

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2011SYE023
DA Number	14/2012
Local Government Area	Canada Bay Council
Proposed Development	Construction of a mixed use development providing 212 residential units in 4 buildings, ground floor retail space (3 separate retail tenancies), basement/podium car parking for 223 car parking spaces, associated site works and landscaping
Street Address	Site 3D - Precinct B, No. 36 Shoreline Drive, Rhodes (Lot 309 in DP 1163025)
Applicant	Bridgehill Rhodes Pty Ltd
Owner	Renewing Homebush Bay Stage 8 Lessor Pty Ltd
Number of Submissions	Four (4)
Recommendation	Approval subject to Conditions
Report by	Mr Peter Giaprakas - Senior Planner Canada Bay Council

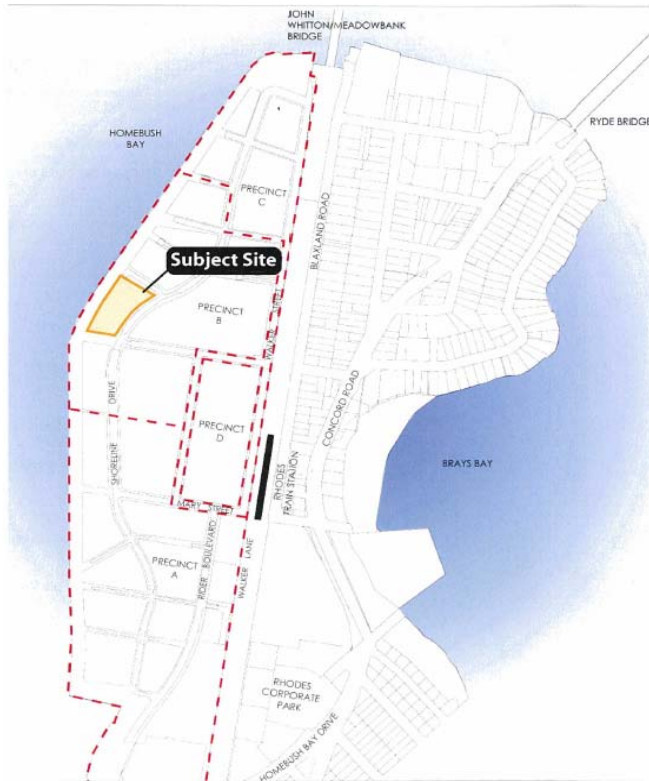
Table of Contents

1. BACKGROUND.....	2
2. PROPOSED DEVELOPMENT	4
2.1 PROJECT DESCRIPTION	4
2.2 PROJECT AMENDMENTS	5
3. STATUTORY CONTEXT.....	6
3.1 PERMISSIBILITY.....	6
3.2 ENVIRONMENTAL PLANNING INSTRUMENTS	6
3.3 PRIMARY CONTROLS	6
3.3.1 <i>Objects of the Environmental Planning & Assessment Act 1979</i>	6
3.3.2 <i>Contaminated Land Management Act 1997</i>	9
3.3.3 <i>State Environmental Planning Policy No. 55 – Remediation of Land;</i>	9
3.3.4 <i>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat</i>	10
3.3.5 <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	10
3.3.6 <i>State Environmental Planning Policy (Infrastructure) 2007</i>	11
3.3.7 <i>Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005;</i>	11
3.3.9 <i>City Canada Bay Local Environmental Plan 2008 (Amendment No. 1)</i>	11
3.3.10 <i>Rhodes West Development Control Plan</i>	11
3.3.11 <i>Rhodes West Master Plan 2009</i>	12
3.4 PLANS AND POLICIES.....	12
3.4.1 <i>NSW State Plan 2010</i>	12
3.4.2 <i>Draft Inner West Subregional Strategy</i>	13
3.4.3 <i>Metropolitan Transport Plan 2010</i>	14
3.4.4 <i>Integrating Land Use and Transport Policy package, NSW Dept of Planning 2005</i>	14
4. CONSULTATION AND SUBMISSIONS.....	16
4.1 PUBLIC EXHIBITION DETAILS	16
4.2 SUBMISSIONS FROM PUBLIC AUTHORITIES	16
4.2.1 <i>NSW Office of Water</i>	16
4.2.2 <i>NSW Department of Environment, Climate Change and Water (DECCW)</i>	17
4.2.3 <i>NSW Maritime</i>	17
4.2.4 <i>NSW Transport – Roads & Maritime Services (RMS)</i>	17
4.2.5 <i>Environmental - Remediation</i>	18
4.3 PUBLIC SUBMISSIONS	18
4.4 INTERNAL REFERRALS.....	19
4.4.1 ENVIRONMENTAL – WASTE MANAGEMENT	19
4.4.2 TRAFFIC AND PARKING	19
5. ASSESSMENT OF ENVIRONMENTAL IMPACTS.....	21
5.1 FLOOR SPACE RATIO & BUILDING HEIGHT	21
5.2 BUILT FORM AND URBAN DESIGN.....	22
5.4 TRAFFIC AND PARKING	23
6. CONCLUSION	25
7. RECOMMENDATION.....	25
8. CONDITIONS OF CONSENT.....	25
APPENDIX A - COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS.....	56
APPENDIX B – SUBMISSIONS.....	73

1. BACKGROUND

The site, comprising lot 309 in DP 1163025 (identified as Site 3D in the Rhodes West Development Control Plan 2010), otherwise known as 36 Shoreline Drive, Rhodes, is located within the local government area of Canada Bay, and is currently under ownership of Renewing Homebush Bay Stage 8 Lessor Pty Ltd.

Figure 1 - Site Location



No. 36 Shoreline Drive is situated within Precinct B Rhodes Peninsula, and is located within the central component of the peninsula (Refer to Figure 1).

The subject site is irregular in shape, bounded by Shoreline Drive to its eastern boundary, Gauthorpe Street to its southern boundary, Marquet Street to its northern boundary and the foreshore to its western boundary. The site yields a total area of 7,243m². The site is currently vacant and all remediation works have been completed.

Surrounding development includes Site 3B to the east (40 Walker Street with 201 residential units and ground floor retail), Site 3B to the north (38 Shoreline Drive with 203 residential units), Site 2A and 3A to the north-east where a major project was approved by the PAC, comprising 735 residential dwellings and retail tenancies at grade within five buildings ranging in height from 6 to 25 storeys. Gauthorpe Street traverses the Southern boundary of the site with a residential development known as 'Sol Rio' located diagonally opposite as well as Precinct D (South East) characterised by light industrial buildings and mixed use developments. Shoreline Drive traverses the North and West boundaries of the site with currently vacant development sites located beyond.

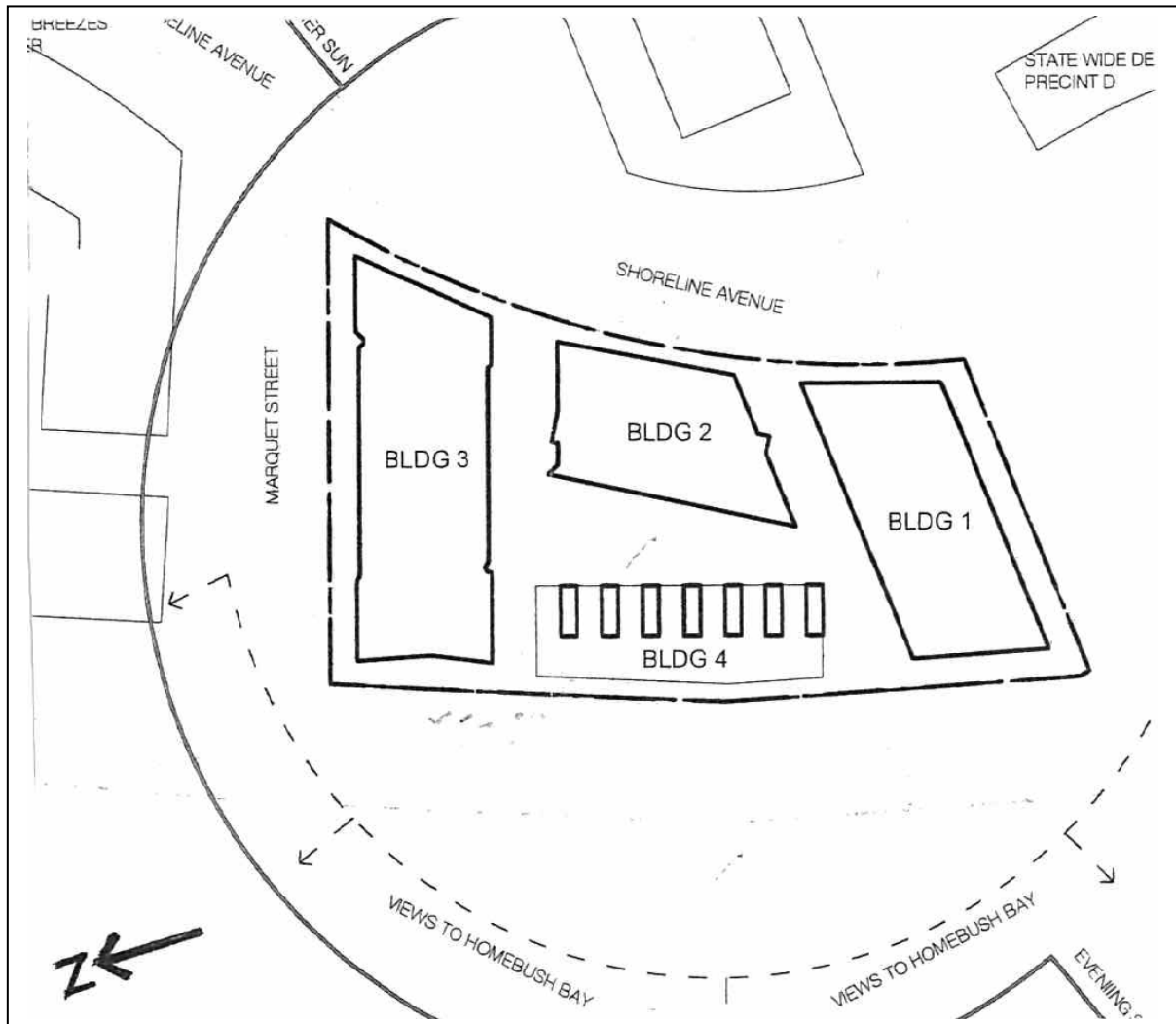
The greater Rhodes Peninsula is bound by the Parramatta River to the North, Walker Street to the East, Homebush Bay Drive to the South and Homebush Bay to the West.

Previous applications for the site:

- On 4 May 2004, the Minister approved DA 437-12-2002 for the remediation of the former Union Carbide (Lednez) site (described as lot 10 DP 1007931) and part of the bed of Homebush Bay (part residual lands comprised in Certificate of Title Vol. 5018, Fol. 1);

- On 28 November 2006, the Executive Director approved DA 18-2-2005 for the subdivision of land at Precinct B, including 36 Shoreline Drive, Rhodes, to create development lots, open space lots, community use lots and road lots.

Figure 2 - Project Layout



Issues raised by Council and submitter's have been addressed by the applicant. Revised plans and additional information were lodged on 1st June 2012.

2. PROPOSED DEVELOPMENT

2.1 Project Description

The subject Development Application seeks approval to carry out a project comprising the following:

- 212 residential dwellings contained in four (4) buildings ranging in height from 2 to 9 storeys;
- Three (3) retail tenancies totalling 305m² within the lower level of the Building 1;
- Car parking provided within two levels, one below ground and one a podium level containing 223 spaces;
- Common/communal access space area on the podium level between buildings and perimeter of site.

Development schedule

Site Area	7,243m ²
Maximum Allowable Floor Space (LEP)	16,658.9m ²
Maximum Allowable Floor Space (VPA)	16,565.9m ²
Gross Floor Area Proposed	16,954m ² (210.1m ² or 1.21% above the LEP maximum) or (305m ² or 1.84% above 16,565m ² VPA allocation)
Gross Floor Area as Calculated	16,954m ² (295.1m ² or 1.77% above the LEP maximum) or (389m ² or 2.35% above 16,565m ² VPA allocation)
Maximum Allowable Floor Space Ratio	2.3:1 (LEP)
Floor Space Ratio Proposed	2.33:1
Floor Space Ratio as Calculated	2.34:1
Maximum Allowable Building Height	31m (2-9 storeys) (Note: see DCP - Control C1 permits 9 storeys to Shoreline drive however Figure 79 indicates 6 storeys)
Maximum height Proposed	32m (2-9 storeys) including plant
One bedroom units	80 (37%)
Two bedroom units	121 (57.1%)
Three bedroom units	11 (5.2%)
Total number of units	212
Building 1 (No. of units)	63
Building 2 (No. of units)	62
Building 3 (No. of units)	80
Building 4 (No. of units)	7
Adaptable Units	32 (15%)
Retail Space Area - Ground Floor	305m ²
Car Parking Spaces	223
Bicycle Parking Spaces	131

The proposal does not include retail tenancy fit-outs and specific uses. Separate development applications relating to the fit-out and use of the retail space is required by condition.

In terms of materials and finishes, the building includes a mix of glazing, recycled timber cladding, various coloured aluminium screens and louvers, and prefinished metal and glass balustrades. Off-form concrete and stone tiles are also incorporated within the lower levels.

Communal outdoor space is created within the central areas of the site, predominantly between Buildings 2 & 3 and Buildings 2 & 4 with raised planter beds and landscape elements with perimeter planting around the majority of the site. This area will enable provision of vegetation to soften built form and provide desired residential amenity.

The estimated cost of the development is \$53,266,810.00.

2.2 Project Amendments

Council requested additional information from the applicant relating to:

- Clarification on the proposed floor space ratio
- Reduction of building heights to Buildings 1, 2 and 3
- Clarification of retail space design and associated loading and unloading provisions
- Architectural treatment along foreshore and residential privacy/security between units on level 9 building 2
- Treatment of roofscapes
- Treatment of solid podium wall elevation along Gauthorpe Street
- Revision of landscape plan to include garbage truck collection bay
- Further clarification of accessibility generally
- Valid BASIX Certificates
- Traffic and parking provisions
- Waste management
- Acid sulphate soils

As outlined above the applicant did submit amended plans to address issues raised by Council and submitters.

The following key changes were incorporated:

- **Building height** – Reductions in the heights of Buildings 1, 2 and 3 by 300mm to 750mm. The parapet height of Building 2 has been reduced from 32.2m to 31.3m. The overall maximum building height including plant will be 32m.
- **Retail parking** – Relocation of retail car parking bays within Basement Level 1 to be adjacent to the retail basement level access and improve loading and unloading travel distance.
- **Motorcycle parking** – Two (2) x additional motorcycle parking spaces provided adjacent to the secure car parking area entry point.
- **Disabled parking** – Two (2) x additional disabled car parking spaces provided in visitors parking area within Basement Level 1.
- **Roofscape** – Provision of pebbles at the building rooftops for minimal reflectivity.
- **Waste storage** – Additional bins for charity clothing, mobile phones, garden waste and printer cartridges to be provided within the recycling storage area.

3. STATUTORY CONTEXT

3.1 Permissibility

Under the Canada Bay Local Environmental Plan, the site is zoned R4 'High Density Residential', which permits 'residential flat buildings'. The LEP does also permit additional uses for the purposes of business and retail on the ground floor of residential flat buildings in Rhodes West Precinct.

3.2 Environmental Planning Instruments

To satisfy the requirements of Section 79C(1)(a) of the Act, this report includes references to provisions of the Environmental Planning Instruments that substantially govern the carrying out of the project and have been taken into consideration in the submission of the Development Application.

Legislative Provisions

- Environmental Planning & Assessment Act 1979
- Contaminated Land Management Act 1997

Environmental Planning Instruments

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Canada Bay Local Environmental Plan 2008

Development Control Plans

- Rhodes West Development Control Plan

Other Plans and Policies:

- Rhodes West Masterplan 2009
- NSW State Plan 2010
- Draft Inner West Subregional Strategy
- Metropolitan Transport Plan 2010
- Integrating Land Use and Transport Policy package, NSW Dept of Planning 2005

3.3 Primary Controls

3.3.1 Objects of the Environmental Planning & Assessment Act 1979

Section 5 which relates to the objects, 93F 'Planning Agreements' and 94 'Contributions' contained within the EP & A Act 1979 are considered and addressed below with general matters for consideration prescribed within Section 79C broadly addressed within this report:

Objects of the Act

The objects of the Act in Section 5 are as follows:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*

- (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

With respect to ESD, the Act does adopt the definition provided in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

Council has considered the Objects of the Act, including the encouragement of ESD in the assessment of the development application, and on balance the application is considered acceptable.

Section 93F - Planning Agreement

Council has entered into a Voluntary Planning Agreement with the Applicant pursuant to Section 93F of the Environmental Planning and Assessment Act 1979. This Agreement applies to Precinct B which includes the subject site as Stage 3. Primarily under the Agreement with 'Renewing Homebush Bay Pty Ltd', Stage 3 requires a monetary contribution to be paid to Council as follows:

- (a) *\$1,000 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for the purpose of retail premises within the meaning of the Amended LEP, and*
- (b) *\$588.24 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for business premises within the meaning of the Amended LEP, and*
- (c) *\$588.24 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for residential accommodation within the meaning of the Amended LEP*

Note - Schedule 5 of the VPA does outline Embellishment work relating to the landscaping works required to be carried out within the Dedication land, the exact value of which is yet to be determined.

In accordance with Schedule 3 of the VPA money will be utilised for the following public purpose:

- Embellishment of public open space including public toilets in Point Park and embellishments and public facilities above the current standard of landscape embellishment and facilities provision considered as acceptable for the Rhodes Peninsula based on the Renewing Rhodes Contribution Framework dated November 2001 (Planning Framework); and the Renewing Rhodes Development Control Plan 2000 adopted in November 2001;
- Upgrading of roads and footpaths in Rhodes (East and West) to improve access and traffic flows; vehicular, cyclist and pedestrian safety and management, in and out of the Peninsula; and to improve amenity and safety generally above and in addition to that required in the Planning Framework and Renewing Rhodes Transport Management Plan dated November 2001;
- Bicycle storage and use facilities in addition to those facilities which would have had to be provided under the current Planning Framework and Transport Management Plan;
- Facilities associated with car share schemes, but only those which are available to general public;
- Construction of a community facilities building.

Section 94 Contributions

Section 94 of the Act states that 'if a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring':

- (a) the dedication of land free of cost, or
- (b) the payment of a monetary contribution, or both.

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall also be paid to Council under the *Renewing Rhodes Contributions Framework*:

Residential Component

Category	Rate	Amount
Community Facilities	1 bedroom unit (\$1,176.44) x 80	\$94,115.20
	2 bedroom unit (\$2,138.98) x 121	\$258,816.58
	3 bedroom unit (\$2,780.67) x 11	\$30,587.37
SUB-TOTAL		\$383,519.15
Open Space	1 bedroom unit (\$1,196.39) x 80	\$95,711.20
	2 bedroom unit (\$2,175.26) x 121	\$263,206.46
	3 bedroom unit (\$2,827.84) x 11	\$31,106.24
SUB-TOTAL		\$390,023.90
Roads	1 bedroom unit (\$630.33) x 80	\$50,427.04
	2 bedroom unit (\$1,146.06) x 121	\$138,673.26
	3 bedroom unit (\$1,489.88) x 11	\$16,388.68
SUB-TOTAL		\$205,488.98
TOTAL		\$979,032.03

Retail Component (based on 305m²) - levied at a rate per 100m²

Category	Rate	Amount
Library	\$59.40	\$181.17
Roads	\$2,070.32	\$6,314.47
TOTAL		\$6,495.64

OVERALL TOTAL		\$985,527.67
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Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of any Construction Certificate**.

Indexing

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently **178.8** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

3.3.2 Contaminated Land Management Act 1997

The objects of the Contaminated Land Management Act 1997 are as follows:

- (1) *The general object of this Act is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation under Division 2 of Part 3.*
- (2) *Particular objects of this Act are:*
 - (a) *to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and*
 - (b) *to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and*
 - (c) *to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and*
 - (d) *to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.*

As outlined below in response to the requirements of SEPP 55, remediation of the subject site has been completed with a Site Audit Statement (BE101-309) issued by AECOM Australia Pty Ltd on the 27 May 2011. Compliance with the SAS and associated Environmental Management Plan referenced by the document has been conditioned accordingly.

3.3.3 State Environmental Planning Policy No. 55 – Remediation of Land;

Clause 7 of State Environmental Planning Policy No 55 (Remediation of Land) requires the consent authority to consider whether land is contaminated, prior to granting of consent to the carrying out of any development on that land.

On 4 May 2004, the Minister approved DA 437-12-2002 for the remediation of the former Union Carbide (Lednez) site (described as lot 10 DP 1007931) and part of the bed of Homebush Bay (part residual lands comprised in Certificate of Title Vol. 5018, Fol. 1). The site was contaminated with hazardous and carcinogenic chemicals as a result of industrial operations since 1919. The development was classified as State Significant Development with the Minister as consent authority, as it required a licence from the EPA and a permit from Waterways.

A Commission of Inquiry was held as part of the assessment process, with the subsequent report recommending approval of the proposal. The issued consent included conditions that an independent site auditor, accredited under the Contaminated Land Management Act 1997, upon completion of remediation of the site, or each part of the site (for a staged DA), prepare a site audit statement and summary site audit report to state that the remediated site does not pose a significant risk of harm to human health and ecological systems.

Upon lodgement of the application remediation of the subject site was being undertaken and hence final remediation levels were not formally confirmed. However for the purposes of preparing the DA the applicant was able to obtain indicative remediated levels from the contractor 'Theiss Services'.

Remediation works on site have recently been completed with a Site Audit Statement issued.

- Site Audit Statement (BE101-309), prepared by AECOM Australia Pty Ltd, relates to site 3D and found the site suitable for '*Residential with minimal opportunity for soil access, including units and commercial/industrial*', subject to compliance with the relevant Environmental Management Plan.

Compliance with the SAS and associated Environmental Management Plan is conditioned.

Council's Environmental Health Department reviewed the proposal and raised no objections subject to the following condition of consent:

Environmental Management Plan

*The following information is required to be submitted to the Principle Certifying Authority **prior to the issue of any Construction Certificate.***

1. *A statement or document is to be provided outlining how the developer proposes to manage the 'remediated' site.*

The site has been made suitable for the proposed use, but as we have seen with other developments on this remediation site, it is possible that inappropriate work can invalidate the remediation work and hence potentially make the site no longer suitable for its proposed use.

2. *A statement or document is to be provided outlining how the developer proposes to comply with the Environmental Management Plan (EMP) site.*
3. *Construction is to be carried out in strict accordance with the submitted Environmental Management Plan and in accordance with the Environmental Protection Authority's regulation of the site. Any breach of the cap is to be reported to Council and the EPA immediately and work on the site is to cease immediately.*

The Department of Environment, Climate Change & Water (DECCW) also provided comments in respect of the notification (addressed within section 4) which resulted in the recommendation of the above condition.

3.3.4 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;

SEPP 65 aims to improve the design quality of residential flat development in NSW through the application of a series of 10 design principles, which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. In this regard a Design Verification Statement has been provided by SJB Architects stating that the proposed development has addressed the design quality principles set out in Part 2 of SEPP 65.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled 'Residential Flat Design Code', which contains a number of 'Rules of Thumb' (standards).

Compliance of the proposal against the ten (10) design quality principles and Rules of Thumb contained within the '*Residential Flat Design Code*' are discussed within Appendix A.

3.3.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) came into force on 1 July 2004 and has been progressively implemented to various types of residential development. The intent of BASIX is to encourage sustainable residential development by requiring applicants to make commitments to incorporating sustainable design to achieve more water and energy efficient buildings.

BASIX certificates have been submitted for the proposal indicating that it will satisfactorily meet the BASIX targets in respect of Water, Thermal Comfort and Energy.

3.3.6 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 requires projects to be referred to the RTA if involving a residential flat building of more than 300 dwellings or more than 200 car spaces as this is termed 'traffic generating development'.

Accordingly the proposal was referred to the NSW Transport – Roads and Maritime Services (RMS). Comments from the RMS may be referred to in section 4.

3.3.7 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; (Deemed SEPP)

The site falls within the map area shown edged heavy black on the Sydney Harbour Catchment Map and hence is affected by the provisions of SREP (Sydney Harbour Catchment) 2005. The SREP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. The SREP also provides a set of guiding principles to be taken into consideration in the preparation of environmental planning instruments and / or master plans.

Provisions of the SREP were generally considered in the development of the Master Plan. In so far as the proposal is largely consistent with stipulated building envelope provisions it is generally considered acceptable.

3.3.9 City Canada Bay Local Environmental Plan 2008 (Amendment No. 1)

On 31 March 2010, Canada Bay Council lodged a Planning Proposal with the Department of Planning to provide an additional 46,200m² of floor space, increase in height of up to 25 storeys and provision for an additional 17,230m² of open space in the form of local parks and civic plazas in undeveloped parts of the Rhodes Peninsula.

The Planning Proposal states as follows:

It is proposed to implement the Master Plan by incorporating the relevant provisions of SREP 29 into the Canada Bay Local Environmental Plan 2008. This will require the provisions of the SREP to be translated into Standard Instrument format, whilst also being amended to capture the changes proposed by the Rhodes West Master Plan. It is envisaged that the SREP will be repealed when the amendments to the LEP are gazetted.

The proposal passed the Gateway process with conditions and Canada Bay Council prepared a draft Local Environmental Plan (Amendment No. 1).

The draft LEP was placed on public exhibition from the 5 July 2010 to 3 August 2010.

On the 19 October 2010, following exhibition, the Plan was reported back to Council where it was resolved that it be adopted and forwarded to the Minister for Planning.

The LEP Amendment was gazetted on the 20 April 2011 and on this date effectively repealed previous provisions of SREP 29 (Clause 1.9).

The proposed development, being within an R4 'High Density Residential' zone is permissible. In terms of standards the LEP prescribe a height and FSR provision. As indicated within the compliance table to this report the proposal seeks a variation to the FSR and height controls. In this regard the applicant has submitted an objection pursuant to Clause 4.6 of the LEP, which is considered and addressed within section 5 of this report.

3.3.10 Rhodes West Development Control Plan

The Rhodes West DCP follows on from the introduction of the Rhodes West Master Plan which sought to upscale and guide future development within Rhodes. The Rhodes West DCP superseded the

previous 'Renewing Rhodes DCP' which was prepared in 2002 and has guided the majority of development within the Peninsula to date.

The DCP was placed on public exhibition with the draft LEP from 5 July 2010 to 3 August 2010.

On the 19 October 2010 the DCP was reported back to Council following public exhibition. A number of changes / edits to the document were recommended and Council subsequently resolved that the document be adopted. The Rhodes West DCP commenced upon gazettal of the Canada Bay LEP (Amendment No. 1) on 20 April 2011.

An assessment against the provisions of the DCP is contained within Appendix A.

3.3.11 Rhodes West Master Plan 2009

The Rhodes West Master Plan 2009 was adopted by Council on 8 December 2009. The Master Plan sets out the vision for the development of selected sites in the Rhodes Peninsula and also sets out urban design and planning principles for the distribution of additional floor space and height.

Following adoption of the Master Plan by Council, the 'Rhodes West Development Control Plan' was prepared (as outlined above), and was intended to carry forward the provisions of the Master Plan and generate specific design parameters for the built form.

3.4 Plans and Policies

3.4.1 NSW State Plan 2010

The NSW State Plan 2010 aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The State Plan is the community's vision for the future of NSW in which:

- *Our transport network is world class - safe, reliable and integrated. Our cities and towns are great places to live, and we experience a high quality of life*
- *Our economy grows stronger - supporting jobs and attracting business investment*
- *Our children are better educated, our people more skilled and we are known for our research and innovation*
- *Our health system provides the highest quality care accessible to all*
- *Our energy is clean, our natural environment is protected and we are leaders in tackling climate change*
- *Our community is strong and the most disadvantaged communities and our most vulnerable citizens are supported*
- *Our police and justice system keep the community safe.*

The plan sets targets, priorities and actions for the delivery of services in NSW. The following table provides an assessment of the proposed development against the relevant targets within the Plan:

Target	Comment
Better Transport and Liveable Cities	
Increase walking and cycling	The site is located within close proximity to the Rhodes railway station with nearby reserves, noting particularly Bicentennial Park readily accessible and providing opportunities for walking and cycling. The open space area encompassing the northern section of the subject site and that adjacent will be dedicated to Council, accessible and encourage walking.

Increase number of jobs closer to home	The proposal will create a number of jobs during construction and in ongoing maintenance. The incorporation of retail tenancies within the development and proximity of the site to established business centres within Rhodes is also considered beneficial.
Grow cities and centres as functional and attractive places to live, work and visit	The proposal has been designed in accordance with the provisions of the Canada Bay LEP and Rhodes West DCP which establishes Council's vision for the Precinct and seeks to make the Rhodes Peninsula a more attractive place to live, work and visit.
Improve housing affordability	In terms of affordability the State Plan seeks to increase available housing stock. In this regard the proposal is considered beneficial as an additional 212 residential units of a varied mix will be provided.
Supporting Business and Jobs	
Maintain and invest in infrastructure	The proposal is subject to a Voluntary Planning Agreement (VPA) with Council. Section 94 contributions are also applicable, which will go towards a new community centre and other infrastructure.
Increase business investment and support jobs	As outlined above the proposal will create a number of business / employment opportunities during construction and its ongoing function and maintenance.
Green State	
Improve air quality	Compliance with the 1 car space per unit provision and close proximity of the site to public transport may discourage car dependency. The incorporation of a car share scheme and development of a travel plan to be distributed to future resident / owners is also of benefit.
Reduce waste	A Waste Management Plan was submitted with the proposal with the development providing appropriate waste storage areas, which facilitate recycling.
Stronger Communities	
Increase the number of people using parks	The proposal will provide residential accommodation in close proximity to public open space area and is located within close proximity to Foreshore Reserve and Point Park and hence should encourage the utilisation of these areas by residents.

3.4.2 Draft Inner West Subregional Strategy

The Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level.

The Inner West Subregion is situated between Sydney CBD and Parramatta, a Regional City. It takes in the Local Government Areas of Ashfield, Burwood, Canada Bay, Leichhardt and Strathfield.

With regard to Canada Bay, the Draft Inner West Subregional Strategy states as follows:

Canada Bay is located only 10 km from Sydney CBD, covering an area of approximately 20 km², with over 38 km of foreshore and 130 parks, open spaces and reserve links. In 2004, the population of Canada Bay was approximately 65,800. The area is well known for its cultural diversity, with approximately 30 per cent of the population speaking other than English as a first language. Rhodes has been a major focus for residential and employment development activity in recent years.

The following table provides a brief assessment of the proposed development against the primary objectives of the strategy which relates to housing:

Objective	Comment
C1 <i>Ensure Adequate Supply of Land & Sites for Residential Development</i>	The site is located within the Rhodes Peninsula which will provide much of the housing accommodation and population increase for the City of Canada Bay Council
C2 <i>Plan for a Housing Mix near Jobs, Transport and Services</i>	Location of the site within the central component of the Rhodes Peninsula makes it readily accessible to public transport, the Rhodes Business Park and the Rhodes Waterside Shopping Centre.
C3 <i>Renew Local Centres</i>	The site is within a precinct that is only partially established with development still to be completed.
C4 <i>Improve Housing Affordability</i>	The proposal provides 212 residential dwellings, varying from one to three bedrooms.
C5 <i>Improve the Quality of New Development and Urban Renewal</i>	The proposal has been designed in response to the various policies applicable.

The Subregional Plan, for the Inner West, also seeks an additional 30,000 new dwellings over the next 20 years; specifically Canada Bay Council has a dwelling target of 10,000. The provision of 212 new apartments will positively contribute towards this target.

3.4.3 Metropolitan Transport Plan 2010

The Metropolitan Transport Plan 2010 is the NSW State Government's policy document for the delivery of public transport services across the Sydney Metropolitan area. The document:

- examines the likely future composition of the Metropolitan area (including dwelling yields);
- analyses the existing infrastructure and services; and
- makes commitments for future services and infrastructure to meet the expected new demands

The subject site is not located within an area identified within the Plan as having substantial additional growth in the coming years, most likely because the Rhodes Peninsula is nearing completion.

It is noted that the subject site is serviced by existing rail and bus services along Concord Road. Council is intending to enter into negotiations with Sydney Buses to improve services.

3.4.4 Integrating Land Use and Transport Policy package, NSW Dept of Planning 2005

The Integrating Land Use and Transport Policy package (ILUT) was introduced in 2005 and provides a framework for State Government agencies, Councils and developers to integrate land use and transport planning at the regional and local levels.

The aim of the Policy was to ensure that urban structures, building forms, land use locations, development designs, subdivisions and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport
- increasing the choice of available transport and reducing dependence on cars
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car
- supporting the efficient and viable operation of public transport services
- providing for the efficient movement of freight.

In response to the above, the location of the site within close proximity to places of employment, services and public transport is considered desirable. Compliance with the 1 car space per unit

provision, incorporation via condition of a car share scheme and development of a travel plan to be distributed to future resident / owners is also of benefit in this regard.

4. CONSULTATION AND SUBMISSIONS

4.1 Public Exhibition Details

Under Section 79A of the EP&A Act, the Development Application must be notified or advertised in accordance with the provisions of a development control plan if the development control plan provides for the notification or advertising of the application.

In accordance with Part 2 of the Canada Bay Development Control Plan 'Notification and Advertising', the application was notified to adjoining and nearby property owners and occupiers.

After accepting the Development Application, Council undertook the following actions:

- Made the Application publicly available from **19 January 2012 until 8 February 2012** (21 days)
 - On Canada Bay Council's website;
 - At Canada Bay Council's Administration office
- Notified local landowners and residents about the proposal (and the exhibition period) with 712 letters sent;
- Notified relevant State and Local Government Authorities

A total of **four (4) submissions** were received in response to the exhibition, see below under section 4.3. Three (3) public authority submissions were also received. (Transport NSW - Roads & Maritime Services; NSW Environment & Heritage - Contaminated Sites Section; and NSW Department of Primary Industries - Office of Water), see section 4.2.

On 1 June 2012, the Applicant submitted amended plans that responded to issues raised by Council and submitters (see section 2.2 for list of amendments).

4.2 Submissions from Public Authorities

The following submissions were received from public authorities:

4.2.1 NSW Office of Water

The Office of Water responded to the application and provided the following General Terms of Approval conditions to be included in the consent should it be granted.

1. *These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2012/14 and provided by Council:*

- i. *Site plan, map and/or surveys*

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. *Prior to commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.*
3. *The consent holder must prepare or commission the preparation of:*
 - i. *Erosion and Sediment Control Plan*
 - ii. *Soil and Water Management Plan*

4. *The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.*
5. *The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.*
6. *The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.*
7. *The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.*
8. *The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.*
9. *The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.*
10. *The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.*
11. *The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.*

Comment: The above conditions have been applied.

4.2.2 NSW Department of Environment, Climate Change and Water (DECCW)

The Contaminated Sites Section of the DECCW considered the application as it relates to remediation and regulation matters under the *Contaminated Land Management (CLM) Act 1997* and the *Protection of the Environment Operations (PEO) Act*.

Remediation works on site have been completed with a Site Audit Statement issued (BE101-309) which found the site suitable for '*Residential with minimal opportunity for soil access, including units; Park, recreational open space, playing field; Commercial / industrial*', subject to compliance with the relevant Environmental Management Plan.

The Department raised concerns with the possibility of building works rendering the remediated site invalid. These concerns were reviewed by Council's Environmental Officer and appropriate conditions of consent have been applied. (section 3.3)

4.2.3 NSW Maritime

The Foreshores and Waterways Planning and Development Advisory Committee did not require to respond to the notification and raised no specific objections to the application.

4.2.4 NSW Transport – Roads & Maritime Services (RMS)

RMS reviewed the application and raised concerns that the traffic survey data used within the SCATES models is out of date and does not reflect the current performance level of service of intersections along Concord Road and Homebush Bay Drive and that submitted analysis may have under-estimated real demand and the performance measures of these intersections.

Other recommendations relate to the inclusion of standard type conditions including:

- All vehicles must enter and leave the site in a forward direction
- All vehicles should be wholly contained on site before requiring to stop
- All loading and unloading shall occur on site
- The required site lines to pedestrians and/or other vehicles in or around the entrances are not to be compromised by landscaping, signage, fencing or other materials
- AS 2890.1 - 2004, Clause 3.3 (a) for property line / building alignment

Comment: The traffic survey data used within the SCATES models is the current data available. With regard to other recommendations, appropriate conditions of consent have been applied.

4.2.5 Environmental - Remediation

See section 3.3.3.

4.3 Public Submissions

Four (4) submissions were received from the public

The key issues raised in public submissions are listed below -

- Height/view loss
- Overshadowing
- Traffic

A summary of all public submissions has been outlined below and a copy of all submissions is contained in **Appendix B**:

- *Height/view loss*

This issue raised by submitters includes concerns with property devaluation, loss of views, rise in storeys.

Response

As indicated within the body of this report, the development has minor non-compliance with height at Building 2 only including part of the roof structure and the plant structure. Property valuation is not a valid planning consideration and the rise in storeys is compliant with the provisions of the DCP as is the siting of each building component.

In terms of urban design, the building is considered to provide an acceptable massing, has been well articulated and provides general compliance with applicable planning controls. View sharing is also considered acceptable as indicated in the submitted view loss analysis.

- *Overshadowing*

This issue relates to overshadowing concerns from surrounding residents.

Response

The concerns have been raised by residents residing in properties at Marquet Street which is located to the north of the subject site. Further, the proposal is generally considered acceptable with regard to overshadowing impacts on surrounding property.

- *Traffic*

Response

Traffic and parking has been assessed and considered acceptable. Refer to section 4.4 below for further details.

4.4 INTERNAL REFERRALS

4.4.1 Environmental – Waste management

The application was referred to Council's Environmental Officer who returned the following comments:

The following issue will need to be addressed

Bulk Household Items - Disposal/ Recovery Storage Area

- *The applicant has not allocated any storage space for bulky household items awaiting disposal/recovery. The area should be divided into sections to maximise resource recovery, i.e. whitegoods and metals, e-waste, furniture and mattress's. To this end consideration should also be given to obtaining a Charity Clothing, Printer Cartridge and Mobile Phone bin as these items will be recovered free of charge by the supplier of the service.*

Ensure maximum resource recovery, reduce illegal dumping and reduce ongoing disposal costs to residents

This is one the biggest issues these types of developments face in terms of waste management. There are a number of spaces on the drawings highlighted as some type of storage space that could be utilised for the storage of bulk household items or alternately they could utilise some car parking spaces. We could therefore condition any consent to that effect.

Point for consideration

Allocated space for the storage of garden organics bin/s

- *While onsite composting facilities are required on site, there are items such a large/thick branches that are not appropriate to compost. Even if the maintenance of to grounds is outsourced and includes removal of non compostable organics they still need some storage space for organics generated between grounds maintenance servicing. Garden organics cannot be disposed of in Councils domestic waste garbage bins.*

Ensure maximum resource recovery and reduce ongoing disposal costs to residents

Apart from this issue the waste management plan is acceptable

Comment: The applicant responded to the above concerns with amended plans including additional bins for charity, mobile phones, garden waste, and printer cartridges to be provided within the recycling storage area.

Please place the following conditions on any consent issued.

Conditions

- *All waste is to be stored in a way that does not pose an odour nuisance, threat to public health or the environment at all times.*
- *All waste management on site is to be carried out in accordance with the approved waste management plans.*

Comment: The recommended conditions have been included.

4.4.2 Traffic and Parking

The application was referred to Council's Traffic Engineer. Concerns were raised with strict compliance relating to car parking numbers and the inclusion of an indented loading bay along Marquet Street for the purpose of waste collection.

The applicant proposes the following car parking provisions:

Car Parking Allocation	Number
Standard Residential Car Parking Spaces (Inclusive 32 Residential Adaptable Car Spaces)	209
Visitor Parking (Inclusive 2 parking for people with a disability)	11
Retail	3
Total Spaces Agreed by this Consent	223

The proposal is deficient 3 retail spaces. Given the submitted Traffic report supports the deficiency and the relatively minor non-compliance the proposed car parking provisions are supported. Further, a good percentage of clientele of the future retail tenancies are expected to be local.

Council's Traffic Engineer included the following comments with regard to the on-street waste collection solution.

Given the site's unique context and the close proximity to the capping layer restricting the ability to excavate a driveway to accommodate trucks onsite, we are not opposed to the proposal. We would request that if this development proposal is approved then the following conditions be included:

- *The applicant is required to provide detailed plans of the proposed loading area for Council's review and comment.*
- *The applicant is required to cover the full cost of the construction and installation of the loading area/ indented bay and signage.*
- *The Loading Zone is intended to facilitate garbage vehicle access to the site and therefore will be restricted to Friday 7am to 10 am. Outside this time the area shall be sign posted as time restricted parking in line with the remainder of Marquet Street.*

Comment: The above recommendation have been adopted.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

Council considers the key environmental issues for the project to be:

- Floor Space Ratio and Building height
- Built Form and Urban Design
- Traffic and Parking

5.1 Floor Space Ratio & Building Height

A maximum floor space ratio (FSR) of 2.3:1 is set for development on the subject site pursuant to clause 4.3 of the Canada Bay LEP 2008. The building as proposed provides a total gross floor area of 16,870m² which equates to an FSR of 2.33:1 (representing approximately 1.84% departure).

The applicant has submitted an *Exemption to the Development Standard* Objection pursuant to Clause 4.6 of the LEP 2008. The following is a summary of points of objection raised by the applicant:

- *The exceedence of GFA allowance proposed by the amended DA application is extremely minor.*
- *The exceedence has been due to the incorporation of items of public benefit including a restaurant space, a café and public art component which will be beneficial in the locality.*
- *The exceedence is due to the process of review of the application by Council, discussed with Council in meetings dated the 5th May 2011, 13th May 2011, and 25th May 2011, and will be subject to separate review by the Joint Regional Planning Panel.*

Clause 4.6 does allow Council to vary a control where a written request is made by an applicant demonstrating that two criteria are met. The criteria to be satisfied are that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard.

The objectives of the provision that need to be satisfied are:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) *to minimize the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to minimize the adverse impact of the development on heritage conservation areas and heritage items,*
- (d) *to reduce the visual impact of development when viewed from the Parramatta River as well as other public places such as parks, roads and community facilities.*

In consideration of the applicant's written request to vary the standard, the relevant objectives and merits of the case are addressed as follows:

As submitted it is noted that the proposal did not provide compliance with the FSR and height provisions of the Canada Bay LEP, presenting an FSR of 2.33:1, or 0.3:1 above the maximum, and an overall height of 32m, or 1m above the maximum. In this regard it is also noted that height, bulk and scale was largely compliant with the Rhodes West DCP.

The decision to introduce retail space which subsequently resulted in the proposal exceeding the FSR standard was in direct response to recently approved development on the opposite corner of Shoreline Drive and Gauthorpe Street at site 3B, which includes a similar corner retail arrangement. Given the prominence of both of these sites, and the benefits of the retail creating street activation and in close proximity to the community site opposite Gauthorpe Street, the floor space non-compliance was deemed inappropriate.

With regard to the height non-compliance, this is a relatively minor departure that includes part of the roof structure of Building 2 and the plant structure. The residential components of the building are

largely compliant with building envelope provisions of the Rhodes West DCP and such issues pertaining to amenity i.e. views, solar access and privacy are considered acceptable.

A primary objective of clause 4.6 of the LEP is '*to achieve better outcomes for and from development by allowing flexibility in particular circumstances*'. In this instance, as discussed above, the introduction of retail space has effectively broken up the building façade through incorporation of glazing, provided visual interest and a greater interface with the street and pedestrians. Therefore allowing flexibility to the standard in this instance is considered to achieve a 'better outcome'.

Furthermore it is noted that incorporation of retail space does not directly increase the intensity of use on site, the tenancies are contained wholly within the podium level, and will assist in locating residential units above the retail floor further from noise sources along Gauthorpe Street (particularly given the future bridge connection at that corner of the building) and will serve the needs of the local population.

Given the above, requiring strict application of the standard in this instance is considered unreasonable in the absence of any appreciable environmental impacts. As such the request by the applicant to vary the floor space ratio standard of the Canada Bay LEP is accepted and the variation is deemed to remain consistent with, and in the public interest.

5.2 Built Form and Urban Design

Given the history and previous land uses within the Rhodes Peninsula, remediation of the land was required and has been completed. The site has been capped and topped with clean fill. Any excavation associated with the proposed development is directly limited by final remediated levels. In this regard whilst many sites are / have been able to contain reasonably sized basement parking areas predominantly below ground, the subject site is restricted in that it has been remediated/capped to a level in close proximity at grade. Therefore, the development incorporates one level of basement parking (Basement 01) below ground level and a part basement level (Basement 02) above ground forming the podium as the site steps down to the foreshore.

As it applies to the subject site, the Rhodes West DCP prescribes '*Building height ranging from 3 storeys fronting the Foreshore Reserve up to 9 storeys fronting Shoreline Drive*'. The proposal is compliant in this regard in that the building heights range from 9 storeys fronting Shoreline Drive down to 2 storeys fronting Foreshore Reserve.

In terms of massing the proposal incorporates a podium level centrally to 4 building components. The central podium area includes common access space, landscape features and provides the main pedestrian access to the parallel building (Building 4) fronting the foreshore, consistent with the requirements of the DCP. As discussed above, the relative level of the podium element is a result of the site's gradient and the fixed level of the remediation capping.

The foreshore side of the podium level is concealed behind the two-storey terrace style component of the development (Building 4). On the Marquet Street side along the Building 3 facade, the podium level is largely concealed by a combination of architectural design and the residential unit component at the lower end near the foreshore. The central carpark entry/exit has been recessed behind the primary facade and restricted in height therefore avoiding visual dominance as viewed from the street. The Gauthorpe Street podium element forms a solid stepped wall detail that incorporates garden beds at the lower level along the footpath and the terrace areas to retail tenancies at the top level.

The Gauthorpe Street podium wall was redesigned by the applicant as a result of Council's concerns with its dominance, including the reduction of its solid appearance as viewed from the street. The wall in question was originally designed with a solid vertical rise of over 2m in height.

The applicant's amended design is considered to effectively reduce the prominence of the podium rise at Gauthorpe Street elevation. This has been achieved through the introduction of a stepped garden bed detail and an integrated seating bay to break up the built form and provide visual interest. Retail tenancies have also been well incorporated addressing the Gauthorpe Street/Shoreline Avenue corner of the building and providing street activation consistent with the recently approved, and currently under construction, development at Site 3B located across from the subject site on the other corner of Shoreline Drive.

Given that this elevation presents a prominent interface between the development and the public space in Gauthorpe Street and the future Community Centre site opposite, the applicant has also agreed to add further interest to this elevation by incorporating elements of public art within its design. The requirement for the provision of public art with the design in this location, in consultation with Council, has been conditioned.

Other amendments carried by the applicant as a result of Council's concerns include a reduction in the heights of the three multi-storey building elements being Buildings 1, 2 & 3. The height reductions vary between 300mm and 750mm however Building 2, the 9 storey element, will remain with relative minor non-compliance of 1 metre (including plant) above the maximum allowable building height of 31m. The applicant has addressed the provisions of clause 4.6 'Exemptions to development standards' under the LEP (see section 5.1). The maximum rise in storeys as prescribed in the DCP remains compliant.

Setbacks around the perimeter of the site in general are consistent with the numerical controls in the DCP as indicated in the compliance table and the siting of building elements is consistent with the revised Masterplan.

5.4 Traffic and Parking

Traffic Generation / Congestion

In respect to the Rhodes West Master Plan 2009 a traffic report by Terraffix Pty Ltd concluded that the additional density is not likely to have any noticeable or unacceptable effect on the road network.

In so far as the proposal remains consistent with the adopted Rhodes West Master Plan and within the anticipated yields, it is not considered to result in or create any traffic impacts beyond those anticipated in the already adopted traffic modelling.

Furthermore in a letter dated 11 October 2010 from the RTA in response to the public exhibition of the Planning Proposal, it was advised that no objection was raised to the gazettal of the Canada Bay LEP amendment and Rhodes West DCP, subject to improvements being made to the Oulton Ave / Homebush Bay Drive intersection. Council has agreed to partly fund any required upgrades and at this stage it is understood that the scope of specific works required is being investigated.

Parking

In response to the Rhodes West DCP the following parking is incorporated within the development:

<i>Parking Allocation</i>	<i>DCP Requirement</i>	<i>Total Required</i>	<i>Proposed</i>	<i>Compliance</i>
Residential Dwelling	1 space per unit (average) (maximum)	212 (max)	209	Acceptable
Adaptable Spaces (inclusive in above)	1 Space per Adaptable Unit (15% of units)	32 (inclusive in the 209 residential spaces)	32	Yes
Visitor Parking	1 space per 20 units (minimum) 1 space per 10 units (maximum)	10 (min) 20 (max)	11	Yes
Service Vehicles (Residential)	1 space per 50 units for first 200 units plus 1 (maximum)	0 (min) 4 (max)	0	Yes
Retail Parking	1 space per 40m ²	6	3	No
Service Vehicles (Retail)	1 space per 500m ²	1	0	No

Motorcycle	1 space per 100 spaces	Equiv. to 2	2	Yes (conditioned)
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As outlined above in the compliance table, the proposal is deficient in terms of retail parking. The inclusion of retail tenancies is consistent with concerns by Council in relation to the activation of the Gauthorpe Street frontage and hence in order to provide these tenancies, resident parking on site was reduced and three retail tenancies spaces allocated. The lack of available on street parking is noted though the likely demand for such non residential uses is likely to come from the local population who would walk or cycle to them.

The decision to introduce retail parking into the Rhodes West DCP followed public exhibition of the document as it was considered important to maintain the commercial viability of such uses. It is noted that retail uses intended (subject to separate application) are that of 'neighbourhood shops', designed to cater for the needs more so of local residents. The accessibility of the site by alternate means of transport is noted as well as the small nature of three tenancies. Accordingly strict compliance with the provision is deemed unnecessary with the three retail spaces provided accepted.

In terms of service vehicles, no specific spaces have been provided for either the residential or retail components of the development. However the applicant has provided a specific loading bay indent in Marquet Street which will adequately cater for both larger removalist vehicles and smaller delivery vehicles and waste collection.

Provision of motorcycle parking compliant with above has been conditioned.

In so far as one of the main objectives within the Rhodes Peninsula is to reduce car dependence, a number of initiatives have also been incorporated within the Rhodes West DCP as follows:

Car Share Scheme

Section 4.2.5 of the Rhodes West DCP requires the incorporation of a car share scheme. In this regard the applicant is required to designate and provide one (1) car space on the public road carriageway adjacent to the kerb line on one of the street frontages to the development site for the purposes of establishing a car share scheme. This car space shall be suitably line marked and signposted as a car share scheme space only. Furthermore the proponent shall use its best endeavours to make all arrangements for an established car share operator to run the scheme.

Green Travel Plan

As per previous applications for the Rhodes West redevelopment and in accordance with NSW Transport the need for preparation of a 'Green Travel Plan' for the development has been conditioned. Accordingly the plan is required to be provided to each future resident / owner of the development and outline the following prior to occupation or purchase:

- The limited street parking available in the area detailing reasons why;
- Rail, bus and ferry timetables;
- Details of the car share schemes available in the area;
- Details of the available community facilities in the area; and
- Regional cycleway plan and associated facilities, including details of local cycling groups

Given the development of a specific Cycle Strategy (section 4.2.3 of the Rhodes West DCP), which seeks to provide connections to regional cycleway, provide for recreational opportunities and reduce car dependency by providing alternate means of transport, it is considered integral that adequate provision is made for bicycle storage within the development.

The application will provide a complaint level of bicycle parking as required by the Rhodes West DCP, both within and external to the built form for residential and retail uses (conditioned).

6. CONCLUSION

Council has assessed the submitted plans and documentation and considered the public and agency submissions in response to the proposal.

The key issues raised in submissions relate to floor space ratio & building height, built form and urban design, and traffic and parking.

Council is satisfied that the impacts of the proposed development have been adequately addressed within the submitted application and recommended conditions of approval.

The proposed development will allow for 212 dwellings, 3 retail tenancies, 223 car parking spaces, landscaping. Furthermore, the Development Application has provided an appropriate level of compliance with applicable Environmental Planning Instruments.

The proposal is recommended for approval subject to conditions of approval

7. RECOMMENDATION

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 14/2012 for the construction of a residential flat building providing 212 residential units, 3 retail tenancies, 223 car parking spaces, and associated landscaping on land at 36 Shoreline Drive, Rhodes (Lot 309 in DP 1163025), known as Site 3D - Precinct B, subject to the following site specific conditions. In granting consent the Joint Regional Planning Panel - East has regard to the merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of merits of the case the Joint Regional Planning Panel - East acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

Prepared by:



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Endorsed by:



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Manager
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Approved by:



Tony McNamara
Director
Canada Bay Council

8. CONDITIONS OF CONSENT

General Conditions**1. GCP1 Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and / or documentation listed below **except where modified by any following conditions:**

Architectural/Design Drawings prepared by SJB Architects			
Drawing	Revision	Name of Plan	Date
A-0101	2	Site Analysis Plan	30/03/2012
A-0201	2	Level 01 Basement	30/03/2012
A-0202	2	Level 02 Basement	30/03/2012
A-0203	2	Level 01 Podium Plan	30/03/2012
A-0204	2	Level 02 Plan	30/03/2012
A-0205	2	Level 03 Plan	30/03/2012
A-0206	2	Level 04 – 06 Plan	30/03/2012
A-0207	2	Level 07 – 08 Plans	30/03/2012
A-0208	2	Level 09 Plan	30/03/2012
A-0209	2	Level Roof Plan	30/03/2012
A-0221	1	Apartment Typologies 1	19/12/2011
A-0222	1	Apartment Typologies 2	19/12/2011
A-0222	1	Apartment Typologies 3	19/12/2011
A-0224	1	Adaptable Apartments	19/12/2011
A-0401	2	Site Elevations – North & East	30/03/2012
A-0402	2	Site Elevations – South & West	30/03/2012
A-0403	2	Building 1 – Elevations North & East	30/03/2012
A-0404	2	Building 1 – Elevations South & West	30/03/2012
A-0405	2	Building 2 – Elevations North & East	30/03/2012
A-0406	2	Building 2 – Elevations South & West	30/03/2012
A-0407	2	Building 3 – Elevations North & East	30/03/2012
A-0408	2	Building 3 – Elevations South & West	30/03/2012
A-0409	2	Building 5 – Elevations	30/03/2012
A-0501	2	Site Sections – Sections A & B	30/03/2012
A-0502	2	Site Sections – Sections C & D	30/03/2012
A-0601	1	External Material Finishes	19/12/2011
SK-27	12	Sketch of Splayed Edge to accommodate future bridge connection	14/05/2012
Landscape Concept Plans by Tract Consultants Pty Ltd			
LD DA 01	3	Landscape Plan	08/05/2012
LD DA 02	2	Landscape Sections & Elevations	16/12/2011
Stormwater Concept Plans prepared by Floth Sustainable Building Consultants			
Drawing	Revision	Name of Plan	Date
HDA01	P1	Legend and Drawing Schedule	09/12/2011
HDA03	P1	Basement Level 2 Plan	09/12/2011
HDA04	P1	Basement Level 1 Plan	09/12/2011
HDA05	P1	Level 1 Podium Plan	09/12/2011
HDA06	P1	Level 2 Plan	09/12/2011
HDA07	P1	Level 3-6 Plan	09/12/2011
HDA08	P1	Level 7 Plan	09/12/2011
HDA09	P1	Level 8 Plan	09/12/2011
HDA10	P1	Level 9 Plan	09/12/2011
HDA11	P1	Roof Plan	09/12/2011
HDA12	P1	Detail Sheet No 1	Dec 2011
HDA13	P1	Detail Sheet No 2	09/12/2011

Note 1:

Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

Note 2:

A warning to all Accredited Certifiers. You should always insist on sighting the original approved plans/documentation containing the stamp of the approving authority and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, you should request the approving authority to provide you with access to its files so you that may review the original copies of approved documentation.

Note 3:

The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of approval which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

2. **Separate Approvals**

Separate Development Approval shall be obtained for the following:

- Strata subdivision
- Retail tenancies and any associated signage
- On-street Waste Collection Loading Bay and associated works in the road reserve

(Reason: To control the future development of the site)

3. **Public Art Strategy**

The development is required to include public art, particularly along Gauthorpe Street elevation, and draw direction for this from the Rhodes Peninsula Arts Plan. The public art element should particularly aim to achieve a balance between the vertical and horizontal elements of the building and its relationship with the surrounding domain, and function to enhance the human scale and pedestrian experience associated with the development.

In this regard the applicant is required to consult with Council in the design and execution of the public art and demonstrate how the public art has been selected to suit the historic, environmental and social contexts of Rhodes West and how it contributes to a unique sense of place, wit cost estimates and information on the care and maintenance requirement of the art being provided.

(Reason: Enhance public/private interface and sense place)

4. **Splayed Edge to Accommodate Future Bridge Connection**

The applicant shall amend all relevant approved plans and submit with the Construction Certificate to include the splayed edge, located at the south-western point of the site, as indicated on the approved sketch plan No.SK-27.

In this regard an appropriate easement, with agreed terms, is to be created in any future subdivision in consultation with Council.

(Reason: Provide adequate public access in conjunction with future bridge connection)

5. **Car Share Scheme**

The applicant shall designate and provide one (1) car space on public road carriageway adjacent to the kerb line on one of the street frontages to the development site for the purposes of establishing a car share scheme. These car spaces shall be suitably line marked and signposted as car share scheme spaces only. Details of the line marking and the signposting shall be submitted to Council for approval **prior to the issue of the Final Occupation Certificate.**

(Reason: Compliance and Environmental Protection)

6. **Travel Plan**

The proponent shall use its best endeavours to make all arrangements for an established car share operator to run the scheme.

The applicant shall prepare a Travel Plan for issue to each future resident/owner of the development which outlines the following prior to occupation or purchase:

- The limited street parking available in the area detailing reasons why;
- Rail, bus and ferry timetables;
- Details of the car share schemes available in the area;
- Details of the available community facilities in the area (the proponent shall consult with Council in this regard); and
- Regional cycleway plan and associated facilities, including details of the local cycling groups in the area.

(Reason: To reduce reliance on cars by residents of the development and provide an alternative transport scheme)

7. **Site Audit Statement and Environmental Management Plan**

Proposal shall comply with Site Audit Statement (BE101-306) issued by AECOM Australia Pty Ltd (27 May 2011) and Environmental Management Plan.

(Reason: Compliance and Environmental Protection)

8. **CCR5 93F Planning Agreement**

In accordance with Section 93I(3) of the Environmental Planning and Assessment Act 1979, the terms of the Voluntary Planning Agreement signed on 28 October 2010 or as otherwise amended and agreed with Council under Rhodes West Master Plan as it relates to the development which is the subject of this approval shall be adhered to.

(Reason: To ensure compliance with the terms of the S93F Agreement)

9. **GCP4 Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering is to be constructed wholly within the boundaries of the premises.

(Reason: To ensure compliance with approved plans)

10. **GCG1 Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at www.auspost.com.au. A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

(Reason: To ensure compliance with mail delivery regulations)

11. **GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act. **Note - Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

Access consultants are requested to ensure accessible paths of travel which connect with similar paths in the public open space areas including 'Foreshore Reserve'. Formal reports demonstrating compliance shall be supplied to Council.

(Reason: To inform of relevant access requirements for persons with a disability)

12. **GCG7 Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

13. **GCG8 Materials & Finishes Schedule**

The development shall be constructed and finished in materials and colours as approved.

(Reason: Visual amenity)

14. **GCG10 Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(Reason: Environmental protection)

15. **GCH1 Hoarding Requirements**

The approved development includes/requires either "A" Class or "B" Class or both type hoarding. The applicable hoarding requirements are as follows:

- **"A" Class Requirements**
An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.
- **"B" Class Hoardings**
An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

A formal hoarding application shall be made to Council and demolition or construction work must not commence until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

(Reason: Public safety)

16. **GCH 4 Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- *The Building Code of Australia;*
- *Protection of the Environment Operations Act 1997;* and
- Relevant Australian Standards

(Reason: Compliance with relevant standards)

17. **GCH 5 Waste Management**

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout construction. Waste management and its storage must not pose a threat to public health or the environment.

(Reason: Compliance with approval)

18. **Stormwater Management**

- a) The stormwater outlet to the bay must be fitted with an energy reduction device, and scour and erosion protection as required by any applicable standards, NSW Waterways requirements, and the NSW Managing urban stormwater - soils and construction produced by Landcom (Blue Book).
- b) The entire basement levels must be fully waterproofed.

(Reason: Stormwater management)

Conditions which must be satisfied prior to the issue of a Construction Certificate

19. **Environmental Management Plan**

The following information is required to be submitted to the Principle Certifying Authority **prior to the issue of any Construction Certificate**.

- I. A statement or document is to be provided outlining how the developer proposes to manage the 'remediated' site.

The site has been made suitable for the proposed use however it is possible that inappropriate work can invalidate the remediation work and hence potentially make the site no longer suitable for its proposed use.

- II. A statement or document is to be provided outlining how the developer proposes to comply with the Environmental Management Plan (EMP) site.
- III. Construction is to be carried out in strict accordance with the submitted Environmental Management Plan and in accordance with the Environmental Protection Authority's regulation of the site. Any breach of the cap is to be reported to Council and the EPA immediately and work on the site is to cease immediately.

(Reason: Protection of remediation work already carried out and the Environment generally)

20. **Condition Issued by the Office of Water**

The following General Terms of Approval conditions have been issued by the Office of Water.

- *These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2012/14 and provided by Council:*

Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- *Prior to commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.*
- *The consent holder must prepare or commission the preparation of:*
 - i. Erosion and Sediment Control Plan*
 - ii. Soil and Water Management Plan*
- *The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.*
- *The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.*
- *The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.*
- *The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.*
- *The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.*
- *The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.*
- *The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.*
- *The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.*

(Reason: Protection of the Waterway and environment)

21. **On-street Waste Collection Loading Bay**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve relating to the on-street waste collection loading bay indicated in the approved plans in Marquet Street adjacent the driveway crossing and entry/exit to the parking levels.

The applicant is required to cover full costs of the construction and installation of the loading area/indented bay and any required signage.

The loading zone is intended to facilitate garbage vehicle access in association with the site and therefore will be restricted to Friday 7am to 10am. Outside this time the area shall be sign-posted as time restricted parking in line with the remainder of Marquet Street.

(Reason: Protection of public asset)

22. **Gross Floor Area Certification**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the subject site does not exceed **16,870m²** (including retail space) in accordance with the GFA definition of Clause 4.4 (2A) of Canada Bay Local Environmental Plan 2008 (Amendment No. 1) and the approved plans. Details shall be provided to Certifying Authority demonstrating compliance with this condition **prior to issue of Construction Certificate** for above ground works. Should the development be staged, cumulative tables shall be submitted for Council's information with each stage.

(Reason: Demonstrate Compliance with Maximum FSR controls)

23. **Pre-construction Dilapidation Reports**

The proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining infrastructure and roads. The report shall be submitted to satisfaction of the Certifying Authority **prior to issue of the first Construction Certificate**.

The report is to be forwarded to Council prior to commencement of works.

(Reason: Compliance)

24. **CCD1 Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

25. **CCA1 Damage Report**

Prior to the issue of the first Construction Certificate, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for evaluation of the existing condition of the road reserve, which must be filled out and signed by the Applicant and approved by Council.

This Form will be used to assist Council in determining the refund of any damage deposits and any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the condition of the road reserve and any damages found will be rectified at the Applicant's cost.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

(Reason: Maintain public assets)

26. **CCA3 Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

(Reason: Safety)

27. **CCA5 Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Engineer. In this regard the Applicant must obtain a copy of Council's "Specification for Driveway Construction" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges **prior to the lodgement of the first Construction Certificate**.

(Reason: To ensure appropriate access to the site can be achieved)

28. **CCC2 Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$50,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

Damage Deposit shall be refunded upon completion of works, at the Occupation or Final Certificate stage following written request for refund by the Applicant.

Any costs associated with works necessary to be carried out to rectify any damages caused by development shall be deducted from Damage Deposit.

Note: Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

(Reason: Protection of Council infrastructure)

29. **CCC3 Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council.

(Reason: Statutory requirement)

30. **Renewing Rhodes Contributions:**

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall be paid to Council under the *Renewing Rhodes Contributions Framework*:

Total Amount of Contribution

Residential Component

Category	Rate	Amount
Community Facilities	1 bedroom unit (\$1,176.44) x 80	\$94,115.20
	2 bedroom unit (\$2,138.98) x 121	\$258,816.58
	3 bedroom unit (\$2,780.67) x 11	\$30,587.37
SUB-TOTAL		\$383,519.15
Open Space	1 bedroom unit (\$1,196.39) x 80	\$95,711.20
	2 bedroom unit (\$2,175.26) x 121	\$263,206.46
	3 bedroom unit (\$2,827.84) x 11	\$31,106.24
SUB-TOTAL		\$390,023.90
Roads	1 bedroom unit (\$630.33) x 80	\$50,427.04
	2 bedroom unit (\$1,146.06) x 121	\$138,673.26
	3 bedroom unit (\$1,489.88) x 11	\$16,388.68
SUB-TOTAL		\$205,488.98
TOTAL		\$979,032.03

Retail Component (based on 305m²) - levied at a rate per 100m²

Category	Rate	Amount
Library	\$59.40	\$181.17
Roads	\$2,070.32	\$6,314.47
TOTAL		\$6,495.64

OVERALL TOTAL		\$985,527.67
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Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of a Construction Certificate**.

Indexing

Monetary amounts referred to in this condition are based on *Renewing Rhodes Contributions Framework*. Actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. CPI is currently **178.8** and CPI that applied at the time *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)

31. **Community Liaison Officer**

The applicant shall pay to Council a monetary contribution for the engagement of a community liaison officer to carry out liaison and consultation functions on behalf of developments across Rhodes.

Amount of Contribution

Contribution Category	Amount
Community Liaison Officer	\$8,435.00

Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of a Construction Certificate for aboveground works.**

Indexing

The contribution will be subject to adjustment at time of the payment according to CPI (Sydney - All Groups Index) from date of this consent. The current CPI is **178.8**.

(Reason: Compliance)

32. CCG2 Construction Management Plan

Prior to the issue of a Construction Certificate, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) 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 by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

33. CCG4 Obtaining a Construction Certificate for Building Work

This approval does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.**

(Reason: Information)

34. CCL2 Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **with the Construction Certificate application**. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

35. **CCL3 Landscape Plan**

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier **with the Construction Certificate application**.

The plan must include the following information:

- location of all existing and proposed landscape features including materials to be used;
- delineate and identify all trees to be retained, removed or transplanted;
- existing and proposed finished ground levels;
- top and bottom wall levels for both existing and proposed retaining and free standing walls and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Plant species along the foreshore frontage are to be predominantly indigenous and capable of a mature height of 5 metres.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality)

36. **CCL4 On Slab Landscaping**

To ensure the site landscaping thrives the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers, adequate drainage and a permanent, automatic irrigation system conforming to Sydney Water's current *Waterwise Policy*. Details shall be submitted **with the Construction Certificate application**.

(Reason: Ensure landscape survival)

37. **CCS4 Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1) (a) protect and support the adjoining premises from possible damage from the excavation, and
(b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier **prior to the issue of the first Construction Certificate**.

(Reason: Structural safety)

38. CCF2 Foreshore Protection

- (a) The works must be carried out so that:
- i. No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of the Parramatta River; and
 - ii. No materials are likely to be carried by natural forces to the bed, shore or waters of the Parramatta River.
- (b) Any material that does enter the Parramatta River must be removed immediately.
- (c) Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.
- Methods must be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater - Soils & Construction issued by the NSW Department of Housing/Landcom in 2004 and any other relevant Council requirements.
- (d) The erosion, sediment and pollution controls must be installed and stabilised before commencement of the site works. This does not include the works associated with the construction of the appropriate controls.
- (e) The erosion, sediment and pollution control system must be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- (f) Any material that is to be stockpiled on the site must be stabilised to prevent erosion or dispersal of the material.
- (g) The foreshore must be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.
- (h) No works are to be undertaken on land owned by NSW Maritime (That is, below MHWL) without the relevant approvals being granted by NSW Maritime.

(Reason: Environmental protection)

39. CCV2 Bicycle Storage Provision

Provision for bicycles shall be in accordance with the following:

- At least **71** bicycle spaces shall be provided within the car parking level of the development to serve the occupants of the building. These spaces may in part be provided within the storage areas for the residential units.
- At least **18** bicycle racks shall be provided for visitors of residential apartments. These bicycle racks are to be readily accessible and shall respond to the issue of security.
- At least **16** bicycle racks shall be provided for retail patron use. These bicycle racks are to be readily accessible and shall respond to the issue of security.

Dimensions of bicycle parking facilities shall comply with provisions in the 'Guide to Traffic Engineering Practice Part 14: Bicycles', Austroads 1999

Prior to the issue of Construction Certificate for the above ground works, a detailed traffic plan shall be submitted and approved by the Principal Certifying Authority, clearly depicting bicycle storage locations and compliance with above.

(Reason: Convenience and Safety of Amenities)

40. CCV4 Disabled Car Parking Spaces

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of Construction Certificate** for the above ground works, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

41. **CCV6 Maintaining Sight Lines (multi- unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5m by 1.5m to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate for the above ground works** showing compliance with this condition.

(Reason: Safety)

42. **CCV8 Off Street Car Parking Space Provision**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident, visitor and retail vehicles on the site. In this regard, no less than 223 spaces are required and designated as follows:

<i>Car Parking Allocation</i>	<i>Number</i>
Standard Residential Car Parking Spaces (Inclusive 32 Residential Adaptable Car Spaces)	209
Visitor Parking (Inclusive 2 parking for people with a disability)	11
Retail	3
Total Spaces Agreed by this Consent	223

- All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above.
- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of the first Construction Certificate** showing compliance with this condition.

(Reason: Parking and access)

43. **CCV10 Speed Hump and Stop Sign on Exit**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement **prior to the issue of the first construction certificate**.

(Reason: Traffic safety and management)

44. **CCV13 Vehicular Access Ramps**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- (ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- (iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- (iv) Location of verge trees, street furniture and service installations.
- (v) Superimposition of vehicle turning circles for access into parking spaces.
- (vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'**.

(Reason: To ensure adequate vehicular access can be achieved)

45. **CCV14 Vehicular Circulation, Aisles & Ramps**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

(Reason: Parking and access)

46. **CCA1 Damage Report**

Prior to the issue of the Construction Certificate, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, which must be filled out and signed by the Applicant and approved by Council.

This Form will be used to assist Council in determining the refund of any damage deposits and any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the condition of the road reserve and any damages found will be rectified at the Applicant's cost.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

(Reason: Maintain public assets)

47. **CCA3 Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

(Reason: Safety)

48. **CCA5 Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Engineer. In this regard the Applicant must obtain a copy of Council's "Specification for Driveway Construction" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges **prior to the lodgement of the Construction Certificate**.

(Reason: To ensure appropriate access to the site can be achieved)

49. **Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings and the rooftops shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.

(Reason: Amenity)

50. **CCI1 Hoardings**

A Hoarding Application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

Where applicable, the payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges **before the commencement of work**.

Where applicable, a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council **before the commencement of work**.

(Reason: Safety & information)

51. **CCI3 Road Opening Permit**

Pursuant to Section 138 of the Roads Act, any work on the verge, footpath, public road reserve or public reserve (open space) will require a "Road Opening Permit" to be

obtained from Council. In this regard the Applicant is to make a formal application at Council's Customer Services Centre. The Permit Application is to be submitted to and approved by Council **prior to the commencement works.**

(Reason: Maintain public asset)

52. **CCI4 Separate Approval for Works in the Public Road (External Works) – Section 138 Roads Act**

Plans submitted **with the application of a Construction Certificate** shall clearly delineate between internal works and external works and note that **Construction Certificate approval does not include approval for external works.**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or Regional Road, or is within close proximity of a Traffic Facility (eg Traffic Lights) then a Road Occupancy License must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RTA. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

53. **CCI5 Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at www.sydneywater.com.au.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate for the above ground works.**

(Reason: To comply with statutory requirements)

54. **CCM2 Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to the issue of the Construction Certificate for the above ground works.**

(Reason: Adequate stormwater management)

55. **CCM4 Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) compliance with the approved Soil and Water Management Plan
- (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all uncontaminated run-off is diverted around cleared or disturbed areas
- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition/development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways

- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted **with the first Construction Certificate Application**. Under no circumstance may any works commence prior to these details being approved by Accredited Certifier and controls being in place on site.

(Reason: Environmental protection)

56. **CCM5 Grated Drain to Garage**

A grated trench drain shall be provided across the (garage entrance/driveway/street boundary). Unless otherwise sized by a Hydraulic Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end, and have a "bottom" slope of 2 %. This trench drain shall be connected to an approved drainage system.

In the event of the Hydraulic Designer sizing the grated drain, the calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings **to be submitted with the Construction Certificate**.

(Reason: Environmental protection)

57. **CCM6 Rainwater Re-use**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or "Specification of the Management of Stormwater", whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate for the above ground works**.

(Reason: Compliance and Amenity)

58. **CCM7 Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all new stormwater pits, designed in accordance with Council's "Specification for the Management of Stormwater" and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate for the above ground works**.

(Reason: Environmental)

59. **CCR1 Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies

with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 - Design for Access and Mobility.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
 - Performance requirements that alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

Note: The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

Compliance with parts (a) to (f) of this condition may be staged in accordance with the issue or relevant staged Construction Certificates.

(Reason: Statutory requirement)

60. **CCR2 BASIX Commitments**

Development shall comply with BASIX Certificates submitted in respect of the application for each building. The following BASIX Certificates have been submitted:

- Building 1 – BASIX Certificate No. 405501M
- Building 2 – BASIX Certificate No. 406413M
- Building 3 – BASIX Certificate No. 406428M
- Building 4 – BASIX Certificate No. 405775M

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate**.

(Reason: Statutory Compliance)

61. **CCR4 Energy Australia Requirements and any required Substation**

The development must comply with requirements of Energy Australia.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate**

for the above ground works detailing the energy authority's requirements and compliance with such requirements.

Note: Access to any required electricity substation shall be protected via an easement for access which shall be included on the final plan of subdivision burdening the subject site and benefiting the relevant Crown Authority or Statutory Corporation requiring access to the substation.

Note: Where any additional electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved plans or where the existing location of a substation is amended, an application to modify the consent under Section 96 of the Environmental Planning and Assessment Act 1979 is required to be submitted for approval of an appropriate location for the required electricity substation.

(Reason: Formalisation of access to utility)

62. **CCS2 Geo-technical Report**

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and **submitted with the first Construction Certificate for the above ground works**. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety)

Conditions which must be satisfied prior to the commencement of any development work

63. **PDR1 Appointment of Principal Certifying Authority**

No work shall commence in connection with this approval until:

- (a) a construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of this approval has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of this approval of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of this approval, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

- (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of this approval has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environmental Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

64. **PDR2 Construction Certificate**

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

(Reason: Statutory Requirement)

65. **PDR5 Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this approval;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

(Reason: Statutory Requirement)

66. **PDR6 Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained.**

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

67. **PDR7 Principal Certifying Authority (PCA) Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory Requirement)

68. **PDR9 Toilet Amenities on Construction Site**

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

69. **PDM1 Erosion & Sediment Control Prior to construction**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating **prior to and during all construction works**.

(Reason: Environmental protection)

70. **PDM2 Soil & Water Management during Construction**

Landcom's "Managing Urban Stormwater – Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

(Reason: Environmental protection)

Conditions which must be satisfied during any development work

71. **DWT1 Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

(Reason: Health and amenity)

72. **DWT2 Construction Hours**

Construction and related work on the premises that will, or does, cause noise, will not take place, nor shall machinery, including vehicles, operate upon the property outside the hours of 7.00 am to 5.00 pm. Mondays to Fridays, and 8.00 am to 5.00 pm Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers or other heavy machinery, work shall be restricted to 7.00 am - 5.00 pm Monday to Friday

(Reason: Safety and amenity)

73. **DWT3 Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

(Reason: Safety and information)

74. **DWT4 Dust Control**

Where a dust nuisance is likely to occur, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

(Reason: Environmental amenity)

75. **DWT5 Excavation – Water**

All excavations must be kept free from the accumulation of water.

(Reason: Health and safety)

76. **DWT6 Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of surrounding neighbourhood from wind blown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

77. **DWG2 Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

(Reason: Environmental protection)

78. **DWG3 Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

(Reason: Compliance with condition of consent)

79. **DWG4 Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

(Reason: Structural safety)

80. **DWG5 Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

81. **DWN1 Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline - Construction Site Noise and AS 2436-1981 – “Guide to Noise Control on Construction, Maintenance and Demolition Sites” for the control of construction noise which specifies that:

Construction period of 4 weeks and under – The L_{10} level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks – The L_{10} level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A).

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

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW DEC Industrial Noise Policy. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

82. **DWN2 Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site.

(Reason: Safety and Amenity)

83. DWN3 Noise & Vibration

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

(Reason: Noise attenuation)

84. DWA1 Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

(Reason: Protection of infrastructure, safety & information)

85. DWA2 Protection of Public Places

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

(Reason: Safety)

86. DWR1 Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. **Note:** Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

(Reason: Prescribed statutory control)

87. DWR2 Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 109E(3)(d) of the Act or as required by the PCA and any PCA Service Agreement.

Note 1: The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

Note 2: The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

(Reason: Statutory requirement)

88. DWR4 Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

If the person having benefit of this approval appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

89. DWR5 Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

If the person having benefit of this approval appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

90. DWR6 Inspection Records & Compliance Certificates

The PCA or Accredited Certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
 - (i) Council is appointed the PCA; or
 - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or Accredited Certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

(Reason: Statutory Requirement)

91. **DWS1 Progress Survey – Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work;
- (c) Post placement of concrete at each second floor level showing the principal level of the formwork;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

92. **OCG1 Certification of Engineering Works**

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority. These documents are:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) 'Work - As - Executed' plan of engineering and/or drainage works.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed access, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that Engineer supervise the works.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

(Reason: Asset management)

93. **OCR1 Occupation Certificate (section 109M of the Act)**

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the *Act*) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

(Reason: Statutory requirement)

94. **FOM2 Covenant & Restriction as to User for Stormwater Controlled Systems**

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Easement Registration

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement not less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the "Work-as-Executed", (as built), plans are held. Typical wording can be obtained from Council's "Specification for the Management of Stormwater" document.

(Reason: Compliance and adequate maintenance of drainage system)

Conditions which must be satisfied prior to the issue of a Final Occupation Certificate

95. **CCV1 Available Visitor Car Parking Signage**

Signage shall be erected in a suitable location on the property near the driveway entrance indicating visitor parking availability on site. This shall be in place **prior to the issue of the final Occupation Certificate**.

(Reason: Adequate access and egress)

96. **FOC1 Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

- Forwarded to City of Canada Bay Council;
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

(Reason: Fire safety)

97. **FOC2 Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of the Final Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

98. **FOM1 Certification of the Constructed Stormwater Drainage System**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to issue of the Final Occupation Certificate**.

(Reason: Adequate stormwater management)

Conditions which must be satisfied during the ongoing use of the development

99. **Waste Management**

- 1) All waste is to be stored in a way that does not pose an odour nuisance, threat to public health or the environment at all times.
- 2) All waste management on site is to be carried out in accordance with the approved waste management plans.

(Reason: Waste Management)

100. **QUE1 Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of Fire Safety Statement obtained and Fire Safety Schedule shall also be:

1. Forwarded to the Commissioner of the New South Wales Fire Brigade;
2. Prominently displayed in the building.

(Reason: Fire safety)

101. **OUH5 Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- Public Health Act 1991 and Regulations
- Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1 & 2 of 2002 and Part 3 of 2000 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

(Reason: Health and safety)

102. **OUH6 Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection)

103. **OUH8 Registration of Water Cooling and Warm Water Systems**

The owner or occupier of the premises where a water-cooling or warm-water system is installed must supply the following information to Council within one (1) month of the person becoming the owner or occupier of the premises, or if there is an alteration to particulars previously provided:

- a) The number and type of system/s;

- b) The address of the premises on which the system is installed;
- c) The name, and the residential and business address of the owner of the premises and, if the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier;
- d) The telephone numbers at which, during business hours and after business hours, the person or persons referred to above may be contacted.

(Reason: Health and safety)

104. **OUE11 Water Quality Treatment Systems**

To ensure that the environment is protected from pollution, **after development**, appropriate water quality treatment systems or pollution control devices are to be installed to ensure that the following the minimum pollutant loads are retained on the site:

Pollutant	Retention of post-development loads
Total Suspended Solids (TSS)	80%
Total Phosphorus (TP)	45%
Total Nitrogen (TN)	45%
Gross Litter	Litter – retain 70% Material > 50mm

These devices are to be installed and monitored regularly to ensure they achieve their treatment objectives and that their performance meets the above criteria. If they fail to meet these objectives or if so required by the Appropriate Regulatory Authority (ARA), it shall be modified to achieve them, and the systems upgraded.

These systems shall be designed to ensure ease of maintenance.

(Reason: Environmental protection)

105. **OUG3 Visitor Parking Restriction**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance)

Advisory Notes (ANN) -

Please note: the following may not apply to all consents

106. **ANN1 Dial Before You Dig**

The *principle contractor, owner builder or any person* who needs to excavate and undertake building work must first contact *Dial Before You Dig* and allow a reasonable period of time for the utilities to provide locations of their underground assets. Failure to do so may result in being financially responsible by the asset owner should they damage underground pipe or cable networks.

When you contact *Dial Before You Dig* you will be sent details of *Dial Before You Dig* members who have underground assets in vicinity of proposed excavation

(Reason: Information - protection of utilities)

107. **ANN5 Lapsing of Consent**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this approval lapses five (5) years after the date from which it operates unless building, engineering or construction work has substantially physically commenced. **The building must be completed, in accordance with approved plans and specifications, within five (5) years from the date when the building was substantially physically commenced.**

(Reason: Information)

108. **ANN7 Process for Modification**

The plans and/or conditions of this approval are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of the approval authority is received by way of an amended approval.

(Reason: Information)

109. **ANN9 Right of Appeal**

Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within three (3) months after the date on which you receive this notice.

(Reason: Information)

110. **ANN10 Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

(Reason: Information - amenity and separate approvals)

111. **ANN11 Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

(Reason: Information - amenity and separate approvals)

112. **ANN12 WorkCover Requirements**

The Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

(Reason: Information - safety)

113. **GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under the Act, and ensure that the design complies.

APPENDIX A - COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

Residential Flat Design Code

Key Principles of SEPP 65	Response
<i>Principle 1: Context</i>	<p>SEPP 65 requires that development respond to the desired future character of its context as stated in planning and design policies.</p> <p>In this regard the proposal is generally consistent with the Canada Bay LEP and Rhodes West DCP and indicative building envelopes and siting prescribed within and surrounding development.</p> <p>The development site may be affected to some extent with regard to a future bridge development that will space across Homebush Bay and connect to the foreshore in close proximity to the subject site's south-west corner at Gauthorpe Street. The bridge connection level has not been finalised at this point however the applicant has agreed to make provision for a splayed corner to the site in order to maintain adequate public access along the foreshore should the bridge landing force foreshore access closer to the south-west corner of the subject site.</p>
<i>Principle 2: Scale</i>	<p>In terms of scale the proposal is consistent with that envisaged for the site within the Canada Bay LEP and Rhodes West DCP.</p> <p>The proposal is generally consistent with height and setback provisions to all four buildings except minor non-compliance at Building 2. The 9 storey building is compliant with the 9 storey height limit prescribed in the DCP however part of its roof structure and its plant structure will exceed above the maximum allowable 31m. The proposal is however acceptable and is considered to complement existing development within the Peninsula and future development of adjoining sites.</p>
<i>Principle 3: Built Form</i>	<p>The built form of the proposal is generally consistent with the Canada Bay LEP and Rhodes West DCP.</p> <p>As outlined within the report, the building includes a podium level due to remediation levels on site and provision of required car parking. The overall bulk of the development has been distributed over four building elements that rise from the podium structure around the perimeter of the site. The treatment of this area has been carefully considered so as to central area created as a result of located the building elements provides a central common access space for activation and access to all buildings to and from the public domain.</p> <p>The overall built form progresses down toward the foreshore from the 9 storey building element (Building 2), located along</p>

Key Principles of SEPP 65	Response
	<p>Shoreline Avenue, to the 2 storey terrace style dwellings along the foreshore.</p> <p>The elevations generally are well articulated and have been designed to emphasise the horizontal appearing grounded as a result of more solid external finishes at the lower levels.</p> <p>The applicant has included a Design Verification Statement.</p>
<i>Principle 4: Density</i>	<p>In terms of density the site is allocated an FSR of 2.3:1. The proposal does seek to vary this standard, proposing 2.33:1, which as stated within the report is considered acceptable.</p> <p>The additional floor space is attributed to retail space included along Gauthorpe Ave and wrapping around the corner into part of Shoreline Drive. The inclusion of retail space along the street frontage is consistent with recently approved development in the immediate vicinity with the aim of better street activation.</p> <p>The close proximity and connectivity of the site to public transport, services and community facilities is also noted.</p>
<i>Principle 5: Resource, Energy and Water Efficiency</i>	<p>BASIX Certificates has been submitted in respect of the proposal. Recommended targets have been achieved.</p> <p>General location and orientation of the 4 buildings being includes two building elements along the north-south axis and two along the east-west. Each building is located and separated in accordance with the DCP to maximise solar access to apartments. The proposal includes adequate ventilation and circulation to the buildings in order to reduce reliance on artificial heating and cooling.</p> <p>The applicant has submitted Solar Study diagrams indicating cross flow apartments, cross flow through vented roof lights on level 6 and 9, cross flow apartments using lobby ceiling space and apartments with a minimum of 2 hours of sunlight achieved on 21st June between 9am and 3pm.</p> <p>Comprehensive stormwater plans have been submitted in respect of the proposal and including in the approved plans.</p>
<i>Principle 6: Landscape</i>	<p>The proposal includes provision for perimeter landscaping and a communal landscaped area central to the building design. The central courtyard/communal space provides visual amenity and a practical access corridor between public and private..</p> <p>Landscaping elements include the use of significant trees and planting, planter boxes in common open spaces and streetscape planting.</p>
<i>Principle 7: Amenity</i>	<p>Units proposed are of sizes consistent with the design code and have all been provided with private open space areas in the form of terraces and/or balconies. Adequate and compliant natural light and ventilation has also been provided to both apartments and the corridor area of the building which does provide a large dual aspect lift lobby upon each level.</p>

Key Principles of SEPP 65	Response
	Residential apartments and the main communal open space area are accessible.
<i>Principle 8: Safety and Security</i>	<p>Readily identifiable and safe access points have been provided to the building both for pedestrians and vehicles.</p> <p>In the absence of ground level residential apartments the introduction of retail spaces along the Gauthorpe Street façade will generate activity and pedestrian movement thereby improving security and safety at the street level.</p> <p>The applicant has satisfactorily addressed in the SEE the four CPTED (Crime Prevention through Environmental Design) principles used in assessment to minimise the opportunity for crime, that is, surveillance, access control, territorial reinforcement and space management.</p>
<i>Principle 9: Social Dimensions and Housing Affordability</i>	<p>The proposal does increase supply, mix and housing choice in proximity to public transport, employment opportunities and other retail uses supporting housing affordability.</p> <p>A mix of one, two and three bedroom apartments are proposed to encourage a social mix within the proposal.</p> <p>In addition, 15% of the units are designed to be adaptable.</p>
<i>Principle 10: Aesthetics</i>	In terms of materials and finishes, the building provides aluminium framed glazing, painted masonry, limestone and sandstone tile finishes, metal balustrades, aluminium louvre screens, perforated graphic pattern aluminium screens, stainless steel awning and recycled timber.

Residential Flat Design Code (Clause 30 (2) (c) of SEPP 65)

Part 1 – Local Context	Consideration
Primary Development Controls	
<i>Building Height</i>	The building is compliant with the 63m numerical height provision of the Canada Bay LEP.
<i>Building Depth</i>	<p>The Code states the maximum building depth for apartment buildings should be 18m. If greater than this, it should be demonstrated that units still achieve adequate daylight and natural ventilation.</p> <p>The Rhodes West DCP stipulates building depths of 18m for < 9 storeys and 23m for > 9 storeys.</p> <p>The proposal exceeds the maximum depth in Buildings 1, 3 and 4 with up to 22m however adequate articulation and varying balcony depths is included resulting in approximately 50% of units not exceeding a 16m depth limit glass to glass.</p> <p>In instances where the maximum building depth is exceeded, the SEPP includes provision for demonstration of compliance with solar access and ventilation instead. The proposal does demonstrate compliant solar access and ventilation in the submitted Solar Study diagrams.</p>

<i>Building Separation</i>	<p>Strict compliance with the RFDC is not achieved however the building footprints and separations are consistent with the built forms provided for/by the Rhodes West DCP.</p> <p>Building sited in close proximity to adjoining buildings (between Buildings 2-3 and 1-2) include mitigating design solutions to maintain visual and acoustic privacy. These include off-setting of windows, screens to balconies or solid walls with no openings.</p>
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Part 2 – Site Design - Primary Development Controls

<i>Deep Soil Zones</i>	The site is limited to perimeter deep soil as a result of the large podium parking structure necessary because of the remediation levels. Nevertheless, adequate deep soil perimeter planting and central courtyard raised planting beds have been provided.
<i>Fences & Walls</i>	Definition between public / private domain has been established as discussed within the report.
<i>Landscape Design</i>	An adequate landscape concept plan has been provided by the applicant and a detailed landscape plan is required by condition of consent prior to Construction Certificate.
<i>Open Space</i>	<p>Ground floor apartments on the podium level have been provided with adequate areas of private open space.</p> <p>The central communal landscape area is accessible by both public and private residents.</p>
<i>Orientation</i>	Solar access does provide compliance with the 2 hour numerical control applicable.
<i>Planting on structures</i>	Appropriate soil depths and landscape structures have been indicated on the applicants landscape concept plans.

Site Amenity

<i>Storm water Management</i>	Suitable conditions have been incorporated to ensure adequate stormwater management.
<i>Safety</i>	<p>A CPTED assessment was submitted and provides assessment against relevant State guidelines.</p> <p>Safety is acceptable with retail uses at grade stimulating activity and casual surveillance.</p>
<i>Visual Privacy</i>	Compliant separation has been provided between the subject building and those upon adjacent sites.
<i>Building Entry</i>	Clear, readily identifiable and accessible entry is provided to the building from the street frontage and does allow clear orientation by visitors.

Site Access

<i>Parking</i>	Parking provided is largely compliant with the provisions of the Rhodes West DCP.
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	<p>Proximity of the site to public transport services and promotion of a 'Green Travel Plan' (conditioned) is also considered beneficial.</p> <p>Parking is located within a podium, though the design minimises its appearance from the street.</p>
<i>Pedestrian Access</i>	Development is readily accessible from the Street frontage and podium area. An Access Report demonstrating compliance was also submitted in respect of the proposal.
<i>Vehicle Access</i>	<p>Car parking / access is provided from the 'preferred' street frontage along Marquet Street as stipulated within the DCP and has been well integrated within the building design so as to not dominate.</p> <p>The dominance of the entry to vehicular parking has also been minimised as a result of restricting garbage truck collection within the building. This allows for a lower parking entry height than would otherwise be required.</p> <p>Vehicles may enter/exit in a forward direction.</p>
PART 03 - BUILDING DESIGN	
Building Configuration	
<i>Apartment Layout</i>	<p>Kitchens within apartments are < 8m from an external opening of the building.</p> <p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p>
<i>Apartment Mix</i>	<p>The proposal incorporates 37.7% (1 bed), 57.1% (2 bed) and 5.2% three bedroom apartments.</p> <p>The proposed unit mix is biased toward the smaller units which is consistent with the general trend in the Rhodes Peninsula toward smaller households and the primary objective of the Rhodes West DCP being '<i>promotes a dwelling mix that supports demand for housing that is affordable and which recognises the trend towards smaller households whilst providing housing choice for a range of household types</i>'.</p>
<i>Balconies</i>	Balconies have been provided to all above ground apartments and retain dimensions which are appropriate and ensure their useability
<i>Ceiling Height</i>	Minimum ceiling heights do comply with the rules of thumb with minimum 2.7m provided to residential and more than adequate provided to ground level retail.
<i>Flexibility</i>	Considered to achieve the objectives in providing internal flexibility for use by occupants
<i>Ground Floor Apartments</i>	There is a combination of the residential component of the proposal that is contained above the podium, and some ground floor apartments have been provided along the foreshore in

	Buildings 1, 3 & 4. Three separate retail tenancies have been provided and do provide individual access from Gauthorpe Street
<i>Internal Circulation</i>	<p>Each building element except Building 4 is provided with its own internal access including corridors and lifts.</p> <p>The proposal does exceed maximum apartments per level (8) recommended however a reasonable level of amenity is retained to corridors and apartments in terms of access and ventilation.</p>
<i>Mixed Use</i>	A number of retail tenancies are proposed, and given their location, will activate the street frontage with minimal impact upon residential amenity
<i>Storage</i>	Sufficient storage areas have been allocated for each residential apartment, both within the apartment itself and parking level of the building
Building Amenity	
<i>Acoustic Privacy</i>	The siting of the building is generally in accordance with the Rhodes West DCP and in this regard the submitted acoustic report did also demonstrate that the proposal would comply with the BCA.
<i>Daylight Access</i>	<p>It is noted that SEPP 65 does ordinarily require 70% of apartments receive 3 hours solar access between 9am and 3pm (in dense urban areas 2 hours may suffice).</p> <p>It is noted that the 2 hours provision has been previously applied in the assessment of applications within the Rhodes Peninsula and incorporated within the Rhodes West DCP.</p> <p>The proposal complies with the 2 hour provision, with 71% of apartments provided with this.</p> <p>12.3% of apartments within the proposal have been provided with singular southerly aspects.</p>
<i>Natural Ventilation</i>	As outlined above the building is considered consistent with building depth provisions with > 61% of apartments provided with cross ventilation
Building Form	
<i>Facades</i>	Building facades are generally considered acceptable with effective articulation provided.
<i>Roof design</i>	Roof form has been integrated within the overall design. The form is flat and extends to create eave elements to the top floor units. The Roofscape itself will be finished with pebbles to minimise reflectivity onto surrounding residents of higher level residential apartments (existing and currently under construction).
Building Performance	
<i>Energy Efficiency</i>	A BASIX certificate was submitted in respect of the application demonstrating target passes

<i>Waste Management</i>	A waste management plan was submitted with appropriate collection strategy and storage and recycling areas provided within the basement level of the development
<i>Water conservation</i>	Satisfactory stormwater plans have been submitted

Rhodes West Development Control Plan

4.3.3 - Built Form

C1	Maximum height of development to comply with height map contained in the CBLEP 2008 and the maximum heights and storey limits shown in site specific controls of this DCP.	<p>The LEP Amendment introduces a 31m height limit with which the proposal does comply. The DCP also stipulates a storey height limit outlined below</p> <p><i>'Building height ranging from 3 storeys fronting the foreshore reserve up to 9 storeys fronting Shoreline Drive'.</i></p> <p>The proposal complies with the number of storeys although a minor height non-compliance with the LEP occurs.</p>
C2	Maximum FSR of development to be consistent with FSR map contained in the CBLEP 2008	<p>The following FSR apply:</p> <p>Canada Bay LEP - 2.3:1 Draft LEP - 2.26:1 Rhodes DCP - 2.3:1</p> <p>The proposal presents a total FSR of 2.33:1.</p>
C3	Developments are to be consistent with the maximum building envelope plans contained in the site-specific controls in this DCP.	Development is considered satisfactory in terms of prescribed building envelope controls with a detailed assessment contained within this compliance table.
C4	Minimum ceiling heights; - 2.7m to residential apartments;	Residential apartments are provided with minimum 2.7m ceiling heights and are consistent with SEPP65.
C5	Architectural roof features may extend above the maximum building height limit	Roof form has been integrated within the overall design of the buildings.
C7	Ground floor level apartments should be elevated above adjacent footpath levels (500mm to 1.5m). To be balanced against access and adaptability.	Ground floor level apartments are elevated above adjacent footpath levels.

4.3.4 - Building Bulk

C5	Depth of residential buildings up to 9 storeys should not exceed 18m from window face to window face, and 21m overall (to balconies)	Depth of the proposed buildings to glass/balconies are up to a maximum of 22m however there is adequate articulation and provision of solar access and natural ventilation
C7	Should a building exceed max depths from window face to window face, acceptable natural cross ventilation to be demonstrated	As outlined above, the proposal demonstrates adequate building depth variation, ventilation and solar access

C8	Maximum length of a building without a recess or break is 50m. Buildings > 50m are to have a recess in the façade of a minimum 3 x 3 metres to break up overly bulky buildings.	The balconies and entry voids / glazing provide adequate articulation.
C10	For ventilation and daylight min 60% of all apartments should have openings in two or more external walls of different orientation. Single orientation apartments should predominantly face north, east or west.	61% of apartments are dual aspect. Given the orientation of the site and size of the proposal it is inevitable that certain units will be provided with a single southern orientation.
C11	Maximum of 10% of apartments should have a single southern aspect (SW-SE).	Single southerly orientated apartments are limited and represent 12.3%.
C12	To avoid long internal corridors, the number of apartments served by a common lobby should be no more than 8 per floor, except in buildings with a high proportion of cross-over and two storey apartments where the maximum is 15 apartments per circulation floor.	The proposal provides a maximum corridor loading of 10 and 11 units to two of the buildings however both corridors are provided with natural light and are naturally ventilated
C13	To achieve high quality living environments, double loaded access corridors are to have outlook, access and sunlight and natural day lighting and preferably naturally ventilated.	As above.

4.3.5 - Setbacks

C1	Street setbacks should comply with Section 5	Buildings 1 and 3 are setback at least 5m from Gauthorpe Street (Building 1) and Marquet Street (Building 3)
C3	Comply with 3m street setback along north - south streets, as nominated in Fig 45.	Shoreline Drive - 3m minimum provided
C4	Consistent 5m street setback (east west streets) is preferred.	Gauthorpe Street - 5m minimum provided Peake Avenue (Marquet Avenue) - 5m minimum provided
C8	Buildings with a façade length of more than 18m fronting the foreshore reserve are to comply with the following controls: a) The ends of buildings fronting the foreshore reserve are to have a building setback (including balconies) of not less than 10 metres from the foreshore reserve b) The bays of building extending forward of the 10-metre setback line may extend to no less than 7 metres from the foreshore reserve (not including balconies) c) Balconies on the bays of the building extending up to 7 metres from the foreshore reserve shall not extend along the full length of the façade of each bay d) The setback of the building fronting the foreshore reserve in between the setback described on (b) above may extend to no less than 8.8 metres from the foreshore, inclusive of balconies.	Façade length 56 m Building 3 is setback between 5.7m and 6.4. This is not consistent however the height of the building has been reduced to 2 storeys
C9	Projecting balconies are permitted forward of	Balconies are kept within the permitted

	the minimum building setback line for a maximum of 50% of the length of the building	building setback line.
4.3.6 - Special Edge Conditions		
C1	Provide a clear definition between the private and public spaces along the foreshore and to local parks and neighbourhood open spaces	Perimeter landscaping has been used to provide a clear delineation between the public and private domain.
C2	Provide a continuous raised terrace, built to the park alignment for the entire length of the foreshore reserve as nominated in Fig. 48 to; - Create a strong edge to the park - Minimise excavation for car parking - Provide privacy to the private domain, and, - Enhance views to water from the private domain	Landscaping and raised terraces provide a clear delineation. The elevated ground floor levels provide private to the residential properties and enhance views to the water. No excavation is proposed within the setback to the foreshore reserve.
C3	The top of the terrace should be 1.2 metres above the finished ground level of the adjoining reserve as illustrated in fig 5.2.4.i. It should be constructed of solid material, preferably faced with sandstone. Buildings should be set back above this terrace level in accordance with the site-specific controls in Section 5	Levels are acceptable with regard to the DCP.
C4	Car park vents are not permitted within 3 metres of the foreshore reserve boundary	No apparent carparking within 3 metres of the foreshore reserve.
4.3.7 - Definition of Streets & Open Spaces		
	In accordance with figure 49 to define the commercial / retail strip, important street corners and significant edges to public open space outside the external wall should be built along at least 90% of the street setback line	Appropriate definition has been provided to the Shoreline Drive / Gauthorpe Street intersection as stipulated through strong podium and retail tenancy opposite similar approved development on Site 3B and opposite the Community Facility building site.
4.3.8 - Building Articulation & Address		
C1	Promote high quality architecturally designed buildings with highly articulated massing and façade design to enhance character.	The mass and façade design of the building is considered appropriate and consistent with relevant planning controls.
C2	Comply with the building envelopes controls in Section 6: Site-specific controls including building articulation zones.	Proposal complies with stipulated building envelope. Full assessment contained within this table.
C6	Excessive use of a single type of sun shading to articulate building facades shall be avoided.	Façade articulation does not rely upon the exclusive use of sun shading devices. Vertical and perforated hole detail shading devices are used.
C7	The landscape potential of front gardens, projecting balconies and ground floor terraces only are permitted forward of the street setback (may occupy up to 50% of the lot frontage within the projecting balcony zone).	Landscape is provided to all street setbacks.
4.3.9 - Diversity of Apartment Types		
C1	All residential and mixed use development should provide a range of dwelling types including 1, 2 and 3+ bedroom dwellings.	The proposal incorporates 37.7% 1 bed, 57.1% 2 bed and 5.2% 3 bed apartments. A satisfactory mix of one, two and three bedroom apartments has been provided

		within the proposal. Accordingly the mix proposed is acceptable.
C2	To achieve environmental amenity, all access corridors should have a daylight component, either at point of vertical circulation or ends of corridors and preferably be naturally ventilated.	The lobby areas include staircases.
C3	Cross ventilated apartments are encouraged, including dual aspect apartments.	Complies with the provisions of SEPP 65 (61% of apartments are cross ventilated)
C6	Integration of internal and external living areas	Internal and external areas have been adequately integrated.
C7	Minimum 15% of all residential units must be Adaptable (in accordance with relevant AS).	15% provision
C8	A noise attenuation zone should be created between habitable rooms facing the noise source, particularly bedrooms, by; <ul style="list-style-type: none"> - Locating service areas such as circulation, kitchens, laundries, storage and - bathrooms to create a noise buffer; - Locating screened balconies or wintergardens to create a noise buffer, and; - Selecting sound isolating materials, including acoustic glazing. 	Proposal conditioned to comply with the BCA.
C9	Building articulation should be designed to minimise external noise reflectivity.	The placement of buildings is generally consistent with the provisions of the Rhodes West DCP. The applicant has submitted a noise impact assessment with recommended acoustic treatments

4.3.10 - Flexibility

C1	Accessibility and adaptability of all buildings should be maximised	An Access Report was submitted with the application and addressed all relevant access requirements of the development.
C2	Housing design that provides for a degree of future adjustment of its configuration is encouraged.	Design of apartments allows a degree of flexibility.
C3	To optimise flexibility for future changing uses, windows or skylights should be provided to all habitable rooms and to the maximum number of non-habitable rooms possible.	Windows provided to all habitable rooms.

4.3.11 - Visual Privacy and Building Separation

C1	To achieve privacy to private internal and external spaces, consider: <ul style="list-style-type: none"> · Building separation distance, · Appropriate internal room layout, · Location/design of windows and balconies; · Appropriate screening devices & landscaping. 	The proposal has incorporated the outlined considerations within its design and in this regard privacy implications are minimal
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C2	<p>Separation between openings of habitable and non habitable rooms within dwellings must be provided as follows:</p> <p><u>Up to 4 storeys / up to 12m</u></p> <p>12m between habitable rooms 9m between habitable / non habitable rooms 6m between non habitable rooms</p> <p><u>9 to 20 storeys / up to 63m</u></p> <p>24m between habitable rooms 18m between habitable / non habitable rooms 12m between non habitable rooms</p>	<p>The building footprints and separations are consistent with the built forms provided for by the Rhodes West DCP.</p>
C3	<p>The use of tinted glazing as the sole means of achieving privacy is not permitted.</p>	<p>Proposal does not rely on tinted glazing</p>
C4	<p>To achieve privacy to ground floor level apartments, elevate minimum 0.5 metres and maximum 1.5 metres above footpath and provide front walls or fences to front gardens</p>	<p>All ground floor apartments are elevated which protects privacy of occupants and provides passive surveillance.</p> <p>Landscaping through mass planting used to delineate between the public and private domain.</p>

4.3.12 - Acoustic Privacy

C1	<p>Sound insulation requirements between separating floors, ceilings and walls of adjoining dwellings should exceed the BCA</p>	<p>Condition to comply with BCA.</p>
C2	<p>The siting and design of buildings should minimise the transmission of noise externally, through careful consideration of the layout of internal rooms and external living spaces, design of openings, screens, blade walls, and the like, and choice of materials.</p>	<p>The siting of the building is generally in accordance with the Rhodes West DCP. Acoustic implications have been given due consideration within the design</p>
C4	<p>At least 25% of double glazed windows to dwellings should be openable.</p>	<p>No double glazed windows proposed and development has operable windows / doors for natural ventilation.</p>

4.3.13 - Solar Access and Glazing

C1	<p>Development should retain solar access to a minimum 50% of the area of neighbourhood open space, urban squares and parks, during lunch time hours (mid winter) June 22</p>	<p>The proposal will cast a 9am Winter Solstice shadow toward the foreshore and part of the open space community area to the south. By 12noon the bulk of the shadow will be over sections of the subject site and part of the open space community area. By 3pm the shadow will move over Shoreline Drive and part of Site B.</p> <p>The proposal will maintain in excess of 50% of solar access available to the foreshore reserve during lunchtime hours.</p> <p>The proposal is generally compliant with building envelope controls of the DCP.</p>
C2	<p>New buildings should minimise glare with mirror glass not to be used. A maximum 20%</p>	<p>Details have not been provided in this regard though a suitable condition</p>

	reflectivity index is permitted for external glazing elements.	requiring such has been recommended.
C3	Minimum of 2 hours direct sunlight between 9.00am and 3.00pm should be provided to principal living rooms and private open spaces in at least 70% of dwellings, on 22 June.	As indicated within the submitted statement 71% of apartments are provided with 2 hours solar access.
C4	Maximise direct sunlight to communal open space in residential developments on 22 June.	Solar access is provided in mid winter to the communal open space area as indicated on the shadow diagrams.
C6	Sun protection to glazed areas facing north, west and east	Sum protection provided by balconies in combination with louvers.
C7	Balconies appropriate to their orientation.	Balconies are considered acceptable
4.3.14 - Natural Ventilation and Daylight		
C1	Buildings should be designed so that living and working environments are substantially naturally lit and ventilated, using ventilation by means such as thin cross section buildings.	Solar access and ventilation of the proposal is considered acceptable.
C2	To avoid reliance on mechanical ventilation and minimise use of artificial lighting, windows should be provided to all living / working areas	Adequate provision of glazing / windows has been provided to apartments.
C3	Residential buildings up to a height of 9 storeys are to have a max depth of 18m window line to window line.	Building depth does comply with standard
C4	60% of residential apartments should be naturally cross ventilated.	61% are naturally cross ventilated
C6	Doors and openable windows should be located in two walls facing different or preferably opposite directions.	Within dual aspect apartments openable doors and / or windows have been provided to opposing elevations
4.3.15 - Building Materials, Finishes and Colours		
C1	Bulk and or reflective insulation must be provided in wall, ceiling and roof systems	The development is considered acceptable in terms of energy efficiency and does comply with SEPP BASIX (conditioned).
C4	Use of colour is to provide visual interest to building facades	Extensive glazing has been utilised within the building with painted masonry, tile finishes and recycled timber adding further visual interest.
4.3.16 - Public Domain Interface		
C10	To achieve street surveillance, maximise pedestrian entrances to residential buildings.	The proposal includes pedestrian entries along Shoreline Drive, Marquet Street and Gauthorpe Street.
4.3.17 - Awnings and Entrance Canopies		
C7	To provide weather protection entrance canopies are required at pedestrian entries of all buildings. Entrance canopies are permitted within building setbacks.	Awning/roof structures are provided to the pedestrian entry to the lobbies and retail.
4.3.19 - Private & Communal Open Space		
C1	Deep soil landscape space should be provided wherever possible, and maximised.	Perimeter deep soil landscaping and raised beds in central courtyard area

		provided
C2	Development sites in the Residential zone are to contain landscaped areas in the form of private, common and public open space.	The proposal provides private open space in the form of balconies with a landscaped central communal area also incorporated.
C3	Half the area of communal open space should be unpaved and provide soft landscaping.	Approximately half of the communal open space is soft landscaping.
C4	Minimum of one large tree, with a spreading canopy, and mature height of 12m minimum, should be planted in soft landscaping zones, for every 100m ² of landscape space.	Complies.
C5	Each apartment at ground level or similar space on a structure, such as on a podium or car park, must have minimum private courtyard open space of 25m ² , the minimum dimension of 3m.	All at-grade apartments are provided with minimum private open space.
C6	Landscape areas should provide some capacity for storage and infiltration of stormwater.	Deep soil zones will permit infiltration and rainwater reuse is proposed.
C7	To create optimum conditions for the establishment / long term viability of planted areas, suitable soil depths are to be provided	Suitable soil depths to planters will be provided.
C10	All planters on podium levels must be accessible for maintenance.	All planters are accessible.

4.3.20 - Front Gardens

C2	To minimise the visibility of car parking, garages and parking structures are not permitted forward of the building alignment to public streets.	Parking structures are located behind the building line.
C3	To minimise the impact of driveways in front gardens, appropriate design, materials selection and screen planting is encouraged.	Podium parking level will not be apparent from the street. Parking entry/exit is kept to a minimum height opening and recessed back from the building alignment
C4	To minimise impact on the root zone of street trees, driveways, kerb crossings, parking, paved areas and external structures should be located appropriately.	No street trees adjacent to the site at present though in this regard the infrastructure provided should not compromise their establishment
C5	Front gardens should generally be wide enough to be useable, and should have continuous access to allow maintenance.	Landscaping is provided to each street setback and access for maintenance is possible.
C6	To achieve safety, lighting at both pedestrian and vehicular street entry points should be provided to each residential building.	Pedestrian and vehicular access points will be effectively lit
C8	The maximum height of front fences is 1.2 metres from the finished footpath level of the adjoining street. Front fences may be sloping or stepped along sloping streets.	No front fencing is proposed.

4.3.21 - Above Ground Open Space

C1	At least one balcony or deck must be provided to each dwelling where direct access to ground level private open space is not	Each apartment has been provided with at least one balcony, dimensions and sizes of which are considered appropriate and
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	available. Area must be a minimum of 12% of the area of the dwelling floor space.	have a combined area of between 30% and 50% of the dwelling floor space.
C2	To optimise use, primary above ground open space element should be accessible from a living area, and be predominantly north, east or west facing. The preferred depth is 2.4m and the minimum permissible depth is 1.5m.	All primary balconies of apartments are directly accessible from living areas and have a minimum depth around 2m.
C3	Smaller secondary above ground open space elements are also encouraged, such as balconies adjacent bedrooms, screened external clothes drying balconies adjacent laundries and bathrooms	Many apartments do provide secondary balconies which adjoin bedrooms. Area is provided for clothes drying.
C4	Must be designed to provide security and protect privacy of neighbours.	Considered acceptable in terms of security and where appropriate privacy screens have been fitted.
C5	Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces, provided they do not increase bulk.	No such structures are incorporated

4.3.25 - Waste Minimisation, Storage and Removal

C1	On site storage and waste recycling must be provided in designated areas	Designated area is provided on site
C2	Access and facilities for loading and waste should not be located along Shoreline Drive	Access and loading facilities are provided from Peake Avenue (Marquet Street)
C8	Provision must be made for waste collection vehicles to enter and service bins on site	Waste collection will occur from Marquet Street
C11	Garbage chutes are required for all buildings more than 3 storeys in height	Garbage chutes are provided
C12	All transfer of waste from the collection point to waste storage area must occur underground	Waste transportation between chute systems and garbage area is below ground.
C14	A waste storage compartment must be provided on each floor providing minimum storage space for 2x240 litre recycling bins	Waste storage area provided on each floor adjoining chute system.
C17	Waste collection are provided underground with minimum clearance of 3.8m high for waste collection vehicles	Collection area is within an indented loading bay in Marquet Street.
C19	A room or caged area must be provided for the storage and discarded bulky goods items awaiting collection	Space provided within basement area
C20	Residential dwellings adjacent to or above waste collection areas shall be adequately insulated from noise	Waste collection will occur on street

4.3.26 - Site Facilities

C3	Either communal or individual laundry facilities shall be provided to every dwelling, and at least one external clothes drying area;	Each unit is provided with a laundry with one external clothes drying area.
C4	All apartments are to have a balcony that has a portion of the balustrade which has a minimum height of 1.4m and minimum width of 1.5m wide to screen drying clothes;	All balconies contain a screened area for clothes drying.

C5	Lockable mailboxes should be provided close to the street and be integrated with front fences or building entries;	Mailboxes are located adjoining pedestrian entry areas.
C7	To facilitate maintenance of communal open space, garden maintenance storage including connections to water and drainage should be provided;	Water and drainage connections have been provided to open space area
C8	Fixed storage is to be provided to every dwelling in accordance with the following: - Studio and 1 bed (6 cubic metres) - 2 Bedrooms (8 Cubic metres) - 3+ Bedrooms (10 cubic metres)	Adequate storage is afforded to dwellings both within each apartment and also within the basement parking area.

4.3.27 - Pedestrian Access, Parking & Servicing

C1	At least one main entry with convenient, barrier free access in all buildings. Access should be direct and without barriers.	Main pedestrian entry provides barrier free direct access to the development.
C3	Adequate parking should be provided for people with mobility disabilities, and safe, easy and convenient access to the building.	Appropriate parking has been provided for both adaptable units and general disabled (conditioned)
C4	To cater for visitors with mobility impairment, proportion of visitable dwellings maximised.	All apartments provided within the development are accessible.
C5	Assessment of accessibility of developments to accompany all development applications	Access report was submitted.

4.3.28 - Vehicular Access

C1	Provide access to parking from rear or side lanes or secondary streets wherever possible.	Vehicular access is provided from Peake Avenue (Marquet Street) as per the DCP
C2	To optimise pedestrian safety, pedestrian and vehicular access clearly differentiated.	Entries are clearly differentiated.
C3	Provide a minimum 6m distance between a vehicle and pedestrian entries	Pedestrian entries have been located > 6m from the main vehicular access point.
C4	Driveways should be consolidated within blocks, particularly those in single body corporate ownership.	One driveway has been provided to the basement parking area.
C5	Vehicle access and pathway layouts should be designed to satisfy AS (AS2890.1 1993).	A condition is incorporated requiring compliance with relevant standards.
C6	Vehicular access ramps parallel to the street frontage are not permitted.	Vehicular access ramps do not run parallel to the street frontage.
C8	The maximum permitted width of driveway crossings is generally 6 metres.	Width of the driveway crossing is 7.5m.
C10	Visual intrusion of vehicle access minimised.	Vehicular access not visually intrusive.

4.3.29 - On Site Parking

C1	Parking on site provided as follows: - Residential (max 1 space per apartment) (Average) - Visitor (max 1 space per 10 apartments) (min 1 space per 20 apartments) - Service Vehicles - max 1 space per 50	Residential - 209 Visitor - 11 Retail - 3
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	apartments for first 200 apartments plus 1	Parking has been discussed in detail within this report.
C2	Stack parking not permitted for residential.	Stacked parking has not been proposed within the submitted scheme
C3	Motorcycle parking equivalent to the area of 1 car parking space per 100 parking spaces.	Provided
C4	Provide 2% readily accessible parking spaces, designed and appropriately signed for use by people with disabilities.	Compliance conditioned
C5	Parking and service areas are to satisfy AS2890.1 and AS2890.2	Compliance conditioned
C6	Adaptable Dwellings - A minimum 3.8m, but up to 4.4m marked as one space	All adaptable dwellings have been provided with a parking space that is suitably dimensioned
C7	To maximise the area for soft landscaping consolidated parking areas should be concentrated under building footprints	The parking area of the proposal does extend across a significant portion of the site, though nevertheless an adequate deep soil landscaping has been provided.
C9	Car parking which protrudes > 1.2m above ground level of adjacent public domain must be located behind building line and screened by way of external design from public domain	Parking area which protrudes above ground level to be clad and with provision of soft landscape treatment
C11	Bicycle parking to be provided as follows; - Residential (1 space per 3 apartments) - Visitor (1 space per 12 apartments)	Bicycle parking spaces has been made available within the parking area of the proposal A condition ensuring compliance with bicycle parking rates is incorporated.
C12	Dimensions of bicycle parking facilities shall comply with provisions in the 'Guide to Traffic Engineering Practice Part 14: Bicycles', Austroads 1999	Facilities are required to be constructed in accordance with the specified standard.
C13	To encourage cycling resident and employee bicycle parking to be secure.	Secure bicycle parking is provided within basement
Part 5 - Precinct B Controls (5.5.2 - Site 3D)		
C1	Building height ranging from 3 storeys fronting the foreshore reserve up to 9 storeys fronting Shoreline Drive	Building heights range from 2 storeys at foreshore up to 9 storeys at Shoreline Drive provided.
C2	Maximum floor space ratio of 2.3:1	FSR – 2.33:1
C3	Car park entry from Peake Avenue (Marquet Street)	Car park entry provided from Marquet Street
C4	Two levels of basement car parking	Two levels are proposed.
C5	Preferred location for non-residential uses fronting the community facility to the south	Location of proposed retail tenancies along Gauthorpe Street will front the community facility.
C6	The building on the southern boundary is to align with the Gauthorpe Street view corridor	The proposed built form is setback and aligned with the Gauthorpe Street view corridor.
C7	The building on the northern boundary is to align with the Peake Street (Marquet Street)	The proposed built form is setback and aligned with the Marquet Street view

	view corridor	corridor.
C8	Separate pedestrian entries and lobbies for residential and non-residential uses are required	Residential and non-residential entries have been separated
C9	The design of the building fronting Shoreline Drive is to accentuate the curvilinear alignment of Shoreline Drive through building setbacks, facade articulation, and balcony and balustrade forms	Buildings 1, 2 & 3 facades have been aligned with Shoreline Drive to accentuate the curvilinear alignment
C10	The central private courtyard area is to provide the main pedestrian access to the parallel building fronting the foreshore reserve	Each dwelling in Building 4 has entrance off the main central community courtyard

Canada Bay Local Environmental Plan 2008

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning - R4 (High Density Residential)	Permissible	Yes
Floor Space Ratio (T4) - 2.3:1	2.33:1	No
Building Height (U) - 31m	32m (including plant)	No

Draft Canada Bay Local Environmental Plan

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning - R4 (High Density Residential)	Permissible	Yes
Floor Space Ratio (T4) - 2.26:1	2.33:1	No
Building Height (U1) - 31m	32m (including plant)	No
Acid Sulfate Soils - Class 2	Statement provided by Douglas Partners	N/A

APPENDIX B – SUBMISSIONS

Public Submissions received in respect of notification

Name	Address
Mr & Ms Assabgy	J406/10 - 16 Marquet Street, Rhodes
Mr Shi	GG03/10 Marquet Street, Rhodes
Mr A Gad	J406/10 - 16 Marquet Street, Rhodes
Mr & Mrs Y Y Shi & W Ma	Building J, G07/10 - 16 Marquet Street, Rhodes