

BAYSIDE COUNCIL

Delegated Planning Assessment Report

Application Details

Application Number: DA-2020/455
Date of Receipt: 21 December 2020
Property: 35 Banks Avenue DACEYVILLE NSW 2032
Lot & DP/SP No: Lot 3876 DP 91234
Owner: University Of New South Wales (UNSW)
Applicant: New South Wales Rugby Union Ltd
Proposal: Construction of a two storey training facility for NSW Rugby Union to include grandstand, gymnasium, medical and rehabilitation facilities, upper level administration, common multipurpose areas and signage. Hours of operation from 8:00am to 8:30pm Monday to Friday, with occasional weekend/public holiday use.
Value: \$17,943,317.00
Author: Felicity Eberhart - Development Assessment Planner
Date of Report: 3 June 2022
No. of submissions: One (1) submission was received during the notification period
Seven (7) submissions were also received outside of the notification period.
Eight (8) submission were received in total
Author's initials on clearance Under delegated authority, the abovementioned application is hereby approved in accordance with the Team Leader's recommendation.


COORDINATR - DEVELOPMENT SERVICES

Key Issues

Bayside Council received Development Application No. 2020/455 (DA - 2020/455) on 21 December 2020 seeking consent for the construction of a two-storey training facility for NSW Rugby Union to include grandstand, gymnasium, medical and rehabilitation facilities, upper-level administration, common multipurpose areas and signage. Hours of operation from 8:00am to 8:30pm Monday to Friday, with occasional weekend/public holiday use.

The application was placed on public exhibition for a 14-day period from 13 to 28 January 2021. One (1) submission was received during the notification period and additional seven (7) submissions were also received outside of the notification period. A total of eight (8) submission were received.

The key issues with this application are bulk and scale of the development, heritage impacts, traffic and parking and flooding. The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

At the end of the assessment stage, the applicant requested that the draft conditions be split into two (2) different Construction Certificate; *CC1 – Civil Site Preparation and Demolition* and *CC2- Construction Works*. Council deemed this acceptable and the draft consent has since been amended to reflect the two different consents.

Recommendation

That development application DA-2020/455 for the construction of a two storey training facility for NSW Rugby Union to include grandstand, gymnasium, medical and rehabilitation facilities, upper level administration, common multipurpose areas and signage. Hours of operation from 8:00am to 8:30pm Monday to Friday, with occasional weekend/public holiday use at 35 Banks Avenue DACEYVILLE NSW 2032 be APPROVED pursuant to s4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

That the submitter(s) be notified of Council's decision.

Site Description

The subject site is legally known as 31 Banks Avenue Daceyville and is identified as Lot 3876 DP 91234. The site is located on the western side of Banks Avenue between Gwea Ave to the North, and Birdwood Ave to the south. The site is bound to the rear by Cooks Ave. The site is generally flat but does fall to rear and is irregular in shape with a street frontage boundary of approximately 200m along Banks Avenue, a rear boundary length of approximately 250m along Cooks Ave and a side boundary of 250m to metres along Gwea Ave. The site has a total area of 6.3ha and is zoned RE2 Private Recreation. Specifically, the development site is located at the corner of Cook Avenue and Gwea Avenue.



Figure: 1 Aerial of the subject site.

Existing on site is a number of sporting fields and facilities used by NSW Waratahs, UNSW Sport Clubs as well as community leagues. Sporting facilities on site include one (1) oval field, one (1) oval/rectangular field, one (1) rectangular rugby field, one (1) synthetic football pitch, one (1) synthetic hockey pitch and two (2) hard court tennis courts. The site contains ancillary facilities including amenities block(s), club house, grandstand with an approved seating capacity of 300 persons and a maintenance depot. NSW Rugby currently operates from the single storey demountable buildings located along Banks Avenue which will be removed after the construction of the proposal.



Figure 2: Existing Demountable where NSW Rugby officers currently are.



Figure 3: Existing UNSW infrastructure on site (to be retained)



Figure 4: Existing Maintenance fence (to be retained)



Figure 5: Existing Fields (to be retained)

Development surrounding the site is predominantly private and public parkland. To the east is Rowland Park, to the south is Bonnie Doon Golf Club and to the west is Astrolabe Park. To the north of the subject site is the Southern Cross Care Daceyville Residential Aged Care as well as a collection of buildings in association with St Michael's including St Michael's Catholic Church, St Michael's Catholic Primary School, Our Lady of The Sacred Heart Aged care centre and Marist Brothers Monastery. Further north are low density dwellings which are contained within the heritage conservation area, these dwellings are generally detached and semi-detached single storey dwellings.



Figure 6, 7 and 8: Existing two (2) storey developments to the north



Figure 9: Public domain along Banks Avenue looking south



Figure 10: Public domain along Banks Avenue looking south



Figure 11: Public domain along Gwea Avenue looking west



Figure 12: Public domain along Cooks Avenue looking south

HISTORY OF THE SITE

The subject Crown land was resumed for university purposes by Government Gazette on 4 May 1956. The University of NSW commenced construction of David Phillips Field, which was officially opened in 1964. The sports fields were redeveloped in 2011 and in 2019, an agreement was reached between the University and Rugby NSW for the site to become the new Centre of Excellence.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is for the construction of a two-storey training facility for NSW Rugby Union to include grandstand, gymnasium, medical and rehabilitation facilities, upper-level administration, common multipurpose areas and signage. Hours of operation from 8:00am to 8:30pm Monday to Friday, with occasional weekend/public holiday us

The proposal is further broken down as follows:

- Demolition of:
 - the existing UNSW amenity block; and
 - grandstand.
- Removal of:
 - six (6) trees within the building footprint; and
 - existing temporary NSW rugby facilities
- Construction and fit out of the two-storey training facility for NSW Rugby Union. The development will comprise of a ground floor consisting of a reception area, workstation, media rooms, meetings rooms, three (3) change rooms, three (3) storage rooms, laundry, bathrooms, medical officers, gymnasium, plant rooms and waste storage. The first floor comprises of a boardroom, reception area, workstations, meeting room, multipurpose rooms, kitchen, dining area, plant area and bathroom. Access is provided from the first floor to terrace and grand stand that faces towards David Phillip Field
- Signage; and
- Field upgrades

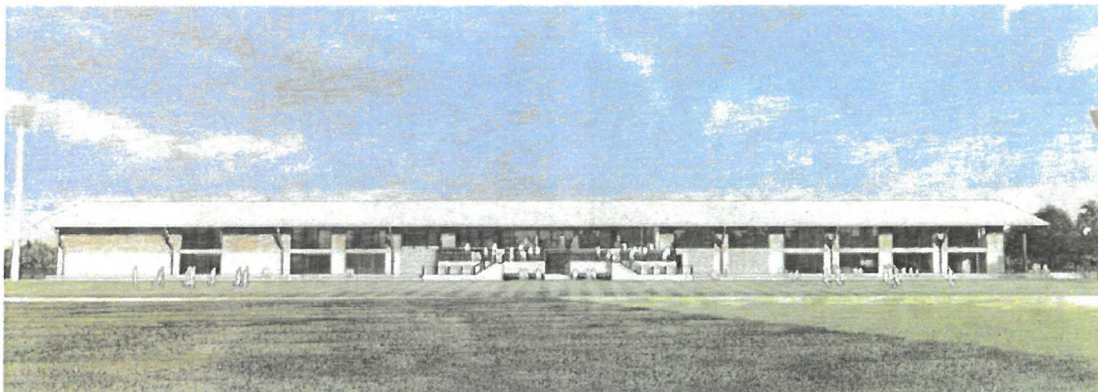


Figure 13: Eastern elevation render from within the subject site.

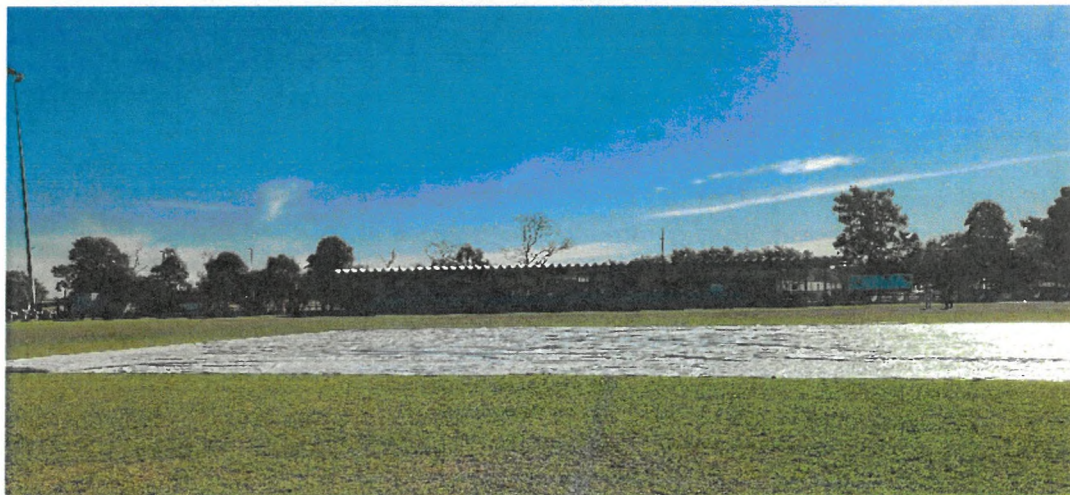


Figure 14: Eastern elevation current view to proposal



Figure 15: View from Banks Avenue towards the location of the proposed development.

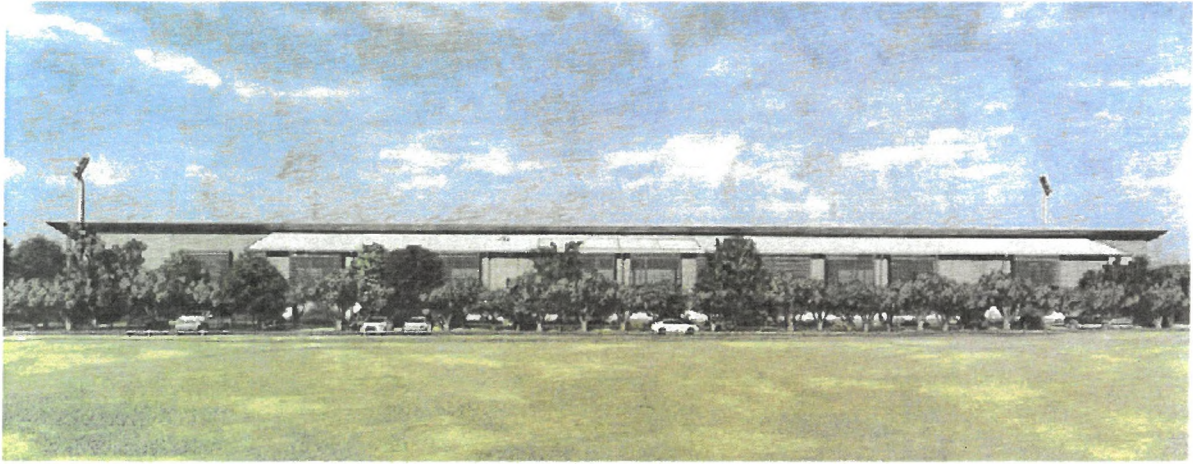


Figure 16: Western elevation render from within the subject site.



Figure 17: Western elevation view to proposal



Figure 18: Proposed front entrance from Gwea Ave.



Figure 19 : Existing entrance to the subject site.

The proposal is outlined further below:

Defined Use:	Private Recreation (outdoor) permissible
What is happening on site	<p>The proposed development on site will comprise of</p> <ul style="list-style-type: none"> • High Performance and Training • Administration; and • Community activities <p>The NSW Rugby have confirmed that the subject site <u>will not</u> contain facilities that are publicly accessible on a day-to-day basis, the site will remain a private recreation facility. A condition has been included on the draft notice of consent to ensure that site will be used for the purposes of NSW Rugby.</p> <p>“High Performance and Training” activities as outlined by the applicant will include the Gym, Rehabilitation and medical areas, Recovery areas; Sports science areas; Change rooms, High performance workspace; and Media and analysis areas. The adjacent field to the building on the subject site at 35 Banks Ave will be used for internal trial matches.</p> <p>“Administration” activities as outlined by the applicant will enable all administrative associated with NSW Rugby and the use to be undertaken on site. A condition will be included on the draft notice of consent to ensure any administration will strictly be used for NSW Rugby only.</p> <p>“Community activities” as outlined by the applicant are intended for those who are a part of the Rugby community including community rugby players, volunteers and officials, but not the greater community. Activities include Coach Education Programs, Referee Courses; Match Officials Courses; TracTahs program, Regional Hub Days, business networking events, Annual General Meeting, Leadership courses with our corporate partners and Corporate partner events and functions as well as Away game screenings with corporate partners.</p>

Hours of operation:	<p>Outdoor facility:</p> <ul style="list-style-type: none"> Monday, Tuesday, Thursday and Friday: 8:00am – 5:30pm Monday, Tuesday, Thursday and Friday (January to April): 8:00am – 8:30pm Saturday, Sundays and Public Holidays - Dependent on the UNSW sports club <p>Indoor high-performance facility:</p> <ul style="list-style-type: none"> Monday, Tuesday, Thursday and Friday: 7:30 – 5:30pm <p>Indoor administration:</p> <ul style="list-style-type: none"> 8:30am - 5:30pm
Number of employees:	No increase is staff currently using the site is proposed. Fifty-three (53) staff and thirty-six (36) contracted athletes currently use the site. A total of eighty nine (89)
On-site parking:	No on-site parking exit for the entire David Phillips site, nor is parking proposed.
Signage:	Signage is proposed as part of this application.
Seating the in stands	<p>Grandstand = 152</p> <p>Portable = 148</p> <p>This is consistent with what is existing on site.</p>
Deliveries	A loading and servicing area is located at the southern end of the site from Cooks Avenue, for which deliveries will be unloaded at the southern end of the site and then transferred into a storage area. Deliveries to the site are expected to be infrequent for which smaller delivery vehicles are to be conditioned to be used.

Site History

The following table summarises the background history of the subject site:

Development Application	Description	Determination
DA-2010/10175	Redevelopment of the existing sports field and amenities of David Phillips Field to include new field for hockey, soccer, tennis courts, rugby, cricket, baseball, amend floor layout and reduce height of new central amenities building to single storey and to demolish the existing grandstand and construct new single storey grandstand and amenities.	Approved 20 September 2010 by the Joint Regional Planning Panel – Sydney East Region.
DA-10/175/02	<p>Application to modify Development Consent No. 10/175 as follows:</p> <ul style="list-style-type: none"> An enlargement of the western amenities building by incorporating an additional 2 change rooms; and The removal of one tier of the grandstand seating in front of the western amenities, reducing the number of tiers from 4 to 3 	Approved 23 December 2010 under delegated authority.

DA-12/083	Upgrades and Maintenance of the existing UNSW ground depot / storage	Approved 14 December 2012 by the Development Committee.
DA-2010/10175/B	96(2) to modify hours of operation of David Phillips Field Section 96(2) Application to modify Development Consent No. 10/175 to amend Condition No. 5 to increase the hours of operation from 8:00am to 10:00pm on Tuesday, Wednesday, Thursday and Friday nights every week.	Application was withdrawn

A history of the application is as follows:

- The current application was submitted on 21 December 2021.
- The application was placed on exhibition in accordance with the Botany Bay Development Control Plan between 13 January - 28 January 2021.
- A site visit was conducted on 29 January 2021.
- A letter was sent to the applicant on 12 March 2021 requesting that additional information be submitted including an Aboriginal Heritage Assessment and a Flood Management plan be submitted. The letter also requested that an amended Traffic and Parking be undertaken outside the parameters of the COVID 19 pandemic lockdown and an amended landscaping plans to comply with the Council's Pre-DA feedback.
- A request for an extension was received by the applicant's planner on 24 March 2021 to provide the information by 12 April 2021.
- Some of the outstanding and requested information was received by 12 April 2021.
- All outstanding information was received by 20 April 2021.
- A letter was sent to the La Perouse Local Aboriginal Land Council seeking any comment or input on 20 April 2021.
- An e-mail was sent to the applicant on 12 May 2021 requesting that outstanding flooding matters were still required to be addressed.
- Amended information was submitted on 21 May 2021.
- An additional site visit was conducted on 2 June 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*.

S.4.15(1) - Matters for Consideration – General

S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (State and Regional Development) 2011

The proposal has a capital investment value of \$17,943,317.00. This does not exceed the \$30 million CIV threshold to which Part 4 of the State and Regional Development SEPP applies. The applicant has produced sufficient information to ensure that the application

does not trigger Schedule 7, Clause 4 and that the application can be determined under delegated authority.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the Development Application, along with the requirements of Part 3K of the Botany Bay Development Control Plan 2013 relating to Contaminated Land. Clause 7 of SEPP No. 55 requires Council to be certain that the site is or can be made suitable for its intended use at the time of determination of an application.

The proposal does not seek any major excavation for the new building which will be constructed on slab with minor footings. The application was referred to Council's Environmental Scientist for comments. The submitted Preliminary Site Investigation (PSI) undertook limited sampling and reviewed previous contaminated land investigations at the site. It found that the site was a grassed open space until it was turned into a playing field around 1961 by the University of NSW. There was no known history of the site being potentially contaminated or any licenses for the keeping of dangerous goods. To the west of the subject site is Astrolabe Park which was transitioned from a sandmine/landfill to parkland use between 1975-1986.

The PSI concluded that the site can be made suitable for the proposed development and uses subject to some controls which can be readily accommodated in the site preparation and construction phases. The proposal does not seek any major excavation for the new building which will be constructed on slab with minor footings.

Given the above, Council is satisfied the site is suitable for its intended use at the time of the determination of this application. Therefore, the proposed development satisfies the relevant provisions of SEPP No. 55.

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

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent and applies to the Sydney and Newcastle, metropolitan areas. The aims of the policy are (A) to protect the biodiversity values of trees and other vegetation in non-rules of the State and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument – Principal Local Environmental Plan and substantially reproduces the effect of these clauses in the Vegetation SEPP. Council will continue to regulate the clearing of vegetation (including native vegetation below the BOS thresholds through the DCP).

The application was reviewed by Council's Tree Preservation Officer as well as Landscape Architect for comment. A total of twenty-five (25) trees exist within the area to be developed. The proposal seeks to remove a total of six (6) trees, for which during the assessment is considered that a total of seven (7) trees from within the site (T22, T 23, T24, T31, T32, T72 and T88) are required to be removed. An additional eleven (11) native replacement trees to be planted resulting in a net increase in the number of trees on site. The proposal will result in a total of thirty (30) trees. Council's Tree Preservation Officer who has identified that the following trees shall be protected with a Tree Protection Zone (TPZ) T28, T33, T38, T39, T39, T40, T41, T42, T78, T79 and T81. The comments that were received noted that following trees are important and should also be protected by a TPZ. T52, T54, T57, T58, T59, T69, T70, T71, T86 and T87.

The proposal has imposed appropriate conditions of consent in the attached draft notice relating to new tree species, protection of trees and removal of the trees. The proposal is

satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 2017 and Part 3L of the BBDCP 2013.

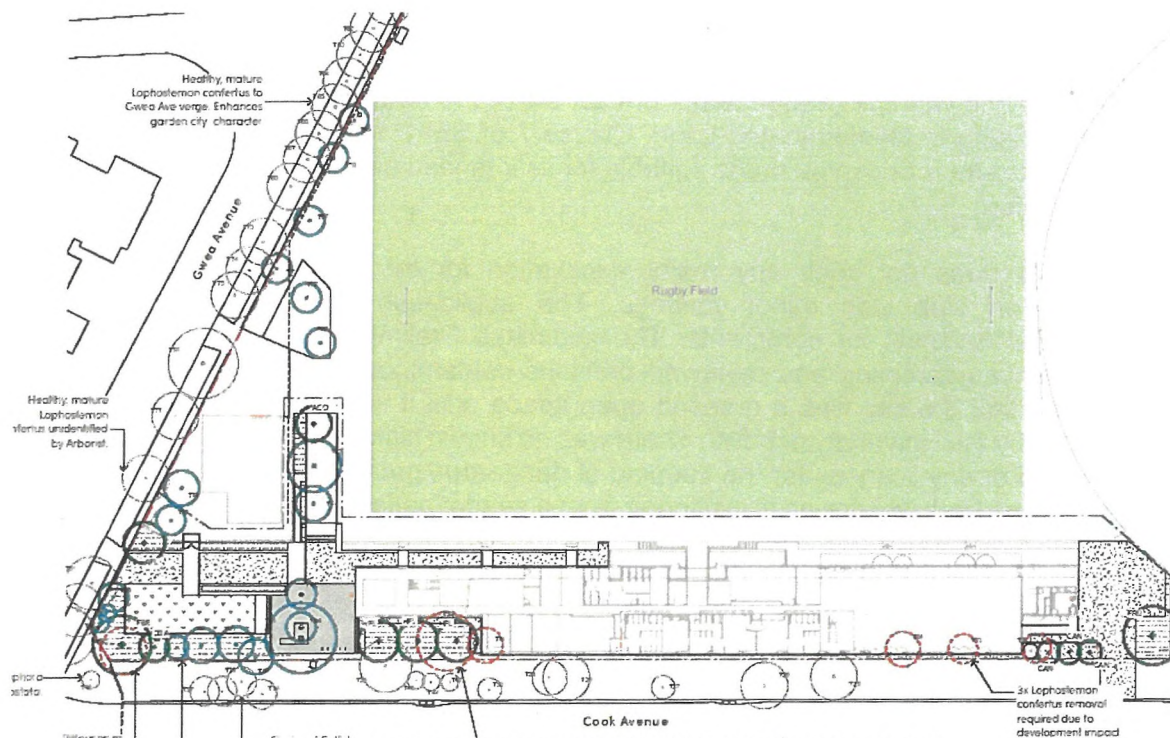


Figure 20: Tree plan. Red dotted circles identified the trees to be removed.

State Environmental Planning Policy No 64— Advertising and Signage

In accordance with Part 2 of SEPP 64 a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied: that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The proposal requests for six (6) signs:

1. A ground mounted concrete plinth building identification sign located along Cook Avenue site entry.
2. Ground mounted concrete plinth building identification sign located along Banks Avenue site entry.
3. A concrete plinth building identification sign located within the site along a pedestrian pathway accessed from Gwea Avenue.
4. A wall mounted building identification sign that is located on the eastern elevation above gym,
5. Wall mounted building identification sign that is located on the bulkhead of tunnel; and
6. A ground mounted concrete plinth building identification sign located along the Gwea Avenue site entry.

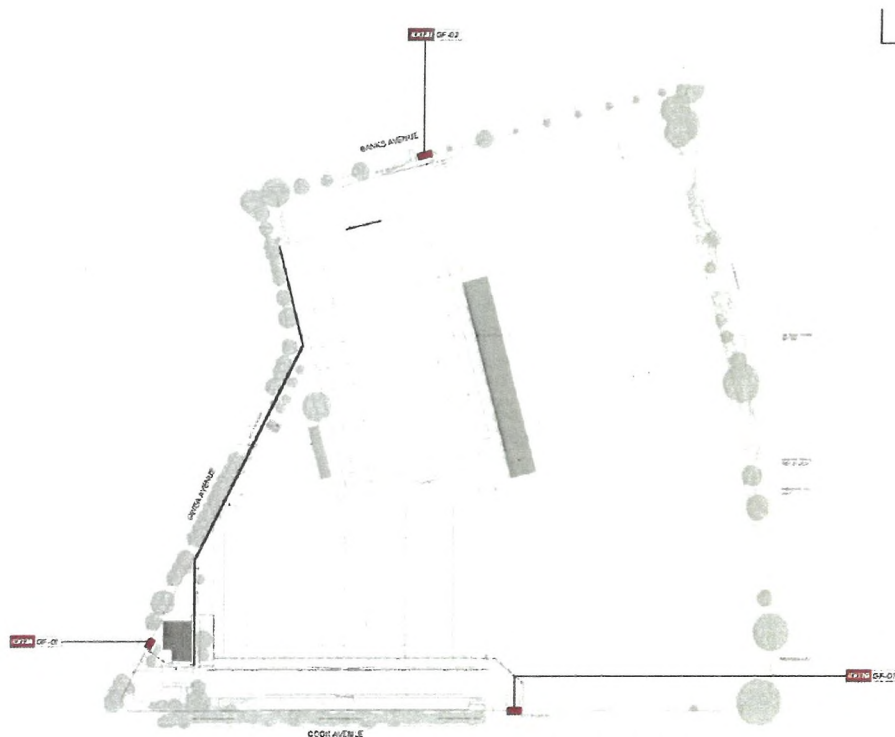


Figure 21: Location of external signage

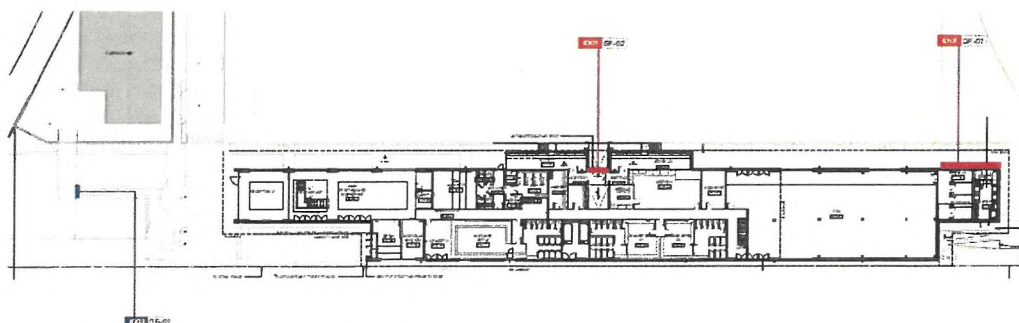


Figure 22: Location of internal signage

An assessment of Schedule 1 follows:

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)		
Schedule 1		
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is compatible with the existing and future character of the area of the private recreational precinct. The proposed signage is consistent with that of the national branding of the NSW Rugby Club.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the theme for advertising in the area. Existing signage on site identifies the site as being occupied UNSW and NSW Rugby. The proposed signage (including the under awning, awning façade and glazing) is wholly located	Yes

	within the boundary of the subject site and will not distract from the streetscape.	
2. Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is to be whole located within the R2- Private Recreational Zone. The signage is located a significant distance away from the heritage conservation area and is of a suitable size that it will not detract from any heritage items.	Yes
3. Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise important views. Signs are either proposed along the fence surrounding the site or on the proposed building.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not dominate the skyline and reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The propose signage is of a similar size of the other advertisers on site including UNSW. The proposal will respect the viewing rights of other advertisers.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposals scale, proportion and form are appropriate for the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs will contribute to the visual interest of the streetscape and its setting.	N/A
Does the proposal screen unsightliness?	The proposal does not screen any surrounding buildings.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign does not protrude above buildings, structures or tree canopies in the area.	Yes
Does the proposal require ongoing vegetation management?	The sign does not require ongoing vegetation management.	N/A
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal has been designed to be incorporated with the proposed building and existing fencing.	Yes
Does the proposal respect important features of the site or building, or both?	The proposal respect important features of the site.	Yes

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	While the sign does not show innovation and it typical of signage and will not cause any adverse impacts to the amenity of the surrounding residents or impact on any natural features.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Logos have been designed and considered appropriate in this instant.	No – but acceptable
7. Illumination		
Would illumination result in unacceptable glare?	Illumination has not been proposed.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8. Safety		
Would the proposal reduce the safety for any public road?	The proposal will not reduce the safety of the public road.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal will not reduce the safety for bicyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not reduce the safety of pedestrians.	Yes

The proposed signage is considered to be compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish. The objectives and provisions of the SEPP 64 have been considered in the assessment of the subject development application and signage is considered to be satisfactory.

Botany Bay Local Environmental Plan 2013 (BBLEP)

The provisions of the Botany Bay Local Environmental Plan (BBLEP) 2013 have been considered in the assessment of the Development Application and the following information is provided:

Relevant Clauses	Compliance With objectives?	Compliance standard/provision with
2.3 – Zone RE2 Private Recreation	Yes	Yes – See Discussion
2.7 – Demolition requires development consent	Yes	Yes – See Discussion
4.3 – Building Height	Yes	Yes – See Discussion
4.4 – Floor Space Ratio	Yes	Yes – See Discussion
6.1 – Acid sulfate soils	Yes	Yes – See Discussion
6.2 – Earthworks	Yes	Yes – See Discussion
6.3 – Stormwater management	Yes	Yes – See Discussion

Clause 2.3 Zone - RE2 Private Recreation

The subject site is zoned - RE2 Private Recreation under the provisions of Botany Bay Local Environmental Plan 2013 (BBLEP 2013). The proposal is defined as recreation facility (outdoor) which constitutes a permissible development only with development consent. The definition is as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The objectives of the zone are:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposal includes a range of facilities including gymnasium, change facilities, physiotherapy area, hydrotherapy areas, equipment storage, player areas, all of which are for the purpose of the recreation facility. The proposal also includes administrative use that is associated with the primary use of the recreation facility including media areas, work stations and club offices. The submitted SEE has states that “the uses are consistent with the dominant recreational facility use, in that they consist of only a very small proportion of the overall recreational facility, and are not a separate or independent use from NSW Rugby’s use of DPSG for recreational purposes”

No objections are raised to the proposal. The proposed development will enable land to be used for private open space and recreational purposes that has continued to provide a range of recreational settings and activities to the subject site where the natural environment has been protected. The proposal is consistent with the zone objectives.

Clause 2.7 Demolition requires consent

The proposed development seeks consent for the demolition of the existing structure on site and hence satisfies the provisions of this clause.

Clause 4.3 Height of buildings

The site is not identified on the height of building map and as such is not impacted by a height limit under Clause 4.3 of BBLEP 2013. The proposal has a maximum height of 10.96m. In determining if a height is appropriate in the location the design is required to be guided under the objectives of the control. An assessment addressing Built Form, Urban Design, Building Scale and the objectives of the development standard is discussed below under Note No.1

Clause 4.4 – Floor Space Ratio

The site is not identified on the on the Floor Space Ratio (FSR) map and as such is not impacted by a FSR under Clause 4.4 of BBLEP 2013. The proposal has a GFA of 2594.7sqm over an ear of 6h and therefore a FSR of 0.041. In determining if the design is appropriate the design is required to be guided under the objectives of the control. An assessment addressing Built Form, Urban Design, Building Scale and the objectives of the development standard is discussed below under Note No.1

Note No.1 – Bulk and Scale of the Proposal

As identified above to determine if a proposed height and FSR is considered appropriate on a site which void of LEP development standards an assessment under the objectives of the development standards is considered. The following is an extract from the applicant's Statement of Environmental Effects regarding the building scale:

The Botany LEP 2013 does not provide a maximum building height or Floor Space Ratio for the site. Notwithstanding this, through detailed contextual analysis and pre-lodgement consultation with Council, an appropriate building scale has been developed. The proposal contains a maximum of two storeys which is considered optimal outcome for the following reasons:

- *A two storey scale respects the massing of other low scale existing facilities on the DPSG site, Bonnie Doon Golf Club and within the Daceyville precinct.*
- *The proposed building scale has been designed to sit comfortably in the context of the existing mature vegetation fronting Cooks Avenue. The proposal will not dominate the landscape character of this frontage, retaining a natural edge, integrated with built form.*
- *The proposal has been informed by the footprint and massing of the existing UNSW Western Amenities block as illustrated at Figure 30. Where it exceeds the existing form, this is to reinvigorate and activate the western edge of DPSG with a design that meets NSW Rugby's functional requirements.*
- *The proposed building will activate the western edge of DPSG and create a distinct address for NSW Rugby within the Bayside Local Government Area.*
- *The proposed scale has been articulated through building elements such as the materiality, the grandstand and pitched roof form to break up the mass and add visual interest to the site. Along the Cooks Street elevation, the building mass has been articulated through increased setbacks to Cooks Avenue at the northern and southern portion of the building as well as façade screening.*
- *The proposal includes a large setback to Gwea Avenue, creating an opportunity for a new landscape scheme to soften the built form and encourage pedestrian circulation and activity*

The following objectives of the height development standard are considered in relation to the development:

(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,

Officers Response: The proposal is considered to be developed in a coordinated and cohesive manner.

(b) to ensure that taller buildings are appropriately located,

Officers Response: The proposed height of 10.9m will be slightly higher than other surrounding two storey development which are either commercial developments or buildings associated with St Michael's Catholic Church with a maximum height varying between 8m to 9m. The new taller building is appropriately positioned on the western side of David Philips Fields more than 50m away from neighbouring and adjacent developments. Any additional impact perceived from the public domain is lessened due to the sunken nature of the site when viewed from Banks Avenue. The proposal will also be screened by the established perimeter planting along Cooks Ave and Gwea Avenue which is to be maintained and further embellished.

(c) to ensure that building height is consistent with the desired future character of an area,

Officers Response: As there is no building height applying subjected to 35 Banks Avenue, the applicant could theoretically apply for any height, however in this instance to ensure the continuation of the desired future character, it is determined that the HOB will be guided by the surrounding development which is limited to a height of 8.5m which can support a two-story development. The additional 2.48m is acceptable as discussed in the body text of this report.

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Officers Response: The proposal is not expected to cause any additional amenity impact or cause view loss. The design has ensured the privacy of the commercial development to the north by locating the development 36m from Gwea Avenue. The windows that are associated with the northern elevation are not expected to cause any privacy impacts to the front setback of the Southern Cross Care Daceyville Residential Aged Care. Windows which are located on the eastern, southern and western elevations are directed towards David Philips Fields, Bonnie Doon Golf Course and Astrolabe Park, ensuing that overlooking to any residential development are alleviated. The proposal has been positioned on the subject site, so that adjoining properties including Astrolabe Park and Bonnie Doon Golf Course are not impacted by shadowing and will be directed to fall towards David Philips Fields. The development has minimised visual impact by proposing a gable roof form. As addressed above any additional impact perceived from the public domain is lessened due to the sunken nature of the site when viewed from Banks Avenue. The proposal will also be screened by the established perimeter planting along Cooks Avenue and Gwea Avenue which is to be maintained.

(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

Officers Response: When viewed from adjoining roads and other public places the proposal is not expected to affect the streetscape or skyline. As addressed above any additional impact perceived from the public domain is lessened due to the sunken nature of the site when viewed from Banks Avenue. The proposal will also be screened by the established perimeter of planting along Cooks Avenue and Gwea Avenue which is to be maintained.

The following objectives of the floor space ratio standard are considered in relation to the development:

(a) to establish standards for the maximum development density and intensity of land use,

Officers Response: As there is no FSR applying to 35 Banks Avenue the applicant could theoretically apply for any FSR, however in this instance to ensure the continuation the desired future character it is determined that the FSR will be guided by the surrounding development which is limited to a FSR of 0.5:1. The proposal has an additional GFA of 2594.7sqm over an area of 6h and therefore proposed an additional FSR of 0.041 to the subject site. The proposed FSR is considered to be acceptable as discussed in the body text of this report.

(b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,

Officers Response: Given the size of the site, the proposal is considered to sit comfortably in its own context.

(c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,

Officers Response: The proposal is in an area that is not likely to undergo a substantial transformation due to the Heritage Conservation Area (HCA) of Daceyville and Heritage Item located directly north. An appropriate visual relationship has been established due to the physical separation of 50m between the HCA, Heritage Item and the position of the development. The application was referred to Council Heritage Advisor for comments who raised no objection to the proposal.

(d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,

Officers Response: As addressed above when the proposal is viewed from adjoining roads and other public places the proposal is not expected to affect the streetscape or skyline. As addressed above any additional impact perceived from the public domain is lessened due to the sunken nature of the site when viewed from Banks Avenue. The proposal will also be screened by the established perimeter of planting along Cooks Avenue and Gwea Avenue which is to be maintained.

(e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain

Officers Response: As the development is appropriately positioned on the western side of David Philips Fields away from neighboring and adjacent developments, the proposed FSR will not cause adverse impacts, including overshadowing to the adjoining property which is Astrolabe Park.

(f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

Officers Response: The development has a proposed GFA of 2,509sqm over an area of 6h and therefore a FSR of 0.041. Distributed over 6h the development is considered to be an appropriate size for the subject site.

(g) to facilitate development that contributes to the economic growth of Botany Bay.

Officers Response: The development will continue the existing use on the site, that being the headquarters for NSW Rugby ensuring the continuation of the economic growth within the Botany Bay area.

The development satisfies the provisions of both Clause 4.3 and Clause 4.4 of the BBLEP 2013. The proposed height and FSR is considered to be acceptable as it is consistent with the objectives of both Clause 4.3 and Clause 4.4.

Clause 5.10 - Heritage

Part 3B of the BBDCP 2013 provides controls and objectives relevant to Heritage items and conservations areas. While the site does not contain any items, the subject site is within close proximity to the subject site. The Bonnie Doon Golf Club House (Item I5), Daceyville Marist Brothers School and Presbytery (Item I114), Former St Michael's Church (Item I115) and Daceyville Public School (Item I132). Furthermore, the site is adjacent to the Daceyville Garden Suburb Heritage Conservation Area (HCA) in accordance with Schedule 5, Part 2. A Heritage Impact Statement (HIS) was prepared by Hector Abrahams Architects.

The HIS was assessed by Council's Heritage Advisor, who has advised that as the new building will be located on the western side of the field, it will not block any views to the HCA or Bonnie Doon Club House. Further the landscaping around the playing field together with their sunken nature lessens the impact of the proposed development. The development as proposed is considered to have negligible impact upon heritage and the HCA in the vicinity.

An Aboriginal Heritage Assessment was requested to be submitted. The applicant did not wish to submit one as they believed that an unexpected finds condition would satisfy. This was not considered to be acceptable, and the applicants were advised that the original and amended documentation will be referred to the La Perouse Local Aboriginal Land Council for their review. A letter was sent on the 20 April for which twenty-one (21) days were given for any comments to be made. As of the writing of this report no comments were received. No impacts are expected in terms Aboriginal Heritage to the site; however the application will be conditioned to ensure that works are to cease if any unexpected finds are discovered during the construction phase.

The development is considered to satisfies the provisions of Clause 5.10 of the BBLEP 2013 subject to conditions of consent which have been included in the draft notice.

Clause 6.1 – Acid Sulfate soils

The subject site is not impacted by acid sulphate soils pursuant to Clause 6.1 of the BBLEP 2013. Works proposed do not involve any excavation other than earthworks associated with foundations and footings therefore objectives of this clause are met. The development satisfies the provisions of Clause 6.1 of the BBLEP 2013.

Clause 6.2 – Earthworks

The proposal does not involve extensive excavation other than earthworks associated with the foundations and footings. The development satisfies the provisions of Clause 6.2 of the BBLEP 2013.

Clause 6.3 –Stormwater Management

The proposal require stormwater management works to occur on site. The application has been revied by Council's Development Engineer who has raised no objection to the modified proposal subject to conditions. The development satisfies the provisions of Clause 6.3 of the BBLEP 2013.

Clause 6.9 – Development in areas subject to aircraft noise

The site falls within the 20-25 ANEF Contour. The development will not result in an increase in the number of dwellings or people affected by aircraft noise. An acoustic report prepared by Stantec demonstrates that the proposed building can achieve the requirements under Table 3.3 of AS2021-2015. Appropriate conditions have been imposed in the consent. The development satisfies Part 3J provisions of the BBDCP 2013.

Clause 6.16 – Design Excellence

The site is not within land identified as requiring an assessment under Clause 6.16 of the BBLEP 2013, however the applicant has addressed this matter in the submitted SEE. The applicant has stated that the proposal is considered to exhibit design excellence as it:

- *Incorporates high quality materials that reinforce the site's use as a centre of excellence within an existing sport and recreation precinct, however draws on materiality cues from the Daceyville Garden Suburb including light brickwork and landscaped frontages.*
- *The built form and external appearance will improve the quality and amenity of the public domain. The proposal reinvigorates the western edge of DPSG, retains the site's landscaped character and creates a distinct address for NSW Rugby.*
- *The proposal does not compromise any significant view corridors, in particular views to the heritage significant Bonnie Doon Golf Course clubhouse to the south.*

The proposal is not located in area required for clause 6.16 to be addressed. The design and siting of the proposal are discussed throughout the body text of this report.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

Bayside Draft Local Environmental Plan 2020

The Bayside draft LEP 2020 is on public exhibition from 8 April to 11 May 2020 and applies to the subject site. The draft LEP consolidates Council's planning controls by amalgamating three previous LEPs that Council inherited in the 2016 amalgamation. The draft LEP generally harmonises and updates planning controls for the Bayside Local Government Area. The proposal is generally consistent with the objectives and requirements of the draft LEP. The proposal remains permissible in the RE1 Private Recreational Zone.

Botany Bay Development Control Plan (BBDCP) 2013

The most relevant and applicable clauses of the BBDCP 2013 are considered in the assessment of this development proposal and are provided below.

Part 3A – Parking and Access

Under Part 3A.2 of the BBDCP 2013 a parking assessment based on survey of similar developments is required to be submitted for a development of this nature. The applicant has provided a traffic report detailing the existing traffic and parking condition at the site which shows that existing on-street parking spaces around the site is underutilised. It was identified that the first traffic and parking report that was submitted to Council was undertaken during the COVID- 19 pandemic and may have not truly represented an accurate assessment and an amended traffic and parking report was requested to be undertaken during the school term.

An amended report was submitted on the 12 April 2021 which undertook the study of the area for a second time on the Wednesday 31st March 2021. The report was referred to Council's Development Engineer for comment, who has stated that they concur with the assessment and conclusions presented in the revised traffic report prepared by GTA consultants and it provides sufficient detail regarding existing vs proposed conditions, the surrounding locality, travel modes etc. The site benefits from an extensive on-street parking network adjacent to the site with 300 spaces in total in the streets of Banks Avenue, Gwea Avenue, Haig Avenue, Cook Avenue and Astrolabe Road. The majority of this on-street parking is located in the streets directly adjacent to the site (total of 183 on-street spaces in Banks Avenue, Gwea Avenue, Haig Avenue, Cook Avenue) with % usage of these spaces, on average, not exceeding 38.15% usage in peak hours (3pm).

The development, whilst increasing the GFA of the existing buildings on-site, is not increasing the demand for parking over the existing. The buildings main intent is to provide better facilities to service NSW rugby. The employees, both staff contracted athletes remain the same. The sports field and grandstand are the main drivers for parking requirements and these will remain at the same capacity (300-seater grandstand remains as per DA-10(175) which is now split

into a 152-seater permanent grandstand and a temporary 148-seater grandstand, same number/type of sports fields etc.). The application was also supported by a workplace travel plan and event management initiatives to further reduce the demand for parking which aligned with the BBDCP 2013.

Finally, the BDCP2013 bicycle parking rate is considered to be low and does not reflect a proper bicycle parking rate for this type of development. It has been advised by Council's Development Engineer that a better bicycle parking rate will be 1 space per 150sqm GFA which is equivalent to nineteen (19) bicycle parking spaces which will be required by a condition of consent.

The proposal is considered acceptable subject to conditions of consent and the parking and traffic impacts are considered negligible. The proposal as such complies with the requirements of Part 3A of the BBDCO 2013.

Part 3B – Heritage

Matter surrounding heritage have been discussed above. The subject site is not located in Daceyville Garden Suburb Heritage Conservation Area (HCA) or is an item itself. As such the proposal is considered to comply with the objectives of part 3B. 4.2 in that the proposal has retained the significance of the HCA; retained the historically based subdivision patterns of the HCA; has not resulted in subdivisions or site amalgamations and will not lead to adverse impacts on the curtilages or settings of significant buildings.

The proposal is required to consider Part 3B.7 of the BBDCP 2013. A key element of this proposal is that it has been appropriately located 50m south from the Daceyville Garden Suburb Heritage Conservation Area, 36m south from the boundary, historically has been a sporting fields since the early 1960's and was recently upgraded in 2011. As addressed below the proposal responds to the immediate sporting facility while incorporating design features which are sympathetic to the Garden Suburb. The relevant controls are discussed below:

Control	Proposed	Compliance
Controls		
63B.7 Development in the Vicinity of Heritage Items or Heritage Conservation Areas		
<p>C1 New development in the vicinity, (nearby, adjoining or adjacent) of a Heritage Item or a Heritage Conservation Area must be designed to maintain the setting and the character of the street in which it is located.</p> <p>Note: A preferred approach is to design new buildings in a contemporary manner, which is sympathetic to the surrounding area, and to the Heritage Item or Heritage Conservation Area to which it is nearby, adjoining or adjacent to.</p>	<p>The proposal is of a contemporary approach which has provided a gable roof keeping with the established roof form within the Garden Suburb cottages. The proposed two-storey scale is consistent with the neighbouring Southern Cross Care Nursing Home as well as other buildings in the HCA. The materiality of the roof, while is not typical of the Garden Suburb cottages, is in keeping with the existing development on the subject site.</p>	Yes
C2 New development should be consistent in scale with the		

<p>Heritage Item or Heritage Conservation Area</p> <p>Note: To prevent changes in the scale of development, the building height of the Heritage Item or Heritage Conservation Area should be used as a benchmark for the maximum achievable building height of the proposed new development.</p>		
<p>C4 The design and siting of new work must compliment the form, orientation, scale and style of a Heritage Item or Conservation Area in the vicinity of the site</p> <p>C5 Adequate space must be provided around the Heritage Item or Heritage Conservation Area in order to maintain significant or historic public domain views to and from the Heritage Item or Heritage Conservation Area.</p>	<p>The development sitting is 50m to the south and directed away from the HCA. The 36m front setback from Gwea Avenue is considered to be ample reflecting the generous front setbacks typical of the Garden Suburb cottages.</p> <p>The existing landscape, as advised by Council heritage architect, is considered a continuation of the garden suburb planning which will be retained as part of the proposal ensuing that the landscape character is also retained.</p> <p>The proposal will not block any views to the Heritage Conservation Area or Bonnie Doon Club House.</p>	Yes
<p>C7 New development must adopt the same eave lines, height of floors, stringcourses and rooflines (pitches and eave overhangs) of the Heritage Item or Heritage Conservation Area in the vicinity.</p> <p>Note: New or infill development must not match the existing Heritage Item, but rather sympathetically interpret the façade elements of the adjoining Heritage Item and the pattern of development within the street.</p>	<p>The proposal is of a contemporary approach which has provided a gable roof keeping with the established roof form withing the Garden Suburb cottages</p>	Yes
<p>C9 The siting of new development shall not affect the structure of, or otherwise cause physical damage to any Heritage Item.</p>	<p>The proposal is not on a site that is identified as a heritage item or is located immediately adjacent which will cause any physical damage to any Heritage Item.</p>	Yes
<p>C10 Notwithstanding the maximum height limit under Botany Bay LEP 2013, new or infill development shall not exceed the height of an adjoining, adjacent or nearby Heritage Item.</p> <p>C12 Where a Heritage Item or a majority of buildings in the Heritage Conservation Area are two storey, new or infill development in the vicinity may also be two-storeys.</p>	<p>The proposal complies with the objectives of the BBLEP 2013 and sufficient distance, more than 50m, is provided between the proposal and any heritage item or the HCA to warrant the proposed height.</p> <p>The two-storey development is considered to be a suitable scale which is in keeping with the nature of the other surrounding buildings including the Southern Cross Care Nursing Home and the HCA.</p> <p>The buildings area located such that any impacts from the height in terms of overshadowing will only affect the subject site.</p>	Yes

C14 New development shall incorporate the use of colours and materials that are recessive (i.e. not as prominent) so that they do not visually dominate the Heritage Item or a Heritage Conservation Area. Note: Darker colours and simple façade treatments can assist in minimising the visual impact of new development.	To proposal will not visually dominate the HCA as a result of the use of colours (white and greys) that exist within the HCA, use of face brick within the facades and using native flora to define the public domain landscape character.	Yes
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As addressed above Council's Heritage Advisor has reviewed the proposal no objections were raised to the proposal subject to conditions of consent. As such the proposal is considered to be consistent with Part 3B of the BBDPC 2013.

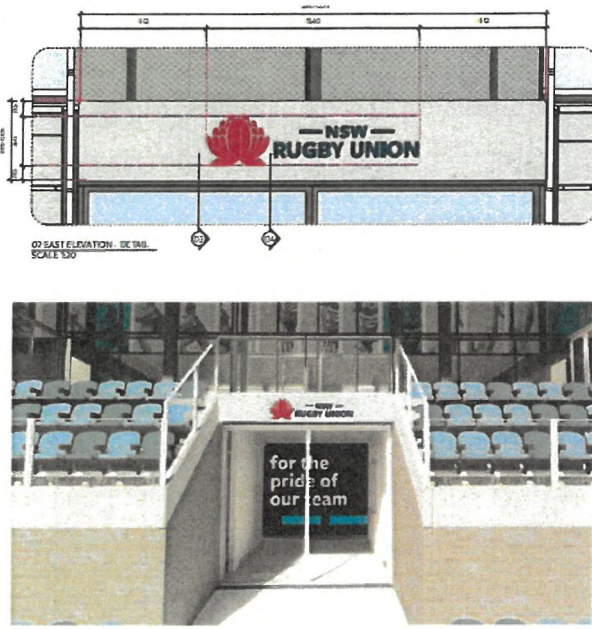
Part 3C – Access and Mobility

The applicant has provided an access report prepared by Blackett Maguire and Goldsmith who have made recommendations which should be carried out with the development. The building will require compliance with the Disability Discrimination Act 1992 (DDA) and the Building Code Australia (BCA) which has appropriately been conditioned on the draft notice of consent. As such the proposal is consistent with Part 3C of the BBDPC 2013.

Part 3D – Signage

All signage proposals are required to consider the provisions of State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64), this has been discussed above. Six (6) signs have been requested. The following is an assessment under the BBDCP 2013.

Wall Signage			
Type	Location	Size (W x H x D mm)	Image
Wall mounted building identification sign	Eastern elevation above gym	8,555 x 2000 x 100	

Wall mounted building identification sign	Bulkhead of tunnel	1540 x 360 x 20	 <p>The architectural drawing shows a bulkhead sign for the NSW Rugby Union. It features a red waratah logo and the text 'NSW RUGBY UNION'. Dimensions are provided: 1540mm width, 360mm height, and 20mm depth. Below the drawing is a photograph of the sign installed in a tunnel bulkhead, with blue stadium seating visible in the background. The sign also includes the text 'for the pride of our team'.</p>
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The proposal does not meet the controls for wall signage within the BBDCP 2013. The relative controls in this instance restricted a maximum size of 1m² in area with no more than 600mm in height and to one (1) sign. Typically, these controls are for shop frontages within a commercial zone but will be used to guide the assessment. As proposed the building seeks for two (2) signs with areas of 17sqm and 0.54sqm. One (1) of the wall signs is seeking a variation of 16sqm. The variation is acceptable in this instance as the sign will face towards the subject site and will only be able to be viewed in the public domain from Banks Avenue at a distance over 200m (see below image). No additional impact is expected to the public amenity in terms of overshadowing or light spillage and the variation is acceptable.

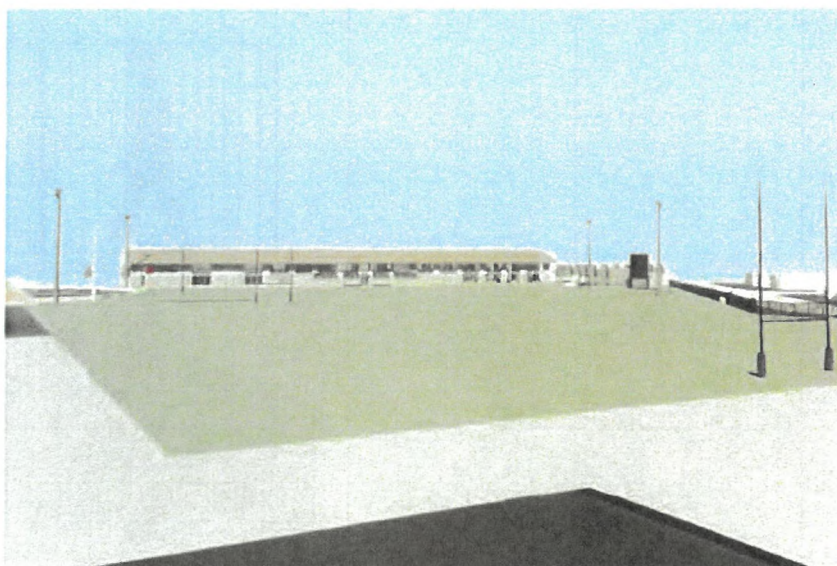
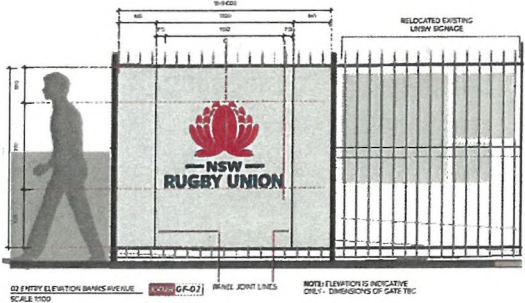



Figure 21: View of sign from Banks Avenue

Building identification signs

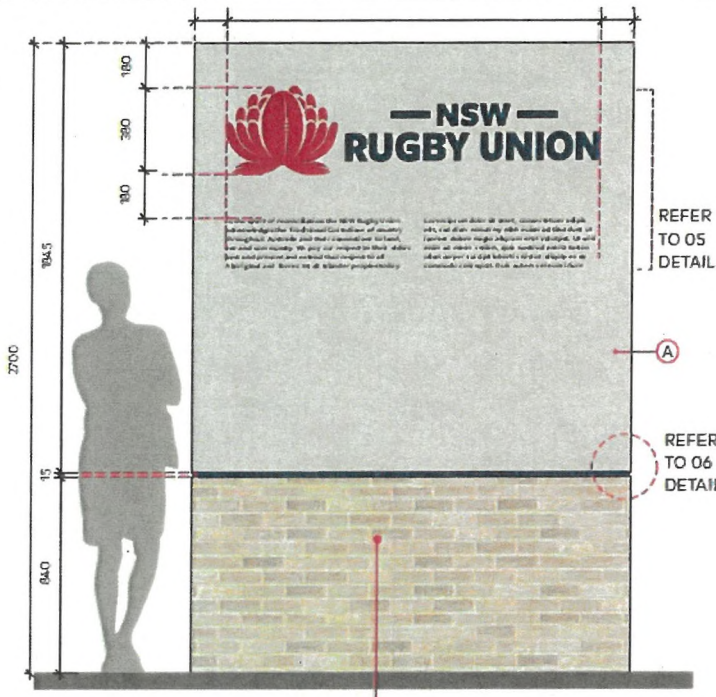
Type	Location	Size (W x H x Dmm)	Image
Ground mounted concrete plinth building identification sign	Gwea Avenue Site Entry	1600 x 1900 x 250	<p>02 PLAN VIEW SCALE 1:30</p> <p>03 FRONT ELEVATION - ID02_GF_01 SCALE 1:30</p> <p>ALL FIXINGS INTO GROUND AS CONCEALED - CONTRACTOR TO ADVISE OF SUITABLE FIXINGS</p> <p>01 INDICATIVE VISUAL SCALE N/A</p>
Gate mounted concrete plinth building identification sign	Cook Avenue site entry	2530 x 1575	<p>02 PLAN VIEW SCALE 1:30</p> <p>03 FRONT ELEVATION - ID03_GF_01 SCALE 1:30</p> <p>PANEL JOINT LINES</p> <p>01 INDICATIVE VISUAL SCALE N/A</p>

Gate mounted concrete plinth building identification sign	Banks Avenue site entry	2530 x 1575	 
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In accordance with the BBDCP 2013, buildings are permitted to have signs for identification purposes and must not have any other text or logo except for the name of the building, the major tenant, or the building owner as proposed. The BBDCP 2013 limits the number of building identification signs to a maximum number of three (3), for which this application does not seek to exceed. These building identification signs are of an adequate scale for which the proposed logos are incorporated into the fenestration. The materials and the finishes and colours to ensure there is a significant degree of compatibility with the existing signs for UNSW and will not affect the heritage significance of the adjacent heritage conservation area. The identification signs are of a height and size that they are subservient to the building element, the fence, which these signs are attached to. The building identification sign will not obscure any glazed portion of the building. The three (3) Building identification signs as proposed are considered to be acceptable in accordance with the objectives and controls of Part 3D.5 of the BBDCP 2013.

Wayfinding signage

Type	Location	Size (W x H x Dmm)	Image
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Concrete plinth building identification sign mounted above brick planter	Pedestrian pathway connecting new building to Gwea Avenue	1900 x 1815 x 450	 <p>01 ELEVATION SCALE 1:25</p> <p>BRICK PLANTER BY ARCHITECTS & LANDSCAPE DESIGNERS</p> <p>01 INDICATIVE VISUALS SCALE N/A</p>
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The BBDGP 2013 does not have controls for wayfinding. The above proposal has no impact and is acceptable.

Part 3G – Stormwater Management

The objectives of the Chapter 3G Stormwater Management of the BBDGP 2013 requires developments to manage disposal of water and impacts from flooding. The application was reviewed by Council's Development Engineer and it was identified that the site is affected by 1% AEP flooding, in particular a flood affected area with a hydraulic category of "Flood Storage". As such, the applicant was required to provide a flood report to assess the impacts

of the overland flows before and after development using a hydraulic model. It was advised the development was not to increase the water level or hazard on adjoining properties.

Additional information was received on the 20 April 2021. This information was referred to Council Development Engineers who requested that further information to incorporate accurate Sydney Water stormwater asset data, provide further information on flood mitigation measures and to ensure the installation of additional bottomless pits in Cook Avenue to reduce flooding in minor storm event.

Information was provided on 21 May 2021 and was once again referred to Council's Development Engineer who has advised that the flood study and letter prepared by GRC Hydro are acceptable. Flood impacts are less than or equal to 10mm for most part of the site with the mitigation option proposed along Cook Avenue (additional inlet pits). However, Council will require additional inlet pits (bottomless) in Cook Avenue to reduce flooding in storm events. This has been included as a condition in the draft notice of consent. Further the flood risk management plan will be required to specify the location of the refuge area up to the PMF flood event and adequate flood warning signage shall be installed all which are conscionable and has been included in the draft notice of consent.

Council's Development Engineer has also advised that the proposed Stormwater Management is satisfactory subject to conditions of consent. The development satisfies the provisions of the BBDCP 2013.

Part 3J – Aircraft Noise and OLS

The provisions of Australian Standard AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 20-25 ANEF contour. Public buildings in these areas are considered conditional under Table 2.1 of Australian Standard AS2021-2015. An acoustic report prepared by Stantec demonstrates that the proposed building can achieve the requirements under Table 3.3 of AS2021-2015. Appropriate conditions have been imposed in the consent. The development satisfies Part 3J provisions of the BBDCP 2013.

Part 3K – Contamination

Refer to the discussion above in State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land section of the report addressing contamination. Subject to appropriate conditions the development satisfies the provisions of Part 3K of the BBDCP 2013.

Part 3L – Landscaping and Tree Management

The proposal has been assessed by Council's Landscape Architect as well as Tree Preservation Officer by assessing the existing trees, the proposed landscaped area and the new replacement trees. Considering the size of the site, and that the majority of the site is designated for playing fields, 10% of the site is required to be treated with soft landscape. The development shall include landscaped areas, treated with grass, groundcovers canopy trees to meet DCP and LEP objectives. The inclusion of canopy cover shall be maximised in appropriate areas where space allows. Proposed landscape works are not to be limited to be within the site boundaries, further planting beyond the site is required to be done as part of the development by the applicant. No objections have been raised subject to conditions of consent relating to tree preservation bonds, species of trees, removal of trees and tree protection. The development satisfies the provisions of Part 3W of the BBDCP 2013.

Part 3N – Waste Minimisation and Management

A waste management plan (WMP) was prepared by Encycle Consulting and submitted with the application. The WMP was referred to Council's Waste Contracts Supervisor for comment. No issues were raised and any waste is to be disposed of accordingly in compliance with the plan. Subject to appropriate conditions the development satisfies the provisions of Part 3W of the BBDCP 2013.

Part 8 – Character Precincts

Part 8.5.1 of the DCP provides the desired future character of the Daceyville area. The site is bound by Wills Crescent to the north, Haig Street to the west and Banks Avenue to the east. The area is generally characterised as a garden suburb and the housing generally found in the area is predominantly Federation Arts and Crafts.

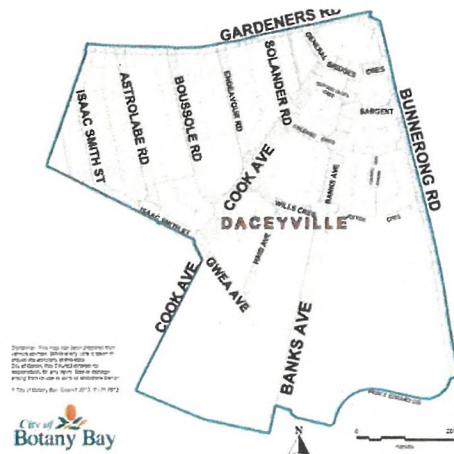


Figure 24: Daceyville Character Precinct

Imperative to this assignment is the acknowledgement that Subject Site - David Phillips Sports Ground is not considered to form part of the traditional garden suburb, nor is the proposal for a residential development. The proposal responds to the immediate sporting facility while incorporating design features which are sympathetic to the Garden Suburb. The proposal where possible seeks to comply and interpret related controls as addressed below:

<p>Desired Future Character – Function and Diversity</p>	<p>The public domain and streetscapes within the precinct will be enhanced with the demolition of the existing demountable buildings and the construction of a permanent building. The proposal is located within the north-western corner of the site which will create new entrance from the public domain along Gwea Ave.</p> <p>The applicant has stated that as an infill development, the proposals respect the heritage character of the Precinct due to the</p> <ul style="list-style-type: none"> • retention and net increase in the number of trees, • functioning as a continuation of the tree-lined boundaries characteristic of the traditional garden suburb. • materials and finishes proposed for the building, such as the use of brick, are sympathetic to the garden suburb cottage typology. <p>The proposal location still considered to ensure retention of the significant items to the North and South of the subject site and the HCA to the north.</p>
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	<p>The BBDCP 2013 requests to retain and maintain the Precinct for predominantly low scale residential dwelling houses with generous frontage with a distinctive housing style of Federation Arts and Crafts. The site is zoned a Private Recreation for which residential purposes are not permissible and not applied to the site.</p> <p>The BBDCP 2013 also requests for the retention of original Arts & Crafts Federation dwellings. The subject site does not contain any Federation-style housing. Therefore, clauses relating to Arts & Crafts Federation dwellings do not apply.</p>
Form, Massing, Scale and Streetscape	<p>Form, Massing, Scale and Streetscape is discussed in the body text of this report. Part 8.5.1 of the BBDCP 2013 requires that single-story building height on streets which are dominated by early Garden Suburb single storey dwellings are required to be retained. The proposal is located on the periphery. The requirement to maintain the single storey building height is not required.</p> <p>The proposal has included material and colour pallet that is consistent to that of cottages in addition to the use of brick in façade. The retention of the street vegetation maintains the traditional front gardens which has also been used to identify the main site entry at Gwea Avenue.</p>
Setbacks	<p>As the site is not within the Garden Suburb therefore compliance with setbacks of early Garden Suburb housing is not required.</p> <p>The development has provided landscaping within the front and side setbacks providing a sympathetic landscaping treatment as extension of the Garden Suburb. As addressed above the application was referred to Council Landscape officer who raised no objection to the proposal subject to conditions.</p>
Landscaping	<p>Landscaping is discussed in the body text of this report. The proposal has been sited and designed to retain the maximum number of trees possible. Seven (7) trees have been conditioned to be removed, however the application proposed eleven (11) replacement trees to be planted.</p> <p>As addressed above the application was referred to Council Landscape officer who raised no objection to the proposal subject to conditions.</p>
Heritage	<p>Matters regarding heritage have been discussed above and thought the body text of this report. The subject site itself is not heritage listed. According to the applicant the site has been historically used as a sporting complex. As such, the proposal conserves and enhances the site's use as a sporting complex. As addressed above the application was referred to Council heritage officer who raised no objection to the proposal subject to conditions.</p>
Fences	<p>The subject site fencing is existing for which the proposal does not seek to amend.</p>

Noise	An Acoustic Report, prepared by Stantec (Wood & Grieve Engineers) concludes that the proposed development is considered to be acceptable and will be designed to comply with the relevant aircraft noise transmission acoustic requirements in AS2021. The building is not of a height that has a direct line of sight to a seaport or airport and as such does not require the need to account noise from the operations of Port Botany and Sydney Kingsford Smith Airport
Subdivision	The application does not seek for subdivision. The proposal ensures that Daceyville's existing subdivision pattern is protect and maintained.
Public Domain and Environment	Council's landscape architect has received the modified plans. No objections are raised subject to conditions which will require the planning of <i>Lophostemon confertus</i> along Gwea Avenue and <i>Corymbia citriodora</i> along Banks Avenue between parking spaces. The application will also be conditioned to require planting of trees along Cook Avenue, along both sides of the road, between every 4 to 5 parking spaces.
Solar Access	Due to the orientation of subject site and the location of the proposed development the proposal has ensured that high levels of solar access have been maintained to surrounding properties. The proposal will not negatively impact the neighboring properties or existing open spaces (Astrolabe Park) to the West.
Traffic and Access	Matters regarding traffic and access have been discussed above under part 3A of the BBDCP 2013. The submitted traffic report prepared by GTA consultants has been reviewed by Council's Development Engineer who is satisfied with the proposal, subject to the additional bicycling parking being provided to the site.
Views	No major view loss is expected. The proposal is setback from Council's street trees along Cook Avenue ensuing their retention screening the proposed development and reduce the perceived bulk and scale.

S.4.15(1)(a)(iv) - Provisions of regulations

All provisions of the regulations have been considered in the assessment. No issues are raised and the development is considered to be acceptable in accordance with S.4.15(1)(a)(iv) of the Act. subject to conditions.

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

The proposed development will have no adverse environmental, social or economic impacts in the locality. The development is considered to be acceptable in accordance with S.4.15(1)(b) of the Act subject to conditions.

S.4.15(1)(c) - Suitability of the site

There are no know site hazards. The development is considered to be acceptable in accordance with S.4.15(1)(c) of the Act subject to conditions.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the development application was notified to surrounding property owners for a fourteen (14) day period from the 11 to 25 January 2021. One (1) submission was received during the notification period and seven (7) after the notification period closed.

Issue: Bulk and Scale

Officer comment: Matters surrounding bulk and scale has been discussed in the body text of this report. The subject site is not subjected to a development standard including building height (Clause 4.3) or floor space ratio (Clause 4.4) which are generally drivers for determining scale. The proposal has been assessed above against the objectives of both development standards and is found to be acceptable.

Issue: Loss of tree

Officer comment: As addressed in the body text of this report, only six (6) trees have been proposed to be removed. An assessment of the trees has been undertaken both Council's Tree Officer and Council's Landscape Officer who have consented to seven (7) trees to be removed. Notwithstanding the above the applicant has proposed eleven (11) trees to be planted on site increasing the net number of species on site. Furthermore, the application has also been conditioned to the planting of additional trees in the public domain. The applicant will be required to ensure that planting of *Lophostemon confertus* along Gwea Avenue, *Corymbia citriodora* along Banks Avenue and a tree between every four (4) to five (5) parking space along Cook Avenue.

Issue: Traffic / parking

Officer comment: Issues surrounding traffic and parking are discussed above. The application was accompanied by an amended traffic and parking strategy as well as the workplace travel plan and event management initiative which were reviewed by Council's Development Engineer. As addressed in report above whilst the proposal increases in GFA of the existing buildings on-site there is not an increase in the number of staff and contracted athletes who currently use the site. Furthermore, the sports field and grandstand which are considered to be the main drivers for parking requirements will remain at the same capacity (300-seater grandstand remains as per DA-10(175) which is now split into a 152-seater permanent grandstand and a temporary 148-seater grandstand, same number/type of sports fields etc.).

Issue: Hours of operation

Officer comment: The proposed hours of operation are addressed in the report above which are in keeping with the approved house of David Phillips Field under DA 2010/10175. DA 2010/10175 approved Monday:8am – 10pm, Tuesday – Friday: 8am – 9pm, Saturdays: 8am – 10pm, Sundays 8am – 6pm; and public holidays: 8am – 9pm. The application seeks for hours between 8:00am – 8:30pm Monday to Friday which is less than what has previously been approved at the site. During the weekends, the application will be required to comply with the hours already applicable to the subject site.

The application was referred to Council's Environmental Health Team who have noted that the Saturday, Sunday and Public Holidays as dependent on the use of the field by UNSW sports clubs, however it was recommended that hours of operation be clearly specified to cease no later than 10:00pm on any given day which has been considered and recommended in the draft notice of consent.

Issues: Noise

Officer comment: The application was accompanied by an acoustic report prepared by Stantec (Wood & Grieve Engineers) for comment. No issues were raised by the officer however they have advised that a follow-up acoustic compliance report is required to address

the mechanical plant selections to address the noise emission criteria. If any additional equipment is installed that will generate noise such as loud speakers/PA system, this will be required to be addressed as a separate modification application.

Issues: Using public space for a commercial use / why not more park

Officer comment: As identified in the body text of this report, the subject site is in fact not zoned for public recreation but is for private recreation. The University of NSW commenced construction of David Phillips Field, which was officially opened in 1964. The sports fields were redeveloped in 2011 and in 2019. The agreement between UNSW and NSW Rugby of the leasing of the land is between these two entities. The proposal, as evident in the Plan of Management does not seek for any public games to be played at David Phillips Field by NSW Rugby, Super W, Waratahs Academy, Gen Blue, or NSW Schoolboys. This will also be enforced by a condition of consent of the draft notice of determination,

Issues: Overflow and use of surrounding parks / training of athletes in surrounding parks

Officer comment: The proposal, as evident in the Plan of Management does not seek for the use of surrounding park. The application has been conditioned that NSW Rugby, Super W, Waratahs Academy, Gen Blue, or NSW Schoolboys will be required to train only at David Phillips Fields.

Issues: Grandstand should be reduced

Officer comment: The proposed grandstand is replacing like for like. A grandstand with the capacity to cater for 300 seats was approved under DA-10(175) which is now split into a 152-seater permanent grandstand and a temporary 148-seater grandstand. This proposal does not seek to increase in the amount of either fixed or removable chairs and does as such does not increase the amount already approved.

Issues: Timing of submission

Officer comment: Council has no control over the applications DA lodgement timing. The application was notified in accordance with the Botany Bay Development Control Plan 2013. All submission, even those that were submitted after the closing date have been considered in the assessment.

Issues: Lack of Community Engagement

Officer comment: The application was notified in accordance with the Botany Bay Development Control Plan 2013.

Issue: Waste

Officer comment: The application was referred to Council's Waste Officer who raised no issues to the proposed ongoing waste management plan for the development.

Issue: Alcohol

Officer comment: As addressed in the body text of this report, the proposal is for Private Recreation and no public events including public games will be held on site. The application does not seek for the public sale of alcohol.

It is noted that the PoM has stated that there may be the provision of food and beverages at private functions for NSW Rugby, which is considered to be acceptable. The applicants have stated that the sale or service of liquor will be conducted by an external catering company who will be required to have the necessary liquor licences, such as an on-premises caterers licence with sale on other premises authorisation, and adequately trained staff with the responsible service of alcohol accreditation.

Issue: NSW Department of Education Infrastructure Unit not made aware of this proposed development.

Officer comment: Council received correspondence from the NSW Department of Education Infrastructure Unit regarding the proposal. It is therefore assumed that they are aware of the subject Development Application.

Issue: Pedestrian Safety / no safe level footpath

Officer comment: No public entrance to the subject site is provided along Cooks Avenue. Sufficient distance is provided between the wheel stop and fence to allow access up to the pathway that is provided within Astrolabe Park. On both site visits dated 29 January and 2 June 2021 it was noted that pedestrian pathways are located on both sides of Gwea Avenue and Banks Avenue. It was noted that at the intersection of Gwea Avenue and Cooks Avenue a ramp is provided to ensure a safe crossing.

S.4.15(1)(e) - Public interest

Granting approval to the proposed development will have no adverse impact on the public interest. The proposal will facilitate the orderly development of the land.

Developer Contributions (Sections 7.11 and 7.12)

The Development application was referred to Council for comment. Appropriate condition has been included which requires a Section 7.12 contribution of \$184,595.59.

Other matters

The Development application was referred to Council's internal departments for comment. Appropriate condition has been recommended to address the relevant issues raised. The following table is a brief summary of the comments raised by each referral department:

External Referrals		
Department	Date	Recommendation
NSW Police	8 February 2021	Supported, subject to conditions
Telstra	9 February 2021	Supported, subject to conditions
Ausgrid	25 January 2021	Supported, subject to conditions
Sydney Water	6 April 2021	Supported, subject to conditions
La Perouse Local Aboriginal Land Council		A response was not received
Internal Referrals		
Department	Date	Recommendation
Development Engineers	25 May 2021	Supported, subject to conditions
Landscape Officer Referral Response	23 April 2021	Supported, subject to conditions
Environmental Health Officer	13 May 2021	Supported, subject to conditions
Environmental Scientist	5 February 2021	Supported, subject to conditions
Heritage		
Tree Management Officer	Date not advised	Supported, subject to conditions
Waste Management	24 December 2020	Supported, subject to conditions

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to the conditions contained in the schedule of consent conditions

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITION

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

1. Lapsing of Consent

This consent will lapse five (5) years from the date of consent, unless the building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

2. Approved Plans and Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent.

Plan	Reference No	Revision	Prepared by	Date
Existing Site plan	DA-11-01	D	Cox Architects	4/12/20
Demolition Only	DA-11-02	D	Cox Architects	4/12/20
Proposed Site Plan	DA-11-03	D	Cox Architects	4/12/20
Ground Floor Plan	DA-21-01	D	Cox Architects	4/12/20
Level 1 Floor Plan	DA-21-02	D	Cox Architects	4/12/20
Roof Plan	DA-21-03	D	Cox Architects	4/12/20
Elevations	DA-30-01	D	Cox Architects	4/12/20
Sections	Da-40-01	D	Cox Architects	4/12/20
Site Analysis - Landscape		B	Design Studio	December
Design Statement - Landscape	L-DA-5	B	Design Studio	December
Design Statement - Landscape	L-DA-6	B	Design Studio	December
Landscape Plan – Overall	L-DA-7	B	Design Studio	December
Landscape Plan – Entry Landscape Detail	L-DA-8	B	Design Studio	December
Tree Management Plan – Overall	L-DA-9	B	Design Studio	December
Planting Plan - Understory and Trees	L-DA-11	B	Design Studio	December
Tree and Planting Palette – species list	L-DA-14	B	Design Studio	December
Material Palette- Landscaping	L-DA-16	B	Design Studio	December
DA Pack – General Drawings	A-80100- GEN- 0000-01	01	Cox Architects	9/12/2020
DA Pack – Sign Locations	A-80100- SPL- 0000-01	01	Cox Architects	9/12/2020
DA Pack – Sign Locations Plans External Signage	A-80100- SPL- 0000-02	01	Cox Architects	9/12/2020
DA PACK: ID01: Building Identification	A-8000- STD- ID01-02	01	Cox Architects	9/12/2020
DA PACK: ID01: Building Identification	A-8000- STD- ID01-04	01	Cox Architects	9/12/2020
DA PACK: ID02A: GATE ID PRIMARY – GWEA AVE	A-8000- STD- ID02-01	01	Cox Architects	9/12/2020
DA PACK: ID02A: GATE ID PRIMARY – GWEA AVE	A-8000- STD- ID02-02	01	Cox Architects	9/12/2020

DA PACK: ID02B: GATE ID SECONDARY - BANKS AND Cook AVE	A-8000- STD- ID02-03	01	Cox Architects	9/12/2020
DA PACK: ID02B: GATE ID SECONDARY - BANKS AND Cook AVE	A-8000- STD- ID02-04	01	Cox Architects	9/12/2020
DA PACK: ID02B: GATE ID SECONDARY - BANKS AND Cook AVE	A-8000- STD- ID02-05	01	Cox Architects	9/12/2020
DA PACK: ID03: ENTRY TO TEM	A-8000- STD- ID03-01	01	Cox Architects	9/12/2020
DA PACK: ID03: ENTRY TO TEM	A-8000- STD- ID03-02	01	Cox Architects	9/12/2020

Document Title	Reference No	Prepared by	Date
Precinct Management Plan		Ethos Urban	3 September 2020
NSW Rugby Union Centre for Excellence – Cook Ave Option Acoustic Report	46005	Stantec-Wood and Grieve Engineering	21 August 2020
NSN Rugby Union Centre for Excellence Cooks Avenue and Gwea Avenue Transport Impact Assessment	N186300	Stantec-GTA Consultants	8 April 2021
Statement of Heritage Impact NSN Rugby Union Centre for Excellence		Hector Abrahams Architects	25 August 2020
Statement of Environmental Effects		Ethos Urban	11 December 2020
NSW Rugby Union Centre for Excellence Cook Avenue Waste Management Plan		Encycle	24 August 2020
NSW Rugby Union Centre for Excellence – Energy and Water Efficiency DA Report	46005	Stantec-Wood and Grieve Engineering	26 August 2020

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail.

3. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.

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

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

5. 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. This includes the fitting of any form of doors and/or walls.

6. 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

7. Approved Materials and Finishes

The finishes, materials and colour scheme approved under condition 1 any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.

8. Carrying out of Works Wholly Within the Site

All approved works must be carried out wholly within the property boundary. Building works must not encroach on to adjoining lands or the adjoining public place, other than the demolition of the garage encroachment onto 35 Banks Avenue (subject to separate owners consent) and other public domain works required by this consent.

9. Landscape areas

All soft landscape areas are to be maintained for a minimum period of twelve (12) months in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. This schedule must include weeding, watering, fertilising, replacement of dead or stolen plants, mulch replacement, and so. Any requirements specific to the site must be included. This schedule must include weeding, watering, fertilising, replacement of dead or stolen plants, mulch replacement, and so. Any requirements specific to the site must be included.

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 to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.

10. Tree removal and Protection

As per the arborist report prepared by Naturally Trees, dated 26/08/2020, the following tree reference numbers refer to the trees in that report.

- (a) Consent is granted for the removal of T22, T 23, T24, T31, T32, T72 and T88.
- (b) The following trees shall be protected with a Tree Protection Zone (TPZ). T28, T33, T38, T39, T39, T40, T41, T42, T78, T79 and T81.
- (c) The following trees are important and should be protected. T52, T54, T57, T58, T59, T69, T70, T71, T86 and T87.
- (d) Development Impacts: AS4970-2009 section 3 requires a Tree Protection Zone (TPZ) setback of 2.5 metres (m) from centre of trunk (COT) if the site area is available
- (e) In accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. 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.
- (f) The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.

Or alternatively.

If there is insufficient space to erect fencing, then the trees are to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 meters or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).

Requirements of Concurrence, Integrated and Other Authorities

11. NSW Police

The following conditions are specific to the NSW Police requirements which are required to be addressed prior to the Construction Certification 2– Construction works

(a) Surveillance

- i. A Closed Circuit Television System (CCTV) which complies with Australian Standard – Closed Circuit Television System (CCTV) AS: 4806.1.2.3.4. <http://www.standards.org.au> must be installed within these developments to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform to Federal and State Privacy and Surveillance Legislation. Digital or analogue technology should be used to receive, store and process data.
- ii. This system should consist of surveillance cameras strategically located in and around the premises to provide maximum surveillance coverage of the area, particularly areas which are difficult to supervise.

- iii. A minimum of two cameras should be strategically mounted across the front of the development to monitor activity around these areas. These cameras should be positioned to watch one another to protect them from tampering.
- iv. One or more cameras should be strategically mounted at entry/egress points to monitor activities around these areas.
- v. This equipment should be secured away from public access areas to restrict tampering with the equipment and data.
- vi. Staff should be trained in the operation of the system.
- vii. Lighting which complies with the Australian Standard - Lighting must be installed in and around the property to increase surveillance opportunities during the hours of darkness.
- viii. Emphasis should be on installing low glare/high uniformity lighting levels over all areas.
- ix. Lighting is to deny criminals the advantage of being able to operate unobserved however, if an area cannot be overlooked or viewed during the hours of darkness, then lighting will only help a criminal see what they are doing, not deter them.
- x. Light covers must be designed to reduce opportunities for malicious damage (vandalism).
- xi. Lighting sources should be compatible with requirements of any surveillance system installed.
- xii. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.
- xiii. The lighting must also be commensurate with the Closed Circuit Television requirements to enhance surveillance during darkness.
- xiv. Pathways must be sufficiently well lit at all times to avoid use of unsafe routes.
- xv. Good sightlines and signage must be installed at decision making points to assist people using pathways.
- xvi. Paths to be located near activity generators and areas with natural surveillance

(b) Access control

- i. Fences must be installed around the perimeter of the development to control access. These fences must be maintained in an operational condition within any damage allowing for unauthorised access egress repaired as soon as practicable.
- ii. Gates must be secured with quality locks which comply with the Australian Standards, Lock Sets, AS: 4145 to control access.
- iii. Doors must be fitted with locksets which comply with the Australian Standards – Locksets for buildings and the building code (fire regulations).
- iv. Doors should be secured to control and restrict access to and from the development.

- v. Windows which can be opened must be fitted with key operated locks which comply with the Australian Standards – Locksets for windows in buildings.
- vi. By law in NSW, windows above ground level in strata schemes must have safety devices installed to reduce opportunities for people falling. To find out more check out the window safety device requirements page;
- vii. http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Strata_schemes/Window_and_balcony_safety/Window_safety_device_requirements.page
- viii. Balconies on the development must be designed at a height to reduce opportunities for people scaling the railings to access other balconies and falling. This can also assist in reducing opportunities for children falling from balconies.
- ix. The doors to the storerooms must be fitted with locksets which comply with the Australian Standards – Locksets for buildings and the building code (fire regulations).

(c) Territorial Re-enforcement

- i. The street number must be prominently displayed at the front of this property to comply with the Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act can result in penalties. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for a corporation.
- ii. The number of each level must be prominently displayed adjacent the elevators and fire stairs to assist users of the property identify locations particularly in emergency situations.
- iii. Signs should be strategically posted around the property to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespasser will be prosecuted. Warning, no large amounts of money kept on premises. Warning, these premises are under electronic surveillance.
- iv. Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.
- v. Lighting needs to be checked on a regular basis to ensure that it is operating effectively.

(d) Space & Activity Management

- i. An Intruder Alarm System (IAS) which complies with the Australian Standard – Systems Installed within Clients Premises, AS: 2201 must be installed in the development to enhance the physical security and monitor activity on the development.
- ii. This standard specifies the minimum requirements for intruder alarm equipment and installed systems.
- iii. It shall apply to intruder alarm systems in private premises, commercial premises and special installations.

- iv. The Intruder Alarm System (IAS) must be monitored by a security company or your own staff.
- v. Duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. NB Duress devices should only be used when it is safe to do so.
- vi. Detectors must be fitted to the doors of plant room areas to detect unauthorised access to these areas. This can reduce the opportunity for litigation against your organisation.
- vii. The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
- viii. The system must be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively.
- ix. Staff should be trained in the correct use of the system.
- x. As a number of premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.
- xi. The owner of the development must ensure that an annual fire safety assessment of essential fire safety measures for your property is carried out each year.
- xii. The owner of the development must ensure that a Fire Safety Schedule listing essential fire safety measures for your property is displayed near the entrance to your property to comply with the Environmental Planning and Assessment Act, 1979.
- xiii. The owner of the development must ensure that a Fire Statement is displayed near the entrance to your property to comply with the Environmental Planning and Assessment Act, 1979.
- xiv. The owner of the development must ensure that a copy of the Fire Safety Schedule and Fire Safety Statement is provided to your local Council and the Commissioner for Fire & Rescue NSW to comply with the Environmental Planning and Assessment Act, 1979. Failure to comply with these requirements can result in financial penalties against your property
- xv. Private spaces such as court yards, stairwells and parking bays must be clearly identified to reduce use by undesirable users.
- xvi. A plan of management must be established so that management, staff and residents are aware of what they need to do in the event of situations taking place or what is permitted or not permitted within the development.
- xvii. An emergency plan must be developed, implemented and tested on a regular basis to ensure that users of the development understand what is required of them particularly in emergency situations. The emergency plan must provide, emergency procedures including, an effective response to an emergency, evacuation procedures, notifying emergency service organisations promptly, medical treatment and assistance, effective communication between the authorised person who coordinates the emergency response and all persons in the

- development, testing of the emergency procedures, including the frequency of testing.
- xviii. Information, training and instruction to relevant workers in relation to implementing the emergency procedures.
 - xix. When preparing and maintaining an emergency plan, the PCBU must consider all relevant matters including, the nature of the work being carried out at the workplace, the nature of the hazards at the workplace, the size and location of the workplace, the number and composition of the workers and other persons at the workplace.
 - xx. The code of practice Managing the work environment and facilities provides more information about preparing and maintaining an emergency plan. Call Workcover NSW 13 10 50 or check out Workcover NSW website: www.workcover.nsw.gov.au for more information about emergency plans.

(e) 4.5 Licensing Issues

Whenever liquor is sold at the venue;

- i. The venue management must ensure that immediately after a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to: a. the licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police; b. the licensee and/or staff make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and c. the licensee and staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred. In this condition: 'staff member', in relation to subject premises, means any person employed by or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.
- ii. Any area where liquor is sold or supplied must be covered by CCTV cameras as per the standard referenced above.
- iii. In the case of Alcohol being made available for spectators of sporting fixtures. The venue management is to ensure that the sale and supply of alcohol commences a maximum of ½ an hour prior to the first match on a day and any sale and supply of any alcohol concludes prior to full time of the final match of the day.

12. Telstra

The following is advised by Telstra and must be complied with:

Telstra requests the developer to make contact with Telstra via 1800 810 443 for any footpath, driveway and temporary construction driveway works in close proximity to the Telstra network to discuss a protection plan. Pits and manholes are not permitted to

remain in driveways, either temporary or permanent and will require relocation to maintain the required 24/7 access to satisfy legislative obligation.

13. Ausgrid

The following is advised by Ausgrid and must be complied with:

Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets. The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

14. Sydney Water

The following is advised by Sydney Water and must be complied with:

(a) Servicing

- Potable water and wastewater servicing should be available via the existing connection points to the property as identified.
- Amplifications or extensions to Sydney Water’s networks may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

(b) Stormwater

- Requirements for Sydney Water’s stormwater assets (for certain types of development) may apply to this site. The proponent should ensure that satisfactory steps/measures are taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets.
- The proponent should consider taking measures to minimise or eliminate potential flooding and/or degradation of water quality, should avoid adverse impacts on any heritage items, and should create pipeline easements where required.

Development Specific

15. Use of the Center of Excellence

The proposed use of the Center of Excellence is to be used for the purpose of NSW Ruby only. Private events not affiliated with NSW Ruby shall not occur on site

16. Use of surrounding Park Land

The proposed use is for the subject site at 35 Banks Avenue (David Phillips Sport Field) only. No activities associated with NSW Ruby shall occur on any of the other surrounding park land including Astrolabe Park and Rowland Park.

17. Public Games

No public games including but not limited to NSW Rugby Super W, Waratahs Academy, Gen Blue, NSW Schoolboys or affiliated teams are to be held at 35 Banks Avenue (David Phillips Sport Field).

18. No intensification of activities

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

19. Adopt and implement

Adopt and implement the following.

(a) Plan of Management

- All applicable measures as specified in the Plan of Management 'Precinct Management Plan - NSW Rugby Centre of Excellence - Cook Avenue & Gwea Avenue, Daceyville' (Ref: 2200025/v2) prepared by Ethos Urban dated 3 September 2020.
- Prior the Construction Certificate the Plan of Management is required to be amended to address event management parking and traffic in regards to parking as outlined in the 'NSW Rugby Union Centre for Excellence Cooks Avenue and Gwea Avenue Transport Impact Assessment' prepared by Stantec-GTA Consultants.
- Any amendments to the Plan of Management shall require a separate approval from Council.
- A copy of the Plan of Management must be displayed on site at all times and made available to all staff and/or occupants.

(b) Acoustic report

- All applicable measures and recommendations to adhere to the noise emission criteria contained in the acoustic report 'NSW Rugby Union Centre for Excellence - Cook Ave Option - Acoustics Report (Ref: 46005 & 003) prepared by James Ashpole (Wood & Grieve Engineers) dated 21 August 2020.

20. Offensive Noise

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

The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the Noise Policy for Industry (NSW EPA 2017).

21. Public Address System

A public address system or sound amplifying equipment that permits the emission of sound that is audible from any public place or adjoining property must not be installed or used unless the subject of an amended acoustic report and subsequent s4.55 modification application.

22. Hours of Operation

The hours of operation of the approved use are limited to:

(a) Outdoor facility:

- Monday to Friday: 8:00am – 5:30pm,

- Monday to Friday: (January to April): 8:00am – 8:30pm.
- Saturday: 8am – 10pm
- Sundays: 8am – 6pm; and
- Public Holidays: 8am – 9pm

(b) Indoor high-performance facility:

- Monday, Tuesday, Thursday and Friday: 7:30 – 5:30pm

(c) Indoor administration:

- Monday- Friday: 8:30am - 5:30pm

The approved hours of operation include trading, preparation, waste collection and deliveries and to and from the premises. The approved hours of operation also includes the use of flood lights.

23. Graffiti Removal

Where the external walls of the building, landscaped structures and / or other facilities within the property / site are vandalised by graffiti, the graffiti shall be removed with the affected areas returned to its former state within seven (7) days of the occurrence.

24. Signage Display

No signs must not have / use:

- (a) flashing lights, and
- (b) electronically changeable messages, and
- (c) animated display, moving parts or simulated movement, an
- (d) a method and level of illumination that distract or dazzle, and
- (e) instructions that imitate traffic control signs by way of shape, layout or colour.

25. Lighting

All existing and proposed lights (including floodlights lights) shall comply with the Australian Standard AS4282 -2019 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 or cause additional amenity impacts to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads by light overspill.

26. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves may encroach or overhang any property boundary and/or public footway.

Prior to Construction Certificate

27. Required design changes (Routine Development)

The following changes are required to be made and shown on the Construction Certificate plans:

- (a) No part of any structure (including gutters and eaves) may encroach or overhang any property boundary.
- (b) No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
- (c) Encase any hot water system in a recessed box with the lid / cover designed to blend into the facades.
- (d) Soften utility services with landscaping so as not to detract from the overall appearance of the development and the streetscape.

Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

28. 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) prior to Construction Certification 2– Construction works.

29. Fees to be paid

The following fees shall be paid to Council prior to the issue of a Construction Certificate. 1 – Civil and Site Preparations. 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.

- (a) Builders Damage Deposit Bond - \$167,692.00.
- (b) Soil and Water Management Sign - \$21.00.
- (c) Environmental Enforcement Fee of 0.26% of the cost of the works (with estimated cost of works capped at \$10 million)

30. Securities, Deposits and Bonds – Minor

Prior to the issue of a Construction Certificate. 1 – Civil and Site Preparations, the person acting on the consent must provide security to Bayside Council against any damage that may be caused to any council property assets and/or the environment during the course of the building works as a consequence of the implementation of the development consent. This security shall be in the form of the following Deposits and Bonds that must be paid to Bayside Council:

- (a) A Builder's Damage Deposit of \$167,692.00 (GST Exempt) shall be lodged 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 as security for repairing any damage to the public domain, landscaping, and councils' assets in the vicinity of the site during works. The Guarantee must be lodged with Bayside Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

This security is to cover 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 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 deposit will be forfeited or partly refunded based on the damage incurred.

A request for refund of securities/deposits/bonds can be made once the above requirements are satisfied through Bayside Councils "Request for Refund" Application Form. A non-refundable inspection/administration fee is included in the bond value.

31. Long Service Levy Fee

For work costing \$25,000 or more, a Long Service Levy shall be paid to the Long Service Corporation or Council, with evidence of payment submitted to the Principal Certifier prior to the issue of Construction Certificate. 1 – Civil and Site Preparations.

32. Section 7.11 contribution

A Section 7.12 contribution of \$184,595.59 shall be paid to Council prior to the issuing of Construction Certificate. 1 – Civil and Site Preparations. The contribution is calculated according to the provisions contained within Council's adopted City of Botany Bay s94A Development Contributions Plan 2016. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below.

Community Facilities	\$ 19,485.60
Recreation facilities	\$ 94,555.55
Drainage Works	\$ 18,415.91
Road Works	\$ 52,138.53
Total in 2020/21	\$184,595.59

33. Landscape Plan

The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan (Refer to Condition 2) and comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by Principal Certifier Authority prior to the issue of the Construction Certificate 2– Construction works.

- (a) The landscape documentation shall include, but not be limited to
 - i. A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
 - ii. 80% of the proposed planting scheme is to consist of native or indigenous plants.

- iii. Replace proposed *Ficus benjaminia* (Weeping Fig) with native or deciduous tree suitable to the site. *Ficus benjaminia* is not recommended to be planted in deep soil in this area.
 - iv. Include all relevant stormwater information (pits, infiltration trenches, OSD tanks, and other) to ensure no conflict is created between landscape and stormwater plans.
 - v. A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier 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); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
- (b) Where any electricity substation is required for the approved development, this must be housed within the building structure. These items reduce the visual amenity of the development, public spaces and the public domain. Above-ground utilities including fire boosters must be appropriately screened in an enclosure. Details of the proposed screen shall be submitted to and approved by Bayside Council's Landscape Architect prior to the issue of the Construction Certificate.
- (c) Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan 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, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. The following items will be included as part of the public domain improvement works:
- i. New street trees at minimum pot size of 75 litres are to be planted in the following Street frontages:
 - i. *Lophostemon confertus* along Gwea Avenue where gaps with no trees are now present.
 - ii. *Corymbia citriodora* along Banks Avenue between parking spaces, in planter beds where trees are dead or have been removed.
 - iii. Cook Avenue will include one tree for every 4 to 5 parking spaces along the Astrolabe Park.
- (d) All weeds and dead trees present along Cook Avenue frontage will be removed. Mulch to 75mm shall be replenish and new trees to be included in areas with no trees to ensure a green buffer between Astrolabe Park and the proposed built form.

34. Detailed Acoustic Assessment

The Principal Certifying Authority (PCA) shall not issue Construction Certification 2– Construction works until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including use of air-conditioners which meet the Noise Policy for Industry (NSW EPA) and Protection Of Environment Operations Act 1997 noise emission criteria for air-conditioners as specified in the acoustic report 'NSW Rugby Union Centre for Excellence - Cook Ave Option - Acoustics Report' (Ref: 46005 & 003) prepared by James Ashpole (Wood & Grieve Engineers) dated 21 August 2020 has been carried out. The acoustic assessment / report shall include at least the following information:

- (a) the name and qualifications or experience of the person(s) preparing the report
- (b) the project description, including proposed or approved hours of operation
- (c) relevant guideline or policy that has been applied
- (d) results of background and any other noise measurements taken from most noise
- (e) affected location at the boundary line
- (f) meteorological conditions and other relevant details at the time of the measurements
- (g) details of instruments and methodology used for noise measurements (including
- (h) reasons for settings and descriptors used, calibration details)
a site map showing noise sources, measurement locations and potential noise
- (i) receivers
- (j) noise criteria applied to the projec
- (k) noise predictions for the proposed activity
- (l) a comparison of noise predictions against noise criteri
- (m) a discussion of proposed mitigation measures, the noise reduction likely and the
- (n) feasibility and reasonableness of these measures
- (o) how compliance can be determined practically

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (if applicable) shall be complied with.

35. Aircraft Noise – Compliance with Submitted Report

Prior to issue of the Construction Certification 2– Construction works, the measures required in the acoustical assessment report 'NSW Rugby Union Centre for Excellence - Cook Ave Option - Acoustics Report' (Ref: 46005 & 003) prepared by James Ashpole (Wood & Grieve Engineers) dated 21 August 2020 has been carried out. 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.

36. Detailed Design Stormwater Management Plan

Prior to the issue of the Construction Certification 2– Construction works, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines 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 Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines.

The detailed drainage design plans shall incorporate the measures generally made in the stormwater management report prepared by Wood & Grieve Engineers (now part of Stantec), ref 46005, revision 6, dated 04/12/2020 and the provisions/revisions/requirements detailed below:

- (a) An on-site infiltration system shall be provided for the development and be designed strictly in accordance with section 5 of the Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines. It should be noted that the on-site infiltration system(s) shall be designed to detain and absorb all runoff generated by the development for all storm events up to and including the 1% Annual Exceedance Probability (AEP) design storm events, and for all durations from 6 minutes to 72 hours inclusive, and
- (b) A geotechnical engineer shall determine the soil infiltration rate (in litres / m² / second) as per section 5.2 of the Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines, and
- (c) If the development requires the demolition of existing drainage and infiltration systems, these shall be adequately repaired as part of the development and the lost storage volume shall be replaced with an equivalent volume as part of the development, and
- (d) A minimum capacity 10000L of rainwater tank(s) shall be provided for the development. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) must be connected to all proposed ground level landscape irrigation/external taps and all ground floor level toilets within the development for non-potable stormwater re-use, and
- (e) The stormwater system shall incorporate a Stormwater Quality Improvement Device(s) to ensure compliance with Section 16 of Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines. The water quality improvement system shall be designed to capture and treat at least 85% of flows generated from the development, and
- (f) A MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the NSW MUSIC Modelling Guidelines. Water quality improvement shall meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

37. Building/Driveway within Proximity of On-Site Absorption System

Prior to the issue of any Construction Certification 1- Civil Site Preparations , any part of the proposed building within three (3) metres of any proposed/existing underground rainwater tank or infiltration system shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.

Any driveway over the infiltration system shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the infiltration system. These requirements shall be reflected on the Construction Certification 1- Civil Site Preparations plans and supporting documentation.

38. Structural Certification for Flood Prone Land

Prior to the issue of the Construction Certification 2– Construction works, an engineer registered with the National Engineering Register (NER) is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy up to 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.

39. Flow Through Fencing

Prior to the issue of the Construction Certification 1- Civil Site Preparations, flow through open form fencing is required for all new proposed boundary fencing and all new proposed internal fences and gates up to the 1% AEP flood level. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

40. Flooding Requirements

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certification 2– Construction works, demonstrating compliance with the following:

- (a) **Storage of Materials Damaged by Flood**
Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level. Air conditioning units, electrical connections to hot water tanks, and other items that may be damaged by flood waters, shall be set at or above 500mm above the 1% AEP flood level.
- (b) The detailed survey of existing stormwater infrastructure assets (pits and pipes) as detailed in the letter prepared by GRC Hydro dated 20 May 2021, ref 200061, is to be provided to the satisfaction of Bayside Council. This survey is to include prince Edward Circle, Birdwood Avenue, White Road/Glanville Avenue, and the entirety of Rowland Park.

41. Sydney Water Tap-in

Prior to the issue of the Certification 1- Civil Site Preparations, 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>.

42. Detailed Traffic and Parking Design Requirements and Certification

Prior to the issue of the Certification 1- Civil Site Preparations the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

(a) Compliance with AS2890.1, AS2890.2 and AS2890.3:

- i. 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, and
- ii. Parking facilities (including parking spaces, ramps, aisles, vehicular crossings etc.) must comply in full with AS/NZS 2890.1 & AS2890.2, and
- iii. Sightlines are to comply with AS2890.1 & AS2890.2 and
- iv. All vehicles are to enter and exit the site in a forward direction, and
- v. A minimum of 19 bicycle parking spaces must be provided as part of the development on the site and designed in accordance with AS2890.3:2015, and
- vi. All waste collection must be undertaken on-site via a private waste collection service. No bins or waste is 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 in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

43. Geotechnical Certification

Prior to the issue of the Construction Certification 1- Civil Site, a Geotechnical Engineer registered with the National Engineering Register (NER) must:

- (a) Review and ensure the construction methodology, parameters, and recommendations in the geotechnical report prepared by Douglas Partners, Project 99611.00, revision 1, dated 16 July 2020, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation, and
- (b) 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
- (c) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective, and

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.

44. Public Domain Frontage Design

Prior to the issue of Construction Certification 2– Construction works, plans, 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.

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 pursuant to Section 138 of the Roads Act 1993. Public domain frontage works shall 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 will be required to be paid prior to the release of the approved public domain plans and commencement of any required public domain frontage works (performance bond based upon the cost of the public domain works), the 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 period).

45. Materials and Finishes

The building shall be constructed as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certification 2– Construction works, plans and supporting documentation.

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 Certification 2– Construction works ,for the relevant stage of works.

Prior to the commencement of any work (including demolition and excavation)

47. Excavation on site

If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made

- (a) Must preserve and protect the building/ fence from damage; and,
- (b) If necessary, underpin and support such building in an approved manner;
- (c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

- (d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- (e) If the soil conditions required it:
 - i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:
 - ii. Adequate provision must be made for drainage.

48. Dilapidation Report – Public Domain - Major

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, including the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, and road pavement) and other adjacent Bayside Council properties prior to commencement of any work. The report must include, but not be limited to, the following:

- (a) Photographs showing the condition of the road pavement fronting the site, and
- (b) Photographs showing the condition of the kerb and gutter fronting the site, and
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site, and
- (d) Photographs showing the condition of retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name, accreditation, professional registration, and signature of the professional engineer.
- (g) Road carriageway assessment

The reports are to be supplied in electronic format in Word. Photographs are to be in colour, digital and date stamped.

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 during construction of this development.

49. Construction Environment Management Plan

Prior to commencement of any works, the applicant must prepare and submit a Construction Environment Management Plan (CEMP). The CEMP must include, but not be limited to, the following:

- (a) A plan view of the entire development site and frontage roadways along with a construction management report addressing the following:

- i. The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited. All loading and unloading associated with construction activity must be accommodated on site, and
 - ii. Details of: hours of work; 24-hour contact details of site manager; management of dust and odour to protect the amenity of the neighbourhood; stormwater control and discharge; measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; groundwater management plan including measures to prevent groundwater contamination; external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; community consultation and complaints, and
 - iii. The proposed phases of construction work on the site and the expected duration of each construction phase, and
 - iv. The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, plant/machinery, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site. The storage location on the property during construction shall also be shown, and
 - v. The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period, and
 - vi. The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site, and
 - vii. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent, and
 - viii. Proposed protection for Council and adjoining properties, and
 - ix. The location and operation of any on site crane including a copy of Sydney Airport approval (if required), and
 - x. The location of any Work Zone (if required) approved by Council's Traffic Engineering Section, including a copy of that approval.
- (b) A Construction Traffic and Pedestrian Management Plan for pedestrian and traffic management of the site during construction prepared by a TfNSW accredited consultant in accordance with the 'Traffic Control at Worksites Manual'. The plan shall include construction vehicle routes, anticipated number of trucks per day, hours of construction, access arrangements and proposed traffic measures to minimise impacts of construction vehicles. The plan shall detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and detail heavy vehicle routes, access, and parking arrangements.

- (c) A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004) to provide adequate erosion and sediment control measures during demolition, excavation, and construction on the site. A sufficient area shall be provided onsite (Soil Stockpile Area) to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site.
- (d) A Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction works. The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Assessing Vibration: A technical guideline (available www.environment.nsw.gov.au). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority. A copy of the approved documents is to be submitted to Bayside Council.

50. Erosion and Sediment Control Measures

Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees, and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be always maintained in a serviceable condition throughout the entire demolition, excavation, and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

51. Asbestos – Clearance Certificate

An assessment of the status of asbestos in soil at the site shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- (a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites', and
- (b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997, and
- (c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The report shall provide a notice of completion of any required remediation works identified during the assessment of asbestos in soils at the site, and include a clear that the asbestos has been removed from the site to a level suitable for the proposed use in accordance with relevant guidelines. The report shall be submitted to the Principal Certifier (and the Council if the Council is not the Principal Certifier). The report is to be submitted prior to the commencement of excavation or construction at the site.

52. Site Signage

A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number

and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

During any Works (including Demolition, Excavation and Construction)

53. Approved Plans Kept on Site

A copy of the Construction Certificate, the Development Consent and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.

54. Construction Hours and Noise

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 Environment Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

(b) Level Restrictions

(i) Construction period of four (4) weeks and under:
The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A), and

(ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

(c) Time Restrictions

(iii) Monday to Friday 7:00am to 6:00pm

(iv) Saturday 7:00am to 1:00pm

(v) No Construction to take place on Sundays or Public Holidays.

(d) Silencing

All possible steps should be taken to silence construction site equipment

55. 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.

56. Unexpected Finds

If any Aboriginal objects (including evidence of habitat or remains) are uncovered, the NSW Heritage Act 1977 requires all work to cease on the site and an archaeological

investigation to be undertaken. In such circumstances, the staff of the Heritage Division of the NSW Office of Heritage & Environment should be consulted.

57. 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.

58. Contamination - Construction

All work must be carried out in accordance with:

- (a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- (b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- (c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
- (d) Recommendations within the 'Preliminary Site Investigation for Contamination – NSW Rugby Union Centre of Excellence – Cook Avenue Siting, Banks Avenue, Daceyville' (99611.00 R.004.Rev3) dated 9 November 2020 by Douglas Partners.

59. 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.

60. 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) Office of Environment and Heritage (OEH) 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.

61. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside

Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

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

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

62. Construction Operations

- (a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g., concrete pumps) or equipment (e.g., wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud, and other materials always and at the end of each working day or as directed by Council's Engineer.

63. 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 always make safe for pedestrian and vehicular traffic. 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 Council.

64. Erosion Controls - Access to Site and Transportation of Materials

During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads, and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

65. Implementation of Traffic Management Plan and Construction Management Plan

During construction, the applicant shall ensure that all works, and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

66. 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 perimeter fences or hoardings for public safety and restricted access to building sites, and
- (c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

67. Registered Surveyor Certificate

A Registered Surveyor's Check Survey Certificate or Compliance Certificate shall be forwarded to the Principal Certifier detailing compliance with Council's approval at the following stages of construction:

- (a) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks, and
- (b) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level, and
- (c) Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels, and
- (d) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels, and
- (e) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

68. 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.
- (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](#).

69. 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.

70. 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. 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.

71. Demolition Requirements

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.

72. 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) 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
- (d) 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
- (e) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- (f) 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
- (g) 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
- (h) 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
- (i) 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
- (j) 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
- (k) 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.

Prior to issue of an Occupation Certificate

73. Landscaping

Prior to issue of any Occupation Certificate, the following must be complied with:

- (a) All landscape works are to be carried out in accordance with the FINAL approved landscape plans for the approved development. The landscaping is to be maintained to the approved standard at all times.
- (b) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

74. Bayside Council's Reserve Damaged During Construction

Where Bayside Council's land / road reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Bayside Council or the applicant, at the applicant's expense. Any damage not shown in the photographic survey submitted to Bayside Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Bayside Council's satisfaction, prior to occupancy of the development and release of the damage deposit.

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 final Occupation Certificate. Further, Bayside Council will use this report to determine whether or not to refund the Damage Deposit.

75. Roads Act / Public Domain Works – S138 - Major Development

Prior to the issue of any Occupation Certificate, the applicant shall carry out the following public domain works:

- (a) On Cook Avenue and Gwea Avenue, adjacent to development, construct required driveway crossovers and provide required landscape tree planting and public domain improvements as specified by Bayside Council in accordance with Bayside Council's Engineer, Landscape Architect, Masterplans, and Infrastructure Specifications, and
- (b) On Cook Avenue, adjacent to development, construct a minimum 2.4m wide kerb inlet pit connecting to existing Sydney Water Stormwater infrastructure in accordance with applicable Sydney Water and Bayside Council Infrastructure Specifications. The pit location is to be as per figure 6 in the approved flood report prepared by GRC Hydro, project number 200061, version 2, dated April 2021 (approx. 35m upstream of pipe bend in Cook Avenue adjacent to the site), and
- (c) On Cook Avenue, adjacent to development, bottomless kerb inlet pits (or as otherwise advised by Bayside Council) are to be constructed at 50m intervals in the street to further reduce flooding in minor storm events. The pits are to be in accordance with Bayside Council Infrastructure Specifications, and

- (d) On all streets adjacent to the development, the existing faded on-street traffic line markings are to be repainted and re-line marked to the satisfaction of Bayside Council, and
- (e) All redundant driveways are to be removed and replaced with new footpath, landscaping (street tree planting), and kerb & gutter to Bayside Council satisfaction.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.

76. Dilapidation Report of Public Land - Major

Prior to issue of the Occupation Certificate, a post-construction Dilapidation Report must be prepared on Council infrastructure impacted on by the development. The Dilapidation Report must be prepared by a qualified Structural Engineer. The report must be provided to the Principal Certifier and a copy provided to the Council. The report must include the following:

- (a) Photographs showing the condition of the road pavement fronting the site, and
- (b) Photographs showing the condition of the kerb and gutter fronting the site, and
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site, and
- (d) Photographs showing the condition of retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection of any public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped. Bayside Council must advise, in writing, that the works have been completed to their satisfaction, prior to the issue of the final Occupation Certificate. Further, Bayside Council will use this report to determine whether to refund the damage deposit or not.

77. Certification of New Stormwater System

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

78. Existing Stormwater System – Certification

Prior to issue of any Occupation Certificate a registered plumber and a Civil Engineer registered with the National Engineering Register (NER) is to inspect & assess the existing stormwater system on the site and shall provide a certificate stating that the existing system is satisfactory and is in a good working condition. If the existing system, or (any element of the system), cannot be certified as being satisfactory and in good working condition, then the substandard section of the existing system is to be renewed prior to the issue of the Occupation Certificate.

79. Infiltration Systems Inspection

All infiltration systems must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of principal Certifying Authority. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes, to ensure the effective performance of the system during construction, and the long-term viability of the system.

80. Positive Covenant Application

Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be registered on the title of the lots on which the following systems are present:

(a) Stormwater Infiltration System

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. The wording is to be as per Botany Bay DCP Part 10 Stormwater Management Technical Guidelines Appendix A. 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. Bayside Council and the Principal Certifying Authority are to be provided with proof of registration of the covenants prior to occupation.

81. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered plumber's certification that the Rainwater Tank Re-use system(s) has been connected for non-potable stormwater re-uses including all ground level landscape irrigation/external taps and all ground floor toilets within the development must be provided.

82. 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 Certifying Authority, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

83. Flood Risk Management Plan - Major

Prior to the issue of the Occupation Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer registered with the National Engineering Register (NER), must be provided for the development. The flood impacts on the site shall be assessed for the 1% AEP and PMF storm 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 that specifies the flood refuge area above the PMF level within the building (shelter in place), and
- (d) A flood awareness strategy with adequate flood warning signage, 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.

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, adequate flood warning signage shall be installed. A paper or electronic copy of the flood risk management plan is to be kept in the lobby. Details & evidence are to be provided to the satisfaction of the principal certifier prior to the issue of any Occupation Certificate.

84. Erection of Signage

Prior to the issue of any Occupation Certificate, the following Signage shall be complied with:

(a) **Parking Signage:**

All vehicles shall enter and exit the site in a forward direction. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the 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". The owners shall preserve the plaque(s) in a good condition and keep it visible.

At least 19 bicycle parking spaces are to be provided on the site and be constructed in accordance with AS2890.3.

Ongoing

85. 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 at 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.

86. Workplace Travel Plan and Transport Access Guide

The Workplace Travel Plan and Transport Access Guide shall be monitored and reviewed annually to revise and improve the plan to achieve the targets on the number of people to travel by public transport, cycling and walking. Copy of the annual review shall be submitted to bayside Council. To ensure the certainty to implement Workplace Travel Plan for all future tenants of the site, a copy of the workplace travel plan and transport access guide shall be part of the lease agreement for all tenants.

87. Management of Parking demand

All events are to minimise the parking demand impact on the surrounding via implementing the following transport event management arrangement with the following initiatives:

- Advertise that parking is limited to discourage the use of private motor vehicle as the mode of transport for attending events held at the site.
- Encourage the use of Public transport and provide transport information advising event attendees of public transport, walking, and cycling opportunities for attendance at events hosted at the site.
- Encouraging carpooling to the site if private vehicular transport cannot be avoided.

88. Parking

The on-street parking on Cook Avenue (south of Gwea Avenue) is to be made readily available to the public during the hours of operation of the site

Development Consent Advice

89. Consult with Utility Provider

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

90. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

91. 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.

92. Asbestos

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

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