from a Registered

Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.

130. 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.
131. The contaminated site shall be remediated in accordance with State Environmental Planning Policy No. 55 - Remediation of land. Remediation and validation works on the site shall be carried out in accordance with the Detailed Environmental Site Assessment prepared by Aargus dated 24 November 2015.
132. The minimum distance between the outside finished surface level and the underside of the adjacent floor shall be 300mm in all cases where overland flow produced by the 1% AEP rainfall exceeds a depth of 200mm.
133. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.
Council requires proof of lodgement of the signed Instrument with the Land Titles Office.
134. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
135. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
136. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on – (Ref: F08/691, 12/020594 dated 26 March 2012 and the flood Report by BMT WBM Pty Ltd Ref: DXW: L.S20210.0007.docx dated 5 April 2017).
137. 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.
138. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
139. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
140. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
 - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.

- The overflow from the rainwater tank shall be directed to the storm water system.
- All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
- A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

Roads Act

141. 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.

142. 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.

143. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in Arncliffe Street will be required to be undertaken at the applicant's expense:

- i) Public Domain Works;
- ii) Drainage Pipe relocation (along sections of the Harrow Road and the Goyen Avenue)

Note: Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate.

144. 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.

145. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
146. 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.
147. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.

Development consent advice

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

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

- c. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- 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. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.