

MEETING NOTICE

A meeting of the
Bayside Local Planning Panel
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 22 October 2024 at 6:00 pm**

ON-SITE INSPECTIONS

On-site inspections are undertaken beforehand.

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

4.1 Minutes of the Bayside Local Planning Panel Meeting - 24 September 20242

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1 MDA-2024/115 - 1-7 Green Street, Banksmeadow NSW 2019 - Section 4.55 Modification8

6.2 DA-2024/146 - 369E Bexley Road Bexley - Development Application ..66

Members of the public, who have requested to speak at the meeting, will be invited to address the Panel by the Chairperson.

The meeting will be video recorded and live streamed to the community via Youtube.

Meredith Wallace
General Manager

Bayside Local Planning Panel

22/10/2024

Item No	4.1
Subject	Minutes of the Bayside Local Planning Panel Meeting - 24 September 2024
Report by	Peter Barber, Director City Futures
File	SF23/8121

Recommendation

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel meeting held on 24 September 2024 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

Present

Grant Christmas, Chairperson
Greg Woodhams, Independent Expert Member
Julian Ardas, Independent Expert Member
Emma Kirkman, Community Representative

Also present

Luis Melim, Manager Development Services
Marta Gonzalez-Valdes, Coordinator Development Assessment
Christopher Mackay, Coordinator Development Assessment
Angela Lazaridis, Senior Development Assessment Planner
Michael Maloof, Senior Development Assessment Planner
Jay Shah, Development Assessment Planner
Haven Barr, Planning Officer
Dawson Heperi, Customer Relationship Analyst

The Chairperson opened the meeting at 6.00pm.

1 Acknowledgement of Country

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no declarations of interest – refer to the attached declarations

4 Minutes of Previous Meetings

[4.1 Minutes of the Bayside Local Planning Panel Meeting - 13 August 2024](#)

Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel meeting held on 13 August 2024 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

[6.1 DA-2023/365 - 502 Forest Road and 198 Queen Victoria Street Bexley - Development Application](#)

An onsite inspection took place at the property earlier in the day.

The following people spoke at the meeting:

- Mrs Liz Barlow, an interested citizen/resident, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr David Barrs, an interested citizen/resident, spoke against the officer's recommendation and responded to the Panel's questions.
- Mrs Yoko Conte, an affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Jonathon Wood, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Ken Hollyoak, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Ramy Tawadros, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2023/365 for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a childcare centre including basement car park with capacity for 82 children, operating Monday to Friday 7am to 7pm at 502 Forest Road and 198 Queen Victoria Street, Bexley NSW 2207 by GRANTING DEFERRED

COMMENCEMENT CONSENT subject to the recommended conditions of consent attached to this report.

2. The following conditions are to be added into the Notice of Determination:

a) Add Condition No. 4(b) as follows:

4 Fencing along Queen Victoria Street

b) The masonry boundary fence on Queen Victoria Street is to be setback from the boundary by a minimum of 1.5 metres to allow for landscape planting in the setback area. This is to be demonstrated on both the approved architectural and landscape plans.

b) Amend Condition No. 6 as follows:

6 Signage illumination

The approved illuminated business identification sign shall be extinguished between the hours of 7.00pm to 7.00am daily.

c) Amend Condition No. 16 as follows:

16 Adopt Acoustic Measures

Adopt and implement all recommendations contained in the acoustic report prepared by Day Design Pty Ltd – “Environmental Noise Assessment – Proposed Childcare Centre – Report No. 7886-1.1R Rev A– 502 Forest Road and 198 Queen Victoria Street Bexley NSW – Prepared for Arquero Architects dated 10 May 2024.

d) Add Condition No. 59(k) as follows:

59 Landscape Plans

(k) The landscape plan is to be amended to provide for an advanced specimen of minimum 200L pot size of *Lophostemon confertus* (brush box) in the road reserve and which is to be planted at a minimum distance of 10 metres from the corner.

3. That the submitters are to be notified of the Panel's decision.

Name	For	Against
Grant Christmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Woodhams	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Julian Ardas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emma Kirkman	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Reason for Panel's Determination:

The majority of the Panel considered that the proposal was of an acceptable design, and subject to additional and amended conditions regarding signage, landscaping on the Queen Victoria Street verge and reference to the latest acoustic report, supported a deferred commencement consent being granted.

The Panel considered matters raised by the correspondents including but not limited to traffic, the building design, heritage streetscape value, loss of on-street car spaces, noise impacts to neighbours and access and egress from the basement car park.

One member of the Panel didn't support that application on the basis of its contextual response to the streetscape and surrounds and inadequate internal amenity for occupants.

Panel's comments- Recommended conditions of consent

- Condition No. 4(b)- the masonry boundary fence on Queen Victoria Street is to be setback from the boundary by a minimum of 1.5 metres to allow for landscape planting in the setback area.
- Condition No. 6- the illumination of the signage to be extinguished from 7pm to 7am.
- Condition No. 16- add Revision A dated 10 May 2024.
- Condition No. 59(k)- the landscape plan is to be amended to provide for an advance specimen of minimum 200L pot size of *Lophostemon confertus* (brush box) at a minimum distance of 10 metres from the corner.

The Chairperson closed the meeting at 6.41pm.

Certified as true and correct.

Grant Christmas
Chairperson



Declaration of Interest - Bayside Local Planning Panel Meeting 10/03/2020

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	DA-2024/129 – 11 Napoleon Street, Rosebery	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> <i>or</i> an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Public Meeting		
6.1	DA-2023/365 502 Forest Road and 198 Queen Victoria Street, Bexley	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> <i>or</i> an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Grant Christmas		20 / 09 / 24
Name (please print)		Date
		Signature



Declaration of Interest - Bayside Local Planning Panel Meeting 10/03/2020

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Greg Woodhams		23 / 09 / 24
Name (please print)		Date
		Signature



Declaration of Interest - Bayside Local Planning Panel Meeting 10/03/2020

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Julian Ardas Name (please print)		[Redacted Signature] Signature
		18 / 9 /2024 Date



Declaration of Interest - Bayside Local Planning Panel Meeting 10/03/2020

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
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Public Meeting		
6.1	DA-2023/365 502 Forest Road and 198 Queen Victoria Street, Bexley	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Emma Kirkman Name (please print)		[Redacted Signature] Signature
		23 / 09 / 2024 Date

Bayside Local Planning Panel

22/10/2024

Item No	6.1
Application No	MDA-2024/115
Property	1-7 Green Street, Banksmeadow NSW 2019
Application Type	Section 4.55 Modification
Proposal	Modification to DA-2023/154 to rebuild the existing ramp leading to the entry of the building, re-location of carparking spaces, alterations to the truck wash bay, the removal of one tree & pruning of one street tree
Owner	Bayside Council
Applicant	Bayside Council
Ward	Ward 1
Lodgement Date	13/08/2024
No. of Submissions	2
Cost of Development	\$Nil
Reason Criteria	Conflict of Interest
Report by	Peter Barber, Director City Futures

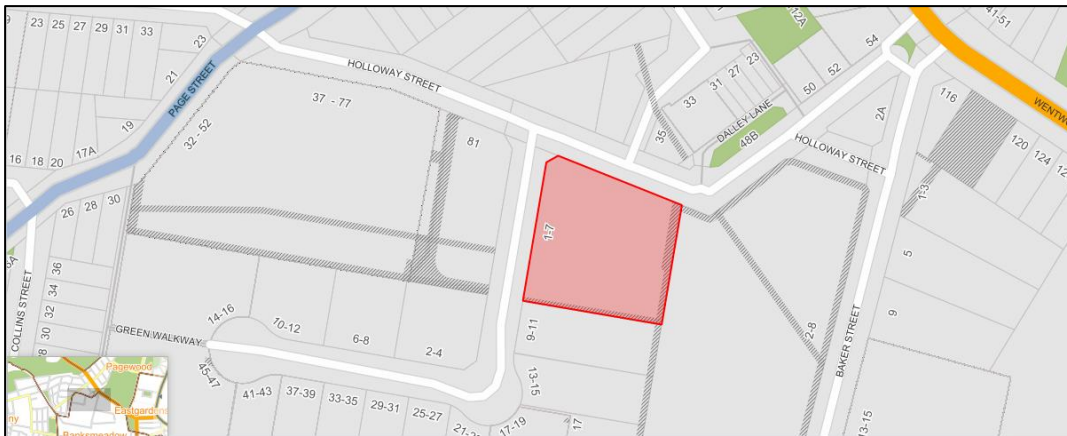
Officer Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to S4.55(1A) of the *Environmental Planning and Assessment Act 1979* be satisfied that the proposed modification:
 - a) is of minimal environmental impact;
 - b) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - c) has been notified and the submissions made have been considered;
 - d) is acceptable after considering reasons for the consent sought to be modified; and
 - e) is acceptable having regard to the relevant matters in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to S4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, determine Modification Application MDA-2024/115 for the Modification to DA-2023/154 to rebuild the existing ramp leading to the entry of the building, re-location of carparking spaces, alterations to the truck wash bay, the removal of one tree & pruning of one street tree at 1-7 Green Street, Banksmeadow NSW 2019 by Granting Consent to modify the original consent in the following manner:
 - a) Amend condition 1 to reflect changes to the architectural plans.
 - b) Amend the wording of condition 14 to delete bunding requirement for the car

wash/ truck wash bay.

- c) Amend condition 43 of the development consent to make reference to the deletion of one (1) Spotted Gum tree.
 - d) Insert new condition 51A to reflect Sydney Water Trade Waste Agreement requirements.
 - e) Insert new condition 63A to align with the Operations Management Plan.
 - f) Insert new condition 63AA to ensure liquid spill prevention methods are in place
3. That the objectors be notified of the Panel's decision.

Location Plan



Attachments

- 1 [↓](#) Planning Assessment Report
- 2 [↓](#) Draft Conditions
- 3 [↓](#) Architectural Plans

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	MDA-2024/115
Date of Receipt:	13 August 2024
Property:	1-7 Green Street, Banksmeadow NSW 2019 Lot 20 DP 832134
Owner:	Bayside Council
Applicant:	Bayside Council
Proposal:	Modification to DA-2023/154 to rebuild the existing ramp leading to the entry of the building, re-location of carparking spaces, alterations to the truck wash bay, removal of one tree and pruning of one street tree
Recommendation:	Approval
No. of submissions:	Two (2) submissions
Author:	Nitin Thomas
Date of Report:	24 September 2024

Key Issues

The key issues identified in the assessment of the Modification Application relate to:

- Changes to conditions of consent.
- Subject to a Preliminary Site Investigation Report.
- Affected by 1% AEP flood event.
- Removal of an existing mature Spotted Gum tree within the premises.
- Located within zone of influence of APA high pressure pipeline.
- Issues raised in submission.

The proposed modification is referred to the Bayside Local Planning Panel given both the owner and applicant is Bayside Council, pursuant to the Ministerial Direction dated 6 September 2023

The Modification Application (“the proposal”) has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* (“the Act”) and *Environmental Planning and Assessment Regulation 2021* (“the Regulation”) and is recommended for approval, subject to conditions of consent.

The officer involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to S4.55(1A) of the *Environmental Planning and Assessment Act 1979* be satisfied that the proposed modification:
 - a) is of minimal environmental impact;
 - b) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - c) has been notified and the submissions made have been considered;
 - d) is acceptable after considering reasons for the consent sought to be modified; and
 - e) is acceptable having regard to the relevant matters in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to S4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, determine modification application MDA-2024/115 for the modification to DA-2023/154 to rebuild the existing ramp leading to the entry of the building, re-location of carparking spaces, alterations to the truck wash bay, removal of one tree and pruning of one street tree at 1-7 Green Street, Banksmeadow NSW 2019 by Granting Consent to modify the original consent in the following manner:
 - a) Amend condition 1 to reflect changes to the architectural plans.
 - b) Amend the wording of condition 14 to delete bunding requirement for the car wash/ truck wash bay.
 - c) Amend condition 43 of the development consent to make reference to the deletion of one (1) Spotted Gum tree.
 - d) Insert new condition 51A to reflect Sydney Water Trade Waste Agreement requirements.
 - e) Insert new condition 63A to align with the Operations Management Plan.
 - f) Insert new condition 63AA to ensure liquid spill prevention methods are in place.
3. That the objectors be notified of the Panel's decision.

Background

History

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

1-7 Green Street, Banksmeadow (formerly known as 1-7 Green Street, Botany)

- DA-2023/154 – Change of use and fit out of Unit A for a depot operating between 3.30am – 6.30pm Monday – Saturday and construction of a storage shed was approved by the Bayside Local Planning Panel on 12 December 2023.
- DA-2017/1254 – Construction of a 1.8m fence and sliding gate, approved on 22 March 2018.
- CD-2014/10036 – Fit out of Unit A to an existing warehouse including the installation of racking, shelving and associated ancillary office fit-out, approved by a Principal Certifier on 3 June 2014.
- DA-2011/98 – Construction of a new hardstand open vehicle set down area, withdrawn by applicant on 19 August 2011.
- DA-2007/10082 – Use of site for a warehouse and distribution of general goods and associated office fit-out, approved on 18 June 2006.
- DA-2007/1008 – Installation of a new roller shutter and extension of awning to the existing industrial building, approved on 25 September 2006.
- DA-2002/10539 – Installation of new business identification signage, approved on 20 June 2002.
- DA-2000/10385 – Use of site (Unit B) for a warehouse and distribution centre of electronic equipment, approved on 10 February 2000.
- DA-99 (636) – Use of Unit A for the manufacture and distribution of self-adhesive labels, approved on 26 July 1999.
- DA-97(409) – Erection and use of factory (Unit B) for storage and bottling of consumable spiritous liquors, approved via Deferred Commencement on 27 August 1997.
- TPLN/120-1-7 – Modification application to modify consent DA-97(409) to divide existing factory into two (2) separate tenancies whilst retaining use for storage and bottling of liquor and further alterations and additions, approved on 15 April 1998.

The history of the subject application is summarised as follows:

- 12/12/2023 – The subject DA which is sought to be modified was approved on by the Bayside Local Planning Panel.
- 13/08/2024 - The subject modification application was lodged with Council.
- 27 August 2024 – 24 September 2024 – Neighbour Notification Period (28 Days).
- 19/08/2024 - Environmental Health Officer referral response received.

- 21/08/2024 – Tree Management Officer referral response received.
- 26/08/2024 – Written submission received.
- 06/09/2024 – Site inspection carried out by assessing officer.
- 10/09/2024 – Request for additional information sent to applicant.
- 11/09/2024 – Additional information received by applicant.
- 12/09/2024 – Development Engineer re-referral received.
- 18/09/2024 – Environmental Scientist referral received.
- 19/09/2024 – Written submission received.
- 23/09/2024 – Draft modification assessment report and conditions completed.

Proposal

The application seeks consent to modify the approved development MDA-2024/115 at 1-7 Green Street, Banksmeadow NSW 2019 by seeking to undertake external alterations associated with Unit A only.

In particular, the proposal (as modified) seeks to undertake the following modifications:

Demolition/Excavation/Tree Removal

- Removal of existing ramp fronting Green Street at ground level.
- Removal of one (1) x Spotted Gum tree along Green Street frontage.
- Pruning of one (1) x Kaffir Plum tree along Green Street frontage.
- Removal of existing sliding door on Holloway Street frontage at ground level.

Construction

- Ramp: Re-construction of a new external entrance/ access ramp along Holloway Street frontage with new handrails.
- Replacement of existing entry door adjacent to ramp along Holloway Street.

Car Parking

- Relocation of two (2) on-site accessible car spaces within the premises to north western corner.
- Retention of all off-street car/truck parking approved under DA-2023/154 for Unit A.

Additional Considerations

- Amendment to Condition 14 of development consent seeking to delete requirement for truck wash bay to be bunded.

The figures below are extracts of the original DA approval and current Modification proposal related to key aspects being sought to be amended:

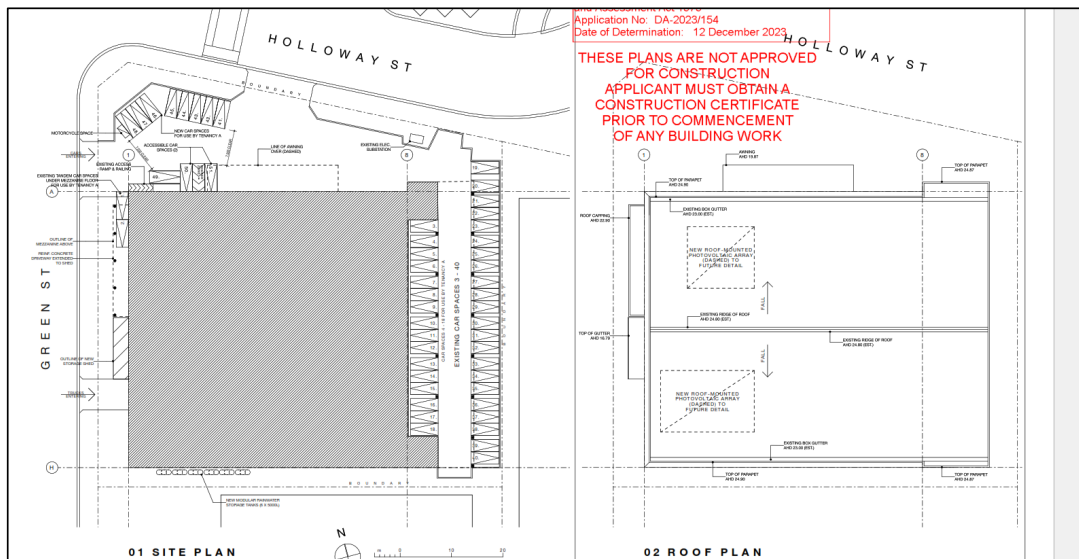


Figure 1: Approved Site and Roof Plan under DA-2023/154

Site Location and Context

The subject site is legally identified as Lot 20 DP 832134 and is known as 1-7 Green Street, Banksmeadow NSW 2019. The site has a dual frontage to Green Street and Holloway Street. The total site area is approximately 5,940m². The topography of the site is such that it is relatively flat.

The subject site (being Council owned) contains a two storey masonry warehouse building, with Unit A (eastern side) being used as a Council depot and the adjoining tenancy (Unit B) on the western side being leased out to a private vendor (Paragold). The site is located on the eastern side of Green Street and corner of Holloway Street, Banksmeadow. Directly adjacent along the western side of the subject site is Pagewood Public School located at 34-60 Page Street, Pagewood.

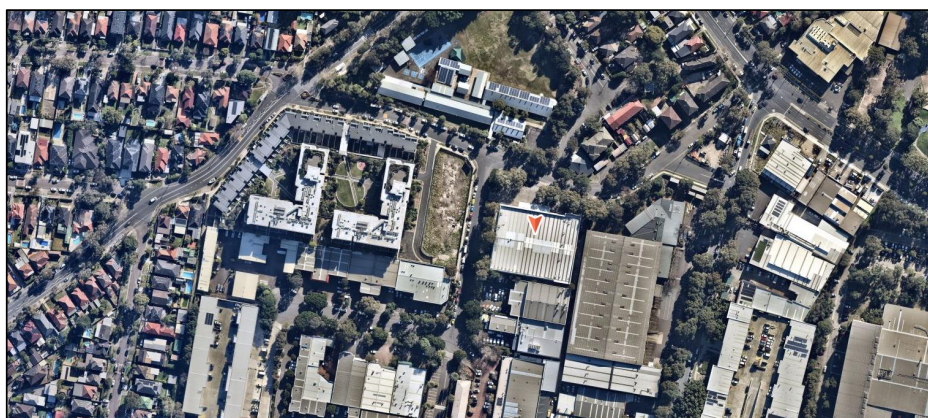


Figure 2: Aerial view of subject premises at 1-7 Green Street, Banksmeadow (Source: Nearmaps 2024)



Figure 6: View of subject site from Green Street frontage (west)

It is further noted that the site immediately adjacent to the subject development site (to the west) at No. 81 Holloway Street, Pagewood (zoned E3- Productivity Support) was approved for a 29 Lot Strata subdivision under Complying Development (CD-2023/408), following approval of a Development Application (being DA-2021/424) by Bayside Council for the construction of a 4-storey seniors living development with ground floor car parking, retail tenancies and removal of trees. That site remains under construction.

The site contains trees such as Spotted Gums along the peripheries on both street frontages. There are multiple trees on the public domain adjacent to the site that will be retained as part of the subject modification application.

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* ("the Act").

S4.55 – Modifications Generally

S4.55(1A) – Modification involving minimal environmental Impact

The following quotes the provisions of this Section of the Act, including a response to each:

The Section 4.55(1A) of the Act states:

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

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

Comment: The proposed modification(s) are minor and include the pruning and removal of one (1) Spotted Gum tree along the Green Street frontage, reconstruction of the entry ramp along the Holloway Street frontage, accessible car parking relocation and amendments to conditions requiring the truck wash bay to be bunded. The proposed changes do not involve any significant or fundamental change to the proposal as originally approved, nor any significant or fundamental change to the environmental impacts compared to the approved development.

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

Comment: The proposal remains as previously approved, namely a depot. The proposed modifications will not change the land use or substantially alter the nature of the development. Having regard to both the qualitative and quantitative changes proposed, the proposed Modification Application remains substantially the same development as that originally approved.

- c) *It has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The proposal has been notified in accordance with the applicable Development Control Plan.

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

Comment: The development was notified in accordance with the BDCP 2022 between 24 August and 24 September 2024 and two (2) submissions were received.

The issues raised in the submissions are discussed below:

Issue 1: Car Parking Spaces

Comment: A submission was received during the neighbour notification outlining concerns with the 'three (3) new' parking spaces located under the awning and adjoining the roller shutter doors.

It is noted that under the original development application (DA-2023/154) the three spaces in question were assessed by Council's Development Engineers and approved as shown on the approved plans. The location of the three spaces raised in concern will remain under this modification application.

The scope of works related to car parking under this application only pertains to the relocation of two (2) accessible spaces to the corner side to comply with the provisions of the relevant Australian Standards. An assessment of the parking relocation has

been provided under Part 3.5 of this report. Council's Development Engineers have reviewed the proposal and deem the car parking relocation to be acceptable in this instance given these relocated spaces will be compliant with the relevant Australian Standards.

Issue 2: Tree Removal

Comment: The matter related to the removal of one (1) existing Spotted Gum tree within the site has been reviewed and assessed by Council's Tree Management Officer and is deemed accessible. Whilst the removal of this one tree will marginally reduce the overall tree canopy for the site, a condition was imposed in the notice of determination requiring the planting of two (2) new replacement trees under condition 52 which will remain on the consent. In addition, the removal of the mentioned tree within the Green Street frontage will also benefit the on-going vehicular access to and from the site.

Issue 3: Acoustic Noise

Comment: The concerns raised regarding the acoustic report submitted with the original development application do not pertain to the context of the subject modification application. The building and construction works associated with the proposed modification are minor in nature and are not likely to create any adverse acoustic impacts to surrounding properties.

Issue 4: Original Report Inconsistencies

Comment: The issues raised regarding inconsistencies in the original assessment report regarding incorrect street view photograph and address references do not form part of the subject modification application.

Issue 5: Documents withheld prior to original Local Planning Panel Meeting

Comment: The matter is not a consideration under this modification application.

S4.55(3) of the Act (Matters for Consideration and Reasons for the Consent or conditions sought to be varied)

S4.55(3) of the Act states:

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

Response: An assessment and consideration of matters within Section 4.15(1) of the Act is contained in the following Section of this report.

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

Response: The relevant consent which is sought to be varied (being DA-2023/154) included the following reasons for the granting of consent:

- *The development, subject to conditions, is consistent with the objectives of the Industrial IN1 zone and the relevant objectives of State Environmental Planning*

Policy (Transport and Infrastructure) 2021.

- *The proposal is suited to the site, given the zoning, access arrangements, building design and proximity to classified roads to provide rational traffic distribution to the Local Government Area;*
- *The proposed works are minor and will result in acceptable built and natural environmental impacts;*
- *No trees are affected, and the site's landscaped area is not being materially reduced;*
- *Subject to recommended conditions, the proposal is not likely to result in any significant impact on the environment or the amenity of nearby residents.*
- *The issues raised by objectors have been considered and where appropriate, have been addressed by recommended conditions of consent to appropriately mitigate and manage potential environmental impacts of the proposal.*

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

As outlined in Section 4.55(3) of the Act above, the provisions of S4.15(1) of the Act must be considered for this Modification Application. This consideration is outlined below.

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

State Environmental Planning Policies

State Environmental Planning Policy (Transport & Infrastructure) 2021

Chapter 2 – Infrastructure

12A – Pipelines and Pipeline Corridors

Subsection 2.76 requires the consent authority to:

- (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that area associated with the development to which the application relates have been identified, and
- (b) take those risks into consideration, and
- (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and
- (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.

The development is located within the zone of influence (ZOI) of the APA pipeline however is located approximately 533.0m away. The proposal is for alterations and additions to an existing depot which is not considered a sensitive development.

In this regard, the subject application (as modified) was not required to be referred to APA Group for comment.

Therefore, the proposal (as modified) satisfies Subsection 2.76 of the SEPP and is acceptable.

Chapter 5 – Three Ports, Newcastle and Port Kembla

Under this SEPP, Clause 5.4 relates to the relationship to other environmental planning instruments and specifies that, in the event of an inconsistency between this Chapter and another environmental planning instrument whether made before or after the commencement of this Chapter of the SEPP, this Chapter prevails to the extent of the inconsistency (and the area is excluded from the LEP application, by mapping). Therefore, the provisions of the Bayside LEP 2021 do not apply.

5.15 – Demolition requires development consent

As noted, demolition requires consent. The proposal (as modified) seeks consent for the demolition of the existing access ramp along the northern elevation and removal of a tree along the western side elevation. In this respect, the proposal (as modified) aligns with the provisions under S5.15 of the SEPP.

5.19 - Office premises in Zone IN2

As noted, development consent must not be granted for development for the purposes of business premises or office premises on land within Zone IN1 General Industrial unless the consent authority is satisfied that the development is associated with, and ancillary to, port facilities or industrial uses of land.

The proposal (as modified) retains the existing ancillary offices at first floor level of the depot and therefore complies with the provisions of this Clause under the SEPP.

5.20 – Earthworks

The proposal (as modified) does not include any excavation works, however, includes minor works as a result of a single tree removal along the Green Street frontage.

As such, the matters for consideration under this Clause does not warrant any adverse concerns to the environment which are able to be managed and mitigated via relevant conditions imposed in the draft notice of determination.

Land Use Table

The site falls within the IN1 – General Industrial Zone within the provisions of the SEPP as highlighted earlier in this report. The proposal (as modified) retains the previously approved use of Unit A as a depot.

As noted under the Standard Instrument, depots are defined as being the following:

‘Building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use ,but does not include a farm building.’

The objectives of the IN1 zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*

- To minimise any adverse effect of industry on other land uses.
- To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.
- To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.
- To encourage ecologically sustainable development.

The proposal (as modified) aligns with the objectives under the IN1 zone as

5.29 – Preservation of Trees

As noted under 5.29 (3) -

(3) A person must not cut down, top, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

- (a) development consent, or
- (b) a permit or an approval granted by the Council of the area in which the tree or vegetation is situated.

As noted in the body of this report, the proposal (as modified) seeks to prune 1 x Street tree *Harpephyllum caffrum* (Kaffir Plum) and remove one (1) x *Corymbia maculata* (Spotted Gum) tree located on the Green Street frontage to accommodate the manoeuvrability and accessibility of heavy rigid vehicles. It is noted that Council's Tree Preservation Officer did not raise any concerns, subject to conditions imposed in the draft notice of determination.

Further information regarding tree preservation and impacts to trees can be found under SEPP (Biodiversity and Conservation) 2021 section of the report below.

In this regard, the proposal (as modified) aligns with the objectives under S5.29 of the SEPP and is acceptable.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the development application. Subsection 4.6 of the SEPP requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

1. The site appears to have been continuously used for commercial/ industrial purposes.
2. The adjoining and adjacent properties are currently used for industrial purposes.
3. There is minor excavation proposed.

It is noted that although the development site at 1-7 Green Street, Banksmeadow is not identified as being subject to potential site contamination, a Preliminary Site Investigation Report (PSI) prepared by GHD Pty Ltd and dated March 2022 was submitted with the original DA. The PSI was prepared following the acquisition of the existing warehouse by Council by means of due diligence protocols.

A further review of the PSI report by Council's Environmental Scientist in conjunction with the documentation submitted as part of the proposed scope of works highlighted the following:

'Historical aerial photographs revealed that the site was undeveloped until the early 1980s when it became a carpark. By the late 1980s it was sealed and became vacant again. The warehouse was constructed around 2000, which reflects the current site layout. No other major changes have occurred to the site since.'

There are no subsurface works proposed in the modification that may disturb soils. The Preliminary Site Investigation (PSI) completed for the original application did not identify any spillage, significant contamination, asbestos, or hazardous materials onsite. It was determined that there was a low potential for vapour intrusion from the adjoining Email site to the west, which had been contaminated and underwent remediation. Potential contaminant migration from the Orica site to the southwest was deemed unlikely as it is hydraulically down gradient of the site. Both sites are on the EPA Contaminated land register for historical and ongoing maintenance. The PSI noted that the concrete hardstand across the site was in good condition and therefore, the risk to future site users from any potential contamination was low.

The modification also proposes to amend two conditions pertaining to the car wash bay and arborist work method statement. No proposed modifications or condition amendments have an effect on contaminated lands assessment. The site remains suitable for the proposed development and continued commercial/industrial use.'

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary. The proposal satisfies the requirements of Subsection 4.6 of the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non - Rural Areas

The provisions under Chapter 2 – Vegetation in Non-Rural Areas of the SEPP have been considered as the proposal (as modified) seeks the partial pruning of one (1) existing Kaffir Plum tree and the complete removal of one (1) x Spotted Gum tree located along the Green Street frontage to accommodate a wider driveway for the accessibility and manoeuvrability of high rigid vehicles (HRVs). Refer to figure 8 within the report.

An arborist report prepared by Concept Arbor Consulting and dated 4 July 2024 was submitted as accompanying documentation. The submitted arborist report identified the following:

'Smith & Tzannes commissioned Concept Arbor Consulting to provide an arboricultural impact assessment (AIA) for the proposed amendments to the approval granted by Bayside Council under DA-2023/154 for change of use & fit out of Unit A, 1-7 Green Street, Banksmeadow, NSW 2019. The author understands that the client is preparing an application to modify consent under section 4.55 of the Environmental Planning and Assessment Act 1979. The proposed amendments include increasing the driveway width to 7.40m on the western side of the lot (Green Street frontage) to accommodate the turning radius of a heavy rigid vehicle (HRV).'

'Six (6) trees were assessed as part of this proposal, five (5) are viable for retention and one

(1) will require removal as a result of the proposed driveway's incursion into its structural root zone.

One (1) council street tree (*Harpephyllum caffrum*) on the southern side of the proposed driveway will also require minor pruning as the canopy overhangs the driveway and will be impacted by the truck turning radius. The approved extension of the storage shed utilises the existing concrete slab footprint; the replacement slab is to be suspended on screw piles at 2.2m spacings to minimise root disturbance...

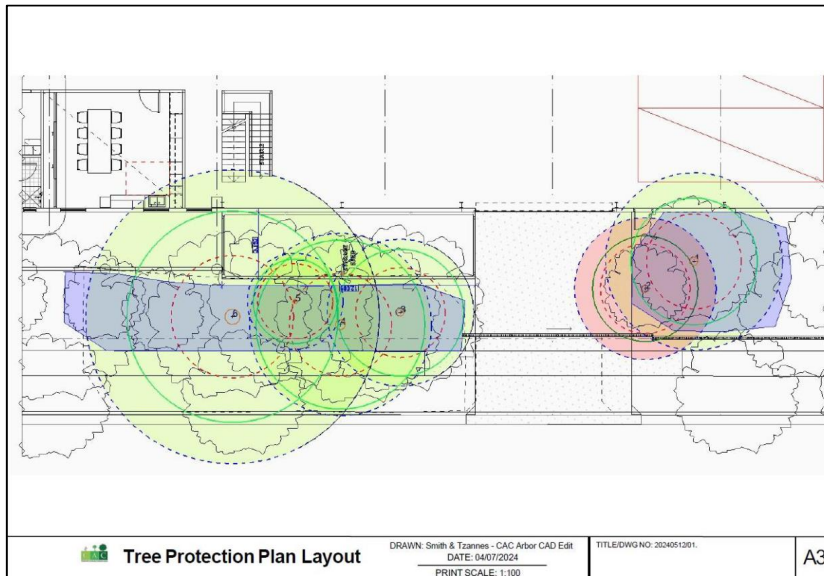


Figure 7: Tree Protection Layout Diagram (Source: Concept Arbor Consulting 2024)

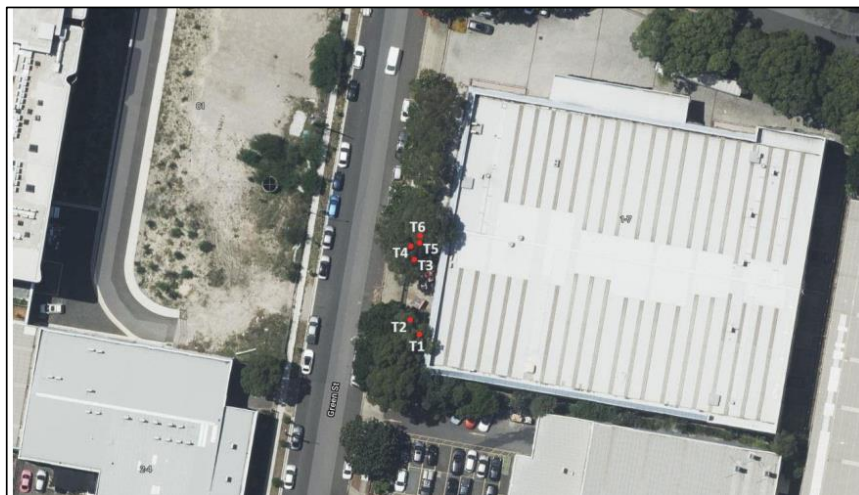


Figure 8: Aerial location of affected trees (Source: Concept Arbor Consulting 2024)

Council's Tree Preservation Officer's review of the proposal (as modified) and the submitted arborist report deemed the scope of works to the existing Spotted Gums to be satisfactory, subject to a tree replacement offset requirement of 3:1 to accommodate for the removal of one tree to align with Council's tree management policy. However, it is noted that under the

original application, the following condition (No.52) was imposed with respect to additional tree planting:

52. *‘The applicant/operator shall consult with Council’s Landscape Officer to find a location on-site for two additional native canopy trees (minimum pot size of 75 litres), without affecting car-parking provision or vehicular accessibility. If such space for these additional trees is unable to be found on-site, then two trees are to be located in the street verge, for the site frontage(s). If no space on street is available or appropriate as determined by Council’s Landscape Officer, then no additional trees are required. The trees shall be planted prior to Occupation Certificate and maintained in good health.’*

As such, the recommendations within the submitted arborist report by Concept Arbor Consulting dated 4 July 2024 is supported and the pre-existing condition 52 will be retained.

In this respect, the proposal (as modified) aligns with the general objectives under Chapter 2 of the SEPP (Biodiversity and Conservation) 2021 and is acceptable, subject to relevant conditions imposed in the draft notice of determination.

Bayside Local Environmental Plan 2021

The provisions under the Bayside Local Environmental Plan 2021 do not apply to the subject application (as modified) as the development site is subject to provisions under Chapter 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

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

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The application is subject to the Bayside Development Control Plan 2022 (“the DCP”). This is the comprehensive DCP relevant to the proposal. The DCP was adopted by the elected Council on 22 March 2022 and came into effect on 10 April 2023, and supports the provisions of the LEP.

It is noted that as the assessment of this application aligns with the provisions of Chapter 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the provisions of the Bayside Development Control Plan 2022 do not strictly apply, however have been referred to for guidance in this instance.

The following table outlines the relevant Parts of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Parts	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.5 Transport, Parking and Access	Yes - see discussion	Yes - see discussion

Relevant Parts	Compliance with Objectives	Compliance with Standard / Provision
3.6 Social Amenity, Accessibility and Adaptable Design	Yes - see discussion	Yes - see discussion
3.8 Tree Preservation and Vegetation Management	Yes - see discussion	Yes - see discussion
3.10 Flood Prone Land	Yes - see discussion	Yes - see discussion
3.11 Contamination	Yes -see discussion	Yes - see discussion
3.12 Waste Minimisation and Site Facilities	Yes - see discussion	Yes - see discussion
3.13 Areas subject to Aircraft Noise and Airport airspace	Yes - see discussion	Yes - see discussion
PART 6 – NON-RESIDENTIAL DEVELOPMENTS		
6.1.1 General Controls	Yes - see discussion	Yes - see discussion
PART 8 – MANAGING RISK AND ENVIRONMENTAL CONSIDERATIONS		
8.2 Soil Management	Yes	Yes

The following sections elaborate on key matters from the above table.

PART 3 – GENERAL DEVELOPMENT CONTROLS

3.5 – Transport, Parking and Access

As noted under the original development application (being DA-2023/154) the following number of car and truck spaces associated with Unit A were approved:

- Twenty- nine (29) off-street spaces:
 - (i) 16 along the eastern boundary, with 2 new spaces under the mezzanine;
 - (ii) 11 new line-marked spaces along the building forecourt
 - (iii) 2 accessible car spaces; and
 - (iv) 2 motorcycle and 8 bicycle spaces.
- Internal Vehicular Storage for Council trucks:
 - (i) 6 HRV trucks;
 - (ii) 1 MRV truck;
 - (iii) 1 SRV truck;
 - (iv) 3 Utes; and
 - (v) 6 Utes with trailers.

The proposed modification does not change the previously approved parking considerations for the approved depot, however only seeks to relocate two previously approved accessible car parking spaces from within the site to comply with the gradient requirements under AS2890.6.

The spaces are compliant with the relevant Australian Standard. It is noted that the approved car spaces under DA-2023/154 are yet to be line-marked on-site. Furthermore, it is noted that no new car spaces are proposed under this modification application.

The proposal retains the previously approved bicycle and motorcycle parking spaces, meeting the DCP control.

Furthermore, the existing loading and unloading docks will also be retained.

A further review of the proposal (as modified) and submitted documentation by Council's Development Engineer highlights that the changes to the parking arrangements within the site will have negligible impact on the through traffic and is therefore acceptable.

The proposal (as modified) satisfies the transport, access and parking requirements of the DCP and is acceptable in the circumstance, subject to conditions previously imposed.

Part 3.6 – Social Amenity, Accessibility and Adaptable Design

The modified proposal has been designed so that the development is accessible from the public domain and internally.

Entry Ramp

The development (as modified) seeks to provide new ramping from the footpath into Unit A along the northern elevation.

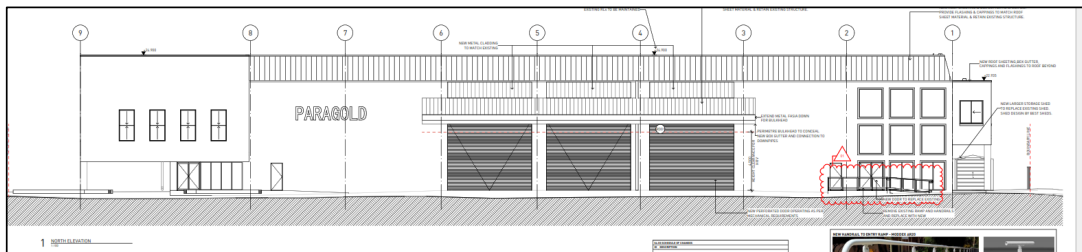


Figure 9: Proposed ramp reconstruction along northern elevation of existing depot at 1-7 Green Street, Banksmeadow.



Figure 10: Existing entry ramp to be replaced at 1-7 Green Street, Banksmeadow

Accessible car spaces

The proposal (as amended) seeks to relocate two previously approved accessible car spaces from the northern side of the depot (located under the awning) to the north western corner of the site to comply with the gradient requirements.

A Social Impact Assessment is not required for this proposal. The social impacts of the proposal are positive, with the benefits of the proposal outweighing any environmental impacts.

The proposal (as modified) is satisfactory and complies with the objectives of the DCP.

3.8 - Tree and Vegetation Management

The proposal (as modified) seeks to undertake pruning of one (1) existing Kaffir Plum tree and removal of one (1) Spotted Gum tree along the Green Street frontage to accommodate a wider driveway for HRV access (previously approved under DA-2023/154).

The applicant submitted an arboricultural impact assessment report prepared by Concept Arbor Consulting and dated 4 July 2024. The application was referred to Council's Tree Management Officer for review and the arborist report was found to be satisfactory.

The proposal is satisfactory in regard to the objectives and provisions of Part 3.8 of the DCP, subject to recommended conditions. Further information can be found under SEPP (Biodiversity and Conservation) 2021 section of the report.

Part 3.10 – Flood Prone Land

An overview against flood management has been discussed under S4.15 (1) (b) Likely Impacts section of this report.

Part 3.11 – Contamination

An assessment of contamination has been discussed in response to *SEPP (Resilience and Hazards) 2021* in a previous Section of this report.

Part 3.12 – Waste Minimisation and Management

A Waste Minimisation and Management Plan was not submitted with the modification application. However, it is noted that a condition had been imposed requiring a waste management plan be submitted prior to the issue of a Construction Certificate under DA-2023/154.

In this respect, the proposal (as modified) satisfies the general requirements under Part 3.12 of the BDCP 2022 and is acceptable.

PART 6 – NON-RESIDENTIAL DEVELOPMENT

6.1.1 - General Controls

The proposal (as modified) relates to an existing warehouse and as such, the provisions under Part 6.1.1. of the BDCP 2022 are satisfied.

Part 8 – Managing Risk and Environmental Conditions

8.2 - Soil Management

Adequate measures have been imposed via conditions of consent relating to on-going soil management and therefore, the proposal (as modified) satisfies the general requirements and objectives under Part 8.2 of the BDCP 2022 and is acceptable.

S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposal.

S4.15(1)(a)(iv) - Provisions of the Regulation

In terms of provisions of the Regulation, the Modification submission has included sufficient information to enable environmental assessment of the application (Part 5, Division 1 of the Regulation).

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal and on balance, is acceptable.

S4.15(1)(b) - Likely Impacts of Development

This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed or warrant some elaboration are as follows:

Natural Environmental Impacts

Trees

Matters related to tree removal/ pruning are discussed under SEPP (Biodiversity and Conservation) 2021 section of the report.

Excavation and Earthworks

Minor excavation and earthworks may be associated with the removal of the Spotted Gum along the Green Street frontage.

Flooding Affectation

As noted on Council's mapping system, the development site is subject to the 1% AEP flood event, however the proposal (as modified) does not seek to alter the existing floor levels of the existing depot nor seeks to undertake works that would impact floodwaters within the site. In this respect, the proposal (as modified) is acceptable with respect to flooding.

Built Environmental Impacts

Streetscape

The proposal (as modified) seeks to undertake minor works along both the Green Street and Holloway Street frontages. However, the scope of works proposed will not substantially alter the existing facades of the depot/ warehouse building.

Parking

Car parking considerations are discussed further in Part 3.5 DCP section of the report above.

Bundling Requirement – Car/ Truck Wash Bay

The proposal (as modified) seeks to amend condition 14 of the development consent which requires the proposed car/ truck wash bay within Unit A to be bunded to align with the relevant Australian Standards (i.e. AS1940 and AS/NZS 4452) and have a direct sewer connection to abide with the Sydney Water trade waste agreement.

The proposal (as modified) seeks to alter the requirement for the car/ truck wash bay to be bunded as the proposed car/ truck wash bay is designed to be self-bunded. A review of the application by Council's Development Engineer and Environmental Health Officers have deemed the change to the car wash/ truck wash bay to be acceptable. In this respect, additional environmental health conditions relating to liquid spill management, and considerations of operation management under the Protection of the Environment Operations Act 1997 (POEO Act) will be imposed for the on-going use of the site. These requirements are reflected in new conditions 51A, 63A and 63AA as imposed in the draft notice of determination.

Construction Impacts

Temporary construction-related impacts do affect amenity and this is partially inevitable from demolition, excavation and constructing new works. However, these are not anticipated to unduly affect businesses or surrounding residents, with some localised impacts of relatively likely short duration. These construction-related impacts are able to be addressed by standard conditions of consent, as recommended, to reasonably manage and mitigate impacts, while allowing rational and orderly construction.

Social Impacts

The proposed modifications to the approved development will not result in any adverse social impacts on the locality.

Economic Impacts

In terms of economic impacts, the proposal will cause no anticipated negative economic impacts and will result in positive economic impacts from the materials and labour needed for construction of the proposal.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Appropriate conditions of consent are proposed to further manage and mitigate impacts on neighbouring properties and the environment. Subject to the recommended conditions, the proposal is suitable for the site.

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

The submissions made, and consideration of matters raised within those submission, has been previously outlined in response to the relevant subsection in Section 4.55(3) of the Act.

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

The proposal (as modified) has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the modification application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposal will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11/S7.12 - Development Contributions

The proposal (as modified) does not affect required contributions.

Conclusion and Reasons for Decision

The proposed development at 1-7 Green Street, Banksmeadow NSW 2019 has been assessed in accordance with Sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposal is a Modification Application under Section 4.55(1A) of the Act. The application seeks to modify Development consent DA-2023/154 which approved a change of use and fit out of Unit A for a depot operating between 3.30am – 6.30pm Monday – Saturday, and construction of a storage shed, originally approved by the Bayside Local Planning Panel on 12 December 2023. The proposed modifications essentially involve the reconstruction of an entrance ramp, removal and pruning of one tree, relocation of accessible car spaces and amendment of a condition of consent.

In response to the public notification, two (2) submissions were received. The matters raised in these submissions include traffic impacts, noise impacts, tree impacts. These matters have been discussed and addressed in this report and in this instance do not warrant refusal of the proposal.

The proposal is supported for the following main reasons:

- The proposal (as modified) remains substantially the same development as originally approved – a depot.
- The proposal, subject to conditions, is consistent with the objectives of the IN1 General Industrial zone and the relevant objectives of Chapter 5 under the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- The proposal (as modified) is consistent with the objectives of Bayside Development Control Plan 2022.
- The site is suitable for the proposed modifications.
- The proposal (as modified) is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
- The scale and design of the proposal (as modified) is suitable for the location and is compatible with the desired future character of the locality.
- The proposal (as modified) will not result in any significant impact on the environment or the amenity of nearby residents or businesses.
- The issues raised by objectors have been considered and where appropriate, addressed via amendments to plans or conditions or consent.
- Recommended conditions of consent have been imposed to appropriately mitigate and manage potential environmental impacts of the proposal.

Schedule 1 – Draft Conditions of Consent

Refer to draft modification conditions attached separately.



SCHEDULE 1 – CONDITIONS OF CONSENT

The above development has been approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the following conditions:

GENERAL CONDITIONS

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

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Plan Title	Ref No.	Revision	Prepared by	Date
Site Plan (Part of Roof Plan)	A02	E	James Gately Architects	17/11/2023
Proposed Plans	A04	D	James Gately Architects	1/11/2023
North Elevation and Section A-A	A05	C	James Gately Architects	6/10/2023
West Elevation	A06	C	James Gately Architects	6/10/2023
Vehicle Parking Arrangements Plan (17)			Varga Traffic Planning	30/3/2023
Site Works Plan 2	A-021	A	Smith & Tzannes	01/07/2024
Site Works Plan	A-021	A	Smith & Tzannes	01/07/2024
North and South Elevations	A-200	A	Smith & Tzannes	01/07/2024

Document Title	Ref No.	Prepared by	Date
Survey Plan	220165-2	TSS	18/1/2023
Noise Emissions Assessment	-	Acoustic Logic	1/12/2023
Operational Plan of Management	-	Mecone	30/10/2023
Traffic and Parking Assessment Report	-	Varga Traffic Planning	31/3/2023
Preliminary Site Investigation	-	GHD	10/3/2023
Disability Access Report	-	Access Solutions	8/5/2023
BCA Assessment Report	-	Concise Certification	12/4/2023
Operational Waste	-	Elephants Foot	23/3/2023

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Rockdale Library, 444-446 Princes Highway, Rockdale
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E council@bayside.nsw.gov.au
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Telephone Interpreter Services: 131 450 Τηλεφωνικές Υπηρεσίες Διερμηνέων بخدمة الترجمة الهاتفية 電話傳譯服務處 Служба за преведување по телефон

Management Plan			
Modification Report	Revision A	Smith & Tzannes	29/07/2024
Arboricultural Impact Assessment	2024051 2/01	Concept Arbor Consulting	04/07/2024

In the event of any inconsistency between the approved plans and documents, the approved plans/documents prevail.

In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.

REASON

To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.

[MDA-2024/115 – Section 4.55(1A) – Amended on 22 October 2024]

2. No Intensification of Activities

No intensification of activities shall occur on the premises without prior consent from Council.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

2A. This consent does not include any works to the mezzanine level nor any change of operating hours to that mezzanine level.

REASON

To confirm that the mezzanine level does not form part of this application as noted in the documentation submitted.

3. Separate Approval for Signage

A separate consent must be obtained for any proposed signage, in addition to signage specifically approved under this consent / prior to the erection of any additional signage (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

'signage' means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) an advertising structure, and
- b) building identification sign, and
- c) business identification sign.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

- 3A. An Operational Management Plan is to be submitted to the Manager Development Services prior to the issue of any Construction Certificate. The Operational Management Plan shall include measures to address entry and exiting of vehicles from the site and minimising any queuing of vehicles on the street.

REASON

To minimise impacts from vehicles entering and existing the site and the potential for pedestrian and vehicle conflict.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

4. Plan of Management

Section 9 (Noise Management) of the Plan of Management shall be updated to include, and be consistent with, all measures recommended within the Acoustic Report by Acoustic Logic dated 1 December 2023, and the updated Plan of Management shall be submitted to the Manager Development Services prior to the issue of any Construction Certificate.

The premises shall be managed in accordance with the updated Plan of Management.

REASON

To ensure the approved Plan of Management incorporates all recommended acoustic measures, and another reasonable measures to minimise and manage adverse impacts on the locality.

5. Payment of Security Deposits

Before the issue of the relevant Construction Certificate, the Applicant must:

- (a) make payment of \$1,290.00 for a security damage deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development, provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

6. Payment of fees and security deposits

Before the commencement of any works on the site or the issue of a Construction Certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Soil and Water Management Sign Fee	\$24.00
Builders Damage Deposit (Security Deposit)	\$1,290.00

The payments will be used for the cost of:

- making good any damage caused to any Council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to Council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

7. Payment of building and construction industry long service levy

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$3,196.32 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

REASON

To ensure the long service levy is paid.

8. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing. Building work is defined under the *EPA Act Part 6*.

REASON

To ensure that a Construction Certificate is obtained at the appropriate time.

9. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

REASON

EP&A Regulation Section 69(1).

10. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:

- (a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- (b) Provisions regarding ensuring erosion and sediment control;
- (c) Provisions for public safety;
- (d) Pedestrian and vehicular site access points and construction activity zones;
- (e) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements; and
 - iii. Measures to ensure pedestrian safety near the site;
- (f) Details of any bulk earthworks to be carried out;
- (g) The location of site storage areas and sheds;
- (h) The equipment used to carry out all works;
- (i) The location of a garbage container with a tight-fitting lid;
- (j) Dust, noise and vibration control measures;
- (k) The location of temporary toilets;
- (l) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 - Protection of trees on development sites;
 - ii. An applicable Development Control Plan;

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

REASON

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

11. Waste Management Plan Requirements

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be prepared and provided to the principal certifier. The plan must be prepared:

- (a) in accordance with:
 - i) the Environmental Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
- (b) include the following information:
 - i) the contact details of the person removing the waste,
 - ii) an estimate of the type and quantity of waste,
 - iii) whether waste is expected to be reused, recycled or sent to landfill,
 - iv) the address of the disposal location for waste.

A copy of the Waste Management Plan must be kept on-site at all times while work approved under the development consent is being carried out.

REASON

To ensure resource recovery is promoted and local amenity protected during construction.

12. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway. The front fence / boundary fence / vehicular access gate must not open onto public footway. The access gate is to open inwards onto private property. Details are to be provided on the Construction Certificate plans.

REASON

To ensure all development is contained wholly within the site and minimise impacts on surrounding land.

13. Sydney Water Tap-in

Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap inTM online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

REASON

To ensure compliance with Sydney Water requirements.

14. Provision of Car Wash Bay

The Construction Certificate plans must show the car wash bay design is in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.

REASON

To ensure that a carwash bay is provided in accordance with Council requirements and relevant standards.

[MDA-2024/115 – Section 4.55(1A) – Amended on 22 October 2024]

15. Detailed Design Stormwater Management Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including

the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions detailed below:

- a) Survey and detail all existing stormwater systems on the site.
- b) Detail the configuration of the 6 x 5000L rainwater tanks on the site and the discharge point. The overflow from the rainwater tanks needs to be connected to the existing stormwater system to the satisfaction of Bayside Council.

REASON

To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.

16. Detailed Flood Risk Management Plan

Prior to the issue of the Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:

- (a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- (b) Flood warning signs / depth indicators for areas that may be inundated, and
- (c) A flood evacuation strategy, and
- (d) A flood awareness strategy, and
- (e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

REASON

To ensure the development meets flood planning requirements and minimise risk to personal safety and property.

17. Flooding Requirements

Prior to the issue of the Construction Certificate, details are to be submitted to the Principal Certifier demonstrating compliance with the following:

- (a) Storage of Materials Damaged by Flood (Commercial/Industrial)
Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

REASON

To ensure the development meets flood planning requirements and minimise risk to property.

18. Arborists – Work Method Statement

If the new reinforced concrete slab noted on the approved plan to the west of the building is proposed and involves any earthworks or excavation, this shall be subject to a Work Method Statement (“WMS”) by a qualified arborist to ensure retention of existing trees. That WMS is to be provided to the Certifier with the documentation for Construction Certificate and the recommendations of the WMS are to be followed during construction.

REASON

To minimise adverse impacts on trees, protect local canopy through tree retention and ensure best practice is implemented.

19. Detailed Parking Facility Design Requirements and Certification

Prior to the issue of any Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1, and
 - ii. All vehicles are to enter and exit the site in a forward direction, and
 - iii. At least one accessible parking shall be provided in accordance with AS2890.6, and
 - iv. A minimum of 8 bicycle parking spaces and 2 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
 - i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the SRV, MRV & HRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV, MRV & HRV are not permitted to enter the site, and
 - ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
 - iii. All service vehicles shall enter the property front in front out, and
 - iv. Swept path analysis shall be provided for manoeuvring of SRV, MRV & HRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site proposed within the development, and
 - v. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV, MRV & HRV within the development, and

The design of the entire car parking facility is to be certified by a Civil Engineer registered with the National Engineering Register (NER) as being strictly in

accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

REASON

To ensure compliance with the relevant Australian Standard.

20. Traffic and Parking Requirements

Prior to issue of the Construction Certificate:

- a) A longitudinal driveway profile prepared by a suitably qualified civil engineer shall be submitted to the Principal Certifier 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 AS2890.2:2018 for a HRV vehicle. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall be clearly shown on the profile. Any change to the existing boundary levels requires approval from Bayside Council.

REASON

To ensure the site can accommodate a HRV sized vehicle and to ensure the development meets the relevant standards and to reduce impacts to on-street parking.

21. Driveway Application

An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) shall be made to Council's Customer Service Centre prior to the issue of the Construction Certificate. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. All boundary frontage works, egress paths, driveways and fences shall comply with the approval.

REASON

The existing driveway is required to be widened to accommodate a HRV sized vehicle. To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.

22. Essential Fire Safety Measures

Prior to the issue of a Construction Certificate, a list of the essential fire safety measures that are existing and/or proposed in relation to the land and any building on the land as a consequence of the building work must be provided to the Principal Certifier. Such a list must also specify the minimum standard of performance for each essential fire safety measure included in the list.

REASON

To ensure compliance with the EP&A Regulation 2021.

23. Mechanical Plant and Equipment Design

Details demonstrating compliance with the following requirements are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate:

- (a) Any exhaust from the premises shall be ventilated to the roof and away from the property boundaries, and in accordance with the provisions of AS1668.1 – The use of ventilation and air-conditioning in buildings – Fire and smoke control in multi-compartment buildings and AS1668.2 – The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings, and
- (b) All mechanical plant and equipment (including but not limited to air conditioning equipment) is to be located where it is not visible from the public domain or adjoining properties. Any plant and equipment located on the roof must be located as shown in the approved plans and must be appropriately screened, and
- (c) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view (except for the downpipes to the rainwater tanks). This condition does not apply to the venting to atmosphere of the stack above roof level.

REASON

To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.

24. Equal Access to Premises

Before the issue of a Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities to the ground floor of the premises in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the Certifier.

REASON

To ensure safe and easy access to the premises for people with a disability.

PRIOR TO THE COMMENCEMENT OF ANY WORK (including demolition and excavation)

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

25. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

REASON

Prescribed condition EP&A Regulation, Section 70 (2) and (3).

26. Erosion and sediment controls in place

Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the *NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate'* (the Blue Book) (as amended from time to time).

REASON

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

27. Dilapidation Report – Public Domain

Prior to the commencement of any work, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the current condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.

REASON

To advise Council of, and provide Council with, the required dilapidation report.

28. Utility Services Adjustments

The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the Applicants cost to suit the construction of approved design elements.

Applicants must seek approval from the relevant public utility, state authority or service provider.

REASON

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

DURING ANY WORKS (including Demolition, Excavation and Construction)

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

29. Implementation of the Site Management Plans

While site work is being carried out:

- (a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and
- (b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.

REASON

To ensure site management measures are implemented during the carrying out of site work.

30. Responsibility for changes to Public Infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

REASON

To ensure payment of approved changes to public infrastructure.

31. Approval and Permits under Roads Act and Local Government Act for Works Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the *Roads Act 1993* and *Local Government Act 1993*. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the *Roads Act*.

A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit

conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.

REASON

To ensure appropriate permits are applied for and comply with the Roads Act 1993.

32. Hours of Work

Site work, building work, demolition or vegetation removal must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer of a public authority.

REASON

To protect the amenity of the surrounding area.

33. Protection of Council's Property

During excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

REASON

To ensure public safety at all times and to protect the function and integrity of public infrastructure.

34. Toilet Facilities

- a) 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, and
- b) Each toilet must:
 - i. Be a standard flushing toilet connected to a public sewer, or
 - ii. Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii. Be a temporary chemical closet approved under the *Local Government Act 1993*.

REASON

To ensure compliance with the Local Government Act 1993.

35. Procedure for Critical Stage Inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

REASON

To require approval to proceed with building work following each critical stage inspection.

36. Soil Management

While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavation material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be:
 - (i) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or
 - (ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - (iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

REASON

To ensure soil removal from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

37. Noise during Construction

The following shall be complied with during construction and demolition:

- a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.

- b) Level Restrictions

Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15

min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

c) Out of hours work

For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.

An Out of Hours Application must be submitted for each separate event to Council a minimum of one month prior to the planned activity being undertaken.

d) Silencing

All possible steps should be taken to silence construction site equipment.

REASON

To protect the amenity of the neighbourhood.

38. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.

REASON

To protect the amenity of neighbouring properties.

39. Implementation of Soil and Water Management Plan

All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council Officers, on request.

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.

REASON

To ensure no substance other than rainwater enters the stormwater system and waterways.

40. Site Management - Principal Certifier Inspections

Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) 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:

- a) Sediment control measures, and
- b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and
- c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

REASON

To protect public safety and water quality around building sites.

41. Construction Activities – Minimise Pollution

The following conditions are necessary to ensure minimal impacts during construction:

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. 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, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, 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, and
- e) 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, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - (i) spraying water in dry windy weather, and
 - (ii) cover stockpiles, and
 - (iii) fabric fences
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and

- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) 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 two metres to remove mud from the tyres of construction vehicles, and
- k) 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.

REASON

To protect neighbourhood amenity and the quality of the waterways.

42. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.

REASON

To protect the amenity of the neighbourhood and ensure public safety.

43. Tree Protection Measures

No trees are permitted to be removed from the site (***with the exception of Tree 02 – Spotted Gum as noted in the submitted arborist report prepared by Concept Arbor Consulting and dated 4th July 2024***) and appropriate tree protection measures shall be implemented during construction and works to ensure trees both on site, and adjoining the site are retained.

REASON

To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.

[MDA-2024/115- Section 4.5 (1A) – Amended on 22 October 2024]

44. Additional Information - Contamination

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

REASON

To ensure new information is documented and appropriately actioned.

45. Health and Safety Plan – Excavation works below ground level

Should any excavation works be required below ground level, to protect construction workers from exposure to potential contaminated soil and groundwater, a Health and Safety Plan must be prepared for these works. The Health and Safety Plan must be completed by appropriately qualified persons to manage the risks of contact of workers with any contaminated soils and groundwater.

REASON

To ensure the ongoing health and safety of workers.

46. Waste Classification – Excavated Materials

All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.

REASON

To ensure the ongoing health and safety of workers.

47. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:

- a) NSW Environment Protection Authority (EPA) approved guidelines; and
- a) Protection of the Environment Operations Act 1997; and
- b) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

REASON

To ensure fill used on site meets appropriate validation criteria.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions must be complied with prior to issue of the Occupation Certificate:

48. Occupation Certificate

The Occupation Certificate must be obtained prior to any use or occupation of the building/development or part thereof. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.

REASON

To ensure that an Occupation Certificate is obtained.

49. Repair of Infrastructure

Before the issue of an Occupation Certificate:

- (a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
- (b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

REASON

To ensure any damage to public infrastructure is rectified.

50. Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.

REASON

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

51. Removal of Waste Upon Completion

Before the issue of an Occupation Certificate:

- (a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan, and
- (b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

51A. Trade Waste Agreement

Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, under a Trade Waste License Agreement.

A copy of a Trade Waste Agreement demonstrating compliance with the requirements of this condition is to be submitted, to the satisfaction of the Principal Certifier, prior to the issue of any Occupation Certificate.

REASON

***To ensure compliance with Sydney Water requirements.
[MDA-2024/115 – Section 4.55 (1A) – Inserted on 22 October 2024]***

52. Additional Native Canopy Trees Required

The applicant/operator shall consult with Council's Landscape Officer to find a location on-site for two additional native canopy trees (minimum pot size of 75 litres), without affecting car-parking provision or vehicular accessibility. If such space for these additional trees is unable to be found on-site, then two trees are to be located in the street verge, for the site frontage(s). If no space on street is available or appropriate as determined by Council's Landscape Officer, then no additional trees are required. The trees shall be planted prior to Occupation Certificate and maintained in good health.

REASON

To improve the overall urban canopy tree coverage of the locality

53. Release of Securities

When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.

REASON

To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

54. Certification of New Stormwater System

Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

55. Flood Risk Management Plan – Major

The approved flood risk management plan and any/all recommendations from the flood awareness & evacuation strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A copy of the flood risk management plan is to be kept on-site. Details & evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To minimise risk to life and property

56. Parking Facility Certification

Prior to the issue of the Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS2890.2, AS2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.

Furthermore, the below shall be certified as being implemented within the completed development:

- Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6.

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

57. Roads Act / Public Domain Works

Prior to the issue of any Occupation Certificate, the following works are to be required to be undertaken in the road reserve at the applicant's expense:

- a) Widen the existing concrete vehicular entrances designed to accommodate the swept paths of a HRV vehicle entering and exiting the site in a forward direction (as swept path analysis submitted with the DA shows this is required).
- b) Reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter;

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council

at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.

REASON

To ensure that required public domain outcomes are achieved.

58. Dilapidation Report – Public Domain – Post-Construction

After the completion of all construction and public domain works, a professional Engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties. Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional Engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

Any damage identified in the dilapidation report must be fully rectified by the Applicant or owner at no cost to Bayside Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of Bayside Council's Director of City Futures (or delegate), prior to the issue of the Final Occupation Certificate.

REASON

To identify damage to adjoining properties resulting from building work on the development site.

OPERATIONAL CONDITIONS

59. Operational Requirements

The operations of the storage premises must comply with the following:

- a) The hours of operation of the approved use are limited to:
 - i. 3:30am to 6:30pm Mondays to Saturdays (no operation Sundays).

The approved hours of operation include trading, preparation, waste collection and deliveries to and from the premises;

- b) The maximum number of people working on the site shall not exceed 30 at any one time;
- c) Parking allocation must be provided in accordance with the conditions of this consent;

- d) Materials, goods or machinery shall not be stored, placed or otherwise permitted any other part of the public road at any time without Council's consent;
- e) All loading, unloading and transfer of goods / waste to and from the loading bay and premises shall take place wholly within the property, and in accordance with Condition 1 (and any other relevant conditions) of this Consent;
- f) No hazardous materials, other than those associated with the approved use, shall be stored at the site.
- g) Any proposed signs must, unless separately approved, comply with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

In addition, any signage cannot have / use:

- i. flashing lights, and
- ii. electronically changeable messages, and
- iii. animated display, moving parts or simulated movement, or
- iv. a method and level of illumination that distracts or dazzles.
- v. all other relevant conditions of this consent.

REASON

To ensure that adverse impacts from commercial uses are minimised.

60. Ongoing Acoustic Impacts

- a) The use of the premises and the operation of all vehicles, plant and equipment shall not give rise to 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations:
 - I. The operation of all vehicles, plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property / affected premises greater than 5 dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration), and
 - II. The operation of all vehicles, plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time, and
 - III. The operation of all vehicles, plant and equipment when assessed on any neighbouring commercial / industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time / night time.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

61. Operation of Vehicular Premises

The operation of the development and movements of vehicles shall comply with the following requirements:

- a) All vehicles must enter and exit the site in a forward direction.
- b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d) The maximum size of vehicles accessing the site shall be limited to a 12.5m long HRV Vehicle (as denoted in AS2890.2).
- e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- g) External to the building, all cars shall be parked in the marked car parking bays. All car parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

62. Maintenance of Stormwater Drainage System

The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

REASON

To protect waterways and minimise adverse impacts to the environment.

63. Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

REASON

To protect sewerage and stormwater systems.

63A. Water Pollution and OEMP

The operation of the premises shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment Operations Act 1997. Management of the site shall be undertaken in accordance with measures outlined in the Operational Environmental Management Plan (OEMP).

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

[MDA-2024/115 – Section 4.55(1A) – Inserted on 22 October 2024]

63AA. Spill Control and Prevention

To ensure spill prevention and control, a ready and adequate supply of appropriate spill control and clean-up materials must be maintained and easily accessible at all times at the premises. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

REASON

To minimise impacts on the environment and to ensure compliance with relevant standards and legislation.

[MDA-2024/115- Section 4.55(1A) – Inserted on 22 October 2024]

64. Display of Signs on the Footpath

Signs, advertising structures or goods shall not be displayed or placed on the public footpath, or any other part of the public road at any time, without Council's consent.

REASON

To ensure that footways are not obstructed, to avoid visual clutter and protect the amenity of the surrounding area.

65. Restriction on Retail Sales

Retail sales of goods, materials or products are not permitted from this premises / site. At no time shall retail sales be made from the premises.

REASON

To ensure compliance with permissible approved use(s) within the site.

66. Plan of Management – Compliance with Approved PoM

The approved Plan of Management (as referred to in Condition 1 and required to be amended by Condition 8) shall be complied with at all times. Any amendments to the Plan of Management shall require a separate approval from Council.

A copy of the Plan of Management must be displayed on site at all times and made available to all staff and/or occupants.

REASON

To manage site operations so that adverse impacts are minimised.

67. Noise/Acoustic Management – Comply with Approved Report

The approved Noise Emissions Assessment by Acoustic Logic Pty Ltd dated 1 December 2023 (and all recommendations regarding ongoing operations), as referred to in Condition 1, shall be complied with at all times during use and operation of the premises.

REASON

To minimise any adverse impacts to the locality.

68. Waste Management – Comply with Approved WMP

- a) The approved Waste Management Plan, as referred to in Condition 1, shall be complied with at all times during use and operation of the premises, and
- b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

REASON

To minimise adverse impacts to the locality.

69. Parking Spaces

All parking spaces shown on the approved plans shall be set aside for parking purposes only and shall not be used for storage of goods or machinery.

REASON

To minimise adverse impacts to the locality.

70. Noise from Mechanical Plant / Ventilation and Air Conditioning

- (a) The use of the premises, building services, equipment, machinery, air conditioning 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 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008, and
- (b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

71. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the recommendations within the Acoustic Report submitted by ACOUSTIC LOGIC Pty Ltd dated 26/9/2023.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

72. Acoustic Impacts

The proposed use of the premises and the operation of all plant and equipment shall not give rise to ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations:

- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (Laeq) sound pressure level at any point on any residential property / affected premises greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration), and
- (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds Laeq 50dB(A) day time and Laeq 40 dB(A) night time, and
- (c) The operation of all plant and equipment when assessed on any neighbouring commercial / industrial premises shall not give rise to a sound pressure level that exceeds Laeq 65dB(A) day time / night time.

For assessment purposes, the above Laeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

73. Lighting

All lighting shall comply with the Australian Standard AS4282 - 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.

REASON

To ensure that adverse impacts from lighting are minimised in accordance with relevant standards.

74. Landscape – Maintenance

- a) The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- b) Dead or declined trees shall be replaced with same trees. Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- c) The Applicant / occupier is responsible for the maintenance of any new street trees for 12 months after planting. Such maintenance shall include watering, feeding, weed removal and adjustment of stakes and ties (any stakes and ties shall be removed at the expiration of the 12-month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.

REASON

To ensure ongoing maintenance of existing and approved landscaping.

- 75.** All parts of the premises must be kept in a clean and healthy condition, and free from vermin.

REASON

To maintain the premises in a clean and healthy state.

DEVELOPMENT CONSENT ADVICE

A. Consult with Utility Provider

You are advised to consult with your utility providers (i.e. Ausgrid, Telstra, etc.) in order to fully understand their requirements before commencement of any work.

B. Signage may require separate Approval

Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.

C. Street / Shop

A street / shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120mm in height to assist

emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.

D. Asbestos

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

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

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

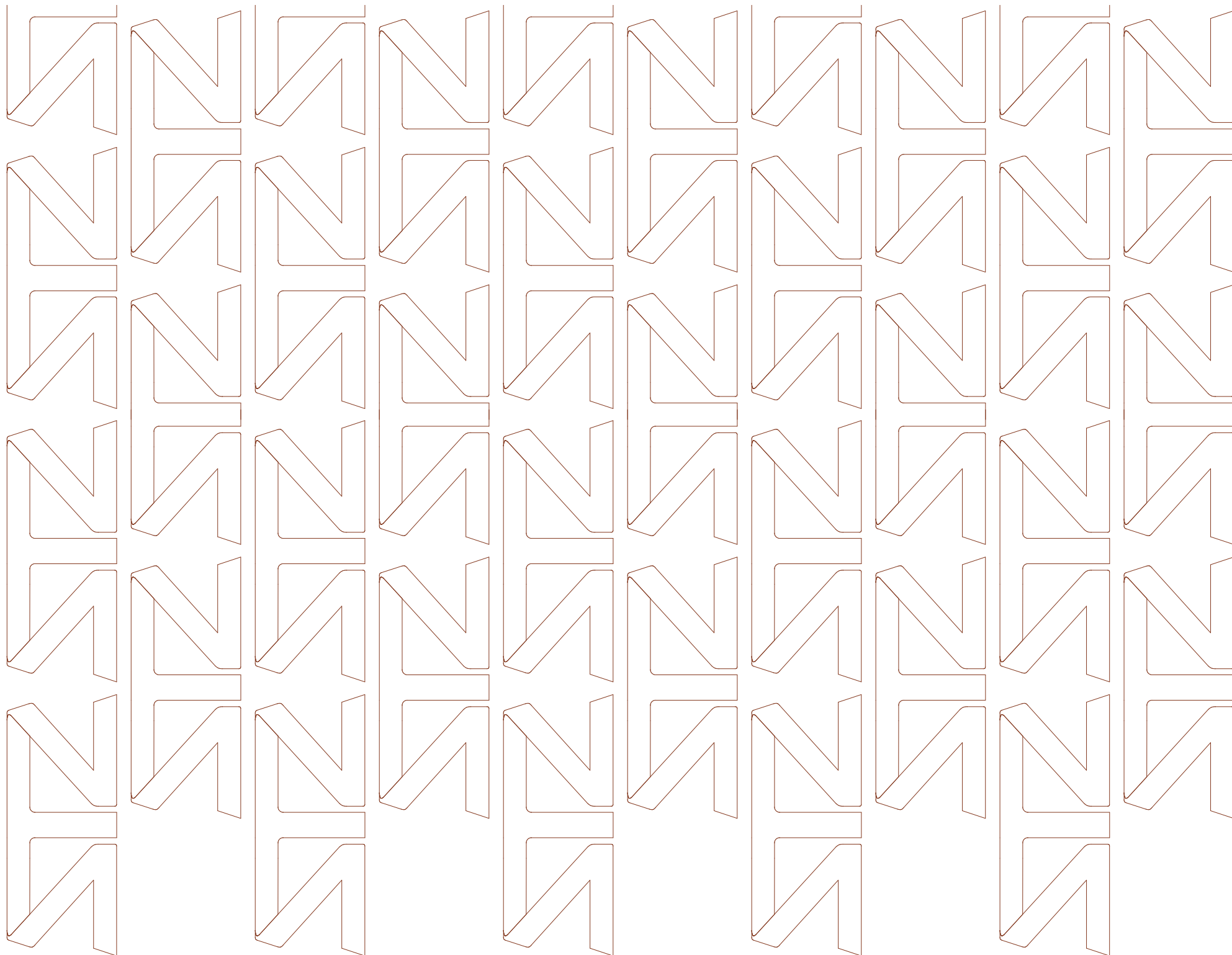
E. Noise Minimisation during Demolition and Construction

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:

- a) choosing quiet equipment, and
 - b) choosing alternatives to noisy activities, and
 - c) relocating noise sources away from affected neighbours, and
 - d) educating staff and contractors about quiet work practices, and
 - e) informing neighbours of potentially noise activities in advance, and
 - f) equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, 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.

* * * * *



S4.55 (1A)MODIFICATION

GREEN STREET DEPOT

1-7 GREEN STREET BANKSMEADOW NSW Australia
BAYSIDE COUNCIL

REV

SMITH & TZANNES

23_106

REV

23_106 MOD-A-021

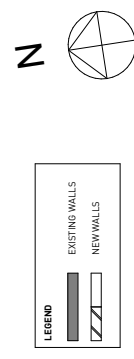
NOTES

1. NEVER scale off drawings, use figured dimensions only.
2. Verify all dimensions on site prior to commencement & report.
3. Drawings describe scope of works and general set out. These drawings are not shop drawings. Set out to be undertaken by surveyor on site. Shop drawings are the responsibility of the contractor.
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LEGEND

Refer to the notes page for a legend that includes further notes and an explanation of abbreviations.

NO.	DESCRIPTION
01	RAMP TO BE REBUILT TO SATISFY COMPLIANCE WITH AS1428.1
02	PARKING SPACES BE ARRANGED TO SATISFY COMPLIANCE WITH AS1428.1
03	TREES REMOVED FOR NEW COMPLIANT DRIVEWAY IN ACCORDANCE WITH ARBORIST REPORT.
04	PRE-FABRICATED PORTABLE TRUCK WASH BY BUNDING NOT REQUIRED



VERSION
MODIFICATION

REV A 01/07/2024
MODEL 2L 106 Green Street Depot

DOCUMENT
SITE WORKS 2

STAGE
MODIFICATION SA.55(1A)

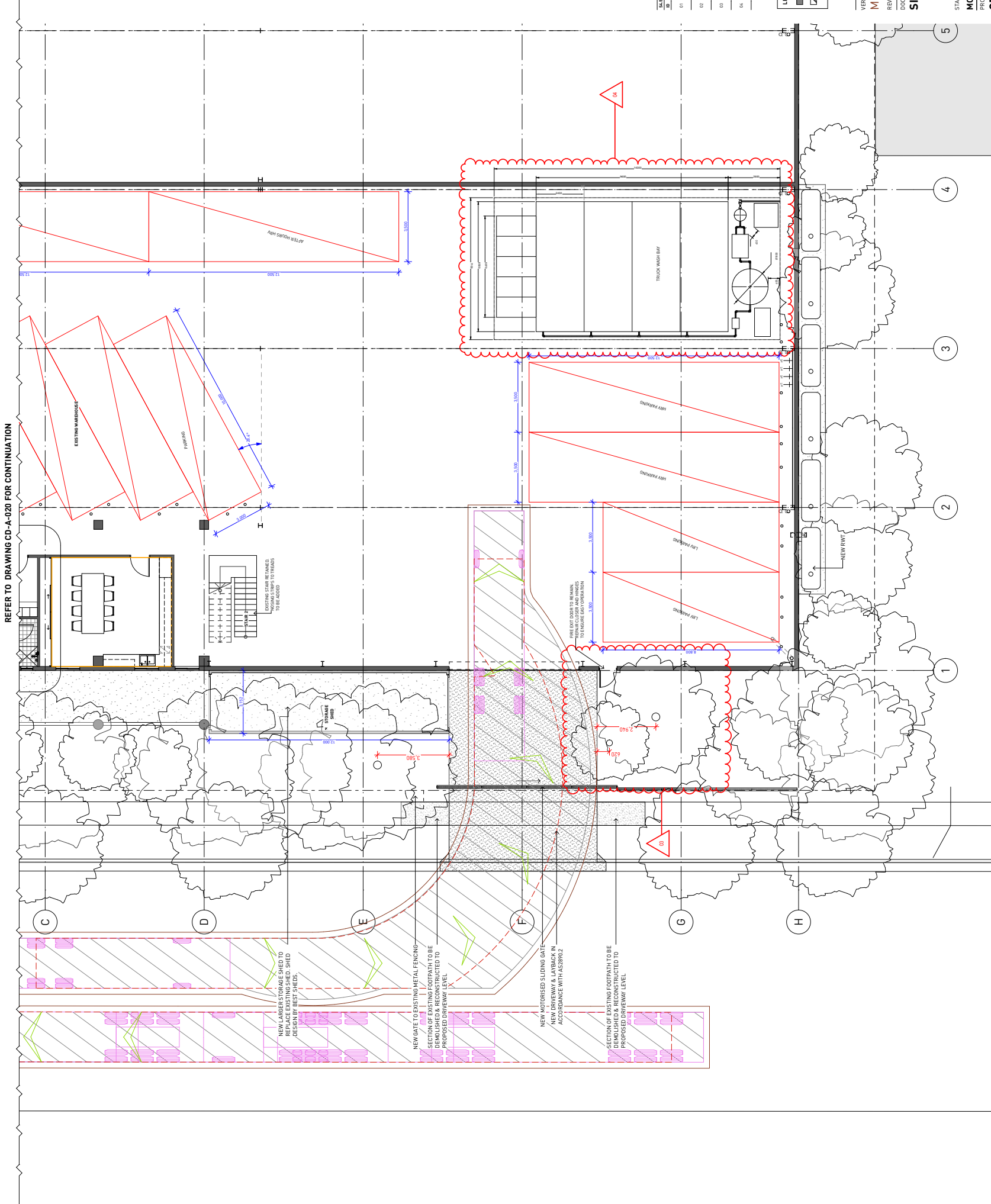
PROJECT
GREEN STREET DEPOT

**1-7 GREEN STREET
BANKSMEADOW**

BAYSIDE COUNCIL



ARCHITECTURE URBAN PLANNING
100/102 Green Street
P.O. Box 151
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Notified Architect: Peter Smith ARN 7024



1 SITE WORKS PLAN 2

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Notified Architect: Peter Smith ARN 7024

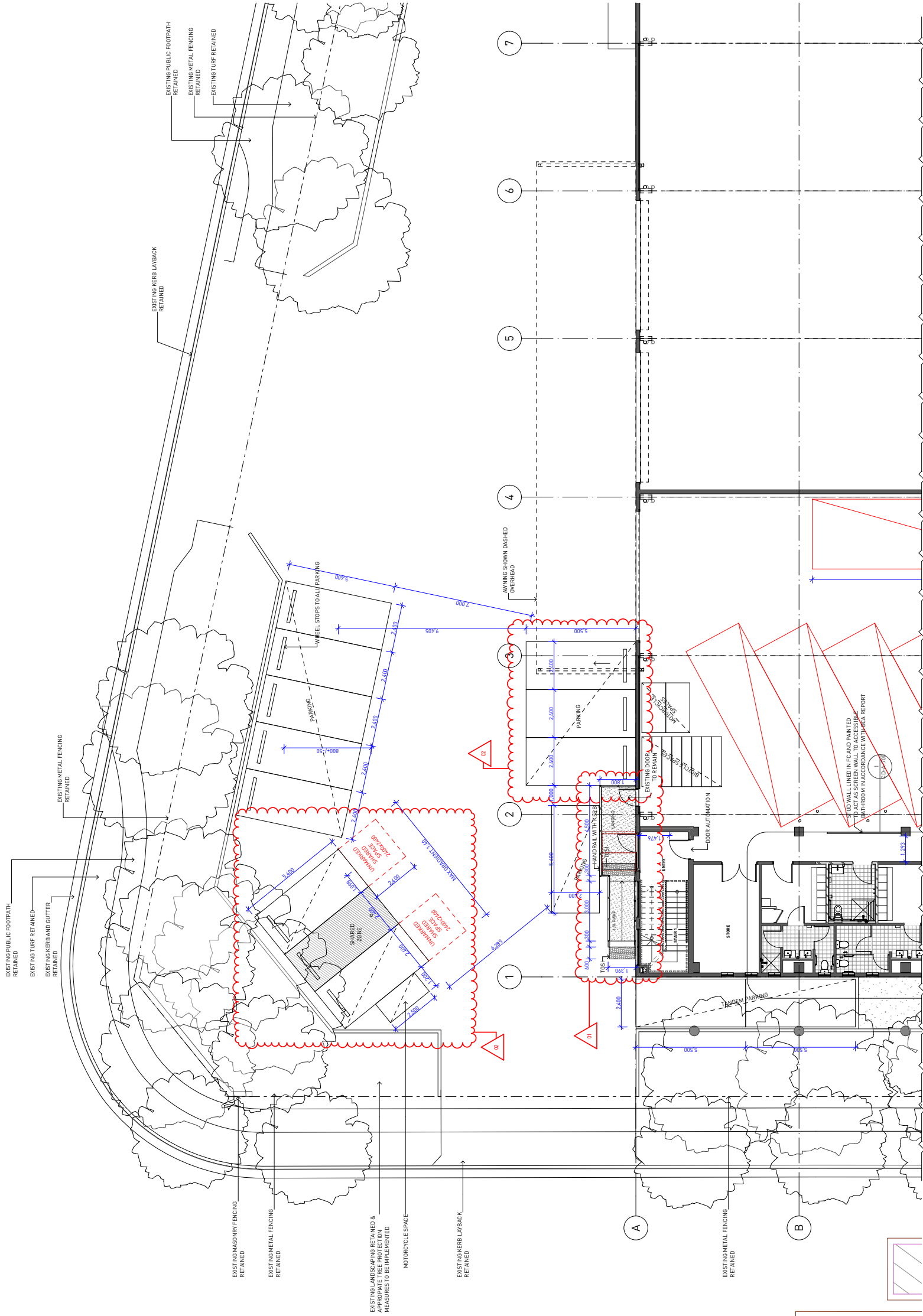
23_106 MOD-A-021

NOTES

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LEGEND

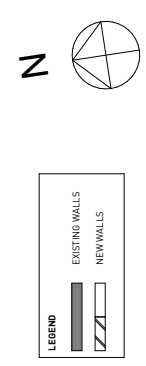
Refer to the notes page for a legend that includes further notes and an explanation of abbreviations.



REFER TO DRAWING CD-A-021 FOR CONTINUATION

1 MOD - SITE WORKS PLAN
1/200

NO.	DESCRIPTION
01	RAMP TO BE REBUILT TO SATISFY COMPLIANCE WITH AS1428.1
02	PARKING SPACES BE ARRANGED TO SATISFY COMPLIANCE WITH AS1428.1
03	TREES REMOVED FOR NEW COMPLIANT DRIVEWAY IN ACCORDANCE WITH ARBORIST REPORT.
04	PRE-FABRICATED PORTABLE TOILET WALLS BY FENCING NOT REQUIRED

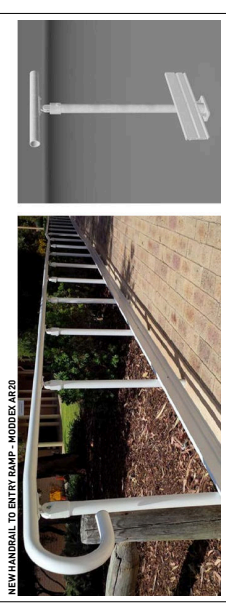
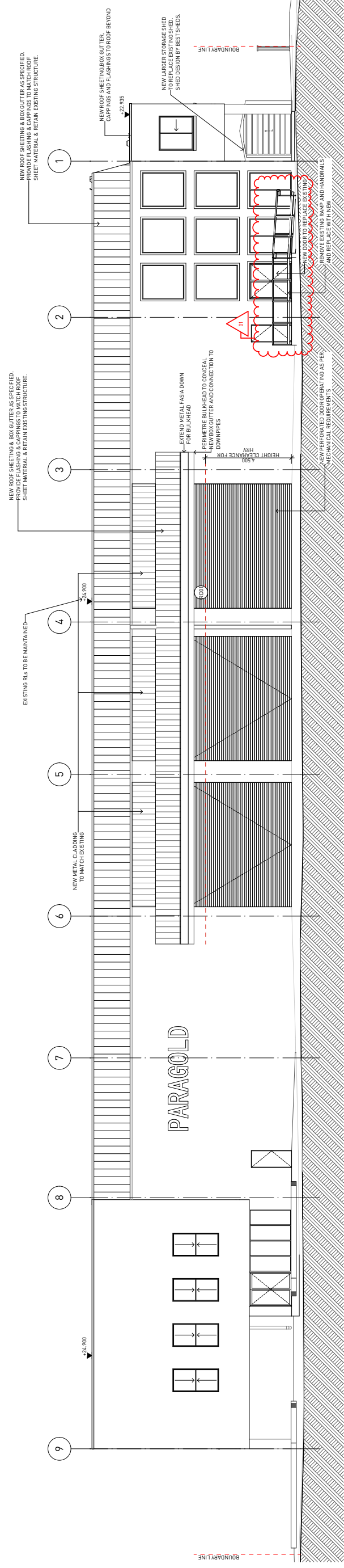


VERSION
MODIFICATION
REV A 01/07/2024
MODEL 21, 08 Green Street Depot
DOCUMENT
SITE WORKS

STAGE
MODIFICATION 54.551(1A)
PROJECT
GREEN STREET DEPOT
1-7 GREEN STREET
BANKSMEADOW
BAYSIDE COUNCIL



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Notarised Architect: Peter Smith ARN 7024



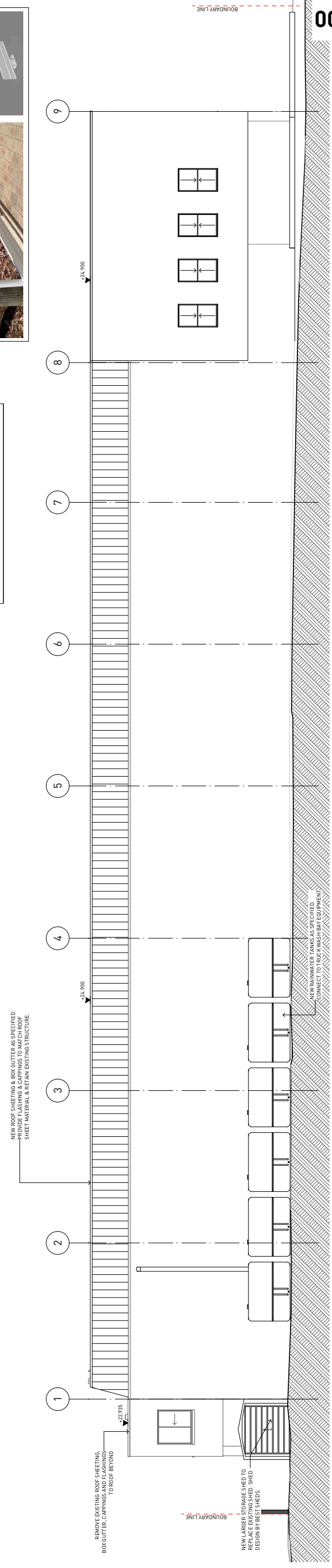
LEGEND

A. CALCULATED CHANGES

B. DESCRIPTION

1. RAMP TO BE REBUILT TO SUBSTANTIAL COMPLIANCE WITH AS 1921
2. FINISHING SPACES TO BE ARRANGED TO SUBSTANTIAL COMPLIANCE WITH AS 1921
3. THIS DRAWING IS FOR INFORMATION ONLY. ANY COMPLIANCE REQUIREMENTS IN ACCORDANCE WITH AS 1921 MUST BE VERIFIED BY THE CLIENT.
4. THIS DRAWING IS FOR INFORMATION ONLY. ANY COMPLIANCE REQUIREMENTS IN ACCORDANCE WITH AS 1921 MUST BE VERIFIED BY THE CLIENT.

1 NORTH ELEVATION
1:100



2 SOUTH ELEVATION
1:100

NOTES

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2. Verify all dimensions on site prior to commencement & report discrepancies to the architect.
3. Drawings describe scope of works and prices set out. These drawings are for information only and do not constitute a contract. Any drawings should be prepared where required or necessary.
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PROJECT
GREEN STREET DEPOT

DOCUMENT
MODIFICATION

REVISIONS
REVA 01/0724

STAGE
MODIFICATION S4.55(1A)

CLIENT
BAYSIDE COUNCIL

ARCHITECTURE URBAN PLANNING
SMITH & TZANNES
P 02 9514 2022 E Email@smithtzannes.com.au
smithtzannes.com.au
Nominal Architect: Peter Smith (Reg 1024)

23_106 MOD-A-200

Bayside Local Planning Panel

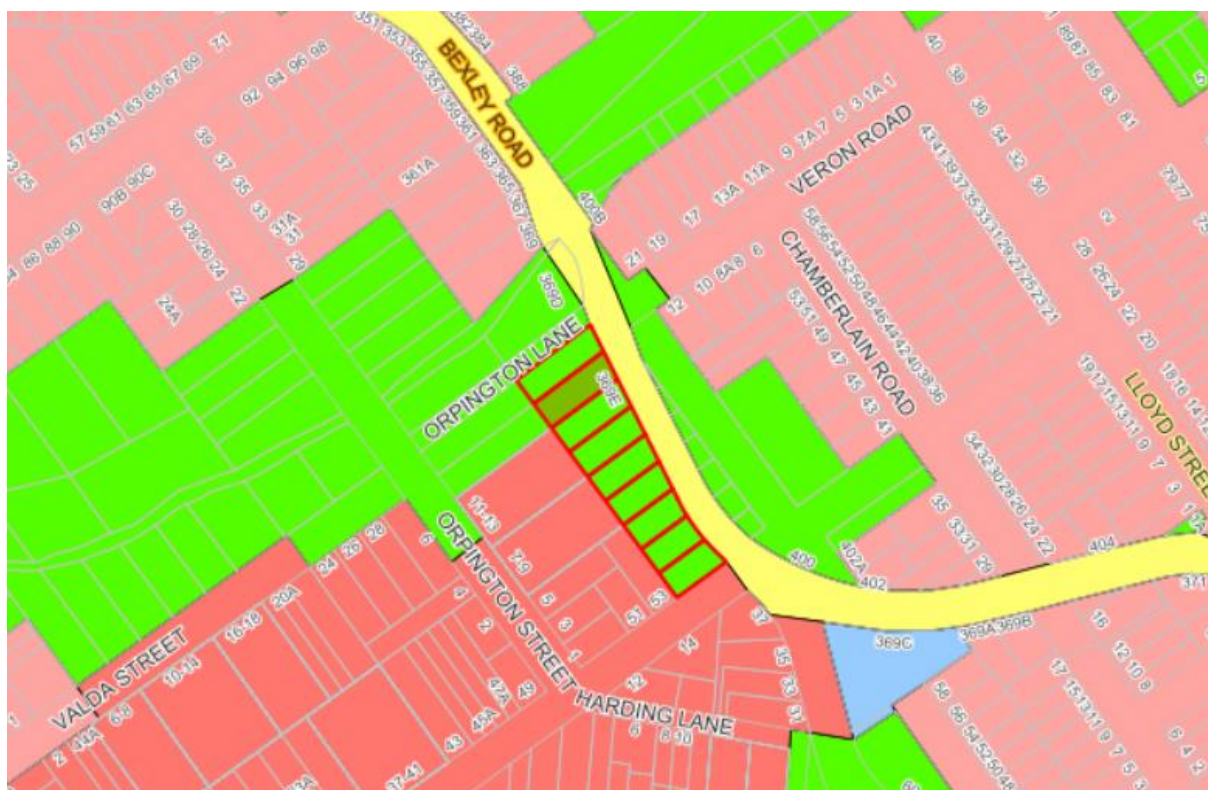
22/10/2024

Item No	6.2
Application No	DA-2024/146
Property	369E Bexley Road Bexley
Application Type	Development Application
Proposal	Use of the existing building for amenities, a club house and pro-shop ancillary to the tennis courts and signage
Owner	Bayside Council
Applicant	Voyager Tennis Pty Ltd
Ward	Ward 4
Lodgement Date	20/06/2024
No. of Submissions	Nil
Cost of Development	\$0.00
Reason Criteria	Conflict of Interest
Report by	Peter Barber, Director City Futures

Officer Recommendation

That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/146 for use of the existing building for amenities, a club house and pro-shop ancillary to the tennis courts and signage at 369E Bexley Road, BEXLEY NSW 2207 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.

Location Plan



Attachments

- 1 [↓](#) Planning Assessment Report
- 2 [↓](#) Draft conditions
- 3 [↓](#) Architectural Drawings

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	DA-2024/146
Date of Receipt:	20 June 2024
Property:	369E Bexley Road, BEXLEY NSW 2207 PT 12 SecB DP 4580, PT 13 SecB DP 4580, PT 14 SecB DP 4580, PT 15 SecB DP 4580, PT 16 SecB DP 4580, PT 17 SecB DP 4580, PT 18 SecB DP 4580, PT 19 SecB DP 4580, PT 20 SecB DP 4580
Owner:	Bayside Council
Applicant:	Voyager Tennis Pty Ltd
Proposal:	Use of the existing building for amenities, a club house and pro-shop ancillary to the tennis courts and signage
Recommendation:	Approval
No. of submissions:	No submissions
Author:	Ivy Zhang
Date of Report:	20 September 2024

Key Issues

The key issues identified in the assessment of the development application relate to:

- Unauthorised building works

The development application ("DA") has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ("the Act") and is recommended for approval, subject to conditions of consent.

Given the land is owned by Bayside Council, the application is referred to the Bayside Local Planning Panel for determination, pursuant to the Ministerial Direction dated 6 September 2023.

The officers involved in writing and authorizing this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in the application or

persons associated with it and have provided an impartial assessment.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/146 for use of the existing building for amenities, a club house and pro-shop ancillary to the tennis courts and signage at 369E Bexley Road, BEXLEY NSW 2207 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.

Background

History

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

- DA-1994/302 – Erection of a permanent tennis pro shop and office was approved on 18 October 1994;
- DA-1994/302 modification of condition No.2 - was approved on 11 March 1996;
- DA-1999/281 – Erection of a Pro-shop and office, ancillary to the existing tennis courts was approved on 10 September 1999;
- DA-1999/766 – Cliff Stabilisation Work was approved on 26 May 1999;
- DA-2002/159 – Two (2) Advertising signs was approved on 7 November 2001;
- DA-2003/642 – Alterations and additions to existing tennis club shop was approved on 1 August 2003;
- DA-2015/272 – Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office to heritage item (former quarry) was approved on 9 October 2018;
- P5A-2022/1 - DEVELOPMENT WITHOUT CONSENT. Provision of wayfinding lighting and upgrading the existing court lighting was approved on 6 June 2022;
- P5A-2022/2 - EXEMPT DEVELOPMENT - Court renewal works to the existing office / amenities building, concrete shelters, resurfacing of carparking and 4 tennis courts, renewal of perimeter and court fencing was approved on 22 April 2022;
- BC-2024/46 - Unapproved Development – internal alterations – construction of an internal wall to separate amenities from the pro-shop, installation of a new accessible WC and refurbishment works from the pro-shop (service counter and storage cupboards) is currently under assessment.

Note: It is advised by the applicant that the consent under DA-2015/272 was never commenced and the site has continuously been used as tennis courts.

The history of the subject application is summarised as follows:

- 20 June 2024 – The DA was lodged with Council.
- 27 June 2024 – The application was placed on public notification until 25 July 2024.
- 15 July 2024 – Site inspection was carried out.

- 23 July 2024 – A letter was sent to the applicant requesting additional information to be submitted regarding issues including Plan of Management, hours of operation, signage and temporary structures.
- 30 August 2024 – Additional information was submitted and the applicant confirmed that signage was part of the application.
- 6 September 2024 – The application was placed on a second round of public notification until 20 September 2024.

Proposal

The proposed development is summarised as follows:

Change of Use/Operational Matters

- Additional use of a pro-shop within the existing amenity building (clubhouse) ancillary to the tennis courts
 - Activity: Selling tennis racquets, tennis accessories, Voyager clothing and merchandise, and a snack and drink vending machine;
 - Hours of operation for the pro-shop: 9am to 5pm Monday to Saturday and outside of general operating hours per booking requests between the hours of operation for tennis courts and clubhouse;
 - Patrons capacity: a maximum of 50 patrons at any one time;
 - Number of staff: a maximum of 5 employees at any one time including 4 tennis coaches and 1 pro-shop staff;
 - Parking: 16 parking spaces including 1 accessible parking space.

Signage

- Sign 1 – ‘Book a Court’ PVC sign, 2.6m W * 1.2m H;
- Sign 2 – ‘Voyager Tennis Bexley’ Aluminum sign * 2, 2.4m W * 0.9m H;
- Sign 3 – Court Pinpad Aluminum sign, 0.2m W * 0.6m H;
- Sign 4 – Court Access (courts 2-4) Aluminum sign, 0.6m W * 0.6m H;
- Sign 5 - Court Access (court 1) Aluminum sign, 0.6m W * 0.6m H;
- Sign 6 – Individual court numbering PVC signs, 0.5m W * 0.6m H;
- Sign 7 – ‘Voyager Tennis’ Logo PVC sign, 0.88m W * 0.6m H;
- Sign 8 – ‘STAFF ONLY’ Aluminum sign, 0.3m W * 0.2m H;
- Sign 9 – ‘Toilets’ Aluminum sign, 0.3m W * 0.2m H;
- Sign 10 – ‘Clubhouse Entrance’ wayfinder Aluminum sign, 0.6m W * 0.6m H;
- Sign 11 - ‘Clubhouse Entrance’ Aluminum sign, 0.3m W * 0.2m H;
- Sign 12 – ‘Toilets’ wayfinder Aluminum sign, 0.3m W * 0.2m H;
- Sign 13 – ‘Private Lessons’ Aluminum sign, 0.8m W * 1m H;
- Sign 14 – ‘Holiday Camps’ Aluminum sign, 0.8m W * 1m H;
- Sign 15 – ‘Proshop & Restrung’ Aluminum sign, 0.8m W * 1m H;
- Sign 16 – ‘Voyager Tennis’ Aluminum sign, 1.2m W * 0.7m H;
- Sign 17 – ‘Book a Free Trial’ Aluminum sign, 1.8m W * 0.9m H;
- Sign 18 – ‘Voyager Tennis’ Pro-shop under counter internal Aluminum sign, 3.6m W * 1.07m H;

Note: The building works have been complete on the site and are subject to separate building approval.

The figures below are of extracts of the proposal:



Figure 1. Proposed Site Plan

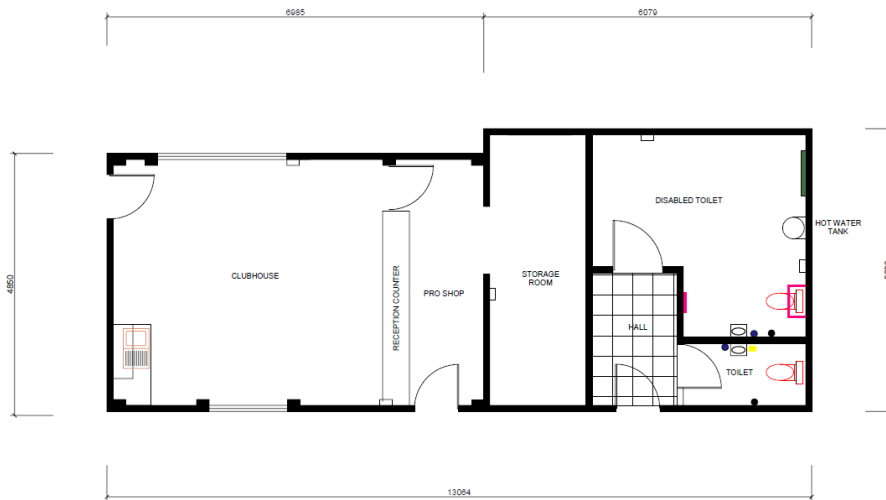


Figure 2. Existing and Proposed Floor Plan



Figure 3. Existing clubhouse & pro-shop

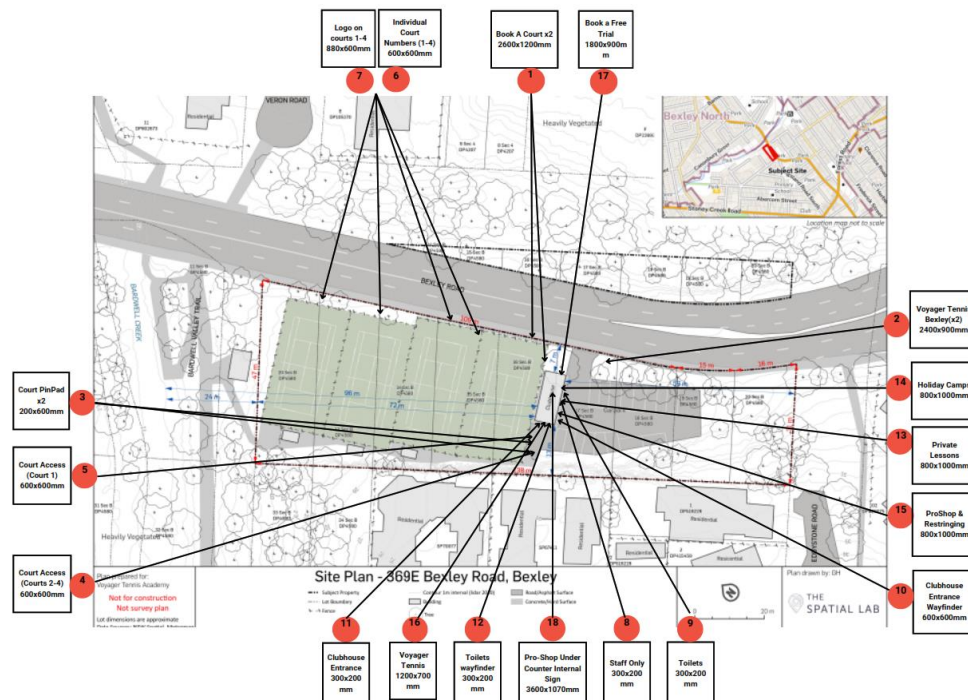


Figure 4. Signage Locations marked on Site Plan

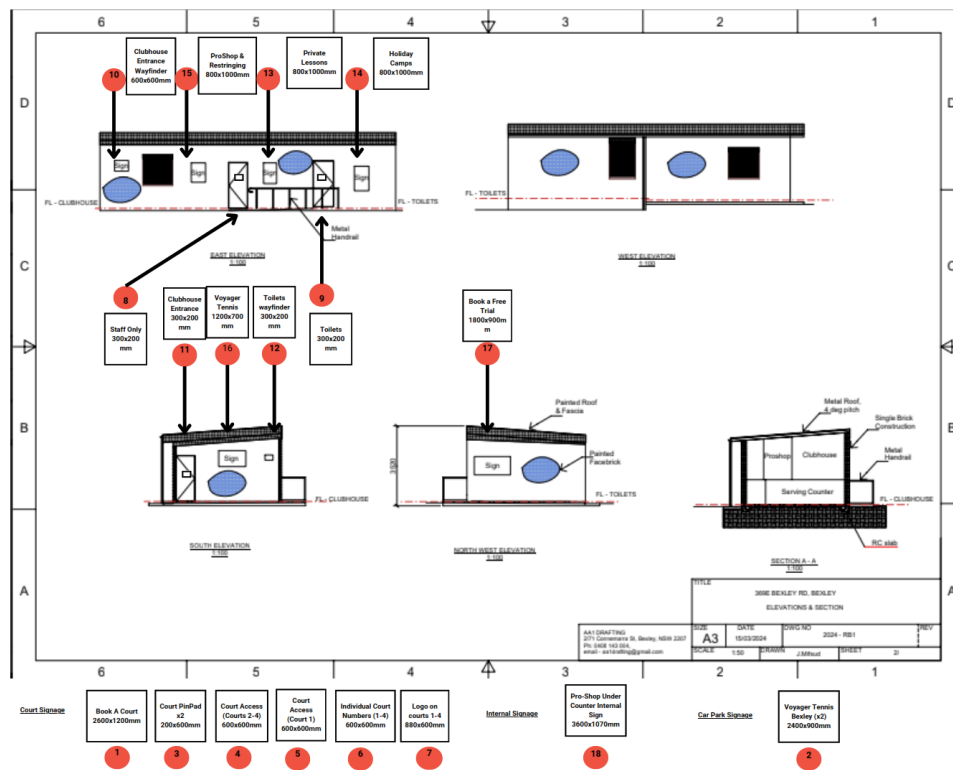


Figure 5. Signage Locations marked on Elevations

Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
1	2600	1200	PVC	2	Cable tie	Book a Court	
2	2400	900	Aluminum	2	Screws	Voyager Tennis Bexley	
3	200	600	Aluminum	2	Screws	Court PinPad	
4	600	600	Aluminum	1	Screws	Court Access (Courts 2-4)	
5	600	600	Aluminum	1	Screws	Court Access (Court 1)	

Figure 6. Proposed Signage 1-5

VOYAGER TENNIS		Bexley Signage					
Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
6	880	600	PVC	4	Cable tie	Individual Court Signs	
7	880	600	PVC	4	Cable tie	Logo above courts	
8	300	200	Aluminum	1	Screws	Staff Only door	
9	300	200	Aluminum	1	Screws	Toilets	
10	600	600	Aluminum	1	Screws	Clubhouse Entrance wayfinder	

Figure 7. Proposed Signage 6-10

VOYAGER TENNIS		Bexley Signage					
Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
11	300	200	Aluminum	1	Screws	Clubhouse Entrance	
12	300	200	Aluminum	1	Screws	Toilets wayfinder	
13	800	1000	Aluminum	1	Screws	Private Lessons Promo	
14	800	1000	Aluminum	1	Screws	Holiday Camps Promo	

Figure 8. Proposed Signage 11-14





VOYAGER TENNIS		Bexley Signage					
Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
15	800	1000	Aluminum	1	Screws	Proshop & Restring Promo	
16	1200	700	Aluminum	1	Screws	Voyager Tennis	
17	1800	900	Aluminum	1	Screws	Book A Free Trial Promo	
18	3600	1070	Aluminum	1	Screws	Pro-shop Under Counter (Internal Sign)	

Figure 9. Proposed signage 15-18

Site Location and Context

The subject site is located at No. 369E Bexley Road, Bexley NSW 2207, and legally referred to as Lots 12-20 Section B in Deposited Plan 4580. The subject site forms part of the Bardwell Valley Parklands, and is located in the eastern portion of the parklands in a narrow wedge adjacent to Bexley Road.

The subject site is mostly rectangular in shape and occupies a wedge or strip between Bexley Road to the east and an escarpment to the west, whereby on top of the escarpment is residential accommodation in the form of multi dwelling housing. These multi dwelling housing developments are elevated approximately 10m above the surface level of the existing tennis courts. The addresses of these multi dwelling housing developments are 11-13 Orpington Street and 7-9 Orpington Street.

To the south of the site are single dwelling houses, some of which front Orpington Street and others front Eddystone Road. The dwelling houses to the south are also elevated, but above the area of the existing car park. To the north of the subject site is Bardwell Valley Parklands and Bardwell Creek. To the east of the site is Bexley Road, with the land opposite Bexley Road to the east comprising Binnamittalong Gardens. Further to the east, beyond these gardens again, is residential accommodation which fronts Veron Road and Chamberlain Road.

The subject site is identified as heritage item I98 listed in Schedule 5 of Bayside Local Environmental Plan 2021. The site is impacted by potential contamination, potential unstable cliff face and terrestrial biodiversity.



Figure 10. Aerial view of the subject site



Figure 11. View to the northwest towards the tennis courts from the existing building



Figure 12. View to the southwest towards the carpark from the existing building



Figure 13. The existing clubhouse building and signage viewed from Bexley Road

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* (“the Act”).

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

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policies

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertisement and Signage

Chapter 3 Advertising and Signage of Industry and Employment SEPP applies to all signage that is visible from a public place or public reserve except for signage that is exempt development. In accordance with Section 3.6, *A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—*

(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Proposed Signage

The proposal involves 18 signs, including business identification signs, building identification signs and advertisements.

An assessment of the proposed signage against the assessment criteria specified in the Industry and Employment SEPP has been undertaken and summarised below. This assessment demonstrates that the proposed signage satisfies the relevant provisions of the Industry and Employment SEPP.

Assessment Criteria	Comment	Compliance
<p><u>1 Character of the area</u></p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposal involves signage for building identification, business identification and advertisement purposes for the tennis courts and associated clubhouse and pro-shop.</p> <p>The proposal is compatible with the existing character of the area, which consists of recreation area, and low and medium density residential buildings.</p>	Yes

Assessment Criteria	Comment	Compliance
<p><u>2 Special areas</u></p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposal does not involve any illumination. The proposed signage is appropriate in size and colour and does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p>	<p>Yes</p>
<p><u>3 Views and Vistas</u></p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signage is appropriate in size and colour and will not obscure any important views or future signage and will respect the viewing rights of other advertisers. It will not dominate the skyline or reduce the quality of vistas.</p>	<p>Yes</p>
<p><u>4 Streetscape, setting or landscape</u></p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The proposed signage is of simple design and does not involve clutter. The proposed signs are scattered around the clubhouse and the tennis courts and are appropriate in size and colour.</p> <p>The proposed signage will be visible from Bexley Road and is appropriate within the site context.</p> <p>The proposed signage is of a high quality design and finish that will positively contribute to the streetscape amenity of the locality.</p> <p>The proposed signage is for building identification, and business identification and advertisement purposes and will have minimal adverse impacts onto the existing streetscape.</p> <p>The proposed signs will not protrude above the building height or the canopy of trees.</p>	<p>Yes</p>
<p><u>5 Site and building</u></p>	<p>The site is located in the eastern portion of</p>	<p>Yes</p>

Assessment Criteria	Comment	Compliance
<ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>the parklands in a narrow wedge adjacent to Bexley Road, and is close to Bardwell Valley Parklands, Bardwell Creek and Binnamittalong Gardens.</p> <p>The scale, proportion and form of the proposed signage is compatible with the existing clubhouse and tennis courts and is appropriate.</p> <p>The proposed signage is for building identification, business identification and advertisement purposes. It has been designed to be compatible with the built form and the surrounding development.</p> <p>The proposed location of the signs is appropriate being on the walls and court fencing. They are of simple design and include the business name to assist with business identification and advertisements, building identification and wayfinding purposes.</p> <p>The proposed signage is located within the site and is visible from Bexley Road. The signs are made from contemporary materials and the colours and finishes to the sign are appropriate. They are simple and minimal in design which is appropriate for the site context.</p>	
<p><u>6 Associated devices and logos with advertisements and advertising structures</u></p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The proposed signage does not involve safety devices, platforms, lighting devices or logos.</p>	<p>Yes</p>
<p><u>7 Illumination</u></p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any 	<p>The proposed signage does not involve any illumination.</p>	<p>Yes</p>

Assessment Criteria	Comment	Compliance
residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?		
<u>8 Safety</u> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is not considered to have any adverse impact upon the safety for any public road, pedestrians or bicyclists. The location of proposed signage will not disrupt sightlines from public areas.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the proposal. Subsection 4.6 of the SEPP requires Council to be satisfied that the site is, or can be made, suitable for its intended use at the time of determination of an application.

No works are proposed and the proposal does not change the use to one sensitive to contamination to a greater extent than the current use. The building will continue to be used as an ancillary structure to the existing tennis courts. Therefore, in accordance with Subsection 4.6 of the SEPP, it is reasonable to conclude the land is suitable for the purpose for which the development is proposed to be carried out.

Bayside Local Environmental Plan 2021

The following table outlines the relevant Section of Bayside Local Environmental Plan 2021 (“the LEP”) applicable to the proposal, while aspects warranting further discussion follows:

Relevant Sections	Compliance with Objectives	Compliance with Standard / Provision
2.3 Zone and Zone Objectives	Yes	Yes - see discussion
4.3 Height of buildings	N/A	N/A
4.4 Floor space ratio (“FSR”)	N/A	N/A

Relevant Sections	Compliance with Objectives	Compliance with Standard / Provision
5.10 Heritage conservation	Yes	Yes - see discussion
5.21 Flood planning	Yes	Yes - see discussion
6.11 Essential services	Yes	Yes - see discussion

2.3 - Zone

The subject site is zoned RE 1 Public Recreation under the provisions of the LEP. Within the RE1 zone, development for the following purposes is identified as permissible with development consent:

Aquaculture; Boat launching ramps; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water supply systems

Within the dictionary of the BLEP 2021, the relevant land uses are defined as follows:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (**including any ancillary buildings**), but does not include an entertainment facility or a recreation facility (major).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

The proposed uses of the existing building include amenities, a club house and pro-shop. The use of amenities and club house are consistent with the definition of recreation facility (outdoor), which is permissible with consent under RE1 zone.

The proposed Pro-shop includes the sale and storage of tennis racquets and accessories, Voyager clothing and merchandise as well as maintain a pre-packaged snack and beverage vending machine.

Whilst an independent development for the purposes of a ‘shop’ is prohibited on the site, the proposed Pro-shop supports the dominant use of the site as recreational facility (outdoor) for a tennis club. The Pro-shop forms a small area within the existing clubhouse, being less than 10% of the floor area, and is not suitable to operate as an independent use. The Pro-shop only operates as a supporting component of the tennis club, functioning only when the tennis club is operational and staffed and cannot operate independently outside of these arrangements.

Considering the subservient nature to the dominant use of the site which is recreation facility (outdoor), the proposed use of pro-shop can reasonably be defined as an ancillary use.

The objectives of the zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*

- *To protect and enhance the natural environment for recreational purposes.*

The proposed use of the existing building is ancillary to the dominant use of the site as tennis courts. The proposed development allows compatible land uses with public open space and recreational areas and satisfies the objectives of the zone.

4.3 - Height of Buildings

No building height standard applies to the subject site.

The proposed development is for the use only and does not involve any building works.

4.4 – Floor Space Ratio

No FSR standard applies to the subject site.

The proposal includes the adaptive reuse of the existing brick building on the site for the purposes of amenities, clubhouse and Pro-shop. This will not result in any change to the existing gross floor area, and as such the floor space ratio for the land remains unchanged.

5.10 – Heritage Conservation

The subject property is a heritage item listed as I98 'former quarry' in Schedule 5 of Bayside Local Environmental Plan 2021. The Former Quarry is identified under LEP 2021 as being of 'local' significance.

The subject site is also within close proximity to Heritage Item Bardwell Creek Flora Reserve (south of Bexley Road) at 369D and 369F Bexley Road.

The application was referred to Council's Heritage Advisor, who commented the following:

The proposed development is for use of an existing building for uses consistent with the existing tennis courts. There are no external physical works proposed.

The proposed use as a clubhouse, Pro-shop and amenities will not impact the heritage significance of the former quarry.

There will be no impact upon heritage items within the vicinity.

Having regard to the above, the proposal is acceptable in terms of heritage impacts, subject to the imposition of conditions as recommended.

5.21 – Flood Planning

Council records indicate that the lot is subject to flooding in a PMF event. No flood control applies to the site.

The application was reviewed by Council's Development Engineer who did not object to the application, subject to appropriate conditions of consent.

In this regard, the proposal is satisfactory with respect of the provisions of this LEP Section.

6.11 – Essential Services

Services are generally available on site to facilitate to the proposed development. Appropriate conditions have been recommended requiring approval or consultation with relevant utility providers with regard to any specific requirements for the provision of services on the site.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

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

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The following table outlines the relevant Parts of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Parts	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.1 Site Analysis and Locality	Yes	Yes - see discussion
3.4 Heritage	Yes	Yes - see discussion
3.5 Transport, Parking and Access	Yes	Yes - see discussion
3.6 Social Amenity, Accessibility and Adaptable Design	Yes	Yes - see discussion
3.10 Flood Prone Land	Yes	Yes - see discussion
3.11 Contamination	Yes	Yes - see discussion
3.12 Waste Minimisation and Site Facilities	Yes	Yes - see discussion
3.16 Signs and Advertising	Yes	Yes - see discussion
PART 6 – NON-RESIDENTIAL DEVELOPMENTS		
6.1.1 General Controls	Yes	Yes - see discussion

The following Sections elaborate on Key matters from the above table.

PART 3 – GENERAL DEVELOPMENT CONTROLS

Part 3.1 – Site Analysis and Locality

Due to nil physical works being proposed, the proposal will have minimal impacts on the locality.

Part 3.4 – Heritage

Heritage issues and considerations have been addressed in response to the heritage provisions of the LEP previously. The DCP provisions and considerations have been addressed and considered in the comments from Council's heritage adviser, who supports the proposal.

Part 3.5 – Transport, Parking and Access

Table 3 of the DCP stipulates the parking required, based on the proposed use. For this proposal, the proposed recreation facility (outdoor) use generates a requirement for 12 car spaces. The existing parking area provides sixteen (16) parking spaces including one (1) accessible parking space, complying with the DCP control. The spaces are compliant with the relevant Australian Standard.

No loading facilities are proposed as part of the proposed development. Any deliveries are considered capable of being accommodated within the existing parking area.

The application has been reviewed by Council's Development Engineer, who did not object to the application subject to conditions in the consent.

The proposal satisfies the transport, access and parking requirements of the DCP.

Part 3.6 – Social Amenity, Accessibility and Adaptable Design

The proposal has been designed so that the development is accessible from the public domain and internally. The development provides ramping from the footpath, disabled bathrooms and access to the levels of the building affected by the proposal through the lift core.

The development provides one (1) accessible car space located within the existing parking area.

The proposal is satisfactory and complies with the objectives of this Part of the DCP.

Part 3.10 – Flood Prone Land

An assessment against flood management has been discussed in response to Section 5.21 of the LEP, in the previous section of this report.

Part 3.11 – Contamination

An assessment of contamination has been discussed in response to *SEPP (Resilience and Hazards) 2021* in a previous section of this report.

Part 3.12 – Waste Minimisation and Management

A Waste Minimisation and Management Plan prepared by Voyager Tennis Pty Ltd was submitted with the application listing methods for minimising and managing ongoing waste on site.

An appropriate condition has been included in the recommended conditions.

Part 3.16 – Signs and Advertising

An assessment of contamination has been discussed in response to *SEPP (Industry and Employment) 2021* in a previous section of this report.

PART 6 – NON-RESIDENTIAL DEVELOPMENT**Part 6.1 – General Controls**

The proposal does not involve any physical works on the site. No new fencing is proposed.

At least 10% of the site is provided as landscaped area, meeting the DCP control.

S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposal.

S4.15(1)(a)(iv) - Provisions of the Regulation

In terms of provisions of the Regulation:

- The DA submission has included sufficient information to enable environmental assessment of the application (Clause 24);
- No other concurrences or other approvals are proposed or required (Clause 25);
- No approval under the Local Government Act 1993 is sought as part of this DA (Clause 31(3)); and
- No demolition works are proposed.

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

S4.15(1)(b) - Likely Impacts of Development

This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed or warrant some elaboration are as follows:

Safety & Security

The submitted PoMs include adequate safety measures to ensure the safety and security of the patrons. The tennis courts include measures to accommodate the unsupervised operation, including CCTV cameras, speaker warning and motion sensor monitoring and pin pad access to courts and clubhouse.

Plan of Management

On 1 November 2005, the Land & Environment Court in its approval of a commercial / residential development in 'NSWLEC 315, *Renaldo Plus 3 Pty Ltd v Hurstville City Council* established eight Planning Principles for consideration as part of an assessment of the appropriateness and adequacy of a Plan of Management. The submitted Management Plan has been assessed against the eight planning principles as follows.

1. *Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?*

Comment

A PoM was submitted for the proposed use and the requirements stipulated in the management plan relates to the proposed use. A condition has been imposed within the draft Notice of Determination regarding managing site operations to minimise any adverse impacts.

2. *Do the requirements in the Management Plan require people to act in a manner*

that would be unlikely or unreasonable in the circumstances of the case?

Comment

The submitted Plan of Management does not require people to act in an unreasonable or unlikely manner.

3. *Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?*

Comment

Any breaches of the Management Plan can be identified through the staff observation and management and the implementation of the security access and surveillance systems.

4. *Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?*

Comment

The submitted PoM includes noise management measures and community engagement strategies, which assists to provide a reasonable level of amenity for the nearby residents.

5. *Can the people the subject of the Management Plan be reasonably expected to know of its requirements?*

Comment

It is agreed that tennis players who are subject of the Plan of Management are expected to know the requirements from the coaching lessons, booking system and signs.

6. *Is the Management Plan to be enforced as a condition of consent?*

Comment

Yes

7. *Does the Management Plan contain complaint management procedures?*

Comment

Yes, a complaint register is contained within the management procedure.

8. *Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?*

Comment

A condition has been imposed within the Notice of Determination to ensure this is carried out on a yearly basis.

Based on the assessment above, the submitted Management Plan is inconsistent with the principles adopted by the Land and Environment Court which are appropriate and relevant to apply to the subject application.

Unauthorised Building Works

All the proposed works have been carried out and completed without approval. These works are subject to a Building Information Certificate, currently being assessed by Council. The clubhouse, proshop and bathroom are not in use until development consent and the Building Information Certificate (BIC) are obtained. Temporary structures including a port a loo and temporary shed are available on the site for amenities and weather protection. A condition has been imposed within the draft Notice of Determination to ensure they are removed once the BIC is obtained.



Figure 14. Temporary structures on site

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Appropriate conditions of consent are proposed to further manage and mitigate impacts on neighbouring properties and the environment. The site is suitable for the proposed use, given it involves the adaptive re-use of an existing building that was also designed and constructed for ancillary purposes.

S4.15(1)(d) - Public Submissions (and Referral Comments)

Public Submissions

The development has been notified in accordance with the DCP, between 27 June 2024 and 25 July 2024. A second round of public notification in accordance with the DCP was between 6 September 2024 and 20 September 2024. Nil submission has been received in

either round of notification period.

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

The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the development application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposed development will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11 / S7.12 - Development Contributions

The proposal is not subject to development contributions under Council's Contribution Plans.

Housing and Productivity Contribution (HPC)

The proposal is not subject to Housing and Productivity Contribution.

Conclusion and Reasons for Decision

The proposed development at 369E Bexley Road, BEXLEY NSW 2207 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposed development, being use of the existing building for amenities, a club house and pro-shop ancillary to the tennis courts and signage, is a permissible land use within the zone with development consent. In response to the public notification, nil submission was received.

The proposal is supported for the following main reasons:

- The development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is consistent with the objectives and controls of Bayside Development Control Plan 2022.
- The site is suitable for the proposed use.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

Schedule 1 – Draft Conditions of Consent

Refer to draft conditions attached separately.



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2024/146 PAN-444620
Applicant	Voyager Tennis C/- Barr Planning 92 YOUNG STREET CARRINGTON 2294
Description of development	Use of the existing building for amenities, a club house and pro-shop ancillary to the tennis courts and signage
Property	369E BEXLEY ROAD BEXLEY 2207 13/B/DP4580 14/B/DP4580 15/B/DP4580 20/B/DP4580 16/B/DP4580 17/B/DP4580 18/B/DP4580 19/B/DP4580
Determination	Approved Consent Authority - Local Planning Panel
Date of determination	22/10/24
Date from which the consent operates	22/10/24
Date on which the consent lapses	22/10/25

**Building Code of
Australia building
classification**

9b

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

- The development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is consistent with the objectives and controls of Bayside Development Control Plan 2022.
- The proposal and use are suited to the site and area.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Luis Melim

Manager Development Services
Person on behalf of the consent authority

For further information, please contact Ivy Zhang / Development Assessment Planner

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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>	
2	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%;"> <tr> <td>Approved plans</td> </tr> </table>	Approved plans
Approved plans		

Plan number	Revision number	Plan title	Drawn by	Date of plan
-	-	Site Plan	The Spatial Lab	11 March 2024
Sheet 1	-	Floor Plan	AA1 Drafting	15 March 2024
Sheet 2	-	Elevations & Section	AA1 Drafting	15 March 2024
-	-	Site Plan with markings on signage location	Voyager Tennis	Received by Council on 30 August 2024
-	-	Elevations with markings on signage location	Voyager Tennis	Received by Council on 30 August 2024
Sheet 2 of 5	-	Signage Details	Voyager Tennis	Received by Council on 30 August 2024
Sheet 3 of 5	-	Signage Details	Voyager Tennis	Received by Council on 30 August 2024
Sheet 4 of 5	-	Signage Details	Voyager Tennis	Received by Council on 30 August 2024
Sheet 5 of 5	-	Signage Details	Voyager Tennis	Received by Council on 30 August 2024
Approved documents				
Document title	Version number	Prepared by	Date of document	
Waste Management Plan	-	Voyager Tennis	Received by Council on 20 June 2024	

	<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
3	<p>Approved Plans kept on Site</p> <p>A copy of the Development Consent and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.</p> <p>Condition reason: To ensure relevant information is available on site.</p>
4	<p>Building Information Certificate.</p> <p>The development consent does not grant approval to the building works as carried out. Certification of these works is dependent upon separately obtaining approval of Building Information Certificate from Council prior to use /occupation of the building, pursuant to <i>Division 6.7 of the Environmental Planning and Assessment Act 1979.</i></p> <p>Condition reason: To ensure that works undertaken without consent are appropriately certified.</p>
5	<p>Compliance with the Building Code of Australia (BCA)</p> <p>Building work must be carried out in accordance with the requirements of the BCA.</p> <p>Condition reason: Environmental Planning and Assessment Regulation Clause 98(1)(a).</p>
6	<p>Removal of Temporary Structures</p> <p>The temporary structures including the port-a-loo and temporary shed shall be removed upon the issue of Building Information Certificate.</p> <p>Condition reason: To ensure the temporary structures are removed once the Building Information Certificate is obtained.</p>

Change of use

Ongoing use for change of use

7	<p>Area of premises.</p> <p>The proshop use shall be confined to maximum 9sqm within the eastern part of the clubhouse as shown on the approved plans.</p> <p>Condition reason: To ensure that the use is confined to its approved area to minimise adverse impacts.</p>
8	<p>Display of Signs on the Footpath</p> <p>Signs, advertising structures or goods shall not be displayed or placed on the public footpath, or any other part of the public road at any time, without Council’s consent.</p> <p>Condition reason: To ensure that footways are not obstructed, to avoid visual clutter and protect the amenity of the surrounding area.</p>
9	<p>Hours of Operation.</p> <p>The hours of operation of the tennis courts and clubhouse are limited to 7am to 10pm Monday to Sunday.</p> <p>The hours of operation of the proshop are limited to 9am to 5pm Monday to Saturday. Notwithstanding, the proshop may operate with extended hours of operation per booking request between 7am to 10pm Monday to Sunday.</p> <p>The approved hours of operation include trading, preparatin, waste collection and deliveries to and from the premises.</p> <p>Condition reason: To minimise impacts to the community.</p>
10	<p>Maximum Capacity of Persons.</p> <p>The maximum number of persons (including staff, patrons and players) permitted in the premises any one time is 55 persons including 4 coaches and 1 proshop staff. The capacity for each area shall not exceed the maximum numbers at any given time.</p> <p>The manager / licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.</p> <p>Condition reason: To minimise adverse impacts resulting from the approved use.</p>
11	<p>Plan of Management – Compliance with Approved PoM</p> <p>The approved Plan of Management (as referred to under the "<i>Approved Plans and Supporting Documents</i>" condition) shall be complied with at all times. Any amendments to the Plan of Management shall require a separate approval from Council.</p> <p>A copy of the Plan of Management must be displayed on site at all times and made available to all staff and/or occupants.</p>

	Condition reason: To manage site operations so that adverse impacts are minimised.
12	Waste Management – Comply with Approved WMP
	a) The approved Waste Management Plan, as referred to under " <i>Approved Plans and Supporting Documents</i> " condition, shall be complied with at all times during use and operation of the premises, and
	b) sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins.
	Condition reason: To minimise adverse impacts to the locality.

Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

No additional conditions have been applied to this stage of development.

During building work

No additional conditions have been applied to this stage of development.

Before issue of an occupation certificate

No additional conditions have been applied to this stage of development.

Occupation and ongoing use

No additional conditions have been applied to this stage of development.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations

are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BAYSIDE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Bayside Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to

building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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Plan prepared for:
Voyager Tennis Academy

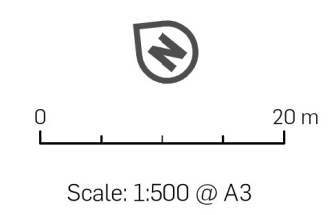
Not for construction
Not survey plan

Lot dimensions are approximate
Data Sources: NSW Spatial, Metromap
aerial imagery

Site Plan - 369E Bexley Road, Bexley

- Subject Property
- Lot Boundary
- Fence
- Contour 1m interval (lidar 2020)
- Building
- Tree
- Road/Asphalt Surface
- Concrete/Hard Surface

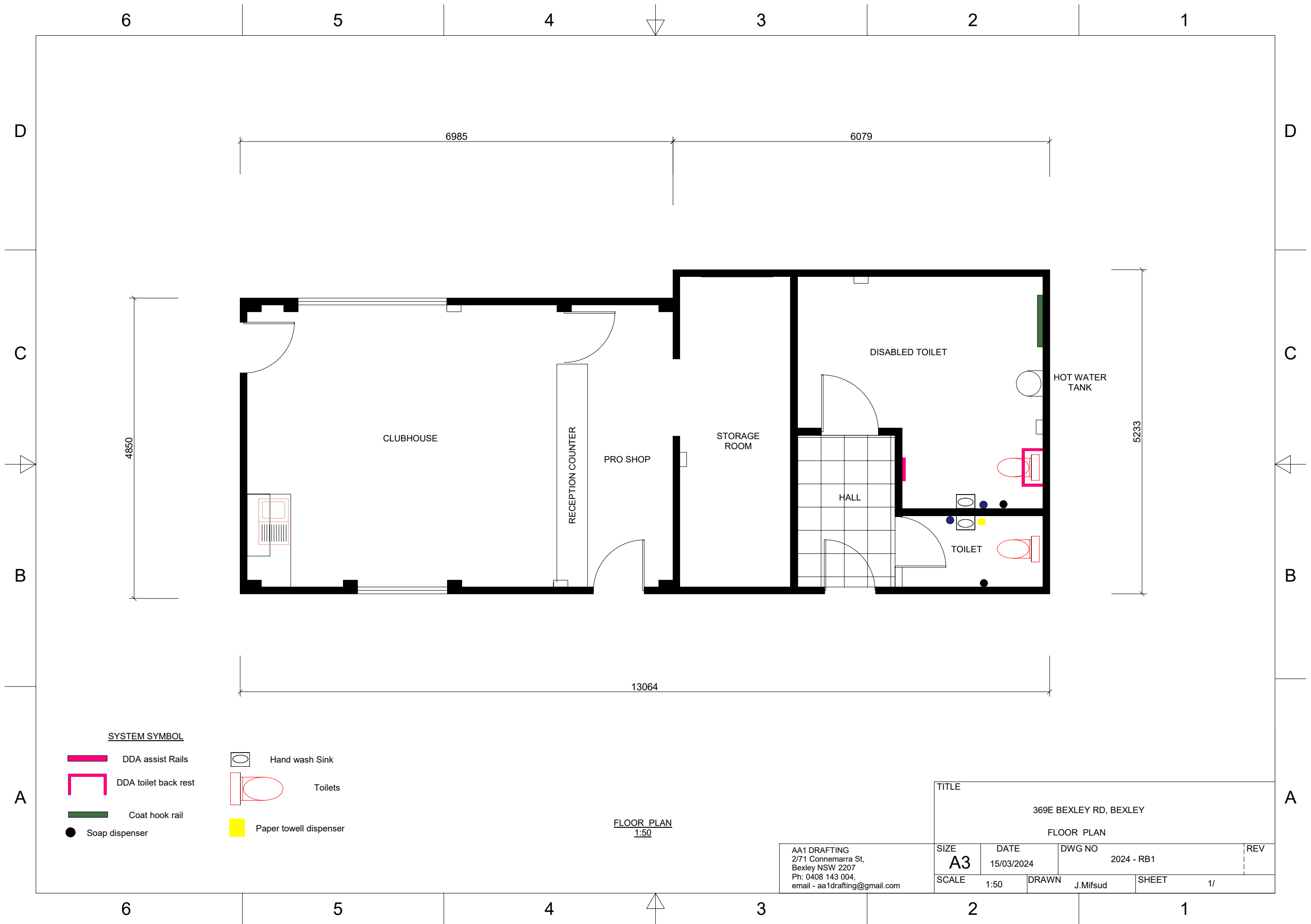
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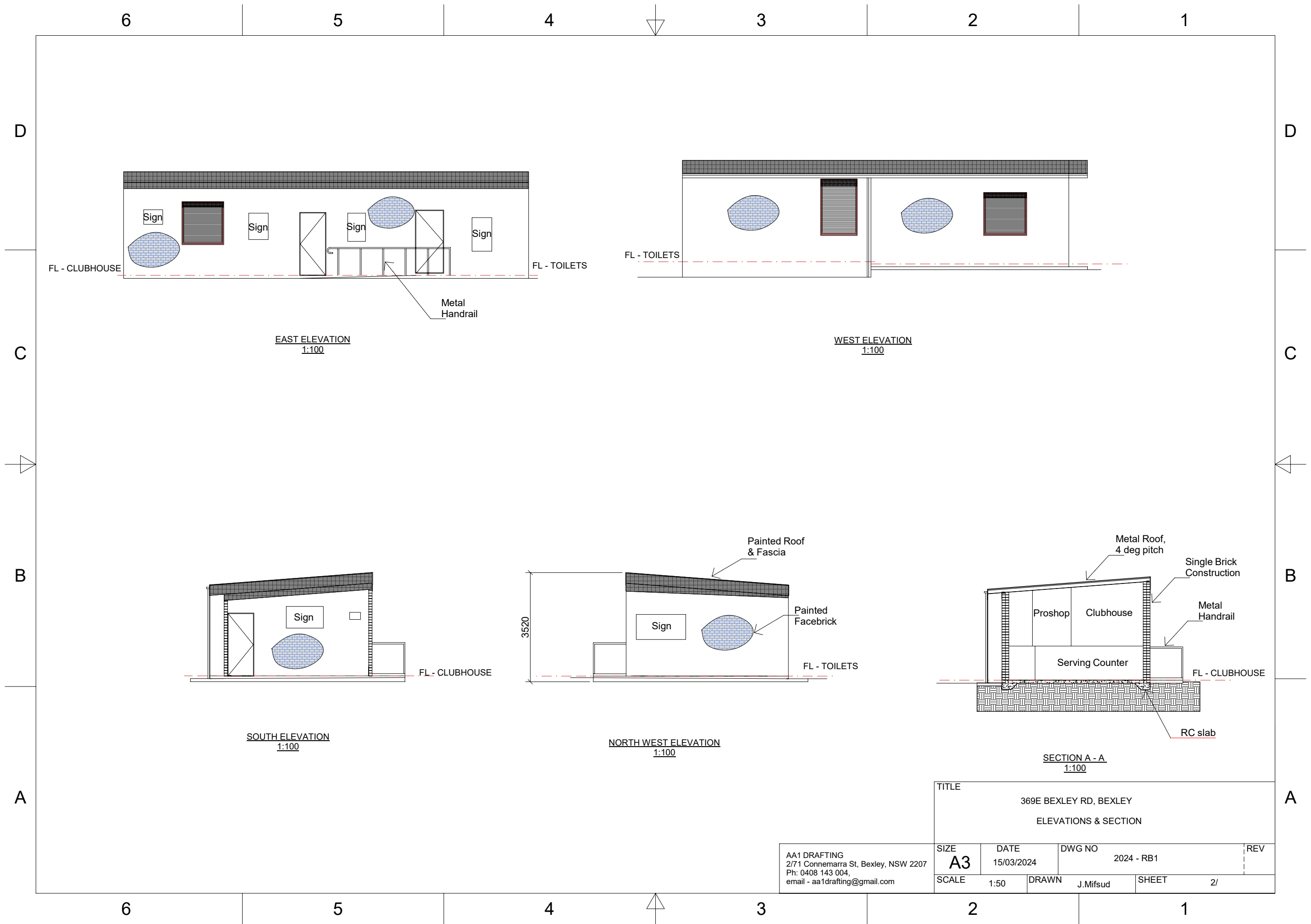


Plan drawn by: GH

THE SPATIAL LAB

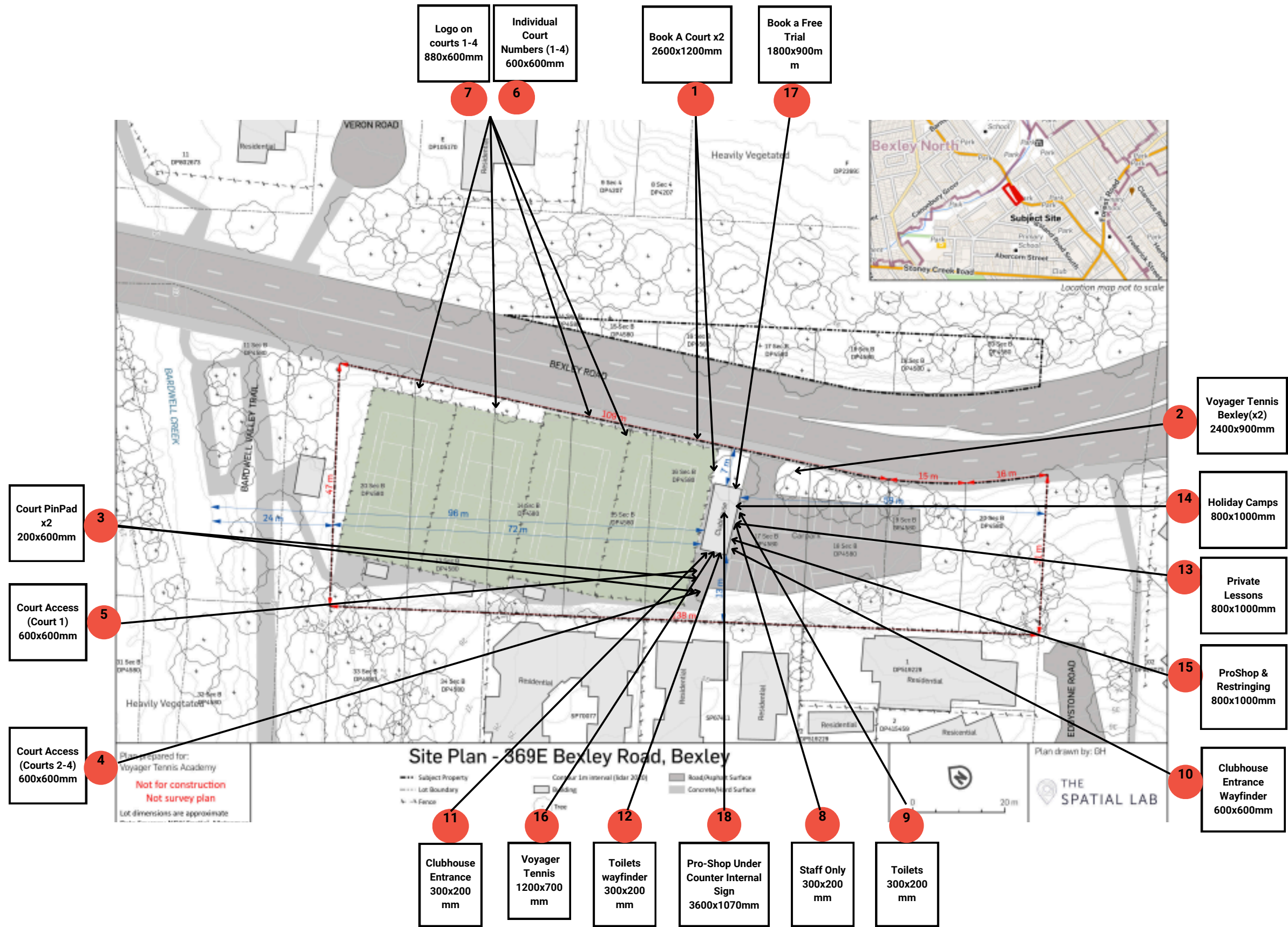
www.thespatiallab.com.au

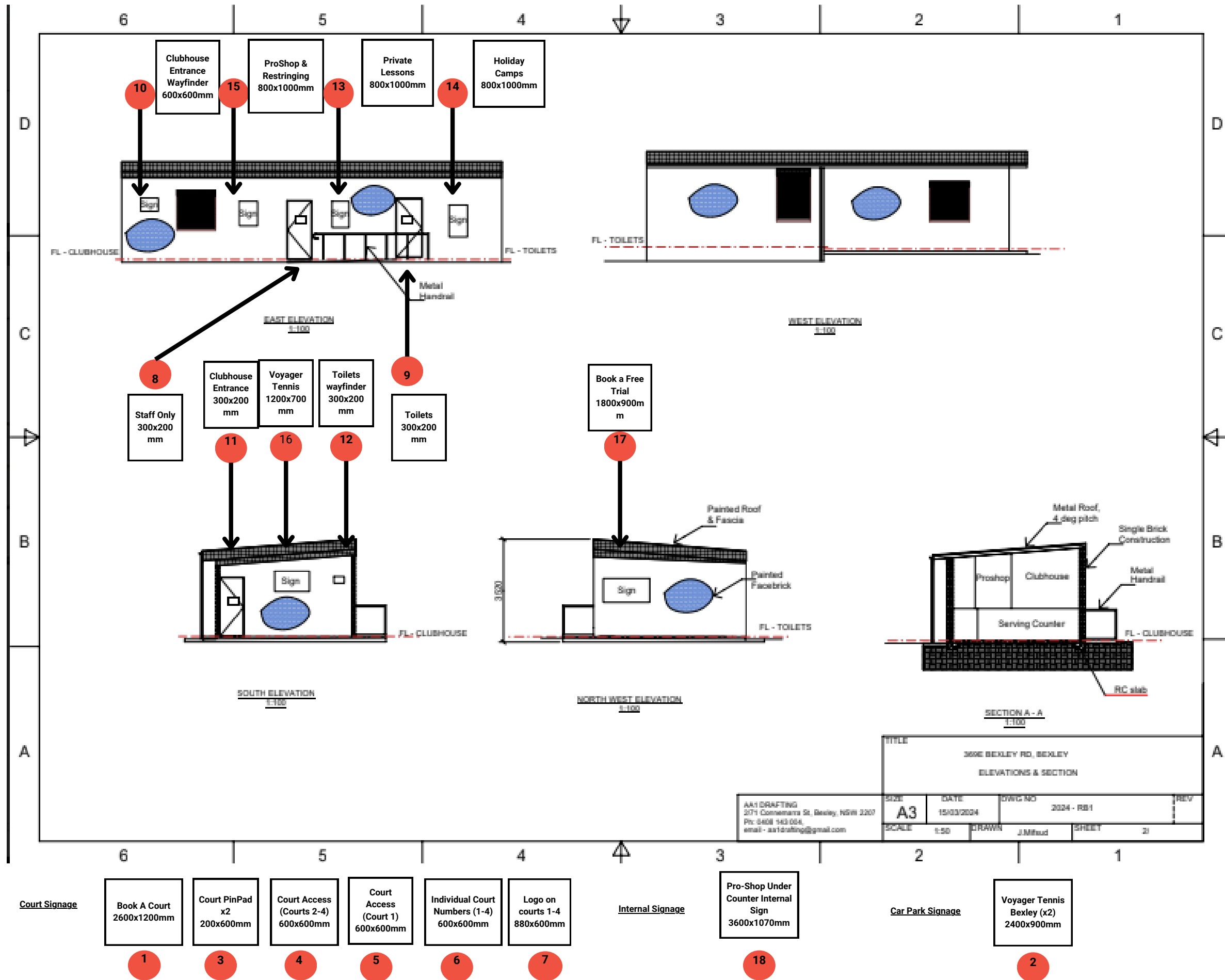




TITLE			
369E BEXLEY RD, BEXLEY			
ELEVATIONS & SECTION			
SIZE	DATE	DWG NO	REV
A3	15/03/2024	2024 - RB1	
SCALE	DRAWN	SHEET	
1:50	J.Mifsud	2/	

AA1 DRAFTING
 2/71 Connemarra St, Bexley, NSW 2207
 Ph: 0408 143 004,
 email - aa1drafting@gmail.com







Bexley Signage



Bexley Signage

Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
1	2600	1200	PVC	2	Cable tie	Book a Court	
2	2400	900	Aluminum	2	Screws	Voyager Tennis Bexley	
3	200	600	Aluminum	2	Screws	Court PinPad	
4	600	600	Aluminum	1	Screws	Court Access (Courts 2-4)	
5	600	600	Aluminum	1	Screws	Court Access (Court 1)	



Bexley Signage

Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
6	880	600	PVC	4	Cable tie	Individual Court Signs	
7	880	600	PVC	4	Cable tie	Logo above courts	
8	300	200	Aluminum	1	Screws	Staff Only door	
9	300	200	Aluminum	1	Screws	Toilets	
10	600	600	Aluminum	1	Screws	Clubhouse Entrance wayfinder	



Bexley Signage

Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
11	300	200	Aluminum	1	Screws	Clubhouse Entrance	
12	300	200	Aluminum	1	Screws	Toilets wayfinder	
13	800	1000	Aluminum	1	Screws	Private Lessons Promo	
14	800	1000	Aluminum	1	Screws	Holiday Camps Promo	



Bexley Signage

Sign No	Width (mm)	Height	Material	Quantity	Attachment	Sign	Photo
15	800	1000	Aluminum	1	Screws	Proshop & Restring Promo	
16	1200	700	Aluminum	1	Screws	Voyager Tennis	
17	1800	900	Aluminum	1	Screws	Book A Free Trial Promo	
18	3600	1070	Aluminum	1	Screws	Pro-shop Under Counter (Internal Sign)	