

19-21 Tennyson Road, Breakfast Point

JRPP No.	2013SYE021
DA Number	65/2013
Local Government Area	City of Canada Bay
Proposed Development	Construction of a 9 storey residential development comprising 100 units over basement and podium level parking for 140 vehicles. Additional 20 visitor spaces are proposed adjacent to the building. Proposal includes land subdivision into 2 lots and strata subdivision of 100 lots.
Street Address	19-21 Tennyson Road, Building 7B1 – Woodlands Precinct, Breakfast Point (Lot 92 in DP 270347)
Applicant	Roescorp Management Services Pty Ltd
Owner	Breakfast Point Pty Ltd
No. of Submissions	Seven
Assessment Officer	Mr C Hackett- Statutory Planner, City of Canada Bay

1. BACKGROUND

1.1. SITE - CONTEXT

Breakfast Point is located within the Canada Bay LGA and is approximately 9 kilometres west of the Sydney CBD. The site is located on the Mortlake Peninsula within the Breakfast Point Housing Estate and has an overall area of 51.82 hectares (ha) (refer to **Figures 1 and 2**).

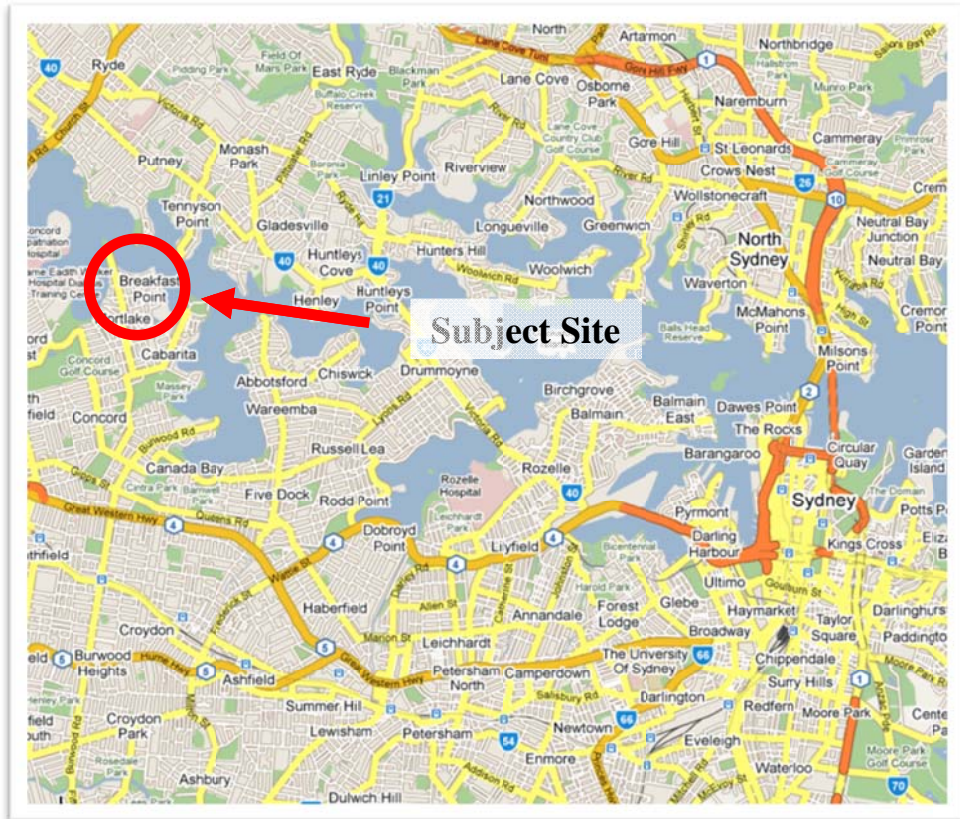


Figure 1 - Site Location in context with Sydney CBD

1.2. THE SUBJECT SITE

The subject site is known as Lot 92 in DP 270347 and is located within the Woodlands North Precinct at Breakfast Point. The precinct has an area of 1.312 ha and a site area of 4,450m². The precinct is bounded by Peninsula Drive to the north, Woodland Avenue to the east and Tennyson Road to the west (refer to **Figure 3**).

The Concept Plan (as modified) provides for three residential flat buildings in the Woodland North Precinct. This application is for a nine storey building with two levels of basement parking set between Tennyson Road and Woodland Avenue. The Woodlands North Precinct also includes a five storey residential building to the north and a three storey residential building to the south east.

The site is devoid of buildings or significant vegetation and contains a driveway for construction traffic with tyre wash down area, pond and escarpments. The northern portion of the site has a general fall of approximately 6 metres from the southwest down to the northeast and a general slope down towards Peninsula Drive.

Development adjacent to the site consists of:

- Peninsula Homes to the north comprising two storey townhouse buildings.
- A vacant site to the east which is identified for a future seniors living development.
- Development to the south consists largely of constructed residential flat buildings which range in height from three, six and nine storeys. Further to the south is the Village Centre Precinct which in addition to residential includes commercial / retail uses.
- Commercial / industrial activities to the west on Tennyson Road comprising two storey buildings.
- A 3-3.5m high brick wall “Tennyson Road Wall” which is a local heritage item runs the length of the Tennyson Road frontage.



Figure 2 – Location Plan

1.3. CONCEPT PLAN AND SITE HISTORY

In 1999, the Breakfast Point Master plan was adopted by the City of Canada Bay (Council) in accordance with State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56), allowing 1650 residential dwellings and 18,800m² of commercial floor space.

In 2002, the Master Plan was amended by Council to allow for 1,865 dwellings and 12,300m² of commercial uses on the site.

On 31 August 2005, the then Minister for Planning assumed the role of approval authority for outstanding development at Breakfast Point under the former provisions of State Environmental Planning Policy (Major Projects) 2005.

On 7 April 2006, the then Minister for Planning approved the *Breakfast Point Concept Plan 2005* for a mixed use residential/commercial/retail development comprising (additional to the approvals granted by the Council):

- 176,222m² of GFA, including 1,519m² of non-residential GFA;
- 989 dwellings; and
- subdivision into Torrens title and strata lots.

On 4 August 2006, the Director General approved an additional 200 dwellings for the *Breakfast Point Concept Plan 2005* site allowing a maximum of 1,189 dwellings to be constructed, pursuant to Condition 7 of the Concept Plan approval. As a result, the total GFA for the *Breakfast Point Concept Plan 2005* was also increased to 183,480m². Overall a total of 2,065 dwellings are allowed for Breakfast Point under the Concept Plan approval, when including the Masterplan 2002 approved dwellings.

On 18 October 2010, the then Minister for Planning granted approval for a Section 75W modification application to the *Breakfast Point Concept Plan 2005 MOD 1* including:

- Redistribution of dwellings originally approved (under the Concept Plan) in Buildings 7D1 – 7D4 and 7D6 of the Seashores Precinct to Building 7D5 of the Seashores Precinct, Buildings 6F2, 5B1 and 5B2 of The Point Precinct and all buildings within the Woodlands North Precinct, whilst maintaining the approved dwelling cap of 2065 dwellings;
- Amendment to Buildings 7D1, 7D2, 7D3, 7D4 of the Seashores Precinct for use as Seniors Housing comprising 509 additional bedrooms (227 dwellings) and the retention and adaptive reuse of the former Plumbers' Workshop building for communal facilities;
- Variation to the dwelling mix of Buildings 5B1, 5B2 and 6F2 of the Point Precinct resulting in an additional 52 dwellings within the approved building envelope;
- Variation of dwelling numbers and mix allocated within Building 7D5 of the Seashores Precinct and Buildings 7B1, 7B2, 7B3 of the Woodlands North Precinct;
- Incorporation of changes to dwelling numbers already approved by previous s.75W modification applications;
- Amendments to the Concept Plan Modification 1 and 7 (Conditions 1 and 7) to delete the references to the FSR/dwelling cap applying to the entire Breakfast Point site.
- Inclusion of Exempt and Complying development;
- Provision of a framework to ensure all future applications are dealt with under Part 3A of the Act only if they meet the provisions of State Environmental Planning Policy (Major Development) 2008, or if the application involves the modification of a Minister's approval; and
- Provision of a S94 Contributions regime for Seniors Housing.

To date, Project Approval has been granted for **1079** dwellings pursuant to the overarching *Breakfast Point Concept Plan 2005* (refer to **Appendix A**). This application includes 100 additional dwellings, which if approved will result in a total 1,179 dwellings within the Concept Plan area identified in Figure 3.



Figure 3 - Location of subject site (Building 7B1) within Breakfast Point Concept Plan 2005

1.4. APPLICATION BACKGROUND

This application was lodged on the 4 March 2013 and, in accordance with Canada Bay Development Control Plan, was notified for a period of 14 days. 143 notification letters were issued to residents/stakeholders in the vicinity as well as 4 notification letters issued to Breakfast Point Community Associations. Seven submissions were received (further information below).

An email was issued to the applicant (Rosecorp Management) on 12th April 2013 outlining a number of issues pertaining to the following:-

- a) No pedestrian link has been provided through the site, in accordance with Part 5.14 of the *Breakfast Point Concept Plan 2005*;
- b) Clarification as to whether or not the second level of basement carparking meets the Concept Plan definition for a basement i.e. 50% of basement volume below ground level;
- c) Inaccurate streetscape elevations shown on Dwg No DA.12, Section B-B;
- d) No verification statement from suitably qualified landscape architect, confirming compliance with the *Breakfast Point Landscape Concept Master Plan*, has been provided;
- e) Clarification regarding the Heritage Wall to Tennyson Road and the ground floor courtyards;
- f) Clarification of the method of natural ventilation utilised on various unit types.

A further email was issued on 17th April 2013 raising a number of issues with the waste arrangements for the building.

Rosecorp responded on 19th April 2013 as follows:-

- a) The site plan (Dwg DA.04) has been amended to include the through link to the northern boundary of the site.
- b) Calculations and drawings have been submitted to show how the structure meets the definition of a basement in the Concept Plan. The basement level has been lowered by 300mm in order to comply. Drawings have been amended accordingly;
- c) Dwg No DA.12 has been amended to accurately illustrate the proposed building;
- d) Verification statement from Context Landscape Architects provided;
- e) It is confirmed that the Heritage wall will not form part of the ground floor courtyards;
- f) Clarification has been provided as to how wind induced ventilation will utilise pressure differences to provide cross ventilation.

Waste arrangements have been amended by removing proposed garbage chutes, thereby encouraging future occupants to take waste to the basement where it will be appropriately separated. A bulky goods storage area and larger (660 litre) bins have been provided as requested by Council's Waste Coordinator. Kerbside parking outside the driveway area will be allocated for the garbage vehicle to stand while bins are retrieved. Outside of collection time the parking will revert to 2 x visitor parking bays.

1.5. SUBMISSIONS RECIEVED

At the conclusion of the exhibition period on 4 March 2013, a total of seven (7) submissions were received from the community. The issues raised during the exhibition period are summarised below and assessed in detail under Section 2.4. Copies of submissions are included at Appendix C.

- Lack of Parking;
- Access to Parking;
- Traffic Generation;
- Setback to Tennyson Road;
- Bulk and Scale/Height;
- View Loss;
- Overshadowing;
- Building Envelope not as per Concept Plan;
- Number of dwellings approved under the Concept Plan;
- Level of Consultation;

It is noted that the proposed building is compliant with the *Breakfast Point Concept Plan 2005*, in terms of height, bulk, scale, parking and dwelling numbers.

1.6. PROPOSED DEVELOPMENT

The proponent is seeking approval for the construction of a 9 storey residential flat building comprising 100 apartments, 140 basement car parking spaces, 20 on-street visitor parking spaces, landscaping and Torrens subdivision into 2 lots and Strata subdivision of 100 lots.

The key components of the proposal are detailed below.

<i>Aspect</i>	<i>Description</i>
<i>Project Summary</i>	Project Application for a Residential Flat Building
<i>Site Area</i>	7140sqm
<i>Building Height</i>	9 storeys, with attic, and 2 levels of basement.
<i>Gross Floor Areas</i>	Maximum total Gross Floor Area of 183,480 sqm Total Gross Floor Area 177,454sqm (Including 4 T/Houses DA 68/2013)
<i>Residential Apartment Size and Mix</i>	Total of 100 apartments comprising: 37 x 1 bedroom 47 x 2 bedroom 13 x 3 bedroom 3 x 4 bedroom A total of 182 bedrooms
<i>Landscaping</i>	Associated landscaping including provision of a through link between Tennyson Road and Woodland Avenue.
<i>Car Parking</i>	Provision of 140 car parking spaces over 2 levels for future residents and 20 off-street visitor parking spaces.
<i>Strata Subdivision</i>	Land subdivision into 2 Lots & Strata Subdivision of 100 Lots
<i>Cost of Development</i>	\$ 34,760,000.00

2. ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

2.1. Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]

2.1.1. State Environmental Planning Policies

The proposed development is subject to the following State Environmental Planning Policies.

State Environmental Planning Policy No. 55 (SEPP No. 55) Remediation of Land.

According to clause 7 of SEPP No. 55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The Breakfast Point land has been remediated in a staged operation from 1998 to 2002, under an audited Remediation Action Plan. The Concept Plan identifies the site as an 'Unrestricted Residential Zone' which anticipates all forms of residential buildings, child care and school facilities, commercial and industrial buildings, parks, recreational facilities and open space. The proposal is a residential development consistent with these uses.

A Site Management Plan, prepared by URS 11th December 2002, provides management protocols to be applied to the AGL site in its entirety.

The proposal was considered by Council's Sustainability and Health Projects Coordinator who raised no issue in relation to contamination for the proposed development.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings

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 Anthony Occhiuto stating that the proposed development was designed by Rose Architectural Design under his direction. Rose Architectural Design verifies that the design quality principles set out in Part 2 of SEPP 65 are achieved for this residential flat building. A detailed assessment is provided in the table below.

<i>Key Principles of SEPP 65</i>	<i>Response</i>
<i>Principle 1: Context</i>	SEPP 65 requires that development respond to the desired future character of its context as stated in planning and design policies. The proposal is consistent with the footprint and height requirements as approved

	and contained within the <i>Breakfast Point Concept Plan 2005</i> (as modified). The proposal is not expected to have any detrimental impacts on the amenity of existing, adjoining developments. The amenity of the future occupants is considered in Principle 7.
<i>Principle 2: Scale</i>	In terms of scale, the proposal is consistent with the 9 storey height limit as set down within the <i>Breakfast Point Concept Plan 2005</i> (as modified). The building is considered to be an appropriate height and scale for the locality and is compatible with development with and adjoining Breakfast Point. The proposed scale will complement existing development within Breakfast Point and future development of adjoining sites.
<i>Principle 3: Built Form</i>	<p>The proposed building is a stand alone, slab type apartment building with an irregular, elongated footprint set at an angle to Tennyson Road. Units will be accessed off a central 'L' shaped corridor. Elevations have been suitably articulated with recessed balconies, modulated elements and varying cladding, materials and finishes. The angled footprint provides further visual interest. The roof will present as predominately a hipped form, broken into several components which incorporate dormer elements.</p> <p>The building is designed to be consistent and compatible with the overall appearance and character of the Breakfast Point redevelopment.</p>
<i>Principle 4: Density</i>	<p>The proposal contributes towards the cumulative total of dwellings on the site. The dwellings are of an appropriate size and scale to facilitate a range of living arrangements. The proposed density complies with the approved <i>Breakfast Point Concept Plan 2005</i> (as modified).</p> <p>The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area with most units containing study areas. The proposed design will provide for a variety of units sizes and a unit mix which will promote diversity, affordability and housing choice.</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>A valid BASIX certificate has been submitted with the application. It indicates that the proposal complies with the established water and energy efficiency targets.</p> <p>Stormwater plans have been submitted showing stormwater disposal into the existing Breakfast Point infrastructure. 1800sqm of deep soil is provided at ground level, resulting in desired infiltration.</p> <p>Suitable waste storage areas have been provided within</p>

	the basement level with provision made for separate storage of recyclables and garden waste.
<i>Principle 6: Landscape</i>	The submitted landscape plan identifies generalised planting types (i.e. trees and shrubs) with a selection of specific species nominated for each planting type. The landscape plan provides a variety of planting around the perimeter of the site which includes screen planting around the ground floor courtyards. Canopy planting is provided within each of the street setbacks of the proposal which also softens the proposal and provides a green outlook from the apartments.
<i>Principle 7: Amenity</i>	<p>The design seeks to locate bedrooms together whilst separating living, kitchen or dining areas from bedrooms.</p> <p>The design allows solar access during mid winter to the living area of 64% of units of at least 3 hours. A further 8% will receive a minimum of 2 hours solar access.</p> <p>The proposal provides cross ventilation to the living areas of approximately 68% of the dwellings.</p> <p>The building has been designed in such a way as to minimise the number of units with a single (southerly). aspect</p> <p>All units are of sizes consistent with the design code and have all been provided with private open space areas in the form of courtyards or balconies.</p> <p>All units are provided with storage areas within the units and/or within the car park.</p>
<i>Principle 8: Safety and Security</i>	The apartments and associated balconies within the complex will provide for good passive surveillance both within the development and along the street frontages.
<i>Principle 9: Social Dimensions and Housing Affordability</i>	The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of units sizes and a unit mix which will promote diversity, affordability and housing choice all within proximity to public transport, employment opportunities and retail uses.
<i>Principle 10: Aesthetics</i>	The design of the building is articulated and includes a variety of materials and colours which blend with the overall character of Breakfast Point. The building will contribute towards a desirable streetscape character, complementing the character of surrounding development.

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).

<i>Part 1 – Local Context</i>	<i>Consideration</i>
<i>Primary Development Controls</i>	
<i>Building Height</i>	The building is compliant with the 9 storey height provision of the Concept Plan.
<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 proposal provides a building depth from glazing to glazing of between 21 and 26m, however, as noted below, adequate solar access and cross ventilation has been provided to units.</p>
<i>Building Separation</i>	The building footprints and separations are broadly consistent with the built forms provided for by the Concept Plan. The building will be separated from the recently approved 5 storey building on Peninsular Drive by 19m. Shadow diagrams indicate that shadowing to adjacent properties (existing & proposed) will be minimal.
<i>Part 2 – Site Design - Primary Development Controls</i>	
<i>Deep Soil Zones</i>	A substantial deep soil landscaping zone is provided around the perimeter of the building.
<i>Fences & Walls</i>	Definition between public/private domain has been established through the use of planting and fencing. Fencing will be compatible with existing fencing throughout Breakfast Point.
<i>Landscape Design</i>	The scale of planting is varied and landscaping to the street setback softens the built form. Landscaping surrounding the ground floor courtyard areas provides a quality environment for the future occupants.
<i>Open Space</i>	<p>The Breakfast Point development provides communal open space which exceeds 25%.</p> <p>All ground floor apartments are serviced by courtyards and upper levels are provided with balconies.</p>
<i>Orientation</i>	The number of apartments with a southerly (SW-SE) aspect has been kept to a minimum.
<i>Planting on structures</i>	Minimum of 200mm soil depth for turf/small shrub planting with 600mm-1000mm for larger shrubs and trees.

Site Amenity

Stormwater Management

An adequate stormwater management system is proposed. The system will connect into the existing Breakfast Point stormwater infrastructure network.

Safety

Passive surveillance provided by proposed courtyard and balconies. All entries are clearly defined and secured. Intercom will be provided to the building entry door. Paths and entry points will be illuminated. Street boundary is reinforced through landscaping which delineates the public and private domain.

Visual Privacy

Compliant separation has been provided between the subject building and those upon adjacent sites. Balconies have been largely offset from adjacent properties with adequate separation distances. Ground floor courtyards are to be adequately screened.

Building Entry

Readily identifiable and accessible entry is provided to the building from the street frontage and does allow clear orientation by visitors.

Site Access

Parking

Resident and visitor parking provided is compliant with the provisions of the Concept Plan. Resident parking is accessed from Woodlands Avenue, with separate, off-street visitor parking also provided.

Proximity of the site to public transport services is also considered beneficial.

Pedestrian Access

Building access is available from the street frontage. A site through link, to the northern boundary of the site, has been provided in accordance to the concept plan.

Vehicle Access

The vehicular entry point provides adequate separation from pedestrian entries.

Width of the driveway crossing measures less than 6m.

PART 03 - BUILDING DESIGN

Building Configuration

Apartment Layout

The majority of units have kitchens 8m from a window. All units have large areas of glazing receiving good solar access.

	<p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p> <p>The design allows solar access during mid winter to the living area of 64% of units of at least 3 hours. A further 8% will receive a minimum of 2 hours solar access.</p> <p>The proposal provides cross ventilation to the living areas of approximately 68% of the dwellings.</p> <p>A BASIX certificate has been issued for the proposed buildings confirming that the levels of thermal energy use and cross ventilation meet the relevant criteria.</p>
<i>Apartment Mix</i>	The proposal incorporates 37% 1 bed, 47% 2 bed, 13% 3 bed apartments and 3% four bedroom. Therefore, a satisfactory mix of one, two and three bedroom apartments has been provided within the proposal.
<i>Balconies</i>	Balconies have been provided to all units and retain dimensions which are appropriate and ensure their useability.
<i>Ceiling Height</i>	Minimum ceiling heights comply with the rules of thumb with minimum 2.7m provided to the residential units.
<i>Flexibility</i>	Considered to achieve the objectives in providing internal flexibility for use by occupants
<i>Ground Floor Apartments</i>	Ground floor apartments with courtyards are provided.
<i>Internal Circulation</i>	The proposal has a single central corridor with a maximum corridor loading of 11 units. A window has been provided to the end of the corridor on each level.
<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 Concept Plan. The proposal will be conditioned to comply with the BCA. The proposal is not located in close proximity to any noise generating activities.

<i>Daylight Access</i>	The design allows solar access during mid winter to the living area of 64% of units of at least 3 hours. A further 8% will receive a minimum of 2 hours solar access.
<i>Natural Ventilation</i>	The proposal provides cross ventilation to the living areas of approximately 68% of the dwellings.
<i>Building Form</i>	
<i>Facades</i>	Building facade generally considered acceptable with effective articulation provided.
<i>Roof design</i>	Roof form has been integrated within the overall design of the buildings. Incorporates hipped roof form with gables and balconies. Partial flat roof form towards corner, but generally consistent with character of the area.
<i>Building Performance</i>	
<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 storage and recycling areas provided within the basement level of the development.
<i>Water conservation</i>	Stormwater plans have been submitted.

State Environmental Planning Policy - Building Sustainability Index (2004)

To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy – Building Sustainability Index (BASIX).

The proposed development has achieved full compliance with the BASIX commitments as they have reached targets of 40 for water and 20 for energy. The schedule of BASIX Commitments is specified within the BASIX Certificate No.467950M and is included in the recommended conditions of consent.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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 Concept Plan. The proposal is separated from the Parramatta River by the River Front Precinct which contains attached and detached dwellings and Peninsula Drive with a separation between the built form and foreshore of approximately 130m. In so far as the proposal is not inconsistent with stipulated building envelope provisions and overall design of Breakfast Point it is generally considered acceptable.

2.1.2. *Local Environmental Planning Instruments*

The proposed development, defined as residential flat building is permissible with the consent of Council, within a General Residential R1 zone under Canada Bay Local Environmental Plan 2008. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning – R1 (General Residential)	Permissible	Yes
Floor Space Ratio – 0.7:1 (Breakfast Point)	Cumulative compliance table in Appendix B	Yes
Acid Sulfate Soils - Class 5	Geotech Report prepared by Jeffery & Katauskas	N/A

As demonstrated in the table above, the proposed development achieves full compliance with the relevant statutory standards.

Heritage Conservation

The site is in the vicinity of a local heritage item being the ‘Tennyson Road Wall’ which adjoins the site, running along the west boundary. An assessment is provided in accordance with Clause 5.10 of the Canada Bay LEP 2008 and Part 4 of the Canada Bay DCP 2008.

Heritage Item in the Vicinity

The statement of significance for the Tennyson Road Wall is as follows:

“The brick wall facing Tennyson Road marks part of the western boundary of the former AGL Gasworks at Mortlake; once one of the largest gasworks in the Southern Hemisphere.

The Tennyson Road entry gates are a memorial to AGL workers who served in WWI. The gates and entry pavilion continue to provide an attractive landmark at the entry to Breakfast Point.

No alterations to the Heritage Item are proposed. The building will have an adequate separation distance from the Tennyson Road Wall. The proposed site through link from Tennyson Road will be provided through an existing opening in the wall. No unacceptable impacts on the Heritage Item are anticipated.

2.2. **Draft Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]**

The Draft Canada Bay Local Environmental Plan was placed exhibited from the 14 November 2011 until the 24 February 2012 and as such is considered below:

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning – R3 (Medium Density Residential)	Permissible	Yes
Floor Space Ratio – 0.7:1 (Breakfast Point)	Cumulative compliance table in Appendix B	Yes
Acid Sulfate Soils - Class 5	Geotech Report prepared by Jeffery & Katauskas	N/A

As demonstrated in the table above, the proposed development achieves full compliance with the relevant statutory standards.

2.3. **Development Control Plans, Council Policies or Codes [Section 79C(1)(a)(iii)]**

The proposed development is affected by the provisions of the Breakfast Point Concept Plan (As Amended) and Breakfast Point Landscape Master Plan. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

<i>Provision</i>	<i>Control</i>	<i>Provided</i>	<i>Compliance</i>
2.00 Floor space ratio	Max. 0.67:1 (Max 183,480 sqm)	10,240sqm proposed Total 177,454sqm (Including 4 T/Houses DA 68/13)	Yes
2.00 Dwellings	Max. 1189 (whole site)	100 Units Proposed Total 1183 (Including 4 T/Houses DA 68/13)	Yes
2.00 Bedrooms	Max. 2280 (whole site)	182 Bedrooms Total 2253 (Including 4 T/Houses DA 68/13)	Yes
5.11 Resident parking	Min. 1 Bed – 1 2 Bed – 1.5 3 or more Bed – 2 Required – 140	140 Proposed	Yes
5.11 Visitor parking	Min. 1/5 dwellings, on street within 100m Required – 20	20 Proposed	Yes
5.14 Through site link	Located adjoining northern boundary	Link provided on amended plans.	Yes

5.15 Bicycle parking	In accordance with Guide to Traffic Engineering Practice” (Ausroads) Part 14	Separate area provided to south of building	Yes
7.00 Landscaping	In accordance with Landscape Master Plan	Letter of Consistency from Landscape Architect provided	Yes
10.00 Building footprint	Set by Concept Plan	Generally in accordance	Yes
10.05 Building Height	Max. 9 storeys (excluding attic space with dormers and balconies)	9 storeys (with attic space)	Yes
10.15 Adaptable housing	Min. 5% of total dwellings	Not proposed as part of this development. SEE states that requirements have been provided elsewhere within Breakfast Point	
12.00 Remediation	Unrestricted Residential Zone	Residential	Yes

As indicated in the compliance table above, the proposed development has achieved full compliance with the non-statutory controls applicable to the site and is considered acceptable in this regard.

2.4. **Likely Impacts of the Development [Section 79C (b)]**

The likely impacts of the proposed development are discussed as follows:

Breakfast Point Concept Plan Approval

This application will, if approved, bring the total dwellings within Breakfast Point to 1,179, which is below the maximum 1,189 allowed within Breakfast Point Concept Plan as modified. A table providing a breakdown of dwellings approved up to this point is provided at Appendix A.

Solar Access

Shadows cast at 9am on 21 June will fall on properties at 92 & 96 Tennyson Road, which are used as commercial and a place of public worship respectively.

At 12pm the shadowing is cast predominantly on the subject site. The building adjacent to the site, along the southern boundary, is currently used as a cricket training facility with no shadowing impact apparent.

At 3pm on June 21 shadowing falls on the rear and roofing of the proposed townhouses at 10-18 Woodlands Drive (currently under consideration; DA68/2013). The courtyards associated with the townhouses are orientated to the east of the townhouse and will be shadowed by the townhouses themselves. Shadowing will also fall on the car park and side elevation of 6-8 Woodlands Drive. Shadowing impacts to this property are expected to be within acceptable standards.

Submitted shadow diagrams indicate that the proposed development has a minimal shadowing impact. The site is bound by roadways to the east and west which provide increased separation to the surrounding developments. Separation distances within the Breakfast Point precinct are compatible with provisions of SEPP 65.

Streetscape, Bulk and Scale

In terms of scale, the proposal is consistent with the 9 storey height limit as prescribed under Part 10 of the *Breakfast Point Concept Plan 2005* (as modified). It is accepted that the outline of the building, as demonstrated on the Building Envelope Principles of Fig 10.01 of the Concept Plan, are indicative only. The footprint of the building is generally consistent with that indicated in the Concept Plan, with the building being suitably orientated to maximise solar access and the northerly aspect, in accordance with SEPP 65.

The proposed building is a stand alone, slab type apartment building with an irregular, elongated footprint set at an angle to Tennyson Road. Units will be accessed off a central 'L' shaped corridor. Elevations have been suitably articulated with recessed balconies, modulated elements and a combination of various cladding, materials and finishes. The angled footprint provides further visual interest. The roof will present as predominately a hipped form, broken into several components which incorporate dormer elements. Secondary architectural elements, in the form of balconies, eaves, dormers, balustrades, pergolas and sunshades, provide modulation of light and shade contrasting with heavier roof and wall elements. These built elements are consistent with the Built Form provisions of the Concept Plan.

The proposal provides for a built form which is consistent with the already constructed and approved buildings within the precinct, including:

- 1-9 Woodlands Avenue (Spyglass Hill) - nine storeys above basement parking.
- 21 Tennyson Road (Rosewood) - five storeys building with basement parking.
- 25 Market Street - nine storeys building above basement parking.

The heights are in keeping with the height of previous approvals within breakfast Point and therefore the proposal is not considered to visually detract from the Precinct. The setback to Tennyson Road is 9m at the narrowest point increasing to 28m and is generally in accordance with the Concept Plan Fig 10.01.

The proposal will result in acceptable impacts upon the neighbouring properties as detailed in the assessment provided in this assessment. There will be no unreasonable privacy, solar access, vehicular traffic or streetscape impacts that arise out of the proposed height. The setbacks, height and use of materials provide an appropriate scale in terms of bulk and height which complements the surrounding buildings and desired built form.

As discussed under SEPP 65 consideration above, the proposal is satisfactory with regard to the built form and building envelope. It is considered that the overall design, including colours and materials are consistent with those within Breakfast Point and the warm, light tones specified in the Concept Plan.

The proposal includes elevated ground floor levels towards Woodlands Avenue which are visible within the streetscape. A row of planting will be provided around the perimeter of the building help to soften the platform levels. Planting has also been provided along the driveway access to the basement car parking and to the visitor parking area. These features are considered to soften these built elements.

View Corridors/View Sharing

Part 4.00 of the *Breakfast Point Concept Plan 2005* contains the following objectives:-

- *To ensure the creation, retention and enhancement of significant vistas to and from the site, and to and from the Parramatta River.*
- *To maximise views, access and connection to the waterfront.*
- *To ensure that the views of the site from the street and the harbour should form a harmonious vista this includes vegetation in harmony with the buildings and view corridors to and from the water.*

Whilst it is acknowledged that the building envelope and sitting will have an impact on the views obtained from adjacent dwellings, particularly upper storey units at 21 Tennyson Road (Rosewood), substantial views will be retained from units within this building. The upper floor units on the northern end of the building at 21 Tennyson Road have balconies positioned on the north-west and north east corners of the building, providing views not only to the north but also to the east and west.

The balconies with northern aspects on units at 1-9 Woodlands Avenue will also retain substantial water views. The centralised balconies will retain views directly to the north. Balconies to the north-west corner of the building will also retain views to the north as well as views to the west.

Therefore, it is considered that adequate view corridors, providing water views, will be retained. The proposed built form is generally consistent with the *Breakfast Point Concept Plan 2005* (as modified), being 9 storeys and largely comparable with the building footprint described in the Concept Plan. As a consequence it can be concluded that the proposal meets the aforementioned aims and objectives of the Master Plan.

Traffic generation and parking

A number of submissions have raised concerns with the parking provision and transport issues including;

- Increased traffic in Breakfast Point/Mortlake areas;
- Impact of parking on original Concept Plan;
- Further traffic study required;
- Access to the parking via Woodland Ave and not Tennyson Road.

A Review of Transport Aspects for Breakfast Point, prepared by Colston Budd Hunt & Kafes Pty Ltd in May 2010, was commissioned in order to assess transport implications arising as a result of the amended Breakfast Point Concept Plan. The report concluded that:

... the proposed concept plan amendments are the same as or similar to previously approved developments in terms of their external traffic implications and site access. The internal road layout is not proposed to change. Provision of parking, public transport and service vehicles is also the same as in previous approvals.

In terms of parking provision for the proposed units, the proposal was referred to Council's Traffic Engineer who commented as follows;

The Review of Transport Aspects for Breakfast Point requires the provision of 1 carspace per 1 bedroom dwelling, 1.5 spaces per 2 bedroom dwelling and 2 per dwelling with 3 or more bedrooms. In addition, 1 visitor's space per 5 dwellings is required. The visitors spaces can be provided on-street if they can be provided within 100 metres of the development.

*Based on these requirements the development would be required to provide a total of 160 spaces consisting of 140 residential and 20 visitor's spaces. The submitted proposal **does** satisfy Council's parking requirements.*

It is noted that a separate car park for visitor's spaces has been provided off-street, to the south of the unit building, thereby ensuring that there is no overlap with visitor parking provision for existing or proposed developments in the immediate vicinity.

The site plan has been amended to provide a pedestrian though site link to the north of the site linking Tennyson Road with Woodland Avenue, in accordance with the Concept Plan. Due to the Heritage listing of the boundary wall to Tennyson Road, provision of vehicular access directly from Tennyson Road is problematic. The topography of the site would also present issues with direct access from Tennyson Road. Therefore, vehicular access is via Woodlands Avenue which in turn can be accessed via Magnolia Drive or Peninsula Drive.

The overall dwelling numbers and intensity are generally consistent with those of the Concept Plan and the traffic reports which supported it. The local road network within Breakfast Point is fully established. The proposal provides compliant resident and visitor parking, noting that the latter is provided off-street within 100m of the proposal. Bicycle parking has also been provided. Public transport is available in close proximity to the subject site.

Noise Impact

Generally, the proposed development is not likely to result in any unreasonable on-going noise impacts on surrounding properties following construction.

Intensity of Use

The proposal is considered acceptable with regard to proposed intensity of use.

Social/Economic

The proposal is not expected to have any significant social or environmental implications.

Landscaping

A landscape verification statement provided by Context Landscape Architects has been submitted. The proposal will provide adequate landscaping including deep soil zones on the site. Residents will also have access to the communal facilities located within the suburb of Breakfast Point.

3. INTERNAL REFERRALS

3.1. Traffic Engineering

The proposal was considered by Council's Traffic Engineer and no issues were raised. See additional comments at section 2.4 above.

3.2. Waste Management

The proposal was considered by Council's Waste Coordinator who raised the following issues:-

- The SEE states that residents will take the refuse and recycling to the basement however, chutes are shown on the plans.
- A single waste chute is shown on plans. If the chute system is to be employed, in order to accommodate both standard garbage and recycling waste, a dual purpose chute should be installed. This will require a diverter at the base which will utilise a larger area;
- Alternatively, the chute system can be removed, encouraging people to bring waste to the bin store and separate waste there;
- In order to reduce the number of bins and storage space required, consideration should be given to using 660l bins. If 660l waste bins are to be used, it should be noted that wider door openings will be required;
- No standing area for the waste vehicle has been provided meaning that the waste vehicle will utilise the driveway whilst collecting waste. Consideration should be given to a separate standing area for the waste truck;
- A bulky good storage area of 30sqm is required in the basement;

Rosecorp have submitted amended plans with the following alterations to the waste arrangements:-

- Removing proposed garbage chutes, thereby encouraging future occupants to take waste to the basement where it will be appropriately separated;
- Provision of bulky goods storage area;
- Provision of larger 660 litre bins;
- Clarification that kerbside parking outside the driveway area will be allocated for the garbage vehicle to stand while bins are retrieved. Outside of collection time the parking will revert to 2 x visitor parking bays.

Proposed amendments are satisfactory. A suitable condition, requiring 'No Parking' signs to be provided to car parking spaces adjacent to the proposed driveway for a specified time frame allowing for garbage collection, has been included in the recommendation of this report.

4. CONCLUSION

Council has assessed the submitted plans and documentation and considered agency submissions in response to the proposal. 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 100 dwellings, 140 basement car parking spaces, 20 off-street parking spaces and landscaping on land identified as Lot 92 of DP 27034, 19-21 Tennyson Road, Breakfast Point (Building 7B1 – Woodlands Precinct). 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.

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. 65/2013 for the construction of a 9 storey residential flat building providing 100 residential units, 160 car parking spaces, strata subdivision and landscaping on land at 19-21 Tennyson Road, Breakfast Point (Lot 92 of DP 27034), known as Building 7B1 – Woodlands Precinct, 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 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.

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 condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<i>Reference/ Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
DA.00, Rev. A	Cover sheet & Drawing Register	Rose Architectural Design	
DA.01, Rev B	Site Analysis & Location Plan	Rose Architectural Design	19.04.13
DA.02, Rev. B	Level Basement 2 Plan	Rose Architectural Design	19.04.13
DA.03, Rev B	Level Basement 1 Plan	Rose Architectural Design	19.04.13
DA.04, Rev B	Site/Level 1 Plan	Rose Architectural	19.04.13

		Design	
DA.05, Rev B	Levels 2 & 3 Plan	Rose Architectural Design	19.04.13
DA.06, Rev B	Levels 4 & 5 Plan	Rose Architectural Design	19.04.13
DA.07, Rev B	Levels 6 & 7 Plan	Rose Architectural Design	19.04.13
DA.08, Rev B	Levels 8 & 9 Plan	Rose Architectural Design	19.04.13
DA.09, Rev B	Loft Level Floor Plan & Roof Plan	Rose Architectural Design	19.04.13
DA.10, Rev B	Elevations	Rose Architectural Design	19.04.13
DA.11, Rev B	Sections	Rose Architectural Design	19.04.13
DA.12, Rev B	Streetscape Elevations & Sections	Rose Architectural Design	19.04.13
DA.13, Rev A	Visitor Parking Plan	Rose Architectural Design	04.03.13
DA.14, Rev A	Shadow Diagrams 21 June at 9am, 12pm & 3pm	Rose Architectural Design	04.03.13
DA.15, Rev A	Shadow Diagrams 21 March/September at 9am, 12pm & 3pm	Rose Architectural Design	04.03.13
DA.16, Rev A	Shadow Diagrams 21 December at 9am, 12pm & 3pm	Rose Architectural Design	04.03.13
Sheets 1 of 1	Draft Plan of proposed subdivision of Lot 94 in DP 270347	Tasy Moraitis	27.02.13
467950M	BASIX Certificate	Rose Management Services	04.03.13
SK.01, Rev A	External Materials, Finishes & Colours	Rose Architectural Design	04.03.13
	Landscape Concept Plan	Context	As Stamped
	Street Numbering Schedule	Rose Architectural Design	As Stamped
	Access Report	Cheung Access	01.03.13
SW05, Rev A	Sediment and Erosion Control Details	SEMF	14.02.13
SW06, Rev A	Sediment and Erosion Control Details	SEMF	14.02.13

***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 Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our 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 consent which must be satisfied prior to the issue of any Construction Certificate).*

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

2. **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.

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

3. **GCP4 Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

4. **GCG6 Height**

The maximum height of the proposed development shall be A.H.D. 46.750, and measured at the topmost ridge.

(Reason: Compliance)

5. **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)

6. **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)

7. **GCG11 Street Numbering of Lots and Units**

All units and/or new allotments shall be numbered in accordance with the approved Street Numbering Plan identified in condition 1. Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of Property for Emergency Services and Mail Deliveries)

8. **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)

9. **GCH 5 Waste Management**

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

(Reason: Compliance with approval)

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

10. **CCG1 Amendments to Approved Plans**

The following amendments shall be made to the approved plans prior to the issue of a Construction Certificate:-

The landscape plan shall be amended to show the pedestrian site through link adjacent to the northern boundary, as detailed on DA.04 (B)

Note: This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate for the proposed development.

(Reason: To confirm and clarify the terms of Council's approval)

11. **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)

12. **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)

13. **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)

14. **Density GFA Certification**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the building does not exceed 10,240m² in accordance with the definition of GFA in the Canada Bay LEP 2008. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

(Reason: Compliance)

15. **Monetary Contributions**

In accordance with Condition 9 - Other Monetary Contributions, of the Breakfast Point Concept Plan Determination, the Proponent shall pay the following monetary contributions:

1. Amount of Contribution

Rate of Contribution (per unit)	Total Amount payable (100 units)
\$7,200	\$720,000

2. Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Canada Bay Council. For accounting purposes, the contribution may require separate payment for the different contribution categories and you are advised to check with Council.

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

(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)

16. **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) 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.
- (e) A Soil and Water Management Plan detailing all sedimentation controls.

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

17. **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)

18. **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, including the Heritage Wall to Tennyson Road, 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 a Construction Certificate.**

(Reason: Structural safety)

19. **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 **prior to the issue of an Occupation Certificate.** 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)

20. **CCL4 On Slab Landscaping**

To ensure the site landscaping thrives on slab landscaping shown on approved landscaping plan is to be designed to include a minimum soil depth of 600mm around trees and between 250mm and 450mm for grassed and planted areas, adequate drainage and a permanent automatic irrigation system. Details shall be submitted **with Construction Certificate application for above ground works.**

(Reason: Ensure landscape survival)

21. **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)

22. **CCV8 Off Street Car Parking Space Provision & Visitor Parking**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than 139 spaces are required and designated as follows:

<i>Car Parking Allocation</i>	<i>Number</i>
Standard Residential Car Parking Spaces	140
Visitor Parking (off street)	20
Total Spaces Agreed by this Consent	160

- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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

(Reason: Parking and access)

23. **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 a construction certificate**.

(Reason: Traffic safety and management)

24. **CCV11 Stacked Parking**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking). Details in this regard must be reflected in the plan documentation to be **lodged with a Construction Certificate** application. Manoeuvring of stacked vehicles must occur wholly within the property.

(Reason: Compliance and appropriate allocation of parking)

25. **CCV12 Stop Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

26. **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)

27. **Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings 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)

28. **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)

29. **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.**

(Reason: Adequate stormwater management)

30. **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 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)

31. **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 the Accredited Certifier **prior to the issue of the Construction Certificate**.

(Reason: Compliance and Amenity)

32. **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 the Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

(Reason: Environmental)

33. **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. 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.
- (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)

34. **CCR2 BASIX Commitments**

Development shall comply with BASIX Certificate no. 467950M submitted in respect of this application.

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)

35. **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 75W 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)

36. **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 any 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

37. **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 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)

38. **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)

39. **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)

40. **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.

(Reasons: Statutory Requirement and health and safety)

41. **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)

42. **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)

43. **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)

44. **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

45. **Breakfast Point Management Plan**

All works must comply with any requirement applicable under the 'Breakfast Point Management Plan', prepared by URS, dated 11 December 2002.

Should potential contaminants be identified during development (identification may be by sight or odour), works must cease, Council must be notified and a suitably qualified person must be engaged to undertake an assessment. Works may not recommence until authorised to do so by Council.

(Reason: Environmental amenity)

46. **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)

47. **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)

48. **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)

49. **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)

50. **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)

51. **Site Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Breakfast Point Site Management Plan (Revision E) , prepared by URS – 11 December 2002.

(Reason: Compliance with condition of consent)

52. **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)

53. **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)

54. **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 L₁₀ 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 L₁₀ 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)

55. **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)

56. **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)

57. **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)

58. **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)

59. **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)

60. **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)

61. **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)

62. **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
 - (iii)
- (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)

63. **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

64. **Parking / Garbage Collection**

Two car spaces on Woodlands Avenue, adjacent to the driveway, are to have 'No Parking' signs for a specified time period which corresponds with the garbage collection service for this development. The specific time period is to be negotiated and approved by Council's Waste Coordinator and signs erected **prior to the issue of a Final Occupation Certificate for the development.**

(Reason: Waste collection)

65. **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)

66. **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)

Conditions which must be satisfied prior to the issue of any Subdivision Certificate

67. SCG5 Section 73 Certificate from Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.**

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.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate**.

(Reason: To comply with statutory requirements)

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

68. 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)

69. 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)

70. FOG5 Wash down of Brickwork

Prior to occupation or use, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

(Reason: Visual amenity and environmental health)

71. **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

72. **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)

73. **OUE1 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)

74. **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)

75. **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*)

76. **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*)

Advisory Notes (ANN) -

Please note: the following may not apply to all consents

a. 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

b. 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'.

Attachments:

- 1. Appendix A – Schedule of Approved Dwellings
- 2. Appendix B – Cumulative Compliance Schedule
- 3. Appendix C – Submissions

Appendix A – Schedule of Approved Dwellings

Total Dwellings under Masterplan 2002 and Breakfast Point Concept Plan 2005 Approvals	
	Dwellings
Pre Concept Plan Approvals (approved under Council's Masterplan 1999 & 2002)	880
Breakfast Point Concept Plan 2005 Approval (including dwellings granted pursuant to Condition 7 of Concept Plan)	1189
Total	2065

Dwellings Approved to Date

Precinct	Dwellings Approved
Vineyards North – approved 2006	110
Vineyards South – approved 2006	118
River Front – approved 2006	25
MOD 1	-1
Country Club – approved 2006	83
The Point - approved 2006	128
MOD 1	30
MOD 2	20
MOD 4	21
MOD 5	23
Plantations – approved 2008	267
MOD 3	18
MOD 5	35
Silkstone – approved 2008	45
Seashores Precinct – Building 7D5	60
Woodlands North – Building 7B2	91
Concept Plan – Powerhouse Building MOD 2	6
Total	1,079

Currently Under Consideration by Council	
<i>Woodland North – Building 7B1(Subject DA)</i>	<i>100</i>
Woodland North – Building 7B3 (DA 68/2013)	4
Total	1,183

Appendix B – Cumulative Compliance Schedule

STAGE / SUPERLOT	PRECINCT / DEVELOPMENT SITE	MARKETING NAME	FSR (Whole Site)	ALL USES FSR Area m ²	RESIDENTIAL										RESIDENTIAL					OTHER USES					
					Total Residential FSR	Residential FSR Completed	Residential FSR Under Construction	Residential FSR DA Approved	Residential FSR To Be Designed	Dwellings Completed	Dwelling Under Construction	Dwellings DA Approved	Dwellings DA Submitted	TOTAL DWELLINGS	4B DWELLINGS	3B DWELLINGS	2B DWELLINGS	1B DWELLINGS	BEDROOMS	PARKING (off street)	VISITORS (on street)	SENIORS LIVING	SENIORS LIVING PARKING	OFFICE/COMMUNITY USE GFA m ²	OFFICE/COMMUNITY USE PARKING
CONCEPT PLAN AREA																									
	Lot 5A	Harbourfront Homes		2420	2420	2420	0	0	0	6	0	6	0	6	6	0	0	0	24	12	2	0	0	0	0
		Total Harbourfront Homes		2420	2420	2420	0	0	0	6	0	6	0	6	6	0	0	0	24	12	2	0	0	0	0
	Lot 6E Block A	Foreshore Townhouses		1595	1595	1595	0	0	0	6	0	0	0	6	6	0	0	0	18	12	1	0	0	0	0
	Lot 6E Block B	Foreshore Townhouses		1071	1071	1071	0	0	0	4	0	0	0	4	4	0	0	0	12	9	1	0	0	0	0
	Lot 6E Block C	Foreshore Townhouses		1836	1836	1836	0	0	0	7	0	0	0	7	7	0	0	0	21	14	1	0	0	0	0
	Lot 6E Block D	Foreshore Townhouses		1836	1836	1836	0	0	0	7	0	0	0	7	7	0	0	0	21	14	2	0	0	0	0
	Lot 6E Block E	Foreshore Townhouses		370	370	370	0	0	0	1	0	0	0	1	1	0	0	0	4	2	1	0	0	0	0
		Total Foreshore Townhouses		6708	6708	6708	0	0	0	25	0	25	0	25	1	24	0	0	76	50	6	0	0	0	0
	Lot 5B	Harbour Precinct		7240	7240	0	7240	0	0	0	62	0	0	62	0	9	28	25	108	85	13	0	0	0	0
	Lot 5B	Harbour Precinct		5953	5953	0	5953	0	0	0	55	0	0	55	0	6	25	24	92	74	11	0	0	0	0
	Lot 6F	Harbour Precinct		5560	5560	0	5560	0	0	0	60	0	0	60	0	0	30	30	90	75	12	0	0	0	0
	Lot 6F	Harbour Precinct		5015	5015	0	5015	0	0	0	45	0	0	45	1	5	19	20	77	61	9	0	0	0	0
		Total Harbour Precinct		23768	23768	0	23768	0	0	0	222	222	0	222	1	20	102	99	367	295	45	0	0	0	0
	Lot 5C	The Silkstone		5804	5804	5804	0	0	0	45	0	0	0	45	0	20	15	10	100	73	9	0	0	0	0
		Total Silkstone Precinct		5804	5804	5804	0	0	0	45	0	45	0	45	0	20	15	10	100	73	9	0	0	0	0
	Lot 6A	Observatory Hill		11100	11100	11100	0	0	0	83	0	0	0	83	0	24	59	0	190	137	17	0	0	0	0
		Country Club Precinct North		11100	11100	11100	0	0	0	83	0	83	0	83	0	24	59	0	190	137	17	0	0	0	0
	Lot 6B	Chateaux		5115	5115	5115	0	0	0	40	0	0	0	40	0	20	20	0	100	70	8	0	0	0	0
	Lot 6B	Epemay Row		1728	1728	1728	0	0	0	8	0	0	0	8	1	7	0	0	25	15	2	0	0	0	0
	Lot 6B	Hermitage Hill		8736	8736	8736	0	0	0	69	0	0	0	69	2	19	39	0	152	114	14	0	0	0	0
		Vineyards Precinct South		15579	15579	15579	0	0	0	117	0	117	0	117	3	46	59	9	277	200	24	0	0	0	0
	Lot 5G	Indigo/Magnolia		9114	9114	9114	0	0	0	98	0	0	0	98	0	0	42	56	140	119	20	0	0	0	0
	Lot 5H1	Cypress		3674	3674	3674	0	0	0	33	0	0	0	33	0	9	15	9	66	50	7	0	0	0	0
	Lot 5H2	Maple		2471	2471	2471	0	0	0	21	0	0	0	21	0	3	15	3	42	33	5	0	0	0	0
	Lot 5H3	Jacaranda		3492	3492	3492	0	0	0	30	0	0	0	30	0	8	16	6	62	46	6	0	0	0	0
	Lot 6C1	Acacia		4763	4763	4763	0	0	0	50	0	0	0	50	0	0	25	25	75	63	10	0	0	0	0
	Lot 6C2	Norfolk		8772	8772	8772	0	0	0	88	0	0	0	88	0	0	58	30	146	117	18	0	0	0	0
		Plantations Precinct		32286	32286	32286	0	0	0	320	0	320	0	320	0	20	171	129	531	425	66	0	0	0	0
	Lot 6D	1 Building 9a		8830	8830	8830	0	0	0	70	0	0	0	70	0	20	41	9	151	115	14	0	0	0	0
	Lot 6D	1 Building 3a		4191	4191	4191	0	0	0	30	0	0	0	30	0	15	15	0	75	53	6	0	0	0	0
	Lot 6D	Townhouses		1240	1240	1240	0	0	0	5	0	0	0	5	0	5	0	0	15	10	1	0	0	0	0
	Lot 6D	Townhouses		1240	1240	1240	0	0	0	5	0	0	0	5	0	5	0	0	15	10	1	0	0	0	0
		Vineyards Precinct North		15501	15501	15501	0	0	0	110	0	110	0	110	0	45	56	9	256	189	22	0	0	0	0
	Lot 7B	1 Building		10240	10240	0	0	0	10240	0	0	0	0	100	0	16	47	37	179	140	20	0	0	0	0
	Lot 7B	1 Building		9710	9710	0	0	0	9710	0	0	0	0	91	0	10	37	44	148	120	19	0	0	0	0
	Lot 7B	1 Building		800	800	0	0	0	800	0	0	0	0	4	0	4	0	0	12	9	1	0	0	0	0
		Woodlands Precinct North		20750	20750	0	0	0	9710	11040	0	0	0	91	0	195	0	30	84	81	339	267	40	0	0
	Lot 7D	1 Building		5854	5854	5854	0	0	0	60	0	0	0	60	0	0	30	30	90	75	12	0	0	0	0
		Seashore Precinct		5854	5854	5854	0	0	0	60	0	0	0	60	0	0	30	30	90	75	12	0	0	0	0
	Commercial	Powerhouse		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Blacksmiths		450	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	450	11
		Meter Readers		230	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	230	7
		Commercial Precinct		680	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	680	18
	Seniors Living	Whole Precinct		37004	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	37004	304	0	0
Concept Plan Total				177454	139779	95252	23768	9710	11040	766	222	1019	0	1183	11	229	576	367	2250	1722	243	37004	304	680	18
Concept Plan 2005/Amended 2010 Allowance				183480	144961									1189								37004		1519	
Balance				6026	5181									6								0		839	

