

MEETING NOTICE

A meeting of the
Bayside Local Planning Panel – Other Applications
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 25 November 2025 at 4:30 PM**
to consider items outside the public meeting
in accordance with the operational Procedures.

Members of the public do not have the opportunity to speak on these items.

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

Nil

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1 DA-2025/423 - 5 Alfred Street, Mascot - Development Application2

6.2 DA-2024/348 - 15-37 Innesdale Road, Wolli Creek - Development
Application 121

Meredith Wallace
General Manager

Bayside Local Planning Panel - Other Applications

25/11/2025

Item No	6.1
Application No	DA-2025/423
Property	5 Alfred Street, Mascot
Application Type	Development Application
Proposal	Alterations and first floor level additions to existing garage for use as a secondary dwelling
Owner	Mr P Vijay
Applicant	Mr Mursel Sakalli
Ward	Ward 2
Lodgement Date	8/08/2025
No. of Submissions	Nil
Cost of Development	\$198,880.00
Reason Criteria	Departure from standards
Report by	Peter Barber, Director City Futures

Reason for Report

The application has been referred to the Bayside Local Planning Panel for the following reason:

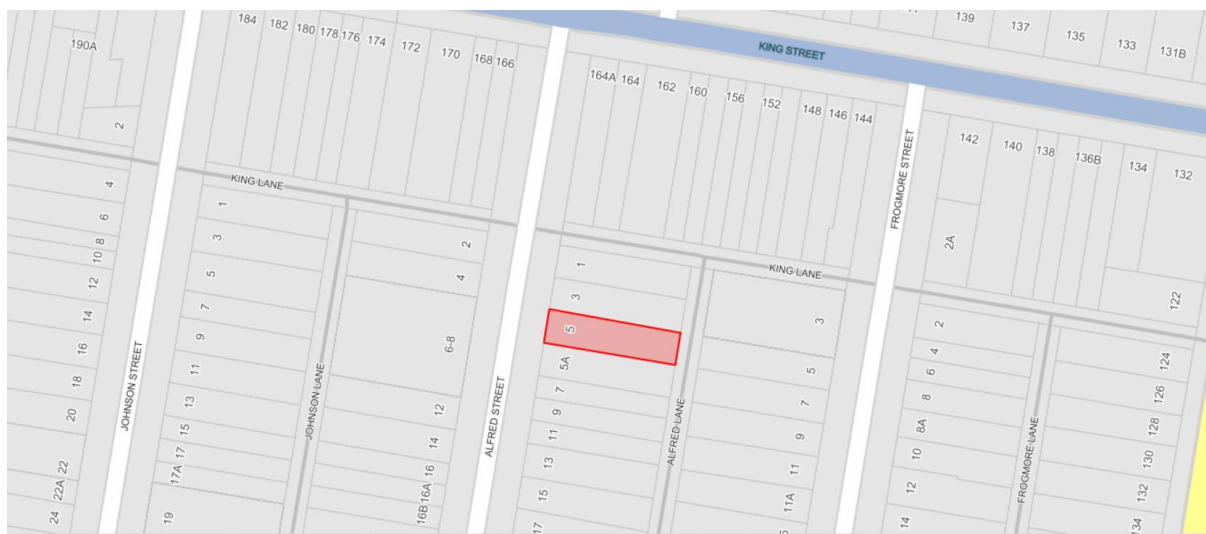
- Departure from development standard, greater than 10%.

Officer Recommendation

The proposal seeks a contravention of the minimum lot size non-discretionary development standard for secondary dwellings, which as per Section 53 (2) (a) of the State Environmental Planning Policy (Housing) 2021 requires a minimum lot area of 450m².

1. The Bayside Local Planning Panel is satisfied that the applicant's written request to contravene the non-discretionary minimum lot size development standard under Clause 53 (3) of the State Environmental Planning Policy (2021) has adequately addressed the matters required to be demonstrated by Clause 4.6 of the Bayside Local Environmental Plan 2021.
 2. 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-2025/423 for alterations and additions to existing rear lane garage including minor ground floor alterations and construction of a first floor secondary dwelling at 5 Alfred Street, Mascot NSW 2020 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.
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Location Plan



Attachments

- 1 [↗](#) BLPP Assessment Report
- 2 [↗](#) Draft Conditions
- 3 [↗](#) Statement of Environmental Effects & Clause 4.6 Statement
- 4 [↗](#) Solar Access Diagrams
- 5 [↗](#) Site Plan
- 6 [↗](#) Site Analysis Plan
- 7 [↗](#) Elevations
- 8 [↗](#) Sections
- 9 [↗](#) Schedule of Finishes
- 10 [↗](#) Shadow Diagrams

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	DA-2025/423
Date of Receipt:	08 August 2025
Property:	5 Alfred Street, Mascot NSW 2020 Lot 9 Sec7 DP 3876
Owner:	Mr P Vij
Applicant:	Mr M Sakalli
Proposal:	Alterations and additions to existing rear lane garage including minor ground floor alterations and construction of a first floor secondary dwelling
Recommendation:	Approval
No. of submissions:	No submissions received
Author:	Nitin Thomas
Date of Report:	21 October 2025

Key Issues

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

- Non- compliance with the minimum lot size non-discretionary development standard under Clause 53(3) of the SEPP (Housing) 2021 min lot size of 450m² varied by 115.41m² or 34.49%.
- Streetscape impacts in relation to developments along Alfred Lane.
- Overshadowing impacts as a result of the east-west site orientation.
- Subject to 7.11 Development Contributions.

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

The officers 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 is satisfied that the applicant's written request to contravene the non-discretionary minimum lot size development standard under Clause 53 (3) of the State Environmental Planning Policy (2021) has adequately addressed the matters required to be demonstrated by Section 4.6 of the Bayside Local Environmental Plan 2021.
2. 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-2025/423 for alterations and additions to existing rear lane garage including minor ground floor alterations and construction of a first floor secondary dwelling at 5 Alfred Street, Mascot NSW 2020 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:

5 Alfred Street, Mascot

- DA-2001/10112 – Two storey dwelling was approved on 3 November 2000.
- DA-2001/10112/A – Section 96(2) divide family room, northern window into two (2) windows to accommodate a structural beam was approved on 30 January 2001.
- DA-2001/10112/B – Section 96(1A) modification to landscape plan was approved on 10 September 2002.
- DA-2002/10642 – Construction of garage and erection of fence was approved on 12 September 2002.
- DA-2002/10642/A – Modification to reverse position of garage at rear of premises and 1800mm high brick fence was approved on 19 September 2002.
- DA-2015/10206 – Ground floor extension for additional storage room and upper level addition for office/study including WC to existing double garage facing Alfred Lane was withdrawn on 23 May 2016.
- DA-2024/98 – Alterations and first floor level additions to existing garage for use as a secondary dwelling was withdrawn on 1 August 2024.

The history of the subject application is summarised as follows:

- 08 August 2025 - The DA was lodged with Council.
- 20 August 2025 to 3 September 2025 – Notification period.
- 01 October 2025 – Site inspection undertaken by assessing officer.
- 17 October 2025 – Development Contributions referral received.
- 21 October 2025 – Draft BLPP assessment report completed.

- 21 October 2025 – Draft BLPP conditions completed.

Proposal

The proposed development seeks alterations and additions to the existing rear lane garage and the construction of a first floor secondary dwelling fronting Alfred Lane. The overall scope of works is summarised as follows:

Demolition/Tree Removal

- Partial pruning of existing Narrow leaf lillypilly tree located within footprint of existing garage within the rear setback.
- Partial demolition of existing rear garage fronting Alfred Lane.

Construction

- Alterations and first floor additions to existing garage for use as a secondary dwelling measuring 31.30m² in area.

The figures below are extracts of the proposal:

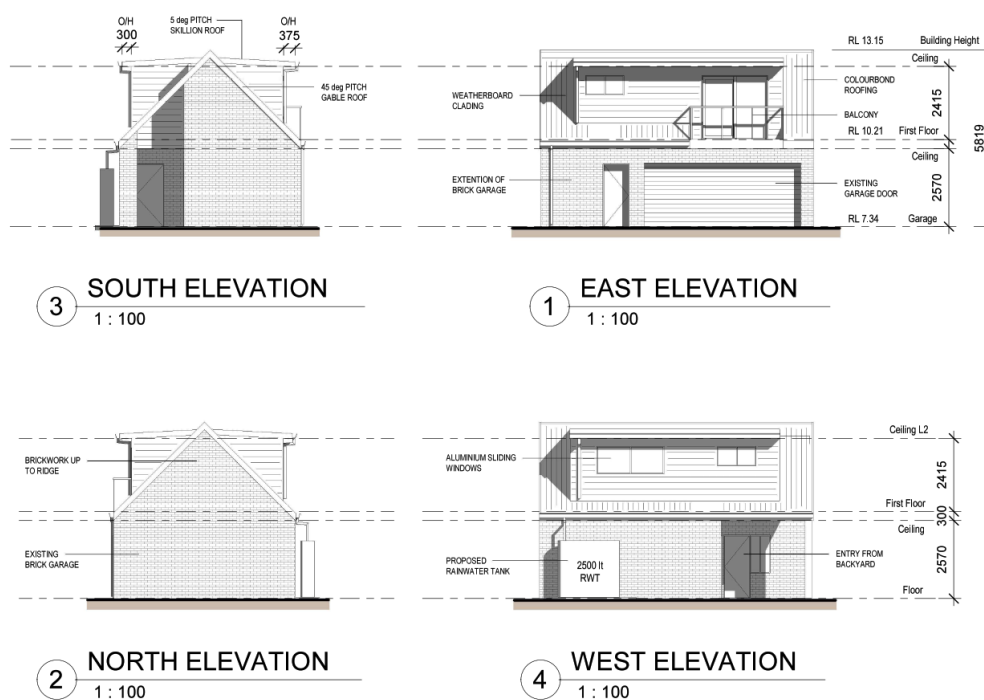


Figure 1: Proposed rear garage and first floor secondary dwelling elevations at 5 Alfred Street, Mascot

Site Location and Context

The subject site is legally identified as Lot 9 Sec 7 DP 3876 and is known as 5 Alfred Street, Mascot. The site is a rectangular shape with front and rear boundary widths

of 9.14m. The side boundaries are 36.576m deep. The site has frontage to Alfred Street (primary) and Alfred Lane (secondary). The total site area is 334.59m². The topography of the site is relatively flat.

The subject site contains a two (2) storey dwelling and detached garage at the rear of the site fronting Alfred Lane. The site is located on the eastern side of Alfred Street between King Lane to the north and Hollingshed Street to the south. Adjoining development to the sides includes two (2) storey dwellings on each of the properties. There is a mix of single and two (2) storey residential dwellings within proximity to the site.

Alfred Lane is characterised by garages, including sites that contain garages with upper floor secondary dwellings. It is noted that the adjoining site immediately to the south at No. 5A Alfred Street, Mascot was approved with a similar scale development at the rear, under Development Consent 2018/11064 for the conversion of a first floor study to a secondary dwelling. A similar scaled development was recently approved by the Bayside Local Planning Panel at 7 Alfred Street, Mascot under DA-2025/143 on 12 October 2025.



Figure 2: Aerial view of the subject site (highlighted in RED) and context

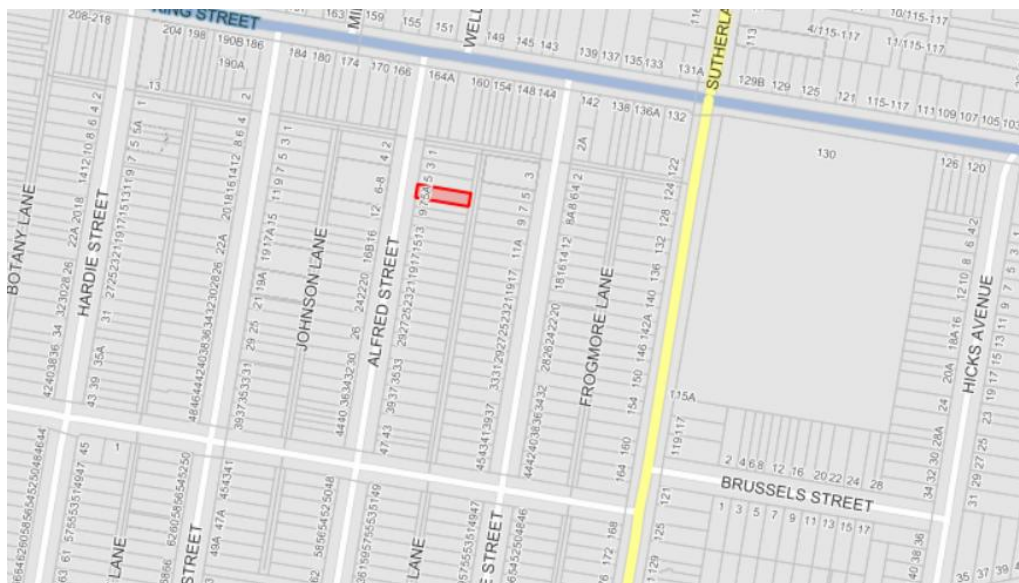


Figure 3: Cadastre map of subject site at 5 Alfred Street, Mascot



Figure 4: Alfred Lane developments

There are no trees of significance on the site and no public domain trees impacted by the proposal. However, it is noted that a single tree located within the rear setback behind the existing garage will require pruning to accommodate the proposed development.

The site is subject to the following affectations:

- Subject to high aircraft noise within 25 – 30 ANEF contour.
- PMF flood event.
- Class 4 Acid Sulfate Soils.

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 (Sustainable Buildings) 2022

The applicant has submitted a BASIX Certificate for the proposed development, being Certificate number 1801425S, dated 25 June 2025.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site, post construction. A condition has been recommended to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Housing) 2021

Diverse Housing:

Chapter 3 - Part 1 - Division 2 – Secondary Dwellings

This Part of the SEPP applies to secondary dwellings.

Clause 51 – No subdivision

No consent for subdivision has been sought. This requirement is ensured by an appropriate recommended condition of consent.

Clause 52 – Floor Space Ratio

The following table summarises these standards and compliance of the proposal:

Standard	Requirement	Compliance and comment
52(2)(a)	No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land	Complies.
52(2)(b)	The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument	Complies.
52(2)(b)	The total floor area of the secondary dwelling is- (a) No more than 60sqm, or (b) If a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument- the greater floor area	Complies. The proposed secondary dwelling is 31.30m ² in area.

Clause 53 - Non-discretionary development standards

The following table summarises these standards and compliance of the proposal:

Standard	Requirement	Compliance and comment
53(2)(a) Minimum Site area	450 sqm	Non-compliant. The subject site measures 334.59m ² in area. This is a variation of 115.41 sqm or 34.49%. The application is accompanied by a Clause 4.6 variation request. Refer to assessment discussion below.
53(2)(b) Car Parking Spaces	The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out	Complies. All existing parking retained for the site.

4.6 - Exceptions to Development Standards

Section 4.6 of the BLEP allows a contravention to a development standard subject to a written

request by the applicant justifying the contravention by demonstrating:

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

Section (3)(b)- that there are sufficient environmental planning grounds to justify the contravention.

The assessment of Section 4.6 below has been undertaken in accordance with the principles established by the Chief Judge in ***Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*** where it was observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under Section 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Section 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.

The applicant is seeking to contravene the Minimum Lot Size non-discretionary development standard by 115.41m² which equates to a 34.49% contravention. A contravention request in accordance with Section 4.6 of the LEP, seeking to justify the proposed contravention, has been prepared by Quantum QS and dated 25 July 2025.

The applicant's Section 4.6 contravention request argues that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case there and are sufficient environmental planning grounds to support the non-compliant Minimum Lot Size. These components are summarised below, with the assessing officer's response provided:

Section 4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

Applicant Comments/Arguments (summarised):

Strict compliance with the 450m² lot size standard is considered unreasonable and unnecessary in this case for the following reasons:

- *The proposal complies with all other key planning controls applicable to secondary dwellings, including maximum floor area (not exceeding 60 m²), building height, setbacks, private open space, and deep soil requirements.*
- *The subject site has sufficient area to accommodate both the principal and secondary dwellings without adverse impacts on residential amenity, built form, or streetscape character.*
- *The 450 m² threshold is arbitrary in this context and does not represent a tipping point for site functionality, environmental impact, or neighbourhood amenity.*
- *The proposal remains consistent with the objectives of the standard, being to ensure that lots are of a sufficient size to accommodate a detached secondary dwelling while maintaining local character and amenity.*

- *The shortfall is regarded minor, particularly given many surrounding properties that are less than the requirement have been granted approval and the proposal does not compromise the development outcome, and does not defeat the intent of the control.*
- *Numerous consent authorities, including the NSW Land and Environment Court, have found that minor variations to numerical development standards may be considered unreasonable where the development meets the underlying objectives and achieves planning merit.*

Officer Comment:

As the State Environmental Planning Policy (Housing) 2021 fails to introduce any further objectives with respect to the minimum lot size area non-discretionary development standard, the overall objectives of the SEPP and relevant planning controls are to be used to establish whether the proposal is unreasonable or unnecessary with regard to *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [2007] NSWLEC 827.

The applicant's justification argues the proposal satisfies the zone objectives and general underlying principles of the Housing SEPP 2021 in a broader context, in that the proposal will provide for the housing needs of the community, is consistent with the context and character of the area, does not result in adverse amenity impacts and facilitates redevelopment in an accessible area.

Section 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

Applicant Comments/Arguments (summarised):

There are sufficient environmental planning grounds to justify the contravention, including:

- *The proposed secondary dwelling provides an additional dwelling on a well-located residential allotment without increasing density beyond what is anticipated under the planning controls.*
- *The built form remains consistent with the low-density residential context, does not result in additional visual bulk or overshadowing, and complies with relevant design controls under the DCP.*
- *The development facilitates housing diversity and supports intergenerational living or affordable rental accommodation, consistent with the aims of the SEPP (Housing) 2021.*
- *The proposal enhances land use efficiency on a site already serviced by infrastructure and within walking distance of public transport, schools, and shops.*

Officer Comment:

The written justification by the applicant is well founded with respect to identifying sufficient environmental planning grounds to justify the contravention to the non-discretionary development standard in that the presentation of the two storey outbuilding to Alfred Lane is subservient to the typology and scale of residential developments in the immediate context. Further, the proposal positively contributes to passive surveillance over Alfred Lane, with the orientation of the development presenting the entrance in such a way.

The proposal will not result in any unreasonable or significant adverse environmental detriment to adjoining properties and will provide additional housing within the immediate locality.

Whilst some unavoidable overshadowing impacts will occur in mid-winter as a result of the east-west site orientation, this is inevitable as a result of the existing allotment subdivision pattern of the area.

Overall, the proposal demonstrates general compliance with the relevant provisions of the BDCP 2022 as well.

Further to the above, it is once again reiterated that the provisions under the SEPP (Housing) 2021 do not prescribe objectives relating to minimum lot sizes for secondary dwelling developments. Similarly, the BLEP 2021 does not include directly related provisions, standards or objectives of this nature either. However, in the circumstance, reference to Part 5.1.2.1 and Part 5.1.2.2 of the BDCP 2022 is made which contains provisions and objectives related to secondary dwellings and specifically for those fronting laneways.

Therefore, the relevant objectives have been applied to in this case and are deemed to reasonably align with the minimum lot size non-discretionary development standard of the SEPP (Housing) 2021 for purposes of this application.

Conclusion

As stated previously, there is deemed to be satisfactory evidence and justification provided by the applicant to support the contravention of the minimum lot size non-discretionary development standard as prescribed under Clause 53 (3) of the SEPP (Housing) 2021. Given the lack of controls in relation to the non-discretionary development standard itself, and noting the circumstance of the case, full compliance in this instance is unreasonable and unnecessary and there are sufficient environmental planning grounds for which to support the contravention.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

This Chapter applies to non-rural areas of the State, including the Bayside local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal does not seek to remove any trees within the site, however requires the pruning of an existing Narrow-leaf Lillypilly tree located within the rear setback that overhangs the existing single garage.

As noted by Council's Tree Management Officer, suitable conditions will be imposed in the draft notice of determination requiring relevant tree protection measures be provided including the erection of a tree protection zone and the requirement of a tree pruning application be provided prior to the commencement of works.

In this respect, the proposal generally aligns with the objectives and requirements under the provisions of Chapter 2 of the SEPP (Biodiversity and Conservation) 2021 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 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.

The site appears to have been continuously used for residential purposes. The adjoining and adjacent properties are currently used for residential purposes. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guideline, in particular industrial, agricultural or defence uses. There is no significant excavation proposed.

On the above 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.

Bayside Local Environmental Plan 2021

The following table outlines the relevant Sections of Bayside Local Environmental Plan 2021 ("BLEP") 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 – R2 Low Density Residential	Yes - see discussion	Yes – see discussion
2.7 Demolition requires consent	Yes – see discussion	Yes - see discussion
4.3 Height of buildings	Yes - see discussion	Yes - see discussion
4.4 Floor space ratio ("FSR")	Yes - see discussion	Yes - see discussion
4.4A Exceptions to FSR for residential accommodation	Yes - see discussion	Yes - see discussion
4.6 Exceptions to development standards	Yes - see discussion	Yes - see discussion
5.21 Flood planning	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil - Class 4	Yes - see discussion	Yes - see discussion
6.2 Earthworks	Yes - see discussion	Yes - see discussion
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion
6.7 Airspace operations	Yes - see discussion	Yes - see discussion
6.8 Development in areas subject to aircraft noise	Yes - see discussion	Yes - see discussion
6.11 Essential services	Yes - see discussion	Yes - see discussion

2.3 - Zone R2 Low Density Residential

The subject site is zoned R2 Low Density Residential under the provisions of the BLEP. The proposal is defined as a secondary dwelling which constitutes a permissible development only with development consent. The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.*
- *To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.*

The proposed development satisfies the objectives of the zone.

4.3 - Height of Buildings

A maximum height standard of 9.0m applies to the subject site.

The proposal has a maximum height of 5.90 metres (RL 13.15m AHD) which complies with the provisions and objectives of this Section.

4.4 – Floor Space Ratio

A maximum FSR standard of 07:1 (GFA of 234.21 sqm) applies to the subject site and proposal.

- Existing principal dwelling: 196.22m²
- Outbuilding (ground floor): 9.80m²
- First Floor Secondary Dwelling: 31.30m²

The proposal has a maximum GFA of 235.30m² and equates to an FSR of 0.0.70:1 which complies with the provisions and objectives of this Section.

5.10 – Heritage Conservation

The subject site is not identified as a Heritage Item in Schedule 5 of the BLEP, nor is it located adjacent to a Heritage Item or within a Heritage Conservation Area.

5.21 – Flood Planning

Council records indicate that the lot is subject to flooding in a PMF event and is located within a flood fringe. In addition to this, Council's Development Engineer notes that as the proposal only seeks a first floor for a secondary dwelling that there will be no displacement of flood waters.

Council's Development Engineer has raised no objection to the proposal from a flood planning perspective.

Therefore, the proposal is satisfactory with respect of the provisions of Section 5.21 of the BLEP 2021.

6.1 – Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 4 affect the property by the BLEP mapping. Development Consent is required as the proposal involves excavation below natural ground level for footings.

As excavation is less than 2 m in depth, an Acid Sulfate Soils Management Plan is not warranted in this instance and the proposal is acceptable in the context of Section 6.1.

6.3 – Stormwater and WSUD

The site falls towards the street and is relatively flat. A concept Stormwater Plan (prepared by Draft and Design and dated 14 June 2025) was submitted with the application. The application was reviewed by Council's Development Engineer who had no objections to the proposal, subject to conditions which have been included in the draft notice of determination requiring detailed stormwater drainage plans be prepared and submitted to the Principal Certifier prior to the issue of the Construction Certificate indicating connecting to the existing drainage system for the site. In this respect, the proposal aligns with the general objectives under Section 6.3 of the BLEP 2021 and is acceptable.

6.7 – Airspace Operations

The development site is subject to an obstacle limitations surface (OLS) height limit of RL 51.0m AHD. The proposal seeks an overall building height of RL13.15m AHD and is therefore well below the maximum OLS for the site and therefore, a referral to Sydney Airport Corporation (SACL) was not warranted. In this respect, the proposal aligns with the objectives under Section 6.7 of the BLEP 2021 and is acceptable in the circumstance.

6.8 – Development in Areas subject to Aircraft Noise

The subject site is located within the 25 to 30 ANEF Contour, thus subject to potential adverse aircraft noise. Given this, appropriate noise attenuation measures are required for the proposed development.

The proposal was accompanied by an Aircraft Noise Assessment Report prepared by Acoustic Logic dated 21 July 2025 which considers a aircraft noise impact resulting from a Boeing 737-800 aircraft departing the third parallel runway (34/) and will emit an overall 88dBA.

As such, the submitted report identifies the following with respect to noise mitigation measures related to recommended construction materials and window glazing :

Table 3-1 – Glazing Thickness Requirement for New Elements

Site	Space	Glazing Area	Glazing Construction	Acoustic Seals
5 Alfred Street, Mascot	Bathroom	As detailed	6.38mm Laminated	Yes (Mohair seals not accepted)
	Bedroom Studio	Maximum 6m ² (Including sliding door)	<p>Windows</p> <p>6.38mm Laminated/ 100mm airgap/6.38mm Laminated IGU system</p> <p>Sliding Doors:</p> <p>Proglide Altitude Acoustic Sliding Door (Or equivalent) - Two panes of min. 6mm toughened separated by min. 105mm sash-sash airgap double cavity slider. See attached data sheet</p>	

Table 3-2 - Minimum R_w of Glazing (with Acoustic Seals)

Glazing Assembly	Minimum R_w of Installed Glazing
6.38mm laminated	31
6.38mm Laminated/ 100mm airgap/6.38mm Laminated IGU system	44
Proglide Altitude Acoustic Sliding Door (Or equivalent) - Two panes of min. 6mm toughened separated by min. 105mm sash-sash airgap double cavity slider. See attached data sheet	45

3.2.2 External Wall Construction

Any penetrations are required through the external skin, an acoustic sealant should be used to minimise all gaps. The following construction is recommended.

Table 3-3 – External Wall Construction

Site	Space	Internal Lining	Studwork System	External Lining
5 Alfred Street, Mascot	Bedroom studio	2 x 16mm fire-rated plasterboard OR 2 x 9mm FC Sheet	90mm thick stud with 75mm thick 14kg/m ³ glasswool insulation in cavity	1 x 16mm CFC sheet (Linea or similar,) plus 1 x 9mm FC Sheet
	Bathroom	2 x 13mm high density plasterboard		1 x 9mm FC sheet

Alternative to the above is the provision of a brick veneer system, detailed below.

Table 3-3 – Alternate External Wall Brick Veneer Construction

Site	Space	Internal Lining	Studwork System	External Lining
5 Alfred Street, Mascot	Bedroom studio	2 x 16mm fire-rated plasterboard OR 2 x 9mm FC Sheet	90mm thick stud with 75mm thick 14kg/m ³ glasswool insulation in cavity	110mm Brick Veneer
	Bathroom	1 x 13mm standard plasterboard		

3.2.5 External Roof/Ceiling Construction

For the proposed lightweight ceiling and roof elements, the following construction is recommended:

Table 3-3 – External Light Weight Roof Construction

Site	Space	Internal Lining	Truss System	External Lining
5 Alfred Street, Mascot	Bedroom/Studio	2 x 16mm fire-rated Plasterboard	Minimum of 250mm truss with 75mm thick 14kg/m ³ glasswool insulation in cavity and aluminium sarking	0.48mm Sheet Metal + additional 2 x 9mm FC Sheets backing lining
	Bathroom/Ensuite	2 x 13mm standard Plasterboard		0.48mm Sheet Metal

In the event that any penetrations are required thru the external skin, an acoustic sealant should be used to minimise all gaps.

3.2.6 Ceiling/Roof Construction Details

The following recommended ceiling/roof construction options over the rooms are shown below are for ceilings mentioned in Table 3-3 only. Ensure that the cavity is maintained regardless of roof angle.

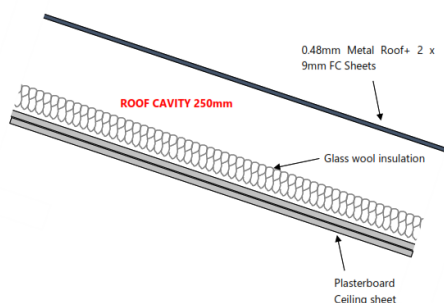


Figure 3: – Pitched Roof/Ceiling Construction

In addition, the report also notes the requirement for relevant mechanical ventilation be installed as the internal noise levels cannot be achieved with the windows and doors open.

Therefore, the proposal is satisfactory with respect of the requirements and objectives of Section 6.8 of the BLEP 2021, subject to conditions within the draft notice of determination requiring compliance with the recommendations within the submitted aircraft noise assessment report and acoustic certification be provided by a qualified acoustic engineer to the Principal Certifier prior to the issue of the Occupation Certificate.

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 application is subject to the Bayside Development Control Plan 2022 ("BDCP"). This is the comprehensive DCP relevant to the proposal. The following table outlines the key relevant Parts of the BDCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.1 Site Analysis and Locality	Yes – see discussion	Yes – see discussion
3.5 Transport, Parking and Access	Yes - see discussion	Yes - see discussion
3.7 Landscaping, Private Open Space and Biodiversity	Yes - see discussion	Yes - see discussion
3.8 Tree Preservation and Vegetation Management	Yes - see discussion	Yes - see discussion
3.9 Stormwater Management and WSUD	Yes - see discussion	Yes - see discussion
3.10 Flood Prone Land	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

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS		
5.1.1 Fences and Walls	Yes - see discussion	Yes - see discussion
5.1.2 Ancillary Uses – Additions, Garages, Secondary Dwellings and Studios	Yes - see discussion	Yes - see discussion
5.2.1 Low Density Residential	Yes - see discussion	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 Context

3.1.1 – Site Analysis Plan

The proposal was accompanied by a Site Plan which provides a general overview of the existing surrounding urban context and building typologies identified along Alfred Street and Alfred Lane which primarily consists of a mix of detached single and two storey dwelling houses, some semi-detached dwellings with mostly detached garages and first floor secondary dwellings located at the rear. Given the above, the proposal aligns with the general requirements of this provision and is satisfactory.

Part 3.2 – Environmentally Sustainable Development

3.3.2 – Natural Lighting and Ventilation

The provisions of this part require minimum floor to ceiling heights of 2.4m for non-habitable spaces and 2.7m for habitable rooms. The proposal seeks to construct a rear addition inclusive of a floor to ceiling height at ground floor of 2.5m and 2.7m at first floor level. In this respect, the proposal aligns with the objectives under Part 3.3.2 of the BDCP 2022 to allow for sufficient sunlight access and natural ventilation. The proposal is acceptable is therefore consistent with Part 3.3.2.

Part 3.5 – Transport, Parking and Access

The design and location of the parking facilities and pedestrian access on the site is acceptable having regard to the nature of the site and the proposal.

Table 3 of the DCP stipulates car parking required for the proposal which is based on the proposed use. The proposed secondary dwelling generates a requirement for one (1) car space. One (1) car space is provided, complying with the DCP control. The spaces are compliant with the relevant Australian Standard.

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

Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management

A minimum of 25% (83.65m²) of the site area is required to be retained as '*landscaped area*' on site. The proposal seeks to provide approximately 97.27m² or 29% deep soil area inclusive of the retention of site trees within the front and rear building setbacks.

The proposal seeks to provide sufficient amenity for the inhabitants of the secondary dwelling whilst maintaining an overall built form that does not compromise the useability of the rear open space. As such, the proposal satisfies the objectives of the controls and their intent under this part of the BDCP 2022. Additionally, one canopy tree is retained within the site, being consistent with the requirements of this Part. The proposal is satisfactory in this regard.

3.7.3 – Private Open Space

The proposal seeks to provide approximately 80.0m² of private open space located primarily at the rear of the site between the existing principal dwelling and proposed garage/ outbuilding which is to be shared. In addition, the proposal also seeks to provide a separate patio space for the proposed combined garage/ secondary dwelling located at ground level to enhance the private open space for the site. Although the added patio space at ground level does not have a minimum width of 5.0m as required by the BDCP 2022, this space remains useable as an undercover area.

The proposal is satisfactory in regard to the objectives and provisions of Parts 3.7 and 3.8 of the DCP, subject to recommended conditions.

Part 3.9 – Stormwater Management and WSUD

An assessment of stormwater management has been discussed within Section 6.3 – Stormwater and Water Sensitive Urban Design of this report.

Part 3.10 – Flood Prone Land

An assessment of flood management has been discussed in Section 5.21 – Flood Planning of this report.

Part 3.11 – Contamination

An assessment of contamination has been discussed previously within *SEPP (Resilience and Hazards) 2021* of this report.

Part 3.12 – Waste Minimisation and Management

A Waste Minimisation and Management Plan prepared by the applicant was submitted with the application outlining methods for minimising and managing construction and ongoing waste on site.

A condition has been included in the draft notice of determination requiring a detailed waste management plan be prepared and submitted to the Principal Certifier prior to the issue of the Construction Certificate. In this respect, the proposal is acceptable under Part 3.12 of the BDCP 2022.

3.13 – Development in areas subject to Aircraft Noise and Sydney Airport Operations

The proposal does not intrude into the Sydney Airport OLS and PANS-OPS. The proposal was therefore not referred Sydney Airport Corporation for comment. The proposed use is sensitive to aircraft noise and located within the 25-30 ANEF Contour. An acoustic assessment was undertaken previously within Section 6.8 of this report.

3.14 - Noise, Wind, Vibration and Air Quality

The acoustic considerations to and from the proposed use are acceptable in the context of the objectives and provisions of the DCP.

PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS

5.1.2 - Ancillary residential uses - rear and side lane additions, detached garages, secondary dwellings and studios

5.1.2.1 - General

The objective of the controls for ancillary structures is:

To minimise control the size, bulk and scale of ancillary structures and their visual impact on public spaces and minimise amenity impacts on surrounding properties.

The proposed development provides a 0.6m rear ground floor setback to the garage fronting Alfred Lane, inclusive of nil side boundary setbacks for the garage, however provides a 1.0m northern and southern side setback at first floor level and 0.9m setbacks to the dormer windows at the first floor secondary dwelling level.

Given the context of development along Alfred Lane and the narrowness of the subject site, proposed setbacks are satisfactory.

The proposed secondary dwelling and garage complies with the minimum required landscape area and private open space requirements. This has been addressed previously in Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management of this report.

The proposed outbuilding complies with the height of building standard and where two storeys adopts a pitched roof form complementing the existing building forms within context of the site. The GFA of all outbuildings is not more than 70m² and compliant in this regard.

The proposed upper level dormer windows are limited to those oriented to within the site (from a bathroom) and to Alfred Lane from a living/dining area. Such windows are highlight, with a sill height ranging between 1.2 and 1.5m above finished floor level in order to minimise adverse visual privacy impacts to neighbouring properties. Although the proposed dormer is located within approximately 77% of the roof structure, it remains under the ridge line by approximately 300mm as to not add to the overall bulk and scale of the first floor secondary dwelling.

Further to the above, the proposal seeks to provide separate access to the garage and the secondary dwelling by dividing walls and stairs, facilitating independent access which is appropriate.

Given the above, the proposal provides an overall bulk towards the rear of the site which is contextually subservient to the scale and bulk of rear developments along Alfred Street and adjoining streets. Therefore, as designed, the proposal aligns with the objectives under Part 5.1.2 of the BDCP 2022 and is satisfactory.

5.1.2.2 - Development on Side and Rear Lanes

The attached garage and first floor secondary dwelling is proposed to be constructed with nil side boundary setbacks to Alfred Lane. A 0.6m front setback to the lane is proposed at first floor level.

The objective of the controls for development on lanes is:

To ensure buildings to rear or side lanes are compatible with the principal dwelling and adjoining sites, maximise safety, ensure adequate vehicular access and minimise amenity impacts.

The design of the proposal upon the rear lane is acceptable as it facilitates direct vehicular access from Alfred Lane via a double garage and singular layback and does not constitute a

street wall height of greater than 3.6m.

Furthermore, the proposal incorporates large dormer windows on the sides which are oriented to the east and west, and whilst not entirely compliant with the requirements as noted under Control C4, dormer windows are of a scale and extent within the roof which do not result in any additional adverse visual privacy or overshadowing impacts to adjoining properties.

In addition to this, the proposed dormer windows allow for passive surveillance to Alfred Lane and retains the predominant scale of developments on Alfred Lane which vary between single and two storeys.

The proposal, as amended therefore aligns with the objectives and general requirements under Part 5.1.2.2 of the BDCP 2022 and is satisfactory in this regard.

5.1.4 - Quality of Design and Housing Choice and Diversity

Design Excellence considerations do not apply to the subject development site. An adequate site analysis plan was provided with the DA. In this respect, the proposal is acceptable under Part 5.1.4 of the BDCP 2022.

5.2.1 - Low-density residential (dwellings, dual occupancy, semi-detached dwellings)

5.2.1.1 - Streetscape, Local Character and Quality of Design

The objectives under Part 5.2.1.1 of the BDCP2022 are as follows:

To ensure that dwellings are compatible with the envisaged local streetscape and desired future character.

To create visual interest through building articulation and a variety of compatible materials, finishes and colouring.

The proposal pertains primarily to the rear of the site, which retains all aspects of the existing single storey dwelling, is consistent with the existing streetscape and built form typologies in context of the site and is acceptable with regards to setbacks, form and materials.

The proposal incorporates a range of materials and colours, previously referenced in this report, which complement the existing dwelling and integrate with the overall appearance of the building within the streetscape.

It is thus reasonable to conclude that the proposal is consistent with the objectives and controls relating to building design, materials and finishes.

5.2.1.4 - Landscaping and Private Open Space

The landscaping controls in Part 3.7 of the DCP have been addressed previously.

5.2.1.5 - Solar Access and Overshadowing

Dwellings within the development site and adjoining properties are required to receive a minimum of 2 hours direct sunlight to habitable living rooms (family rooms, rumpus, lounge and kitchen areas) and to at least 50% of the primary open space between 9am and 3pm in mid-winter (June 21).

As noted, the DCP contains the following objectives regarding solar access:

To ensure that sunlight access:

- *is provided to private open space and habitable rooms within the development; and*
- *is not unreasonably diminished for neighbouring properties and the development site.*

The subject site is orientated east west with the frontage of the site facing the west and the rear of the site facing the east. The lot pattern of the street and street block is such that each adjoining site also has the same orientation. In this respect, the proposed development will cause inevitable shadowing to the southern property at No. 5A Alfred Street at various times in mid-winter.

The applicant provided proposed aerial shadow diagrams between 9am to 3pm for mid-winter (June 21) and spring-equinox (September/March 21) to facilitate an accurate assessment of the proposal.

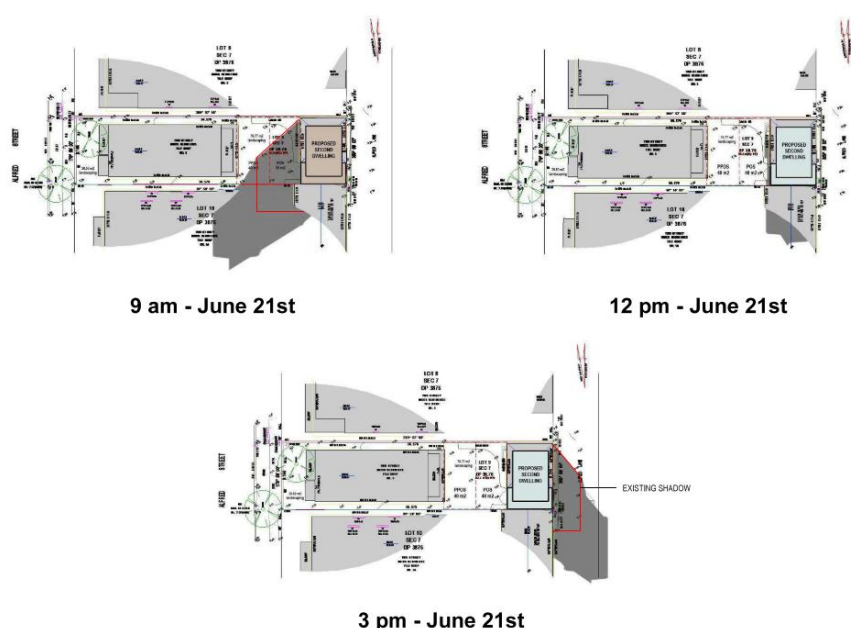


Figure 5: Proposed mid-winter shadow resulting from proposal at No. 5 Alfred Street, Mascot

While some overshadowing will occur to the southern adjoining neighbor at 5A Alfred Street, this outcome is largely unavoidable due to the east west site orientation of the site and existing subdivision pattern on the eastern side of Alfred Street. An assessment of overshadowing has been undertaken below.

Officer's Assessment

As a consequence of the east-west orientation of the majority of allotments along Alfred Street, it is noted the subject site at 5 Alfred Street, existing shadows resulting from the existing rear first floor addition at No. 5A Alfred Street to the north impacts the availability of direct sunlight to its rear primary areas of private open space.

At 9.00am shadows of the proposed rear first floor addition at No. 5 Alfred Street will fall towards the south, resulting in the majority of the rear private open space of No. 5A being in shadow. However, the existing windows of the single storey dwelling at No. 5A will retain direct

sunlight at this time to its habitable rooms and windows. As a result of the existing shadows cast from the rear first floor addition and existing boundary fencing at No. 5A Alfred Street, the primary area of the private open space at No. 5A will be in shade.

At midday in mid-winter, shadows cast by the proposal will fall directly south, resulting in the subject site overshadowing itself and as well as the existing two storey combined garage/secondary dwelling at No. 5A Alfred Street, however, the primary area of private open space of No. 5A Alfred Street will retain sunlight. The habitable windows of No. 5A Alfred Street will also retain direct sunlight at this time.

At 3.00pm in mid-winter, shadows of the proposed development will fall south-east, resulting in the subject site overshadowing itself, however at least 50% of the private open space of the subject site and the neighbouring property to the south retain direct sunlight. In addition, the majority of shadows at this time will fall onto Alfred Lane, however is not anticipated to impact and livable spaces of adjoining developments on the opposite side of Alfred Lane.

As demonstrated by submitted mid-winter shadow diagrams, the proposal will achieve the minimum 2 hours of direct sunlight to its rear facing living areas and more than 50% of the private open space from midday onwards.

As referenced in the DCP, a detailed assessment is provided against the Land and Environment Court planning principle on the impact on solar access of neighbours (*Parsonage V Ku-ring-gai (2004) NSWLEC 347*) and (*The Benevolent Society V Waverley Council (2010) NSWLEC 1082*) as follows:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: The proposal is within an R2 Low Density Residential zone, therefore suggesting that windows and some of its areas of private open space retain some direct sunlight. As noted, the site is east-west oriented, therefore the property to the south will be overshadowed at various times during mid-winter, which is inevitable.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: The proposal does not result from a poor design outcome as previously discussed in this report. The height, bulk, scale and setbacks are satisfactory and appropriate amenity is retained on site and to neighbouring properties.

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.*

Comment: The above has been acknowledged.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

Comment: The above has been considered.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: Overshadowing from fences has been considered, vegetation was not identified or considered.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development.*

Comment: The area is located within an R2 Low Density Residential zone and is undergoing change with an increase demand in housing and similarly, developments of a similar nature, scale and site orientation within the immediate vicinity along Alfred Lane and adjoining/ adjacent laneways in Mascot. In this respect, overshadowing impacts resulting from the proposal with an east-west orientation will remain prevalent in the immediate area and as such, resultant future developments within the immediate context will also result in similar overshadowing impacts.

Given the above assessment regarding the solar access and overshadowing objectives and controls, it is reasonable to conclude the proposal is acceptable in this instance.

5.2.1.6 - Parking and Access

This has been addressed previously in accordance with Part 3.5 of the DCP.

5.2.1.7 - Visual Privacy

An assessment of visual privacy was undertaken previously in this report in 5.1.2.1 – General.

The proposal includes the construction of a small rear first floor balcony adjoining the proposed living/ dining area and fronting Alfred Lane. The size of the proposed balcony measures approximately 3100mm x 600mm with an internal area of only 1.6m² and in this regard, movement within this space is limited. Further, the balcony incorporates a highlight window to preclude direct line of sight from across the laneway.

It is reiterated that upper level dormer windows are limited to those oriented to within the site (from a bathroom / laundry and bedroom) and to Alfred Lane from a dining area. Such windows are highlight, with a sill height of 1.5m above finished floor level in order to minimise adverse visual privacy impacts to neighbouring properties.

The proposal is satisfactory with respect of the objectives and requirements for visual privacy within this part.

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
- Demolition works are able to meet the provisions of Australian Standard ("AS") 2601 and this is addressed by conditions of consent.

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:

Natural Environmental Impacts

Trees

Refer to SEPP (Biodiversity and Conservation) 2021 section of the assessment report above for information related to tree pruning.

Stormwater Quality and Quantity

Refer to discussion under BLEP 2021 Section 6.3 of the assessment report for information regarding stormwater drainage.

Contamination

Refer to SEPP (Hazards and Resilience) 2021 section of the assessment report.

Built Environmental Impacts

Streetscape

Refer to BDCP 2022 Part 5.2.2 section of the assessment report for information regarding streetscape impacts.

Overshadowing

Refer to detailed assessment under BDCP 2022 Part 5.2.1.5 of the assessment report for information related to overshadowing/ solar access impacts.

Visual Impacts

Refer to both BDCP 2022 Part 5.2.1 and Part 5.2.1.7 sections of the assessment report with respect to visual privacy.

Parking

Refer to BDCP 2022 Part 3.5 of the assessment report with respect to car parking.

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 social impacts of the proposal are expected to be positive or neutral, with a development of high-quality design and amenity to meet the needs of future residents, within a form compatible with the character of the area and with impacts which are not significantly adverse, and commensurate with impacts to be expected from development of the site, given the planning controls.

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 operation and 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

Public Submissions

The development has been notified in accordance with the DCP, between 20 August 2025 and 3 September 2025 and no submissions were received.

Referral Comments

A summary of comments from other agencies or from other Departments within Council is below:

Council Departments/Experts

Development Engineer

Recommended conditions, which have been included in the draft notice of determination.

Flooding

No objection.

Tree Management Officer

Recommended conditions, which have been included in the draft notice of determination.

Subdivision/Address and Road Naming

Recommended conditions, which have been included in the draft notice of determination.

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 application was referred to Council's Development Contributions Planner who indicated that the proposed application is subject to the provisions under the Botany Bay Section 7.11 Development Contributions 2016. As such, the following breakdown is provided which indicates a capped contribution amount of \$20,0000 needing to be paid:

Community Facilities	\$ 1,744.44
Recreation and Open Space	\$ 14,490.27
Transport Facilities	\$ 3,605.28
Administration	\$ 160.01
Total in 2025/26	\$ 20,000.00

In this respect, a suitable condition will be imposed requiring the payment of the required Section 7.11 Development Contributions prior to the issue of the Construction Certificate.

Housing and Productivity Contribution (HPC)

The proposal seeks alterations to an existing garage and construction of a first floor secondary dwelling at the rear. As the proposal does not result in any land subdivision or similar, the provisions under the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024* do not apply in the circumstance.

Conclusion and Reasons for Decision

The proposed development at 5 Alfred Street, Mascot NSW 2020 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 alterations and additions to existing rear lane garage including minor ground floor alterations and construction of a first floor secondary dwelling, is a permissible land use within the zone with development consent. In response to the public notification, no submissions were received.

The proposal is supported for the following main reasons:

- The proposal is acceptable when considered against all relevant State Environmental Planning Policies, including State Environmental Planning Policy (Housing) 2021.
- The proposed contravention to the non-discretionary development standard for minimum lot size under Clause 53 (3) of the Housing SEPP 2021 has been assessed in accordance with Section 4.6 of Bayside Local Environmental Plan 2021 and is considered acceptable subject to conditions of consent.
- The development is consistent with the objectives of the R2 Low Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development is consistent with the objectives and relevant requirements of Bayside Development Control Plan 2022.
- The proposal and uses are suited to the site and area.
- The proposal 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 is suitable for the location and is compatible with the desired future character of the locality.
- 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-2025/423 PAN-560389
Applicant	mursel sakalli 5 A ALFRED STREET MASCOT
Description of development	Alterations and additions to existing rear lane garage including minor ground floor alterations and construction of a first floor secondary dwelling
Property	5 ALFRED STREET MASCOT 2020 9/7/DP3876
Determination	Approved Consent Authority - Local Planning Panel
Date of determination	25/11/25
Date from which the consent operates	25/11/25
Date on which the consent lapses	25/11/30

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

DA-2025/423

1

- The proposal is acceptable when considered against all relevant State Environmental Planning Policies, including State Environmental Planning Policy (Housing) 2021.
- The proposed contravention to the non-discretionary development standard for minimum lot size under Clause 53 (3) of the Housing SEPP 2021 has been assessed in accordance with Section 4.6 of Bayside Local Environmental Plan 2021 and is considered acceptable subject to conditions of consent.
- The development is consistent with the objectives of the R2 Low Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development is consistent with the objectives and relevant requirements of Bayside Development Control Plan 2022.
- The proposal and uses are suited to the site and area.
- The proposal 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 is suitable for the location and is compatible with the desired future character of the locality.
- 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.

Carine Elias

Manager Development Services
Person on behalf of the consent authority

For further information, please contact Nitin Thomas (9562 1747) / Development Assessment
Planner

DRAFT

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 Building Code of Australia. 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 Home Building Act 1989, 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 Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia 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 Building Code of Australia 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 Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, 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>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier

	<div><div>for the work, and</div><div><div>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</div><div>c. stating that unauthorised entry to the work site is prohibited.</div></div></div> <div>3. The sign must be—<div><div>a. maintained while the building work, subdivision work or demolition work is being carried out, and</div><div>b. removed when the work has been completed.</div></div></div> <div>4. This section does not apply in relation to—<div><div>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</div><div>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</div></div></div>																									
	<div><div>Condition reason:</div><div>Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</div></div>																									
3	<div><div>Fulfilment of BASIX commitments</div><div>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—<div><div>1. BASIX development,</div><div>2. BASIX optional development, if the development application was accompanied by a BASIX certificate.</div></div></div></div>																									
	<div><div>Condition reason:</div><div>Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</div></div>																									
4	<div><div>Approved plans and supporting documentation</div><div>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</div><table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>Sheet 01</td><td>Issue A</td><td>Proposed Site Plan</td><td>Draft & Design Architects</td><td>14/06/2025</td></tr><tr><td>Sheet 02</td><td>Issue A</td><td>Proposed Site Analysis Plan</td><td>Draft & Design Architects</td><td>14/06/2025</td></tr><tr><td>Sheet 04</td><td>Issue A</td><td>Proposed Ground and First Floor Plan</td><td>Draft & Design Architects</td><td>14/06/2025</td></tr></table></div>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	Sheet 01	Issue A	Proposed Site Plan	Draft & Design Architects	14/06/2025	Sheet 02	Issue A	Proposed Site Analysis Plan	Draft & Design Architects	14/06/2025	Sheet 04	Issue A	Proposed Ground and First Floor Plan	Draft & Design Architects	14/06/2025
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Sheet 01	Issue A	Proposed Site Plan	Draft & Design Architects	14/06/2025																						
Sheet 02	Issue A	Proposed Site Analysis Plan	Draft & Design Architects	14/06/2025																						
Sheet 04	Issue A	Proposed Ground and First Floor Plan	Draft & Design Architects	14/06/2025																						

Sheet 06	Issue A	Proposed Elevation Plans	Draft & Design Architects	14/06/2025
Sheet 07	Issue A	Schedule of Materials and Finishes	Draft & Design Architects	11/06/2025
Sheet 08	Issue A	Section A-A Plan	Draft & Design Architects	11/06/2025
Sheet 11	Issue A	Erosion & Sediment Control Plan	Draft & Design Architects	14/06/2025
Reference documents				
Document title		Version number	Prepared by	Date of document
Statement of Environmental Effects & Clause 4.6 Statement		01	Quantum QS	25/07/2025
Survey Plan		A	Nexus Survey Group	19/05/2025
Aircraft Noise Assessment Report		Revision 0	Acoustic Logic	21/07/2025
Waste Management Plan		-	-	-
BASIX Certificate No. 1801425S		-	Lloyd Anthony Weir	25 June 2025
In the event of any inconsistency between the approved plans and documents, the approved plans prevail.				
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
5	Carrying out of Works Wholly Within the Site			
	All approved works shall be carried out inside the confines of the site boundary and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.			
	Condition reason: To avoid encroachment of the development beyond the site			

	boundaries.
6	Compliance with the Building Code of Australia (BCA) Building work must be carried out in accordance with the requirements of the BCA. Condition reason: Environmental Planning and Assessment Regulation Clause 69(1).
7	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 <i>Environmental Planning and Assessment Act Part 6</i> . Condition reason: To ensure that a Construction Certificate is obtained at the appropriate time.
8	Earthworks Not Shown on Plans No further excavation, backfilling or retaining walls can be carried out or constructed other than those identified on the approved drawings which form part of this consent unless it is otherwise permitted as exempt or complying development. Condition reason: To avoid changes that may result in adverse impacts without proper assessment.
9	Single Occupancy Only The building is approved as a secondary dwelling in association with the primary dwelling on site. It shall not be used for separate residential accommodation. Condition reason: To ensure that the intensity of development is suitable for the site.
10	Tree Protection and Management. (a) Tree Protection Zone A Tree Protection Zone is to be erected in accordance with AS4970:2025 (Protection of Trees on Development Sites) shall be established as follows: The trees are to be enclosed by a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken. The TPZ area is to have a minimum of two signs that include the words "Tree Protection Zone – Keep Out". Each sign shall be a minimum size of 60cm x 50cm and the name and contact details of the Project Arborist.

<p>The following activities shall not be carried out within any Tree Protection Zone:</p> <ul style="list-style-type: none"> a. disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint, fuel or oil); b. stockpiling, storage or mixing of materials; c. refuelling, parking, storing, washing and repairing tools, equipment, machinery and vehicles; d. disposal of building materials and waste; <p>The following activities shall not be carried out within any Tree Protection Zone unless under the supervision of the Project Arborist (AQF Level 5) or Councils Tree Management Officer.</p> <ul style="list-style-type: none"> a. increasing or decreasing soil levels (including cut and fill); b. soil cultivation, excavation or trenching; c. placing offices or sheds; d. erection of scaffolding or hoardings; and/or e. any other act that may adversely affect the vitality or structural condition of the protected tree/s. <p>(b) Tree Pruning</p> <p>The existing Narrow leaf lillypilly tree located adjacent to the existing garage within 5 Alfred Street, Mascot will require pruning works in the form of branch or root reduction to accommodate the build. The applicant must seek written consent from the owner prior to commencement of demolition. Once written consent is obtained, the applicant is to implement tree protection to minimise adverse impacts on all affected trees and/or roots and are to provide Council with an updated landscape plan. The work must be carried out in accordance with AS4373-2007 and the Code of Practice Amenity Tree Industry (Safe Work NSW) by an experienced Arborist within minimum AQF Level 3 qualifications in Arboriculture.</p> <p>(c) Breach of Conditions</p> <p>The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction. Council may choose to issue an infringement notice or pursue legal action if the conditions of consent have been broken.</p> <p>If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as required remedial work.</p> <p>Council will invoice the Applicant for costs associated with remedial pruning work or tree replacement. For trees on private property, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.</p>

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

Before issue of a construction certificate

11	<p>Construction Site Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies); c. Provisions for public safety; d. Pedestrian and vehicular site access points and construction activity zones; e. Details of construction traffic management including: <ul style="list-style-type: none"> 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 bulk earthworks to be carried out; g. The location of site storage areas and sheds; h. The equipment used to carry out works; i. The location of a garbage container with a tight-fitting lid; j. Dust, noise and vibration control measures; k. Details of chemical storage and management; l. The location of temporary toilets; m. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
12	<p>Erosion and sediment control plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and</p>

	<p>provided to the Principal Certifier.</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
13	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be provided to the Principal Certifier.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
14	<p>Aircraft Noise - Compliance with submitted Report.</p> <p>Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by Acoustic Logic and dated 25 July 2025 shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.</p> <p>The work detailed in the report includes:</p> <ol style="list-style-type: none"> (a) Appropriate acoustic glazing to stated windows and doors, and (b) Detailed roof and ceiling construction, and (c) Wall and ceiling corner details, and (d) External door specification, and (e) Acoustically treated mechanical ventilation. <p>Condition reason: To minimise adverse amenity impacts to residents within the building.</p>
15	<p>Driveway Application</p> <p>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.</p> <p>Condition reason: To ensure that public domain works are designed and constructed in</p>

	accordance with relevant requirements and standards.								
16	<p>Payment of Section 7.11 Contributions.</p> <p>Before the issue of a Construction Certificate, the applicant must pay the following contributions to Council for:</p> <p>(a) Botany Bay Section 7.11 Contributions Plan 2016 - Amendment</p> <table border="1"> <tr> <td>Community Facilities</td><td>\$1,744.44</td></tr> <tr> <td>Open Space & Recreation</td><td>\$14,490.27</td></tr> <tr> <td>Transport Facilities</td><td>\$3,605.28</td></tr> <tr> <td>Administration</td><td>\$160.01</td></tr> </table> <p>The total contribution payable to Council under the condition is \$20,000.00 as calculated at the date of this consent, in accordance with the Botany Bay Section 7.11 Contributions Plan 2016.</p> <p>The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Botany Bay Section 7.11 Contributions Plan 2016.</p> <p>A copy of the development contributions plan is available for inspection on Council's website.</p> <p>Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.</p>	Community Facilities	\$1,744.44	Open Space & Recreation	\$14,490.27	Transport Facilities	\$3,605.28	Administration	\$160.01
Community Facilities	\$1,744.44								
Open Space & Recreation	\$14,490.27								
Transport Facilities	\$3,605.28								
Administration	\$160.01								
17	<p>Property Address Allocation - Secondary dwellings, Dual Occupancies and Semi-Detached</p> <p>Prior to the issue of a Construction Certificate for the development an application for street addresses (Property Address Allocation) and associated fee shall be submitted to Council for each individual commercial tenancy and the residential dwellings within the mixed use development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated October 2024.</p> <p>The form is available for download at: https://www.bayside.nsw.gov.au/sites/default/files/2025-07/2025-2026%20Property%20Address%20Allocation%20Application.PDF</p> <p>Derivation and production of address data components is governed by the NSW Address Policy and User Manual October 2024 to ensure consistency of application.</p> <p>https://www.nsw.gov.au/sites/default/files/noindex/2024-</p>								

	<p>11/NSW%20Address%20Policy%20and%20User%20Manual_2024.pdf</p> <p>Condition reason: To ensure property addresses are allocated in accordance with relevant standards</p>						
18	<p>Sydney Water Tap-in</p> <p>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.</p> <p>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</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>						
19	<p>Payment of fees and security deposits.</p> <p>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:</p> <table border="1"> <tr> <td>Soil and Water Management Sign Fee</td><td>\$ 27.00</td></tr> <tr> <td>Section 7.11 Contributions</td><td>\$ 20,000.00</td></tr> <tr> <td>Builders Damage Deposit (Security Deposit)</td><td>\$ 1,425.00</td></tr> </table> <p>Note: The amount payable must be in accordance with Council's fees and charges at the payment date.</p> <p>Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>	Soil and Water Management Sign Fee	\$ 27.00	Section 7.11 Contributions	\$ 20,000.00	Builders Damage Deposit (Security Deposit)	\$ 1,425.00
Soil and Water Management Sign Fee	\$ 27.00						
Section 7.11 Contributions	\$ 20,000.00						
Builders Damage Deposit (Security Deposit)	\$ 1,425.00						
20	<p>Detailed Design Stormwater Management Plan</p> <p>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,</p>						

	<p>must comply with Bayside Technical Specification Stormwater Management.</p> <p>The detailed drainage design plans shall incorporate the provisions generally detailed below:</p> <ul style="list-style-type: none"> a) A minimum 3,000 litre rainwater tank shall be provided connected to all toilets, clothes washers and external taps/landscape irrigation for non-potable stormwater re-use. Only non-trafficable roof areas to drain into the rainwater tank. The rainwater tank overflow invert to be shown on the plan and gravity discharge. b) A rainwater tank detail to be provided showing the top of tank, base level, overflow invert level of the rainwater tank. A minimum 0.5m head height is required from the lowest gutter level to the top of the rainwater tank. c) The location of the first flush device and cleaning eye prior draining to the rainwater tank to be shown on the ground floor stormwater plan. d) A sediment and erosion control plan to be provided. <p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
21	<p>Detailed Roof Drainage</p> <p>Prior to the issue of any Construction Certificate, a detailed roof drainage plan to be prepared by a qualified Civil Engineer designed in accordance with AS/NZS3500.3 2021 and 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.</p> <p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
22	<p>Certification and Connection to Existing Stormwater System</p> <p>Prior to the issue of the Construction Certificate, a registered plumber or other suitably qualified professional is to inspect, assess and certify the adequacy of the existing stormwater drainage system (including downpipes and roof gutters) on the site.</p> <p>If the existing stormwater system is certified as being functional (i.e., connected via gravity discharge to either the kerb & gutter or Bayside Council's underground stormwater drainage system or an approved on-site stormwater drainage system) then, all roof and surface stormwater run-off from the new addition shall be designed to connect to the existing stormwater system. Any damaged sections of the existing system are to be repaired/renewed as part of the development. Details shall be illustrated on the plans lodged with the Construction Certificate.</p>

	<p>If the existing stormwater drainage system is determined to be non-functional/non-existent, a new functional stormwater system shall be designed for the site by a suitably qualified civil engineer in accordance with Bayside Council's Stormwater Management requirements & AS 3500. This new system shall be constructed prior to the issue of the Occupation Certificate. All roof and surface run-off from the new addition shall connect to this new stormwater system.</p>
	<p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>

Before building work commences

23	Deliveries
	<p>While site work is being carried out, deliveries of material and equipment must only be carried out between –</p> <p>7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.</p>
	<p>Condition reason: To protect the amenity of neighbouring properties.</p>
24	Erosion and sediment controls in place
	<p>Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the Principal Certifier are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.</p>
	<p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
25	Tree protection measures
	<p>Before any site work commences, the Principal Certifier must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</p>
	<p>Condition reason: To protect and retain trees.</p>
26	Before You Dig Australia
	<p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact <i>Before You Dig Australia</i> at www.byda.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).</p> <p>If alterations are required to the configuration, size, form or design of the development upon</p>

	<p>contacting the <i>Before You Dig Australia</i> service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.</p> <p>It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the <i>Before You Dig Australia</i> service in advance of any construction or planning activities.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
27	<p>Dilapidation Report - Public Domain - Pre-Construction - Minor</p> <p>At the proposed point of construction site entry, a full photographic survey showing the existing conditions of Bayside Council's infrastructure shall be submitted to Bayside Council and the Principal Certifier. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the Applicant being liable for any construction related damages to these assets. Any damage to Bayside Council's infrastructure during the course of this development shall be restored at the Applicant's cost.</p> <p>Condition reason: To advise Council of, and provide Council with, the required dilapidation report.</p>

During building work

28	<p>Hours of work</p> <p>Site work must only be carried out between the following times:</p> <p>For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.</p> <p>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 or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
29	<p>Implementation of the site management plans</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.

	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
30	<p>Procedure for critical stage inspections</p> <p>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.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
31	<p>Responsibility for changes to public infrastructure</p> <p>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 provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
32	<p>Soil management</p> <p>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:</p> <ol style="list-style-type: none"> All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to the Principal Certifier. All fill material imported to the site must be: <ol style="list-style-type: none"> Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or a material identified as being subject to a resource recovery exemption by the NSW EPA; or a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
33	<p>Surveys by a registered surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ol style="list-style-type: none"> All footings / foundations in relation to the site boundaries and any registered and proposed easements

	b. At other stages of construction – any marks that are required by the principal certifier.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
34	<p>Approval and Permits under Roads Act and Local Government Act for Works Activities on Public Land</p> <p>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 <i>Roads Act 1993</i> and <i>Local Government Act 1993</i>. 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:</p> <ul style="list-style-type: none"> • 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

	<p>required by Applicants in order to access over or occupy Council land.</p> <ul style="list-style-type: none"> • 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 <i>Roads Act</i>. <p>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.</p> <p>Condition reason: To ensure appropriate permits are applied for and comply with the Roads Act 1993.</p>
35	<p>Approved Plans kept on Site</p> <p>A copy of the Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate 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>
36	<p>Construction Activities - Minimise Pollution</p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <p>(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</p> <p>(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</p> <p>(c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and</p>

	<p>(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</p> <p>(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</p> <p>(f) Windblown dust from stockpile and construction activities shall be minimised by one or more of the following methods:</p> <ul style="list-style-type: none"> (i) spraying water in dry windy weather, and (ii) cover stockpiles, and (iii) fabric fences. <p>(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</p> <p>(h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and</p> <p>(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</p> <p>(j) Access 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</p> <p>(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.</p> <p>Condition reason: To protect neighbourhood amenity and the quality of the waterways.</p>
37	<p>Demolition Requirements</p> <p>All demolition work shall be carried out in accordance with AS2601 – 2001. The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.</p>

	Condition reason: To comply with relevant Australian Standard and Work Cover requirements.
38	<p>Implementation of Soil and Water Management Plan</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
39	<p>Noise during Construction</p> <p>The following shall be complied with during construction and demolition:</p> <p>(a) Construction Noise</p> <p>Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>(b) Level Restrictions</p> <p>Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>(c) Out of hours work</p> <p>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.</p> <p>(d) Silencing</p> <p>All possible steps should be taken to silence construction site equipment.</p>

	Condition reason: To protect the amenity of the neighbourhood.
40	<p>Protection of Council's Property</p> <p>During demolition, 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 demolition, 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.</p> <p>Condition reason: To ensure public safety at all times and to protect the function and integrity of public infrastructure.</p>
41	<p>Site Fencing</p> <p>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.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
42	<p>Site Management - Principal Certifier Inspections</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect public safety and water quality around building sites.</p>
43	<p>Toilet Facilities</p> <ul style="list-style-type: none"> (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

	<p>additional toilet for every 20 persons employed at the site, and</p> <p>(b) Each toilet must:</p> <p>i. Be a standard flushing toilet connected to a public sewer, or</p> <p>ii. Have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</p> <p>iii. Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</p>
	Condition reason: To ensure compliance with the Local Government Act 1993.

Before issue of an occupation certificate

44	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.
	Condition reason: To ensure that an Occupation Certificate is obtained.
45	Certification of Acoustic Measures
	Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier that the acoustic measures have been installed in accordance with the Acoustic Report approved under this consent.
	Condition reason: To protect the amenity of the local area.
46	Repair of Infrastructure
	<p>Before the issue of an Occupation Certificate:</p> <p>(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</p> <p>(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.</p>

	Condition reason: To ensure any damage to public infrastructure is rectified.
47	<p>Release of Securities</p> <p>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.</p> <p>Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</p>
48	<p>Certification of New Stormwater System</p> <p>Prior to the issue of any Occupation Certificate, a qualified Civil Engineer must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. 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.</p> <p>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.</p> <p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
49	<p>Certification of Roof Drainage System</p> <p>Prior to the issue of any Occupation Certificate, a qualified Civil Engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes.</p> <p>The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.</p> <p>Condition reason: To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.</p>
50	<p>Rainwater Tank - Plumbing Certification</p> <p>Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all toilet flushing, the cold water tap that supplies the clothes washing machine and all external taps/landscape irrigations for non-potable stormwater re-use for the secondary dwelling.</p> <p>Condition reason: To ensure that the rainwater will be reused within the site in</p>

	accordance with this approval.
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Occupation and ongoing use

51	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. Condition reason: To protect waterways and minimise adverse impacts to the environment.
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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.

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.

DRAFT

25 JULY 2025

Statement of Environmental Effects

5 Alfred Street, Mascot NSW 2020

“Construction of a secondary dwelling above the existing garage, including a minor extension to the ground-level garage structure, which will form part of the newly proposed Fully Enclosed Covered Area (FECA)”.

Version 01

Applicant: Mr Mursel Sakalli



July 25, 2025

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INTRODUCTION

Statement of Environmental Effects

Subject Site: 5 Alfred Street, Mascot NSW 2020. Site zoning; R2 Low Density Residential, the title details: Lot 9 in Deposited Plan (DP) 3876, Section 7.

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Bayside Council for the construction of a secondary dwelling (granny flat) to be located at 5 Alfred Street, Mascot, NSW 2020 (hereafter referred to as the subject site).

This application is made pursuant to Section 4.15 of the State Environmental Planning and Assessment Act 1979, and has been prepared in accordance with the following planning instruments:

- State Environmental Planning Policy (Housing) 2021,
- The Bayside Local Environmental Plan 2021 (BLEP 2021),
- The Bayside Council Development Control Plan 2022 (BDCP 2022),
- Clause 2(4) of Schedule 1 of the Environmental Planning and Assessment Regulation 2021.

In accordance with the Environmental Planning and Assessment Regulation 2021, this SEE addresses the matters required by the Regulation:

- a) The environmental impacts of the development,
- b) How the environmental impacts of the development have been identified,
- c) Steps to be taken to protect the environment and minimise potential harm,
- d) Any matters required to be addressed in accordance with guidelines issued by the Secretary for the purposes of this clause.

The environmental impacts of the proposed development, including measures taken to protect or lessen the expected harm to the environment, are addressed throughout this report.

Overview of the Proposed Development

Development Type: Secondary dwelling (to be built above existing detached and isolated garage).

Location: Above the existing detached and isolated garage of the principal dwelling.

Scope of Works:

- Minor extension to the existing detached garage footprint,
- Construction of a secondary dwelling above detached garage,
- Internal reconfiguration and integration of existing garage FECA,
- Provision of independent access to the secondary dwelling above garage,
- Associated structural, plumbing, and electrical works to secondary dwelling.



Key Features:

- Minimal impact on streetscape and surrounding properties,
- Designed to maintain privacy and amenity for both dwellings,
- Compliant with relevant planning controls and development standards,
- Self-contained secondary dwelling; including living space, bathroom and kitchen areas.

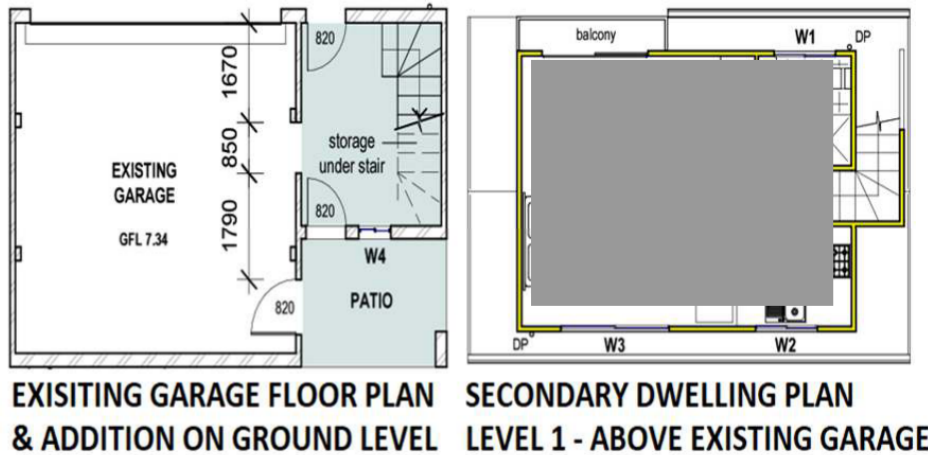


Figure 1 - Proposed ground floor garage extension with an upper-level secondary dwelling constructed above the existing garage footprint.

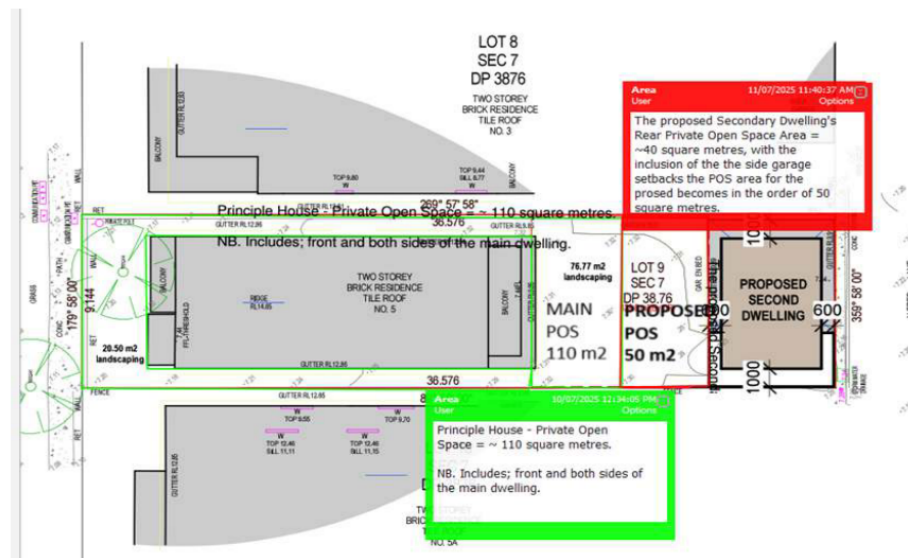


Figure 2 - The layout provides clearly defined private open space areas for both the existing principal dwelling and the proposed secondary dwelling, in accordance with the Bayside DCP 2022 requirements.



LOCALITY ANALYSIS

The locality surrounding 5 Alfred Street, Mascot NSW 2020 is characterised by a mix of residential dwellings and nearby commercial development, reflecting the area's evolving urban landscape. Located in Sydney's inner-south, Mascot offers a balance between urban convenience and a suburban lifestyle, making it an increasingly desirable location for both families and working professionals. The area benefits from close proximity to public transport, retail amenities, and employment hubs, contributing to its ongoing residential growth and appeal.

Surrounding Environment: The surrounding environment comprises a diverse mix of detached dwellings, townhouses, and multi-storey apartment buildings, reflecting the area's gradual urban consolidation. The streetscape is generally well-maintained, featuring established gardens and green spaces that contribute to a pleasant residential character. The locality also benefits from its proximity to Botany Bay, enhancing the area's natural amenity and overall appeal.

Accessibility: Mascot is well-served by a range of public transport options, including frequent bus routes along Botany Road and train services from Mascot Railway Station, providing direct connections to the Sydney CBD and surrounding suburbs. The area also benefits from its proximity to major arterial roads, offering convenient access to Sydney Airport, the city centre, and the broader Sydney metropolitan area, making it highly accessible for both residents and visitors.

Amenities: Residents of Mascot enjoy access to a wide range of local amenities, including reputable schools such as Mascot Public School and J. J. Cahill Memorial High School. The area also features numerous parks, shops, cafés, and restaurants, contributing to a vibrant and convenient lifestyle for the local community. Additionally, larger shopping centres and recreational facilities are located within a short drive, catering to a variety of household needs and lifestyle preferences.

Community Features: Mascot offers a vibrant and inclusive community atmosphere, supported by a range of cultural and recreational activities. Community engagement is actively encouraged through local events and initiatives, contributing to a strong neighbourhood identity. The suburb is also well-equipped with recreational facilities, including parks, children's playgrounds, and open spaces that cater to the needs of families and residents of all ages.

Future Development Potential: Mascot demonstrates strong potential for future residential development, supported by ongoing infrastructure upgrades and government initiatives aimed at increasing housing supply within Sydney's inner suburbs. The local council encourages well-considered development that enhances the existing neighbourhood character, while ensuring the provision of adequate green spaces, community amenities, and sustainable urban design outcomes.

Overall, 5 Alfred Street is situated in a dynamic and well-connected locality, offering a broad range of amenities and strong community features. This makes it a suitable and supportive environment for the proposed secondary dwelling, while also aligning with the area's potential for long-term growth and development.

The development proposal for the site at 5 Alfred Street, Mascot, involves the construction of a secondary dwelling (granny flat) above the existing detached double garage with rear lane access similar to the approved granny flat development next door at 5A Alfred Street. This initiative aims to provide flexible accommodation options, enhancing the utility and value of the site while adhering to applicable planning controls and respecting the local character.



OVERVIEW OF EXISTING CONDITIONS OF ORIGINAL DEVELOPMENT

The existing subject site is located at 5 Alfred Street, Mascot NSW 2020. The current site zoning is classified as an R2 - Low Density Residential, and the title details are noted as Lot 9 in Deposited Plan (DP) 3876, Section 7.

The subject site is located at the eastern side of Alfred Street between King Lane to the north, Hollingshed Street to the south and Alfred Lane to the east.

The site is regular in shape with an area of 334.59 m², and a 9.14m frontage to Alfred Street. The site is relatively flat and currently accommodates a two-storey brick dwelling house, and a detached brick double garage with access to Alfred Lane at the rear.

The land is categorised as Acid Sulfate Soil Class 4, and is located within the 25-30 Australian Noise Exposure Forecast Contour (2033) for aircraft noise. Adjoining the site to the north is a two-storey brick dwelling with tile roof (No. 3), with another two-storey brick dwelling with tile roof (No. 5A) to the south. Number 5A Alfred has an approved secondary dwelling above a detached rear double-garage (refer to Figure 6). Alfred Street is characterised by narrow residential allotments (9m-10m), one and two- storey dwellings and garages located along Alfred Lane.



Figure 3 - Site and Locality layout (site highlighted in yellow).



Figure 4 - Front view from Alfred Street of the subject site.



Figure 5 - Rear view from Alfred Lane of the southern neighbouring lot number 5A Alfred Street. This is an approved secondary dwelling above an existing double garage (highlighted in red).





Figure 6 - Rear view from Alfred Lane of the subject site (number 5 Alfred Street). An existing garage (highlighted in green). Proposed to similarly do as the adjoining site 5A Alfred Street.

The subject site is not heritage listed, nor is it located in proximity to any heritage items or heritage conservation areas under the Bayside Local Environmental Plan 2021.

The original Development Application, approved approximately 25 years ago, permitted the construction of a two-storey primary dwelling and a detached garage with a Floor Space Ratio (FSR) of 0.65:1. It was deemed that the reported total built area was approximately 241.85 m².

To confirm compliance with current planning controls, the applicant has engaged Quantum QS, a Chartered and Certified Quantity Surveying firm, to undertake an independent assessment of the LEP Gross Floor Area (GFA) in accordance with:

- The Australian Institute of Quantity Surveyors (AIQS) Measurement Guidelines
- The Property Council of Australia's Method of Measurement
- Relevant definitions under the LEP and Bayside Local Environmental Plan 2021

Following this assessment, the total LEP-compliant Gross Floor Area (GFA) has been accurately identified as approximately 196.22 m², which is significantly less than the originally declared DA area of 241.85 m² (refer to the following measured schedule of areas (SoA) for further details).

The proposed extension to the existing ground floor garage - comprising an entry foyer and storage area for the secondary dwelling - has a floor area of approximately 5.79 m², excluding the staircase void. Combined with the existing garage area of 33.29 m², the total garage Fully Enclosed Covered Area (FECA) at ground level is approximately 39.08 m².

As these spaces are non-habitable and serve ancillary functions, they are excluded from the GFA calculation in accordance with the definition of GFA under the Bayside Local Environmental Plan 2021 (BLEP 2021). These areas are considered within the maximum permitted garage area of 40 m² and therefore do not contribute to GFA for the purpose of Floor Space Ratio (FSR) compliance.





SCHEDULE OF AREAS (SOA) GROSS FLOOR AREA ANALYSIS

The area analysis is tabulated below which is measured in accordance with the following:

- The Australian Institute of Quantity Surveyors (AIQS) Measurement Guidelines,
- The Property Council of Australia's – the Method of Measurement & Guidelines,
- This supports compliance with FSR relevant definitions and controls under BLEP 2021.

Under the Standard Instrument LEP definition - which applies to Bayside LEP 2021 - car parking areas required by Council (including the access to that parking) are explicitly excluded from Gross Floor Area (GFA) calculations. This means spaces for garages and associated access are not counted towards Floor Space Ratio (FSR), even if they form part of a building envelope.

In addition, plant rooms, basements used for parking/storage, lift shafts, stairwells, and unenclosed balconies, terraces, or voids under 1.4 m high are also excluded. Bayside Council also supports this approach in practice, typically allowing up to 40 m² of garage/car parking area to be excluded from GFA for residential developments. As a result, the proposed secondary dwelling above an existing garage, including a slight extension for storage, can be classified as non-GFA up to that limit. This supports compliance with FSR controls under BLEP 2021.

In short, non-habitable, service, and outsourced open structural elements are not counted toward GFA. Only enclosed habitable floor areas are included, which helps reduce the calculation for things like voids, stairs, parking, and outdoor living spaces.

Therefore the total LEP-GFA with the proposed secondary dwelling as a rounded footprint is ~229 m² which based on the site areas equates to 0.68:1 which is under the maximum allowable FSR ratio of 0.70:1.

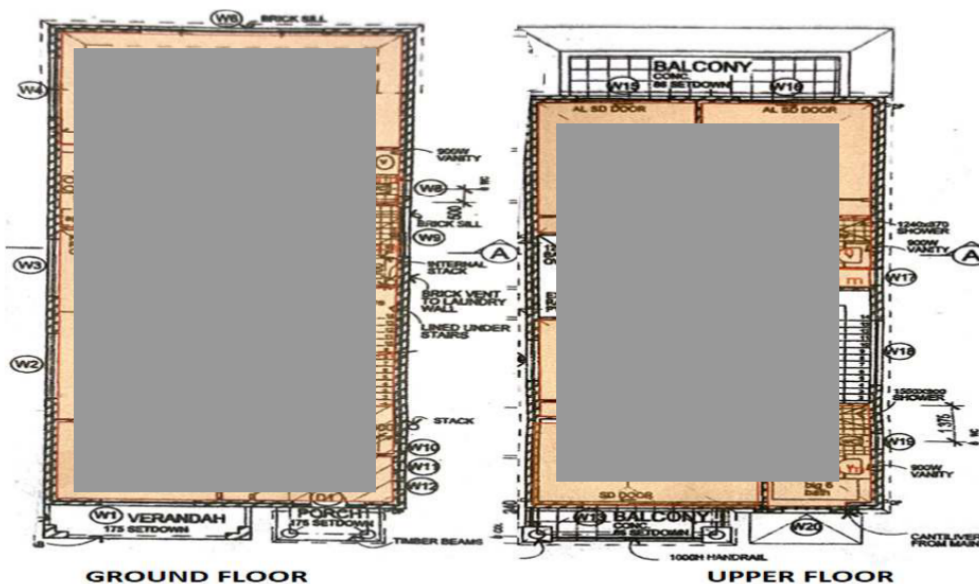
Functional Areas	FECA (Garage) (/m ²)	FECA Living/Habitable (/m ²)	UCA (Porch/Balcony) (/m ²)	Total Built Area (FECA + UCA) (/m ²)
Ground Floor (GF) – Existing	33.29	111.75	4.76	149.80
First Floor (FF) – Existing	-	84.47	11.86	96.33
TOTAL LEP-GFA EXISTING SPACE	33.29	196.22	16.62	246.13
Ground Floor - Newly Proposed	5.79 <i>*EXCLUDES STAIR VOID & PATIO</i>	32.51	1.32	39.62
TOTAL (rounded)	39	229	18	286



Measurement Notes:

F.E.C.A (Fully Enclosed Covered Area): The sum of all such areas at all building floor levels, including basements (except unexcavated portions), floored roof spaces and attics, garages, penthouses, enclosed porches and attached enclosed covered ways alongside building, equipment rooms, lift shafts, vertical ducts, staircases and any other fully enclosed spaces and useable areas of the building, computed by measuring from the normal inside face of exterior walls but ignoring any projections such as plinths, columns, piers and the like which project from the normal inside face of exterior walls. It shall not include open courts, light wells, connecting or isolated covered ways and net open areas of upper portions of rooms, lobbies, halls interstitial spaces and the like which extend through the storey being computed U.C.A (Unenclosed Covered Area):

The sum of all such areas at all building floor levels, including roofed balconies, open veranda's, porches and porticos, attached open covered ways alongside buildings, under-crofts and useable space under buildings, unenclosed access galleries (including ground floor) and any other trafficable covered areas of the building which are not totally enclosed by full height walls, computed by measuring the area between the enclosing walls or balustrade (i.e. from the inside face of the UCA excluding the wall or balustrade thickness). When the covering element (i.e. roof or upper floor) is supported by columns, is cantilevered or is suspended, or any combination of these, the measurements shall be taken to the edge of the paving or to the edge of the cover, whichever is the lesser. UCA shall not include eaves overhangs, sun shading, awnings and the like where these do not relate to clearly defined trafficable covered areas, nor shall it include connecting or isolated covered ways.



Figures 7 - 5 Alfred Street's - Original construction drawings circa 2000.

RECENTLY APPROVED SIMILAR DEVELOPMENT APPLICATION AT NEARBY SITES

Planning History - 5A Alfred Street Mascot:

- On 7 November 2000, development consent DA-2000/483 was granted by Council for the construction of a two-storey dwelling and detached garage to the rear of the property.
- On 28 May 2014, development consent DA-2013/204 was granted for the construction of a garage with a first-floor study.
- On 11 January 2019, development consent DA-2018/1064 was granted for alterations and additions to the existing outbuilding, including the conversion of the first-floor study into a secondary dwelling.

Note: The 2019 consent included a non-compliant Floor Space Ratio (FSR) exceedance. Additionally, the site is identified as flood-affected, and the existing Finished Floor Level (FFL) of the garage is below the 1% AEP flood level.

Planning History – 17 Alfred Street Mascot:

- On 20 January 2016, development consent DA-2015/105 was granted by Council for alterations and additions to the rear of the existing dwelling.
- On 27 February 2018, development consent DA-2017/1181 was granted by Council for alterations and an attic addition to the existing dwelling.

Planning History – 63 Alfred Street Mascot:

- On 22 March 2018, development consent DA-2017/1215 was granted by Council for the construction of a new two-storey dwelling with a detached rear double garage, including an attic over the garage.

Other nearby residential properties within a 300-metre radius of the subject site have received approval for secondary dwellings constructed above existing garages. As supporting evidence, we are providing the relevant property addresses and photographic captures below for reference (refer to figures 7-15).



Figures 8 & 9 - 5A Alfred St. (red), secondary dwelling above garage – southern neighbouring site (green).



Figure 10 - 154 King Street, secondary dwelling above garage – this is circa 50m away from subject site.



Figure 11 – 63 Frogmore St (red) and 67 Alfred St (green), the secondary dwellings are built above garage.



Figure 12 – 63 Alfred Street, approved attic above the existing garage (red).



Figure 13 - 67 Hardie Street, secondary dwelling above the garage, eastern view from Hardie Lane.



Figure 14 – 32 Johnson Street, secondary dwelling above the garage, western view from Hardie Lane.



Figure 15 – 68 Hardie Street, secondary dwelling above the garage, western view from Botany Lane.



DEVELOPMENT PROPOSAL

This Statement is prepared in support of the proposed alterations and additions to existing detached rear double-garage proposed new Secondary Dwelling above the existing garage.

The Proposed Alterations and Additions: The proposed secondary dwelling is a compact one-bedroom granny flat with a building height (above the garage) 5.82m well below the 9m height restriction for the site. It is designed to align with the local character and comply with applicable planning controls. The internal layout optimises available space and includes essential amenities such as a kitchen, living area, and bathroom. In addition, private open space of 50 m² meets compliance and is incorporated into the design to improve amenity and enhance the overall living experience for future occupants.

The principal dwelling's existing building footprint remains unchanged. The numerical elements of the proposal are as below. The LEP-GFA for existing and proposed have been calculated by Quantum QS:

- Site area: 334.59 m², (max. FSR classified as site area "H" is 0.70:1 = 234.21 m², Sheet FSR 008,
- Existing LEP GFA as calculated by Quantum QS: **196.22 m²**, original declared as 241.85 m²,
- Proposed LEP GFA as calculated by Quantum QS: **32.51 m²**. The total Proposed LEP-GFA is calculated as: **228.73 m²** (includes existing and the new proposed new floor area of 32.51 m².
- Therefore, the proposal complies with the FSR and LEP-GFA calculations.

This SEE should be read in conjunction with Design Plans prepared by Draft and Design submitted with the Development Application (DA).

Ground Floor Level (Garage) - at the rear of the site between the existing principal dwelling and the existing detached garage

- Retain existing detached double-garage as current with minor alteration and addition works,
- Minor alterations and additions are proposed to provide access to the secondary dwelling via a separate staircase, with a storage area beneath the upper garage level to support entry and functionality. A patio area is also included to complete the entrance from the rear of the principal dwelling to the garage.

First Floor Level (Above Garage) - New Secondary Dwelling above existing rear detached garage

- Newly constructed staircase at the rear of the property, accessed from Alfred Lane, providing entry to the proposed secondary dwelling which consists of the following functional areas:
 - Kitchen, Bathroom and Living space, with a small balcony looking over Alfred Lane.

Following this assessment, the total LEP-compliant Gross Floor Area (GFA) has been accurately identified as approximately 196.22 m², which is significantly less than the originally declared DA areas of 241.85 m² (refer to the attached measurement and Schedule of Areas (SoA) for further details).

The proposed extension to the existing ground floor garage - comprising an entry foyer and storage area for the secondary dwelling - has a floor area of approximately 5.79 m², excluding the staircase void. Combined with the existing garage area of 33.29 m², the total garage Fully Enclosed Covered Area (FECA) at ground level is approximately 39.08 m².



As these spaces are non-habitable and serve ancillary functions, they are excluded from the GFA calculation in accordance with the definition of GFA under the Bayside Local Environmental Plan 2021 (BLEP 2021). These areas are considered within the maximum permitted garage area of 40 m² and therefore do not contribute to GFA for the purpose of Floor Space Ratio (FSR) compliance.

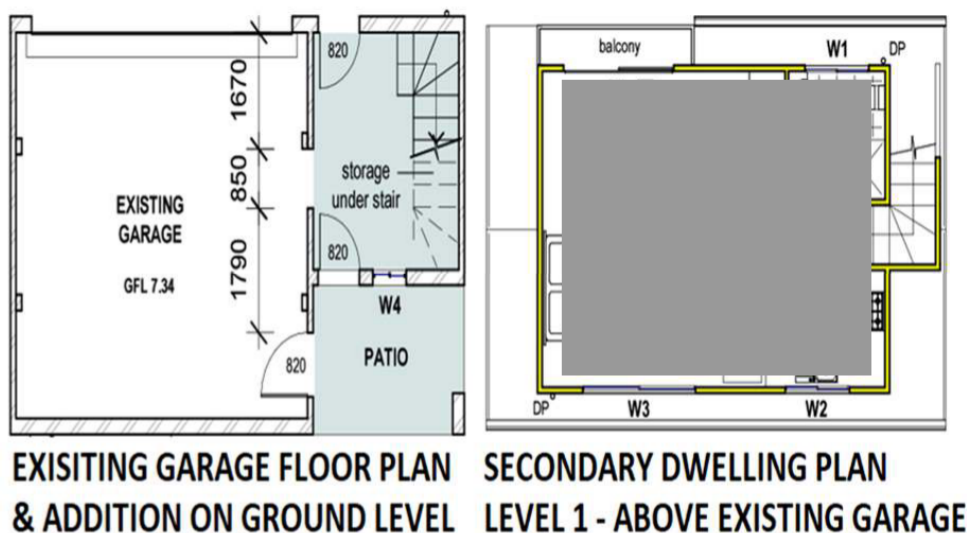


Figure 16 - Proposal of the new works.

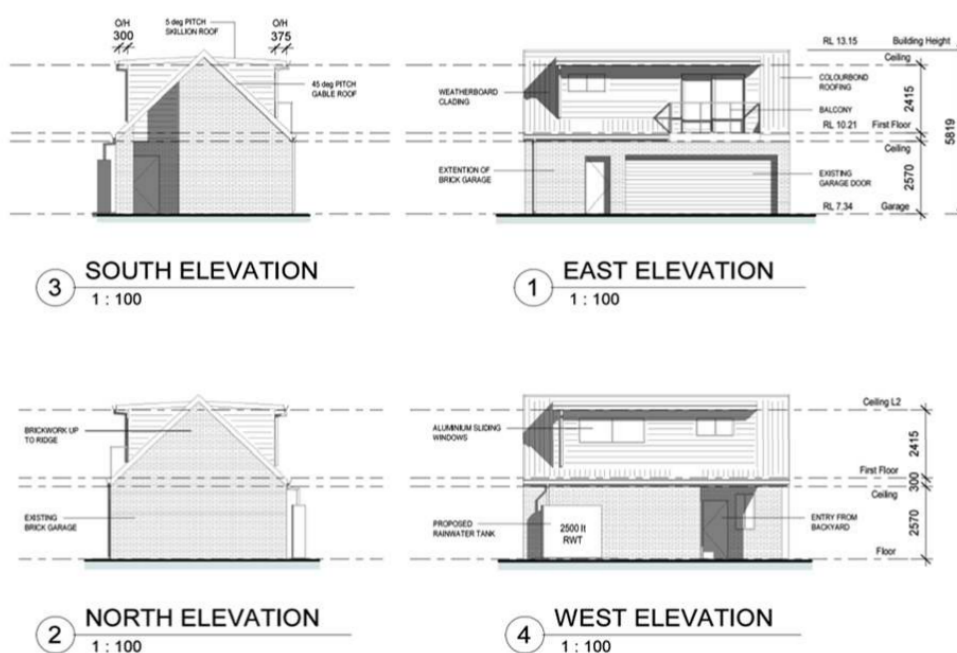


Figure 17 - Elevations of the proposal structure.

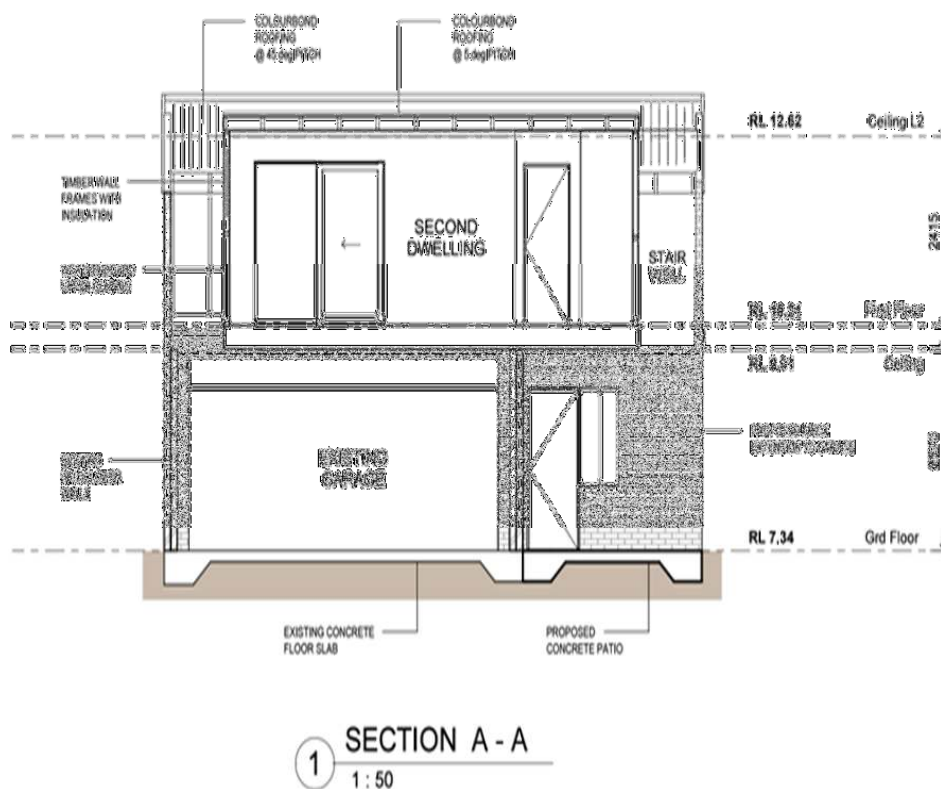


Figure 18 - Section A-A of the proposal.

Impact on Streetscape and Neighbourhood Character: The proposed secondary dwelling has been thoughtfully designed to integrate harmoniously with the existing streetscape, using materials and finishes that reflect the character of surrounding residences. Its modest scale and considered architectural form minimise visual impact, maintaining existing sightlines and protecting the amenity of neighbouring properties. In addition, proposed landscaping treatments will enhance the overall appearance of the site, contribute positively to the streetscape, and support a cohesive neighbourhood character.

Environment and Heritage Considerations: The subject site is not located within a designated bushfire-prone area, thereby reducing environmental risk associated with bushfire hazards. Furthermore, the proposed development does not impact any heritage-listed properties and has been designed to respect the character and values of the local area, ensuring that no adverse effects arise in relation to historically or culturally significant elements of the suburb.

Conclusion: In summary, the proposal for a secondary dwelling at 5 Alfred Street, Mascot complies with all relevant planning controls and supports the objective of providing increased housing diversity within the community. Through a design approach that is responsive to site conditions, neighbourhood character, and environmental context, the development aims to deliver a high-quality living space that contributes positively to both the subject site and the broader Mascot locality.



RELEVANT PLANNING ASSESSMENT AND INSTRUMENTS

The application is to be assessed against the relevant Environmental Planning Instruments below:

RELEVANT PLANNING INSTRUMENTS

1. Environmental Planning & Assessment Act (1979)
2. Environmental Planning & Assessment Regulations (2021)
3. State Environmental Planning Policy (Housing) 2021
4. Bayside Local Environmental Plan 2021

And the following Local Provisions:

RELEVANT LOCAL PLANNING INSTRUMENTS

5. Bayside Council Development Control Plan 2022

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Section 25 – Concurrences and/or Approvals

Pursuant to Section 25 of the Environmental Planning and Assessment Regulation 2021, no additional state-level concurrences or approvals are required for the proposed secondary dwelling (granny flat) at 5 Alfred Street, Mascot NSW 2020, beyond the standard local council approval.

Section 27 – BASIX™

In accordance with Section 27 of the Environmental Planning and Assessment Regulation 2021, the proposed development at 5 Alfred Street, Mascot NSW 2020 does not trigger the threshold for requiring a BASIX Certificate. However, the applicant has attained a certificate for Basix™ (refer to Figure 19).

BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Single Dwelling

Certificate number: 1801425S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.planningportal.nsw.gov.au/definitions

Secretary
Date of issue: Wednesday, 25 June 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



Project summary		
Project name	BEST BUILD - 5 ALFRED ST	
Street address	5 ALFRED Street MASCOT 2020	
Local Government Area	Bayside Council	
Plan type and plan number	Deposited Plan DP3876	
Lot no.	9	
Section no.	7	
Project type	dwelling house (attached) - secondary dwelling	
No. of bedrooms	1	
Project score		
Water	✔ 40	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 72	Target 68
Materials	✔ 60	Target n/a

Figure 19 – Basix™ Certificate Number 1801425S.





PLANNING LEGISLATION (EPA ACT, 1979)

The Environmental Planning & Assessment Act 1979 (EP&A Act) establishes the overarching regulatory framework for land use planning and development assessment in New South Wales. It includes provisions for the consideration of the following key matters:

- Section 1.7 – Threatened Species and Biodiversity Impacts
- Section 4.15 – Evaluation of Development Applications
 - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
 - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
 - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
 - Section 4.15(1)(a)(iia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
 - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
 - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development; o Section 4.15(1)(c) - The suitability of the site for the development;
 - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
 - Section 4.15(1)(e) - The public interest.
- Section 4.46 - Integrated Development.

SECTION 1.7 OF THE EP&A ACT, 1979

The EP&A Act contains provisions designed to ensure both the threatened species legislation as well as any approvals required under other legislation (known as integrated development) are considered as part of a single development assessment process. The provisions as they apply to the proposed development are discussed below.

BIODIVERSITY IMPACTS

Section 1.7 of the EP&A Act requires consideration as to whether a proposed development will have a significant effect on threatened species, populations or ecological communities relating to terrestrial and/or aquatic environments. Given the relative minor nature of the proposal (alterations & additions to existing double garage, including new Secondary Dwelling above) within a suburban environment, it is considered that the proposed development will not have a significant effect on threatened species, populations or ecological communities.

SECTION 4.46 OF THE EP&A ACT, 1979

Section 4.46 (formerly Section 91) of the Act details requirements for development known as “integrated development” which require a separate/additional approval from other government agencies and related legislation. The development is not “integrated development” as indicated by the table below:





Legislation	✓✗	Legislation	✓✗
Coal Mine Subsidence Compensation Act 2017	✗	Protection of the Environment Operations Act 1997	✗
Fisheries Management Act 1994	✗	Petroleum (Onshore Act) 1991	✗
Heritage Act 1977	✗	Roads Act 1993	✗
Mining Act 1992	✗	Rural Fires Act 1997	✗
National Parks & Wildlife Act 1974	✗	Water Management Act 2000	✗

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 – SCHEDULE 2

This Statement of Environmental Effects (SEE) has been prepared to assess the environmental, social, and economic impacts of the proposed development. It addresses the relevant matters set out in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), including consideration of the principles of ecologically sustainable development (ESD).

In accordance with Clause 7(4) of Schedule 2 of the EP&A Regulation, the four key principles of ecologically sustainable development that must be considered in the assessment of a development are:

1. The precautionary principle – where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
2. Inter-generational equity – the present generation should ensure the health, diversity, and productivity of the environment is maintained or enhanced for future generations.
3. Conservation of biological diversity and ecological integrity – the diversity of living organisms and ecosystems must be conserved.
4. Improved valuation, pricing, and incentive mechanisms – environmental factors should be included in the valuation of assets and services, including considering the costs of environmental degradation.

1. PRECAUTIONARY PRINCIPLE

The Precautionary Principle applies in situations where there is uncertainty about the potential for serious or irreversible environmental harm. It provides that the absence of full scientific certainty should not be used as a reason to delay measures to prevent environmental degradation.

This principle requires a thorough evaluation of potential environmental impacts to avoid, wherever practicable, significant or irreversible harm. In this case, given the minor scope of the proposal - comprising alterations and additions to an existing double garage and the construction of a new secondary dwelling above - the proposal does not present any identified risk of serious or irreversible environmental damage. Accordingly, the precautionary principle is considered not applicable to this development.





2. INTERGENERATIONAL EQUITY

Inter-generational Equity focuses on ensuring that the health, diversity, and productivity of the environment are preserved or enhanced for the benefit of future generations. This proposal has been designed with that objective in mind, offering benefits to both current and future residents through the following measures:

Retention and enhancement of existing structures: The existing principal dwelling is preserved for ongoing enjoyment, while the detached garage is upgraded and value-added through the construction of a minor additional floor area above - consistent with other Council-approved developments in the locality (i.e. secondary dwellings above rear lane garages).

Minimisation of environmental impact: By largely retaining and reusing the existing built form, the proposal avoids unnecessary demolition and reduces construction waste, contributing to sustainable resource management.

Support for local employment and sustainability: The development will create short-term construction jobs and is well-located in proximity to public transport, supporting broader environmental and economic sustainability goals.

The proposal integrates short- and long-term environmental, economic, and social considerations to avoid placing undue burden on future generations. Potential long-term issues, such as waste management, have been considered and will be addressed through appropriate construction planning, environmental safeguards, and conditions of consent imposed by Council.

3. CONSERVATION OF BIOLOGICAL DIVERSITY AND ECOLOGICAL INTEGRITY

This principle affirms that the conservation of biological diversity and ecological integrity must be a fundamental consideration in land use planning and development.

The proposed development is located within an already urbanised residential setting and does not affect any identified environmentally sensitive areas, threatened species, or ecologically significant vegetation. As such, the proposal is not expected to have any adverse or measurable impact on the biological diversity or ecological integrity of the subject site or its surroundings. Accordingly, the principle of biological diversity has been considered and satisfied in the context of this proposal.

4. IMPROVED VALUATION, PRICING AND INCENTIVE MECHANISMS

This principle requires the proper consideration of all environmental resources potentially affected by a proposal, including air, water, land, and biodiversity. It emphasises that environmental costs should be factored into planning and decision-making processes.

In line with this principle, the proposed development incorporates mitigation measures aimed at avoiding, reducing, reusing, and recycling waste throughout the construction phase. These strategies ensure that natural resources are utilised efficiently and responsibly from the outset.

Furthermore, additional safeguards will be implemented to ensure that environmental resources in the locality are not adversely impacted during either the construction or operational stages of the development. These measures will be supported by appropriate conditions of consent imposed by Council, ensuring long-term environmental accountability and compliance.





SECTION 4.15 OF THE EP&A ACT, 1979

The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters as detailed below:

ENVIRONMENTAL PLANNING INSTRUMENTS, DCPS AND PLANNING AGREEMENTS

The proposed development is subject to the provisions of the following Environmental Planning Instruments (EPIs), which have been considered in the assessment of this application:

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- Bayside Local Environmental Plan 2021 (BLEP 2021)

An assessment of the merits of the proposed development against the applicable controls of the above EPIs is detailed in this Statement below:

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 came into force on 1 October 2023, replacing the former SEPP (BASIX) 2004. This SEPP aims to minimise the consumption of energy and mains-supplied potable water, reduce greenhouse gas emissions, and ensure improved thermal performance of buildings.

The policy encourages the design and delivery of more sustainable buildings across NSW by setting sustainability standards for both residential and non-residential developments. It also introduces the process of measuring and reporting on the embodied emissions of construction materials, thereby promoting more environmentally responsible construction practices.

SEPP 2022 provides a consistent framework for the implementation of BASIX and the assessment of building sustainability throughout the State. In compliance with these requirements, a BASIX Certificate (No. 1801425S – Refer to Figure 19) has been prepared and is submitted with this Development Application.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The former SEPP (Vegetation in Non-Rural Areas) 2017 has been repealed and its provisions incorporated into Chapter 2 (Vegetation in Non-Rural Areas) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. This chapter continues to regulate the clearing of native vegetation on urban land and land zoned for environmental conservation or management that does not require development consent.





The provisions apply to:

- Clearing of native vegetation above the Biodiversity Offset Scheme (BOS) threshold, which requires approval from the Native Vegetation Panel under the Local Land Services Amendment Act 2016; and
- Clearing below the BOS threshold, which may require a permit from Council if the vegetation is identified in the local Development Control Plan (DCP).

In this case, there are no existing trees on the site that are affected by the proposed development, and no tree removal is required. Accordingly, the proposal is considered to comply with the relevant provisions of the SEPP and Council's DCP.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The State Environmental Planning Policy (Housing) 2021 ("Housing SEPP") commenced on 26 November 2021, with the objective of facilitating the delivery of more affordable and diverse forms of housing across New South Wales. This consolidated SEPP replaces and repeals five previous housing-related SEPPs, specifically:





- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP),
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP),
- State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) (SEPP 70),
- State Environmental Planning Policy No. 21 – Caravan Parks, and,
- State Environmental Planning Policy No. 36 – Manufactured Home Estates.

The Housing SEPP introduces two new housing typologies - co-living housing and independent living units - to promote innovative and flexible housing options.







Chapter 3 – Diverse Housing, Part 1 – Secondary Dwellings, of the Housing SEPP contains provisions directly relevant to the subject application. These provisions facilitate the development of secondary dwellings (granny flats) on lots in residential zones, subject to development standards related to building height, setbacks, site coverage, and access.

This proposal for a secondary dwelling at 5 Alfred Street, Mascot complies with the objectives and controls outlined under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The development meets all relevant requirements for secondary dwellings, including appropriate building height, floor area, setbacks, private open space provision, and access arrangements. The design aligns with the Housing SEPP's aim to provide diverse and affordable housing options while maintaining the existing neighbourhood character and amenity. Consequently, the proposal is consistent with the policy's intent and planning controls for secondary dwellings in the locality.







State Environmental Planning Policy (Housing) 2021 – Chapter 3 (Diverse Housing), Part 1 Secondary Dwellings			
Clause	Development Standards	Proposed Development	
49	Definitions		
	In this Part – development for the purposes of a secondary dwelling includes the following: (a) the erection of, or alterations or additions to: (i) a secondary dwelling, or (ii) an ancillary structure within the meaning of Schedule 2, (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling. residential zone means the following land use zones or an equivalent land use zone: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone R5 Large Lot Residential	The development is consistent with the definitions – see below for details.	
50	Application of Part		
	This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	The development for erection of a new secondary dwelling detached to the existing principal dwelling within the R2 Low Density Residential zone, and development for the purposes of a dwelling house is permissible under the provisions of Bayside Local Environmental Plan 2021. Therefore, Chapter 3 Part 1 of the Housing SEPP applies to the subject land.	
51	No Subdivision		
	This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling and ancillary development (within the meaning of Schedule 1).	Subdivision is not proposed by this development application (DA).	



State Environmental Planning Policy (Housing) 2021 – Chapter 3 (Diverse Housing), Part 1 Secondary Dwellings			 
Clause	Development Standards	Proposed Development	
52	Development may be carried out with consent		
52 (1)	(1) Development to which this Part applies may be carried out with consent.	As detailed above, the development satisfies the matters prescribed by Clauses 49 & 50 of the SEPP, and accordingly is development which may be carried out with consent.	
	(2) Development consent must not be granted for development to which this Part applies unless:	The development would result in only the principal dwelling and the secondary dwelling being on the land.	
	(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and	Under clause 4.4 of Bayside Local Environmental Plan 2021 (BLEP), the site has a floor space ratio (FSR) control of 0.7:1. The total LEP- Gross Floor Area (GFA) of both the principal dwelling and the secondary dwelling will be well below the FSR i.e. the proposed development will have a total LEP GFA of ~228.73 m ² . This is made up of the principle dwelling of ~196.22 m ² and the proposed granny flat ~32.51 m ² , (refer to calculations noted under schedule of areas). This equates to a total FSR of 0.68:1 for the site.	
	(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and		
	(c) the total floor area of the secondary dwelling is:		
	(i) no more than 60m ² , or		
	(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument - the greater floor area.	The total LEP GFA of the secondary dwelling is ~ 32.51m ² which does not exceed the maximum floor area allowed under the provisions of the SEPP or BLEP 2021. Refer to BLEP 2021 section of this Statement for more details.	



State Environmental Planning Policy (Housing) 2021 – Chapter 3 (Diverse Housing), Part 1 Secondary Dwellings				 
Clause	Development Standards	Proposed Development		
53	Non-discretionary development standards			
	<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies:</p> <p>(a) for a detached secondary dwelling - a minimum site area of 450m²,</p> <p>(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>	<p>Noted. Clause 53(1) only provides a standard for the consent authority where if complied with, prevent the consent authority from requiring more onerous standards. These standards do not impose a minimum numerical requirement that must be complied with. Accordingly, the consent authority can still approve an Application for a secondary dwelling even in instances where the DA does not meet those provisions. The relevant provisions in these clauses need to be considered on merit if the proposal reasonably satisfies the performance criteria</p> <p>Referencing Clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006, as applied in the Bayside Local Environmental Plan (BLEP) 2021, allows consent authorities to grant development consent even if a proposed development contravenes a development standard, provided certain conditions are met. This clause aims to provide flexibility in development standards and achieve better outcomes in specific circumstances.</p> <p>The development for a secondary dwelling detached from the existing principal dwelling, and the site area is 334.59 m². It is noted that other secondary dwellings DAs have been approved at neighbouring properties which have similar design (e.g. above rear lane garage) with similar site area.</p> <p>No additional parking is proposed. The proposal retains the existing parking situation i.e. 2- parking spaces can be accommodated under the existing double garage. There are also good availability of parking on the surrounding streets.</p>	<p>N/A</p> <p></p> <p></p>	

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT & INFRASTRUCTURE) 2021 SEPP

The State Environmental Planning Policy (Transport and Infrastructure) 2021 repeals and replaces four former SEPPs, including the former SEPP (Infrastructure) 2007, with the objective of facilitating the effective delivery of infrastructure across New South Wales. This policy streamlines the planning and approval process for essential infrastructure projects and ensures they are integrated efficiently within existing and proposed developments. In relation to the proposed secondary dwelling at 5 Alfred Street, Mascot, the relevant considerations under this SEPP include access to public transport, proximity to existing infrastructure (such as roads and utilities), and potential impacts on surrounding transport networks. The proposal is well located in terms of public transport accessibility and does not adversely impact any existing infrastructure, thereby satisfying the intent and provisions of the Transport and Infrastructure SEPP.

- Clause 2.47: The proposal does not involve works within the vicinity of electricity infrastructure; therefore, this clause does not apply.
- Clause 2.118: The subject site is not located on land reserved as a proposed classified road; hence, this clause is not applicable.
- Clause 2.119: The site does not have frontage to a classified road (refer to Figure 20), and is therefore not subject to this clause.
- Clause 2.120: There is no published traffic volume data for Alfred Street on the Transport for NSW (TfNSW) website. Accordingly, it is assumed the traffic volume is below the threshold (Clause 2), and this clause does not apply.
- Clause 2.122: The proposal is not defined as "traffic-generating development" under Schedule 3 of the SEPP and is therefore not subject to referral to TfNSW (refer to Figure 21).

Therefore, the proposal is considered to satisfy the relevant objectives and provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The development will not adversely impact existing infrastructure, transport operations, or road safety and efficiency in the locality.

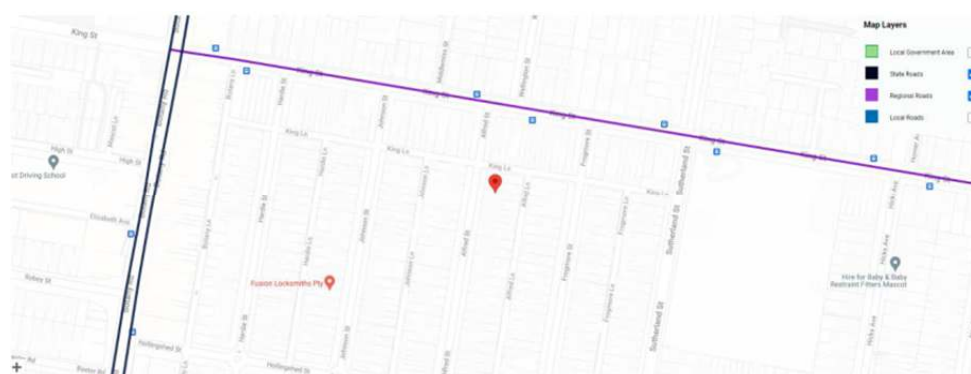


Figure 20 – RMS Classified (State & Regional) Roads map (subject site is identified with the red bubble).



Column 1	Column 2	Column 3
Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Airports or heliports	Any size or capacity	Any size or capacity
Car parks (whether or not ancillary to other development)	200 or more car parking spaces	50 or more car parking spaces
Commercial premises (other than premises specified elsewhere in this table)	10,000m ² in gross floor area	2,500m ² in gross floor area
Food and drink premises (other than take away food and drink premises with drive-through facilities)	Car parking for 200 or more motor vehicles	500m ² in gross floor area
Freight transport facilities	Any size or capacity	Any size or capacity
Hospitals	200 or more beds	100 or more beds
Industry	20,000m ² in site area or (if the site area is less than the gross floor area) gross floor area	5,000m ² in site area or (if the site area is less than the gross floor area) gross floor area
Liquid fuel depots	8,000m ² in site area or (if the site area is less than the gross floor area) gross floor area	8,000m ² in site area or (if the site area is less than the gross floor area) gross floor area
Residential accommodation	300 or more dwellings	75 or more dwellings
Service stations without heavy vehicle refuelling or maintenance services	Any size or capacity	Any size or capacity
Service stations with heavy vehicle refuelling or maintenance services	Any size or capacity	Any size or capacity
Shops	2,000m ² in gross floor area	500m ² in gross floor area
Subdivisions of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments
Take away food and drink premises with drive-through facilities	200 or more motor vehicles per hour	Any size or capacity
Transport depots	8,000m ² in site area or (if the site area is less than the gross floor area) gross floor area	8,000m ² in site area or (if the site area is less than the gross floor area) gross floor area
Warehouse or distribution centres	8,000m ² in site area or (if the site area is less than the gross floor area) gross floor area	8,000m ² in site area or (if the site area is less than the gross floor area) gross floor area
Waste or resource management facilities	Any size or capacity	Any size or capacity
Any other purpose	200 or more motor vehicles per hour	50 or more motor vehicles per hour

Figure 21 – Schedule 3 Traffic-generating development to be referred to TfNSW.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Former SEPP 55 – Remediation of Land / SEPP (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land. The State Environmental Planning Policy (Resilience and Hazards) 2021 repeals the former State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and consolidates its provisions into Chapter 4 – Remediation of Land. The objective of this chapter is to promote the remediation of contaminated land to minimise the risk of harm to human health and the environment. In accordance with the policy, land must not be developed if it is unsuitable for its proposed use due to contamination.

The current development proposal involves alterations and additions to the existing double garage, including the construction of a new secondary dwelling above. The historical land use of the site has been considered as an indicator for potential contamination.

A search of the NSW Environmental Protection Authority's public register under section 58 of the Contaminated Land Management Act 1997 returned no records or contamination notices for the subject site. As such, there is no evidence to suggest that the site is unsuitable for the proposed residential use.

Accordingly, it is concluded that the proposal satisfies the provisions of the SEPP (Resilience and Hazards) 2021 relating to land remediation.



Figure 22 - 1943 Aerial Map - Source: NSW Government.

The site and surrounding land have not previously been zoned for any of the uses identified in Table 1 of the Contaminated Land Planning Guidelines, such as industrial, agricultural, or defence-related purposes. Historical land use records, including the 1943 aerial imagery, indicate that the site and adjoining properties have long been used for residential purposes.

Given this consistent history of residential zoning and use, there is no evidence to suggest that the site is likely to be contaminated. As such, further investigation into potential site contamination is not considered necessary.

Nonetheless, it is acknowledged that unforeseen circumstances may arise during demolition or construction. In this regard, Council may impose standard conditions of consent requiring notification if any new information comes to light that could alter the preliminary assessment of the site's contamination status.



BAYSIDE LOCAL ENVIRONMENTAL PLAN 2021

The subject land is located within the Bayside Local Government Area (LGA). The primary Environmental Planning Instrument (EPI) applicable to the site is the Bayside Local Environmental Plan 2021 (BLEP 2021), which was gazetted and came into effect on 8 October 2021. This instrument provides the statutory planning framework for land use and development within the LGA.

Further details regarding the site's compliance with the provisions of BLEP 2021 are discussed in the dedicated BLEP 2021 section later in this report.

DRAFT PLANNING INSTRUMENTS

Section 4.15(1)(a)(ii) of the EP&A Act requires consideration of the provisions of any publicly exhibited Draft Environmental Planning Instruments.

BAYSIDE DEVELOPMENT CONTROL PLAN 2022

Section 4.15(1)(a)(iii) of the EP&A Act requires consideration of the provisions of any Development Control Plan. The Development Control Plan that is relevant to this development is the Bayside Development Control Plan 2022 (BDCP 2022). Refer to the BDCP 2022 section further on in this report for more details.

PLANNING AGREEMENTS

Section 4.15(1)(a)(iia) of the EP&A Act requires consideration of the provisions of any Planning Agreement entered into under s7.4. No Planning Agreements are applicable to this development.

PRESCRIBED MATTERS EP & AR 2000

Section 4.15(1)(a)(iv) of the EP&A Act requires consideration of the provisions of the Regulations. The proposed development is capable of complying with the prescribed matters (e.g. BCA etc.) of the Environmental Planning and Assessment Regulations 2000.

IMPACT OF THE DEVELOPMENT

Section 4.15(1)(b) – Likely Impacts of the Development

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act), consideration has been given to the likely impacts of the proposed development on the natural and built environments, as well as social and economic factors within the locality.

The proposed development is expected to have minimal adverse impacts on the surrounding environment. The new secondary dwelling, located above the existing detached rear double garage, has been thoughtfully designed to be compatible with the established low-density residential character of the area.



The proposal reflects the emerging built form and aligns with the scale, bulk, and height of similar developments approved in the locality.

This high-quality, contemporary addition will contribute positively to housing diversity while meeting the needs of the property owner and broader community. It will maintain residential amenity for adjoining neighbours, preserve local character, and ensure appropriate access to daylight, ventilation, and private open space.

The environmental, social and economic impacts of the proposal have been addressed throughout this Statement. A summary of key considerations is provided below:

- The development does not result in significant overshadowing, privacy loss, or view impacts.
- The existing streetscape and local visual character will be preserved and enhanced through sensitive design and landscaping.
- The proposal supports housing affordability and urban consolidation within an established residential area.
- No significant ecological, heritage, or contamination concerns have been identified.
- Construction impacts will be appropriately managed through standard conditions of consent.

(I) SITING, DESIGN AND THE BUILT FORM

The proposed development constitutes a relatively minor and routine residential renovation. The siting and overall built form of the proposal are generally consistent with the character of neighbouring developments and comply with the building envelope controls applicable to the site, including building height, floor space ratio (FSR), site coverage, and landscaped area provisions. Notably, no changes are proposed to the existing building footprint.

The alterations and additions have been carefully designed to modulate the building's massing, with material variation used to define and differentiate the built form, creating a layered and visually engaging appearance. Design features such as the rear-facing balcony overlooking Alfred Lane, and the strategic placement and proportioning of windows, serve to articulate the façades, break up visual bulk, and avoid unrelieved expanses of blank wall. These elements contribute to enhanced visual interest while also mitigating potential privacy impacts on neighbouring properties.

(II) PRIVACY

Adequate physical separation has been provided to ensure both visual and acoustic privacy between the proposed development and adjacent dwellings. The development incorporates compliant setbacks, appropriate landscaped areas (160 m²), and well-positioned private open space at the rear of the site. These design elements ensure that usable outdoor spaces are oriented away from sensitive interfaces, thereby minimising any visual or acoustic privacy impacts on neighbouring properties. The development complies



with all applicable privacy controls, including adequate setbacks and thoughtful design features, and will not result in any adverse visual or acoustic privacy impacts on surrounding properties. Refer to the BDCP 2022 section later in this report for further details.

(III) SOLAR ACCESS AND OVERSHADOWING

The development complies with the relevant building envelope controls applicable to the site, including building height, floor space ratio, and site coverage/landscape areas, noting that there are no changes to the existing building footprint. Given the east-west orientation, the majority of additional shadows will fall within the public domain (Alfred Lane) during the afternoon. Regarding the adjoining property to the south (No. 5A), shadow diagrams demonstrate that the proposed development will generally cast shadows comparable to the existing situation (refer to Figure 23). While some shadowing of the neighbouring property is unavoidable due to the site orientation, this impact has been previously acknowledged by Council when approving a similar development at No. 5A (refer to Section 2.2.3 for details on that DA), as supported by the Approved Shadow Plans for No. 5A shown in Figure 24 below.

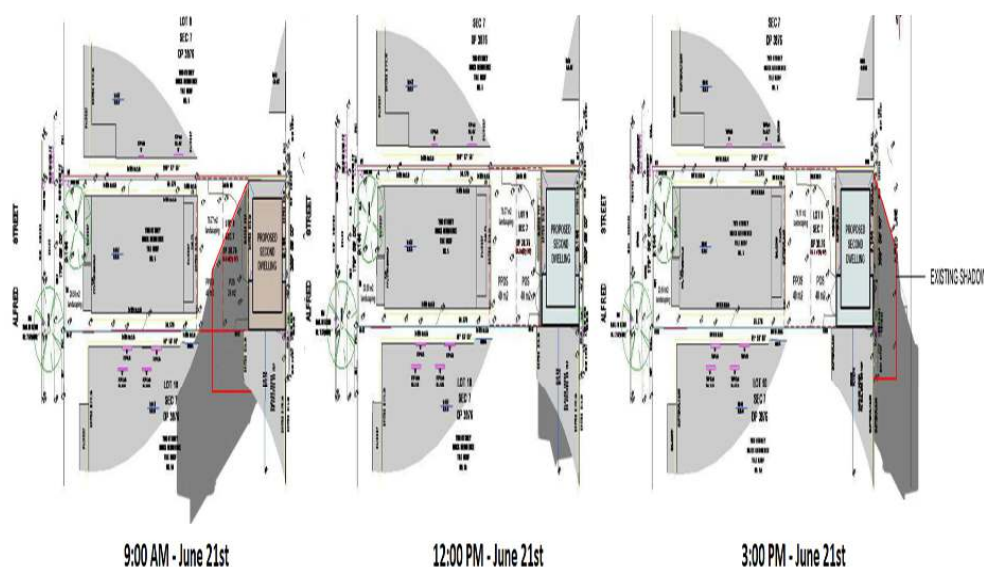


Figure 23 – Proposed Shadow Plans.

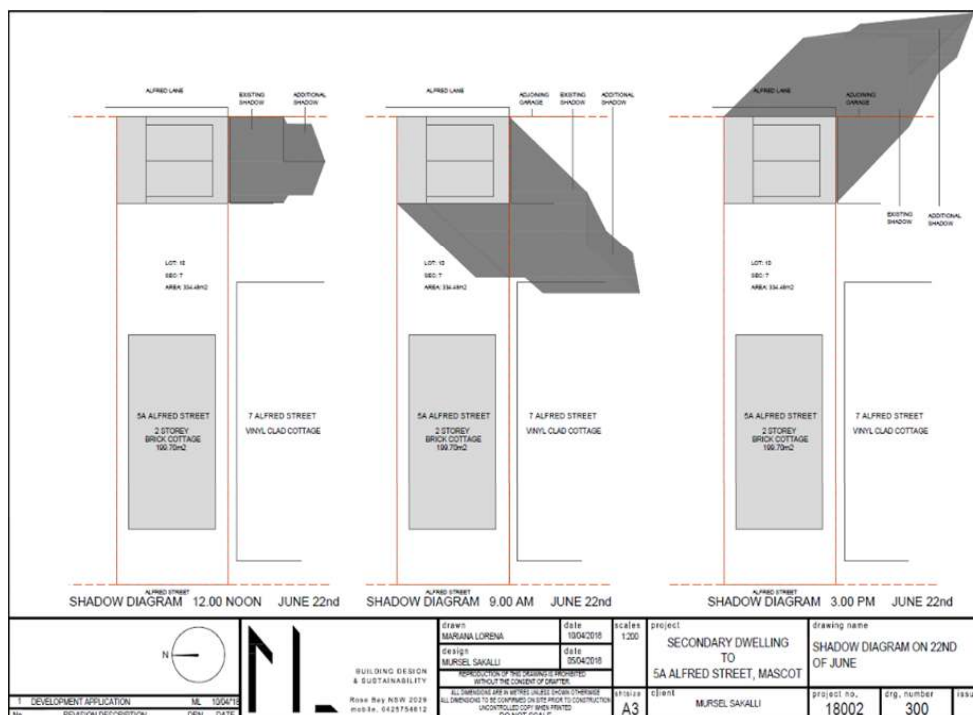


Figure 24 - Approved Shadow Plans for the southern neighbour at 5A Alfred Street Mascot.

Having regard to all the above factors, including the orientation of the lots and the site's location within a dense inner-city suburban environment, it is considered that the proposed development will not result in unreasonable adverse overshadowing impacts on neighbouring properties. For further details, please refer to the Shadow Plans submitted with the development application.

(IV) TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

There are no existing trees on the site that are affected by the DA i.e. the proposed development will not require removal of any trees. Refer to the Plans submitted with the development application for details.

(V) TRAFFIC & PARKING

The proposal does not involve any changes to the existing vehicle access arrangements—no new crossovers, driveways, or roads are proposed. Consequently, the development will have no impact on the current vehicular traffic arrangements.



(VI) UTILITIES/INFRASTRUCTURE

The subject property is located within an existing suburban residential area and adequate utilities infrastructure such as water / gas / electricity / sewage are available. If any minor augmentation is required, associated costs will be undertaken by the person acting on the consent.

(VII) NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

The development's design has been prepared with consideration of compliance with the National Construction Code (NCC)/Building Code of Australia (BCA). Any necessary compliance with the NCC/BCA will be ensured through appropriate conditions imposed on the development consent and further detailed during the Construction Certificate stage.

(VIII) HERITAGE IMPACTS

The subject site is not identified as an item of environmental heritage under Schedule 5 of the Bayside Local Environmental Plan 2021 (BLEP 2021). Additionally, the site is not situated within a Heritage Conservation Area (HCA) nor is it in proximity to any Local Heritage Items. Further details regarding heritage considerations are provided in the BLEP 2021 section later in this report.

(IX) SOCIAL IMPACTS

The proposal represents a relatively minor and routine residential renovation that is not expected to generate any adverse social impacts within the locality. On the contrary, this well-designed, high-quality renovation will enhance the utility and efficiency of the residential property for the current owner and occupant, while also future-proofing the dwelling to ensure its continued value and functionality for many generations to come.

(X) ECONOMIC IMPACTS

The development is anticipated to deliver positive economic benefits to both the local and wider community by creating additional short-term employment opportunities during the construction phase. Furthermore, it is not expected to cause any negative long-term economic impacts.



(XI) STORMWATER MANAGEMENT

The proposal represents a relatively minor and routine residential development, with adequate stormwater management measures incorporated into the design.

In relation to the proposed secondary dwelling, new downpipes will be connected to the existing stormwater line and trench system, ensuring effective and compliant drainage across the site. In addition, a 3,000-litre rainwater tank will be installed and connected to the new downpipe system, contributing to on-site stormwater retention and reuse.

These provisions are detailed in the architectural plans, specifically on Sheet 4, Issue A, referenced under Job Number 025-03, prepared by Draft & Design.

Additionally, the development maintains sufficient landscaped areas (total 160 m² refer to Figure 2) and deep soil zones -since there are no changes to the existing building footprint or site coverage - maximising surface water retention and absorption. Therefore, the proposal is not expected to result in any adverse stormwater impacts. For further details, refer to the Stormwater / Drainage Concept Plan.

(XII) SOIL MANAGEMENT

Standard erosion and sediment control measures during construction will include:

- Perimeter fencing to restrict public access and ensure safe pedestrian movement adjacent to the site;
- Designated areas for site amenities, storage of building materials and equipment, bulk waste containers, and material stockpiles;
- Controlled and appropriate access points for construction vehicles and personnel;
- Dust control measures such as fixing shade cloth or mesh to perimeter fences and regular wetting down of exposed surfaces;
- Installation of sediment fencing and stabilised accessways to manage runoff and soil erosion.

Given the relatively minor and routine nature of the residential development, compliance with soil and sediment erosion control requirements can be effectively managed through conditions imposed on any development consent and/or detailed further at the Construction Certificate stage. Refer to the soil and sediment erosion control plans for additional information.

(XIII) CONTAMINATION

This matter has been discussed in details previously in this Statement.



(XIV) WASTE MINIMISATION/MANAGEMENT

The Waste Management Plan submitted with the application outlines the strategies for minimising and managing waste during both the construction phase and the ongoing use of the residential property. These measures are designed to:

- Avoid and minimise waste generation where possible;
- Promote the reuse and recycling of materials during construction;
- Ensure proper segregation, storage, and disposal of construction and demolition waste;
- Provide adequate facilities for the ongoing management of household waste, including recycling and organic waste, in accordance with Council requirements.

The proposed approach demonstrates a commitment to sustainable waste practices consistent with Council's waste management objectives and the principles of environmental responsibility.

(XV) CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN – CPTED

The development is considered to be generally consistent with the relevant Crime Prevention Through Environmental Design (CPTED) principles. The proposal has been designed to:

- Improve casual surveillance, particularly through the introduction of a rear-facing balcony that provides greater visibility over Alfred Lane, thereby enhancing passive observation of the public domain;
- Maintain clear delineation between public and private spaces, reducing opportunities for unauthorised access;
- Ensure adequate lighting and sightlines around the dwelling to deter antisocial behaviour;
- Avoid creating entrapment spots or concealed areas around the site.

Overall, the proposal is not expected to increase opportunities for crime and instead contributes positively to the safety and security of the site and surrounding locality.

(XVI) CONSTRUCTION IMPACTS

The proposal is a relatively minor and routine form of residential development. Any potential impacts associated with the construction phase—such as noise, dust, traffic, waste, and site safety—are expected to be temporary and manageable. These impacts can be appropriately mitigated through the imposition of standard conditions of consent, which will:

- Regulate construction hours to minimise disruption to neighbouring properties;
- Require the implementation of erosion, sediment, and dust control measures;
- Ensure appropriate management of construction waste and materials;



- Maintain public safety and access around the site during construction;
- Require compliance with relevant environmental and building standards.

Accordingly, construction-related impacts are considered acceptable and will not result in any significant adverse effects on the amenity of the surrounding area.

(XVII) ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) & THE CUMULATIVE IMPACT

The principles of Ecologically Sustainable Development (ESD) have been addressed earlier in this Statement, and the proposed development is considered to align well with these principles. The development will not result in adverse cumulative environmental impacts, nor will it compromise the capacity of future generations to use or develop the site.

Instead, the proposal represents a sustainable and efficient use of existing urban land by:

- Increasing utility and liveability through the addition of a well-designed, high-quality secondary dwelling, enhancing the function and flexibility of the residential property;
- Improving environmental performance, with the development achieving compliance with the Building Sustainability Index (BASIX) requirements, thus ensuring that key sustainability targets are met.

Sustainable design features integrated into the development include:

- Maximisation of natural daylight to habitable rooms, reducing reliance on artificial lighting;
- Use of energy efficient and sustainable building materials, contributing to reduced embodied energy;
- Installation of energy-efficient appliances and lighting fixtures to lower operational energy consumption;
- Incorporation of thermal insulation to walls, ceilings, and roofing to enhance indoor comfort and reduce heating/cooling loads;
- Use of water-efficient plumbing fixtures such as low-flow showerheads, tapware, and dual-flush toilets, promoting water conservation.

Overall, the proposal reflects a commitment to sustainability principles in both design and operation, and will deliver long-term environmental, social, and economic benefits to both current and future occupants.



THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Section 4.15(1)(c) of the Environmental Planning and Assessment (EP&A) Act requires consideration of the suitability of the site for the development. In this regard, the proposed development is considered suitable for the following reasons:

The site is zoned R2 Low Density Residential under the Bayside Local Environmental Plan 2021 (BLEP 2021), and the proposal for a secondary dwelling is permissible with consent in this zone.

The site is located within a well-established residential precinct that features similar low-density development, including comparable examples of secondary dwellings constructed above garages and contemporary residential additions.

The proposal generally achieves a high level of compliance with the key development standards and planning controls contained in the BLEP 2021 and the Bayside Development Control Plan 2022 (BDCP 2022), including:

- Building height
- Floor space ratio
- Site coverage
- Landscaped area
- Setbacks
- Privacy and solar access provisions

The site has appropriate access to essential services and infrastructure, including sewer, water, electricity, and stormwater drainage, all of which can be readily connected or utilised to support the development.

The development makes use of an existing detached rear double garage, avoiding major disturbance to the site or neighbouring properties and minimising environmental and amenity impacts.

The topography, orientation, and lot dimensions of the site are conducive to accommodating the proposed built form without resulting in unreasonable overshadowing, overlooking, or visual bulk.

Overall, the site is considered highly suitable for the proposed development, which reflects a well-considered and contextually appropriate built form response to the site's opportunities and constraints. Further discussion of site suitability and compliance with Council policies is provided in the relevant sections of this Statement.

NOTIFICATION, ADVERTISING AND SUBMISSIONS RECEIVED

Section 4.15(1)(d) of the Environmental Planning and Assessment (EP&A) Act requires consideration of any submissions made in accordance with the Act or the Regulations.

In this case, the development application will be publicly notified in accordance with the requirements of the Bayside Development Control Plan 2022 (BDCP 2022). As part of this process:



- Notification will occur for the required period, allowing interested or affected parties an opportunity to comment on the proposal.
- Any written submissions received during the notification period will be duly reviewed and considered by Council during the assessment process.
- The applicant will be provided an opportunity to respond to any submissions received, and may provide further clarification, justification or amendments as appropriate.

At the time of preparing this Statement, no public submissions have been received. Should any be lodged during the notification period, they will be considered in accordance with legislative requirements and Council's procedures.

THE PUBLIC INTEREST

Section 4.15(1)(e) – The Public Interest

The proposed development is permissible on the land pursuant to the R2 Low Density Residential zoning provisions under the Bayside Local Environmental Plan 2021 (BLEP 2021) and is considered to meet the objectives of the zone, which aim to provide for the housing needs of the community within a low-density residential environment.

The development has been designed to satisfy the needs of the current and future occupants, while also achieving compliance with the relevant State and Council planning controls. As outlined in this Statement, the proposal:

- Is consistent with the existing and desired future character of the area.
- Will have minimal amenity impacts on surrounding properties in terms of privacy, overshadowing, and visual bulk.
- Will deliver a well-designed, high-quality contemporary Secondary Dwelling above the existing detached garage.
- Will contribute positively to housing diversity and supply in a well-established suburban context.
- Will provide short-term economic benefits through local employment during the construction phase.

Having regard to the above, the proposal represents an orderly and economic use of land, is in the public interest, and aligns with Council's strategic planning objectives and recent similar development approvals in the locality.



BAYSIDE LOCAL ENVIRONMENTAL PLAN 2021 (BLEP 2021)

DEVELOPMENT STANDARDS

The Bayside Local Environmental Plan 2021 (BLEP 2021) came into effect on 27 August 2021, consolidating and replacing the former Botany Bay LEP 2013 and Rockdale LEP 2011. The BLEP 2021 is the current environmental planning instrument applicable to the subject site. The relevant development standards under BLEP 2021 that apply to this proposal are outlined and assessed below.

CONSENT AUTHORITY

Clause 1.6 of the Bayside Local Environmental Plan 2021 (BLEP 2021) specifies that the consent authority for the purposes of the Plan is the Council, namely Bayside Council

SUBDIVISION

In relation to subdivision (clause 2.6), BLEP 2021 (clause 2.6) requires that:

(1) Land to which this Plan applies may be subdivided, but only with development consent. Notes. 1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent. 2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land. Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

Subdivision is not proposed by this development application (DA).

DEMOLITION

Clause 2.7 of the BLEP 2021 specifies that “the demolition of a building or work may be carried out only with development consent”.

Partial demolition is proposed by this development application (DA), to facilitate addition of the contemporary new Secondary Dwelling (above existing detached rear double-garage).

LAND USE

The site is zoned R2 Low Density Residential under BLEP 2021. The aims and objectives of the R2 Low Density Residential Zone are set out in the Land Use Table as follows:



1. Objectives of zone
 - To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To ensure land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.
 - To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.
2. Permitted without consent
 - Home-based child care; Home occupations
3. Permitted with consent
 - Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water supply systems.

PROHIBITED

- Any development not specified in item 2 or 3.



Figure 25 – BLEP 2021 Zoning Map.

Zoning and Permissibility – R2 Low Density Residential

The proposed development, comprising alterations and additions to the existing dwelling, is permitted with consent under the provisions of the Bayside Local Environmental Plan 2021 (BLEP 2021). The proposal is consistent with the objectives of the R2 Low Density Residential zone, as it will:



- Continue to provide for the housing needs of the community within a low density residential environment; and
- Be carried out in a manner that minimises impacts on the existing character and amenity of the locality.

MINIMUM LOT SIZE

The site has an existing area of 334.59 m². Under Clause 4.1 of the BLEP 2021, there is no minimum lot size requirement applicable for subdivision. Additionally, reference is made to Clause 4.6 and to prevailing approvals for secondary dwellings on nearby sites of similar lot sizes. Notwithstanding, this development application does not propose any subdivision.



Figure 26 – BLEP 2021 Lot Size Map.

HEIGHT OF BUILDINGS

Under Clause 4.3 of the BLEP 2021, the site is subject to a maximum building height control of 9 metres. The proposed development does not exceed this maximum height, complying fully with the development standard. Specifically, there are no changes to the height of the principal dwelling, and the new Secondary Dwelling has a height of 5.819 metres, which is consistent with the height approved for the neighbouring property at No. 5A.



Figure 27 – BLEP 2021 Height Map.



The objectives of Clause 4.3 state:

- (a) to ensure that building height is consistent with the desired future character of an area,
- (b) to minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to nominate heights that will provide an appropriate transition in built form and land use intensity.

The proposal has been assessed against the relevant objectives, with the following points to note:

- All proposed works are located well below the 9m height limit.
- The works are not expected to impact existing view corridors to or from the subject site, nor contribute to any unreasonable or adverse overshadowing of adjoining properties.
- The development's height will not affect the current level of privacy between neighbouring properties, nor will it unreasonably impact views, in accordance with the view loss "Tenacity Planning Principle." Additionally, the proposed wall heights are consistent with those of other developments approved by Council in the vicinity of the site.
- Consistent with the findings of Project Venture Developments v Pittwater Council [2005] NSWLEC 191, it is considered that the proposed works would not be regarded by most observers as offensive, jarring, or unsympathetic within the streetscape or the prevailing built form of the site's visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings when viewed from both the public domain and adjoining properties.

Accordingly Council can be satisfied that the development complies with the objectives of the height control as they are reasonably applied to a development.

FLOOR SPACE RATIO

Under Clause 4.4 of BLEP 2021, the site has a floor space ratio (FSR) control of 0.7:1.

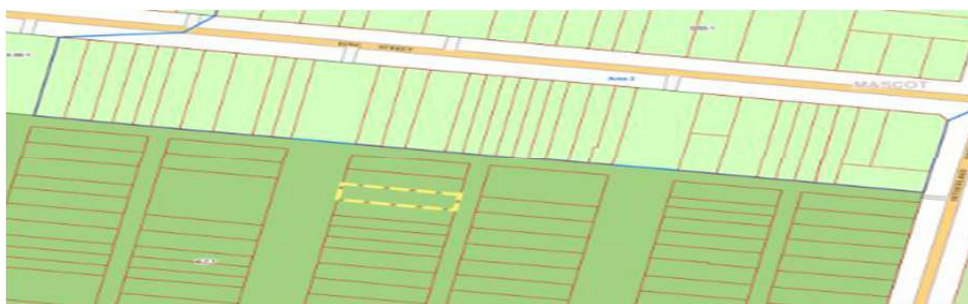


Figure 28 – BLEP 2021 FSR Map.



The proposed development will have a total gross floor area of 228.73 m², which equates in a total FSR of 0.68:1 for the site.

The proposed development does not exceed the maximum FSR control, and complies with the provisions of this development standard.

As discussed previously in this SEE report, the nearby neighbour at 5A Alfred Street, Mascot obtained approval from Council (DA-2018/1064) for alterations and additions to existing outbuilding including conversion of first floor study to a secondary dwelling, despite FSR non-compliance (see details below) for comparison purposes:

5a Alfred Street - Maximum FSR is 0.70:1	234.13 m²
Existing Dwelling House GFA	194.30 m ²
Ground Floor	99.40 m ²
First Floor	94.90m ²
Detached Garage	36.30 m ²
<i>Storage Room</i>	<i>14.60 m²</i>
Secondary Dwelling	33.90 m ²
TOTAL Approved GFA for 5A (Excludes car parking 33 m²): 0.74:1	246.10 m²

EXCEPTIONS TO DEVELOPMENT STANDARDS

BLEP 2021 states the following in relation to exceptions (non-compliance) against the development standards of the Plan:

(1) The objectives of this clause are as follows:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

No variation requests under Clause 4.6 is proposed/required by this development application (DA).

CONTROLS RELATING TO SECONDARY DWELLINGS

Clause 5.4(9) of the BLEP 2021 has the following provisions relating to Secondary dwellings:

5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:



- a. 60 square metres,
- b. 20% of the total floor area of the principal dwelling.

The secondary dwelling will have a total floor area of approximately 33.51 m² which complies with the maximum 60 m² limit required by Clause 5.4(9).

HERITAGE CONSERVATION

Clause 5.10 of BLEP 2021 contains following provisions for development on land that is identified as a Heritage Item or located within a Heritage Conservation Area:

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b); require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The subject site is not listed as an item of environmental heritage under Schedule 5 of the BLEP 2021. It is also not listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), and the former Register of the National Estate. The subject premise is not located in a Heritage Conservation Area (HCA), and is not within the immediate vicinity of any Local Heritage Items.

Accordingly, the proposed works will not have any impacts on Heritage Conservation.



Figure 29 – BLEP 2021 Heritage Map.



EARTHWORKS

Clause 6.2 of BLEP 2021 contains provisions relating to earthworks. The site is located within Class 4 Acid Sulfate Soils. The site is not within 500 metres of nearby mapped Class 2 Acid Sulfate Soil. Furthermore, no major excavation and/or earthworks is proposed. Therefore a Preliminary Assessment and/or an Acid Sulfate Soils Management Plan is considered to not be required.

The site is not in proximity to, a waterway, drinking water catchment or environmentally sensitive area. Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases to ensure there is no risk of sediment laden water leaving the site and entering council's drainage infrastructure – it is recommended that standard sediment and erosion controls be included in the consent conditions.



Figure 30 – Acid Sulfate Soils Map.

STORMWATER AND WATER SENSITIVE URBAN DESIGN

Clause 6.3 of BLEP 2021 states the following in relation to Stormwater and WSUD:

- (2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that -
- water sensitive urban design principles are incorporated into the design of the development, and
 - riparian, stormwater and flooding measures are integrated as part of the development, and
 - the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways, receiving waters and groundwater systems, and
 - if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways receiving waters and groundwater systems, and
 - the development is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water.



The proposal represents a relatively minor and routine form of residential development, for which stormwater management can be appropriately addressed. The development will retain sufficient landscaped areas and deep soil zones, noting there are no changes to the existing building footprint or site coverage. These features will maximise the retention and infiltration of surface water runoff. Accordingly, the proposal is not expected to result in any adverse stormwater impacts. Please refer to the Stormwater / Drainage Concept Plan submitted with this application for further details.

AIRCRAFT NOISE

Subclause (2) of Clause 6.8 of BLEP 2021 indicates that it applies to development:

a) on land:

(i) near the Sydney (Kingsford-Smith) Airport, and (ii) in an ANEF contour of 20 or greater, and

b) the consent authority considers is likely to be adversely affected by aircraft noise.

Subclause (3) of Clause 6.8 of BLEP 2021 provides that before determining a DA, the consent authority

(3) In deciding whether to grant development consent to development to which this clause applies, the consent authority:

- a. must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
- b. must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2015, and
- c. must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development for the following purposes:
 - (i) for development proposed to be located in an ANEF contour of 20 or greater - child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation,
 - (ii) for development proposed to be located in an ANEF contour of 25 or greater - business premises, hostels, hotel or motel accommodation, office premises or retail premises.

The Sydney Airport Australian Noise Exposure Index (ANEI) for Quarter 1 March of 2025 is shown in Figure 31 below, which indicates that the subject site (denoted by a red arrow) is located within the ANEI 25 noise contour. It is considered that the proposed development can be made acceptable in terms of aircraft noise exposure, subject to the implementation of appropriate noise amelioration measures during construction. Please refer to the acoustic report with minimum requirements to be met, these measures will ensure compliance with the relevant Australian Standards for indoor design sound levels.



An Aircraft Noise Assessment has been prepared to accompany this development application. The report concludes that, provided the recommended acoustic treatments are implemented, the proposed secondary dwelling will comply with the relevant noise criteria of Bayside Council and the Australian Standard AS 2021-2015 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

It is appropriate for Council to impose standard noise attenuation conditions as part of any development consent granted, to ensure compliance with these requirements and to safeguard residential amenity for future occupants.



Figure 31 – Sydney Airport ANEI Map.

ESSENTIAL SERVICES

Clause 6.11 of BLEP 2021 states the following in relation to essential services:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- a. the supply of water,
- b. the supply of electricity,
- c. the disposal and management of sewage,
- d. stormwater drainage or on-site conservation,
- e. suitable vehicular access.

The subject property is located within an established suburban residential area that is already serviced by essential utilities infrastructure, including water, gas, electricity, and sewerage. It is expected that the proposed development can be readily connected to these existing services without any significant upgrades.

Council may impose standard conditions of consent requiring the applicant to consult with relevant utility service providers to confirm and satisfy any site-specific requirements for the provision, upgrade, or relocation of services necessary to support the development.



ADDITIONAL PERMITTED USES

Schedule 1 (Additional permitted uses) of the BLEP 2021 states the following:

34 Use of certain land in R2 Low Density Residential zone for multi-dwelling housing and residential flat buildings

1. This clause applies to land identified as “34” on the Additional Permitted Uses Map.
2. Development for the following purposes is permitted with development consent:
 - (a) multi-dwelling housing,
 - (b) residential flat buildings.
3. Despite subclause (2), development consent must not be granted to development for the purposes of residential flat buildings or multi- dwelling housing on land to which this clause applies unless-
 - (a) the development is a building that was designed and constructed for, or on land that, on the commencement of this Plan, was used for, a purpose other than residential accommodation, and
 - (b) the consent authority has considered -
 - (I) the impact of the development on the scale and streetscape of the surrounding locality, and
 - (II) the suitability of the building or land for adaptive reuse, and
 - (III) the degree of modification of the footprint and facade of the building.



Figure 32 – Additional Permitted Uses Map.

The site is identified as being within “34” on the Additional Permitted Uses Map. However, the subject proposal is not for multi-dwelling housing or residential flat buildings, and therefore Schedule 1 (subclause 34) is not applicable.






BAYSIDE DEVELOPMENT CONTROL PLAN 2022

The Bayside Development Control Plan 2022 (BDCP 2022) was adopted by Council on 22 March 2023 and came into effect on 10 April 2023, replacing the former Botany Bay DCP 2013 and Rockdale DCP 2011. The proposed development has been assessed against the relevant provisions of BDCP 2022 and is considered to be generally consistent with its objectives and controls.

An assessment of the proposal against the applicable provisions of BDCP 2022 is provided in Table 1 below, with reference to Part 3 – General Development Provisions and Part 5 – Residential and Mixed-Use Development.

Table 1: Assessment of the Proposal against Controls within Part 3 and Part 5 of BDCP 2022.

DEVELOPMENT CONTROL / DESIGN PRINCIPLE	PROPOSED	COMPLY						
<p>Development is to provide on-site car parking in accordance with the car parking rates outlined in Table 3 below.</p> <table><tr><th>Land use</th><th>Car Parking Rate</th></tr><tr><td>Residential</td><td></td></tr><tr><td>Dwelling House / Dual Occupancy / Semi-detached</td><td>• 2 spaces per dwelling</td></tr></table>	Land use	Car Parking Rate	Residential		Dwelling House / Dual Occupancy / Semi-detached	• 2 spaces per dwelling	<p>The existing parking situation remains unchanged i.e. no additional parking is proposed, and the proposal retains the 2 parking spaces within the existing garage.</p>	<div></div> <div></div>
Land use	Car Parking Rate							
Residential								
Dwelling House / Dual Occupancy / Semi-detached	• 2 spaces per dwelling							
<p>C1. Development must comply with Council’s Technical Specification – Landscape and documentation is required to be submitted in accordance with Schedules – Chapter 9.3 of this DCP.</p> <p>C2. For all development the layout and design of driveways, pedestrian entries and services maximises deep soil and retention of existing trees and planting of new trees. The location and use of outbuildings, swimming pools and spa pools should not impact on landscaped area / areas for tree planting and the amenity of adjoining private and public open space.</p> <p>C3. Landscaping is primarily located in larger, useable areas preferably located to the front and / or rear of buildings. (Note: council will not support small, arrow, fragmented or otherwise unsuitable areas being counted to achieve minimum landscape requirements).</p> <p>C4. At least 20% of the front setback area of a residential development is to be provided as landscaped area.</p> <p>C5. Side setbacks included in the landscape area shall be maximum 20% of the total landscape area provision.</p> <p>C6. Landscaped areas located between driveways/ pathways and side boundaries have a minimum width of 1.0m at the narrowest dimensions and a minimum of 75% landscaped area must consist of planting, grass and trees, but not gravel/paving.</p> <p>C7. A minimum of one tree in front setback and one tree in the rear open space in scale with the proposed built form shall be included in low and medium density residential developments.</p>	<p>No changes are proposed to the front of the site (e.g. pedestrian entry, services, landscaped deep soil and retention of 1x existing tree) and/or the principal dwelling. There are no existing trees on the site that are affected by the DA i.e. the proposed development will not require removal of any trees. Refer to the Plans submitted with the development application for details.</p> <p>The current site layout provides a total landscaped area of 160 m², which exceeds the minimum 25% site area requirement as stipulated under the Bayside Development Control Plan (DCP) 2022 – Section 3.7.1 Landscaping, Clause C12.</p> <p>Clause C12 requires that for Low and Medium Density Residential developments, a minimum of 25% of the total site area must be allocated for landscaping. The proposed landscaped area represents ~47% of the total site area, thereby demonstrating full compliance with this provision (refer Figure 2 for measured area).</p>	<div></div>						



C8. For residential accommodation on a site having an area greater than 500sqm, the rear yard must include at least one medium or large canopy tree.


C9. When site constraints associated with more urban contexts such as local centres and active frontages do not enable achievement of the minimum landscape area required, the development shall incorporate ecologically sustainable approaches such as extensive or intensive green roofs (with a detention layer), roof gardens, green walls. The extension and quality of the approach shall be evaluated by Council for each development.

C10. The arrangement of buildings, secondary dwellings, pods, car parks, driveways, ancillary building and paved vehicle/other circulation spaces must consider existing trees and incorporate them into the site layout. Permeable paving surfaces to driveways, car parking bays and paved areas should be priorities over non-permeable.

C11. Each property should have at least 1 tree (within the property boundary) where practicable. Where this cannot be achieved, compensatory planting bond / fund must be established.

C12. The minimum amount of landscaped area within the site is as follows:

Development Type	Min. landscaped area (of the site area)
Low and medium density residential	25%



3.7.3 COMMUNAL ND PRIVATE OPEN SPACES

Private Open Space – Dwelling House, Dual Occupancy, Secondary Dwellings C10. The minimum area of private open space required for each dwelling is outlined in the table below.

Dwelling Type	Bedrooms	Min. Area
Dwelling House	-	50sqm
Secondary Dwelling	-	50sqm


C11. The minimum width of private open space for each dwelling is outlined in the table below.

Dwelling Type	Min. Dimensions
Dwelling House	Minimum width of 5m
Secondary Dwelling	


C12. Private open space is not to include:

In accordance with Bayside DCP 2022 – Section 3.7.3: Communal and Private Open Space, Control C10 requires that a minimum of 50m² of private open space be provided for Dwelling Houses and Secondary Dwellings.

This area may be shared between the two dwellings; however, the total must be no less than 50m². Reference should also be made to Control C13 under the same section for further guidance.





<p>a. non-recreational structures (including garages, tool sheds and such like structures) b. swimming pools c. driveways, turning areas and car spaces, drying areas and pathways</p> <p>C13. The minimum area requirements for private open space for secondary dwellings may be satisfied through the sharing of private open space associated to the principal dwelling. C14. The private open space for secondary dwellings is to be directly accessible from, and adjacent to the secondary dwelling. (Note: Structures, including fencing, separating the dwelling house from the secondary dwelling is not permitted).</p>	<p>There are no proposed changes to the existing landscape area or the designated private open space. As shown in Figure 2, the private open space allocated to the main residence exceeds the minimum requirement, and the proposed secondary dwelling will be provided with a minimum of 50 m², thereby fully complying with the DCP requirements.</p>	
<p align="center">5 RESIDENTIAL & MIXED-USE DEVELOPMENTS</p>		
<p align="center">5.1.2 ANCILLARY RESIDENTIAL USES - REAR AND SIDE LANE ADDITIONS, DETACHED GARAGES, SECONDARY DWELLINGS AND STUDIOS</p>		
<p align="center">5.1.2.1 - GENERAL</p>		
<p>C1. Buildings must have a minimum setback to a side and rear boundary of 900mm. Windows and glass doors are to face into the property. High and opaque windows may face onto a neighbouring property where lack of adverse impact can be demonstrated.</p> <p>Note: A nil setback is to be considered if implementing masonry building walls with no eaves, gutters or windows and for carports and open structures, such as pergolas, awnings and the like for narrow lots where impacts are minimal and this is the prevailing pattern in the area. Compliance with the Building Code of Australia is required.</p> <p>C2. Outbuildings are not to result in non-compliance relating to minimum landscaped area, private open space, overshadowing, privacy and other relevant provisions which apply to the development, including those outlined in SEPP (Housing) 2021. C3. Where the LEP height control enables the development of a 2-storey outbuilding, the second storey of the building must have a traditional pitched form with dormer windows and generally be contained as an attic.</p> <p>C4. Outbuildings are to be located behind the main street face of the development.</p> <p>C5. Where multiple ancillary structure outbuildings are proposed on one property, combining these within a single structure is encouraged. Consideration is to be given to roof form and pitch to ensure bulk and scale impacts are minimised.</p> <p>C6. Where multiple outbuildings and/or a secondary dwelling are/is proposed on one property, the cumulative floor area is not to exceed 70m².</p> <p>C7. Outbuildings attached to a secondary dwelling are not to provide direct access between them. Solid wall construction must be provided.</p> <p>C8. The selection of materials and colours must be compatible with the surrounding natural environment and the dwelling.</p> <p>C9. Where an outbuilding is proposed within a Heritage Conservation Area, the built form controls of that HCA prevail over any inconsistencies with this Section.</p>	<p>The proposed development maintains & follows the existing setbacks of the garage on all elevations. This design allows for better visual/design presentation, ease of construction, and is considered acceptable given that there are no adverse amenity impacts (e.g. visual/acoustic privacy, overshadowing), and is similar to the development approved at No. 5A (the directly adjacent neighbour).</p> <p>No non-compliances in relation to minimum landscaped area, private open space, overshadowing, or privacy arise from the proposed development.</p> <p>The proposed new Secondary Dwelling above the existing garage takes the form of a 2-storey outbuilding, with the second-storey (new Secondary Dwelling) having a traditional pitched (hip) form for better streetscape & presentation to Alfred Lane. The design is similar to the adjoining approved structure at No. 5A and will promote streetscape consistency.</p> <p>The proposed new Secondary Dwelling is located in the rear yard.</p> <p>The selected materials and finishes are complementary to that of surrounding development. Refer to the schedule of materials and finishes.</p>	



5.1.2.2 – DEVELOPMENT ON SIDE AND REAR LANES		
<p>C1. The prevailing setback to a rear or side lane is to be retained.</p> <p><i>Note: A minimum setback of 900mm is to be provided from any garage or carport to a rear lane to ensure access complies with AS2890 and adequate site lines are achieved.</i></p> <p>C2. The secondary dwelling/outbuilding on a lot adjoining a rear lane is to be clearly subservient</p> <p>C3. For properties with rear lane access or fronting another street, the secondary dwelling/outbuilding must address the lane/street as if it were the primary frontage.</p> <p>C4. Outbuildings with a frontage to a rear lane or side lane may include an attic level subject to compliance with other relevant controls (including, but not limited to, the height control and overshadowing provisions) and the following:</p> <ul style="list-style-type: none"> a. the structure does not exceed a maximum street wall height (or side wall height if not presenting to a street) of 3.6m b. the structure does not exceed a maximum roof height of 6m. c. the pitch of the roof does not exceed 36 degrees d. dormer windows are permitted provided each complies with the following design criteria: <ul style="list-style-type: none"> i. the minimum distance between the main roof line and the dormer window structure is 300mm measured vertically ii. the dormer window does not have a total width of more than 25% of the width of the roof, or 1.2m, whichever is the lesser iii. adverse privacy impacts do not result (surveillance of laneways is encouraged) <p>C5. On lots smaller than 150m², a secondary dwelling is not permitted unless it can achieve a minimum consolidated area of private open space for the principal dwelling of 16m² with a minimum dimension of 3m.</p> <p>C6. Where a rear lane is highly intact, the pattern of original outbuildings, fences and laneway widths must be retained.</p> <p>C7. Development is to retain the predominant scale of the lane, particularly where that scale is single storey, and any landscape features including mature trees</p>	<p>The proposed development retains the existing side wall on one side of the garage. A minor extension is proposed to accommodate a separate external staircase, providing access to the new secondary dwelling above the garage. No changes or alteration works are proposed to the principal dwelling. While a minor encroachment is acknowledged, it is considered acceptable given that it arises from an existing structure.</p> <p>This design allows for better visual/design presentation, ease of construction, and is considered acceptable given that there are no adverse amenity impacts (e.g. visual/acoustic privacy, overshadowing), and is similar to the development approved at No. 5A (the directly adjacent neighbour).</p> <p>Adequate physical separation for visual and acoustic privacy between the development and adjacent buildings has been provided.</p> <p>The proposed development does not increase the height of the principal dwelling remains unchanged. The proposed new Secondary Dwelling is only 1-storey and sits above the existing 1- storey garage (a~2.5m high), and has the same overall height (5.819m) as that approved for the neighbour at No. 5A.</p> <p>The total building height is 5.819m (RL 13.15), and the development complies with the relevant building envelope development controls applicable to the site e.g. building height, floor space ratio, site coverage (there are no changes to the existing building footprint) etc. A positive element of the proposal is that it will provide additional landscaping/soft ground cover is proposed at the rear of the site between the existing principal dwelling and the existing detached garage, as per the Concept Landscape Plan.</p> <p>The development will not have adverse overshadowing impact on the neighbours. Refer to the Shadow Plans submitted with the development application for details.</p>	
<p>Overall, the development is appropriate and generally consistent with the relevant provisions of BDCP 2022.</p>		

CLAUSE 4.6 - BAYSIDE LOCAL ENVIRONMENTAL PLAN 2021

Clause 53 sets out non-discretionary development standards, including a minimum site area of 450m² for detached secondary dwellings. As the subject site has an area of 334.59 m², it does not meet this standard. However, consent may still be granted as clause 53 is non-discretionary under section 4.15(3) of the Act, meaning compliance is not mandatory. Accordingly, a Clause 4.6 variation request has been included in the Statement of Environmental Effects (SEE) to justify the proposed variation to the minimum lot size requirement.

1. CLAUSE 4.6(3)(A) – UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES

- Strict compliance with the 450m² lot size standard is considered unreasonable and unnecessary in this case for the following reasons:
- The proposal complies with all other key planning controls applicable to secondary dwellings, including maximum floor area (not exceeding 60 m²), building height, setbacks, private open space, and deep soil requirements.
- The subject site has sufficient area to accommodate both the principal and secondary dwellings without adverse impacts on residential amenity, built form, or streetscape character.
- The 450 m² threshold is arbitrary in this context and does not represent a tipping point for site functionality, environmental impact, or neighbourhood amenity.
- The proposal remains consistent with the objectives of the standard, being to ensure that lots are of a sufficient size to accommodate a detached secondary dwelling while maintaining local character and amenity. The shortfall is regarded minor, particularly given many surrounding properties that are less than the requirement have been granted approval and the proposal does not compromise the development outcome, and does not defeat the intent of the control.
- Numerous consent authorities, including the NSW Land and Environment Court, have found that minor variations to numerical development standards may be considered unreasonable where the development meets the underlying objectives and achieves planning merit.

2. CLAUSE 4.6(3)(B) – SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

- There are sufficient environmental planning grounds to justify the contravention, including:
- The proposed secondary dwelling provides an additional dwelling on a well-located residential allotment without increasing density beyond what is anticipated under the planning controls.



- The built form remains consistent with the low-density residential context, does not result in additional visual bulk or overshadowing, and complies with relevant design controls under the DCP.
- The development facilitates housing diversity and supports intergenerational living or affordable rental accommodation, consistent with the aims of the SEPP (Housing) 2021.
- The proposal enhances land use efficiency on a site already serviced by infrastructure and within walking distance of public transport, schools, and shops.

CONSISTENCY WITH THE OBJECTIVES OF THE ZONE AND STANDARD

The variation does not hinder the achievement of the zone objectives, which encourage a range of housing types and densities while preserving residential character and amenity. The proposal supports these objectives by enabling a modest form of additional housing that integrates well with the existing dwelling and surrounding development.

SEPP (HOUSING) 2021 CONTEXT

Clause 53(2)(a) of the SEPP (Housing) 2021 identifies the 450m² site area as a non-discretionary development standard for detached secondary dwellings. Importantly, clause 53(1) clarifies that the failure to meet this standard does not preclude the granting of development consent, provided the proposal otherwise satisfies the assessment criteria under the Environmental Planning and Assessment Act 1979. This Clause 4.6 variation ensures that the application remains legally valid and properly assessed on merit, consistent with the intent of the SEPP to streamline and facilitate modest infill housing.



CONCLUSION

Council's development consent is sought for alterations and additions to the existing detached rear double-garage at 5 Alfred Street, Mascot, including the construction of a new Secondary Dwelling above the garage. The proposal has been assessed in accordance with the relevant considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The development is not classified as Designated Development or Integrated Development and may therefore be assessed and determined by Council as Local Development.

This Statement demonstrates that the proposed Secondary Dwelling satisfies the relevant planning controls under the applicable State Environmental Planning Policies. It is a permissible form of development within the R2 Low Density Residential zone, achieving a high level of compliance with the Bayside Local Environmental Plan 2021 (BLEP 2021) and the Bayside Development Control Plan 2022 (BDGP 2022).

The proposal has been carefully designed to integrate with the existing built form and character of the surrounding area. It presents an appropriate bulk and scale, preserves reasonable amenity for neighbouring properties, and will not give rise to adverse impacts in terms of overshadowing, privacy, view loss, or visual presentation.

Importantly, the proposed Secondary Dwelling is consistent with recent development within the immediate locality. Of particular relevance is the neighbouring property at 5A Alfred Street, Mascot, which has received Council approval for and constructed a similar secondary dwelling above a detached garage. This establishes a clear planning precedent and demonstrates the appropriateness of this built form outcome in the local context.

The proposed development at 5 Alfred Street will contribute positively to the evolving streetscape, particularly along the rear laneway, and supports housing diversity and adaptable living arrangements consistent with modern family needs. It is compatible with the desired future character of the area as envisaged under Council's strategic land use planning objectives.

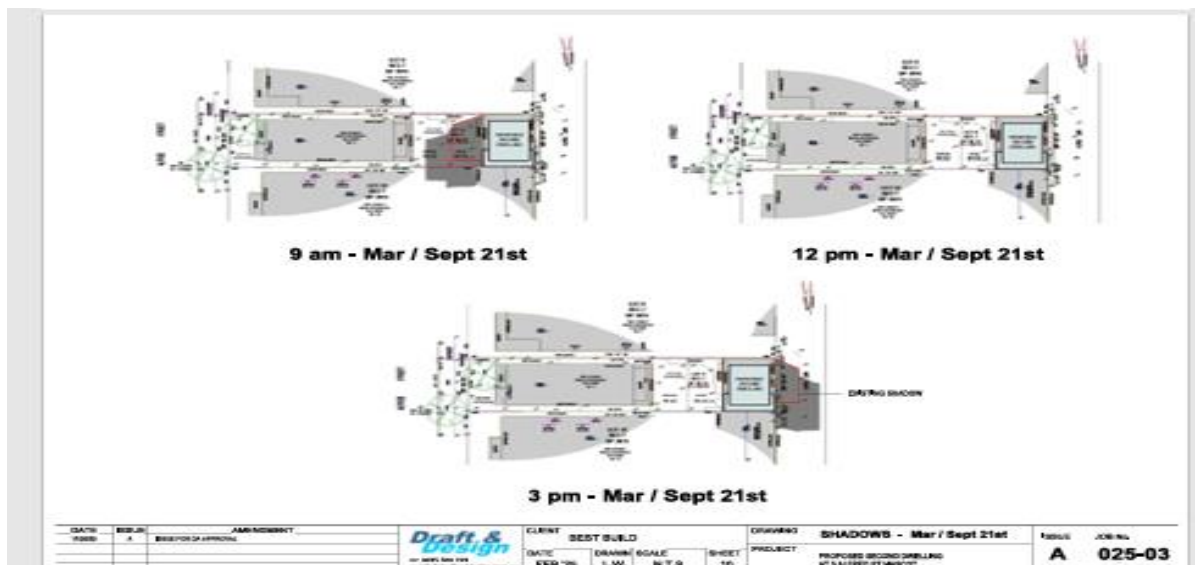
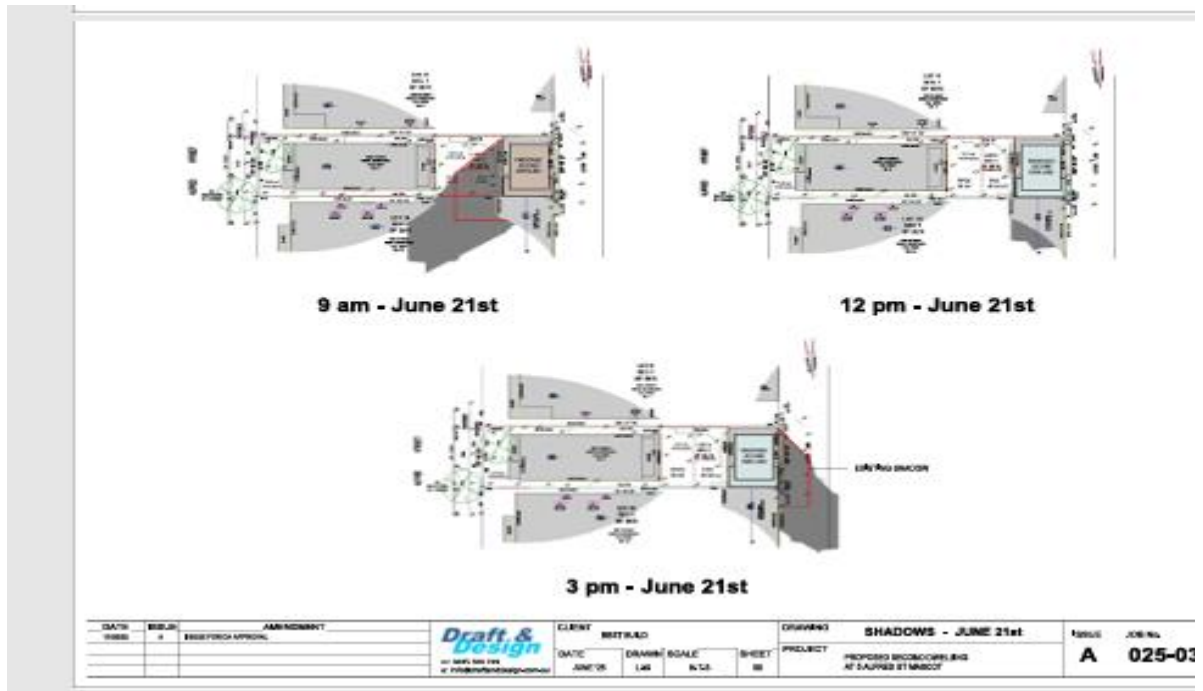
In summary, the proposal represents a well-considered, efficient, and suitable use of the land. Given its compliance with applicable planning controls, absence of detrimental impacts, and alignment with surrounding development, the application is considered to be in the public interest under Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and is therefore worthy of Council's support..

Prepared by:

Isik Bozdog FRICS, FAIQS, CQS, AAPI, CPV

Managing Director - Quantum QS

ANNEXURES:

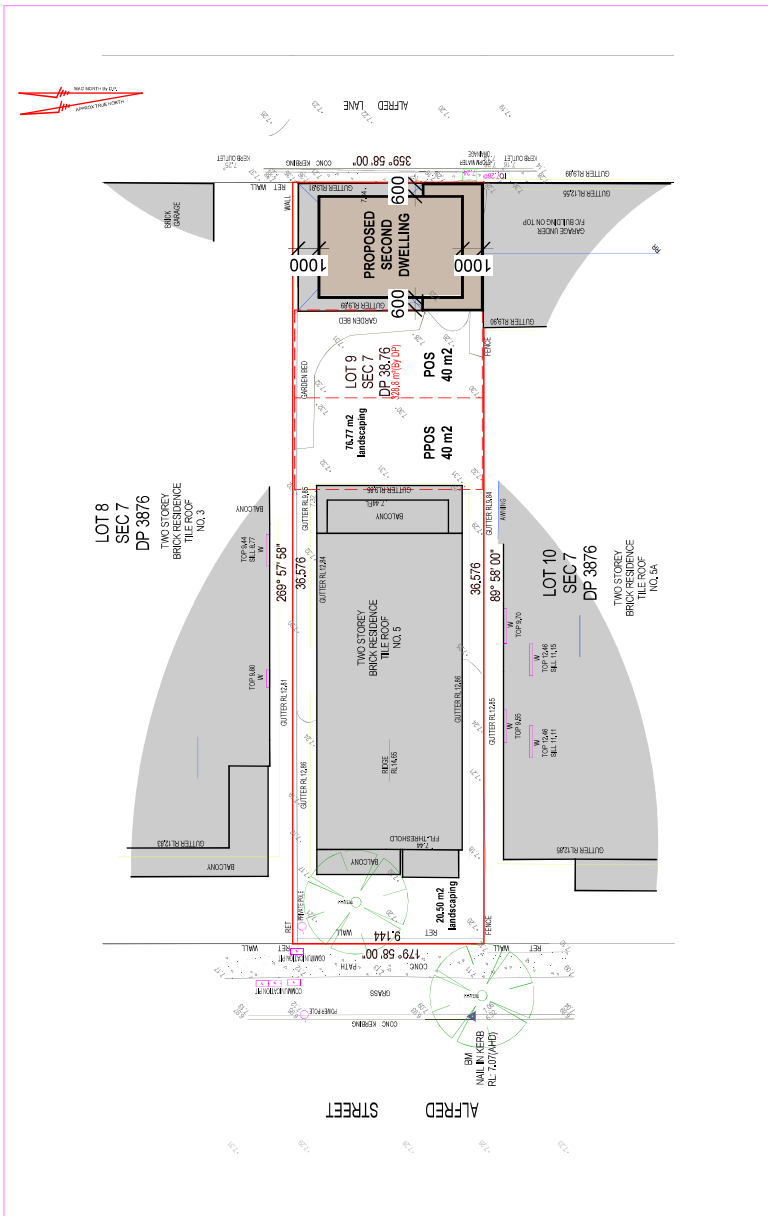


COMPLIANCE TABLE

ITEM	LEP/DCP	PROJECT	PASS
SITE AREA:	min. 150.0 m ²	328.08	YES
SITE COVERAGE:	max. 60%	55%	YES
MAX. GFA:	70% = 229.66 m ²		
FLOOR AREAS:	SECONDARY DWELLING:	32.21 m ²	
QS Estimate	PRINCIPAL DWELLING:	196.22 m ²	
	TOTAL:	228.43 m ²	YES
BUILDING HEIGHT:	max. 9.0 m	5.81 m	YES
P.O.S:	50 m ² each dwelling	50 m ² + 50 m ²	YES
LANDSCAPING:	25% = 82.02 m ²	110 m ² + 50 m ²	YES

NOTES:

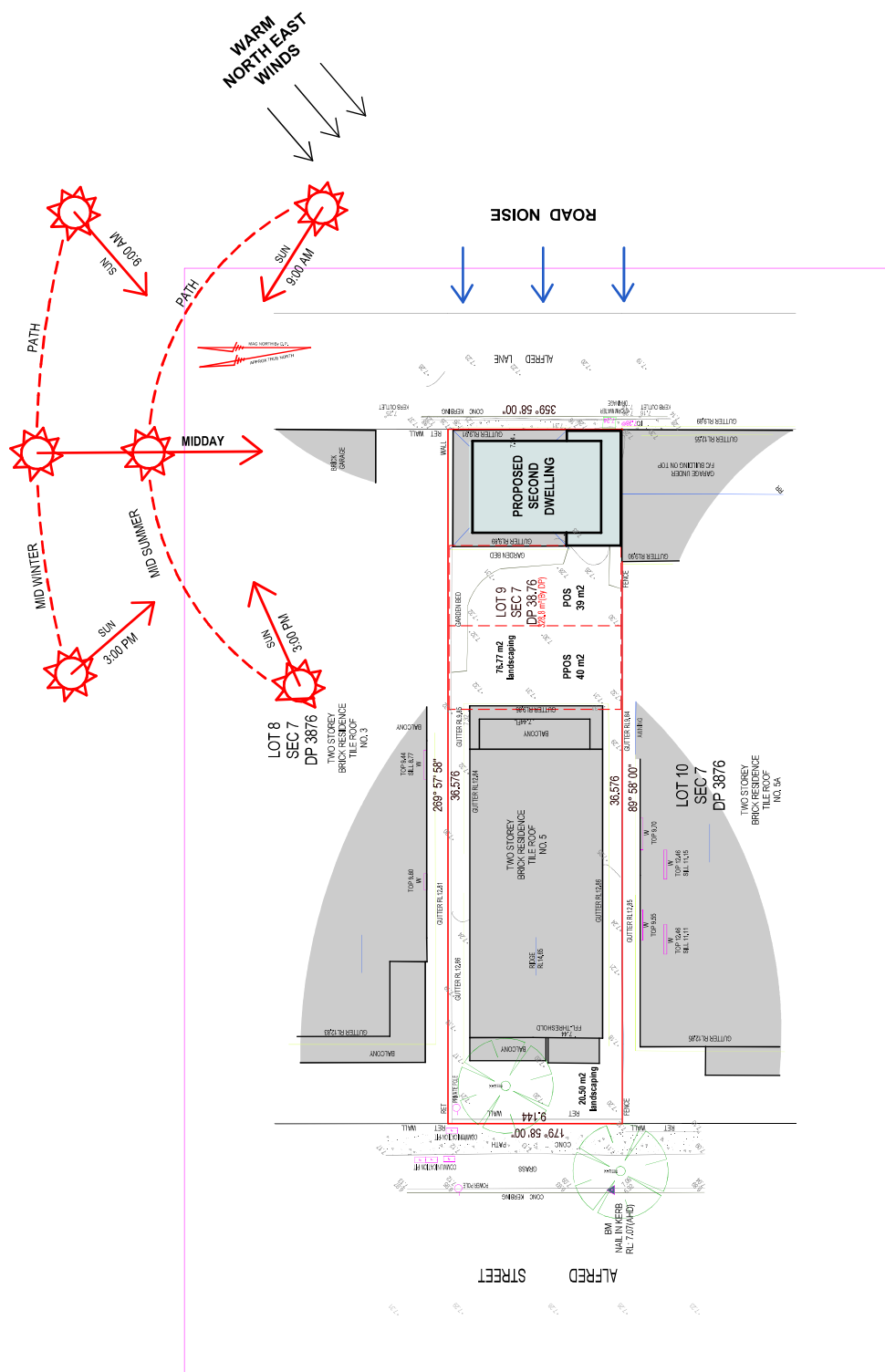
- ALL WORK TO CONFORM TO THE CURRENT NCC SERIES (BCA & AUSTRALIAN STANDARDS)
- BUILDING TO VERIFY ALL WORK ON SITE BEFORE COMMENCING BUILDING WORKS
- USE WRITTEN DIMENSIONS & DO NOT SCALE OFF DWGS
- STORMWATER
 - PANTANK OVERFLOW TO CONNECT TO EXISTING GUTTER SWP IT
 - DP's TO CONNECT INTO EXISTING GUTTER SWP IT
- SMOKE ALARMS:
 - SMOKE ALARMS TO BE LOCATED & INTERCONNECTED WITH EACH OTHER IN ACCORDANCE WITH - Part 3.5.2 and 3.5.4 of BCA 2022
- MECHANICAL VENTILATION:
 - MECHANICAL VENTILATION IS TO BE PROVIDED TO AREAS MARKED WITHOUT NATURAL VENTILATION TO BE INSTALLED IN ACCORDANCE WITH Part 3.5.2.4 of BCA 2022
- TERMITE PROTECTION:
 - CHEMICAL SPRAYING & TREATED TIMBER
 - PROTECTION TO BE INSTALLED TO MANUFACTURERS SPECIFICATION & COMPLY WITH BCA AND STANDARD PROFESSIONAL PRACTICE
- WATERPROOFING:
 - WATERPROOFING OF WET AREAS TO COMPLY WITH A.S. 3740 & Part 3.5.1 of BCA 2022



1 SITE PLAN

1 : 200

DATE	ISSUE	AMENDMENT	CLIENT	BEST BUILD	DRAWING	SITE PLAN	ISSUE	JOB No.
14/08/25	A	ISSUE FOR DA APPROVAL	Draft & Design m: 0435 500 229 e: info@draftanddesign.com.au	DATE JUNE 25	PROJECT PROPOSED SECOND DWELLING AT 5 ALFRED ST MASCOT	SHEET 01	A	025-03

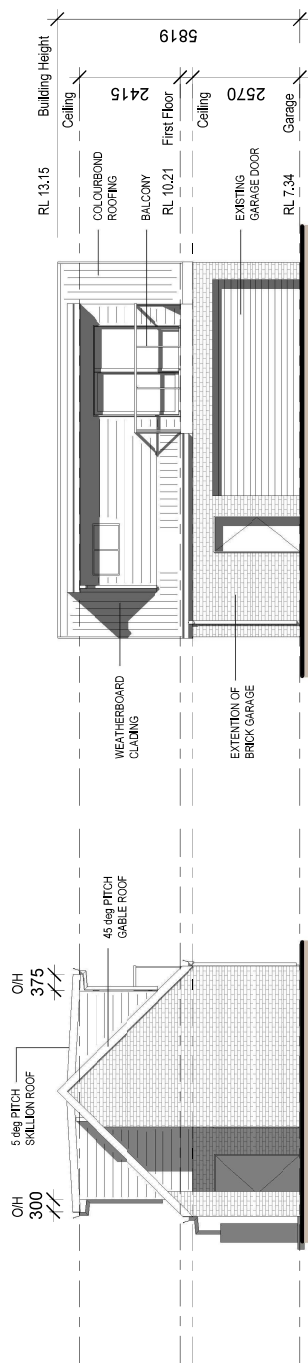


SITE ANALYSIS PLAN

1

1 : 200

DATE	ISSUE	AMENDMENT	CLIENT	BEST BUILD	DRAWING	SITE ANALYSIS PLAN	ISSUE	JOB No.
14/06/25	A	ISSUE FOR DA APPROVAL	Draft & Design m: 0435 500 229 e: info@draftanddesign.com.au	DATE JUNE 25	DRAWN SCALE L.W.	PROJECT SHEET 02	A	025-03

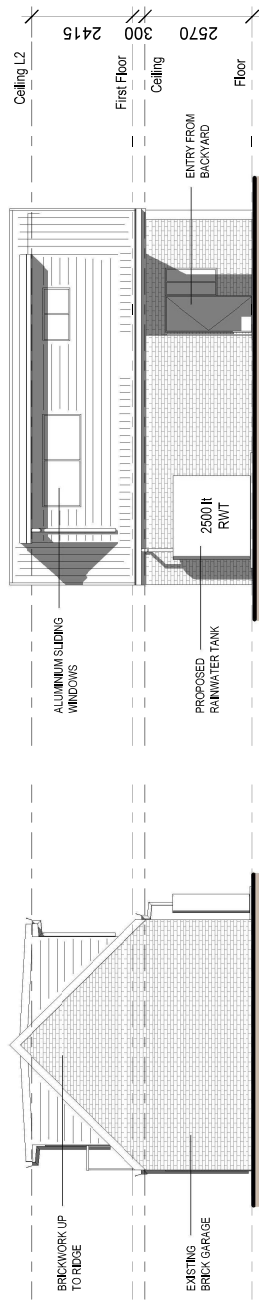


SOUTH ELEVATION

3 1 : 100

EAST ELEVATION

1 1 : 100



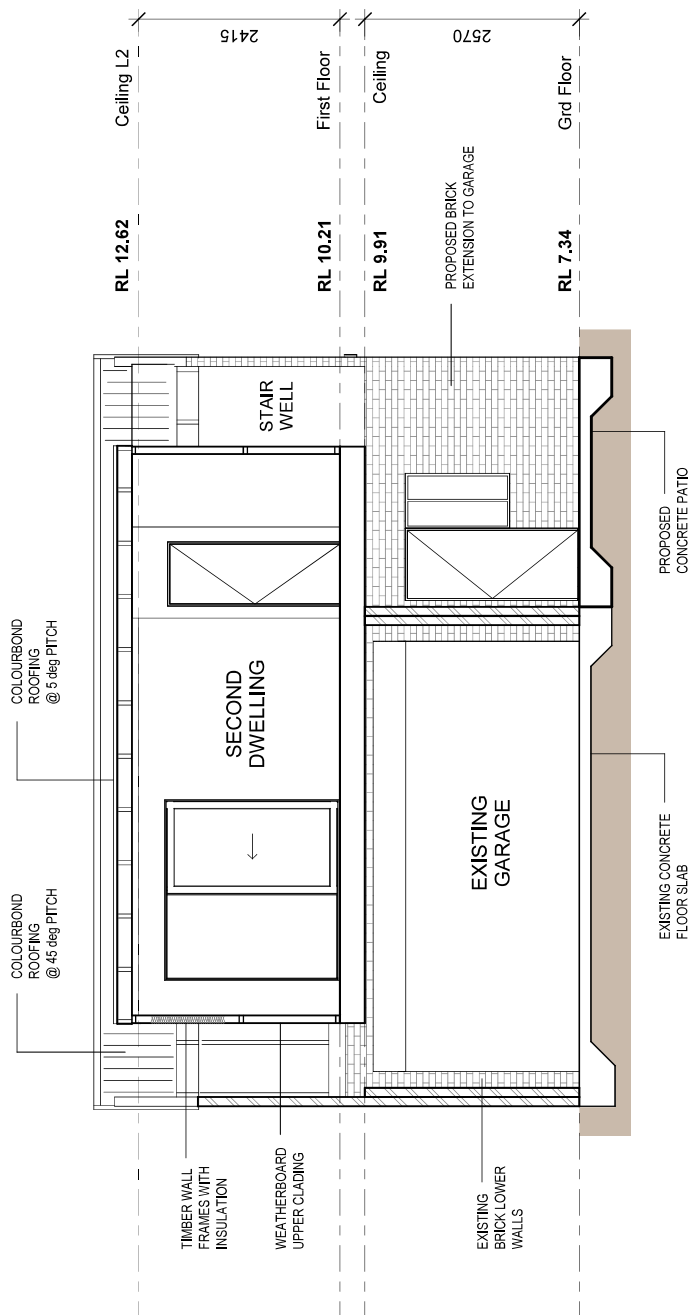
NORTH ELEVATION

2 1 : 100

WEST ELEVATION

4 1 : 100

DATE	ISSUE	AMENDMENT	CLIENT	BEST BUILD	DRAWING	ELEVATIONS	ISSUE	JOB No.
14/03/25	A	ISSUE FOR DA APPROVAL	Draft & Design m: 0435 500 729 e: info@draftanddesign.com.au	DATE JUNE 25	PROJECT PROPOSED SECOND DWELLING AT 5 JERSEY ST MASCO		A	025-03
				DRAWN LW	SCALE 1:100@A3	SHEET 06		



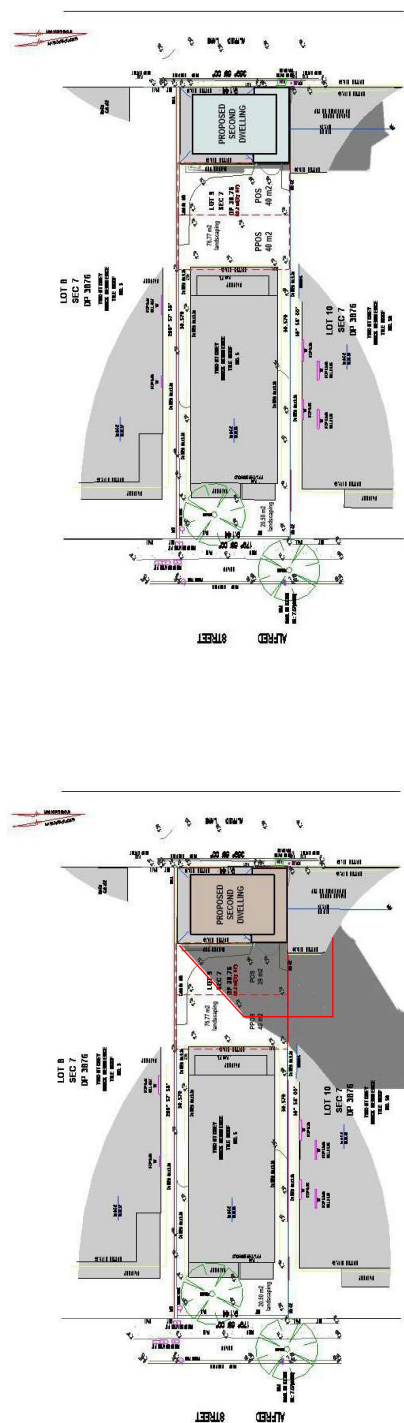
SECTION A - A

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DATE	ISSUE	AMENDMENT	CLIENT	BEST BUILD	DRAWING	SECTIONS	ISSUE	JOB No.
11/06/25	A	ISSUE FOR DA APPROVAL	Draft & Design m: 0435 500 729 e: info@draftanddesign.com.au	DATE JUNE '25	PROJECT PROPOSED SECOND DWELLING AT 5 ALFRED ST MASCOY		A	025-03
				DRAWN L.W.	SCALE 1:50@A3	SHEET 08		

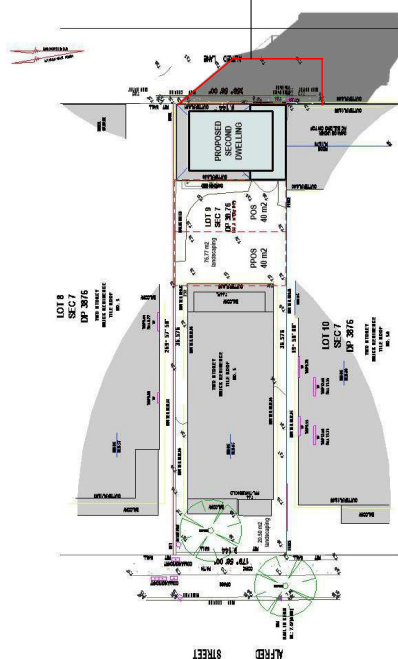
1 SCHEDULE OF FINISHES
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9 am - June 21st

12 pm - June 21st



3 pm - June 21st

DATE	ISSUE	AMENDMENT	CLIENT	BEST BUILD	DRAWING	SHADOWS - JUNE 21st	ISSUE	JOB No.
11/06/25	A	ISSUE FOR DA APPROVAL	Draft & Design m: 0435 500 229 e: info@draftanddesign.com.au	DATE JUNE '25	DRAWN L.W.	SCALE N.T.S	SHEET 09	PROJECT PROPOSED SECOND DWELLING AT 5 ALFRED ST MASCOT
								A 025-03

Bayside Local Planning Panel - Other Applications

25/11/2025

Item No	6.2
Application No	DA-2024/348
Property	15-37 Innesdale Road, Wolli Creek
Application Type	Development Application
Proposal	Integrated Development - Modification to residential flat buildings approved under DA-2022/329 including addition of one (1) residential level comprising eight (8) apartments resulting in two (2) x nine (9) storey residential flat buildings, reduction in rooftop communal open space and changes to approved balconies
Owner	Innesdale Holdings Pty Ltd
Applicant	M Taouk
Ward	Ward 2
Lodgement Date	6/12/2024
No. of Submissions	Four (4) submissions and one (1) petition
Cost of Development	\$2,846,245.35
Reason Criteria	Sensitive development
Report by	Peter Barber, Director City Futures

Reason for Report

This application has been referred to the Bayside Local Planning Panel (BLPP) for the following reason:

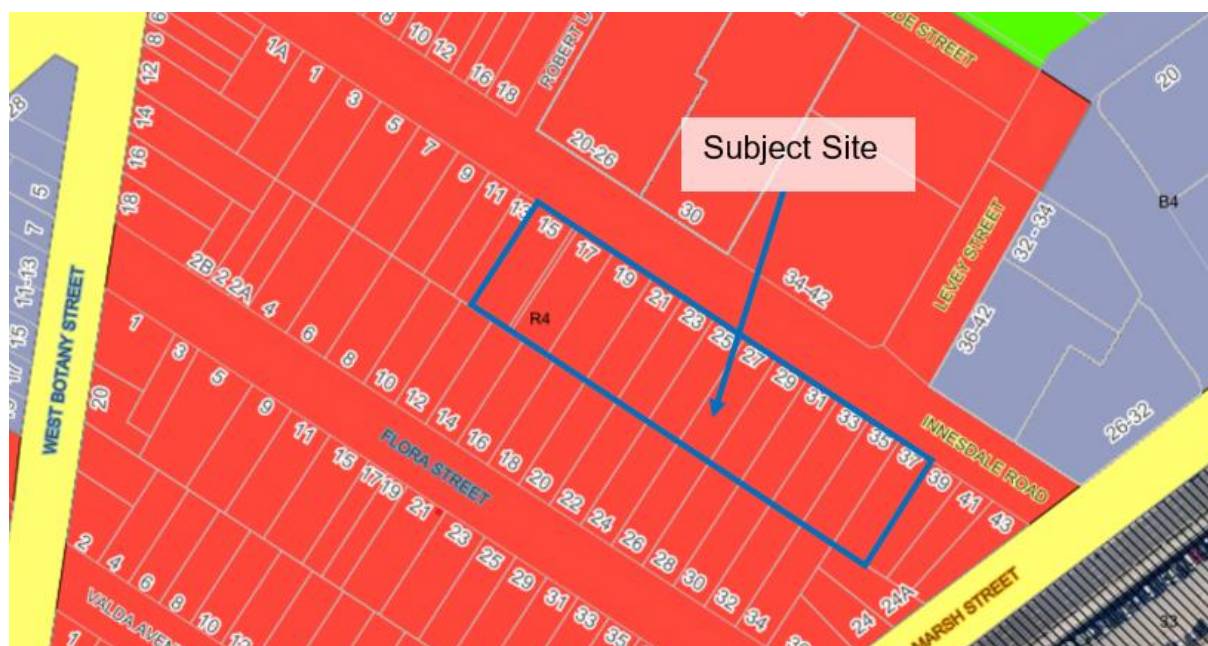
- In accordance with Schedule 1, Section 4(b) – Sensitive Development Standards of the Local Planning Panels Direction issued by the Minister for Planning and Public Spaces (dated 6 March 2024), Development to which State Environmental Planning Policy (Housing) 2021 Chapter 4 (Design of Residential Apartment Development) applies.

The proposal triggers Chapter 4 of the aforementioned SEPP and thus necessitates determination by the Bayside Local Planning Panel (BLPP).

Officer Recommendation

1. 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-2024/348 for Integrated Development - Modification to residential flat buildings approved under DA-2022/329 including addition of one (1) residential level comprising eight (8) apartments resulting in two (2) x nine (9) storey residential flat buildings, reduction in rooftop communal open space and changes to approved balconies at 15-37 Innesdale Road, Wolli Creek NSW 2205 by **GRANTING CONSENT** subject to the recommended conditions of consent attached to this report.
2. The submitters are to be notified of the Panel's decision.

Location Plan



Attachments

- 1 [↓](#) Planning Assessment Report
- 2 [↓](#) Draft Notice of Determination
- 3 [↓](#) Architectural Plans Elevations and Perspectives
- 4 [↓](#) Landscape Plan

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	DA-2024/348
Date of Receipt:	6 December 2024
Property:	15-37 Innesdale Road, Wolli Creek NSW 2205 Lot 13 in DP 663383, Lot 1 in DP 923896 and Lots 14 to 24 in Section 1 in DP 4059
Owner:	Innesdale Holdings Pty Ltd
Applicant:	M Taouk
Architect:	Marchese Partners International Pty Ltd
Town Planner:	GYDE Consulting
Proposal:	Integrated Development - Modification to residential flat buildings approved under DA-2022/329 including addition of one (1) residential level comprising eight (8) apartments resulting in two (2) x nine (9) storey residential flat buildings, reduction in rooftop communal open space, changes to approved balconies, and changes to both basement levels to accommodate additional car parking spaces
Recommendation:	Approval, subject to conditions of consent
No. of submissions:	Four (4) submissions and one (1) petition
Author:	Michael Maloof – Senior Development Assessment Planner
Date of Report:	8 October 2025

Key Issues

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

- Modification to DA-2022/329 for alterations and additions, add eight (8) additional units and provide thirty-seven (37) affordable housing units (previously 98 Affordable Housing units) out of a total of 204 apartments (previously 198 apartments).

- Minor internal alterations;
- Building setbacks;
- Deep soil area; and,
- Enlarged basement levels.
- Design excellence clause in BLEP 2021 applies
- Non-compliance with current NCC practice regarding floor to floor heights, which may impact overall building height

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.

The officers 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. 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-2024/348 for Integrated Development - Modification to residential flat buildings approved under DA-2022/329 including addition of one (1) residential level comprising eight (8) apartments resulting in two (2) x nine (9) storey residential flat buildings, reduction in rooftop communal open space, changes to approved balconies, and changes to both basement levels to accommodate additional car parking spaces at 15-37 Innesdale Road, Wolli Creek NSW 2205 by **GRANTING CONSENT** subject to the recommended conditions of consent attached to this report.
2. The submitters be notified of the Panel's decision.

Background

History

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

- **DA-2022/329** - Integrated Development – Demolition of existing structures and construction of four (4) x eight (8) storeys residential apartment buildings comprising of 196 apartments including 98 affordable housing units over three (3) levels of basement parking – Deferred Commencement 18 July 2023. Consent activated 16 February 2024.
- **MDA-2024/67** - Modification to DA-2022/329 to modify conditions of consent relating to stormwater management – Approved on 11 June 2024
- **MDA-2024/51** - Modification to DA-2022/329 to modify conditions 35 and 38 to allow payment of contributions in stages – Approved on 18 June 2024.
- **MDA-2024/110** - Modification to DA-2022/329 to update conditions to reflect the approved plans from the NSW Planning Portal – Approved on 26 August 2024

The history of the subject application is summarised as follows:

- 6 December 2024 - Lodgement
- 19 December 2024 to 11 February 2025 - Notification period dates
- 12 December 2024 – Referral received from SACL
- 2 January 2025 – Referral received from Landscaping
- 2 January 2025 – Request for more information from Water NSW
- 29 January 2025 – Referral received from Environmental Scientist
- 2 February 2025 – Site Inspection
- 3 March 2025 – Applicant submitted additional information for Water NSW
- 13 March 2025 – Referral response from Water NSW
- 1 May 2025 – Referred to the Design Review Panel
- 6 May 2025 - Email of DRP minutes sent to the applicant with Council letter
- 7 May 2025 – Email to applicant requesting additional information including the details of the community housing provider and Section 67 Notice of Modification
- 2 June 2025 – Email from and to the applicant regarding changes to the scheme
- 10 June 2025 – Email to applicant regarding changes to the scheme
- 8 September 2025 – Submission of amended architectural and landscape plans from the applicant
- 7 August 2025 – Referred to the Design Review Panel a second time
- 18 August 2025 - Email / RFI letter sent to the applicant regarding Regs details
- 8 September 2025 - Additional information submitted regarding conditions and details of the Registered Community Housing Provider
- 12 September 2025 – Internal referrals received
- 12 September 2025 – Email to applicant to confirm plan details
- 16 September 2025 – Email reply from applicant regarding plans
- 16 September 2025 – Email from applicant with final architectural and landscape plans amended to comply with the DRP requests.
- 7 October 2025 – Engineering and Contributions referral responses received
- 9 October 2025 - Landscaping referral response received

Proposal

The proposed development submitted with the development application included the following:

- *addition of two (2) residential levels comprising eight (8) apartments and private rooftop terraces for two (2) units resulting in two (2) x ten (10) storey residential flat buildings,*
- *reduction in rooftop communal open space,*
- *changes to approved balconies, and*
- *changes to both basement levels to accommodate additional car parking spaces.*

After receiving the minutes of the Design Review Panel meeting (7 August 2025) and Council's emails, the applicant reduced the height of the building to nine (9) storeys and made the following modifications to the scheme:

- Basement levels separated by 6m to retain some deep soil (compared to the submitted scheme which had no deep soil and connected the basements) Note: the

original approval had a 12m separation between basement levels with deep soil and planting in between.

- Reduction in height from 10 to 9 storeys with the additional dwellings being single storey (not two storey apartments which was previously considered in the modification). The “wedding cake stack” has been improved with reduced shadows cast.
- Deep soil increased to 1,221.9m² or 19.41% of the total site.
- Communal Open Space (COS) increased to 2,563m² or 40.71% of the site.
- Landscaped area is 3,010.6m² or 47.86% of the site.

The revised scheme currently involves the following:

The proposal modifies the two residential flat buildings approved under DA-2022/329 and is a development application (not a modification).



Figure 1: Photomontage of the site from Innesdale Road (10 storey original scheme lodged on the left and 9 storey latest revision on the right)

The proposal includes minor changes to internal layouts and balconies on levels 1 to 7. This includes internal door relocations to bedrooms and bathrooms, reconfigurations of balconies to most of the units and conversion of two of the lift shafts on Level 7 to service rooms. The units on level 8 will be accessed by the two lifts in each building which are separated by the common open space area on the top of each building.

The proposed includes eight (8) additional units with 4 units on top of each building. These contain 3 bedrooms. The additional 8 units increase the total from 196 to 204 units. Compared with the previous approval, the overall housing mix will change as outlined in the table below.

Previous approval (DA-2022/329)	
No. 15-25 Innesdale Rd – Building 1	Nos. 27-37 Innesdale Rd – Building 2
Residential	Affordable
0 x 1 studio (0%)	0 x 1 studio (0%)
24 x 1 bedroom (24.5%)	24 x 1 bedroom (24.5%)
56 x 2 bedroom (57.1%)	56 x 2 bedroom (57.1%)
18 x 3 bedroom (18.4%)	18 x 3 bedroom (18.4%)
Total 98 units (50%)	Total 98 (50%)
Grand Total (both buildings) 196 units	
Grand Total breakdown of units 48 x 1 bed, 112 x 2 bed and 36 x 3 bedroom	

Current application (DA-2024/348)		
No. 15-25 Innesdale Rd – Building 1	Nos. 27-37 Innesdale Rd – Building 2	
Residential	Residential	Affordable
0 x 1 studio (0%)	0 x 1 studio (0%)	0 x 1 studio (0%)
18 x 1 bedroom (17.6%)	10 x 1 bedroom (9.8%)	8 x 1 bedroom (7.8%)
62 x 2 bedroom (63.7%)	35 x 2 bedroom (34.3%)	27 x 2 bedroom (26.5%)
22 x 3 bedroom (21.6%)	20 x 3 bedroom (19.6%)	2 x 3 bedroom (2%)
Total 102 units (50%)	Total 65 units (32%)	Total 37 units (18%)
Grand Total (both buildings) 204 units		
Grand Total breakdown of units 36 x 1 bed, 124 x 2 bed and 44 x 3 bedroom		

The 37 affordable housing units represent 18.14% of all units however these units have a GFA of 2,783.6m² which represents 15.46% of the GFA proposed on the site. All 37 affordable housing units will be located in the affordable housing building (building 2) and are positioned on the ground floor, level 1 and part of level 2. These units are 101 to 112 (ground floor), units 201 to 214 (level 1) and units 301 to 305, 307 to 309 and 311 to 313 (level 2). The proposal will involve an increase in gross floor area (GFA) of 1,015m² resulting in a total GFA of 18,001.1m² and FSR of 2.86:1 for the site. It will also involve an increase in height from 27.69m (originally approved) to 30.2m (being 2.51m).

The proposal will retain the three (3) basement car parking levels (2 full levels and mezzanine level) but the 12m gap between the basement levels is proposed to be reduced to 6m between the buildings and will not align with the ground floor level above (the zero separation with the basement levels abutting each other originally put forward by the applicant has been deleted). The basement levels are proposed to extend 3m on each side to contain an additional 4 parking spaces under the common open space at ground level between the buildings. Although this totals 16 spaces (with 4 spaces either side of the gap on each level) the applicant has made changes to the basement design to improve the service rooms on the site. The proposal will contain 236 parking spaces (comprising 19 parking spaces for affordable housing, 41 visitor spaces and 176 resident parking spaces) which is an increase of 10 spaces compared with the previous approval (226 spaces). However, building 2 has 7 excess residential parking spaces while building 1 complies with the required amount (98 spaces).

Council's Development Engineer has advised that a lower visitor parking space of 1 space per 7 units could be used to lower the amount of parking by 5 spaces. As such, the separation between the buildings could be increased back to 12m given a total surplus of 12 parking spaces between the two. This has been addressed by way of conditions in the draft Notice of Determination.

Similar to the previous approval, the basement levels will contain waste rooms, storage rooms, loading bay and bicycle parking spaces. The basement parking has a double driveway ramp direct from Innesdale Road located centrally for each of building, with one for buildings A and B and one for buildings C and D.

Criteria	Previously approved scheme (DA-2022/329)	Proposed scheme (DA-2024/348)
Building Height 26.5m - BLEP 2021 34.45m - SEPP Housing	27.69m – (SEPP compliant)	30.2m (SEPP compliant)
Floor Space Ratio 2.2:1 - BLEP 2021 or GFA of 13,848.34m ²	2.86:1 or 17,999.0m ² (SEPP Compliant)	2.86:1 or GFA of 18,001.1m ² (SEPP compliant)

Criteria	Previously approved scheme (DA-2022/329)	Proposed scheme (DA-2024/348)
2.86:1 - SEPP Housing or GFA of 18,002.842m2		

The additional information provided by the applicant after amending the plans indicates the proposal will contain 2,563m² of communal open space on the ground floor and roof top level representing 40.71% of the site (which is an increase from 1,982.4m² approved previously). The proposal will include a landscaped area of 3,010.6m² or 47.8% for the site. The applicant has indicated the proposal will have a deep soil area of 19.41% (or 1,221.9m²) based on the SEPP Housing which is a reduction from 22% (or 1,396.1m²) of landscaped deep soil area in the previously approved scheme. Based on the ADG (which requires a minimum dimension of 3m) the proposal will have a deep soil area of 618.4m² or approximately 10% of the site.

The proposal is different to the previous approval as it will involve one additional floor (level 8), reduce the number of affordable housing units from 98 (50%) down to 37 (15.4%) and has minor changes to the design of the approved units on the lower levels. The 37 affordable housing units are located within building 2 (the eastern building that was previously all affordable) on the ground, first and second floors. This includes units G101 to 112, 201 to 214, 301 to 305, 307, 308, 309, 311, 312 and 314. Plans (DA7.01 to 03 Revision E and DA7.04 Revision D) submitted with the application indicate that a total of twenty two (22) adaptable units will be provided on the ground floor and then from level 4 to level 07 being units 105, 110, 111, 507, 508, 607, 608, 707, 708, 807 and 808 in each building.

The proposal includes a new development consent (DA-2024/348) with changes to the previously imposed conditions of consent (DA-2022/329 as amended by MDA-2024/110).

The proposal will not include the subdivision of the site. The figures below are extracts of the proposal:

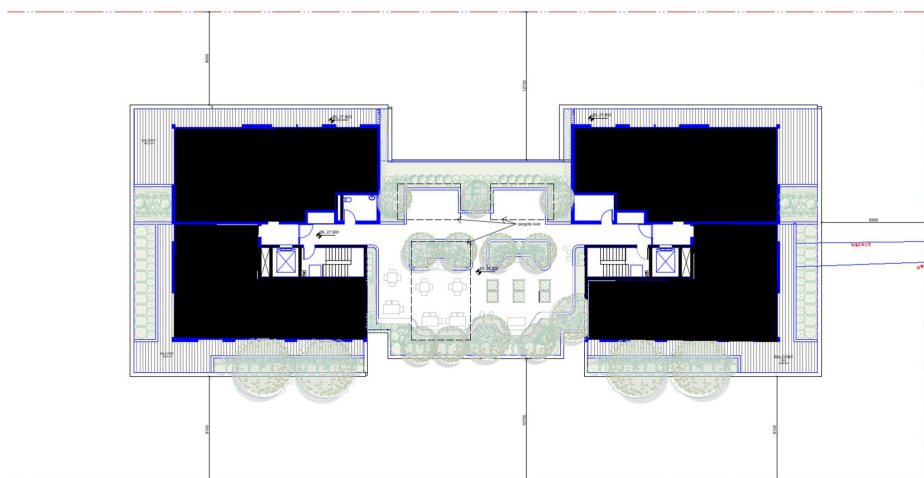


Figure 2: Level 8 floor plan of building 2 showing the central communal open space area



Figure 3: View of the northern elevation of the site from Innesdale Road (being 9 storeys in height)

Site Location and Context

The subject site comprises of thirteen (13) allotments, commonly referred to as 15-37 Innesdale Road, Wolli Creek. The site is located on the southern side of Innesdale Road and is right on the edge of the Arncliffe/Banksia precinct. The overall site area is approximately 6,294.7m² (6,270m² by DP, 6,282.1m² by calculation on survey + No. 17 narrow lot) with a frontage of approximately 155.125m, and a depth of approximately 40.5m. The site is relatively flat and contains 12 x detached single dwellings.

This locality was previously re-zoned to R4 – High Density Residential except for the eastern end of Innesdale Road on the northern site which is zoned B4 Mixed Use. Within the R4 High Density Residential zone on the site and surrounds, there has been significant uplifts to the applicable building height and FSR development standards in the Bayside LEP 2021.

The site adjoins 3 lots to the east (Nos. 39, 41 and 43 Innesdale Road) and 3 lots to the west (at Nos. 13, 11 and 9 Innesdale Road). The site backs onto 12 lots at Nos. 12 through to 34 Flora Street while the lot at No. 37 Innesdale Road (the westernmost lot forming the site) backs onto the side of No. 24A Marsh Street. All of these adjoining properties contain single dwellings with pitched roof and are zoned R4 High Density Residential.

The subject site, nature strip and adjoining properties contain a total of 30 trees which may be affected by the proposal. Of these, the applicant seeks to remove 24 and retain 6 trees. (Refer to the last dot point in Design Quality Issues for more information regarding trees).

The properties to the north of the site on the opposite side of Innesdale Road contain multi storey residential apartment buildings at Nos. 20-26, No. 30 and Nos.34-42 Innesdale Road and are also zoned R4 High Density Residential. Opposite the easternmost lot on the site (No. 37 Innesdale Road) is a mixed use development at Nos. 36-42 Levey Street on land which is zoned B4 Mixed Use.

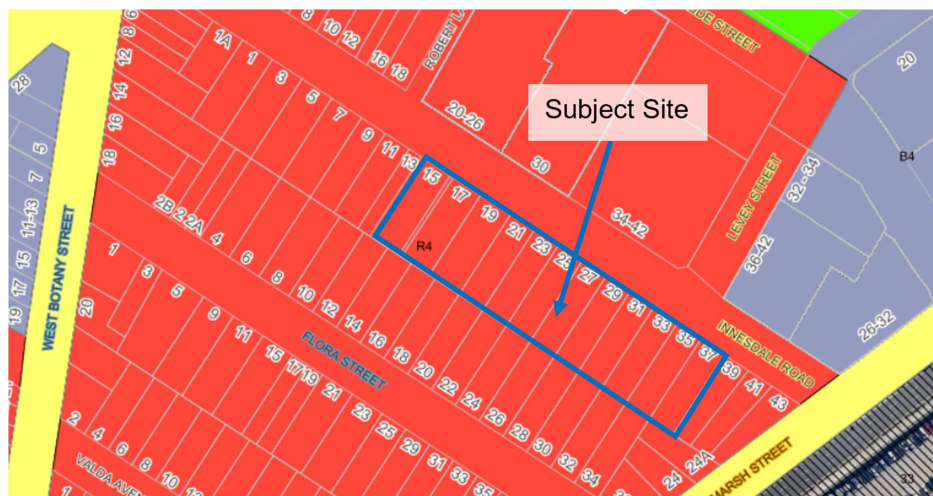


Figure 4: Extract of the zoning plan under Bayside LEP 2021

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").

S4.46 – Development that is Integrated Development

The development application has been lodged as Integrated Development, as an approval under the Water Management Act 2000 is required, and specifically the development involves a temporary construction dewatering activity with the same basement level but slightly greater area (206m²) than the previously approved development on the site.

The proposal involves the retention of the same three basement car parking levels with an increased area of 6m x 34.2m. Testing on site has been undertaken and the geotechnical report prepared by EIAustralia dated 23 April 2024 demonstrates that groundwater was encountered between 2.2m and 4.1 metres on the site.

The application was referred to Water NSW for concurrence. In a letter dated 13 March 2025, Water NSW provided their General Terms of Approval (GTA) for the proposal. These have been incorporated within the Draft Notice of Determination.

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 (Sustainable Buildings) 2022

The applicant has submitted four BASIX Certificates for the proposed development, being Certificate numbers 1766437M, 1330356M_03, 1766730M and 1329966M_04.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. A condition has been recommended to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Housing) 2021

Chapter 2 - Part 2 - Division 1 - In-fill affordable housing

This Part of the SEPP applies as the proposal is permissible, at least 10% of the units are for affordable housing (at 15.46% GFA), and the site is within an “accessible area”.

Section	Requirement	Proposal	Complies
15C – Development to which this provision applies	Permitted on land that includes residential development if the development is permissible under chapter 3, part 4, chapters 5 and 6 or another EPI.	The development includes residential development that is permissible under chapter 3 and part 4 of the SEPP.	Yes - complies
	The affordable housing component is at least 10%	The proposal includes 15.46% (37 of 204) affordable housing units.	Yes
	The development is carried out on land within 800m walking distance of land in a relevant zone or equivalent land use zone.	The site is located within 600m from Wolli Creek Railway Station which is an accessible area.	Yes
16 – Affordable Housing requirements for additional FSR	Maximum possible benefit of up to 30% increase in FSR. AF Minimum = 10% AF Component – additional FSR / 2	The proposal includes 15.46% AF housing thus benefits from 30% bonus FSR or 2.86:1 The proposal involves a GFA of 18,001.1m ² and an FSR of 2.86:1 which complies with the maximum bonus for the site under the SEPP.	Yes – complies
17 - Additional floor space ratio for relevant authorities and registered community housing providers	Bonus FSR for a relevant authority or community housing provider	N/A	N/A
18 - Affordable housing	Maximum possible benefit of up to 30% increase in building height.	The proposal includes 15.46% AF housing	

Section	Requirement	Proposal	Complies
requirements for additional building height	AF Minimum = 10% AF Component – additional height / 2	and benefits from 30% bonus building height or 7.95m (max 34.45m) The proposal involves a height of 30.2m (RL 32.7m) which complies with the maximum bonus for the site (34.45m) under the SEPP.	Yes – complies
19 - Non-Discretionary Development Standards	(2)(a) minimum site area of 450m ² .	N/A	N/A
	(2)(b) minimum landscaped area that is the lesser of: - (i) 35m ² per dwelling (1820m ²) (ii) 30% of the site area (469.5m ²)	Total Landscaped area provided is 3,010.6m ² which equates to 14.75m ² per dwelling or 47.8% of the site	Yes - complies
	(2)(c) minimum deep soil of 15% of the site area where: - (i) Minimum dimension of 3m (ii) At least 65% to be located at the rear	1,221.9m ² – 19.41% under the SEPP or 618.4m ² or 10% with min 3m dimension Unique site with deep soil of 466m ² at rear which is 7.5%.	Yes Yes No - but acceptable
	(2)(d) living rooms and POS in at least 70% of dwellings have a minimum of 3 hours of direct solar access between 9am and 3pm in mid-winter.	Plans submitted show 70.6% or 144/204 units getting a minimum of 2 hours.	Yes
	(2)(e) parking spaces for affordable dwellings- (i) 1 bedroom – min 0.4 parking space (ii) 2 bedroom – min 0.5 parking space (iii) +3 bedroom – min 1.0 parking space	8 x 1 bed, 27 x 2 and 2 x 3 bedroom units 3.2 + 13.5 + 3 spaces = 19.7 or 20 spaces	Yes
	(2)(f) parking spaces for dwellings not used as affordable dwellings- (i) 1 bedroom – min 0.5 parking space (ii) 2 bedroom – min 1.0 parking space (iii) +3 bedroom – min 1.5 parking space (Note: Total development has 12 x 1-bedroom, 34 x 2-bedroom and 6 x 3-bedroom residential units).	28 x 1, 97 x 2 & 42 x 3 bedroom units = 14+97+63 = 174 spaces The proposal provides 236 spaces (total) with 176 residential and 19 affordable spaces. The residential spaces have 2 surplus. One space can be given to the affordable units. The proposal can comply with these requirements.	Yes
	(2)(g) minimum internal area as specified in the ADG for the type of residential development	Yes – sufficient internal area provided	Yes

Section	Requirement	Proposal	Complies
		to comply with the ADG.	
	(2)(h) minimum GFA for dual occupancies, manor housing or multi dwelling house as specified in Low Rise Housing Diversity Design Guide.	N/A	N/A
	(2)(i) minimum floor areas if paragraphs g and h above do not apply (i) 1 bedroom – min 65m2 (ii) 2 bedroom – min 90m2 (iii) +3 bedroom – min 115m2 plus 12m2 for each bedroom in addition to 3 bedrooms.	N/A	N/A
20 – Design Requirements	Not for dual occupancies, manor houses or multi-dwelling house unless considered the Low Rise Housing Diversity Design Guide Must consider whether the development is compatible with: (i) The desirable elements of the character of the local area (ii) For precincts undergoing transition, the desired future character of the precinct.	N/A Yes Yes	N/A Yes Yes
21 – Must be used for affordable housing for at least 15 years	The development must include affordable housing; The affordable housing component will be managed by a registered community housing provider.	Yes Conditions shall be imposed in this regard. (See below)	Yes
22 – Subdivision permitted with Consent	Land on which development has been carried out under this division may be subdivided with development consent.	The proposal does not include subdivision.	N/A

Management of Affordable Housing

The proposed affordable housing component will be managed by a Registered Community Housing Provider in the name of *Bridge Housing Pty Ltd* who are trading as *Homeground Real Estate Sydney*. In this regard, a copy of the Plan of Management is required to be submitted to Council and will assist in the management of the affordable housing component. A condition has been imposed requiring submission of a Plan of Management (POM) to Council in this regard.

Chapter 4 Design Quality of Residential Apartment Development

This SEPP applies as it is a form of residential accommodation of 3 or more storeys and 4 or more dwellings.

In accordance with Section 28(2) of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The proposal has been referred to the Design Review Panel on Thursday 6 February

2025. The Panel supports the scheme with their detailed comments provided in the report below. The Applicant has amended their scheme and has provided their response on how the proposal has been modified to address the issues raised by the Panel.

The Panel have supported the revised scheme and confirmed it demonstrated Design Excellence.

b. **The design quality of the development when evaluated in accordance with the design quality principles.**

The design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

Principle 1 – Context and Neighborhood Character

Panel Comment:

No additional comments. The current proposal differs from the previous approval with a reduction in the number of proposed storeys.

Council Comment:

The proposal will retain the same building context with the existing neighbourhood and is not likely to result in any greater adverse impact on the existing context than the previous approval on the site. Council agrees with the panel in the improvements made to the scheme are acceptable with a reduction in height from two to one additional storey. The revised scheme will retain a near identical external appearance and attention to detail in respect to the materials and finishes that were previously approved on the site. The proposal is acceptable with respect to building context and neighbourhood character and will make a positive addition to the existing streetscape.

Principle 2 – Built Form and Scale

Panel Comment:

The modification has been revised with a reduced basement split of 6m instead of 12m originally submitted. The Panel supports the 6m wide deep soil with the centrally located *Corymbia gummifera*. The Panel reiterates a 12m wide split would result in even wider deep soil to enable large trees that would contribute to the amenity of the space and provide a positive urban canopy.

The Panel notes the area between the buildings would support a through site link. The DCP proposes such a link further to the northwest being aligned with Robert Lane. Given the length of Innesdale Road, and proposed building, a through site link on the site is strongly supported.

Council Comment:

The proposal provides a deep soil width of 6m by separating the basement levels instead of nil setback below ground. The proposal is acceptable to provide sufficient soil depth whilst still allowing an increase in basement parking for the additional dwellings.

The site is not specifically identified in Council's DCP for a through site link. Figure 69 of the DCP shows provisions are to be made further to the west adjacent to Robert Lane. A development was approved at 1-7 Innesdale Road which includes a through site link in order to satisfy this requirement. The opportunity to provide a throughsite link is evident as shown in the figure below. This will create pedestrian connectivity and easy access to

the train station and public recreation areas along the Cooks River, contributing to the amenity of future residents as envisioned in the DCP.

The figure below provides a summary of development proposals in the vicinity of the subject site as well as approved and possible future through site links which will contribute to the permeability of the precinct. To achieve this, a condition of consent is proposed requiring an easement to be created on the subject properties in the event the sites at 24-26 Flora Street are re-developed in the future.

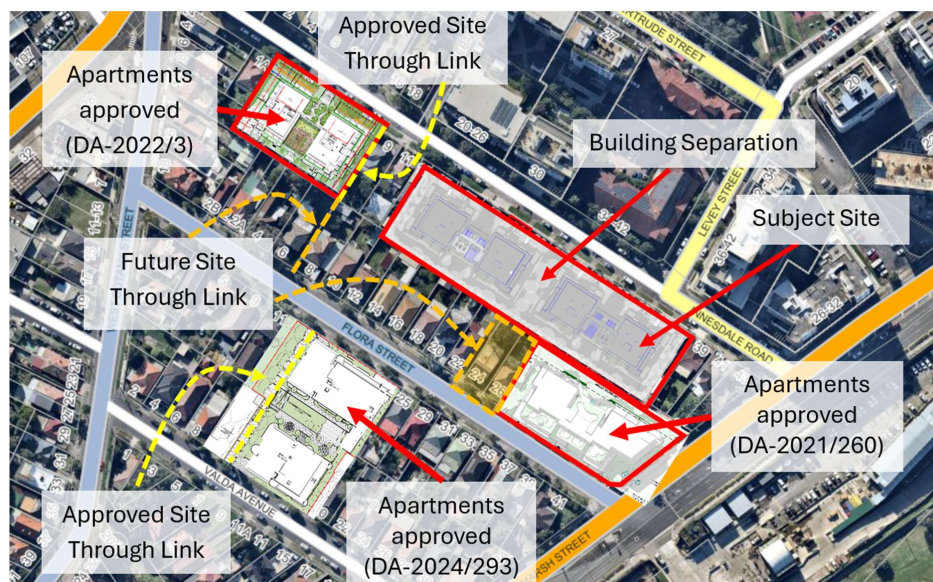


Figure 5: Aerial photograph of the site and adjoining properties.

Principle 3 – Density

Panel Comment:

Density is considered acceptable.

Council Comment:

The proposal complies with the maximum permissible density under Housing SEPP and is acceptable in this regard.

Principle 4 - Sustainability

Panel Comment:

The deep soil has been reduced, and large-scale canopy trees reintroduced.

Material provided by the applicant indicates that no additional overshadowing of the rooftop COS is caused by the modification.

Sustainability measures were not presented to the Panel; these should be reviewed by Council for adequacy. A condition of consent is proposed requiring the implementation of additional sustainability measures as stated below.

Council Comment:

The basement plans do not include EV charging for the parking spaces however, a condition was imposed requiring provision for such in the previous application. This condition shall be retained in the current scheme. The original scheme included the provision of photovoltaic cells on the roof which are on the current plans and shall be retained in the current scheme.

The applicant has included water saving devices within the BASIX certificate and used appropriate materials and finishes to minimise thermal load within the western elevation of the building. The building will include appropriate thermal comfort with good levels of insulation and ceiling fans. An Ecologically Sustainable Development Report prepared by Efficient Living dated 5 November 2024 was submitted with the application and confirms the passive design and thermal performance has reduced energy consumption. Reduced water consumption with water usage monitoring will implement the objectives and measures in the ESD Report. Based on the above, the proposal will include sufficient sustainability measures and satisfy the DRP's request in this regard.

Principle 5 – Landscape

Panel Comment:

The Panel recommends the applicant review the central green space to address the following:

- The substation should be shifted out of the green space and dedicated through site link. It should have landscape buffers and servicing requirements.
- The Panel questions the need for a double path on either side of the space. It would be nicer to walk under trees. There could be small open spaces at key zoned along the curved path.
- The footpath is shown as stamped concrete. The applicant should review this and provide permeable material to encourage connected soil networks.
- Given the long street frontage and lack of precinct wide connections, the Panel encourages the central green space to be provided as a public easement and operate as a future through site link.

Council Comment:

The final location of the substation has taken considerable time to finalise in accordance with Ausgrid's requirements. In this regard, an investigation was previously carried out (with the previous approval), and any further relocation is limited by the easement constraints around the facility. It is currently proposed to be semi-screened behind landscape elements which will improve its external appearance and retain landscaping within the dedicated green space.

The applicant has amended the landscape plan to remove the two pathways and include a single pathway in the green space for access to comply with the Panel's request. Pedestrians can now walk under the tree canopy on the pathway and have access to the dwellings on each of the two buildings.

The previous design with a double pedestrian pathway contains a second landscape strip on each side. The reduction to a single pathway in accordance with the request of the DRP has now increased green / landscaped area even more with large trees and increased landscaping at various heights over a larger area between the buildings. Given

the larger deep soil planted area (increased permeable landscaping) and the provision of steppingstones with gravel between, the applicant has retained the stamped concrete for the pathway which includes a "cobble pattern" that is visually pleasing whilst retaining adequate pedestrian safety (as opposed to real cobble stones which are a trip hazard).

A development was approved at 1-7 Innesdale Road which includes a through site link in order to satisfy the intent of the DCP to create permeability within the precinct. As such, a public easement is required to achieve this objective.

Based on the above, the proposal is acceptable in respect to the Landscape principle.

Principle 6 – Amenity

Panel Comment:

The additional upper levels have been reduced and redesigned, to ensure that no additional units are created with zero solar access.

Deep soil issues have been separately discussed.

The rooftop Communal Open Spaces have been improved, with WC added.

Amenity considerations are now considered adequate and are supported by the Panel.

Building separations to the upper-level balconies facing the east, west and southern boundaries are below ADG guidance.

The Panel recommends setbacks be increased to allow for planting around the rooftop perimeter to assist with privacy.

Council Comment:

The proposed amendments to the scheme are a significant improvement for the future occupants. The additional floor on the ninth level of the building ordinarily requires increased setbacks up to 12m to the side and rear boundary between habitable rooms/balconies. The proposal will provide communal open space between the units at the top of each building with a part of the private balconies up to the building edge of the level below. Setbacks provided from balconies include 9.145m to the rear and 9m to the eastern side. The setback between the buildings complies being 12.35m while the front setback of 8m to the street is not unreasonable.

While compliance with the ADG could be achieved to the eastern side and rear of the site, it would dramatically reduce the amount of communal open space area on the roof between the units. The balconies do contain landscaped planters around the perimeter but not for their entire length. In this regard, the variation to the side setback on the upper level balconies facing east and west are not considered unreasonable given the limited length without a planter and given the extent of large-scale canopy trees to be provided at ground level, which are likely to retain sufficient privacy between the site and adjoining properties. Furthermore, planting around the roof top perimeter has been provided and therefore the variation to the east and west side setbacks is considered acceptable. The applicant has added pergolas to the roof top communal open space area to increase usability and practicality.

As such, the proposal is not considered unreasonable and will result in improved amenity for the future occupants with acceptable levels of privacy and amenity for both the site and the adjoining properties.

Principle 7 - Safety

Panel Comment:

The Panel recommends the two pathways along either side of the central green link be reconsidered, with a central meandering pathway preferred. This would improve safety in the dwellings that face directly onto the central green link, which are currently very close to the pathway with little room for defensive landscaping. Apartments adjacent to the pathway should have direct entries from it.

Council Comment:

The proposal has been modified to include one pathway along the central green space. The proposal includes a 1.6m wide landscape bed between the pathway and the dwellings that face directly onto the green space. This will retain suitable levels of pedestrian safety and separation between the buildings and privacy for the dwellings fronting the green space. In this regard, the proposal retains a suitable design with respect to crime prevention and conditions requiring CCTV will be retained. As the deep soil area between the towers has been reduced, and to ensure large trees can be planted, a condition is proposed requiring an amended landscape plan to be approved by Council prior to Construction Certificate when level details can be established. Subject to this condition, the proposal is acceptable in respect of safety.

Principle 8 - Housing Diversity and Social Interaction

Panel Comment:

While the above comments are still considered valid by the current Panel, we note the applicant's feedback that a) the affordable housing will be provided in the first stage and b) that operators prefer consolidated units rather than the salt and pepper approach.

The Panel understands that COS areas have again been recalculated to exclude front areas and entry pathways and defer to Council to review adequacy. Overall, the Panel is supportive of the design from a Housing Diversity and Social Interaction perspective.

Council Comment:

The proposal will retain sufficient housing diversity despite being reduced in the total affordable housing unit numbers. Conditions shall be imposed with respect to the management and operation of the affordable housing component. The proposal includes passive and active communal areas and is acceptable in respect to housing diversity and social interaction.

Principle 9 – Aesthetics

Panel Comment:

The design has been revised to add a single additional upper level, set back from the level below. The aesthetics of the proposal are consistent with the approved DA, with the single upper level not having much of an aesthetic impact. Therefore, the Panel considers the change to be acceptable.

Council Comment:

The proposal will result in a small change to the aesthetic with an additional level which is an appropriate addition to the development and consistent with the previously approved range of materials. The proposal will not challenge the aesthetics of the previous approval whilst adding to the building and will satisfy the design quality principles in chapter 4 of the SEPP Housing.

The panel supports the application based on the above changes and confirms the scheme is able to achieve Design Excellence in accordance with Section 6.10 of the Bayside LEP 2021.

c. **The Apartment Design Guide**

The proposal has been assessed against the Apartment Design Guide (ADG). The proposed development is acceptable in respect of the objectives and design criteria contained within the ADG. The relevant issues are discussed below:

SECTION	DESIGN CRITERIA	COMMENTS	COMPLIES												
3J - Bicycle and car parking	<p>As per Guide to Traffic Generating Developments, or per council requirement, whichever is less.</p> <p>Parking provided off street:</p> <p>* 0.6 spaces / 1 bed = (36 x 0.6) = 21.6 spaces</p> <p>* 0.9 spaces / 2 bed = (124 x 0.9) = 111.6 spaces</p> <p>* 1.4 space / 3 bed = (44 x 1.4) = 61.6 spaces</p> <p>* Visitors = 1 / 5 units = 204 / 5 = 40.8 spaces</p> <p>Total required = 235.6 spaces</p>	<p>Total required = 235.6 car parking spaces</p> <p>Residential – 194.8</p> <p>Visitor – 40.8 spaces</p> <p>Total Provided = 236 spaces provided</p> <p>Residential - 195</p> <p>Visitor – 41 spaces</p>	<p>Yes – compliant.</p> <p>Thus, the scheme is acceptable</p>												
4D – Apartment size and layout	<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50M²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>Internal areas include only one bathroom. Additional bathrooms increase area by 5m² each.</p> <p>Further bedrooms increase minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50M ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Apartment sizes provided:</p> <p>Studio – N/A</p> <p>1 bed – 50-56m2</p> <p>2 bed – 75-80m2</p> <p>3 bed - 115-128m2</p>	<p>Yes - all units comply with the minimum size requirements</p>		
Apartment type	Minimum internal area														
Studio	35m ²														
1 bedroom	50M ²														
2 bedroom	70m ²														
3 bedroom	90m ²														
4C – Ceiling heights	<table><tr><th colspan="2">Minimum ceiling heights:</th></tr><tr><td>Habitable</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Two storey apartments</td><td>2.7m main living 2.4m first floor, area < 50% of apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge 30deg min slope</td></tr><tr><td>Mixed use area</td><td>3.3m for ground and first floor</td></tr></table>	Minimum ceiling heights:		Habitable	2.7m	Non-habitable	2.4m	Two storey apartments	2.7m main living 2.4m first floor, area < 50% of apartment area	Attic spaces	1.8m at edge 30deg min slope	Mixed use area	3.3m for ground and first floor	<p>The floor to floor heights have remained the same as previously approved 3.1m (not 3.15m) for `all of the apartments. Increasing to 3.15m on each floor would result in a breach (0.4m or 1.2% above the SEPP bonus) to the maximum building height control of 34.45m applying to the site.</p>	<p>Yes</p>
Minimum ceiling heights:															
Habitable	2.7m														
Non-habitable	2.4m														
Two storey apartments	2.7m main living 2.4m first floor, area < 50% of apartment area														
Attic spaces	1.8m at edge 30deg min slope														
Mixed use area	3.3m for ground and first floor														

SECTION	DESIGN CRITERIA	COMMENTS	COMPLIES
3D - Communal Open Space	25% (1,573.7m ²) of the Site Area (6,294.7m ²)	2,563m ² (40.71%) (previously 3,023m ²)	Yes
	50% of above 25% (786.85m ²) to receive 2 hours solar access in midwinter 9am - 3pm	175m ² roof top 2x 240m ² green space = 590m ² - 37.5% full sun from 9am to 3pm	No - but acceptable given full sun all day to 37.5% of the COS – due to orientation of site
3E - Deep Soil Zone	7% (440.63 m ²) site area - 15% (944.21m ²) larger than 1,500m ² Minimum Dimensions 3m	1,221.9m ² (19.41%)	Yes
3F Visual Privacy	Min separation - side & rear boundaries:		
	Building height	Habitable rooms and balconies	Non habitable rooms
	Up to 12m (4 storeys)	6m	3m
	Up to 25m (5-8 Storeys)	9m	4.5m
	Over 25m (9+storeys)	12m	6m
	Buildings on the same site combine required building separations. Gallery treated as habitable space		
	<p>The proposal contains the same variations to setbacks as previously approved on the site. The current proposal includes a variation for the ninth storey which is the side setback of 11.2m to the balcony from the side boundaries (east and west), 9.35m to part of the balconies at the rear elevation from the rear boundary, and 8m to the front balcony and 10m to the front elevation from the front boundary to the ninth floor. The other setbacks comply with the ADG.</p> <p>The variations are acceptable and have been addressed in more detail below.</p> <p>Please refer to Note 1 below for more information.</p>		
3H – Vehicular Access	Car park access integrated with building façade & behind building line.	The driveway ramp to the car park is legible and	Yes

SECTION	DESIGN CRITERIA	COMMENTS	COMPLIES															
		integrated with the building façade.																
	Garbage collection, loading & servicing areas screened	The garbage collection, loading and servicing areas is located within the basement and is screened from the street frontage.	Yes															
	Pedestrian / vehicle access separated & distinguishable.	Pedestrian and vehicular access is separated within the frontage to Innesdale Road.	Yes															
4A – Solar and daylight access	<p>Living rooms + POS of at least 70% of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter</p> <p>Max 15% apartments receive no direct sunlight b/w 9am & 3pm mid-winter</p>	<p>At least 144 of the 204 units (or 70.6%) receive in at least 2 hours sunlight to their balconies and living areas at midwinter.</p> <p>32 of 204 units (15.7%) have no direct sunlight while app claims 40 of 204 (19.6%) have no direct sunlight.</p>	<p>Yes</p> <p>No but acceptable given orientation of the site and only 0.7% variation.</p>															
4F – Common circulation and spaces	<p>Max apartments off a circulation core on a single level is eight.</p> <p>For buildings 10 storey and over, the max No. of apartments sharing a single lift is 40.</p> <p>Max. 7 apartments off a single corridor and lift.</p>	<p>The proposal includes two lifts per floor in each building for 102 units and 4 lifts for 204 units in a 9-storey building.</p> <p>The development includes a min of 4 and max of 7 units on each floor.</p>	<p>Yes</p> <p>Yes</p>															
4E – Private open space and balconies	<p>Primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bed</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed</td><td>12m²</td><td>2.4m</td></tr></table> <p>Min balcony depth contributing to the balcony area is 1m.</p> <p>Ground level, podium or similar -POS provided instead of a balcony: min area 15m² and min depth of 3m.</p>	Dwelling type	Minimum area	Minimum depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	All units comply.	Yes
Dwelling type	Minimum area	Minimum depth																
Studio	4m ²	-																
1 bed	8m ²	2m																
2 bed	10m ²	2m																
3+ bed	12m ²	2.4m																

SECTION	DESIGN CRITERIA	COMMENTS	COMPLIES										
4B – Natural ventilation	<p>Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Ten storeys or > are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	153 of 204 (76.5%) units are naturally ventilated	Yes										
4G – Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6m²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is located within apartment.</p>	Dwelling type	Storage size volume	Studio	4m ²	1 bed	6m ²	2 bed	8m ²	3 bed	10m ²	The proposal complies with these requirements. A condition will be imposed requiring compliance with the standards in the SEPP.	Yes
Dwelling type	Storage size volume												
Studio	4m ²												
1 bed	6m ²												
2 bed	8m ²												
3 bed	10m ²												

Discussion of ADG Non-Compliances

Note 1: 3F Visual Privacy and Building Setbacks

The proposal will retain the same setbacks as previously approved for the ground floor up to level 8 for both residential flat buildings. However, the proposal contains a ninth floor which does not strictly comply with the 12m setbacks required under the Apartment Design Guide (ADG).

The current proposal includes a variation for the ninth storey which is the side setback of 11.2m to the balcony from the side boundaries (east and west), 9.35m to part of the balconies at the rear elevation from the rear boundary, and 8m to the front balcony and 10m to the front elevation from the front boundary to the ninth floor. The other setbacks on the ninth storey comply with the ADG.

Notwithstanding the above, the proposal is acceptable given the building separation provided for the proposal, the setbacks of the existing development and the setbacks of future development on the adjoining properties to the south. In this regard, the separation proposed will result in a suitable amenity for the apartments on the southern side of the building given the degree of landscaping and total separation that will result from the future development of the adjoining land to the south.

The proposal contains sufficient setbacks to the east and west resulting in suitable levels of privacy while the separation on the site between the buildings (12.35m) is sufficient. While some portion of the setbacks do not comply with the 12m setback on the ninth floor, the non compliant sections are a small portion of the balcony, contain some landscape planter boxes and are spread out over the length of the building. As such, the variation to the southern side setback is not unreasonable and does not represent the majority of the buildings (e.g. there is

a gap between the two buildings). In this regard, the variation to the setback control is not unreasonable and will not result in any adverse impacts from building bulk or scale.

The proposal contains a 10m front setback from the front wall to the front boundary along the street. The front setback is well landscaped and there is sufficient separation to the developments on the opposite side of the street.

The variation to the front setback to is not unreasonable given the ninth floor is set further back, contains a balcony and improves the external appearance of the site. The building provides sufficient architectural embellishment and given the level of separation, will not reduce the amenity of the dwellings on the opposite side of the street. The proposal contains a design that provides a suitable "top of the building" providing legibility within the street, is consistent with Council's Street Wall height requirements, includes adequate vehicular and pedestrian safety, is integrated well with the previously approved residential flat building and corresponds well with the setbacks of neighboring buildings in the street.

The above variations are consistent with the current approval and are acceptable as they are still consistent with the objectives of the setback control. However, the proposed reduction in the separation of the two basement levels is not supported as it was demonstrated in the previous DA that the layout of the previous basements was appropriate and the reduced setback will impact on the deep soil available for the future site through link as envisaged in the DCP.

The proposal is generally consistent with the objectives of the setback controls outlined in the ADG and Council's DCP 2022.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5 / Subdivision 2 – Clause 2.48 – Development likely to affect an electricity transmission or distribution network

The application is subject to Clause 2.48 of the SEPP as the proposed works are within the vicinity of electricity infrastructure and therefore, in accordance with Clause 2.48(2), the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

The previous application (DA-2022/329) was referred to Ausgrid and their comments received by Council 8 December 2022. No objections were raised to the previously approved development subject to the imposition of conditions of consent which were incorporated within the conditions of development consent. The current application will add 8 dwellings to the previously approved development. In this regard, the application was not required to be referred to Ausgrid and the previously imposed conditions will be retained in this regard.

The application is consistent with the provisions of the SEPP and is acceptable in this regard.

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.

The previous application (DA-2022/329) was referred to Council's Environmental Scientist for a review in respect to the remediation of the land prior to the development. The applicant submitted two reports prepared for the site which included the 'Geotechnical Investigation' (E25318.G03) dated 19 September 2022 and the Acid Sulfate Soil Management Plan' (E25318.E14_Rev3) dated 12 December 2022. (ASSMP) which were both prepared by EI Australia.

The reports concluded that the site could be made suitable for the proposed residential development subject to conditions of consent. At the time, Council's Environmental Scientist recommended approval of the application subject to the imposition of conditions of consent. These conditions related to dewatering of the site, acid sulphate management plan, any contamination found during building works, excavated materials and monitoring of the site.

The current application was referred to Council's Environmental Scientist who on 12 September 2025 raised no objections to the scheme subject to the conditions previously imposed being retained should the application be approved. The changes to the scheme in the current application did not change the basis of the previous decision and the finished floor levels of the basement remain the same.

Based on the above, the proposal is acceptable subject to the retention of the previously imposed conditions. The proposal is consistent with the requirements of the SEPP. On this basis, the site is considered suitable in its present state for the proposed residential flat development. No further investigations into contamination are considered necessary. The proposal satisfies the requirements of subsection 4.6 of the SEPP. It should be noted that in this instance remediation of the land is not necessary.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

This Chapter applies to non-rural areas of the State, including the Bayside local government area and aims to (a) *protect the biodiversity values of trees and other vegetation in non-rural areas of the State*, and (b) *preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*.

This Chapter is triggered due to the need for approval to remove vegetation/trees as outlined in Bayside DCP 2022.

The current proposal will add a level of residential units to the top of each of the two buildings. In this regard, the proposal will not alter the previously approved development with respect to vegetation and trees. The previous application was considered in respect to the requirements of the SEPP (Biodiversity and Conservation). The site is not located within the Biodiversity area map and the proposal will not remove any threatened species or threatened ecological communities.

The previously approved development will involve the removal of 24 of the existing 27 trees from the site and retain three trees on the site, two trees within Council's nature strip and one tree adjacent to the rear property boundary on an adjoining property to the south. The application was referred to Council's Tree Management Officer who assessed the Arboricultural Impact Assessment Report submitted with the application prepared by Arborist Network Dated 26/08/2022. At the time Council's Tree Management Officer raised no objections to the proposal subject to the imposition of conditions imposed on the draft Notice of Determination.

The conditions previously imposed will be retained should the current application be recommended for approval. The current proposal does not alter the basis of the previous assessment in respect to trees. Accordingly, the proposal complies with the requirements of the SEPP and is acceptable in this regard.

Bayside Local Environmental Plan 2021

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

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
2.3 Zone R4 and Zone R4 Objectives	Yes - see discussion	Yes - see discussion
2.6 Subdivision	Yes - see discussion	Yes - see discussion
2.7 Demolition requires consent	Yes - see discussion	Yes - see discussion
4.3 Height of buildings	Yes - see discussion	Yes - see discussion
4.4 Floor space ratio ("FSR")	Yes - see discussion	Yes - see discussion
4.6 Exceptions to development standards	Not Applicable	Not Applicable
5.21 Flood planning	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil Class 3	Yes - see discussion	Yes - see discussion
6.2 Earthworks	Yes - see discussion	Yes - see discussion
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion
6.7 Airspace operations	Yes - see discussion	Yes - see discussion
6.8 Development in areas subject to aircraft noise	Yes - see discussion	Yes - see discussion
6.10 Design Excellence	Yes - see discussion	Yes - see discussion
6.11 Essential services	Yes - see discussion	Yes - see discussion

2.3 – R4 High Density Residential Zone

The subject site is zoned R4 High Density Residential under the provisions of Bayside Local Environmental Plan 2021 (BLEP 2021). The proposal is defined as a residential flat building and includes an affordable housing component which constitutes a permissible development only with development consent. The objectives of the zone are:

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

- *To ensure land uses are carried out in a context and setting to minimise impact on the character and amenity of the area.*
- *To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.*

The proposed development, as amended, satisfies the objectives of the zone.

2.6 – Subdivision

As existing, the site comprises thirteen lots, being Lot 13 in DP 663383, Lot 1 in DP 923896 and Lots 14 to 24 in Section 1 in DP 4059. No subdivision is proposed as part of this application, which is consistent with the requirements of the SEPP (Housing) 2021. A condition of development consent shall be imposed requiring the consolidation of the thirteen lots into one parcel.

The proposal is consistent with the requirements of Section 2.6 of the BLEP 2021.

2.7 - Demolition

The original proposal under DA-2022/239 sought consent for demolition of the existing dwelling houses and ancillary structures on site including tree removal and vehicular crossings. No further demolition is proposed as part of this application. In this regard, the proposal satisfies the provisions of this Section.

4.3 - Height of Buildings

A maximum height standard of 26.5 metres applies to the subject site.

The proposal has a maximum height of 30.2 metres (RL 32.7m AHD) which does not comply with the provisions of the BLEP 2021. However, it complies with the building height bonus (30%) under the SEPP Housing which is limited to 34.45m. As such, the proposal complies with the maximum building height under the SEPP and is acceptable in this regard.

4.4 – Floor Space Ratio

A maximum FSR standard of 2.2:1 (GFA of 13,848.34 sqm) applies to the subject site. The proposal has a maximum GFA of 18,001.1 sqm and equates to an FSR of 2.86:1 which does not comply with the provisions of the BLEP 2021. However, it complies with the floor space ratio bonus (30%) provisions under the SEPP Housing which is limited to 2.86:1. As such, the proposal complies with the maximum floor space ratio under the SEPP and is acceptable in this regard.

The above calculation of gross floor area (GFA) does not include the 13 additional car parking spaces provided which are more than the minimum required under the Guide to Traffic Generating Developments ('the Guide'). The definition of GFA under the Bayside LEP 2021 ordinarily excludes the area of car parking required to meet any requirements of the consent authority. The proposal includes 236 car parking spaces while the Guide would normally require this amount for 204 apartments. However, the proposal includes 37 affordable housing units which reduces this requirement to 223 spaces given affordable housing units (37) have a lower parking rate. As such, the proposal provides 13 car parking spaces more than required under the Guide.

The applicant was requested to reduce the number of parking spaces by increasing the separation between basement levels back to 12m as was previously approved on the site. The applicant declined this request and submitted a justification in this regard. The

justification detailed that the Housing SEPP and the Apartment Design Guide (ADG) contain a non-discretionary development standard for car parking which differed. The applicant contends that the proposal exceeds the parking standard under the Housing SEPP and meets the requirement under the ADG. It is noted that neither control contains provisions as to which rate takes precedence. The applicant contends that excess car parking does not automatically turn the additional spaces into GFA and provided caselaw supporting this position. For example, *Parker Logan Property Pty Ltd vs Bayside Council [2017] NSWLEC 1709*, wherein the court held that where a planning control sets a minimum car parking rate (e.g., "at least" or "a minimum of"), additional spaces above that minimum are still considered car parking to meet the requirements of the consent authority and therefore remain excluded from GFA under the standard LEP definition. Only where the control prescribes a fixed or maximum rate have surplus spaces been treated as GFA.

In respect to the above, the proposal is in keeping with the precedent set by the courts and accordingly, the GFA has not been included in the FSR calculation above.

5.21 – Flood Planning

Council records indicate that the lot is subject to flooding in a 1% AEP and PMF event. The floor levels of the development are above the flood planning level and the PMF level at RL 2.9m and RL 3.0m AHD. The driveway crest level and entries to the basement comply with the minimum level (RL 2.41m) for both buildings which complies with the 0.5m freeboard above the 1% AEP flood level.

The application was reviewed by Council's Development Engineer who raised no objections to the scheme subject to the imposition of standard conditions of development consent. In this regard, the conditions were amended, when compared with the previous scheme as required. Appropriate conditions have been included within the recommended conditions.

The proposal has been designed to adhere to the relevant minimum flood levels and is satisfactory with respect to the provisions of this LEP Clause.

6.1 – Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 3 affect the property by the LEP mapping. Development consent is required as the proposal involves an extension to the basement levels and an additional top floor on each building. The proposal will not involve any change to the basement finished floor levels and the extension of the basements is not supported. A condition of consent is proposed to ensure the previous basement layouts remain.

The proposal was referred to Council's Environmental Scientist who advised that no objections are raised as the amended proposal will not alter the basis of the previous decision to approve the original development on the basis that the previously imposed conditions in respect to acid sulphate soils are retained. In this regard, the proposal is acceptable, and the previously imposed conditions shall be retained should the current application be approved.

Based on the above, the proposal is consistent with the objectives and requirements of Clause 6.1, subject to the retention of the relevant conditions of development consent.

6.2 Earthworks

The amended proposal will involve one additional storey on top of the building and minor extensions to the same number of basement levels previously approved on the site. In this regard, the proposal will not involve adding any basement levels to the previous approval.

Notwithstanding the above, the applicant has submitted a geotechnical report prepared by EIAustralia Pty Ltd and dated 23 April 2024 Revision 1. The report demonstrates that excavation is likely to intercept the groundwater table below 2.5m as auger drilling revealed groundwater was encountered while digging the bore holes. Despite this, the report states that ground water is subject to seasonal and daily fluctuations being influenced by different factors. Regardless, the development triggers dewatering and is classified as integrated development which warrants GTAs from Water NSW against s.90(2) of the Water Management Act 2000.

The application was referred to Water NSW who raised no objections to the proposal subject to the imposition of conditions of development consent. Water NSW provided revised conditions (GTAs) which will replace the previously imposed conditions in the previous development approval and the proposal is acceptable in this regard.

The impacts of the proposed earthworks have been considered in the assessment of this proposal. Conditions will be retained in the Notice of Determination to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. Accordingly, the proposal, as amended, meets the objectives of this section and is acceptable in this regard.

6.3 – Stormwater and WSUD

The development proposes Water Sensitive Urban Design (WSUD) tanks and an on-site retention system for each building connected to a pipe network system to collect stormwater runoff and minimise nuisance flooding. The basement is fully tanked and the proposal feeds non trafficable roof area to the rainwater tank, which is to be located under the proposed driveways, behind the front building alignment. Stormwater plans were submitted with the application and were prepared by S&G Consultants Pty Ltd and dated 4 November 2024. The application was reviewed by Councils Development Engineer who had no objections to the proposal subject to conditions which have been included in the recommended conditions.

6.7 – Airspace Operations

The site is located within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application seeks approval for the redevelopment of the site to a maximum overall building height of 30.2 metres or 32.7m AHD. The previous approval issued for the development by both Council and SACL was for 34.39m height or 36.9m (37.0) AHD.

The application was referred to Sydney Airports Corporation Limited who did not object to the proposal on site to a maximum height of 30.2 metres or RL 32.7m AHD subject to conditions which included limiting the height to all lift overruns, vents, chimneys, aerials, etc. In this regard, should the application be approved, a condition of development consent shall be retained limiting the development to the original height of 37m AHD. Even though the current scheme is a reduction in height, SACL requested the condition contain the original height limitation of 37m AHD.

Accordingly, the amended proposal is satisfactory with respect to the objectives and requirements of this section.

6.8 – Development in Areas subject to Aircraft Noise

The subject site is located within both the 15 to 20 and the eastern two lots in 20 to 25 ANEF Contour, thus subject to adverse aircraft noise. Given the above, noise attenuation measures are

required for the proposed development.

The proposal was accompanied by an Acoustic Report prepared by Koikas Acoustics dated 21 August 2024 (Revision 2) which examined the materials in the proposal and the aircraft noise impacts on the proposed dwelling. The acoustic report recommended the following;

Provided that construction details in Sections 5 & 7 are adopted and implemented, the following conclusions were drawn in respect to acoustic requirements:

- *The building can be sufficiently insulated against existing road traffic and aircraft noise through the use of the proposed building materials. Recommended systems are provided in this report. These recommendations should be verified before construction.*
- *A detailed assessment of mechanical plant noise should be prepared for the subject development before construction.*
- *Acoustical treatments for common floors and service partitions included within this report would be adequate for satisfying the sound insulation provisions of the BCA 2022 or Council's requirements.*

In our professional opinion, there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines.

A condition is proposed in the development consent requiring the development to comply with the requirements of Sections 5 & 7 of the acoustic report. Accordingly, the proposal is acceptable in respect to the requirements of Section 6.8 of the Bayside LEP 2021. The proposal is satisfactory with respect of the requirements and objectives of this clause, subject to the recommended conditions of consent.

6.10 – Design Excellence

In accordance with this Section, development consent must not be granted to development to which this Section applies unless the consent authority considers that the development exhibits design excellence. The Design Excellence section applies to the proposal and requires that the proposed development delivers the highest standard of architectural, urban and landscape design.

The site is located at the northern end of the Arncliffe and Banksia Precinct and the previous proposal (DA-2022/329) was considered by Councils Design Review Panel (DRP) on 6 April 2024. The previous development application has the same façade design and external appearance while the current application seeks to increase the height of the building. The current application was considered by the DRP on 1 May 2025 and then again with a revised scheme on 7 August 2025 who resolved to support the application based on several improvements to the scheme and confirmed the application, as amended, achieves design excellence with Section 6.10 of the BLEP 2021. The applicant has made those changes as previously outlined in this report.

Section 6.10(4) provides a long list of matters that must be considered when considering whether a proposal exhibits design excellence. In this context, the proposal is considered to exhibit design excellence and achieve the matters specified in this clause, including:

- Achieving a high standard of architectural design with appropriate materials and finishes,
- Improving the quality and amenity of the public domain (subject to an easement for a site through link),
- Not detrimentally impacting on existing view corridors,

- Being largely compliant with Council's DCP apart from minor variations (such as setbacks), and,
- Allowing a site through link contributing to the permeability of the precinct as envisaged by the DCP and the public interest.

The provisions of this section are deemed to be satisfied given the above and that design excellence has been demonstrated and achieved. The proposal, subject to the provision of a site through link, is satisfactory in this regard.

6.11 – Essential Services

Services are generally available on site to facilitate 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 application is subject to the Bayside Development Control Plan 2022 ("the DCP").

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

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.1.5 Views	Yes - see discussion	Yes - see discussion
3.2 Design Excellence	Yes - see discussion	Yes - see discussion
3.3 Energy and Environmental Sustainability	Yes - see discussion	Yes - see discussion
3.5 Transport, Parking and Access	Yes - see discussion	Yes - see discussion
3.6 Social Amenity, Accessibility and Adaptable Design	Yes - see discussion	Yes - see discussion
3.7 Landscaping, Private Open Space and Biodiversity	Yes - see discussion	Yes - see discussion

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
3.8 Tree Preservation and Vegetation Management	Yes - see discussion	Yes - see discussion
3.9 Stormwater Management and WSUD	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
3.14 Noise, Wind, Vibration and Air Quality	Yes - see discussion	Yes - see discussion
PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS		
5.1.1 Fences and Walls	Yes - see discussion	Yes - see discussion
5.1.4 Quality of Design, Choice and Diversity	Yes - see discussion	Yes - see discussion
5.2.4.5 - Solar Access and Overshadowing	Yes - see discussion	Yes - see discussion
5.2.4.7 – Visual and Acoustic Privacy	Yes - see discussion	Yes - see discussion
PART 7 – SPECIFIC PLACES		
7.4 Arncliffe and Banksia Precinct	Yes - see discussion	Yes - see discussion

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

Part 7 is dealt with first, as the DCP states: *“Provisions in the chapter [7] prevail over any similar provisions in other sections of the DCP”*.

Part 7.4 – Arncliffe and Banksia Precinct

This section of the DCP provides controls and guidelines for 17 areas within the Local Government Area. Not all areas are included. The areas chosen are either unique or have been subject to detailed master planning controls, with more specific controls to guide development.

As stated, the provisions of this Section prevail over other sections of the DCP, including where there is any inconsistency. The site is located within the Arncliffe and Banksia Town Centre between Wickham and Kyle Streets.

Description

The subject site is located within the northern part of the Special Character Area known as Area 4 or the "Cahill Park Neighbourhood" as specified in Figure 55 of the BDCP 2022. The

Cahill Park Neighbourhood area has been identified as an unresolved transition area between the higher density to the north and lower density to the south. The vision for the precinct is to provide a vibrant and attractive area for people to live and work with increased access to public transport, community facilities, open space, shops and local services.

The subject site is identified within the Cahill Park Neighbourhood being area 4 as a special character area. The proposal is consistent with the desired future neighbourhood character with an appropriate land use in that it will contain generous landscaped setbacks, front and back, and be primarily for residential development. The proposal is consistent with the built form controls including appropriate setbacks, deep soil zones and the provision of high-quality amenity in respect to privacy.

The proposal will retain most of the view corridors to east out over Botany Bay, as the apartments further to the west look out to the east which is north of the subject site. Properties to the north on the opposite side of Innesdale Road which are already developed will lose some views to the southeast (Golf Course), south to Riverine Park and further south over the low density single-storey dwellings houses. Properties to the east and west of the site will be developed in future and further reduce southerly views to a greater extent.

In respect to the above, the proposal is not likely to have any unreasonable or detrimental impact on existing view corridors. However, view loss from the future redevelopment of sites to the east and west is unavoidable given the zoning of the land.

The proposal will include a part four/part five and part six-storey street wall to the lower levels while Figure 73 of the Bayside DCP 2022 requires a six storey street wall. The proposal is consistent with the previous approval on the site and the varied street wall height represents a suitable addition to the street as the variation breaks up the building mass.

The DCP encourages the provision of pedestrian connections throughout the precinct to achieve the following:

- *To enhance connectivity through the Town Centre for pedestrians and cyclists as sites redevelop.*
- *To ensure the safety of pedestrians and cyclists.*
- *To improve connectivity to the train station.*
- *To provide activated spaces with high pedestrian amenity offering protection from the surrounding busy road and railway.*

Given the extended frontage of the subject site and the proposed design allowing a setback between the two towers, conditions are proposed to allow for a future link when the properties at the rear fronting Flora Street develop.

Subject to the above, the proposal will contribute to achieving the desired permeability as envisaged in section 7.4 of Council's DCP 2022 in respect to the Arncliffe and Banksia Precinct.

PART 3 – GENERAL DEVELOPMENT CONTROLS

Part 3.1.5 – Views

The proposal will add one storey to two previously approved eight (8) storey residential flat buildings resulting in two nine (9) storey residential flat buildings with a terrace on level 9. The proposal complies with the maximum built form and height controls permitted for the site under

the Housing SEPP. The future desired character will have similar building heights with at least the same number of storeys. This is not unlike the buildings to the north on the opposite side of Innesdale Road. However, neighbouring properties to the immediate east and west have not been developed. The precinct will likely be redeveloped in a similar manner to that proposed.

The increase in the building height by one (1) storey will intrude upon and reduce some existing views from the properties opposite to the north and further to the northwest that extend out over the site to the east and southeast including Botany Bay and lower density residential properties to the south. While this extent of view loss is tangible and significant for the units on the upper level of adjoining buildings affected by the additional storey proposed, the view loss is not detrimental as existing view corridors to the east, south and southwest will be retained. While noticeable, the extent of view loss is not detrimental or unreasonable and does not provide sufficient grounds to refuse the application.

In their report dated 7 August 2025, the Design Review Panel stated that the development does not detrimentally impact on existing view corridors. While adjoining properties benefit from access to views, consideration has been given to their retention in so far as is possible. It is noted that existing views are not possessed by any right or legal basis. Effort to reduce the degree of view intrusion any further has proven ineffective and would dramatically reduce the building envelope and ability to develop the site in a manner for which it is currently zoned.

Based on the above, the proposal is not unreasonable despite the minor extent of view loss out over the site to the east and south. The proposal does not infringe on any significant view corridors to any prominent landmarks. In respect to "view sharing" concerns, the proposal does respect equitable distribution of views between properties. In this regard, the proposal is not unreasonable in respect to the relevant provisions of Council's DCP 2022 in respect to view loss. Based on the circumstances of the case, the resulting minor impact on existing views is largely unavoidable.

Part 3.2 – Design Excellence

An assessment against Design Excellence has been discussed in response to Section 6.10 of the LEP, in the previous section of this report.

Part 3.3 – Energy and Environmental Sustainability

The proposal will retain the same sustainability measures as previously approved on the site. The building has been designed with solar panels on the roof, glazing proportions, window locations and passive shading devices to manage heating, thermal massing and unwanted energy gain. The proposal provides protection from the sun during summer with shading devices, privacy louvres, finishes and appropriate balcony placement.

The front elevation comprises glazing and balcony overhangs and faces north and therefore has a design with both horizontal and vertical elements that will reduce thermal gain and reduce glare and reflection along Innesdale Road. A standard condition has also been imposed to ensure that the reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. The proposal complies with the minimum floor to ceiling heights which are shown in the table (chapter 4C) under the Apartment Design Guide (SEPP (Housing) 2021).

Four BASIX Certificates have been submitted with the application, certificate numbers 1766437M, 1330356M_03, 1766730M and 1329966M_04. Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. This includes the use of photovoltaics on the roof. A condition has been imposed on the consent to ensure that the stipulated requirements are adhered to.

Accordingly, the proposal complies with the requirements of this clause and is acceptable in respect to energy and sustainability.

Part 3.5 – Transport, Parking and Access

The design and location of the parking facilities and pedestrian access on the site is acceptable having regard to the nature of the site and the proposed additional dwellings.

The proposal provides 236 on site car parking spaces and complies with the minimum required under the RTA Guide and the Apartment Design Guide (ADG) as outlined previously in this report. In this regard, the proposal provides excess parking which is capable of meeting the likely amount to be generated by the development. 236 car spaces are provided, complying with the relevant controls applying to the site. The spaces are compliant with the relevant Australian Standard (AS2890.1) and allows vehicles to pass one another within the basement levels. The proposal includes suitable ramp grades and sight lines to retain vehicular and pedestrian safety.

However, the proposal is eleven (11) spaces deficient in respect to the minimum provision of bicycle parking spaces for each building. The development contains sufficient area within the basement for additional bicycle parking to be provided and this has been addressed by way of a condition of development consent imposed on the draft Notice of Determination.

The application was referred to Council's Development Engineer who had no objections to the proposal, subject to conditions which have been included in the recommended conditions.

The proposal does not trigger the need for a Green Travel Plan.

Proposed waste collection arrangements meet Council's specifications and requirements for the additional units within the development. In this regard, private waste collection is consistent with the previously imposed conditions which shall be retained in the draft Notice of Determination. The loading bay and bin waste rooms are acceptable and are able to service the development.

Based on the recommended conditions, the proposal, as modified, 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 and direct access from the footpath to the lift core and to communal open space at the rear and on the ninth floor.

The proposal provides 22 adaptable units out of the 204 units (20.7%) within the development with these located on the ground and up to level 2 of building 2. The development provides 24 accessible car spaces located within basement levels 1 and 2 within each building and these spaces are located in proximity to the lifts.

The applicant provided an access report prepared by Accessible Building Solutions Pty Ltd and dated 24 April 2024 which is for the current application and references compliance with many documents including the Building Code of Australia (NCC), Housing SEPP, Apartment Design Guide and the relevant Australian Standards relating to access. In this regard, the previously imposed condition imposed requiring compliance with the relevant measures to improve access within the development will be amended to refer to the new report and be retained in the draft Notice of Determination. A Social Impact Assessment was not required for this proposal.

The proposal is satisfactory and complies with the objectives of this Part of the Bayside DCP 2022.

Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management

The proposed residential flat buildings generate a required landscaped area of 15% of the site area. The proposal complies with this control, with 47.8% (3,010.6m²) of the site being landscaped area.

The proposal complies with the requirement that at least 20% of the front setback being landscaped area (with at least 60% provided). The proposal exceeds the maximum of 20% of total landscaped area being in the side setbacks as the two buildings include a separation of 12.35m (above ground and 6m below ground) with the green space between containing deep soil and substantial planting including large trees. The proposal also complies with the control with at least 75% of the landscaped area comprising planting areas, as opposed to paving/gravel.

The application was referred to Council's Landscape Architect who raised no objections to the proposal subject to the imposition of revised conditions of development consent. The conditions relate to the retention of trees, planting of new trees, maintenance, details of general landscape cover and the public domain, submission of landscape details with the Construction Certificate and to include a 12 metre separation between the basement levels.

The proposed residential flat development contains private open space areas on the balcony to each of the residential apartments and communal open space areas that comply with the requirements of the Housing SEPP as discussed previously in this report.

The proposal seeks to remove and replace numerous trees on the site. However, the proposal will provide compensatory plantings as outlined previously in this report. For more information, please refer to the section headed, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

Council's Tree Management Officer recommended conditions be imposed and some original conditions amended. These have been imposed and amended as required in the draft development conditions of consent.

The proposal is satisfactory in regard to the objectives and provisions of Parts 3.7 and 3.8 of the DCP, subject to the recommended conditions.

Part 3.9 – Stormwater Management and WSUD

An assessment against stormwater management has been discussed in response to Clause 6.3 of the LEP, in the previous Section of this report.

Part 3.10 – Flood Prone Land

An assessment against flood management has been discussed in response to Clause 5.21 and 5.22 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 Elephants Foot Company and dated 10 October 2024 Revision I was submitted with the application listing methods for minimising and managing construction and ongoing waste on site.

The waste management proposed on the site includes use of the bin storage room and loading bay on basement level 1 (and mezzanine level) and complies with Council's requirements in respect to waste collection and management.

The proposed waste arrangements and report was reviewed and is largely consistent with the previously approved plan on the site for waste collection. In this regard, no objections are raised to the proposal, and the appropriate conditions have been modified and retained in the recommended conditions for the application.

3.13 – Development in areas subject to Aircraft Noise and Sydney Airport Operations

The subject site is not located within the Sydney Airport OLS and PANS-OPS. Despite this, the proposal was referred to the Sydney Airport Corporation Ltd (SACL), who raised no objections to the proposal.

The proposed use is sensitive to aircraft noise and is within the ANEF 20-25 noise contour. This has been discussed previously in response to Clause 6.8 of the Bayside LEP 2021.

3.14 - Noise, Wind, Vibration and Air Quality

Noise considerations related to the use of open space areas, driveways and ancillary facilities on the site have been addressed and an amended wind report was submitted with the application. The amended wind report is satisfactory and subject to conditions; the proposal is acceptable in this regard.

The acoustic considerations to and from the proposed use were discussed in an amended acoustic report submitted with the application. In this regard, the proposal is acceptable in the context of the objectives and provisions of Council's DCP 2022. The proposed dwellings are acceptable in respect to wind, noise and air quality. In this regard, the proposed development appears to comply with the requirements of this clause.

PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS

5.1.1 - Fences and Retaining Walls – General Controls

The objective of the fencing controls is:

To ensure fence design, pattern, style, materials, and construction are compatible with the envisaged streetscape and local character

The proposal is consistent with this objective as it is sympathetic with the existing development in the street, compatible with the proposed development, contains suitable durable materials and finishes and is compatible with the existing streetscape along Innesdale Road. The proposed fencing can comply with Council's fencing requirements in accordance with the Bayside DCP 2022 and is acceptable in this regard.

5.1.1.1 - Fence design and materials

The proposed metal palisade fencing above timber sleepers on the boundaries has a suitable design with no fencing on either side of the driveway that will not obscure sight lines from the driveway ramp, has been designed with an appropriate height and scale and is acceptable in respect to the residential flat development.

5.1.4 - Quality of Design and Housing Choice and Diversity

Design Excellence considerations have been addressed previously in response to the LEP provisions. An adequate site analysis plan was provided with the DA.

As the proposal contains more than 20 units, the DCP contains provisions related to unit mix, as below:

BDCP 2022	Previously Approved	Current Proposal
a. Studio: 5-10%	0 - 0%;	0 - 0%
b. 1 bedroom: 10-30%	48 - 24.5%	36 - 17.6%
c. 2 bedroom: 40-75%	112 - 57%; and	124 - 60.8%
d. 3+ bedroom: 10-100%	36 - 18.4%	44 - 21.6%

The proposed housing mix is generally compliant with the above requirements apart from no studio units being included. This housing mix is not unreasonable and will still provide a suitable range of housing sizes that will meet the demand of the residents in the locality. In this regard, the proposal is generally consistent with the above housing mix and satisfies the requirements of this clause in Council's DCP 2022.

5.2.4.1 - Streetscape, Local Character, and Quality of Design

The considerations for the local area outlined in Part 7 of the DCP have been addressed previously. The provisions of *SEPP (Housing) 2021 (which contains the Design Quality of Residential Apartment Development)* and the associated *Apartment Design Guide* have been addressed previously. The proposal is consistent with the objectives and controls relating to building design, materials and finishes.

5.2.4.2 - Built Form Controls

Some of the provisions of this Part of the DCP are similar to Chapter 4 of the Housing SEPP relating to *Design of Residential Apartment Development* and the associated *Apartment Design Guide*, which have been addressed previously in this report.

This clause has the following two objectives:

To ensure roof form, pitch, materials, and colours are compatible with those prevailing in the surrounding area.

Dwellings provided at the ground storey have a high level of engagement with the adjoining public domain.

The proposal has been designed appropriately to be consistent with the above two objectives, as it will include materials and finishes that will be compatible with the surrounding high-density precinct and include an appropriately designed ground floor that will engage with the public domain and have suitable legibility along Innesdale Road.

5.2.4.3 – Setbacks

Chapter 4 - The Design of Residential Apartment Development of the Housing SEPP and the associated *Apartment Design Guide* override this section of the DCP, and these have been addressed previously.

5.2.4.5 - Solar Access and Overshadowing

Chapter 4 - Design of Residential Apartment Development of the Housing SEPP and the associated *Apartment Design Guide* override this section of the DCP, and these have been addressed previously.

In terms of overshadowing to adjoining properties, the applicant has provided shadow diagrams at hourly intervals between 9am to 3pm for mid-winter (June 21) and hourly views from the site as well as a communal areas shadow study showing the previously approved shadows and the likely extended or increase in shadow affectation.

The proposal comprises a two tower form with one for each building which will result in overshadowing to the south in the morning over the neighbouring properties fronting Flora Street and to the south east over March Street in the afternoon. The proposal will result in a small increase in the line of shadow cast onto the adjoining lots which is unavoidable and largely due to the orientation of the site. The plans show the increase in shadow from the additional level being a 6.4m shadow extension at the worst case in the morning (9am) and 1.2m at midday (12noon). The small additional increase in shadowing compared to the original approval is barely noticeable and only at the early morning/late afternoon time periods throughout the day in mid-winter. The subject site is located in a street block all of which is zoned R4 High Density Residential under the Bayside LEP 2021.

The proposed increase in the line of shadow affectation will be a noticeable margin, however, this increase will only affect the rear yards of the dwellings along Flora Street to the south after midday and to a lesser extent throughout the afternoon given the orientation of the site. The resulting shadow (from the additional storey) is half of what was originally submitted with the application (two storey). As such, the increase in the shadow line will swing from the south to the east throughout the day and will still allow natural light to penetrate these properties in the afternoon. During the equinox and summer months, the proposal will result in considerably less shadows cast to the south and southeast and is acceptable in this regard.



Figure 6: Shadow diagram showing shadows cast by the approved development (grey), proposed additional storey (orange) and two storey scheme submitted (dashed) in mid-winter at 9am

The proposal will still retain sufficient access to natural light for the adjoining properties to the south despite the increase in building height by one storey. As such, the proposal is not unreasonable in respect to shadows and complies with the requirements of Council's DCP 2022.

In addition to the above, the DCP contains the following objectives regarding solar access:

To ensure that sunlight access:

- *is provided to private open space and habitable rooms within the development; and*
- *is not unreasonably diminished for neighbouring properties and the development site.*

The proposal is consistent with these objectives because the plans submitted demonstrate that sufficient natural light will be retained to the proposed communal open space areas on the site in so far as is possible within the high-density precinct. Further, the increase in the line of shadowing will not unreasonably diminish access to natural light for the neighboring properties.

Given the above assessment regarding the solar access and overshadowing objectives and controls, it is reasonable to conclude the proposal is acceptable in this instance.

5.2.4.7 - Visual and Acoustic Privacy

The proposal will include one additional storey on top of each of the two previously approved buildings.

This section of Council's DCP 2022 requires habitable room windows above the ground floor, which face side or rear boundaries that adjoin a residential property, to comply with the following requirements (C1 to C5):

- C1 a. offsetting of the edge of one window to the edge of the other window by a sufficient distance to limit views; or
 b. sill heights 1.5m above the floor level of that storey; or
 c. opaque glazing in any part of the window below 1.5m above floor level; or
 d. fixed external screens with 50% transparency or less.

The proposed additional storey will have habitable rooms with setbacks of 12.6m to the side boundaries of the site and 12.1m to the rear boundary for the ninth floor (level 8) of each building. This complies with the setback requirements under the Apartment Design Guide (ADG) and has ample landscaping along the side and rear boundaries of the site. Given this level of separation, and that the adjoining properties around the sides and rear boundaries contain single and two storey dwelling houses, the proposal is acceptable in respect to the requirements a) to d) above.

C2. Balconies, terraces and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open spaces.

Given the height and scale of the approved development on the site and the setbacks of the proposed additional storey, the proposed balconies and communal open space on level 8 are not considered unreasonable and contain sufficient setbacks to afford adequate privacy to the private open space areas of the adjoining properties. The use of these areas encourages views out over the site rather than down into the private open space areas of the dwelling houses on the adjoining properties.

C3. The form and placement of attic windows must respect the visual privacy of neighbouring properties and minimise overlooking.

The proposal does not contain any “attic windows” per se and contains suitable building and balcony setbacks where possible.

C4. Overlooking into the internal private and external open space of adjoining neighbours must be avoided.

Given the permitted height and scale of the compliant building, this is unavoidable. Further, the proposal includes ample landscaped setbacks which will minimise any overlooking.

C5. Rooms with snorkel windows are discouraged.

The additional residential storey does not contain any snorkel windows.

The proposal contains an additional floor level on top of two previously approved eight-storey residential flat buildings. This results in a built form that is consistent with the existing multi-storey buildings in the precinct including those directly opposite the site to the north along Innesdale Road. In this regard, the distance to the building opposite in the street provides a landscaped separation of at least 30m from one front elevation to the other. This level of separation is not unreasonable and will not result in any direct sight lines that are detrimental to the privacy of the existing and proposed dwellings. The separation contains landscape elements including trees while the precinct is zoned for this form of development.

The proposal will retain increased building setbacks for the proposed storey with landscaped setbacks on all sides. The proposed common open space area will be located between the units on each building to minimise overlooking to the east and west. The additional floor does not represent any significant increase in the loss of privacy as the proposed units will have increased setbacks on all sides, particularly when compared with the dwellings on the storey below and the landscaping around the site which will retain sufficient privacy.

The proposal includes visual and acoustic privacy measures with the landscape planter boxes on the roof top and pergola over to minimise overlooking to adjoining properties and minimise sound transfer. The proposal includes retention of the communal open space areas at natural ground level. The proposal will retain the previously approved driveway locations along the frontage to Innesdale Road, and the residential floors have a suitable separation of 3.1m floor to floor. An acoustic report was submitted with the application and includes measures to retain reduced internal noise levels to living areas within the apartments.

Accordingly, the proposal will retain suitable visual and acoustic privacy levels within the development and complies with the requirements in Council's DCP in this regard.

The objectives of this Part of the DCP are:

- *To site and design development to ensure a reasonable level of acoustic and visual privacy for residents within a development and between a development and adjoining sites.*
- *To ensure attics do not result in excessive bulk or adverse impacts to the visual privacy of adjoining sites.*

The proposal is consistent with the above objectives as it will retain a reasonable level of acoustic and visual privacy for residents both within the development and those on adjoining properties. It will not include excessive building bulk or result in an unreasonable loss of visual privacy for the adjoining properties.

5.2.4.8 – Materials and Finishes

These matters were previously considered above in relation to *SEPP (Housing) 2021 (Design of Residential Apartment Development)* and the associated *Apartment Design Guide*.

5.2.4.9 - Entries

Building entries are easily identifiable, accessible, and positively contribute to the streetscape. The proposal meets the objective of this Part of the DCP and is acceptable when considered against the applicable controls and provisions.

Details regarding street numbering and letterboxes are addressed by the recommended conditions of development consent.

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

The applicant has provided a Section 67 Notice of Modification with the current application as it seeks to modify the previously approved development in DA-2022/329 which was for the demolition of the existing structures and construction of four (4) x eight (8) storeys residential apartment buildings comprising of 196 apartments including 98 affordable housing units over three (3) levels of basement parking. This application was approved as a Deferred Commencement Consent by the Sydney Eastern City Planning Panel on 18 July 2023. The Deferred Commencement was activated on 16 July 2024.

In terms of provisions of the Regulation:

- The DA submission has included sufficient information to enable environmental assessment of the application (Clause 24);
- Concurrences and other approvals are addressed in the "Proposal" section of this Statement or in response to relevant SEPPs;
- No approval under the Local Government Act 1993 is sought as part of this DA (Clause 31(3)); and
- Demolition works are able to meet the provisions of Australian Standard ("AS") 2601 and this is addressed by conditions of consent (Section 61(1)).

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:

Natural Environmental Impacts

Trees

This has been addressed previously in this report. Please refer to the section headed SEPP Biodiversity and Conservation.

Acid Sulphate Soils

This has been addressed previously in this report. Please refer to the section headed Section 6.1 – Acid Sulphate Soils.

Excavation and Earthworks

This has been addressed previously in this report. Please refer to the section headed Section 6.2 – Excavation and Earthworks.

Stormwater Quality and Quantity

This has been addressed previously in this report. Please refer to the section headed Section 6.3 – Stormwater and WSUD

Contamination

This was addressed previously in the original assessment report for the site. Please refer to the section headed SEPP (Resilience and Hazards) 2021.

Built Environmental Impacts

Streetscape

This has been addressed previously in this report. Please refer to the section headed SEPP (Housing) 2021 - Design of Residential Apartment Development.

Views

This has been addressed previously in this report. Please refer to the section headed Part 3.1.5 – Views.

Overshadowing

This has been addressed previously in this report. Please refer to the section headed Part 5.2.4.5 – Solar Access and Overshadowing.

Visual Impacts and Privacy (Aural and Visual)

This has been addressed previously in this report. Please refer to the section headed Part 5.2.4.7 – Visual and Acoustic Privacy.

Traffic and Parking

This has been addressed previously in this report. Please refer to the sections headed SEPP Housing 2021 and Part 3.5 – Traffic Parking and Access.

Construction Impacts

Construction of the residential flat development involves excavation works, piling, and construction of the building. The impacts will be minimised through use of standard conditions relating to hours of construction, noise and vibration, dust suppression, traffic management, shoring of adjoining properties, and the like. Conditions like these and those requiring submission of a Construction Management Plan (CMP) will be retained in the conditions of consent including measures to be implemented to minimise impacts to nearby residents / tenants and the public during construction.

Social Impacts

The proposal will enhance the public domain and include suitable landscaped front setbacks, an appropriate building context in Innesdale Road and an efficient and usable design of open space on the site. The residential flat building will set a high standard for Innesdale Road, include a unique design that will add to the styles in the street and improve the use of space on the site in accordance with the zoning of the land. The residential units have access to good public transport that will assist in reducing car use and include motorcycle and bicycle parking. The proposal is not considered to result in any significant adverse social impacts. Further the proposal contributes to the permeability of the precinct by providing a site through link.

Economic Impacts

In terms of economic impacts, the proposal will cause no anticipated negative economic impacts and will result in positive economic impacts for the provision of housing and social housing, the use of materials and labour needed for construction of the proposal and the long term maintenance of the structure.

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

Public Submissions

The development has been notified in accordance with the DCP, between 19 December 2024 and 11 February 2025. During this time, four (4) submissions and one (1) petition containing thirty (30) signatures has been received by Council by way of objection.

The amended plans were not required to be renotified because they were a reduction in the density of the development and building height (number of storeys).

The issues raised in the submissions are discussed below:

Issue 1: Traffic congestion within Innesdale Road and limited access to Gertrude Street via Robert Land and Levey Street; limited exit points (2) from this street block increasing traffic congestion points specially at peak times.

Comment: The subject site and surrounding precinct within Wolli Creek have been upzoned for high density residential development for many years. The area can accommodate an increase in residential density acknowledging that future changes to the surrounding road network are required to increase traffic flow.

Council has been working on a plan to extend Gertrude Street to Marsh Street to increase the number of intersections providing access to the precinct. However, the extension is not simple and requires evaluation of the path of the future road, the current on street parking situation and a signalized intersection along a regional road (Marsh Street). The details are currently being evaluated to ensure it will work efficiently and maintain sufficient street parking for the area. Notwithstanding this, the Gertrude Street extension will occur and would reduce traffic

congestion at the two existing intersections at a) Innesdale Road and Marsh Street and b) Gertrude Street and the Princes Highway.

Issue 2: Loss of privacy looking directly across the road from a 10 storey high building; the objection describes the proposal as a “colossal building”.

Comment: This has been addressed previously in this report. For more information, please refer to the section of this report titled “5.2.43.7 *Visual and Acoustic Privacy*” under Council’s DCP 2022.

Issue 3: Overshadowing to our southwesterly facing unit in Innesdale Road; loss of natural light and sun exposure; this will result in increased mold and costs for heating.

Comment: These objections were from residents on the northern side of Innesdale Road. As such, the site will not result in any overshadowing to the north. Rather it will overshadow the adjoining properties to the south along Flora Street. This has been addressed previously in this report. For more information, please refer to the section titled “5.2.7.2 - *Solar Access and Overshadowing*” under Council’s DCP 2022.

Issue 4: Overdevelopment; excessive and inappropriate increase in building height and density; the area is limited to a maximum of eight storeys; inconsistent with the local context; visual dominance and streetscape impact; unreasonable increase in height.

Comment: The proposal will add eight (8) dwellings on top of a previously approved residential flat development comprising two buildings. The increase in building height is a modest reduction compared with the scheme that was lodged which contained two additional levels. The proposal is consistent with the height and scale of buildings in the precinct and includes the provision of affordable housing. Based on the above the increase in building height is not unreasonable and compliant with the provisions of the Housing SEPP.

Issue 5: Strain on the existing infrastructure including public transport, schools, medical services, utilities and the like.

Comment: The proposed development will involve the addition of one residential storey to the two previously approved residential flat buildings on the site. The additional eight units on the site are not considered likely to result in any unreasonable increase in density that would impact on existing infrastructure, including public transport, schools, medical facilities or utilities in the precinct.

Issue 6: Reduction in communal open space; overpopulation of the area.

Comment: The proposal will result in an increase in residential density of eight units in the precinct. This increase is not unreasonable and will not result in the overpopulation of the area or dramatically reduce the provision of open space in the area. The proposal includes the provision of communal open space on the site and complies with Council’s requirements in this regard.

Issue 7: Loss of property value.

Comment: No information has been submitted with the application to substantiate this claim. The proposal will add value to the subject site, employ workers throughout the construction process and increase the number of dwellings in the precinct.

The issues raised in the petition are discussed below:

Issue 8: No record of a public notice for comment was received in relation to DA-2022/329

Comment: Council’s records reveal that the property on which the submitter who made this claim resides was notified of the previously approved scheme on the site in November 2022 prior to the assessment of the application (DA-2022/329).

Issue 9: Traffic congestion from ride-share vehicles and airport traffic

Comment: The proposed additional eight (8) dwellings are not likely to result in any unreasonable increase in the number of ride-share vehicles or airport traffic to the site even at peak periods. While the area has close proximity to the airport, increased traffic congestion from ride-share and airport vehicles can be expected regardless of the proposed development. This does not mean that the proposal is unreasonable. The proposal is a modest increase in density which can be accommodated on the site without any unreasonable increase in traffic or amenity impacts.

Issue 10: The Traffic Report doesn't consider the congestion at the intersection of Innesdale Road and Levey Street; this report relies on data from the previous traffic report (dated February 2020) and does not consider traffic from the newly completed developments at 27 Gertrude St and 28-32 Innesdale Road (106 units).

Comment: The Traffic report includes data from SCATS traffic counts from May 2020 which were provided by Transport for NSW. While this data is a few years old, it still reflects the volume of traffic at that time, and in considering the current proposal, estimates can be made as for the likely increase in traffic volume since that time by more recently approved developments within Innesdale Road. While 27 Gertrude St was approved mid 2015, the 106 residential units were not strata subdivided until mid 2021. Notwithstanding this, 106 units added to the calculations would result in a very small increase in the number of vehicles to be included in the peak hour traffic count. In addition, the proposal is for eight (8) additional units and would result in a fraction of a vehicle being added to the peak hour traffic flow.

Based on the above, the likely additional vehicles to be added to the peak hour flows are considered minimal and the date of the Traffic Report submitted with the application is not considered to be unreasonable.

Issue 11: The STOP sign at the intersection of Innesdale Rd/Levey St does not appear in the modelling under Section 3.3 and Appendix C entitled SIDRA results in the Traffic and Parking Report. This information is important as traffic flow is prioritized by the road rules creating a bottleneck for vehicles travelling east on Innesdale Rd to Marsh St or north on Levey St; the High Density R4 zone approach is a major concern in respect to traffic flow as the road capacity may surpass its peak well before contributions are received by Council and works completed along this road.

Comment: Section 3.3 of the report identifies signalized intersections and counts the number of vehicles at those intersections during the peak period. In comparison, the stop sign along Innesdale Road and Levey Street is not a signalized intersection and has a considerably lower number of vehicles in respect to the traffic counts. Notwithstanding this, the stop sign along Innesdale Rd is clearly shown on the Traffic Controls map (figure 4 in the report) and has been given the correct weight in considering peak hour flows. Finally, the vehicles travelling east on Innesdale Rd were considered in respect to peak traffic flows at the intersection with Marsh Street.

Issue 12: Robert Lane is too narrow being reduced to a single lane; since Innesdale Road is not accessible from the Princes Highway, Robert Lane is the most frequently used road to access the Princes Highway via Gertrude Street.

Comment: This is the current situation which will soon be alleviated once the Gertrude Street extension goes through to Marsh Street. Please refer to the comment in issue 1 above in relation to the Gertrude Street extension.

Issue 13: Loss of visual privacy due to sight lines from upper-level balconies

Comment: This has been addressed previously in this report. For more information, please refer to the section titled "5.2.4.7 - Visual and Acoustic Privacy" under Council's DCP 2022.

Issue 14: The proposal has a height dominance over neighboring properties and detracts from the harmony with their surroundings.

Comment: The proposal will increase the height of the previously approved development by one storey with a reduced footprint. The site and surrounding properties have been zoned for high density residential development under the Bayside LEP 2021 and the proposal is consistent with this zoning. The proposal includes a suitable fenestration and materials and finishes that complement the existing building fabric and add to the diversity of styles within the precinct. In this regard, the proposal is acceptable in respect to its height and visual characteristics and is in keeping with the context of neighbouring developments within the precinct.

Referral Comments

A summary of comments from other agencies or from other Departments within Council is below:

Other agencies

Water NSW
Sydney Airport Corporation Ltd

Council Departments/Experts

Design Review Panel

No objection to the proposal subject to several minor amendments which have been made to the scheme.

Traffic and Public Domain

No objection subject to recommended conditions, which have been included as conditions of consent.

Development Engineer

No objection subject to recommended conditions, which have been included as conditions of consent.

Environmental Scientist

No objection subject to recommended conditions, which have been included as conditions of consent.

Flooding

No objection subject to recommended conditions, which have been included as conditions of consent.

Tree Management Officer

No objection subject to recommended conditions, which have been included as conditions of consent.

Landscape Architect

No objection subject to recommended conditions, which have been included as conditions of consent.

Environmental Health Officer

No objection subject to recommended conditions, which have been included as conditions of consent.

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. The provision of a through site link will benefit the precinct and the community in general by providing permeability and easy access by residents to the train station and public open space. 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 - Development Contributions

The proposed development involves an additional eight (8) dwellings on the site with an increase from 196 to 204 units. The application was referred to Council's Development Contributions Planner who indicated the following:

The DA seeks amendments to DA-2022/329 approved for the construction of 2 x 8 storey residential apartment buildings comprising of 196 apartments through adding 8 (eight) units to the top (four (4) units to each building) and changing the unit mix approved under DA-2022/329. The responsible planner has confirmed that a condition will be imposed based on which the applicant will act only based on the amending DA and will not go ahead with the approved DA (DA-2022/329) (CM: 25/305609). Therefore, the S7.11 monetary contribution is calculated for the whole development after amendment that is 204 apartment units comprising 36 one-bedroom units, 124 two-bedroom units, and 44 three-bedroom units. 12 credits are given for the 12 existing dwelling houses.

The condition to be imposed includes the following:

A Section 7.11 contribution of \$3,840,000.00 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Arncliffe and Banksia Local Infrastructure Contribution Plan 2020. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions will be used towards the provision or improvement of the amenities and services identified below.

Transport	\$ 1,184,689.04	AB1
Stormwater Management	\$ 171,379.11	AB2
Open Space	\$ 742,040.91	AB3
Community Facilities	\$ 1,696,405.62	AB4
Administration	\$ 45,485.32	AB5
Total in 2025/26	\$ 3,840,000.00	

The previous approval included a condition relating to the SIC. However, the current application was lodged on 6 December 2024 and the HPC now applies to the proposal. A HPC condition has been imposed for the eight (8) additional units, and this will replace the previously imposed SIC condition. This has been addressed in the next section.

Housing and Productivity Contribution (HPC)

From 1 October 2023, the Housing and productivity Contribution (HPC) replaces the Special Infrastructure Contribution (SIC) in the NSW planning legislation. It applies to the DAs lodged after 1 October 2023 in the whole of the LGAs located within Greater Sydney (including Bayside Council). A further Order replaced the 2024 Order, on 30 June 2024.

The Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 did not apply to the previously approved application on the site (DA-2022/329), given that the application was lodged on 10 November 2022 and was not finally determined on 18 July 2023.

However, the current application was lodged on 6 December 2024 and therefore the 2024 Order applies to the application. The proposal will include eight (8) new residential dwellings on the additional storey which are not affordable housing units. Although the development will include thirty-seven (37) affordable housing units, these are limited to the ground, first and second floors. As such, the HPC is applicable to the eight proposed units, being a contribution of \$ 83,944.88 and therefore condition 19 has been amended to remove the SIC and include the HPC contribution in this regard.

Conclusion and Reasons for Decision

The proposed development at 15-37 Innesdale Road, WOLLI CREEK NSW 2205 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 modification to residential flat buildings approved under DA-2022/329 including addition of one (1) residential level comprising eight (8) apartments resulting in two (2) x nine (9) storey residential flat buildings, reduction in rooftop communal open space, changes to approved balconies, and increase size of both basement levels to accommodate additional car parking spaces, is a permissible land use within the zone with development consent. In response to the public notification, four (4) submissions were received and one petition. The matters raised in these submissions include parking, noise, solar access, building height, overdevelopment of the site, loss of privacy, loss of property value, strain on existing infrastructure, precedent for the area and traffic 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 is acceptable when considered against all relevant State Environmental Planning Policies, including State Environmental Planning Policy (Housing) 2021.
- The development, subject to conditions, is consistent with the objectives of the R4 High Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021 and the Bayside Development Control Plan 2022.
- The proposal 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 is suitable for the location and is compatible with the desired future character of the locality.
- The future provision of a through site link is in the public interest.
- The issues raised by objectors have been considered and where appropriate, addressed via amendments to plans or conditions or consent.
- 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-2024/348 PAN-4578845
Applicant	Mr Mark Taouk Level 10, 6 Mount Olympus Boulevard Wolli Creek NSW 2205
Description of development	Integrated Development – Modification to residential flat buildings approved under DA-2022/329 including addition of one (1) residential level comprising eight (8) apartments resulting in two (2) x nine (9) storey residential flat buildings, reduction in rooftop communal open space and changes to approved balconies
Property	15-37 Innesdale Road, Wolli Creek NSW 2205 (Lot 13 in DP 663383, Lot 1 in DP 923896 and Lots 14 to 24 in Section 1 in DP 4059)
Determination	Approved Consent Authority - Local Planning Panel
Date of determination	25/11/25
Date from which the consent operates	25/11/25
Date on which the consent lapses	25/11/30
Building Code of Australia building classification	2

Postal address
PO Box 21, Rockdale NSW 2216
ABN 80 690 785 443

Bayside Customer Service Centres
Rockdale Library, 444-446 Princes Highway, Rockdale
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E council@bayside.nsw.gov.au
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T 1300 581 299 | 02 9562 1666

Telephone Interpreter Services: 131 450 Τηλεφωνικές Υπηρεσίες Διερμηνέων بخدمه الترجمة الهاتفية 電話傳譯服務處 Служба за превеждане по телефон

Under section 4.18(1) of the *Environmental Planning and Assessment Act 1979*, 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, is approved for the following reasons:

- The proposal is acceptable when considered against all relevant State Environmental Planning Policies, including State Environmental Planning Policy (Housing) 2021.
- The development, subject to conditions, is consistent with the objectives of the R4 High Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is consistent with the objectives of Bayside Development Control Plan 2022.
- The proposal 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 is suitable for the location and is compatible with the desired future character of the locality.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- The future provision of a through site link is in the public interest.
- The issues raised by objectors have been considered and where appropriate, addressed via amendments to plans or conditions or consent.
- 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.

Marta Gonzalez-Valdes
Coordinator Development Assessment
Person on behalf of the consent authority

For further information, please contact Michael Maloof / Senior Development Assessment Planner

SCHEDULE 1 – CONDITIONS OF CONSENT

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

The following conditions restrict the work to the details 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.

Approved Architectural Plans – (25/281249)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA3.11	P	Basement 2 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.12	P	Basement 2 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.13	N	Basement 1 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.14	P	Basement 1 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.15	N	Mezzanine – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.16	P	Mezzanine – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.17	U	Ground Level – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.18	T	Ground Level – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.19	K	Level 1 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.20	K	Level 1 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.21	J	Level 2 – Building 1	Marchese Partners International Pty Ltd	09/10/2024

Approved Architectural Plans – (25/281249)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA3.22	K	Level 2 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.23	K	Level 3 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.24	K	Level 3 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.25	K	Level 4 – Building 1	Marchese Partners International Pty Ltd	09/10/2024
DA3.26	K	Level 4 – Building 2	Marchese Partners International Pty Ltd	09/10/2024
DA3.27	L	Level 5 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.28	K	Level 5 – Building 2	Marchese Partners International Pty Ltd	09/10/2024
DA3.29	K	Level 6 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.30	K	Level 6 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.31	J	Level 7 – Building 1	Marchese Partners International Pty Ltd	09/10/2024
DA3.32	K	Level 7 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.33	N	Level 8 – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.34	M	Level 8 – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA3.39	H	Roof Level – Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA3.40	H	Roof Level – Building 2	Marchese Partners International Pty Ltd	08/09/2025
DA4.01 Elevation	H	North - Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA4.02 Elevation	H	North – Building 2 Materials	Marchese Partners International Pty Ltd	08/09/2025

Approved Architectural Plans – (25/281249)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA4.03 Elevation	H	South – Building 1 Materials	Marchese Partners International Pty Ltd	08/09/2025
DA4.04 Elevation	H	South – Building 2 Materials	Marchese Partners International Pty Ltd	08/09/2025
DA4.05 Elevation	H	East – Building 2 Materials	Marchese Partners International Pty Ltd	08/09/2025
DA4.06 Elevation	H	West – Building 1 Materials	Marchese Partners International Pty Ltd	08/09/2025
DA4.07 Elevation	H	Internal East – Building 1 - Materials	Marchese Partners International Pty Ltd	08/09/2025
DA4.08 Elevation	H	Internal West – Building 2 - Materials	Marchese Partners International Pty Ltd	08/09/2025
DA0.01	G	Cover Sheet	Marchese Partners International Pty Ltd	08/09/2025
DA1.10	M	Development Data	Marchese Partners International Pty Ltd	08/09/2025
Architectural Plans – Both Buildings – (25/281249)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA3.000 DA3.001 DA3.002	Q R R	Basement 2 Plan Basement 1 Plan Mezzanine Plan	Marchese Partners International Pty Ltd	08/09/2025 08/09/2025 08/09/2025
DA3.003 DA3.004 DA3.05-06 DA3.07-08 DA3.009 DA3.010 DA3.011	Q L L L L N N	Ground Floor Plans Level 1 Plan Levels 2 & 3 Plan Level 4 & 5 Plan Level 6 Plan Level 7 Plan Level 8 Plan	Marchese Partners International Pty Ltd	08/09/2025 08/09/2025 08/09/2025 08/09/2025 08/09/2025 08/09/2025 08/09/2025
DA3.014	M	Roof Level	Marchese Partners International Pty Ltd	08/09/2025
DA4.10 Streetscape	H	North	Marchese Partners International Pty Ltd	08/09/2025
DA4.11 Streetscape	H	South	Marchese Partners International Pty Ltd	08/09/2025

Approved Architectural Plans – (25/281249)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA5.01 Section	H	Section 1-1	Marchese Partners International Pty Ltd	08/09/2025
DA5.02 Section	H	Section 2-2	Marchese Partners International Pty Ltd	08/09/2025
DA5.03 Section	H	Section 3-3 and 4-4	Marchese Partners International Pty Ltd	08/09/2025
DA5.04 Section	H	Section 5-5 and 6-6	Marchese Partners International Pty Ltd	08/09/2025
DA5.05 Section	H	Section through Ramp Building 1	Marchese Partners International Pty Ltd	08/09/2025
DA5.06 Section	H	Section through Ramp Building 2	Marchese Partners International Pty Ltd	08/09/2025

Approved Staging Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA1.08	A	Staging Plan	Marchese Partners International Pty Ltd	05/04/2024
DA1.09	A	Staging Section	Marchese Partners International Pty Ltd	05/04/2024

Approved Stormwater Plans				
Stormwater Management Plan (24/362649)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
SW001. SW005 SW010, SW011, SW033. SW050, SW051,	F	Concept Stormwater Layout Drawing	Mance Arraj	09/10/2024 09/10/2024 09/10/2024 09/10/2024 09/10/2024 09/10/2024 09/10/2024
SW045 SW045	C			09/10/2024 09/10/2024
SW032.	D			09/10/2024

SW020, SW021, SW030, SW031, SW034. SW060 & SW061.	E			09/10/2024 09/10/2024 09/10/2024 09/10/2024 09/10/2024 09/10/2024
SW040 & SW041.	J			09/10/2024 09/10/2024
DA1.08	A	Staging Plan	Marchese Partners International Pty Ltd	05/04/2024
DA1.09	A	Staging Section	Marchese Partners International Pty Ltd	05/04/2024

Approved Documents			
Document Title	Version No.	Prepared By	Date of Document
NCC BCA Report	Version 1 Ref 22/0196	EastCoast Approvals Group Pty Ltd	14 March 2024
BASIX Certificates	Certificate Numbers: Certificate numbers 1766437M, 1330356M_03, 1766730M and 1329966M_04.	Efficient Living Pty Ltd	27 September 2024
Acoustic Report	V2	Koikas Acoustics Pty Ltd	Friday 21 August 2024
Traffic and Parking Assessment	Issue E	Transport and Traffic Planning Associates	October 2024
Stormwater Management Report	E (CM 24/362656)	Mance Arraj	October 2024
Environmental Wind Tunnel Test Report	610.031860-00001 R01-v0.1	SLR Consulting Australia	7 August 2024
Arborist Report	1.2	Arborist Network	13 April 2024

<i>Operational Waste Management Report</i>	<i>Revision 1</i>	<i>Consulting an Elephants Food Company</i>	<i>10/10/2024</i>
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In the event of any inconsistency between the approved plans and documents, the approved plans 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.

2. 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 Clause 69(1).

3. 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.

4. Relationship with previous consent DA-2022/329

This consent shall operate on the basis that the development consent previously issued for the site (DA-2022/329) shall be surrendered to Council. An Occupation Certificate under this consent is not to be issued until the previous development consent (DA-2022/329) is surrendered to Council.

REASON

To provide clarity on milestones for occupation of the building.

5. Affordable Housing

Thirty-seven (37) units numbered 101 to 112, 201 to 214, 301 to 305, 307, 308, 309, 311, 312 and 314 in Building 2 shall be dedicated as affordable housing in accordance with the SEPP (Housing) 2021.

The dwellings to be used for the purposes of 'affordable housing' as per the provisions of the SEPP (Housing) 2021 shall be used as such for at least 15 years from the date of the issue of the Occupation Certificate.

The affordable units must be managed by a registered Community Housing Provider (CHP) and the CHP must ensure compliance with the occupant restriction and other provisions of the regulatory code established through the regulations in accordance with the Housing Act 2001.

A restriction on title must be registered, before the issue of the Occupation Certificate in accordance with Section 88E of the Conveyancing Act 1919 that will ensure the above requirements are met and that the terms of the restriction may not be varied without Council consent.

Prior to an Occupation Certificate being issued, evidence must be provided to Council demonstrating that the Section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.

Details of the registered CHP managing the property must be provided to Council prior to the issue of an Occupation Certificate. Notice of a change in the registered Community Housing Provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change. The registered CHP who manages the affordable housing component must apply the Affordable Housing Guidelines to the development.

The above provisions apply even in the event of the strata subdivision of the development.

REASON

Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.

To ensure affordable housing is constructed and operated in accordance with the approved plans and documentation.

6. Certification of External Wall Cladding

The external walls of the building, including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Principal Certifier must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC, and
- b) Ensure that the documentation relied upon in the approval process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

REASON

To ensure development complies with the NCC and fire safety requirements.

7. Amendments Require Modification Application

Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of

doors and/or walls, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the *EP&A Act*.

REASON

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

8. Street Tree Preservation Bond

Prior to the Commencement of Demolition / Issue of Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of (\$4,000.00) to ensure protection of the (N2 & N3) street trees from damage during construction. The duration of the Bond shall be limited to a period of twelve (12) months after issue (or cease upon issue of) of the Occupation Certificate. At the completion of the twelve (12) month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the trees are found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited.

REASON

To protect the amenity of the public domain.

9. Tree Retention

All existing site trees identified in the Arboricultural Impact Assessment Report for removal may be removed as indicated in the report.

The neighbouring trees N1, N4, N5, N6 are to be retained and protected as per the requirements set out in the Arboricultural Impact Assessment Report.

REASON

To protect the amenity of the public domain.

10. BASIX Certificates

The development must be implemented in accordance with the commitments contained within the four BASIX Certificates Numbered 1766437M, 1330356M_03, 1766730M and 1329966M_04. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require updated BASIX Certificates and a new Construction Certificate.

REASON

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Section 75 EP&A Regulation).

11. Enclosure of Structures

The balconies and roof top pergolas shall not be enclosed at any future time without prior development consent.

REASON

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

12. Earthworks Not Shown on Plans

No further excavation, backfilling or retaining walls can be carried out or constructed other than those identified on the approved drawings which form part of this consent unless it is otherwise permitted as exempt or complying development.

REASON

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

13. Subdivision does not form part of Approval

Strata Title Subdivision does not form part of the subject development consent. A separate application shall be made, and approval received, for any Strata Title Subdivision of the approved development.

REASON

To ensure that subdivision forms part of a separate assessment and approval process.

14. Mailboxes

Mailboxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

REASON

To ensure the provision of services within the building for future occupants.

15. Dividing Fences Act 1991

This approval is not to be construed as a permission to erect any structure on or near a boundary contrary to the provisions of the *Dividing Fences Act 1991*.

REASON

To ensure dividing fences preserved or otherwise altered in accordance with the Act.

16. Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the following tables:

BUILDING 1 (WESTERN BUILDING):

Use	Number of Spaces Allocated
Residential	
Residential units	93 car parking spaces allocated as per below: <ul style="list-style-type: none">• A minimum of 0 and a maximum of 1 space per studio/1 bedroom unit• A minimum of 0 and a maximum of 1 space per 2 bedroom unit

	<ul style="list-style-type: none"> A minimum of 1 and a maximum of 2 spaces per 3 or more bedroom unit
Residential visitor	15 car spaces
Car Wash Bay	2 spaces (min 3.5m wide shared with visitor spaces)
Car Share	1 space shared with visitor space
Others	
Loading Bay	1 SRV Loading Bay
Motorcycle parking	
Residential	8 spaces
Bicycle parking	
Residential	102 spaces
Residential visitor	11

BUILDING 2 (EASTERN BUILDING):

Use	Number of Spaces Allocated
Residential	
Residential units (65 units)	65 Car parking spaces allocated as per below: <ul style="list-style-type: none"> A minimum of 0 and a maximum of 1 space per studio/1 bedroom unit A minimum of 0 and a maximum of 1 space per 2 bedroom unit A minimum of 1 and a maximum of 2 spaces per 3 or more bedroom unit
Affordable units (37 units)	A total of 20 car spaces allocated as per below: <ul style="list-style-type: none"> 0.4 space per studio/1 bedroom unit 0.5 space per 2 bedroom unit 1 space per 3 or more bedroom unit
Residential visitor	15 car spaces
Car Wash Bay	2 spaces (min 3.5m wide shared with visitor spaces)
Car Share	1 space shared with visitor space

Others	
Loading Bay	1 SRV Loading Bay
Motorcycle parking	
Residential	8 spaces
Bicycle parking	
Residential	102 spaces
Residential visitor	11

The above allocation must be adhered and complied with at all times and shall be reflected in any subsequent Strata subdivision of the development.

All residential visitor spaces, car wash bays and loading bays shall be stated as common property on any Strata plan for the site.

All residential accessible parking spaces shall be allocated to adaptable dwelling units.

Any tandem / stacked parking spaces shall be allocated to a single residential / commercial unit only.

REASON

To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.

17. Carrying out of works wholly within the Site

All approved works shall be carried out inside the confines of the site boundary and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.

REASON

To avoid encroachment of the development beyond the site boundaries.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979:

18. Housing and Productivity Contribution

Before the release of the Occupation Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

<i>Housing and Productivity Contribution</i>	<i>Amount</i>
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Housing and Productivity Contribution (base component)	\$ 83,944.88
Transport Project Component	\$ 0
Total Housing and Productivity Contribution	\$ 83,944.88

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

REASON

To address the increased demand for regional infrastructure resulting from the approved development.

19. Sydney Airport

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated Wednesday 30 November 2022 and must be complied with:

- a) No objection is raised to the erection of this development to a maximum height of 37.0 metres AHD. The approved height of **34.45 metres** is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.
- b) Should the height of any temporary structure and/or equipment be greater than 0 metres AEGH (Above Existing Ground Height), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- c) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. And,
- d) Sydney Airport requires that approval to operate construction equipment (i.e., cranes) should be obtained prior to any commitment to construct.

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

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

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

20. General Terms of Approval – Water NSW

Dewatering

GT0115-00001 - Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0117-00001 - A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001 - If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to: customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001 - All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001 - The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding

shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0122-00001 - Construction Phase Monitoring programme and content:

- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
 - i) Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
 - ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
 - iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
 - iv) QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

GT0123-00001 - (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

GT0150-00001 - The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site

assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

GT0151-00001 - Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 - The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

GT0174-00001 - Construction phase monitoring bore requirements GTA:

- a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval
- b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
- c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval.
- d) The monitoring bores should be used to develop a water table map for the site and its near environs.
- e) The monitoring bores must be protected from construction damage. Advisory Note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.

GT0241-00001 - A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

REASON

To ensure the requirements of the authority are met.

21. NSW Police

The following conditions are specific to the NSW Police requirements:

- a) Installation of CCTV cameras within and around the development to comply with the following:
 - the system must record continuously at all times
 - recordings must be in a digital format and at a minimum of ten frames per second (10 fps)
 - any recorded image must specify the time and date of the recorded image
 - the systems cameras must cover the following areas:
- b) Installation of CCTV cameras as below:
- c) All entry and exit points on the premises
- d) The footpath immediately adjacent to the premises
- e) All publicly accessible areas (other than toilets) within the premises.
- f) Throughout the underground car park to monitor activities around these areas
- g) All recordings made by the CCTV system to be kept for at least 30 days
- h) Lighting which complies with the Australian Standard – lighting must be installed in and around the property to increase visibility during the hours of darkness
- i) The mailboxes should be located in a secure or residents only area of the building. This will increase the visibility of the area and decrease the opportunity for mail theft which often results in Frauds and Identity theft.
- j) The main entry/egress doors to the buildings must be fitted with an access control system like key, code or card operated system to restrict, control the movement of people and vehicles into and throughout the complex.
- k) An intercom system must be installed at entry/egress points to enable visitors to communicate with residents within the complex.

In addition to the above, the applicant is to submit the following to Council for consideration prior to the issue of the Construction Certificate:

- A Closed-Circuit Television Plan
- A Crime Risk Assessment Report

REASON

To ensure crime prevention and safety measures are implemented in accordance with requirements of the NSW Police.

22. Ausgrid

Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

REASON

To ensure the requirements of the authority are met.

23. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water **Tap in™** 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.

The **Tap in™** service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at:

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

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.

2. Where the building plan includes:

- Construction of a retaining wall over, or within the zone of influence of our assets
- Excavation of a basement or building over, or adjacent to, one of our assets
- Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

REASON

To ensure the requirements of the authority are met.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

24. Design Excellence

- a) The materials and facade details approved under condition 1 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act; and
- b) To ensure design excellence is achieved, as required by CI6.10 of Bayside Local Environmental Plan 2021, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- i) One (1) sample board containing original samples and swatches of all external materials and colours including:
 - a. wall and roof cladding;
 - b. balustrading;
 - c. louvres;
 - d. glazing;
 - e. window edge treatments;
 - f. paving/surface in front setback areas;
 - g. driveway;
 - h. footpaths;
 - i. retaining wall details;
 - j. roof top garden (including all surface treatments).
- ii) Full coloured elevational details at a minimum scale of 1:10;
- iii) Sections through relevant facade elements, public domain stairs, planter boxes at a minimum scale of 1:10; and,
- c) The boards, elevations and sections required by (b) above are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials; and,
- d) Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

REASON

To ensure the development complies with the Design Excellence requirements of the Bayside Local Environmental Plan 2021.

25. 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. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series.
 - ii) All vehicles are to enter and exit the site in a forward direction.

- iii) The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 or AS4299.
- iv) The gate for the basement shall be located to permit the queuing of two (2) vehicles when waiting to enter the basement garage.
- v) Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
- vi) Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles.
- vii) The car wash bay(s) shall be 3.5m wide.
- viii) A minimum of 226 bicycle parking spaces and 16 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively.
- 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 from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV 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 commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) 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 3.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV within the development, and
 - vi) All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.

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.

26. Provision of Car Wash Bay

The Construction Certificate plans must show the provision of 2 x 3.5m wide car wash bay(s) for each building. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be banded 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.

27. Use of Neighbouring Properties and Roadways for Support

Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the Principal Certifier.

Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the *Roads Act 1993*, via a permit application. The submission would need to be supported by an engineering report prepared by an Engineer registered with the National Engineering Register (NER), with supporting details addressing the following issues:

- a) Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.

The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

REASON

To ensure landowner's legal rights are protected and that damage to adjoining land is minimised.

28. Geotechnical Certification

Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by EI Australia, report no. E25318.G03_Rev1, dated 23.04.2025, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.
- b) Provide detailed recommendations to allow the satisfactory implementation of the works.
 - i) The appropriate means of any excavation/shoring is to be determined and

- detailed considering the proximity to adjacent property and structures.
- ii) Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - iii) Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).
 - iv) An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, and
 - d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective, and
 - e) Inspect the works as they progress at frequencies determined by the Geotechnical Engineer (where necessary).

The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

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

REASON

To ensure that structural designs are adequate and that damage to adjoining land is minimised.

29. Frontage Works Application

Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that

are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the *Roads Act 1993*. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate. The performance bond is calculated by Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/non-conforming public domain works and the establishment and maintenance of landscaping & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.

REASON

To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.

30. 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 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.

31. Undergrounding of Overhead Services and Installation of Lighting

All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be de-commissioned and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.

Where the road reserve is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid and Bayside Councils Landscape Architect/Arborist.

If further works are required beyond the frontages of the development site (e.g. across a road) to support the required undergrounding works, these works must also be carried out at no cost or expense to Bayside Council.

REASON

To improve the public domain in accordance with Council's Development Control Plan.

32. Property Address Allocation

Prior to the issue of a Construction Certificate for the development an application for street addresses Property Address Allocation and associated fee shall be submitted to Council for each individual residential flat building within the development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated May 2021.

The form is available for download at:

<https://www.bayside.nsw.gov.au/sites/default/files/2022-06/Property%20Address%20Allocation.PDF>

Derivation and production of address data components is governed by the NSW Address Policy and User Manual May 2021 to ensure consistency of application.

https://www.gnb.nsw.gov.au/data/assets/pdf_file/0004/229216/NSW_Address_Policy_and_User_Manual_2021.pfd

REASON

To ensure property addresses are allocated in accordance with relevant standards.

33. Design Amendments

Before the issue of any Construction Certificate, the construction certificate plans (and specifications) must detail the following required amendments to the written approval of the Bayside Council Director of City Futures (or delegate).

- a) The basement for both buildings shall be reduced in size to provide a 12m separation between the basements. Amended plans and sections reflecting this requirement shall be submitted.
- b) Building 1 basement plans are to be revised to have a reduced car parking provision of 93 residential car spaces & 15 visitor car spaces (including 2x car wash bay and 1x car share). This is required to facilitate the reduction of the basement size referred to in point a) above.
- c) Building 2 basement plans are to be revised to have a reduced car parking provision of 65 residential car spaces, 20 affordable residential car spaces & 15 visitor car spaces (including 2x car wash bay and 1x car share). This is required to facilitate the reduction of the basement size referred to in point a) above.
- d) A minimum of 102 bicycle spaces is to be provided in the basement of each building with 11 visitor bicycle spaces provided in the frontage of each building (near the

lobby) designed as per AS2890.3. A minimum of 226 bicycle spaces is to be provided and shown on the plans as part of the entire development.

- e) Conceal drainage pipes within the floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- f) The balustrades shall be constructed with opaque / solid materials to a minimum height of 1000mm.
- g) The wind mitigation measures / recommendations in the reports listed in condition 1 shall be implemented.

REASON

To require amendments to the approved plans and supporting documentation following assessment of the development.

34. 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 Principal Certifier:

Soil and Water Management Sign Fee	\$ 27.00
Section 7.11 Contributions	\$ 3,840,000.00 (or \$1,920,000.00 per stage)
Builders Damage Deposit (Security Deposit)	\$ 83,210.00
Tree Preservation Bond (Security Deposit)	\$ 4,000.00

The payments will be used for the cost of:

- a) 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,
- b) completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- c) 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.

35. Payment of Security Deposits

Prior to the issue of any Construction Certificate or the commencement of any works, whichever occurs first, a builder's damage deposit of \$ 83,210.00 (GST Exempt) shall be lodged with Bayside Council by the applicant by way of cash deposit or unconditional bank guarantee (any proposed bank guarantee must not have an expiry date) in favour of Bayside Council. 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.

This security deposit is to cover the repair of any damages, or other works to be done, by Bayside Council. This includes construction, removal, or repair as required to all aspects of the public domain and Council owned land such as: kerb and guttering, existing or new driveways, paved areas and footpaths, road pavement, stormwater infrastructure, signage, landscaping etc.

This security deposit will be refunded in full, upon completion of all works relating to the development consent and following the issue of the Final Occupation Certificate, where no damage occurs and where Bayside Council is satisfied with the completion of works (subject to inspection by Bayside Council). Alternatively, the security deposit will be forfeited or partly refunded based on the damage incurred.

REASON

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

36. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$114,277.50 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the Principal Certifier.

REASON

To ensure the long service levy is paid.

37. Payment of Section 7.11 Contributions

A Section 7.11 contribution of \$3,840,000 shall be paid to Bayside Council in two (2) stages, being \$1,920,000 per stage. The contribution is calculated according to the provisions contained within Council's adopted Arncliffe and Banksia Local Infrastructure Contribution Plan 2020. The amount to be paid in each stage is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contributions are to be paid prior to the issue of the Construction Certificate for each respective stage.

The contributions will be used towards the provision or improvement of the amenities and services identified below.

Stage 1:

Transport	\$ 592,344.52
Stormwater Management	\$ 85,689.55
Open Space	\$ 371,025.45
Community Facilities	\$ 848,202.81
Administration	\$ 22,742.66
Total for Stage 1 in 2025/26:	\$1,920,000.00

Stage 2:

Transport	\$ 592,344.52
Stormwater Management	\$ 85,689.55
Open Space	\$ 371,025.45
Community Facilities	\$ 848,202.81
Administration	\$ 22,742.66
Total for Stage 2 in 2025/26:	\$1,920,000.00

A copy of the development contributions plan is available for inspection at Bayside Council at 444 Princes Highway Rockdale.

REASON

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

38. 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:

- The location and materials for protective fencing and hoardings on the perimeter of the site;
- Provisions for public safety;
- Pedestrian and vehicular site access points and construction activity zones;
- 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;
- e) Details of any bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out all works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) 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;
 - iii) An arborist's report approved as part of this consent.

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.

39. Design Verification Statement

Prior to the issue of a Construction Certificate, a statement from a qualified designer (Registered Architect) is to be submitted verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021*.

REASON

To ensure compliance with the Environmental Planning and Assessment Regulation 2021.

40. 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.

41. Safer by Design Requirements

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas, and
- b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and
- c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- d) Graffiti resistant materials shall be used to ground level external surfaces, and
- e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- f) The ceiling of the basement car park shall be finished in light colour to maximise visibility.

REASON

To ensure compliance with the Crime Prevention Through Environmental Design (CPTED) principles.

42. 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 and boundary fences 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.

43. Adaptable Units and Parking

Access must be provided to and within a minimum of twenty-two (22) residential units across the entire development (with 11 in each building), and between these units and their allocated car parking spaces in accordance with Council's Development Control Plan

and Australian Standard 4299: Adaptable housing. The required adaptable units shall be those unit numbers shown below:

- Residential units: 105, 110, 111, 507, 508, 607, 608, 707, 708, 807 and 808 in each building totalling 22 units.

The units shall be constructed to comply with the requirements of AS 4299.

Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

Note: Compliance with Council's Development Control Plan does not necessarily guarantee that the development meets the full requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the Act are satisfied.

REASON

To ensure adaptable units are provided and designed in accordance with the relevant standards.

44. Adaptable Units

Before the issue of the relevant Construction Certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates to the Principal Certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 *Adaptable Housing Standards*.

REASON

To ensure adaptable units are designed in accordance with the Australian Standard.

45. Car Parking Details

Before the issue of the relevant Construction Certificate, written evidence prepared by a suitably qualified Engineer must be obtained that demonstrates, to the Certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 *Parking Facilities – Off-Street Carparking* and Clause 4.6 of Council's Rockdale Development Control Plan 2022 (in force as at the date of the lodgement of this application).

REASON

To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

46. Glazing Reflectivity

The reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for the relevant stage of works.

REASON

To ensure that adverse reflectivity impacts are minimised.

47. Lighting

All proposed lights 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.

48. Services in Garbage Room

Hot and cold water supply shall be provided to the garbage room. Services or utility systems shall not be located within the garbage room. Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of a Construction Certificate.

REASON

To ensure the proper storage and management of waste and minimise adverse impacts to human health.

49. Utilities and Services

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to certifier:

- a) a letter from the electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

REASON

To ensure relevant utility and service providers' requirements are provided to the certifier.

50. Aircraft Noise – Compliance with Submitted Report

Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by Koikas Acoustics Pty Ltd shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors, and
- b) Detailed roof and ceiling construction, and
- c) Wall and ceiling corner details, and

- d) External door specification.
- e) Acoustically treated mechanical ventilation system
- f) Inter-tenancy noise partitions / attenuation

A report shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate for the relevant stage of works.

REASON

To minimise adverse amenity impacts to residents within the building.

51. Hazardous Material Audit and Work Plan

Prior to the release of a Construction Certificate for the demolition of buildings, Hazardous Materials Audit (HMA) shall be carried out to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to Council and the Principal Certifier.

Should any hazardous materials be identified a Work Management Plan shall be submitted to Council in accordance with AS2601-2001 – Demolition of Buildings. The report shall contain details regarding the type and location of hazardous material and the proposed methods of containment and disposal.

REASON

To avoid and/or minimise potential risks associated with hazardous or offensive industries.

52. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

- a) Council's relevant Development Control Plan,
- b) the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

REASON

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

53. Provision of Detailed Plans for Construction Certificate Application

Before the issue of a Construction Certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier for approval that are consistent with the plans and documentation approved under this consent.

Detailed plans must also show the following:

- a) Car parking facilities
- b) Acoustic Report
- c) Disability Access Plan
- d) Pedestrian access
- e) Signage location and structures
- f) Mechanical ventilation

REASON

To ensure that detailed Construction Certificate plans are consistent with the approved plans and supporting documentation.

54. Dilapidation Report

Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified Engineer detailing the structural condition of buildings on the adjoining properties, structures or works and public land, to the satisfaction of the Principal Certifier. Please refer to condition 88 for a list of the likely affected properties.

Where access has not been granted to any adjoining properties to prepare the Dilapidation Report, the Report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

REASON

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the Dilapidation Report.

55. Waste Management Plan – an approved document of this Consent

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the Principal Certifier.

REASON

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

56. Retaining Walls Over 600mm

Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).

REASON

To ensure the structural adequacy of new retaining walls.

57. Sustainability

Prior to the issue of the relevant Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- b) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- c) Use of mixtures in concrete to minimise cement and reduce embodied carbon.
- d) Separate circuiting for temporary power to minimal stair and corridor lighting.
- e) Use of LEDs and other low energy flicker free lighting resources.
- f) Provision for EV charging in accordance with the below requirements;
 - i) All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
 - ii) A minimum of one (1) visitor car space shall be 'EV-Equipped'. An 'EV-Equipped' car space is a car space equipped with EV fast charger that is ready to use on completion of the development (i.e., the space shall be fully equipped with the circuitry and charger directly for use). This may be payment operated system. At minimum, the charger will need to be 'Level 2' fast charging charger 7-22kW power or greater as defined by NSW Electric and Hybrid Vehicle Plan.
 - iii) Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - iv) Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits

sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.

- v) EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
- vi) EV Load Management System is to be capable of:
 - Reading real time current and energy from the EV chargers under management via ethernet connection;
 - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
 - Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.
 - Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate.

REASON

To ensure sustainability measures are incorporated into the final development.

58. Detailed Design Stormwater Management Plan

Prior to the issue of the relevant 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 generally made in the stormwater concept plans prepared by MANCE ARRAJ CIVIL AND STRUCTURAL ENGINEERS, project number 7066-DA, dated 09/10/2024, issue E along with the requirements detailed below:

- a) A minimum 60,000L rainwater tank is to be provided for each building. The rainwater tank (OSR) is to drain only non-trafficable roof area and all trafficable areas to drain directly into the WSUD chamber. This is to be clearly shown on all the plans. The rainwater tank is to be connected to internal non-potable stormwater re-use (all ground floor toilets, all ground floor clothes washers, car wash bays and landscape irrigation). The rainwater tank must be modelled in MUSIC. Planter box, balconies and any communal open area must not drain into the rainwater tank.
- b) The development requires the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. Bayside Technical Specifications Stormwater Management Section 7 requires the development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. The TSS results must achieve the 85% pollution reduction target. The MUSIC Model to be revised meet the pollution reduction targets.
- c) A WSUD catchment plan to be revised provided to clearly show the architectural in the background including the non-trafficable roof areas draining into the rainwater tank. The planter boxes are to be modelled as 100% impervious. The WSUD catchment plan is to depict the MUSIC Model for each building.
- d) The pump out pit section to be revised and must show the surface level, base levels, top water level (TWL), and minimum 1% fall towards the pumps. Sizing and volume for the pump out pit must be provided on the plans. The top water level (TWL) is to be 100mm lower than the invert level of the inlet pipe.
- e) Provide the manufacturer details for the WSUD treatment devices.

REASON

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

59. Tanking and Waterproofing Basement Intercepting Groundwater Table

Prior to the issue of any Construction Certificate, all subsurface structures shall be designed with a waterproof retention system (i.e., full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. If subsoil drainage is permitted to be provided around the subsurface structure, the subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. No groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken and certified by Engineer(s) registered with the National Engineering Register (NER). Design details, construction specifications and engineering design certification shall be included in the documentation accompanying the Construction Certificate.

REASON

To ensure that subsurface structures are designed to prevent ingress of groundwater.

60. Structural Certification for Flood Prone Land

Prior to the issue of the Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.

REASON

To ensure the development meets flood planning requirements.

61. Protection of Basement and Building Structures Below Flood Level

All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

REASON

To ensure the development meets flood planning requirements.

62. 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.

63. 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 certifier. The plan must be prepared as follows:

- 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.

64. Waste Storage

The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot / building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day. The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

REASON

To ensure waste storage areas are incorporated into the final development.

65. Residential Waste

The development will require the provision of the following waste and recycling facilities:

- a) Domestic Waste - 12 x 1,100 litre mobile bins. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- b) Domestic Recycling - 12 x 1,100 litre and 1 x 660 litre mobile bins, and
- c) Green Waste - 1 to 2 x 240 litre mobile bins per unit block, and.
- d) Bulk Waste Storage Area - Minimum 10m², and

For the proposed Residential Flat Buildings, the larger 1,100 litre mobile bins are preferred as an alternative to the smaller bins, noting an equivalent amount of space will

need to be provided. The above are considered to be adequate provided they are serviced in accordance with Council's current servicing requirements.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

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

REASON

To control construction works outside standard construction hours.

67. Annual Fire Safety Statement

In accordance with Clause 177 of the *Environmental Planning and Assessment Regulation 2000*, the owner of the building premises must cause the Council to be given an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building.

The Annual Fire Safety Statement must be given:

- a) Within 12 months after the date on which the Fire Safety Certificate was received, and
- b) Subsequent Annual Fire Safety Statements are to be given within 12 months after the last such statement was given, and
- c) An Annual Fire Safety Statement is to be given in or to the effect of Clause 181 of the *Environmental Planning and Assessment Regulation 2000*, and
- d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

REASON

To ensure the requirements of the regulations are met in relation to fire safety.

68. Hazardous Waste

Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- i) *Work Health and Safety Act 2011*, and

- ii) *Work Health and Safety Regulation 2011*, and
- iii) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)], and
- iv) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)], and
- v) *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.

REASON

To ensure the requirements of the Act and Regulations are met.

69. Construction Certificate Amended Architectural Drawings

Prior the issue of the Construction Certificate, detailed construction architectural plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council. The detailed architectural plans shall include, but not be limited to, the following requirements/architectural modifications:

- a) The entire three metres front landscape setback to Innesdale Road shall be of communal ownership to be dedicated to trees and understorey. Soil levels shall match finished levels in the public domain to ensure lateral root development. No fences will be located within the 3 metres front setback to Innesdale Road. Fences should be located along the edge of the three metres of the boundary or behind. Private open spaces shall not be located within the 3 metres front setback. Proposed architectural and landscape design shall deliver passive surveillance.
- b) A 4.5m wide Through Site Link (TSL) must be designed through the central deep soil area between the two buildings per 7.4 of the BDCP and the Design Review Panels feedback to the proposal. The design must support the long-term vision for a 12m-wide green boulevard corridor. The through site link shall extend from Innesdale Road to the rear boundary located centrally between the two buildings and shall address the below requirements:
 - i. The paving of the TSL shall be in accordance with the '*Arncliffe and Banksia Public Domain Plan & Technical Manual*'. The configuration of this TSL should be linear, connecting the front and rear boundaries.
 - ii. Seating shall be provided within the TSL.
 - iii. A minimum of 3 native canopy trees shall be planted either side of the TSL at 200 litres, at a minimum distance of 1m away from the TSL.
 - iv. The substation must be relocated so that it does not conflict with the through site link.
- c) Raised planters along the interface with the public domain shall be avoided, if levels do not allow to match public domain finished levels, then retaining walls shall not exceed 500 mm from public domain finished floor levels.

- d) Enclosure of all service structures along the front setback shall be of minimum size possible. Finishes and materials shall be selected to blend with the landscape setting.

The plans and sections approved in this condition must be reflected in the construction certificate issued by the Certifier.

REASON

To ensure the Architectural plans include the required landscape amendments.

70. Detailed Landscape Plan

Prior the issue of the Construction Certificate, amended landscape plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council. The amended plans must comprise detailed landscape construction documentation (plans and specifications).

The detailed landscape plans shall incorporate the provisions generally made in the landscape plans prepared by Site Image Landscape Architects, project number SS21-4963, dated 12/09/2025, revision Z along with the revisions/requirements detailed below:

- a) A detailed landscape set and planting plan showing all plant locations, species and quantities. Provide detailed plans on all communal spaces and landscaping areas.
- b) A 4.5m wide Through Site Link (TSL) must be designed through the central deep soil area between the two buildings per 7.4 of the BDCP and the Design Review Panels feedback to the proposal. The design must support the long-term vision for a 12m-wide green boulevard corridor. The through site link shall extend from Innesdale Road to the rear boundary located centrally between the two buildings and shall address the below requirements:
 - i. The paving of the TSL shall be in accordance with the '*Arncliffe and Banksia Public Domain Plan & Technical Manual*'. The configuration of this TSL should be linear, connecting the front and rear boundaries.
 - ii. Seating shall be provided within the TSL.
 - iii. A minimum of 3 native canopy trees shall be planted either side of the TSL at 200 litres, at a minimum distance of 1m away from the TSL.
 - iv. The substation must be relocated so that it does not conflict with the through site link.
- c) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees. All trees planted on structure shall be planted in a built-in planter box with a minimum width of 1.5m
- d) Interface with public domain. All planting proposal along site frontages shall follow CPTED principles. Proposed architectural and landscape design shall deliver passive surveillance.
- e) Ensure all services do not negatively affect the public areas.
- f) Both WSUD tanks shall be shifted to beside the basement wall. If this cannot be achieved under Councils discretion, the tree directly opposite each WSUD tank shall be replaced with a large native shrub species.
- g) Landscape areas beneath overhead structures shall consist of shade tolerant species.

- h) All trees in the public domain or along the Innesdale Road deep soil setback shall be planted at minimum 200 litres pot size. All other trees proposed within the site shall be planted at minimum 100 litres.
- i) Magnolia grandiflora trees (nominated as Mg in landscape plans) proposed to be planted in deep soil areas shall be replaced with native trees, for environmental reasons. All trees in deep soil shall be native.
- j) The central deep soil area along the front shall include at least one large native canopy tree capable to reach a minimum mature height of 15 metres in local conditions.
- k) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat. Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- l) Include climbers to pergolas to ensure shade in summer months, unless specified otherwise by fire safety consultants or a relevant authority.
- m) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- n) Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council.
- o) Planters as approved in landscape plan are not to be reduced in size or soil volumes, or replace with individual pots, unless a modification with acceptable justification is provided and approved by Councils landscape architect.

REASON

To ensure compliance with landscape requirements from relevant policies.

71. General Landscape Conditions

- (a) The Applicant / occupier is responsible for the maintenance of the 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.
- (b) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.
- (c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- (d) Soil depths must be in accordance with Council's DCP and associated Technical Specifications. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.

- i) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- ii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil
- iii) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS3743. Install drip irrigation including to lawns.
- iv) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
- v) All planter boxes shall be provided with a fully automated drip irrigation system.
- vi) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - 1. Trees over 8 metres: Minimum soil depth 1.3 metre,
 - 2. Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre,
 - 3. Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
 - 4. Shrubs: Minimum soil depths 500-600mm.
 - 5. Groundcover: Minimum soil depths 300-450mm.
 - 6. Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards and be maintained in effective working order at all times.
- e) Planters as approved in landscape plan are not to be reduced in size or soil volumes, or replace with individual pots, unless a modification with acceptable justification is provided and approved by Council landscape architect.

REASON

To ensure compliance with landscape requirements from relevant policies.

72. Landscape Frontage Works Application

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.

Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

Note: Only one frontage works application needs to be submitted for the development consent. Lodgement of the frontage works application and payment of the fees with Bayside Council is all that is needed to satisfy this condition for the purposes of issuing the construction certificate for the purposes of issuing the construction certificate.

REASON

To ensure compliance with landscape requirements from relevant policies.

73. Through Site Link Details

Prior to the issue of any Construction Certificate entailing any works above basement levels, a Landscape, Electrical & Civil Design shall be prepared for the entire pedestrian through site link (located centrally between the two buildings). These design details are to be submitted to, and approved by, Bayside Council Director of City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels.

The plans are to address the following (at minimum):

a) Paving, Landscaping and Furniture

The paving, including levels treatment, materials and finishes of the through site link is to be in accordance with the Arncliffe and Banksia Public Domain Plan and Technical Manual. The width of the path is to be 4.5m minimum. The proposed tree planting, landscape design and furniture is to be to the satisfaction of the Bayside Council Landscape Architect. The design shall follow CPTED (Crime Prevention Through Environmental Design) principles.

b) Lighting

Lighting shall be provided along the entire through site link to provide improved safety and illumination. The lighting shall be designed in accordance with the AS/NZS 1158 lighting series and AS 4282-1997 "*Control of the Obtrusive Effects of Outdoor Lighting*". A lighting design shall be provided to the satisfaction of Bayside Council which shall include a lighting coverage assessment demonstrating a minimum P category is provided. All lighting 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.

The location of and design of lighting structures is to be provided. The lighting is not to conflict with tree planting or the width of the through site link.

c) Drainage

All drainage pits must be in accordance with relevant Australian Standards and be flush with finished paving levels. Stormwater is not to be discharged or directed onto neighboring properties. All pits must be fully trafficable and fitted with heel guard grates.

d) Accessibility

The design requires careful grading to respond to the site's slope and adjoining context, to the satisfaction of Council. It must comply with the applicable legislation and standards in relation to accessibility (AS1428).

The Construction Certificate shall be precisely consistent with these approved materials.

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

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

74. Payment of Fees

Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the certifier:

- a) Inspection fees as specified in Council's fees and charges at the payment date.

REASON

To ensure fees are paid for inspections carried out by Council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to Council property.

75. Soil Stockpile Area

A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to commencement of works.

This plan shall incorporate and reference the construction environmental management plan (CEMP) and address site limitations.

REASON

To minimise adverse impacts on surrounding properties and the environment.

76. Erosion and Sediment Controls in Place

Before any site work commences, the 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.

77. Tree Protection Measures

Before any site work commences, the Principal Certifier, or Council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction Site Management Plan are in place.

REASON

To protect and retain trees.

78. 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).

79. Compliance with Home Building Act (if applicable)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

REASON

Prescribed condition EP&A Regulation, Section 69(2).

80. Home Building Act requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b) In the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

REASON

Prescribed condition EP&A Regulation, Section 71(1), (2) and (3).

81. Notice regarding Dilapidation Report

Before the commencement of any site or building work, the Principal Certifier must ensure the adjoining building owner(s) is provided with a copy of the Dilapidation Report for their property(ies) no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

REASON

To advise neighbours and Council of any Dilapidation Report.

82. Dilapidation Report - Public Domain - Pre-Construction - Major

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.

83. Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining premises, a photographic survey, and including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer. This shall include, but not be limited to, the following properties:

- a) 13 Innesdale Road, Wolli Creek
- b) 39 Innesdale Road, Wolli Creek
- c) 24 Marsh Street, Wolli Creek
- d) 24A Marsh Street, Wolli Creek
- e) 10 Flora Street ARNCLIFFE NSW 2205
- f) 12 Flora Street ARNCLIFFE NSW 2205
- g) 14 Flora Street ARNCLIFFE NSW 2205
- h) 16 Flora Street ARNCLIFFE NSW 2205
- i) 18 Flora Street ARNCLIFFE NSW 2205
- j) 20 Flora Street ARNCLIFFE NSW 2205
- k) 22 Flora Street ARNCLIFFE NSW 2205
- l) 24 Flora Street ARNCLIFFE NSW 2205
- m) 26 Flora Street ARNCLIFFE NSW 2205
- n) 28 Flora Street ARNCLIFFE NSW 2205
- o) 30 Flora Street ARNCLIFFE NSW 2205
- p) 32 Flora Street ARNCLIFFE NSW 2205
- q) 34 Flora Street ARNCLIFFE NSW 2205
- r) 36 Flora Street ARNCLIFFE NSW 2205

The report shall be prepared at the expense of the applicant and a copy of the Dilapidation Survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifier prior to commencement of any works. The insurance cover shall be a minimum of \$10 million.

A copy of the Pre-Construction Dilapidation Report is to be provided to the adjoining properties (subject of the Dilapidation Report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the Dilapidation Report was delivered to the adjoining properties must be provided to the PC.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00 am and 6.00 pm.

REASON

To establish and document the structural condition of adjoining properties for comparison as building work progresses and is completed.

84. Asbestos Removal Signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

REASON

To alert the public to any danger arising from the removal of asbestos.

85. Hazardous Material Survey before Demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- a) The location of all hazardous material throughout the site.
- b) A description of the hazardous material.
- c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust.
- d) An estimation of the quantity of each hazardous material by volume, number, surface area or weight.
- e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials.
- f) Identification of the disposal sites to which the hazardous materials will be taken.

REASON

To require a plan for safely managing hazardous materials.

86. Vibration Monitoring

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

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

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional Engineer.

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

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

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

REASON

To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

87. Site Preparation

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are completed:

- a) Protective fencing and any hoardings to the perimeter on the site.
- b) Access to and from the site.
- c) Construction traffic management measures.
- d) Protective measures for on-site tree preservation and trees in adjoining public domain.
- e) On-site temporary toilets.
- f) A garbage container with a tight-fitting lid.

REASON

To protect workers, the public and the environment.

88. Demolition Management Plan

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with *Australian Standard 2601 – the Demolition of Structures*, the *Code of Practice – Demolition Work*, Rockdale Development Control Plan 2011 and must include the following matters:

- a) The proposed demolition methods.
- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones.
- d) Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with *AS 1742.3 Traffic Control for Works on Roads* and parking of vehicles.
- e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with *AS 4970-2009 Protection of Trees on Development Sites* and the Rockdale Development Control Plan 2011).
- f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- i) Details of any bulk earthworks to be carried out.
- j) Details of re-use and disposal of demolition waste material in accordance with the Rockdale Development Control Plan 2011.
- k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- l) Location and type of temporary toilets on-site.
- m) A garbage container with a tight-fitting lid.

REASON

To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

89. Disconnection of Services before Demolition Work

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

REASON

To protect life, infrastructure and services.

90. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a) Name;
- b) Address;
- c) Contact telephone number;
- d) License type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor;
- e) The contact telephone number of Council; and
- f) The contact telephone number of SafeWork NSW (PH 4921 2900).

REASON

To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

91. Handling of Asbestos during Demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and of any asbestos material;
- b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

REASON

To ensure that the removal of asbestos is undertaken safely and professionally.

92. Dewatering – Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines (ANZG) for Fresh & Marine Water Quality. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater must be provided in this report.

Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

REASON

To ensure the discharge of stormwater from the site does not result in any adverse impacts on the environment.

93. Tree Retention and Management

- a) The two (2) existing *Jacaranda mimosifolia* 'Blue Jacaranda' street trees (N2 & N3) shall be retained and protected during construction. To achieve this, the tree protection specifications shall be based on the recommendations of the Consultant Arborist.

The Arborist's report has identified the necessary protective measures (including fencing and delivery/access points), the location and installation methods for any services or works and ongoing maintenance to the trees during construction.

All recommendations of the Arborist shall be adhered to at all times.

- b) Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
- c) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
- d) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
- e) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- f) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
- g) All recommendations contained in the Arboricultural Impact Assessment Report prepared by Arborist Network Dated 26/08/2022 shall be implemented and complied with.

REASON

To ensure the appropriate management and retention of existing trees at the front of the site and on the adjoining properties.

94. 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.

95. Dewatering – Permit to Discharge to Stormwater

To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater must be obtained from Council. Dewatering must not commence until this is issued by Council.

REASON

To ensure the discharge of stormwater from the site does not result in any adverse impacts on the environment.

DURING ANY WORKS (including Demolition, Excavation and Construction)

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

96. Approved Plans kept on Site

A copy of the Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request.

REASON

To ensure relevant information is available on site.

97. 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.

98. 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.

99. 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.

100. 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.

101. 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.

102. Implementation of Sustainable Building (BASIX) Commitments

While building work is being carried out, the Applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificates approved by this consent, for the development to which the consent applies.

REASON

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Section 75 EP&A Regulation).

103. 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.

104. Noise Minimisation during Demolition and Construction

Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

Noise reduction measures shall include, but are not limited to, the following strategies:

- 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.

REASON

To ensure the noise emissions are controlled during construction.

105. 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.

106. 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.

107. 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.

108. Site Fencing and Hoarding

A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place.

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4m, or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and
- b) have a clear height above the footpath of not less than 2.1m, and
- c) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The Principal Contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

REASON

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

109. Demolition Requirements During Works

Demolition is to be carried out in the accordance with the following:

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing; and
- d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense. *Dial Before You Dig* website: www.1100.com.au should be contacted prior to works commencing, and
- k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operation (Waste) Regulation* and *'Waste Classification Guidelines 2014'* prepared

by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

REASON

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

110. Protection of Council's Property

During demolition, 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 demolition, 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.

111. Vibration During Demolition Works

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7.

The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.

REASON

To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

112. 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:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) 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.

113. Temporary Dewatering Permit - Water Quality Requirements

To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.

The water quality must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.

Reports shall be provided to Council prior to discharge of any groundwater to the stormwater system.

REASON

To ensure any ground water encountered during works is appropriately treated and disposed of.

114. Additional Information – Contamination – Cease Work Addition

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. All work on site must cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.

REASON

To ensure any contamination encountered during works is appropriately treated and disposed of.

115. Acid Sulphate Soil Management Plan

The management of potential and actual acid sulphate soils must be conducted in accordance with all recommendations within the '*Acid Sulfate Soil Management plan – 15-37 Innesdale Road, Wollli Creek NSW*' (E25318.E14_Rev3) by (EI Australia) dated (12 December 2022).

REASON

To ensure the any acid sulfate soils encountered during works on the site is appropriately managed and addressed.

116. Dewatering Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines for Fresh & Marine Water Quality. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater must be provided in this report. Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

REASON

To ensure any ground water encountered during works is appropriately treated and disposed of.

117. 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 any waste encountered during works is appropriately treated and disposed of.

118. 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
- b) Protection of the Environment Operations Act 1997; and
- c) 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 that no contaminated fill is put onto the site.

119. Monitoring

Results of the monitoring of any field parameters for soil, groundwater, surface water, air or noise must be made available to Council Officers on request throughout the remediation and construction works.

REASON

To ensure any monitoring results are available to Council throughout the construction process.

120. Soil Management

While site work is being carried out, the 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 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.

121. Uncovering Relics or Aboriginal Objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified:
 - i) for a relic – the Heritage Council; or
 - ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a) for a relic – the Heritage Council; or
- b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

REASON

To ensure the protection of objects of potential significance during works.

122. Surveys by a Registered Surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered Surveyor and provided to the Principal Certifier:

- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements.
- b) At other stages of construction – any marks that are required by the Principal Certifier.

REASON

To ensure buildings are sited and positioned in the approved location.

123. Noise and Vibration – an approved document of this Consent

While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.

REASON

To protect the amenity of the neighbourhood during construction.

124. Noise and Vibration Requirements

While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the site.

REASON

To protect the amenity of the neighbourhood during construction.

125. Tree Protection during Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a) the Construction Site Management Plan approved under this consent,
- b) the relevant requirements of *AS 4970 Protection of Trees on Development Sites*, and,
- c) any Arboricultural Report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

REASON

To protect trees during the carrying out of site work.

126. 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.

127. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON

Prescribed condition – EP&A Regulation, Section 74.

128. 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.

129. Waste Management

While site work is being carried out:

- a) all waste management must be undertaken in accordance with the Waste Management Plan, and
- b) upon disposal of waste, records of the disposal must be compiled and provided to the certifier, detailing the following:
 - i) The contact details of the person(s) who removed the waste.
 - ii) The waste carrier vehicle registration.
 - iii) The date and time of waste collection.
 - iv) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
 - v) The address of the disposal location(s) where the waste was taken.
 - vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.

REASON

To require records to be provided, during site work, documenting the lawful disposal of waste.

130. Excavation Requirements

All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- a) preserve and protect the building from damage and
- b) underpin and support the building in an approved manner, if necessary and
- c) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

REASON

To ensure all excavation is carried out safely and does not result in any adverse impacts on the existing development on the adjoining properties.

131. Waste Disposal Verification Statement

On completion of demolition work:

- a) A signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and,
- b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.

REASON

To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

132. 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.

133. Affordable Housing

Prior to the issue of an Occupation Certificate for the development.

- a) An 88E restriction registered, in accordance with the Conveyancing Act 1919, ensuring the below is adhered to.
 - i) A total of thirty-seven (37) of the dwellings to which the development consent relates must be used for affordable housing (the affordable housing dwellings), and
 - ii) that affordable housing dwellings be managed by a registered community housing provider, and

- iii) notice of a change in the registered community housing provider must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
- iv) the registered community housing provider who manages the affordable housing dwellings must apply the Affordable Housing Guidelines.
- b) Evidence of an agreement with a registered community housing provider for the management of the development be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- c) Evidence that the above has been met be given to the consent authority.

REASON

To ensure compliance with State Environmental Planning (Housing) 2021.

134. Restrictions on Use of Land (Affordable Housing)

Prior to the issue of an Occupation Certificate, the following restriction on Use of Land shall be imposed under Section 88E of the Conveyancing Act 1919 on the title of the land and lodged with the NSW Land and Property Information:

a) Affordable Rental Housing

"For a continuous period of fifteen (15) years from the date of issue of any Occupation Certificate (being an Interim or Final Occupation Certificate) the following Restrictions on the Use of the Land will apply:

- *A total of thirty-seven (37) of the two hundred and four (204) residential dwellings within the development will be used for the purpose of affordable rental housing.*

Affordable dwellings shall not be used for any other purpose other than for the purposes of affordable housing, as defined in State Environmental Planning Policy (Housing) 2021, and

- *The thirty-seven (37) affordable dwellings shall not be occupied unless managed by a registered community housing provider."*

Bayside Council is to be nominated as the Authority to release, vary or modify this restriction on the use of land. This Restriction shall burden each lot of the Strata Scheme (where relevant) and benefit Bayside Council. The Restriction is to be submitted to Council for approval prior to lodgment with NSW Land and Property Information. Proof of registration shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

REASON

To ensure compliance with State Environmental Planning (Housing) 2021.

135. Plan of Management

Prior to the issue of the Occupation Certificate, a Plan of Management shall be prepared and submitted to Council for approval. The Plan shall include, but not be limited to the following:

- Shared use of communal open space
- Site maintenance
- Complaints management process
- Site managers contact details
- Noise management
- Compliance with the relevant provisions of SEPP (Housing) 2021

The Plan of Management shall include contact details for the onsite manager and is to be provided to all tenants.

REASON

To ensure compliance with SEPP (Housing) 2021.

136. Annual Fire Safety Certificate (if applicable)

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

137. 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.

138. Release of Securities

When Council receives an Occupation Certificate from the Principal Certifier, the Applicant may lodge an application to release the securities held in accordance with Council's fees and charges for development. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

REASON

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

139. 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 Rockdale Technical Specification Stormwater Management. 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.

140. 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.

141. Works-As-Executed Plans and any other Documentary Evidence

Before the issue of the relevant Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the Principal Certifier:

- a) All stormwater drainage systems and storage systems,
- b) The civil driveway profile, and
- c) A copy of the plans must be provided to Council with the Occupation Certificate.

REASON

To confirm the location of works once constructed that will become Council assets.

142. Certification of Tanking and Waterproofing

Prior to the issue of any Occupation Certificate, an Engineer registered with the National Engineering Register (NER) shall certify that the tanking and waterproofing of all

subsurface structures has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.

REASON

To ensure that subsurface structures are designed to prevent ingress of groundwater.

143. Geotechnical Certification

Prior to the issue of any Occupation Certificate, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

REASON

To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.

144. 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, AS 2890.2, AS 2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all the 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.
- Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

145. Compliance of Works as Executed

Before the issue of an Occupation Certificate, certification from a suitably qualified person must be provided to the Principal Certifier that the following works as executed are consistent with the plans and specifications approved under this consent.

- a) Car parking facilities
- b) Acoustic Report

- c) Disability access plan
- d) Pedestrian access
- e) Signage location and structures
- f) Mechanical ventilation

REASON

To ensure work has been completed in accordance with the development consent.

146. Loading Dock Management Plan

Prior to the issue of the Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties and residents within the site. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

REASON

To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.

147. Undergrounding of Overhead Services and Installation of Lighting

Prior to the issue of the Final Occupation Certificate, all overhead cables, including electricity and telecommunications cables, along the entire length of all frontages of the development site must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be construction (where necessary) satisfying the applicable lighting requirements.

All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. If further works are required beyond the frontages of the development site (e.g. across a road) to support the required works, these works must also be carried out at no cost or expense to Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the Occupation Certificate.

REASON

To ensure that overhead services are placed underground to achieve required public domain outcomes.

148. Roads Act / Public Domain Works - Major Development Frontage Works

Prior to the issue of any Occupation Certificate, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council's Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:

- a) Construction of a new footpath and planting of required street trees/landscaping along all frontages of the development site.

- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- c) Construction of new kerb and gutter along the frontage of the development site.
- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Construct new kerb inlet pits and associated 375mm diameter stormwater pipe, connecting to existing stormwater infrastructure in Innesdale Road to Bayside Council infrastructure specifications.
- g) The construction of the through site link through the site to the satisfaction of Councils Landscape Architect and Engineer.

The public footpaths shall be constructed in accordance with the approved Public Domain Plan and Bayside Council specifications. The footpath dimensions, location, pavement type and construction methods shall be in accordance with these specifications. If pavers are necessary, they shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

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. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted.

Final 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 satisfied prior to the issue of any Occupation Certificate.

REASON

To ensure that required public domain outcomes are achieved.

149. Dilapidation Report – Public Domain – Post-Construction – Major

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.

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

150. 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 certifier.

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

151. Preservation of Survey Marks

Before the issue of an Occupation Certificate, documentation must be submitted by a registered Surveyor to the Principal Certifier, which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

REASON

To protect the State's survey infrastructure.

152. Design Verification Statement

Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

REASON

To ensure the design quality is delivered in accordance with approved plans and the provisions under SEPP 65

153. ESD Certification

Prior to the issue of the Occupation Certificate, the photovoltaic cells systems as required by this consent are to be installed onto the rooftops of the development and be operational.

The electric vehicle (EV) charging systems, including all associated electrical and control systems, shall be tested, and inspected by a suitably qualified and experienced person. A certificate shall be provided certifying the installation and operation of the EV charging systems prior to the issue of the Occupation Certificate.

REASON

To ensure the required ESD measures are installed in the final development.

154. Certification Reports

The recommendations of the following reports shall be validated by a Certificate of Compliance prepared by a suitably qualified person and submitted to the Principal Certifier (PC) prior to the issue of an Occupation Certificate. The certificate shall demonstrate compliance that the measures have been installed in accordance with the reports approved under this consent. If Council is not the PCA, a copy shall be submitted to Council concurrently:

- Acoustic Report, prepared by Koikas Acoustics Pty Ltd dated Wednesday 3 August 2022.
- BCA and Access Report, prepared by EastCoast Approvals Group Pty Ltd dated 30 June 2022.

REASON

To protect the amenity of the local area.

155. Section 73 Certificate - Sydney Water

Prior to the issue of the Occupation Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

REASON

To comply with Sydney Water requirements.

156. Positive Covenant Application

Prior to the issue of the Occupation Certificate, a Restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:

- a) Rainwater Tank System

- b) Stormwater Pump System
- c) Stormwater Quality Improvement Devices
- d) Private Waste Collection
- e) Through Site Link (inclusive of the maintenance of the pavement, landscaping, drainage and lighting aspects and that the link is to be publicly accessible 24 hours/7 days a week)

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate.

Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.

REASON

To ensure that the approved stormwater system is maintained in good working condition.

157. Waterproofing

A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.

REASON

To ensure the final development meets the required standards.

158. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines on the ground floor, the car wash bay(s), and the landscape irrigation system for non-potable stormwater re-use.

REASON

To ensure that the rainwater will be reused within the site in accordance with this approval.

159. Erection of Signage

Prior to the issue of the Occupation Certificate, the following signage shall be erected:

- a) Flooding:
A flood sign plaque shall be fixed to a prominent place within the flood affected area, approved by the Principal Certifier, in such a way that it cannot be

removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".

b) Maximum Vehicle Height Striker Bars

The driveway entries shall be provided with Maximum Vehicle Height Striker Bars detailing the maximum height of vehicle that can enter the car park and loading dock.

c) Vehicles Enter & Exit in Forward Direction:

All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

The owners shall preserve the plaque(s) in a good condition and keep it visible.

REASON

To ensure that signposting occurs where required to advise people of restrictions or hazards.

160. Surveyor's Certificate for Finished Floor Level (Flooding)

Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the basement parking level is protected from inundation to a minimum of 500mm above the 1% AEP Flood Level.

REASON

To ensure that floor levels are built in accordance with required flood planning levels.

161. Flood Risk Management Plan – Major

The approved Flood Risk Management Plan and 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 and 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.

162. Private Waste Collection

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a SRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste. Council must

be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

REASON

To ensure the waste can be collected on site in accordance with the approved development.

163. Consolidation of Lots

All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

REASON

To encourage the orderly and economic use of the land.

164. BASIX / Energy Efficiency Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX Certificate listed in Condition 1 prior to the issue of any Occupation Certificate.

REASON

To ensure BASIX and Energy Efficiency commitments are fulfilled.

165. Registration of Strata By-law

- a) A by-law shall be registered and maintained for the life of the development, which requires that:
 - i) Balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain, and
 - ii) An owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent, and
 - iii) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardised impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified Acoustic Engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation, and

- iv) Any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
- v) No unit within the development shall be used for short-term rental accommodation.
- b) Proof of registration of the By-Law shall be submitted to Council prior to the issue of the Occupation Certificate.

REASON

To protect the amenity of future occupants and surrounding area.

166. Anti-Graffiti Coating

Prior to issue of the Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.

REASON

To protect the amenity of the surrounding area.

167. Provision of Intercom System

Prior to the issue of the Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system.

The intercom system shall be connected to each dwelling unit / tenancy, and enable those units / tenancies to provide access to the car park for visitors.

REASON

To prevent queuing of vehicles and to ensure safe and effective access to the building.

168. Intruder Alarm Timer

All intruder alarms must be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations (Noise Control) Regulation 2008*, and AS 2201 – Parts 1 and 2 – Intruder Alarm Systems.

REASON

To protect the amenity of residents in the surrounding area.

169. Location of Mechanical Ventilation

During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.

REASON

To protect the residential amenity of neighbouring properties.

170. Post-Construction Dilapidation Report

Before the issue of any Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the certifier detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and
- c) the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

REASON

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

171. General landscape prior to issue of an Occupation Certificate

Prior to the issue of the whole of building Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier:

- a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- b) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:
 - i. Trees in ground level along interfaces with public spaces shall be planted at minimum 200 litres, trees at time of inspection shall have a minimum height of 2.5 metres, calliper at 300mm greater than 60mm, installed with stakes and ties within a mulch bed or equivalent.
 - ii. A fully automated irrigation system has been installed to all podium landscaping, in ground levels and in roof terraces.
 - iii. Podium landscaping and paved areas are drained into the stormwater drainage system.
- c) A Landscape maintenance schedule is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - i. A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments,

- special plants requirements, alternative plants replacements if required);
- Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);
- Maintenance tasks of all play equipment,
- ii. Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- iii. Details of safety procedures;
- iv. Laminated copies of 'As Built' Landscape drawings, and a site plan with nominating all communal open spaces to be maintained by Strata.
- v. Manufacturer's contact details and copies of manufacturers' typical details and specification;
- vi. Copies of warranties and guarantees relating to all materials and plant used in construction;

REASON

To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

172. Public Domain Landscape

Prior the issue of the Occupation Certificate, the Landscape works within the Public Domain shall comply with the following:

- i. Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following:
Landscaping and embellishment of Innesdale Road adjacent to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.
- ii. New street trees shall be planted along the entire site frontage as specified by Bayside Councils Landscape Architect.
- iii. All street trees must be supplied in a pot size not less than 200 Litres. Height shall be minimum 3 metres, caliper at 300mm greater than 60mm, with a clear trunk height of 1.5 metres. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide. Tree stakes are to be provided.
- iv. Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.
- v. An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

- vi. Root barriers shall be specified to be installed in all street trees along both kerb and footpaths, or relevant services to be protected. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be preferably 2 metres long to each side of the tree.
- vii. Mulching - Tree pit mulched shall conform to AS 4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.
- viii. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

REASON

To ensure the approved landscaping and public domain works have been completed before occupation, in accordance with the approved plan(s), and will be maintained for the lifetime of the development.

173. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with the approved plans and documents and any relevant conditions of this consent.

REASON

To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

174. Residents are not permitted to participate in the on-street parking scheme

Prior to the issue of the Occupation Certificate:

- a. Before entering a purchase/lease/occupancy agreement, or individual units are on- sold, all tenants and occupiers of the development are to be advised by the owner of the building in writing that residents are not eligible to participate in on-street resident parking schemes;
- b. A sign to this effect shall be located in a prominent place, to the Principal Certifiers satisfaction, such as a directory board or notice board in the Lobby of each building, where it can easily be observed and read by persons entering the building; and
- c. Where a building is to be Strata subdivided, a condition shall be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

175. Provision of Right of Footway for Through Site Link

Prior to the issue of the Occupation Certificate, a Right of Footway easement, in favour of Bayside Council, along the entire through site link is to be provided (with a minimum width of 4.5m). The Right of Footway is to be covered by a Section 88B Instrument, which may

only be varied or extinguished with the consent of Bayside Council. A works as executed (WAE) plan prepared by a registered surveyor is to be provided, surveying the completed works within the area(s) subject to this easement. Council requires proof of lodgement and registration of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. A written acknowledgement shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure the through site link is legally preserved in perpetuity.

176. Car Share

The car share car parking space must be operated by a recognized commercial car share operator within the site. A contract for the operation of the car share space by the commercial car share provider must be entered into prior to issue of any Occupation Certificate. The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space to the satisfaction of the car share operator. The car share space must be publicly accessible at all times and the intercom system must be designed to facilitate public access to the car share parking space.

The use and operation of the car share space must be accommodated in the titling and management of the residential development, including covenants, building/strata management statement, by laws and other instruments prior to the issue of any Occupation Certificate. The titling and management of the development must provide for:

- d. Free use of the car share space by the car share operator.
- e. The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004).
- f. Public access to the car share parking space shall always be available (all 7 days of the week and all 24 hours of each day) and shall be well-lit.
- g. Insurances, including public liability.
- h. The car share space must be retained as common property in the strata subdivision of the development.

The car share space is to be fully operational, and the commercial car share operator is to confirm its operation to the Principal Certifier and Bayside Council prior to the issue of any Occupation Certificate.

REASON

To ensure the provision of, and legal access to, the designated off-street car parking space for car share use.

OPERATIONAL CONDITIONS

The following conditions must be complied with during operation of the use:

177. Operation of Vehicular Access

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 6.4m long SRV 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) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.
- h) The residents of this development are not able to participate in any on-street resident parking schemes.

REASON

To manage site operations so that adverse impacts are minimised.

178. 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.

179. Maintenance of through site link

During occupation and ongoing use of the building, all aspects of the through site link (including drainage systems, lighting, pavement and landscaping) must be regularly maintained and operational 24 hours a day 7 days a week to the satisfaction of Bayside Council. The through site link must be illuminated at night.

REASON

To protect sewerage and stormwater systems.

180. 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.

181. 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.

182. Waste Management by Strata Body

The Owners Corporation or building owner shall be responsible for the following:

- a) Compliance with the approved Waste Management Plan as referred to in Condition 1 at all times, during use and operation of the premises, and
- b) Management of waste storage and collection as follows:
 - i) All waste and recycling containers shall be stored in the designated waste storage area, and
- c) Where waste and recycling containers need to be moved to the street:
 - i) Movement of the waste and recycling containers to the footpath for collections, and

- ii) Return of waste and recycling containers to the waste storage area on the same day as the refuse is collected, and
 - iii) Refuse containers are not to be left on the street for longer than 24 hours, and
 - iv) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
- d) Providing and maintaining signage and information to uses to encourage recycling.

REASON

To minimise adverse impacts to the locality.

183. Waste Management – Private Waste Collection

The Owner's Corporation / Operator must comply with the following at all times during operations:

- a) Compliance with the approved Waste Management Plan as referred to in Condition 1, at all times during use and operation of the premises, and
- b) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

REASON

To minimise adverse impacts to the locality.

184. Landscape – Maintenance

- i. The landscaped areas on the property / site shall be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- j. Buffer planting, including trees and screening shrubs, along the periphery of the site as indicated in the approved final CC landscape plans is to be maintained at all times to ensure amenity and privacy is delivered.
- k. Maintenance tasks of trees along the 3 metres front setback will include pruning to ensure CPTED principles are always met. Trees along front or side setbacks are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- l. A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required.
- m. An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.

REASON

To ensure ongoing maintenance of approved landscaping.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE OR STRATA CERTIFICATE

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

185. Fees to be paid prior to issue of Subdivision Certificate

The following fees shall be paid to Council prior to the issue of the Subdivision Certificate:

- a) Section 7.11 Contributions and any additional fees, and
- b) any other outstanding fees as per conditions of this development consent.

REASON

To ensure the required fees are paid.

186. Consolidation of Lots

Lot 13 in DP 663383, Lot 1 in DP 923896 and Lots 14 to 24 in Section 1 in DP 4059 shall be consolidated into one allotment. A copy of the plan of consolidation shall be submitted to Council prior to release of any Subdivision Certificate.

REASON

To ensure the orderly development and management of the land.

187. Strata Subdivision Certificate Application

A Strata Subdivision Certificate must be obtained prior to registration of any Strata Plan with NSW Land Registry Services. Where Council is the Principal Certifier for the Strata Title Subdivision, an application form and associated fee are required to be submitted to Council's Customer Service Centre with lodgement of the Strata Plan.

REASON

To ensure that subdivision can be registered with NSW Land Registry Services.

188. Section 73 Sydney Water Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to the Principal Certifier prior to release of the Subdivision/Strata Certificate.

REASON

To comply with Sydney Water requirements.

189. Services to be Covered by Easement

All existing and proposed services on the property shall be shown on a plan and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88 Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Strata Certificate.

REASON

To ensure that services have legal rights to be located within the site or on adjoining land.

190. Completion of Site Works

The following works shall be completed on site and documentation submitted prior to the issue of the Occupation Certificate:

- a) Letterboxes and Street Numbering - a separate letterbox for each dwelling shall be provided with permanent type numbers installed to each letterbox. These numbers are to be in accordance with the street address application as per the street numbering condition in this consent, and
- b) All the stormwater / drainage works shall be completed in accordance with the approved Construction Certificate plans, and
- c) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Subdivision Certificate, and
- d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf, and
- e) Water and sewer infrastructure shall be constructed in accordance with Sydney Water's "Notice of Requirements" for the issue of the Section 73 Compliance Certificate, prior to the issue of the Subdivision Certificate.

REASON

To ensure that all relevant works have been completed and facilities provided prior to issue of the Subdivision Certificate.

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.

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.



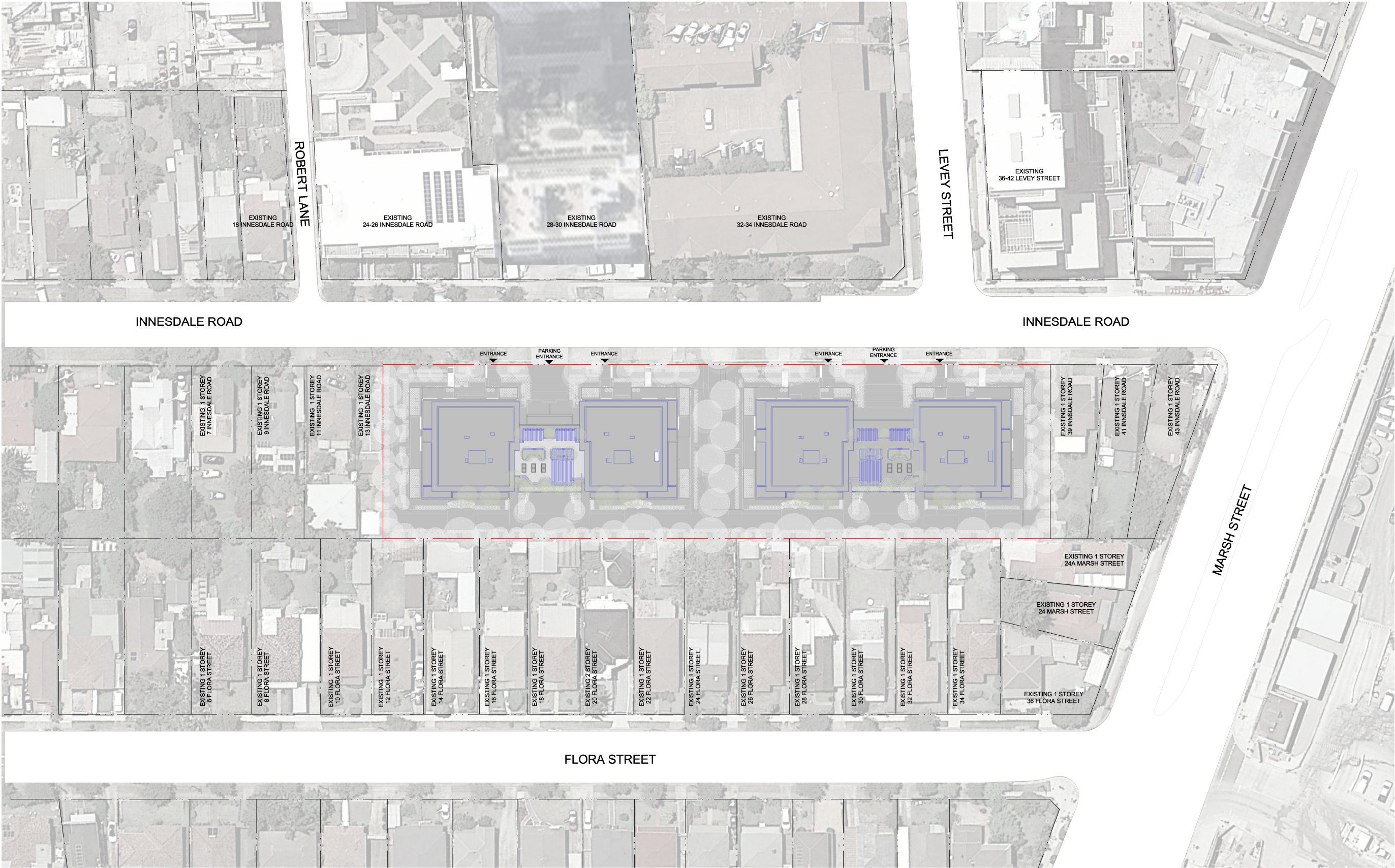
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DA - changes after DRP meeting



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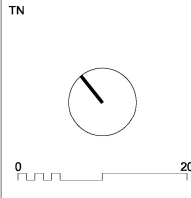
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REV	DATE	DESCRIPTION	BY
A	28/02/2024	FOR COORDINATION	PS
B	09/10/2024	FOR APPROVAL	PS
C	26/05/2025	CHANGES AFTER DRP MEETING	PS
D	08/09/2025	CHANGES AFTER DRP MEETING	PS



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PROJECT
**WOLLI CREEK 01
15-37 INNESDALE ROAD
WOLLI CREEK NSW 2205**

DRAWING TITLE SITE PLAN			
SCALE 1:400 @A1 1:800 @A3 JOB 23579	DATE 08/09/2025 DRAWING DA1.07	DRAWN MH	CHECKED PS REVISION D



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C	18/03/2024	FOR COORDINATION	PS
D	22/03/2024	FOR COORDINATION	PS
E	08/04/2024	FOR COORDINATION	PS
F	10/04/2024	FOR COORDINATION	PS
G	12/04/2024	FOR COORDINATION	PS
H	16/04/2024	FOR COORDINATION	PS
J	08/05/2024	FOR COORDINATION	PS
K	23/07/2024	FOR COORDINATION	PS
L	31/07/2024	FOR COORDINATION	PS
M	08/10/2024	FOR APPROVAL	PS
N	16/05/2025	CHANGES AFTER DRP MEETING	PS
P	26/05/2025	CHANGES AFTER DRP MEETING	PS
Q	08/09/2025	CHANGES AFTER DRP MEETING (07/09/2025)	PS

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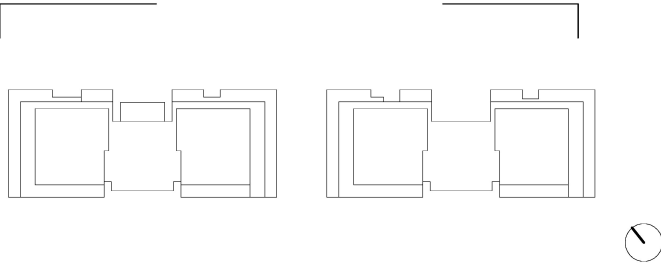
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DRAWING TITLE GROUND FLOOR			
SCALE	DATE 08/09/2025	DRAWN MM	CHECKED PS
JOB 23579	DRAWING DA3.003		REVISION Q



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B	29/02/2024	FOR COORDINATION	PS
C	18/03/2024	FOR COORDINATION	PS
D	16/04/2024	FOR COORDINATION	PS
E	23/07/2024	FOR COORDINATION	PS
F	09/10/2024	FOR APPROVAL	PS
G	26/05/2025	CHANGES AFTER DRP MEETING	PS
H	08/09/2025	CHANGES AFTER DRP MEETING (07/08/2025)	PS

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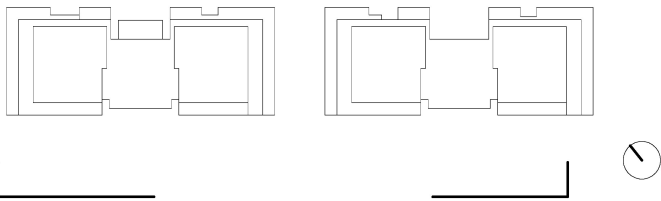
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DRAWING TITLE STREETSCAPE - NORTH			
SCALE	DATE 08/09/2025	DRAWN MH	CHECKED PS
JOB 23579	DRAWING DA4.10	REVISION H	



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A	09/02/2024	FOR COMMENTS	PS
B	29/02/2024	FOR COORDINATION	PS
C	18/03/2024	FOR COORDINATION	PS
D	18/04/2024	FOR COORDINATION	PS
E	23/07/2024	FOR COORDINATION	PS
F	09/10/2024	FOR APPROVAL	PS
G	26/05/2025	CHANGES AFTER DRP MEETING	PS
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DRAWING TITLE STREETSCAPE - SOUTH			
SCALE	DATE 08/09/2025	DRAWN MH	CHECKED PS
JOB 23579	DRAWING DA4.11	REVISION H	



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REV	DATE	DESCRIPTION	BY
A	09/02/2024	FOR COMMENTS	PS
B	18/03/2024	FOR COORDINATION	PS
C	18/04/2024	FOR COORDINATION	PS
D	30/04/2024	FOR COORDINATION	PS
E	23/07/2024	FOR COORDINATION	PS
F	09/10/2024	FOR APPROVAL	PS
G	26/09/2025	CHANGES AFTER DRP MEETING	PS
H	08/09/2025	CHANGES AFTER DRP MEETING (07/08/2025)	PS

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DRAWING TITLE WEST - BUILDING 1			
SCALE	DATE 08/09/2025	DRAWN MH	CHECKED PS
JOB 23579	DRAWING DA4.06	REVISION H	



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REV	DATE	DESCRIPTION	BY
A	09/02/2024	FOR COMMENTS	PS
B	18/03/2024	FOR COORDINATION	PS
C	18/04/2024	FOR COORDINATION	PS
D	30/04/2024	FOR COORDINATION	PS
E	23/07/2024	FOR COORDINATION	PS
F	09/10/2024	FOR APPROVAL	PS
G	26/09/2025	CHANGES AFTER DRP MEETING	PS
H	08/09/2025	CHANGES AFTER DRP MEETING (07/08/2025)	PS

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DRAWING TITLE EAST - BUILDING 2			
SCALE	DATE 08/09/2025	DRAWN MH	CHECKED PS
JOB 23579	DRAWING DA4.05	REVISION H	



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REV	DATE	DESCRIPTION	BY
A	26/04/2024	FOR COORDINATION	PS
B	09/10/2024	FOR APPROVAL	PS
C	26/05/2025	CHANGES AFTER DRP MEETING	PS
D	08/09/2025	CHANGES AFTER DRP MEETING (07/08/2025)	PS

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DRAWING TITLE CGI			
SCALE	DATE 08/09/2025	DRAWN MH	CHECKED PS
JOB 23579	DRAWING DA8.21	REVISION D	



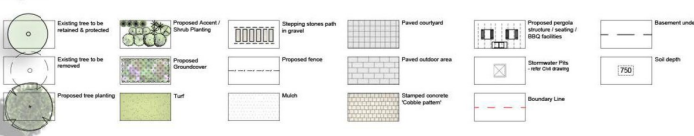
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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

Z	For Approval	MJW	RS	12.09.2025
Y	For Approval	MJW	RS	23.05.2025
X	For Approval	MJW	RS	06.10.2024
W	For Coordination - WSUD relocation	MJW	RS	29.07.2024
V	For Coordination	MJW	RS	25.07.2024
U	For Coordination - WSUD relocation	MJW	RS	06.05.2024
T	For Approval	MJW	RS	19.04.2024
S	For Approval	MJW	RS	12.04.2024
R	For Coordination	MJW	RS	11.04.2024
Q	For Coordination	MJW	RS	04.04.2024
P	Deferred Commencement Conditions RFI	MJW	RS	15.03.2024
O	Deferred Commencement Conditions RFI	MJW	RS	05.03.2024
N	For Coordination	MJW	RS	01.03.2024
M	Deferred Commencement Conditions RFI	MJW	RS	14.02.2024
L	Deferred Commencement Conditions RFI	MJW	RS	31.01.2024
Issue	Revision Description	Drawn	Check	Date

Legend



Key Plan

SITE IMAGE



Client
TQM Design & Construct

Project
15-37 Innesdale Road
Wolli Creek

Drawing Name
Colour Landscape Masterplan

FOR APPROVAL

Scale 1:200 @ A1
Job Number
SS21-4963
Drawing Number
C100
Issue
Z