

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SCL009
DA Number	DA-2017/274/A
LGA	Bayside Council
Proposed Development	S4.55(2) Application - Modification to reduce beds from 198 to 172, reduction in staff numbers, relocation of lift cores, building amendments, increase in height, internal reconfiguration, introduction of a secure resident bus parking area in basement 2 and adjustment of floor levels.
Street Address	62-82 Harrow Road, Bexley
Applicant/Owner	St Basil's Homes
Date of DA lodgement	25 January 2018
Number of Submissions	Six (6) Three (3) submissions received following original notification. Three (3) submissions received following re-notification of amended plans.
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	CIV >\$20M The proposal as modified is referred to the Regional Panel for determination, as required by clause '123BA - Functions exercisable by council on behalf of regional panel' of the Environmental Planning and Assessment Regulation 2000.
List of all relevant s4.15(1)(a) matters	S4.56 – EP&A Act 1979 (as amended) SEPP Infrastructure 2007 SEPP State & Regional Development 2011 SEPP (Vegetation in Non-Rural Areas) 2017 SEPP 55 – Remediation of Land Rockdale LEP 2011 Rockdale DCP 2011 EPA Regulations 123BA, 92, 98A and 98E Rockdale Section 94 Development Contributions Plan 2008
List all documents submitted with this report for the Panel's consideration	Architectural Plans Pergola / Fence / Public Domain Plans Shadow Diagrams Schedule Colours & Finishes Landscape Details and Specifications Revised SEE BCA Capability Statement Height Plane Diagram Section J Report Acoustic Report St Basils Homes Charity Register Information – Australian Charities and Not for Profit Commission.
Report prepared by	Fiona Prodromou – Senior Assessment Planner
Report date	27 November 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized 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

Not Applicable

received, has it been attached to the assessment report?

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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/A
Date of Receipt:	25 January 2018
Property:	62 - 82 Harrow Road, BEXLEY (Lot 174 DP 715467)
Owner:	St Basil's Home
Applicant:	St Basil's Home
Proposal:	S4.55(2) Application - Modification to reduce beds from 198 to 172, reduction in staff numbers, relocation of lift cores, building amendments, increase in height, internal reconfiguration, introduction of a secure resident bus parking area in basement 2 and adjustment of floor levels
Recommendation:	Approved
No. of submissions:	Original Plans - 3 submissions Revised Plans - 3 submissions
Author:	Fiona Prodromou
Date of Report:	27 November 2018

Key Issues

The proposal as modified 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. This is as a result of a specific site rezoning in 2016, which rezoned the site from RE2 - Private Recreation to R2 - Low Density Residential, applied a 9.5m / 14.5m height limit and 1.25:1 FSR. was afforded to the site, with the heritage listing on site removed.

A maximum building height of 14.5 metres applies to the portion of the site within 38 metres of the Harrow Road frontage, with a maximum building height of 9.5 metres applying to the residual area of the site beyond the 38 metre distance from the Harrow Road frontage. The original development was approved with a variation of 1m - 4.42m (10.5% - 46.5%) to the height standard.

The proposal as modified seeks to further modify the height of the development, the proposed variation is 1m - 6.4m (23.3% - 71.1%) . Additional height as proposed is a direct consequence of a drafting error, whereby the previously approved floor to floor heights of the development did not account for required services, Section J insulation requirements or structural slab thickness. The proposal as modified further incorporates solar panels on the rooftop of the western portion of the development as a sustainability measure on site. As a result the overall height of the development is required to increase to achieve a compliant, functional and sustainable aged care facility on site.

A maximum FSR of 1.25:1 applies to the subject site, this equates to a maximum gross floor area of 10,384.37sq/m. The approved development comprises a total gross floor area of 10,950.5sq/m,

equating to an FSR of 1.31:1. It is noted that the 566.1sq/m of surplus approved GFA was located below ground level as support services and 41 surplus car parking spaces. This was a 5.4% variation to the standard.

The proposal as modified proposes a total GFA of 11,553.93sq/m which represents an FSR of 1.39:1 on site. The modified proposal therefore exceeds the FSR standard by 11.26% overall, of which 7% (728.8sq/m) is above ground and 4.26% (440.8sq/m) is below ground. Modifications to the proposal above ground are a direct result of the relocation of the chapel, addition of a multi purpose room with servery at ground level centrally within the site, expansion of entry foyer, services, staffroom and office spaces at ground level to the Goyen Avenue wing and the reorganisation of internal residential levels to improve communal dining / sitting areas, accommodate additional medical facilities and treatment rooms to each residential level.

The proposal as modified seeks to decrease the intensity of use on the site via a reduction in the number of resident rooms from 198 to 172 and reduction in staff numbers from 117 to 112.

Substantial landscaping is retained on site, with a range of trees and shrubs along the northern common boundary to Frederick Street properties, which comprise a mature height of up to 15m.

A total of six (6) submissions were received, following two public notification periods. Three submissions were received initially with a further three received following the renotification of amended plans.

The proposal as modified is recommended for Approval, as the modifications are consistent with the relevant planning objectives and the proposal as modified does not generate adverse environmental, streetscape or amenity impacts on site or to neighbouring properties.

Recommendation

That Development Application No 2017/27/A, being a Section 4.55(2) application to amend Development Consent Number 2017/27, for modifications to reduce beds from 198 to 172, reduction in staff numbers, relocation of lift cores, building amendments, increase in height, internal reconfiguration, introduction of a secure resident bus parking area in basement 2 and adjustment of floor levels, at 62-82 Harrow Road Bexley, be APPROVED and the consent amended in the following manner:

A. By amending conditions as follows;

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	Drawn by	Dated	Received by Council
Architectural Plans			

Site Plan A-DA-03 Rev 01	PTW Architects	18/09/2018	28/09/2018
Basement 2 Plan A-DA-04 Rev 01	PTW Architects	18/09/2018	28/09/2018
Basement 1 Plan A-DA-05 Rev 01	PTW Architects	18/09/2018	28/09/2018
Ground Floor Plan A-DA-06 Rev 02	PTW Architects	24/09/2018	28/09/2018
Level 1 Plan A-DA-07 Rev 02	PTW Architects	24/09/2018	28/09/2018
Level 2 Plan A-DA-08 Rev 02	PTW Architects	24/09/2018	28/09/2018
Level 3 Plan A-DA-09 Rev 02	PTW Architects	20/11/2018	21/11/2018
Roof Level Plan A-DA-10 Rev 02	PTW Architects	20/11/2018	21/11/2018
North / South Elevations A-DA-11 Rev 02	PTW Architects	20/11/2018	21/11/2018
East / West Elevations A-DA-12 Rev 02	PTW Architects	20/11/2018	21/11/2018
Internal North / South Elevations A-DA-13 Rev 02	PTW Architects	20/11/2018	21/11/2018
Sections A, B, C A-DA-14 Rev 02	PTW Architects	20/11/2018	21/11/2018
Sections D & E A-DA-15 Rev 02	PTW Architects	20/11/2018	21/11/2018
DA 310 Rev B Driveway Sections	CD Architects Pty Ltd	05/12/2016	11/04/2017
Accessible Room Floor Plans A-DA-36 Rev 01	PTW Architects	18/11/2018	20/11/2018
External Materials Palette A-DA-19 Rev 01	PTW Architects	18/09/2018	28/09/2018
Goyen Avenue Public Domain Drawing L03	Taylor Brammer Landscape Architects	23/11/2018	27/11/2018
L01 Pergola Plan and Details	Taylor Brammer Landscape Architects	23/11/2018	27/11/2018
L02 Boundary Fence Details	Taylor Brammer Landscape Architects	23/11/2018	27/11/2018
<u>Landscape Plans</u>			

<i>L00 Landscape Cover Sheet</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>
<i>L01 Ground Level Masterplan</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>
<i>L02 Ground Level Sections Elevations</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>
<i>L03 Level 3 Master Plan & Sections Elevations</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>
<i>L04 Typical Construction Details</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>

[Amendment A - S4.55(2) amended on 20/12/2018]

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

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

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management

Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 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.

[Amendment A - S4.55(2) amended on 20/12/2018]

19. The maximum number of persons working on the premises shall be limited to 112.

[Amendment A - S4.55(2) amended on 20/12/2018]

43. Acoustic

Adopt and implement all recommendations contained in the Acoustic Report, prepared by Acoustic Logic, dated 08/11/2017. 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 acoustic report prepared by Acoustic Logic, dated 08/11/2017.

All recommendations of the revised report are to be incorporated into Construction Certificate drawings and implemented on site.

[Amendment A - S4.55(2) amended on 20/12/2018]

45. A maximum of 172 beds / single patient rooms are to be provided within the development for seniors and / or persons with a disability.

[Amendment A - S4.55(2) amended on 20/12/2018]

50. Rooftop plant equipment is limited to the locations shown on the approved plans. Photovoltaic cells with a maximum height of 500mm above roof level are permitted on the rooftop level at the western end of the building site.

[Amendment A - S4.55(2) amended on 20/12/2018]

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) *Deleted.*

c) *Deleted.*

d) *Deleted*

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.*

f) *The two communal north facing balconies at the end of the Goyen Avenue wing, adjoining bedrooms 1-083 / 1-084 at level 1 and 2-083 / 2-084 at level 2 are to be deleted. Full height glazing obscure to a minimum height of 1.7m above finished floor level shall be provided in lieu of the doorway indicated on plans to enable natural light into corridors of the development in this location.*

[Amendment A - S4.55(2) amended on 20/12/2018]

118. 119 off street car spaces, being 58 staff and 61 visitor car spaces, 1 ambulance bay, 1 MRV bay loading, 1 garbage holding zone, and 1 minibus space shall be provided in accordance with the submitted plan and shall be line marked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

[Amendment A - S4.55(2) amended on 20/12/2018]

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 Acoustic Report, prepared by Acoustic Logic dated 08/11/2017 and the recommendations of any revised Acoustic Report as required by this consent.*

[Amendment A - S4.55(2) amended on 20/12/2018]

B. By deleting conditions as follows;

54. Deleted

Background

History

22 July 2016

Rockdale LEP Amendment 13 comes into effect. The Amendment:

- (i) rezones the entire site from RE2 Private Recreation zone to R2 Low Density Residential;
- (ii) applies a 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) applies a minimum lot size of 450m² across the site; and
- (iv) applies an FSR of 0.6:1 across the 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) removes the heritage listing from the site.

18 May 2017 Approved by Regional Panel

DA-2017/27 - 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.

25 January 2018 Submitted to Council

DA-2017/27/A - Modification to reduce beds from 198 to 165, introduce a secure resident bus parking area, internal layout changes, addition of a pedestrian link at level 1 within the site and reduction in size of rooftop communal open space area.

30 January - 14 February 2018

Public notification of original s4.55 plans.

15 February 2018

Briefing of Regional Panel

21 February 2018

Revised Plans & SEE submitted to Council following emails to applicant seeking clarification on height.

15 May 2018

Meeting with applicant to clarify proposed changes. Applicant advises further modifications are proposed and revised plans and information are to be submitted for assessment.

28 September 2018

Final revised plans and information submitted to Council. Proposal as modified seeks to reduce beds from 198 to 172, reduction in staff numbers, relocation of lift cores, building amendments, increase in height, internal reconfiguration, introduction of a secure resident bus parking area in basement 2 and

adjustment of floor levels.

11-26 October 2018

Public re-notification of final revised plans.

Proposal

The proposal seeks to undertake a range of building, design and operational modifications to the previously approved aged care facility on site. Changes include as follows;

- Increase in height of development to accommodate services, required structural slab thickness and provide 2.7m floor to ceiling heights.
- Reconfiguration and reduction of resident rooms from 198 to 172 in order to provide larger rooms with improved amenity.
- Reduction in staff numbers from 117 to 112.
- Addition of air conditioner and hot water plant at rooftop level above Goyen & Bowlers Avenue building wings.
- Relocation of chapel, addition of multi purpose room with servery at ground level centrally within the site, expansion of entry foyer, services, staffroom and office spaces at ground level to the Goyen Avenue wing.
- Reconfiguration of basement levels, reduction in car parking from 120 to 119 spaces.
- Addition of a secured residents bus parking area within the second basement level.
- Reorganisation of internal residential levels to improve communal dining / sitting areas, accommodate additional medical facilities and treatment rooms to each residential level.
- Rationalisation of upper level balconies fronting Bowlers / Goyen Avenues.
- Centralisation of administration offices, with visual access to the central landscaped area and relocation of theatre.
- Relocation of lifts, provision of an additional lift (4 in total comprising 2 goods lifts and 2 passenger lift) and resizing of lifts to accommodate a bed.
- Modifications to the landscape design at ground floor level centrally within the site.
- Reduction in extent of rooftop communal open space area.
- Increase in size of dining area and relocation of sitting rooms at Levels 1 and 2.
- Introduction of a balcony in the eastern corner of Level 2 and reconfiguration of sitting areas and support services at this level.
- Enlargement of the dining/sitting area at Level 3.
- Relocation of the substation from northern corner of site adjoining Bowlers Avenue, to the Harrow Road frontage of the site.
- Deletion of the approved footpath on the Goyen Road frontage to reduce risk to pedestrians due to the inclusion of several crossovers and traffic movement.
- Deletion of the central deep soil zone through the basement to meet the recommendations of the structural engineer.
- Modification of external colours, materials and finishes.
- Addition of photovoltaic panels on the roof over the four (4) storey element (having a maximum height of 0.850m), being a 34 degree inclination to maximise solar irradiation during the day.

Further to the above, the proposal seeks to modify the following conditions;

- Modify Condition 2 relating to the approved plans;
- Modify Condition 11 relating to the height of the development approved by Sydney Airport Corporation Limited;
- Modify Condition 19 relating to the maximum number of persons working on the premises;

- Modify Condition 45 relating to the maximum number of beds/single patient rooms accommodated within the development;
- Modify Condition 50 relating to cooling towers on the rooftop;
- Delete Condition 54 relating to Section 94 contributions;
- Modify Condition 64 in relation to proposed landscaping; and
- Modify Condition 118 in relation to the allocation of staff and visitor car parking.

Overall the proposal results in a further increase in building height and FSR on site.

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.



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.



Bowlers Avenue streetscape



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.



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.



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

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S4.46 - Development that is Integrated Development

The original development as approved, constituted Integrated Development pursuant to the provisions of the Act, as approval was required from the NSW Office of Water given temporary groundwater extraction was required on site in order to construct the basement levels of the development.

The proposal as modified does not alter the previously approved depth of the basement level. Notwithstanding the proposal as modified was referred to the NSW Office of Water as required by the Act.

The NSW Office of Water raised no objections and the originally imposed General Terms of Approval remain as issued within the conditions of consent.

The proposal as modified is satisfactory in this regard.

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

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (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 proposal as modified.

- *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 remains as previously approved, via Goyen Avenue and as such the provisions of clause 101 are satisfied.

Additionally, the proposal as modified was accompanied by an Acoustic Report, prepared by Acoustic Logic, dated 08/11/2017 which recommends appropriate design construction measures in order to ameliorate traffic noise and vibration.

Conditions 43 and 121 are to be updated to reflect the revised Acoustic Report referred to above.

The proposal as modified is compliant with clause 102 given the aforementioned.

- Clause 45 - works within the vicinity of electricity infrastructure

The proposal as modified is subject to clause 45 of the SEPP as the development includes 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 as modified was referred to Ausgrid, who stated *"The proposed modifications are not expected to create any new additional impacts with regard to Ausgrid's assets. Hence Ausgrid will not be making a formal submission to the S4.55 proposal"*.

Given the above, originally imposed conditions are to remain and the proposal as modified is satisfactory in this regard.

State Environmental Planning Policy (Major Development) 2005

The development was originally approved by the Regional Panel on 18 May 2017 given the capital investment value of the development exceeded \$20M which was the threshold at the time of the original assessment.

The proposal as modified is referred to the Regional Panel for determination, as required by clause '123BA - Functions exercisable by council on behalf of regional panel' of the Environmental Planning and Assessment Regulation 2000.

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

Consent was originally granted to the proposed removal of 24 trees both in and adjacent to the boundaries of the subject site. The approved landscape plan illustrated replacement planting across the site, including the planting of up to 40 trees.

The proposal as modified does not seek to alter the aforementioned, proposing a range of trees and substantial landscaping along the periphery and within the subject site with mature heights ranging from 3m to 25m. Trees proposed include but are not limited to Bangalow Palm, Heath Banksia, Meyer Lemon, Tuckeroo, Weeping Fig, Blueberry Ash, Dwarf Magnolia, Ornamental Pear etc.

The proposal as modified is satisfactory with regards to the provisions and objectives of this clause.

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.

As part of the original application a Detailed Site Investigation (DSI) was undertaken, which concluded that the site is suitable for the development. Additionally, conditions of consent were imposed to ensure the recommendations of the DSI were adhered to.

The proposal as modified does not alter the previous conclusions or recommendations of the DSI, nor do the originally imposed conditions require amendment.

The proposal as modified remains consistent and compliant with the provisions and requirements of SEPP 55.

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
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
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 Low Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as '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

A maximum building height of 14.5 metres applies to the portion of the site within 38 metres of the Harrow Road frontage, and a maximum building height of 9.5 metres applies to the residual area of the site beyond the 38 metre distance from the Harrow Road frontage.

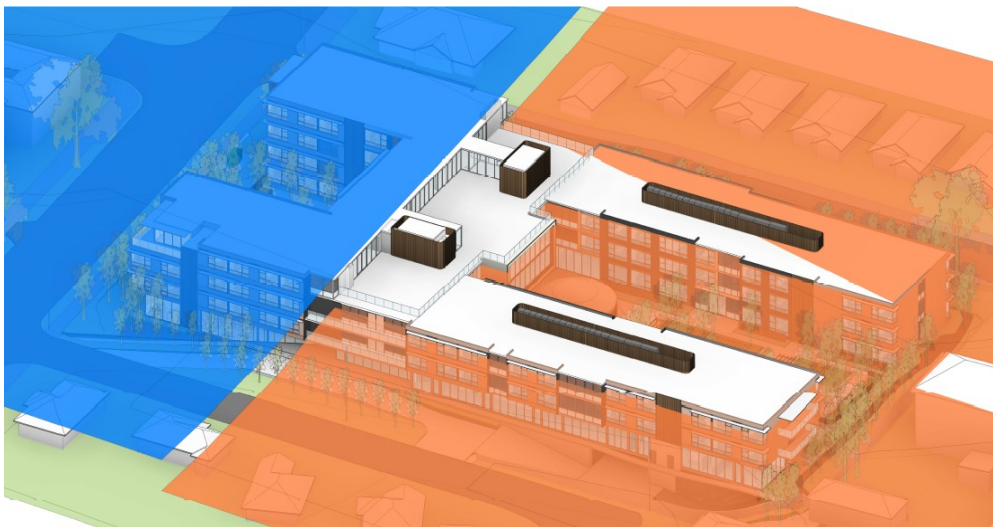
Given the topography of the site and the split height limit that applies, a varied building height was previously approved on site, with partial compliance to the roof level and parapet to certain areas of the building on site. Variations were primarily approved within that part of the site where the 9.5m height limit applied. The table below illustrates the approved and proposed height of the development.

Height Standard	Approved	Proposed	Complies
14m Within 38m of Harrow Rd frontage	9.45m – 12.32m (top of parapet)	13.32m – 14.4m (top of parapet)	Yes

9.5m Remainder of Site	8.05m – 10.5m (top of parapet) 12.89m – 13.92m (top of lift overrun)	9.2m – 11.6m (top of parapet) 13m – 13.8m (top of a/c & hot water plant) 15.1m - 15.9m (top of lift overrun)	Partial
	<i>Variation Approved =</i> <i>1m - 4.42m</i> <i>(10.5% - 46.5%)</i>	<i>Variation Proposed =</i> <i>0.1m – 6.4m</i> <i>(23.3% - 71.1%)</i>	

The applicant states that an increase to building height is required, in order to adjust the floor to ceiling heights to achieve compliance with the minimum 2.7m required under the BCA, and taking into account structural slab thickness, Section J insulation requirements and reticulation of services. Revised plans submitted to Council on 21 November further introduced a number of air-conditioning condenser and hot water units to the roof of the facility and screened with louvres to the height of 2m. This plant is identified below and positioned upon both the Goyen and Bowlers Avenue wings of the development.

The further height variation is illustrated below. As can be seen, the building within the 14.5m height limit (blue shading) remains compliant, with portions of the development within the 9.5m height limit (orange shading) penetrating the standard, as depicted in white below.



Height Plane with penetrations in white

As the proposal is a 4.55 application, a Clause 4.6 Exception to Development Standards is not required. Notwithstanding the additional variation to the height limit as sought by the applicant has been assessed against the objectives of Clause 4.3 - Height of Buildings and the objectives of Clause 4.6 below.

Applicants Justification

A summary of the applicants justification for the increased height is provided as follows;

"The proposal as modified remains compliant with the objectives of the Height Standard. The non-

compliance to the maximum 9.5m standard, while increasing from that approved, largely occurs as a result of the following:

- a) The fact that existing ground level at the site has been artificially adjusted to accommodate the bowling greens, such that a 'sunken' pathway is located around one bowling green which is half a metre lower than the level of the adjacent bowling green;
- b) The topography of the site falls away significantly along the southern edge which contributes to the degree of variation in the height control;
- c) The approved building was considered to be of a high quality urban form that is acceptable within the locality by virtue of the issued approval. The proposed modifications maintain the character and essence of the approved development and the proposal maintains three (3) storeys in the non-compliant elements, consistent with the number of storeys anticipated by the LEP.
- d) The proposal continues to relate appropriately to adjoining properties, through the transition in height between the four (4) and three (3) storey elements. The landscaping around the perimeters and within the centre of the site contribute to the achievement of a landscaped setting which softens the visual impact of the development and relates to the landscaped character of other properties in the locality.
- e) The approved development was deemed to satisfy this objectives, and will continue to ensure satisfactory sky exposure and daylight is achieved by buildings and the public domain. The proposal maintains compliance with the solar access requirements of RDCP 2011 in relation to overshadowing of nearby residential properties.
- f) The approved development provides a transition in height across the site. The minor increases in height to the parapet of the four (4) storey section of the building are within the approved overall maximum building height and the building steps down to the east, thereby maintaining a transition of height across the site.
- g) The intensity of the development will be marginally lessened, as a consequence of the reduction in rooms from 198 to 172.
- h) The height of the approved building has been increased as the approved development, designed by an earlier architect, did not make sufficient allowance for compliance with the BCA in relation to minimum floor to ceiling heights, having regard to the provision of services and structure. The approved design also did not make sufficient provision for the containment of rainwater to avoid surface water runoff over the edges of the roof during excessive rainfall periods.
- i) The changes to the parapet heights are below the permitted maximum building height to the Harrow Road frontage, and do not substantially alter the appearance of the development.
- j) Detailed shadow analysis has been undertaken in relation to the proposed modified development. The analysis demonstrates that the rear private open spaces of the Goyen Avenue properties maintain solar access between 9am and 2pm on 21 June. This equates to five (5) hours of solar access which is well beyond the test, of maintaining three (3) hours of solar access.

Assessment

Following a review of the application, it is considered that the height variation as proposed, is appropriate for the following reasons:

- a) The proposed area of height non compliance is not considered to result in a height, size, mass or scale of development that is dissimilar to the previously approved scheme.

b) Proposed rooftop structures which exceed the height limit are directly correlated to the design, function and intended use of the rooftop communal open space area which forms an integral part of the development. The structures service the rooftop communal open space area which has been provided to benefit the future users of the site. In general a 3m high structure is required for a lift cart with approximately 0.6m - 1m additional height to permit the installation of the lift overrun which consists of cables / bolts and beams to pull the lift up and down the rails on the back wall. This is an essential piece of infrastructure to enable access to the communal rooftop terrace.

c) The revised proposal as modified does not result in adverse overshadowing to neighbouring properties as discussed further within this report. Residential properties within Goyen Avenue maintain a minimum of 3 hours of solar access in midwinter as required by the provisions of Rockdale DCP 2011. Amenity is not compromised for the public domain or adjacent residential sites as a result of the further non compliance with the height standard.

d) A further variation to the height control is reasonable and necessary in this instance, in order to ensure the structural integrity of the development and to further ensure compliance with the minimum floor to ceiling requirements of the Building Code of Australia. The variation is intended to further maximise amenity for future occupants of the development in relation to solar access and ventilation.

e) The proposal as modified is consistent with the objectives of Clause 4.6 - Exception to Development Standard. It is considered that the application of flexibility to the standard is warranted in this instance, in order to achieve an improved outcome on site.

f) The revised proposal as modified is consistent with the objectives of Clause 4.3 - Height of Buildings.

g) The scale and nature of rooftop structures, including plant, are discreetly located and recessed well into the site from all property boundaries. Proposed plant is screened with 2m high louvres and will be obscured from view of the public domain. The proposal as modified is unlikely to set an undesirable precedent given the unique circumstances of the site and development, in particular the site topography, approved use and nature of the development.

h) The revised scheme is consistent with the objectives of the R2 Low Density zone, ensuring that the development as modified minimises adverse impact upon the amenity of the locality.

i) The departure from the height control within the RLEP 2011 allows for the orderly and economic use of the site in a manner which otherwise achieves objectives of the relevant planning controls.

Given the site and development circumstances as discussed above, the proposed additional height sought by the applicant is not considered to be unreasonable in this instance and is supported.

4.4 Floor space ratio - Residential zones

A maximum FSR of 1.25:1 applies to the subject site, this equates to a maximum gross floor area of 10 384.37sq/m.

The approved development comprises an FSR of 1.31:1 (10,950.5sq/m). It is noted that 566.1sq/m of surplus GFA is located below ground level as support services and in the form of 41 surplus car parking spaces. This was a 5.4% variation to the standard.

The proposal as modified comprises an FSR of 1.39:1 (11,553.93sq/m). This is a further increase in

overall gross floor area of 603.43sq/m, resulting in an overall variation across the site of 11.26%.

Of the additional gross floor area proposed;

a) 440.75sq/m is proposed below ground level within basement 2, resulting from the deletion of a previously approved central deep soil pocket, enlargement of kitchen, laundry, workshop facilities and reconfiguration of service spaces. Additional GFA further results as a consequence of surplus car parking beyond that previously required, given a reduction in staff and bed numbers on site.

b) 162.8sq/m is located at and above ground level. This is the result of the reconfiguration of communal / staff areas at ground floor level and modifications to upper levels in order to maximise practicality of space and improved communal facilities / areas for future residents.

The overall GFA exceedance above ground level, including that previously approved, constitutes an area of 728.8m² or 7% in excess of the FSR standard. i.e. 1.34:1.

As the proposal is a 4.55 application, a Clause 4.6 Exception to Development Standards is not required. Notwithstanding the additional variation to the height limit as sought by the applicant has been assessed against the objectives of Clause 4.4 - FSR and the objectives of Clause 4.6 below.

This assessment further considers the principles established by the Land and Environment court judgement *Four2Five v Ashfield Council* [2015] NSWLEC 90, where it was established that justification was required in order to determine whether a development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of standard. Consideration is to be given to the particular site circumstances of the site and development.

Applicants Justification

A summary of the applicants key arguments supporting the additional FSR are as follows:

a) A total of 440.75m² of additional GFA within Basement 2 results from the deletion of the central deep soil area, enlargement of kitchen, laundry and workshop facilities and reorganisation of the service spaces. It also is a result of additional parking spaces (above the minimum requirement), resulting from the corresponding reduction in the number of care rooms from 198 to 172.

b) 162.8m² of additional GFA above ground level results from the inclusion within the building envelope of the improved and reconfigured communal accommodation at ground floor level, and minor extensions to the building floor plates at first, second, and third floor levels, facilitating improved dining facilities, seating areas, and medical/treatment rooms on each level.

c) The bulk of the additional above ground GFA occurs at ground floor level, where its impacts are minimal as they do not add to the height, bulk or scale of the approved development. As a consequence, and for all intents and purposes, the changes resulting in increased GFA will not be readily perceivable from the public domain or adjoining sites.

d) The proposal remains consistent with the objectives of the FSR standard.

e) Whilst the overall GFA has increased, this is predominantly as a result of the provision of additional services within Basement 2 and improved communal facilities and services for residents of the facility.

f) Reducing the number of required parking spaces through the bed reduction has increased the number of car spaces that are included within the GFA as surplus to the minimum required to be

provided, which it is considered desirable to retain for the convenience of future staff and visitors to the facility. Notwithstanding, the proposed additional GFA will not result in additional vehicular/pedestrian traffic movements or trip generation above that already approved.

g) No additional overlooking will occur as a result of the additional GFA. A minor increase in overshadowing will result. This will, however, be indiscernible from the shadow cast by the approved DA, and generally falls within the adjoining roads between the hours of 9:00am and 1:00pm. Where it does fall within properties to the south after 1:00pm, it does not result in a reduction of solar access below that required by RDCP 2011 with these properties maintaining five (5) hours of solar access to their rear private open space areas.

h) The building setbacks remain generally consistent with the approved development and provisions of RDCP 2011. Therefore, the visual relationship between the new development and existing character of the area will be consistent with that of the approved development. Minor alterations to the finishes are proposed as part of this modification, however, the overall appearance of the proposed development is not dissimilar to that of the approved development, and will therefore not be out of character with the existing surrounding development.

Assessment

Following a review of the application, the additional FSR as proposed is deemed appropriate for the following reasons:

a) Whilst the density as sought further exceeds the previously approved figures, the proposed building form, mass and scale is not dissimilar to the previously approved development and the revised scheme fits appropriately within the established context of the site.

b) The scale and extent of the proposed additional density is not inconsistent with the previous approval and will not set an undue precedent given the nature and circumstances of the site and development.

c) The proposal as modified does not result in an increase in the overall intensity of the development. The number of beds and staff within the facility are reduced. The increase in gross floor area is a direct consequence of the applicants attempts to maximise amenities and services for future occupants and users of the site.

d) The revised proposal as modified is consistent with the objectives of Clause 4.4 - FSR, as the revised scheme does not result in adverse environmental effects upon the use or enjoyment of adjoining properties, is located close to public infrastructure including retail premises and transport nodes and maintains an appropriate visual relationship with the established character of the area.

e) The additional density does not result in adverse overshadowing which would adversely impact future users on site or neighbouring properties.

f) The proposal as modified is consistent with the aims of Rockdale Local Environmental Plan 2011 which seek to maintain and improve residential amenity.

g) The proposal as modified is considered to be in the public interest and will maximise amenity on site for future occupants of the development.

Given the site and development circumstances as discussed above, the additional FSR as proposed by the revised scheme and sought by the applicant is not considered to be unreasonable in this

instance and is supported.

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 as modified does not alter the previously approved depth of basement levels on site. Impacts of the required earthworks were considered in the assessment of the original proposal and appropriate conditions of consent were imposed in order to minimise impacts to the environment and neighbouring properties, including a requirement for dilapidation surveys prior to construction and sediment controls measures during construction.

The proposal as modified does not seek to alter the aforementioned and is satisfactory in regards to the objectives and requirements of this clause.

6.3 Between 25 and 30 ANEF (2033) contours

The subject site is affected by the 25 - 30 ANEF (2033) contours there is subject to aircraft noise. As the original development was to result in an increase in the number of people affected by aircraft noise, the development required noise mitigation measures.

Given changes sought to the proposed development as part of this proposal as modified, the application was accompanied by a revised Acoustic Report prepared by Acoustic Logic dated 08/11/2017 which recommends appropriate design construction measures in order to ameliorate aircraft noise.

Given the above, conditions 43 and 121 as originally imposed, are to be updated to reflect the revised Acoustic Report referred to above.

The proposal as modified complies with the requirements and objectives of this clause.

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 proposal as modified increases the highest point of the building on site from 46.7RL to 48.628RL to the top of lift overrun.

Given the increase in height, the proposal as modified was re-referred to Sydney Airport Corporation Limited (SACL) and the Civil Aviation Safety Authority (CASA) for review. Written correspondence confirms that no objection is raised to the erection of the development to a maximum height of 48.72RL.

The proposal as modified is satisfactory in this regard and satisfies the requirements of this clause.

6.7 Stormwater

The proposal does not seek to alter the previously approved stormwater system on site. The proposal as modified remains compliant with the requirements of this clause.

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

SEPP 55 - Remediation of Land (Draft Guidelines)

The proposal as modified is subject to the Remediation of Land SEPP draft guidelines. The guidelines lists the remediation works that require development consent and introduce certification and operational requirements for remediation works that can be undertaken without development consent.

As previously discussed within this report, the original development addressed the matter of contamination under SEPP 55. The proposal as modified does not alter or seek to alter the recommendations or conclusions of the previously considered contamination report for the site. Additionally conditions of consent in regards to contamination, as previously approved are to remain.

The proposal as modified remains consistent with the intent of the draft guidelines & SEPP amendment.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

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

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes
4.1.3 Flood Risk Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.5 Contaminated Land	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
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
4.4.6 Noise Impact	Yes	Yes - see discussion
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
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes
4.6 Traffic - Classified Roads	Yes	Yes
4.6 Access to Parking	Yes	Yes
4.6 Design of Loading Facilities	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes
4.7 Hot Water Systems	Yes	Yes

4.1.1 Views and Vista

Residential flat buildings on the opposite side of Harrow Road to the south, comprise outlook onto the existing undeveloped site, bowling greens and surrounding building forms. The proposal as modified retains substantial landscaping along the periphery of the site, thus outlook from flat buildings opposite the site would be improved. The proposal as modified does not result in adverse impacts in this regard and complies with the provisions of this clause.

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 proposal as modified retains the H shaped building configuration previously approved. This design ensures that the development addresses each street frontage appropriately and provides for a common central courtyard space for future occupants. The massing and form of the proposal as modified is an appropriate response to the nature, size and topography of the subject site.



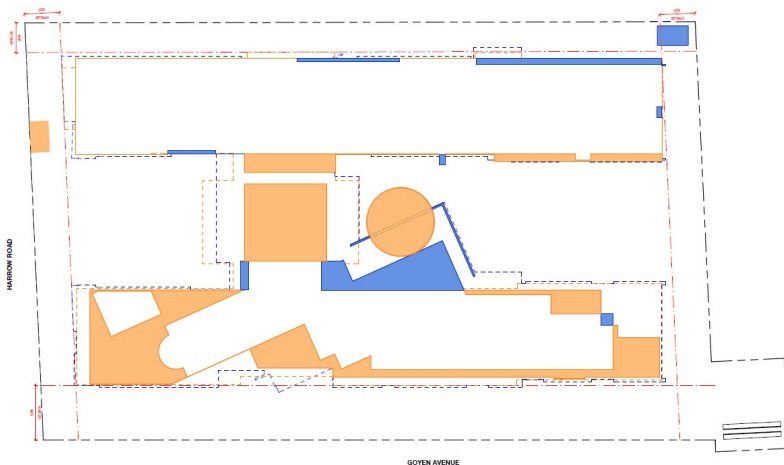
As Approved



Proposal as Modified

The proposal as modified retains previously approved building setbacks along the periphery of the site to all street frontages and to the northern boundary adjoining the rear of Frederick Street properties. Setbacks remain consistent with the provisions of DCP 2011.

Modifications proposed to the development, particularly at ground level result in additional gross floor area, however the resultant building form is not dissimilar to that previously approved. The image below depicts the change to the building footprint at ground level. Orange illustrates the increased building footprint, blue the reduction.



Example of footprint modifications

Modifications are akin to the 'filling in' of previously approved void areas, enabling the building form to remain generally consistent with that previously approved. The reconfigured levels are appropriately articulated and incorporate fenestration, materials and finishes which are appropriate within the residential context.

The central link of the building form remains in its originally approved location and given the substantial recess from the Harrow Road frontage of the site, the development can be perceived as two building forms when viewed from the public domain in Harrow Road.

The proposal as modified retains substantial landscaping provision within the site and along the periphery of the site to all boundaries. Landscaping incorporates shrubs, trees and groundcovers capable of growing to a mature height of up to 25m. Landscaping as proposed will assist in softening the development, provide amenity and visual interest.

The proposal as modified alters the previously approved schedule of colours and finishes. The revised schedule incorporates a varied palette of colours and materials to create visual interest when viewed from the public domain and ensure a residential rather than institutional appearance on site upon completion. Materials proposed include but are not limited to face brick, render, glass balustrades, grey and clear glazing, wooden panelling, aluminium framed doors / windows and louvres. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

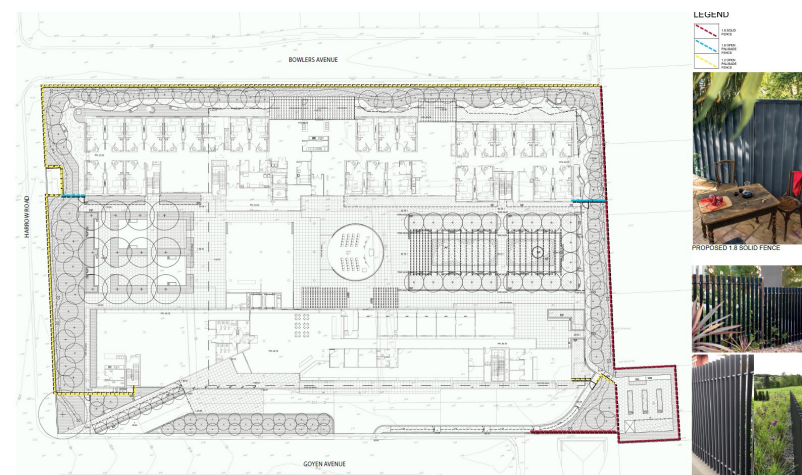
external materials palette



Overall the resultant bulk, height, form, scale and design of the proposal as modified responds to and relates to the existing and future desired streetscape and neighbourhood character of the area. The proposal as modified is satisfactory with regards to the objectives and requirements of this clause.

4.2 Streetscape and Site Context - Fencing

Plans illustrate the provision of 1.2m height vertical palisade fencing along the periphery of the site to Bowlers and Goyen Avenues and Harrow Road. Solid 1.8m high boundary fencing is proposed along the northern boundary of the site and enclosing the community garden within the property.



Fencing as proposed appropriately responds to the surrounding context and ensures that the site and its central courtyard remain secure. Fencing ensures that passive surveillance of surrounding areas is achievable.

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

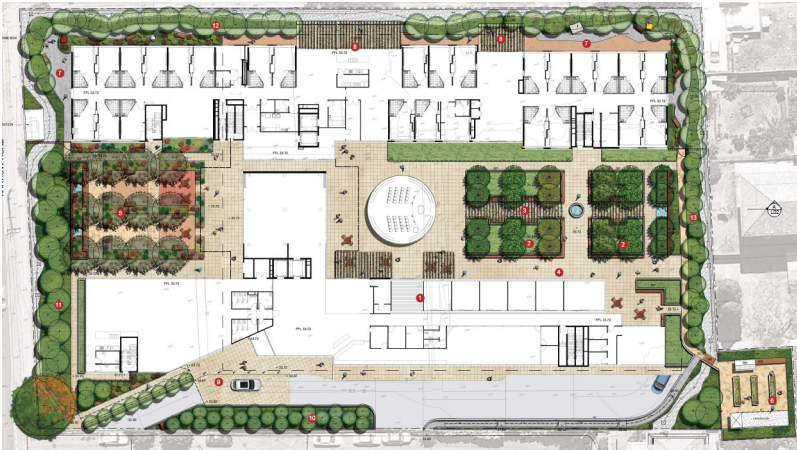
4.3.1 Open Space and Landscape Design

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.

As approved, the development incorporated a total of 2308sq/m (28%) of the site as deep soil planting.

The proposal as modified seeks a slight reduction in deep soil provision on site, via the deletion of the previously approved deep soil pocket centrally within the site, which previously penetrated the basement levels. The reduction as proposed results in a decrease of 130sq/m of landscaped area on site.



Proposed landscaping on site

Notwithstanding the above, the proposal as modified remains compliant, incorporating a total of 2178sq/m (26.2%) of landscaped area across the subject site. The proposal as modified is satisfactory in this regard.

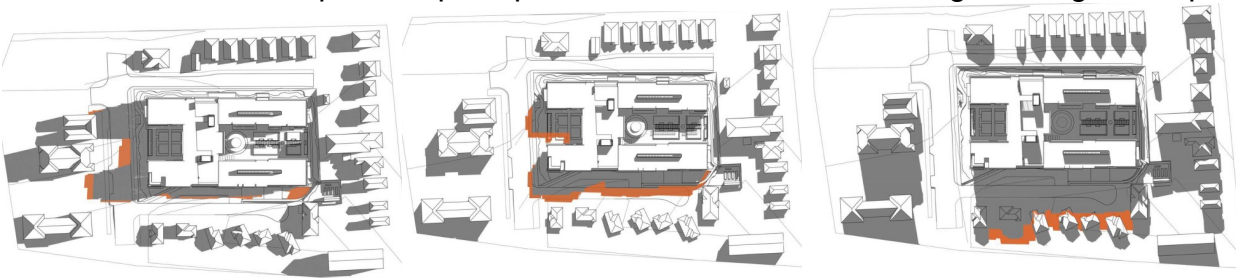
4.4.1 Energy Efficiency - Residential

The development is required to be designed in accordance with the energy efficiency measures of Section J of the Building Code of Australia. The proposal as modified was accompanied by a Section J report prepared by Wood and Grieve Engineers, dated 14/09/2018, which details the energy efficiency measures of the development.

The proposal as modified seeks to incorporate photovoltaic cells with a maximum height of 150mm on the rooftop level at the western end of the site. This is a positive sustainable improvement on site and is supported. The proposal is 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.



PTW - SHADOW DIAGRAM - 9AM 22 JUNE
ADDITIONAL SHADOW CAST

PTW - SHADOW DIAGRAM - 12PM 22 JUNE
ADDITIONAL SHADOW CAST

PTW - SHADOW DIAGRAM - 3PM 22 JUNE
ADDITIONAL SHADOW CAST

Shadow impact of proposal as modified in midwinter

As can be seen above, properties within Bowlers Avenue are located to the north / north west of the subject site. Given this orientation, the proposal as modified does not cast shadows onto these properties.

Properties fronting Frederick Street are positioned to the north east of the site and accordingly are not affected by overshadowing from the proposal as modified 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, some 32m - 35m away. The proposal as modified results in minor overshadowing of a portion of the front building façades of 39 and 45 Harrow Road at 9am in midwinter. This shadow however recedes and from 11am the front facades of these residential 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 1pm the proposal as modified begins to cast slight shadow onto the front yards of properties fronting Goyen Avenue. From 2pm onwards the proposal as modified begins to overshadow the dwelling houses and private open spaces of dwellings fronting Goyen Avenue.

Notwithstanding the aforementioned, it is reiterated that the proposal as modified complies with the requirements of DCP 2011, and a minimum of 3 hours of solar access is retained in midwinter to properties opposite the site in Goyen Ave and at 84 Harrow Road in midwinter.

On site the proposal as modified retains primary and secondary communal areas for future residents, being a central ground level courtyard, dementia courtyard within the front setback of the site to Bowlers Avenue, balconies at levels 1 and 2 adjoining sitting areas / activity rooms and a rooftop communal open space area.

Of the communal areas on site, 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. The rooftop communal open space area achieves in excess of 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.

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

4.4.3 Natural Lighting and Ventilation - Residential

The proposal as modified 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.

The proposal as modified does not alter the previously approved building setbacks (6m - 8.46m) to the northern common boundary of the site with properties fronting Frederick Street.

Concern is however raised in relation to the addition of two x 15sq/m communal north facing balconies introduced to plans, at both levels 1 and 2 at the northern end of the Goyen Avenue wing of the development. These balconies adjoin bedrooms 1-083 / 1-084 at level 1 and 2-083 / 2-084 at level 2. Balconies are raised substantially above ground level and irrespective of proposed screen planting along the northern boundary of the site, and the two existing mature pencil pines on the common boundary with the neighbouring property at 124 Frederick Street, the provision of these balconies have the ability to generate adverse overlooking impacts to the rear private open space areas of properties fronting Frederick Street, in particular to 124 Frederick Street, Rockdale.

Given the above, the proposal as modified is to be conditioned to require the deletion of these balconies and to enable the retention of obscure full height glazing to the end of corridors to enable diffused natural light into the development.

The proposal as modified seeks to undertake alterations to the previously approved rooftop communal open space area. Modifications reconfigure and reduce the overall extent of the communal rooftop open space area previously approved.



Rooftop COS as approved

As Proposed

The rooftop communal area is recessed into the site, being 8.8m from the Bowlers Avenue frontage

and 12.3m from the Goyen Avenue frontage of the site. 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, the central and recessed location of the communal rooftop area, it is unlikely that this area will give rise to adverse visual privacy impacts.

Given the above, and as conditioned, it is considered that the proposal as modified performs satisfactorily in regards to visual privacy.

4.4.6 Noise Impact

As originally approved, servicing areas, including waste collection and delivery/loading areas, remain located within the basement to mitigate potential noise impacts on adjoining and nearby neighbours.

4.5.2 Social Equity - Equitable Access

An Access Report prepared by Morris Goding Accessibility Consulting dated 24 September 2018 was submitted to Council with the proposal as modified. 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 as modified is satisfactory in this regard.

4.6 Parking Rates - Other Uses

As required by the provisions of the RMS Guide to Traffic Generating Development, a total of 79 car spaces were required for the development. The development was approved with a total of 120 on site car parking spaces for visitors and staff, within two basement levels. Allocation was conditioned requiring 59 staff spaces and 61 visitor. This was an approved surplus of 41 car spaces.

The proposal as modified seeks to delete a previously approved deep soil pocket within basement levels, reconfigure car parking levels to maximise useable basement area for future use and introduce a designated secure bus parking bay within basement level 2.

As a result of the aforementioned a reduction in 1 car space occurs and the proposal retains a total of 119 on site car spaces, which maintains and exceeds compliance with the requirements.

Note - The proposal as modified comprises a surplus of 45 car spaces, given the reduction of intensity of use on site.

4.7 Air Conditioning and Communication Structures

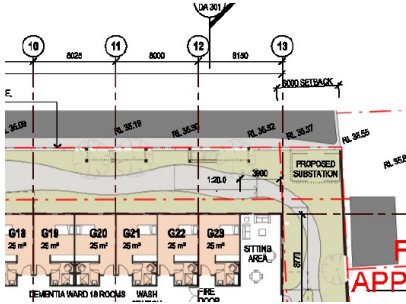
As originally approved, two 0.6m width / length x 0.6m high cooling towers were approved at rooftop level, obscured between the goods and passenger lift cores.

The proposal as modified seeks to incorporate air conditioning and hot water plant at rooftop level above the Goyen and Bowlers Avenue building wings. The plant areas are recessed from the edge of the building line and the length of the area proposed is approximately 28m. Plant is proposed to be screened with 2m high louvered screens.

The recessed location of plant at rooftop level is satisfactory.

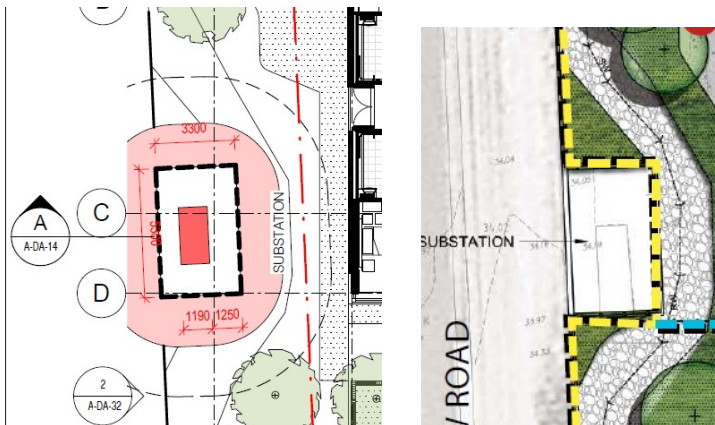
4.7 Service Lines/Cables

As approved the substation was positioned 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.



Substation location as approved

The revised scheme proposes to relocate the substation to adjoin the Harrow Road frontage of the site, as illustrated below.



Proposed location of substation

The relocation of the substation is necessary, for a number of functional and practical reasons which render the original location unsuitable. This includes the proximity to neighbouring residential property, which would require the construction of a '4m high blast wall', excessive distance from existing electrical mains i.e. 110m from Harrow Road, problematic site levels etc

The new location of the substation will ensure it is able to be physically and safely constructed and operated. It is to be easily and directly accessible from the public domain and will sit within a landscaped setting on the site.

The revised location of the substation is satisfactory.

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

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

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

Traffic

The proposal as modified results in a reduction in the intensity of use of the site, given the reduction in future residential occupancy and staff numbers.

The proposal as modified reduces on site car parking by 1 space from 120 to 119 car spaces for staff and visitors. The proposal complies with and exceeds the car parking requirements of the Roads and Maritime Service Guide to Traffic Generating Development. The proposal as modified retains a surplus of 45 on site car spaces for the development.

A thorough assessment of potential traffic impacts was considered as part of the original application. The location of the vehicular entry / exit points was and remains satisfactory. The provision of a secure resident bus parking area in the basement level as proposed is not unreasonable and will not result in adverse traffic impacts.

It is maintained 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 proposal as modified.

As such given the aforementioned, the proposal as modified is satisfactory in regards to traffic impacts.

Footpath to Goyen Avenue Frontage of Site

As part of the proposal as modified, the applicant seeks to delete the previously approved portions of footpath provided along the Goyen Avenue frontage of the site. The applicant notes that this is proposed in order to reduce risk to pedestrians due to the inclusion of several crossovers and traffic movement.

The extent of the subject site is as such that it takes up the entire western side of Goyen Avenue. As existing there is no pedestrian footpath in this location and the existing site is inaccessible from Goyen Avenue given the topography of the property. It is noted that there is no designated pedestrian footpath on the eastern side of Goyen Ave, only a turfed street verge. This is an existing constraint.

The development as approved accommodates visitor and staff car parking within the basement level and direct pedestrian access is provided via a ramp at the junction of Goyen Avenue and Harrow Road. The proposal as modified seeks to slightly increase the landscaped planter and turfed areas along the Goyen Avenue frontage, thus the proposal as modified would present a uniform appearance along Goyen Avenue.

The deletion of the footpath is not unreasonable and supported given the above.

Amenity

The intent of the revised scheme is to maximise amenity on site for future users and occupants of the development. The reconfiguration of residential levels allows for increased residential room sizes, larger communal sitting, lounge and dining areas and introduces treatment rooms which were not incorporated in the previous scheme. The revisions maximise useable space within the previously approved building & basement footprints, rationalise the central ground level communal courtyard and increase the areas within the development accommodating support services i.e. previously combined services are now provided with their own suites, dental, physio, barber etc.

As discussed previously in this report, whilst the proposal as modified results in an increase in FSR and height on site, this does not come at the expense of the amenity of neighbouring properties.

Social Impact

The proposal as modified incorporates 172 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 as modified will further generate employment opportunities for 112 staff working within the aged and disability care services industry. Whilst this is a minor reduction in beds and staffing numbers from the originally approved development

The facility accommodates 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 as modified provides a positive social impact within the local community.

Plan of Management

The proposal as modified does not seek to modify the previously approved Plan of Management (POM), dated April 2017, prepared by Momentum Project Group. The previously approved POM provides details in relation to hours of operation, staffing, shifts, parking / service management and community relations. The POM further details the number of staff, range, time and availability of support services on site.

Notwithstanding the above, the original consent further incorporated conditions to require further revisions to the POM, and further approval from Council prior to the Occupation of the facility. Condition 105 seeks to ensure all relevant operational conditions of consent are reflected, that staff, residents (where required) and visitors have access to car parking areas on site, that all functions associated with the operation of the facility are considered and a complaints handling procedure is implemented on site and made aware to neighbours.

The proposal as modified does not seek to alter previously imposed conditions in relation to the Plan of Management of the facility.

Safety & Security

The development was approved with a clearly identifiable and legible main building entry from Goyen Avenue which provides passive surveillance of the street. 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. Windows and balcony openings address street frontages thus maximising passive surveillance of the street and the original consent requires the installation of CCTV cameras, a lighting maintenance policy and use of graffiti resistant materials at ground level.

The proposal as modified does not seek to alter the aforementioned.

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

The subject site is of appropriate dimensions and overall area in order to accommodate the proposal as modified. The orientation and location of the site is as such that shadow impacts which arise to neighbouring properties as a result of the additional building height are minimal. It is reiterated that neighbouring sites retain a minimum of 3 hours of solar access in midwinter to their habitable areas and private open spaces as required by the provisions of Rockdale DCP 2011.

The intensity of use of the development is reduced from 117 to 112 staff and 198 to 172 beds and as

such the proposal as modified is not beyond the environmental capacity of the land.

The relevant matters pertaining to the suitability of the site for the development have been considered in the assessment of the proposal as modified and as part of the original assessment.

There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposal as modified.

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

The development was notified on two occasions in accordance with the provisions of Rockdale DCP 2011. A total of three (3) submissions were received following the initial notification, with a further three (3) received following the re-notification of amended plans. The issues raised in the submission are discussed below:

Object to increase in beds from 165 to 172

Comment: The original DA was approved with a total of 198 beds.

Object to offices within the facility being for the general public as these will generate additional traffic

Comment: Proposed facilities within the development are for future occupants of the aged care facility and not for the general public.

Increase in height / Additional Overshadowing

Comment: Matters relating to height and overshadowing have been previously addressed and discussed in this report.

Revised landscape plans do not annotate trees proposed / Trees on north eastern side are minimal in height

Comment: Revised landscape plans were submitted to Council on 21 November 2018. The landscape plans were emailed directly to the objector as a courtesy by the Assessing Officer for his consideration as Councils DA Tracker was unavailable online. The objector responded via email noting the improvements. It is noted that tree species along the northern boundary of the site will have a mature height of 10m - 15m and are considered satisfactory.

The Goyen Avenue ramp and drive way should be moved from the building towards the boundary to make space for trees closer to the building.

Comment: The proposal provides a landscaped planter strip along the Goyen Avenue frontage of the site, which functions as a visual buffer between the development and the public domain and properties opposite within Goyen Avenue. The planter as approved is satisfactory and provides appropriate visual amenity. The objectors statement is subjective.

Reduction in beds is supported / Further reduction in beds should occur

Comment: The applicant seeks to reduce the number of beds on site from 198 to 172. A further reduction in staff numbers is proposed from 117 to 112. The objectors statement that a further reduction

should occur is subjective.

Traffic impacts / Opposition to secure resident bus parking area, as Goyen Ave is a no through road / Vehicles should enter and exit via Harrow Road

Comment: The vehicular entry and exit points to the site were established as part of the original application and modification to their location from Goyen Avenue is not sought as part of this application. A thorough assessment of traffic impacts was considered as part of the original application. The location of the vehicular entry / exit points was and remains satisfactory. The provision of a secure resident bus parking area in the basement level is not unreasonable and will not result in adverse traffic impacts.

Council should impose a resident parking scheme in Goyen Ave

Comment: The above matter has been referred to Councils Coordinator Road Traffic and Safety.

Privacy impacts to balconies at rear of unit building at 130 Frederick Street as a result of proposed balconies at the end of building wings

Comment: The matter of visual privacy has been addressed previously within this report. The balconies referred to by the objector have been conditioned for removal.

Trees should not block windows

Comment: A range of trees, shrubs and plants are proposed on site, up to a maximum height of 25m. Communal and residential components of the development receive sufficient solar access and amenity.

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

The proposal as modified does not create unreasonable impacts on surrounding properties and is deemed to be in the public interest for the reasons previously outlined within this report.

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

Condition 54 of the original consent requires the applicant to make a s7.11 contribution of \$1,029,176.28. Given this figure is indexed annually, as at November 2018, this contribution is \$1,167,379.48.

The applicant seeks to have condition 54 deleted, stating "*Council's Section 94 Development Contributions Plan 2008. Section 3.9.2 of the Plan states that "work undertaken for a charitable purpose of by a registered charity" is exempted. As per the attached Australian Charities and Not for Profits Commission register extract, St Basil's Homes is a registered charity and hence, would be exempt from the payment of Contributions under this Plan*".

In response to the above, it is noted that this section referred to by the applicant is in relation to S94A contributions, not S94.

Notwithstanding the above, pursuant to a Ministerial Direction under Section 94E of the Environmental

Planning & Assessment Act 1979, dated 14 September 2007, it is noted that consent authorities were directed that there are to be no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consent identified in Schedule A, which includes a 'social housing provider' as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. It is confirmed that the applicant is a 'social housing provider' as St Basils is a not-for-profit organisation that is a direct provider of rental housing to tenants.

Given the aforementioned, the deletion of condition 54 is supported.

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	Drawn by	Dated	Received by Council
Architectural Plans			
Site Plan A-DA-03 Rev 01	PTW Architects	18/09/2018	28/09/2018
Basement 2 Plan A-DA-04 Rev 01	PTW Architects	18/09/2018	28/09/2018
Basement 1 Plan A-DA-05 Rev 01	PTW Architects	18/09/2018	28/09/2018
Ground Floor Plan A-DA-06 Rev 02	PTW Architects	24/09/2018	28/09/2018
Level 1 Plan A-DA-07 Rev 02	PTW Architects	24/09/2018	28/09/2018
Level 2 Plan A-DA-08 Rev 02	PTW Architects	24/09/2018	28/09/2018
Level 3 Plan A-DA-09 Rev 02	PTW Architects	20/11/2018	21/11/2018
Roof Level Plan A-DA-10 Rev 02	PTW Architects	20/11/2018	21/11/2018

North / South Elevations A-DA-11 Rev 02	PTW Architects	20/11/2018	21/11/2018
East / West Elevations A-DA-12 Rev 02	PTW Architects	20/11/2018	21/11/2018
Internal North / South Elevations A-DA-13 Rev 02	PTW Architects	20/11/2018	21/11/2018
Sections A, B, C A-DA-14 Rev 02	PTW Architects	20/11/2018	21/11/2018
Sections D & E A-DA-15 Rev 02	PTW Architects	20/11/2018	21/11/2018
DA 310 Rev B Driveway Sections	CD Architects Pty Ltd	05/12/2016	11/04/2017
Accessible Room Floor Plans A-DA-36 Rev 01	PTW Architects	18/11/2018	20/11/2018
External Materials Palette A-DA-19 Rev 01	PTW Architects	18/09/2018	28/09/2018
Goyen Avenue Public Domain Drawing L03	Taylor Brammer Landscape Architects	23/11/2018	27/11/2018
L01 Pergola Plan and Details	Taylor Brammer Landscape Architects	23/11/2018	27/11/2018
L02 Boundary Fence Details	Taylor Brammer Landscape Architects	23/11/2018	27/11/2018
Landscape Plans			
L00 Landscape Cover Sheet	Taylor Brammer Landscape Architects	20/11/2018	20/11/2018
L01 Ground Level Masterplan	Taylor Brammer Landscape Architects	20/11/2018	20/11/2018
L02 Ground Level Sections Elevations	Taylor Brammer Landscape Architects	20/11/2018	20/11/2018

<i>L03 Level 3 Master Plan & Sections Elevations</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>
<i>L04 Typical Construction Details</i>	<i>Taylor Brammer Landscape Architects</i>	<i>20/11/2018</i>	<i>20/11/2018</i>

[Amendment A - S4.55(2) amended on 20/12/2018]

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

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give

information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units. For further information on Height Restrictions please contact SACL on 9667 9246.

ROADS 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.

[Amendment A - S4.55(2) amended on D20/12/2018]

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 112.*

[Amendment A - S4.55(2) amended on 20/12/2018]

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.

38. 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 Acoustic Report, prepared by Acoustic Logic, dated 08/11/2017. 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 acoustic report prepared by Acoustic Logic, dated 08/11/2017.

All recommendations of the revised report are to be incorporated into Construction Certificate drawings and implemented on site.

[Amendment A - S4.55(2) amended on 20/12/2018]

44. All paving located / installed over approved deep soil zone within the site must be an

approved water permeable paver.

45. *A maximum of 172 beds / single patient rooms are to be provided within the development for seniors and / or persons with a disability.*

[Amendment A - S4.55(2) amended on 20/12/2018]

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. *Rooftop plant equipment is limited to the locations shown on the approved plans. Photovoltaic cells with a maximum height of 500mm above roof level are permitted on the rooftop level at the western end of the building site.*

[Amendment A - S4.55(2) amended on 20/12/2018]

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. *Deleted.*

[Amendment A - S4.55(2) deleted on 20/12/2018]

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) Deleted.

c) Deleted.

d) Deleted

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.

f) The two communal north facing balconies at the end of the Goyen Avenue wing, adjoining bedrooms 1-083 / 1-084 at level 1 and 2-083 / 2-084 at level 2 are to be deleted. Full height glazing obscure to a minimum height of 1.7m above finished floor level shall be provided in lieu of the doorway indicated on plans to enable natural light into corridors of the development in this location.

[Amendment A - S4.55(2) amended on 20/12/2018]

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.

1107. 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.
1108. 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.
1109. 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.
1110. 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.
1111. The vehicular entry in Goyen Avenue is to be clearly marked and signposted ("entry" / "no entry") from the street and ("exit" / "no exit") internally.
1112. 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".
1113. 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.
1114. A convex mirror is to be installed at blind corners to provide increased sight distance for vehicles.
1115. 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.
1116. 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.
1117. Bollard(s) shall be installed by the developer to adaptable shared spaces, prior to the issue of any Occupation Certificate.
1118. *119 off street car spaces, being 58 staff and 61 visitor car spaces, 1 ambulance bay, 1 MRV bay loading, 1 Garbage holding zone, and 1 minibus space shall be provided in accordance with the submitted plan and shall be line marked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.*

[Amendment A - S4.55(2) amended on 20/12/2018]

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 Acoustic Report, prepared by Acoustic Logic dated 08/11/2017 and the recommendations of any revised Acoustic Report as required by this consent.*
- [Amendment A - S4.55(2) amended on 20/12/2018]*
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.