

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2013SYE090
DA Number	394/2013
Local Government Area	City of Canada Bay
Proposed Development	Demolition, remediation and construction of four residential flat buildings containing 152 units and 219 car parking spaces
Street Address	186 Great North Road, Five Dock
Applicant	EG Funds Management C/- SJB Planning
Owner	EG Funds Management
Cost of Works	\$50,050,000
Number of Submissions	Twenty five (25)
Recommendation	Approval subject to Conditions
Report by	Mr Stuart Ardlie – Senior Statutory Planner, City of Canada Bay

RECOMMENDATION

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

- A. THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 394/2013 for demolition of existing structures, remediation of the land and construction of four residential flat buildings containing 152 units and 219 car parking spaces on land known as Lot 1 in DP 120841, No. 186 Great North Road, Five Dock, subject to the following site specific conditions. In granting consent the Joint Regional Planning Panel - East has regard to the merit considerations contained in the assessment report pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of the merits of the case the Joint Regional Planning Panel - East acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

Recommended conditions are contained within Appendix D of this report.

REPORT

1. BACKGROUND

The subject site was formally the Five Dock RSL Bowling Club which has not operated since 2006. The buildings on the site have been demolished and the site has remained vacant since the cessation of the Club's use.

Council resolved through a planning proposal process to rezone the subject site to a Medium Density Residential R3 zone and set building height and floor space ratios. These took effect through the Canada Bay Local Environmental Plan 2013 which was gazetted on the 19 July 2013 and came into force on the 02 August 2013.

The Canada Bay Development Control Plan 2013 was adopted by Council on the 07 May 2013 and came into force upon gazettal of the Canada Bay Local Environmental Plan 2013. This amendment introduced site specific design controls for the subject site.

A Pre-lodgement Panel Meeting was held with Council Planning Staff on the 08 August 2013. The key issues relating to the draft proposal were discussed and feedback provided on the preliminary design concept.

The current development application was lodged on the 04 October 2013 and notified to 842 owners / occupiers for a period of fourteen (14) days. During the notification period twenty five (25) submissions were received from neighbouring stakeholders.

Based on a detailed assessment of the application and site inspection, Council wrote to the applicant on the 17 December 2013 and identified the following issues and requested additional information, including:-

- Elevations of each proposed building;
- Details about the progress of releasing a redundant Covenant;
- Remediation / Environmental Health;
- Impact on Lyons Road street trees;
- Clarification on common foyers / gross floor area;
- Privacy issues between buildings and central communal open space;
- Accessible access to the common square;
- Entry gate location;
- McKinnon Avenue footpath;
- Heritage conservation;
- Stormwater and vehicular access;
- Traffic issues;
- Road & Maritime Services comments;
- Comments received from internal and external referrals as relevant; and
- Submissions received during notification.

A panel briefing meeting was held on the 17 December 2013. Council staff provided a presentation of the proposed development, its key elements and the planning controls, including an overview of the issues of concern that arose through the assessment process and the submissions received. Further, commentary on the assessment process and likely timing to present the report to the panel were outlined.

On the 20 March 2014 and 28 May 2014 the applicant submitted additional information and amended plans which form the basis of this assessment report.

2. THE SITE AND ITS CONTEXT

The site is known as 186 Great North Road, Five Dock, being legally defined as Lot 1 in Deposited Plan 120841. The subject site has an area of 8,830.6m² and provides a frontage to Lyons Road of approximately 118m, Great North Road of 803.9m and McKinnon Avenue of 100.58m. The site also has a frontage of 71m to Storey Park.

As the site previously contained a bowling club with bowling greens it is relatively flat. The site is vacant except for retaining walls and other small structures. The land surrounding the site has a general fall down from Storey Park to Great North Road of approximately 7.9m. Vegetation is limited to a row of trees and shrubs along Great North Road with significant heritage listed fig trees within the Lyons Road reserve.

Development to the north

Surrounding development comprises of a Telstra Exchange building on the north-eastern corner of McKinnon Avenue and Great North Road opposite the site (known as No. 190 Great North Road and 18 McKinnon Avenue) with adjoining detached dwelling houses to the north along McKinnon Avenue from No.'s 2 – 16 McKinnon Avenue. The site to the north-east consists of a two storey townhouse development with partial basement car park.

Development to the east

Storey Park immediately adjoins the site to the east. Further to the east is a single storey building and car park used as a Senior Citizens Club. On the corner of McKinnon Avenue and Lyons Road is a three / four storey residential flat building and partial basement car parking area.

Development to the south

Residential townhouses and flat developments are located opposite the site on the southern side of Lyons Road and commercial development is located on the south-eastern corner of Lyons Road and Great North Road also opposite the site. Development running to the south along Great North Road consists of retail ground floor tenancies with residential shop top housing, representing the Five Dock commercial centre.

Development to the west

Residential development is located directly opposite the site to the west on Great North Road and commercial development is located further to the south along Great North Road on its western side diagonally opposite the site.

The site is burdened by an Electricity Easement 1.87 metres wide across the south-western corner of the site near the intersection of Great North Road and Lyons Road. The applicant has confirmed that there will be no works within this easement.

3. PROPOSED DEVELOPMENT IN DETAIL

The key features of the proposal include:

- Demolition of existing structures on the site;
- Remediation, earthworks and site preparation works;
- Construction of four (4) residential flat buildings comprising 152 units within buildings ranging in height from three (3) to five (5) storeys;
- Construction of a two (2) level basement car park with two hundred and nineteen (219) car spaces. Partially located above existing ground level with vehicular access from McKinnon Avenue; and
- Landscaping and public domain improvements to McKinnon Avenue.

The key features of the proposal are detailed below:-

Aspect	Description
<i>Project Summary</i>	Project Application for four storey residential flat buildings
<i>Site Area</i>	8,830.6m ²
<i>Building Height</i>	Building height of 3-5 storeys (10.18m – 19.53m above existing ground level)
<i>Gross Floor Areas</i>	Maximum total Gross Floor Area of 12,814.8m ² Resulting FSR is 1.45:1
<i>Residential Apartment Size and Mix</i>	Total of 152 apartments comprising: 51 x 1 bedroom (33%) 74 x 2 bedroom (49%) 27 x 3 bedroom (18%) A total of 280 bedrooms
<i>Landscaping</i>	Associated landscaping including treatment to the public domain on the periphery of the site and to the central communal courtyard.
<i>Car Parking</i>	Provision of 219 car parking spaces in a basement level with a partial second level. 189 resident (25 accessible) and 30 visitor (2 disabled) parking spaces. Single car wash bay and 8 motorcycle spaces.

Aspect	Description
<i>Strata Subdivision</i>	Strata subdivision of apartments
<i>Cost of Development</i>	\$50,050,000 as stated

4. PUBLIC SUBMISSIONS

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment. To date twenty five (25) submissions objecting to the proposal have been received.

The contents of the submissions are summarised in Appendix A with the applicant's response to these submission provided in Appendix B.

A summary of the key issues raised are considered in detail below:-

- **Additional traffic / parking**

Comment: Council's Traffic Engineer and the Roads and Maritime Service have reviewed the proposal and raise no issue with the proposed increased vehicular traffic, with capacity available in the surrounding road network. Council through a Planning Proposal rezoned this land (Canada Bay LEP 2013) which facilitated a residential flat development of this scale and density and as a consequence the subsequent increased vehicular traffic. A further detailed traffic assessment has been provided in Part 5.3 below.

- **Excessive height, bulk and scale**

Comment: The proposal complies with the floor space ratio and building height provisions of the Canada Bay LEP 2013 and is consistent with the built form controls in the Canada Bay DCP 2013. A further detailed built form assessment is contained in Part 5.3 below.

- **Excessive density**

Comment: The proposal complies with the maximum 1.5:1 floor space ratio provision of the Canada Bay LEP 2013, which is the applicable development standard for density on this site.

- **Impact on character and amenity of area**

Comment: The site is zoned R3 Medium Density Residential and the proposal satisfies the objectives of this zone as it provides for the housing needs of the community in a variety of housing types within a medium density residential environment.

The proposal will provide a suitable built form on a site which has remained vacant for an extended period of time and which has been specifically rezoned by Council to allow for its redevelopment for multi-unit housing. The proposal is bound by roads and a park which provides separation to adjoining land uses which ensure the character of the surrounding area is maintained. A further detailed built form assessment is contained in Part 5.3 below.

- **Non-compliance with Canada Bay LEP 2013**

Comment: The proposal complies with the Canada Bay LEP 2013, including building height and floor space ratio, refer to Part 5.1.2 below.

- **Non-compliance with Canada Bay DCP 2013**

Comment: The controls of the Canada Bay DCP 2013 are considered within Part 5.2 below.

- **Impact on war memorial - Heritage**

Comment: The proposal will retain the existing war memorial whilst providing improvements which include landscaping. The building has been setback from the corner to ensure that the war memorial remains a key feature within the public domain.

- **Environmental impacts – Contamination**

Comment: Council's Environmental Health Team are satisfied that the site can be made suitable for the proposed residential use, subject to conditions included within the recommendation of this report. A further contamination assessment is contained within Part 5.1.1 below.

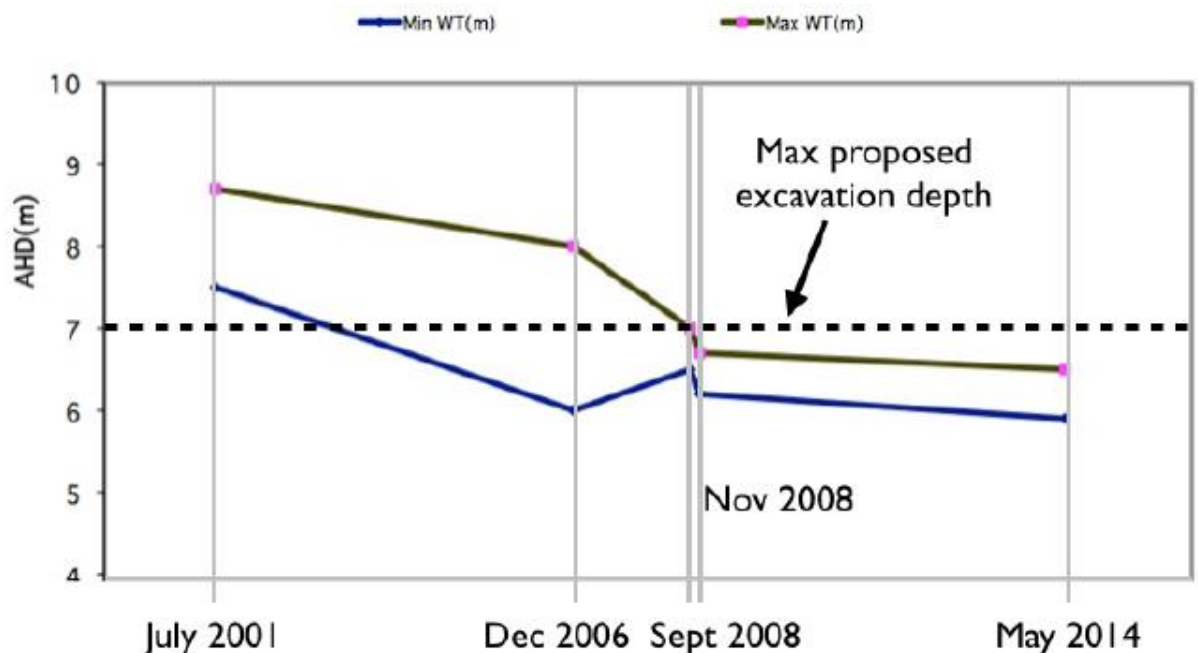
- **Environmental impacts – Subsidence**

Comment: Council engaged WSP Environmental (AW Geotechnical) to peer review the DA documents to determine if the proposed construction works will impact on the structural stability of the surrounding lands / structures, and in particular the Senior Citizens Building, as a consequence of the existing ground water level/s or other factors. The following conclusions were made:-

- *Based on the old bowling green area being at or about RL10.0, from the reference reports and our re-opening of the old wells, we have determined the following RL's of the water table within the old quarry;*

<u>Year/Month</u>	<u>Consultant</u>	<u>Area</u>	<u>RL Range</u>
Oct 1991	J & K	Storey Park	8.5-8.9
July 2001	Douglas	Bowling Green	7.5-8.7
Dec 2006	Geotechniques	Bowling Green	6.0-8.0
Sept 2008	Aargus	Bowling Green	6.5-7.0
Nov 2008	Brinks	Bowling Green	6.2-6.7
Jan 2010	WSP	Storey Park	5.5-9.2
May 2014	AW Geotechnical	Storey Park	7.0-8.5
May 2014	AW Geotechnical	Bowling Green	5.9-6.5

- If we separate out the “bowling green” only results and plot both maximum and minimum water table depth against time the following graph results



Our interpretation of this graph is;

- The trapped water level in the infilled quarry has steadily fallen since 2001, which coincidentally covers a similar time window as the long dry spell.
- Since November 2008, the water level has been below an assumed maximum excavation depth of RL 7.0.
- The footpath level on the corner of Great North Road and McKinnon Avenue is at between RL7.2 and RL 7.3, and theoretically the water level in the backfilled quarry should not rise any higher than this or it will seep out. What we do not know is if when sealing the quarry a below ground drainage system was installed to keep the water below footpath level and avoid seepage across the footpath and if so, it would be about 0.6metres to 1.0metres below ground level, which would put it at between RL6.2

and RL6.8. This also currently happens to be the current water level.

- The graph shows a maximum down drawing of water between 2006 and 2008, which may explain the undocumented movement in the Senior Citizens building, which cracked the glass tell tales.*
- From 2008 to 2014, there also has been down drawing of the water level, but to a much lesser degree and as the glass tell tales placed in 2011 have not cracked, the building does not appear to have undergone any further distress or settlement.*
- It is not unreasonable to conclude that the existing building is at equilibrium with the water level between RL5.9 and RL6.5 below the bowling green level.*
- For the construction proposal presented to us, we see no reason why the water table will need pumping or lowering, therefore the effects of constructing the basement on the Senior Citizens building will be negligible.*
- As the Senior Citizens building is about 90metres away from the proposed excavation, this is far enough away for any proposed retaining system or batter to have a negligible effect on the building.*
- If between now and when construction commences a wet season returns and the water level recharges to a higher level, it can be re-pumped down to its current level without fear of damage to the Senior Citizens building, because the building is already at equilibrium with the lower water level.*
- It is still best practice to have a dilapidation report carried out not only on the Senior Citizens building but all council assets within the zone of influence of the proposed excavation.*

In accordance with the advice provided above a condition has been included which, subject to access being granted, requires the preparation of a dilapidation report on the following lands:-

- Drummoyne Municipality Senior Citizens Club at 422 Lyons Road, Five Dock.
 - The current structural condition of all existing and adjoining infrastructure and roads.
 - Any property which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project.
- **Impact on infrastructure**

Comment: The site is well serviced by existing infrastructure, noting the proximity to the Five Dock Town Centre and frequent bus services. This is a suitable location to provide for residential development of this scale, being a large site in single ownership within close proximity to an existing commercial centre. The scale of the development is well within the environmental capacity of the site.

Council's engineers have reviewed the proposal and raise no issue with the vehicular traffic and stormwater drainage.

- **Site should be used for park / recreation**

Comment: The site is in private ownership and zoned R3 Medium Density Residential, which permits residential flat buildings. The retention of the site as a bowling green or public open space is not possible. It is noted that the area as a whole is extremely well serviced by local and regional parklands and facilities which includes Storey Park immediately to the east.

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

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

5.1.1. 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 consent may not be granted to the carrying out of any development on land unless consideration has been given to whether the land is contaminated, and if the land is contaminated, 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 applicant submitted a Detailed Environmental Site Assessment (Prepared by Aargus, Ref: E1937, Dated 16/09/08) which assessed the environmental suitability of the site for the proposed development. This assessment was reviewed by Council's Environmental Health Officers who requested additional information including updated data, assessment of landfill gas, review of recently amended NEPM 2013 and a construction environmental management plan.

This additional information was reviewed by Council's Environmental Health Officers who were satisfied, subject to suitable conditions being included within the recommendation of this report, that the site could be made suitable for the proposed use.

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 Mr Guy Lake of Bates Smart directed the design of the development and is registered as an architect in accordance with the Architects Act 1921. The design verification states:-

We confirm that in our professional opinion the proposed design is capable of achieving the design principles set out in State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and has been designed with regard to the publication Residential Flat Building Code.

Assessment of the proposal against the ten (10) design quality principles and Rules of Thumb contained within the 'Residential Flat Design Code' are contained within Appendix C of this report.

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 41 for water, 30 for energy and the thermal comfort target. The schedule of BASIX Commitments is specified within the BASIX Certificate No. 498295M and is included in the recommended conditions of consent.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is defined as traffic generating development under the provisions of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as the proposal will provide more than 75 dwellings within 90m of the intersection with Great North Road which is a classified road.

The original application and additional information were referred to the Roads and Maritime Service (RMS) who raised no objection subject to conditions, which have been included within the recommendation of this report. The RMS did raise the following comment which is considered further below:-

RMS has previously acquired a strip of land for road widening along the Lyons Road frontage of the subject property as shown by blue colour. All buildings and structures shall be clear of the Lyons Road, road reserve (unlimited in height or depth).

The applicant is proposing to provide three pedestrian bridges and paths which will include works over the RMS land to connect into the existing concrete footpath.



The applicant has demonstrated that the bridges and all associated footings will be contained wholly within the subject site. As such the only works proposed on the RMS land are a concrete footpath to connect into the existing footpath. As this is easily removed this issue is considered to be addressed.

It is noted that the development is not 'integrated development', as Council is the approval authority for works within McKinnon Avenue.

Clause 101 of the SEPP – Development with frontage to classified road.
Vehicular access has been provided by McKinnon Avenue which is not a classified road.

Council's traffic engineer has raised no objection to potential traffic impacts as a result of this application, subject to conditions included within the recommendation of this report.

Clause 102 of the SEPP - Impact of road noise or vibration on non-road development.

An acoustic assessment has been prepared by Acoustic Logic, which states subject to attenuation treatments, compliance can be achieved with the road traffic noise criteria.

Provided the recommendations in the acoustic report are implemented, the proposed development should achieve compliance with the acoustic requirements.

5.1.2. Local Environmental Planning Instruments

The proposed development, defined as a residential flat building is permissible with the consent of the Joint Regional Planning Panel - Sydney East, within a R3 Medium Density Residential zone under the Canada Bay Local Environmental Plan 2013. The objectives of the zone are considered below:-

Objective	Comment
To provide for the housing needs of the community within a medium density residential environment.	The proposal will provide 152 additional dwellings, which is consistent with the medium density zoning.
To provide a variety of housing types within a medium density residential environment.	A mix of 1, 2 and 3 bedroom dwellings are proposed in a variety of configurations.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	This is a residential development only, with a central communal recreation area. As the site adjoins the Five Dock commercial strip, residents will be within walking distance to a variety of local facilities and services.

Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Provision	Provided	Compliance
Zoning – R3 (Medium Density Residential)	Permissible	Yes
Floor Space Ratio – 1.5:1	1.45:1	Yes
Building Height - 20m	10.18m – 19.53mm	Yes
Acid Sulfate Soils - Class 2	No basement works below 5 AHD	Yes

Heritage - Clause 5.10

The site is not heritage listed or located within a heritage conservation area. The site is within the vicinity of the following heritage items:-

- I310 – Brush Box street planting – south side of Lyons Road
- I322 – Hill Fig Street trees — north side Lyons Road
- I321 – Tram Line – Great North Road

The applicant has submitted a Statement of Heritage Impact prepared by HBRs + PARTNERS which found that the proposal would have no impact on the heritage significance of the tram lines or the trees to the south side of Lyons Road, given the separation.

The applicant has submitted an Arboriculture Pruning Assessment prepared by Australis Tree Management. This assessment found that tree numbers 4 and 5 would require pruning of approximately 5% (around 10 branches in total) to allow the construction works. This pruning would be carried out in accordance with AS 4373-2007. The assessment concludes that the pruning will not have a detrimental effect on the health and life expectancy of the trees.

The proposal was referred to Council's Tree Coordinator and Heritage Advisor, who raised no objections on the basis of heritage impacts to approval of this application. A condition has been included within the recommendation of this report that the applicant engages a suitably qualified and experienced arborist to assess the impact of the proposed works on the Lyons Road Fig Trees to ensure the longevity of the tree to be retained, specifically works within the primary root zone. The arborist will be required to attend the site during critical stages of excavation and construction works.

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

The proposed development is affected by the provisions of the Canada Bay Development Control Plan 2013. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Non Statutory Standards		
<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Number of storeys	The proposal complies with the exception of Building B which is 5 storeys instead of 4. This is because 6 storeys cannot be realised on Building A so this floor space has been redistributed to Buildings B and C.	Acceptable
Setbacks	Minor non-compliance to northwest, southwest and southeast corner due to splay of site.	Acceptable
Landscaping 38%	38%	Yes
Deep soil landscaping Min 28%	26%, minor non-compliance due to limitation of contaminated soil. Overall landscaping is compliant. Refer to SEPP 65 assessment in Part 5.1.1.	Acceptable
Fig trees on Lyon Road are to be protected through setbacks	Applicant demonstrated no detrimental impact on health of trees.	Yes

Vehicular access from McKinnon Avenue	Provided from McKinnon Avenue, slightly further west so further away from adjoining residential to northeast.	Yes
Tobruk Memorial is to be retained	Memorial to be retained. Applicant relocating flag pole and other historic memorial plates to corner.	Yes
Setback of 1.5m from Fig tree canopy	Reduced setback in some locations with pruning proposed. Applicant demonstrated no detrimental impact on health of trees.	Acceptable
Buildings designed to face street and enhance public domain	Refer to SEPP 65 assessment in Part 5.1.1 and built form assessment in Part 5.3.	Yes
Fencing not to obscure sightlines	Fencing located and designed to maintain sightlines as required.	Yes
Roof forms, plant and lift overruns to be simple compact forms that area visually unobtrusive	Flat roof form with centralised plant.	Yes

As indicated in the compliance table above, the proposed development is generally consistent with the Canada Bay DCP.

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

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

Built form

The built form of the proposal is consistent with the built form provisions of the Canada Bay LEP 2013 complying with the building height limit and floor space ratio. Comparison of the proposal against the Canada Bay DCP 2013 building footprints / setbacks and number of storey controls is provided in the figures below.



Height and setback / separation – CB DCP 2013



Proposed height and setback / separation

The proposal is generally consistent with the footprint controls. The applicant has proposed an architectural design which consists of four buildings, broken up into 10 separate elements, through articulation created by setbacks and materials, sited around the perimeter of a central communal open space area.

There is a slightly reduced street setback to the southeast, southwest and northwest corner due to the geometry relative to the site splays. The squaring of the street facades result in increased setbacks across the longer

elevations to provide articulation and to define the buildings, which on balance provide a greater overall setback and relationship to the street.

The proposal is seeking a variation to the number of storeys control with a reduction in the height of Building A and increase in Buildings B and C. Effectively the height from the southeast corner is spread across the buildings to the south, with the heights along McKinnon Avenue remaining unchanged. The reason for the variation is that a 6 storey building in the southeast corner using the existing levels would exceed the overall building height limit or require significant excavation, resulting in the ground floor level being below the surrounding levels, which would affect residential amenity. The overall built form does not significantly change and each of these elements is discussed separately below.

The built form along Great North Road at the corner of Lyons Road is 5 storeys stepping down to 4 storeys at the corner of McKinnon Avenue (refer to montage below). The street elevation will be broken up into three separate elements through the use of setbacks and a change in the face brick colour which provides the articulation for this elevation. The overall design remains cohesive and uniform across the site with a continued grid design of opening and balconies and use of piers and consistent window profiles.



Great North Road (West) Elevation

The built form along McKinnon Avenue is broken into three separate buildings made up of two 4 storeys buildings and a 3 storey building at the northeast corner (refer to montage below). These buildings maintain the

proportions and materials discussed above, but, are broken up into separate forms to facilitate the through site links identified in the CB DCP. The 3 storey building was deliberately reduced in order to relate to the low scale residential character on the north eastern side of McKinnon Avenue.



McKinnon Avenue (north) Elevation

In terms of materials and finishes, the building does provide extensive masonry face brick facades with various earthy tones from reds, to orange, to browns. Protrusions are to be clad in a dark metal finish, with complementary steel balustrades and timber soffits to the balconies. The glazing has been recessed with the applicant noting that expansive glass is considered to be inappropriate in this context. The overall colour and materials are in keeping with the dominant dark face brick and colour pallet within the area.

The development includes a landscaped area of 38% of the site and a deep soil planting area of 26%. The deep soil areas are slightly deficient, however, the applicant has demonstrated suitable soil depths for planting on structures, which will ensure the longevity and quality of the landscaping on the site. The landscape species include Endemic Species with the inclusion of indigenous low water use plants. The proposal includes the provision of a communal landscaped area, as a central component of the design, which provides for an attractive outlook when viewed from the residential apartments and reduces reverberant sound in the courtyard. Canopy planting is provided within each of the street setbacks which softens the proposal and provides a green outlook from the apartments.

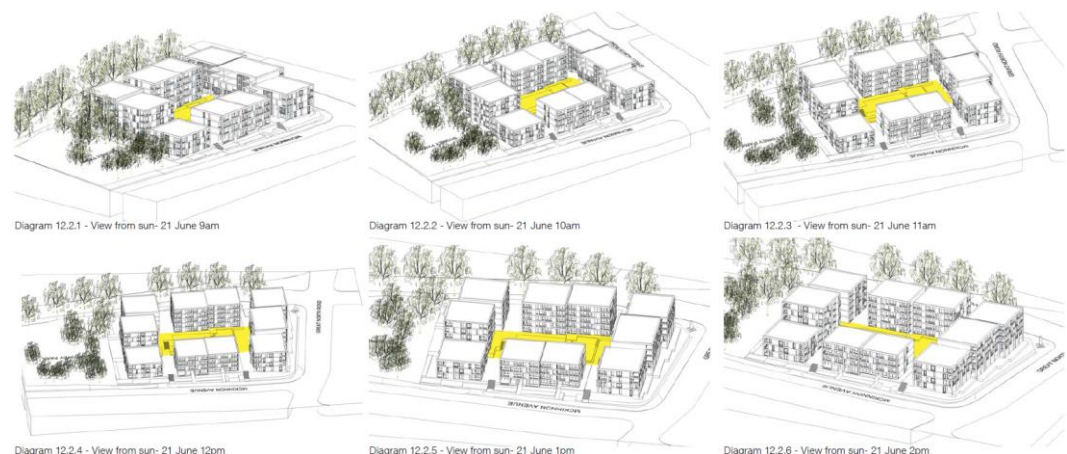
Solar Access

Clause 6.3.3 of the Canada Bay DCP 2013 provides controls for solar access and overshadowing as follows:-

“C1 New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas and all private open space areas.

It is noted that SEPP 65 does ordinarily require 70% of apartments receive 3 hours solar access between 9am and 3pm (in dense urban areas 2 hours may suffice). It is noted that the 2 hours provision has been previously applied in the assessment of applications of this size. 68% of the proposed units will receive 3 hours of solar access between 9am and 3pm and 90% would comply if the 2 hour solar access criteria applied.

The applicant has submitted a view from the sun diagrams (refer below) which demonstrate the building massing and terracing of the central landscaped areas, will result in more than three hours of solar access to a substantial portion of the central communal open space area in midwinter.



View from sun - Midwinter

C2 Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.”

During midwinter the site will cast shadow onto Great North Road and Lyons Road in the morning, Lyons Road at midday and Lyons Road and a small portion of Storey Park in the afternoon. Based on this assessment the proposal will provide compliant solar access with minimal to nil overshadowing of the neighbouring residential properties.

Built Separation / Privacy

Clause 6.3.4 of the Canada Bay DCP 2013 provides the following objectives for privacy as follows:-

“O1 Ensure the siting and design of building provides a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.

O2 To provide personal and property security for residents and visitors.”

The Residential Flat Design Code for SEPP 65 recommends a minimum building separation of 12 metres between habitable rooms / balconies in buildings up to four storeys and 18 metres for buildings five to eight storeys. The building separation north to south is 22m and east to west is 55m.

A reduced building separation of approximately 8m is provided between Building D (east and west elevation) to Building A (west elevation) and Building C (east elevation) and between Building B (east and west elevation) and Building A (west elevation) and Building C (east elevation). A detailed privacy assessment of the proposal has identified that the following windows will require treatment as they align with adjoining windows:-

- Kitchen window west elevation – Unit D1.01
- Kitchen and Dining room window east elevation – Units D1.03 and D2.06
- Kitchen and Dining room window east elevation – Units B2.06, B3.06, B4.06 and B5.06

A suitable condition requiring obscure glazing or external screens to these windows has been included as a condition within the recommendation of this report.

The applicant has proposed privacy screens to the side elevation of the balconies which address any overlooking issues between these buildings.

The road frontage to the north, south and west and Storey Park to the east, provide significant separation to the neighbouring properties, exceeding the standard.

View Corridors/View Sharing

No significant views were identified during the site inspection and no submissions raised issues of view loss. The overall built form is consistent with the form specified within the Canada Bay LEP 2013 and DCP 2013, so any view loss is considered to be a reality of realising the reasonable development potential of this site.

Traffic generation, parking and loading

A total of 219 car spaces are provided across two basements floors which consist of 189 (including 25 accessible) residential spaces and 30

(including 2 disabled) visitor spaces. This equates to the following residential parking rates:-

- 1 bedroom dwelling – 1 space
- 2 bedroom dwelling – 1.26 spaces
- 3 bedroom dwelling – 2 spaces
- Visitor parking – 1 space per 5 dwellings

The proposal also includes the following features:-

- A car wash bay
- Motorcycle parking – 8
- Bicycle storage – 152
- Bicycle parking – 24
- An on street car share space
- 4 on street car parking bays on McKinnon Avenue, 2 of which are time limited to allow for garbage collection

These residential parking rates are below the parking rates in the Canada Bay DCP 2013, but, well above those specified in the RTA (RMS) Guide to Traffic Generating Development. Council at the Pre-lodgement Panel Meeting reviewed the draft proposal and provided the following advice relating to parking:-

- *It was recommended that it would be appropriate for this site to have reduced carparking and a potential Green Travel Plan to encourage the use of public transport given the proximity of the site to bus routes along Lyons Road and Great North Road providing access to railway stations such as Burwood and Strathfield.*
- *A visitor parking ratio of 1 space per 5 units in accordance with the Roads and Traffic Authority's Guidelines to Traffic Generating Developments should be considered.*
- *The incorporation of a car share parking bay in McKinnon Avenue should be considered as part of the proposal.*
- *The provision of bicycle parking facilities is required under the CBDP and encouraged for this development as is sufficient storage areas for each unit to enable the secure parking of bicycles.*

The proposal is consistent with the advice provided at the Pre-lodgement Panel Meeting. The applicant has submitted a Green Travel Plan which includes a suite of measures and initiatives to promote sustainable transport options such as walking, cycling, car pooling and public transport to replace car journeys. It specifically notes the access to public transport and the proximity to the Five Dock commercial core.

The visitor parking rate is consistent with the parking rate specified and a condition requiring the car share space in McKinnon Avenue is included within the recommendation of this report.

The application has also been supported by a traffic report prepared by Traffix and reviewed by Council's traffic engineer. This traffic report concludes:-

- *The traffic generation arising from the proposed 152 residential units has been assessed as a net increase over and above existing traffic conditions. The net increase is 60 veh/hr during the evening peak period. This equates to only 1 additional trip every minute which will have minimal impact on the surrounding road network, with no external improvements required.*
- *The development proposes a total of 219 off-street parking spaces for residents.*
- *A Green Travel Plan (GTP) will be prepared for the site to encourage the residents to use more sustainable means of transport and thus reduce the dependence on private vehicles. As part of the GTP, a Travel Access Guide will be prepared outlining the different modes of transport available to the site and directions on how to utilise these modes efficiently.*
- *Servicing will be undertaken from on-street parking spaces designated as loading zones for certain periods. Garbage collection will be undertaken by Council's standard vehicle.*
- *The proposed access and internal design arrangements comply with the requirements of AS 2890.1 (2004) and will operate safely and efficiently. The car park has also been assessed using the computer program AutoTrack, as permitted by AS 2890.1 (2004), which demonstrates satisfactory operation.*
- *It is therefore concluded that the proposed development is supportable on traffic planning grounds and will operate satisfactorily.*

This report concluded that the assessment provided demonstrates that the proposed off-street parking is suitable and appropriate.

In addition to the car parking requirements the applicant has provided compliant bicycle storage in the form of a cage for each residential unit and bicycle parking facilities for visitors in the form of bicycle racks on both Lyons Road and McKinnon Avenue.

Waste Management

The proposal includes waste storage areas at the base of each lift core with a bin collection room adjoining McKinnon Avenue. The site will require a caretaker to rotate the bins between these areas.

The applicant has demonstrated that the garbage truck can park in a designated on street loading area so that the bins can be serviced by Council's waste contractors directly from the bin room, avoiding the need for the bins to be presented to the street. The dimensions of the waste

storage areas and footpath gradients have been checked by Council's Waste Coordinator who raised no issue.

It is noted that the development does not include a bulky items storage area, however, contained within the recommendation of this report is a condition that the applicant must provide a bulky goods storage area measuring 5 x 4 metres.

Intensity of Use

The proposal will intensify the use of the subject site. The density / intensity is consistent with that embodied within the site specific planning framework. The existing infrastructure and services will meet the development proposed.

Social/Economic

The proposal will have minimal social / economic impacts. 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.

Streetscape

This report has found that the proposal will present an appropriate built form, bulk and scale within the scope of the planning controls. The design responds to the constraints of the site and will fit into the precinct. The SEPP 65 assessment concluded that the proposal is consistent with the design quality principles.

Developer Contributions

Under Section 94 of the Environmental Planning and Assessment Act, 1979, Council will levy contributions from developers for the provision of public facilities and infrastructure required as a consequence of development. These contributions are used for the upgrade and development of community facilities, recreation facilities, infrastructure, roads and traffic management and town centre improvements.

The following Section 94 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s94 Development Contributions Plan.

Infrastructure Type	Studio/One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling
Community Facilities	\$1,056.65	\$1,504.26	\$2,179.60
Civil Infrastructure	\$1,025.89	\$1,460.47	\$2,116.92
Plan Preparation and	\$116.05	\$165.20	\$239.20

Administration			
Open Space and Recreation	\$7,498.22	\$10,674.55	\$15,464.28
Total / dwelling	\$9,696.81	\$13,804.48	\$20,000

Based on the following number of Dwellings and Bedrooms:-

Dwellings	51 x Studio & 1 bed dwellings	74 x 2 bed dwellings	27 x 3 bed dwellings
Total / dwelling	\$9,696.81	\$13,804.48	\$20,000
Total	\$494,537	\$1,021,531	\$540,000
Grand Total	\$2,056,068		

- 5.4. **Suitability of the Site for the Development Proposed [Section 79(c)]**
The proposed development has been assessed in relation to its environmental consequences, and in terms of State Environmental Planning Policy No. 55 and SEPP 65. Having regard to this assessment it is considered that the land is suitable for the intended development.

- 5.5. **The Public Interest [Section 79C (e)]**
The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result the Joint Regional Planning Panel – East may be satisfied that the development subject to conditions is consistent with the public interest.

6. INTERNAL REFERRALS

- 6.1. **Landscaping/Tree Removal**
The proposal was referred to Council's Tree Coordinator and Heritage Advisor as the building would require pruning of the Lyons Road Fig trees. As discussed in Part 5.1.2 they raised no objection on the basis of heritage impacts to approval of this application.
- 6.2. **Stormwater Drainage**
Council's stormwater engineer reviewed the submitted stormwater drainage details and advised that the proposal could be supported subject to the imposition of suitable conditions, which have been included in the recommendation of this report.
- 6.3. **Traffic Engineering**
Council's Traffic Engineer reviewed the submitted traffic report and provided comment. The applicant submitted additional information which

addressed the issues previously raised and suitable conditions have been included within the recommendation of this report.

6.4. **Environmental Health**

The proposal was reviewed by Council's Environmental Health Officers. As discussed in Part 5.1.1 the applicant submitted additional information which was peer reviewed by WSP Environmental on Council's behalf. No issue was raised subject to the imposition of suitable conditions contained within the recommendation of this report.

7. **EXTERNAL REFERRALS INCLUDING THE RESULT OF ANY REFERRALS TO AN APPROVED AUTHORITY**

7.1. **Roads and Maritime Authority**

The proposal was referred to the RMS as the development is defined as traffic generating development under the provisions of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as the proposal will provide more than 75 dwellings within 90m of the connection to Great North Road which is a classified road. RMS raised no objection subject to conditions, which have been included within the recommendation of this report.

The development is not integrated development as Council is the approval authority for works within McKinnon Avenue.

7.2. **AusGrid**

A notice was received from an AusGrid contractor advising of underground cable work to connect to a kiosk substation within the northeast corner of the site. The building setbacks facilitate the provision of this substation within the boundary of the site.

The site is burdened by an Electricity Easement 1.87 metres wide across the south-western corner of the site near the intersection of Great North Road and Lyons Road. The applicant has confirmed that there will be no works within this easement.

7.3. **WSP Environmental**

Council engaged WSP Environmental to peer review the DA documents to determine if the proposed construction works will impact on the structural stability of the surrounding lands / structures, and in particular the Senior Citizens Building, as a consequence of the existing ground water level/s or other factors. Further details provided within Part 4 above.

8. **CONCLUSION**

The proposed development is appropriately located within a R3 Medium Density Residential zone under the provisions of the Canada Bay Local Environmental Plan 2013 and is consistent with the statutory and non-statutory development standards and controls of relevance to the proposal.

Having regard to the merit assessment of the proposal, Council may be satisfied that, the development is designed in an acceptable manner, which responds to the constraints presented by the site. Particularly adverse impacts to the amenity of neighbouring properties have been minimised whilst the amenity needs of future residents have been supported.

For these reasons it is considered that the proposal in balance is satisfactory from an environmental planning perspective and is thus favourably recommended.

Appendix A – Submission Summary

Objector	Property	Summary of objection
Adam, Alison and Charlie Squire	4 MacKinnon Avenue	<ul style="list-style-type: none"> - Vehicular traffic / McKinnon Avenue narrow – No stopping between Lyons Road & 2 McKinnon Suggested - Height of building D should be reduced to 3 storeys
Mrs V Ferraro	40 Halley Street	<ul style="list-style-type: none"> - Already built up area - Traffic congestion in Five Dock from vehicles entering and exiting development - Visitors will park on street - Too many large developments impacting village character - Increased pollution - Inadequate infrastructure eg schools at capacity - Should be used as recreational space not housing
Mr Gary Ryan and Julie Keenan	14 McKinnon Avenue	<ul style="list-style-type: none"> - Not consistent with zoning of adjoining properties to north - Not consistent with FSR of adjoining properties to north - Not consistent with height of adjoining properties to north. Not consistent with single storey character - Traffic congestion and increased load on Great North Road and Lyons Road intersection - Impact upon child and senior neighbourhood amenity - Acid sulphate soils - Contamination - Subsidence from excavation - Area previously zoned RE2 Private Recreation and any development should include recreation space.
Hadyn Gearon	33/23 Charles Street	<ul style="list-style-type: none"> - Traffic Great North Road and Lyons Road intersection, banks past Charles Street - Traffic McKinnon Avenue and Great North Road - Traffic McKinnon Avenue and Lyons Road - McKinnon Avenue busy street with many vehicular entries - Too large for site - Out of character, dominate streetscape and unattractive - Scale will impacts traffic and quality of life

Claire Scott	34/26 Charles Street & 3/275 Lyons Road	<ul style="list-style-type: none"> - Too large and not in keeping with area. Too dense and visible from street. - 221 cars will create traffic congestion - Inadequate visitor parking results in cars parked in McKinnon Avenue which would result in a dangerous street - Devalue houses, townhouses and units
Albert & Marisa Loschiavo	17/23 Charles Street	<ul style="list-style-type: none"> - Difficult to turn left and right from McKinnon Avenue to Great North Road - Additional cars make McKinnon Avenue very dangerous - Land contamination and soil softness
Michael Mantei, Planning Law Solutions c/- Drummoyne Municipality Senior Citizens Club	422 Lyons Road	<ul style="list-style-type: none"> - Excavation will impact structural integrity of building - Dewatering and inconsistency between geotech 2008 and 2013. Excavation below water table identified in 2008 report. - Dewatering to construct footings to bedrock - Development increase subsidence of footpath and McKinnon Avenue. Developer should fund restoration and repair. - Geotech 2008 identifies maximum un-retained batters. Depth of excavation would require batter in Storey Park.
Sally Ash c/- Owners Corporation	1 McKinnon Ave	<ul style="list-style-type: none"> - Does not comply with DCP in relation to height along Storey Park and McKinnon Ave, setback, deep soil, balcony sizes, visitor parking, fig tree setback - Bulk and scale, out of character with surrounding area - Non-compliance with FSR - Inadequate car parking - Traffic – peak periods, impact on local road McKinnon Avenue - Contrary to RMS traffic generating development - McKinnon Avenue not two way - Function of intersection - Contaminated soil removal should be monitored. - Trees will not be visible from north, building will shadow trees. - Reduced setbacks require increased tree pruning
Veronica & Laurie Code c/- Owners Corporation	1 McKinnon Ave	As above

Catherine Rolston	205/1 McKinnon Ave	As above
Russell Muller	35 Halley Street	<ul style="list-style-type: none"> - Traffic report does not consider impact on broader road network. Extra cars using Pine Avenue - Height and size of development - Contamination becoming air borne
Dat Tran	15 McGrath Ave	<ul style="list-style-type: none"> - Traffic in area, right turn from Kiren Avenue into Great North Road
Camillo Pavan	10 Charles Street	<ul style="list-style-type: none"> - Overdevelopment - McKinnon Ave small and narrow - Impact on character of area - Reduce property values
Honorina & Jose Gonzale	253 Great North Road	<ul style="list-style-type: none"> - Height – shadow and overlooking - Traffic and parking - Facade to Great North Road not in character – additional planting
Linda Crawford & Patrick Cronin	257 Great North Road	<ul style="list-style-type: none"> - Height – overlooking, ground floor elevated - Parking - Trees on Great North Road should be retained
John Tindall	20 Gildea Ave	<ul style="list-style-type: none"> - Traffic – backup along Great North Road
Megan Walton & Christopher Dykes	12/279 Great North Road	<ul style="list-style-type: none"> - Out of character - Noise - Views to south blocked - Loss of sunlight - Traffic - Public transport at capacity - Proximity to war memorial
Tina Brown & James L'Alesi	4 Charles Street	<ul style="list-style-type: none"> - Height of building – out of character with village look and feel - Parking - McKinnon Ave narrow - Traffic – accidents - Contamination

Robert Verhey	1 Kerin Ave	<ul style="list-style-type: none"> - Traffic and parking (comprehensive comments) - Removal of trees on Great North Road – mature replacement planting - Monitor contamination - Truck movements during construction
Winnie Chan	36/23 Charles Street	<ul style="list-style-type: none"> - Prefer bowling club, park or townhouses - Max 2 storeys
Vicki & Robert Dening	5 Kerin Ave	<ul style="list-style-type: none"> - Parking – should not rely on public transport - Impact on surrounding properties - Reduced parking cannot be justified by acceptable traffic movements - Parking during construction
Gwenola Le Lu	7/26 Charles Street	<ul style="list-style-type: none"> - Height, number of storeys and size - Out of character - Traffic – Great North Road and Lyons Road
Immacolata Megna c/- corporation	271 Great North Road	<ul style="list-style-type: none"> - Health concerns – air quality during construction, dust, pollution, toxicity - Traffic - Noise - Parking - Safety from extra trucks
Antonio Margiotta	8 McKinnon Ave	<ul style="list-style-type: none"> - Contamination - Traffic - Parking - Building heights - Should fund upgrades to Storey Park or angled on street parking
Michael Alacqua	10 McKinnon Ave	<ul style="list-style-type: none"> - Parking, non-compliant, impact on street parking - Traffic - Can't rely on public transport - Contamination - Building height – inconsistent with character of area

Appendix B – Applicant’s response to submissions

Neighbour Notification

The following provides summary of the key issues raised in the submissions in response to the notification of the DA. A brief response to the issues is also provided.

1. Traffic

A response to the key traffic issues that were raised is provided below:

- Increase in traffic as a result of the proposal, which will compound the existing traffic congestion in Five Dock.

Response:

With any redevelopment of a substantial site, there will be traffic impacts and these are unavoidable. However, the overall traffic generation is moderate and this is a direct consequence of the fact that residential uses are a low-order traffic generating land use. Nevertheless, the impacts are able to be accommodated and this is supported by the detailed assessment undertaken by Traffix.

- Delays at existing intersections of McKinnon Avenue/Great North Road, Great North Road/Lyons Road, Lyons Road/McKinnon Avenue will be compounded.

Response:

Delays will increase as assessed in the traffic impact assessment. However, these impacts are moderate and have been shown to be acceptable. This should also be seen in the context of the historic use of the site as a club, with high attendant traffic volumes during the more critical PM peak period.

- McKinnon Avenue is too narrow to accommodate additional traffic.

Response:

McKinnon Avenue is a local road giving access to local residential properties and the predicted traffic generation does not exceed the RMS environmental capacity threshold. Furthermore, the road width is appropriate for the future traffic volumes and exceeds the width requirements under Ausroads Guidelines. It is however noted that only a small proportion of traffic will use the length of McKinnon Avenue, with most traffic accessing McKinnon Avenue and the site via Great North Road.

- Delays and queuing to traffic due to cars entering/exiting the site.

Response:

The access driveway is designed in accordance with the requirements of AS2890.1 and can readily accommodate the predicted peak flows of 60 veh/hr with minimal delays or queuing.

- The Traffic Impact Assessment (TIA) is incorrect.

Response:

This is a vague statement that cannot be dealt with. It is however noted that the TIA was based upon pre-DA discussions with Council and reflects Council's requirements.

2. Parking

The key issues raised relating to parking are summarised below:

- Not enough car parking is provided which will result in visitors parking on the street;
- Non-compliance with parking DCP results in inadequate parking, and is not justified.; and
- Parking impacts during construction.

Response:

The adequacy of the proposed car parking has been addressed in Section 3.10 and is further supported by the additional information prepared by Traffix, including the Green Travel Plan, included at Attachment 4. It is further noted that increasing on-site parking will encourage increased vehicle trips to and from the site and ultimately increase traffic.

3. Height/Bulk/Scale

The key issues raised relating to bulk and scale are summarised below:

- Four (4) storey component of Building D is not appropriate where it abuts McKinnon Avenue and should be reduced to three (3) storeys;
- The surrounding area is characterised by heights of 8.5m, single storey development; and
- The proposal should be a maximum of two (2) storeys consistent with the surrounding development.

Response:

The proposal complies with the height control applying to the site under the CBLEP. As detailed in the Statement of Environmental Effects, the proposal substantially complies with the height and massing controls applying under CBDCP. The heights have been redistributed from what was envisaged in the DCP to ensure a better design outcome for the site. Overall, the bulk and scale of the proposal is appropriate as it provides a medium density development within walking distance to the Five Dock centre, which is envisaged for the site under the current zoning and planning controls. Furthermore, the bulk and scale of the proposal does not result in adverse amenity impacts to the adjoining development in terms of overshadowing, privacy or view loss.

4. Density

The key issues raised relating to density are summarised below:

- The proposed density of the development is too high for this location; and

- Lower density form of development, such as townhouses, would be more appropriate.

Response:

The proposed residential flat buildings are permissible within the R3 Medium Density Residential zone applying to the site under the Canada Bay Local Environmental Plan. The proposal provides a form and density of development that is consistent with the medium density residential development envisaged for the zone. This is further reinforced by the proposal's compliance with the FSR and height controls applying to the site under CBLEP 2013.

5. Character/amenity of the area

Comments made regarding potential impacts on the character of the area summarised below:

- The proposal will destroy the character of the area; and
- The overall amenity of the area will be reduced.

Response:

It is considered that the character of the area will be enhanced by the redevelopment of a vacant site to accommodate a quality residential development that incorporates quality materials and finishes.

The Statement of Environmental Effects provided a comprehensive assessment of the potential impacts of the proposal. This assessment indicates that the overall amenity of the area will not be diminished as a result of the proposal.

Furthermore, the proposal will deliver new housing opportunities, incorporating a range of dwelling sizes, located within walking distance to transport services and Five Dock town centre, and in this regard will have a positive impact on the amenity of the area.

6. Non-compliance with Canada Bay LEP 2013

Comments were made regarding non-compliance with the CBLEP 2013:

- The proposal does not comply with the FSR and Height development standards; and
- Inconsistent with the LEP objectives – bulk and scale, in keeping with surround area.

Response:

The proposal has an FSR of 1.45:1 and readily complies with the FSR of 1.5:1 applying to the site under the CBLEP 2013. The proposal is also well under the maximum 20m height limit applying to the site under the CBLEP.

7. Non-compliance with Canada Bay DCP

Comments were made regarding non-compliance with the CB DCP 2013:

- Exceeds building heights along Storey Park
- Setbacks
- Deep soil area

- Car parking
- Setback to heritage trees on Lyons Road

Response:

The non-compliances with the Canada Bay DCP are minor and were comprehensively addressed in the Statement of Environmental Effects submitted with the DA. Further justification for the minor variation to the setback to the trees on Lyons Road are provided in Section 3.3 and is supported by the Arboricultural Pruning Assessment prepared by Australis Tree Management included at Attachment 3. Further discussion of the variation to the car parking requirements is provided in Section 3.10 and the additional information prepared by Traffix, included at Attachment 4.

8. Heritage

- The developer should not build development of this nature near the war memorial

Response:

The proposal provides for the retention and enhancement of the memorial with the provision of new landscaping. The location of the development adjacent to the memorial does not adversely impact on the significance of the memorial. The memorial will continue to be located within the public domain along Great North Road and remains visible and accessible to the public.

9. Environmental Impacts

The following concerns were raised with regard to the potential environmental impacts of the proposal:

- Construction noise;
- Increased pollution;
- Increased dust;
- Decreased air quality;
- The site is known to be contaminated and the site should not be disturbed. Concerns regarding health impacts associated with contamination;
- The site is located within 500m of acid sulphate soils and is not suitable for excavation; and
- Subsidence.

Response:

The potential environmental impacts arising from the proposal will be mitigated and managed in accordance with the findings and recommendations of the studies and investigations that have been prepared by Aargus and submitted with this Statement.

10. Infrastructure

Concerns were raised regarding impacts on local infrastructure, including:

- The existing infrastructure inadequate to accommodate the increase in population;

- The existing schools are already at capacity; and
- Existing public transport will not cope with increase in population.

Response:

Impacts of the proposal on road and drainage infrastructure have been addressed previously in this report and the supporting documents, as well as the SEE.

The increased population generated by the proposal itself, does not warrant the provision of additional transport, education or community services. However, as population within the area continues to increase and demand for these services increases cumulatively as a result of other development proposal and increases, these services will be expanded or additional services will be provided to meet the needs of the increased population.

11. Park/Recreation

Comments were made that the site should be retained for recreation purposes, including:

- The site was previously used for recreation purposes and should be retained as a recreation space for the community;
- Bowling club use should be retained; and
- The site should be a park.

Response:

The bowling club use ceased operation following which the site was sold. The reinstatement of a bowling club on the site is not a realistic or practical outcome. Turning the site into a park is considered impractical and unnecessary given it is located next door to a large park, Storey Park.

Appendix C – Residential Flat Design Quality Principles

<i>Key Principles of SEPP 65</i>	<i>Response</i>
<i>Principle 1: Context</i>	<p>SEPP 65 requires that development respond to the desired future character of its context as stated in planning and design policies. In this regard the proposal is consistent with the Canada Bay LEP and Canada Bay DCP and indicative building envelopes prescribed within. The site is bound by McKinnon Avenue to the north, Storey Park to the east, Lyons Road to the south and Great North Road to the West, forming an island site. The site being a former bowling green is flat with excavation to the east and elevated to the west.</p> <p>This separation provided by the surrounding road network provides opportunity for quality solar access and good separation to surrounding land uses.</p> <p>The built form is provided towards the perimeter with height towards the south and west and stepping down towards the northeast.</p>
<i>Principle 2: Scale</i>	<p>In terms of scale the proposal is consistent with that envisaged for the site within the Canada Bay LEP and Canada Bay DCP, most notably complying with the overall height limit, floor space ratio and setback provisions.</p> <p>The proposal does not specifically complement existing developments within the immediate area, with site specific provisions established for this site through a planning proposal. The development does respond to its immediate context as discussed in principle 1 and 3.</p>
<i>Principle 3: Built Form</i>	<p>The built form of the proposal is consistent with the Canada Bay LEP and Canada Bay DCP.</p> <p>The proposed built form is provided around the perimeter of the site with a central communal open space area provided. The built form consists of a collection of 3-6 storey buildings in four blocks, which are broken up into 10 separate elements.</p> <p>The taller buildings have been positioned to the south adjoining Lyons Road and west adjoining Great North Road. The buildings along Lyons Road step down with the site. The buildings along McKinnon Avenue step down from west to east, with a three storey building in the northeast corner to relate to the built form within McKinnon Avenue.</p> <p>The site possess a central communal open space area, which, given the topography, is broken into distinct areas. The site has two pedestrian access points running north to south providing access to Building A and C,</p>

<i>Key Principles of SEPP 65</i>	<i>Response</i>
	with Building B and C having direct street access. The access is clear and well connected, providing compliant accessible paths of travel.
<i>Principle 4: Density</i>	<p>In terms of density the site is allocated an FSR of 1.5:1. The proposal has a compliant floor space ratio of 1.45:1 which as stated within the report results in a suitable built form and intensity.</p> <p>The proposed unit mix including 51 x 1 bed (34%), 74 x 2 bed (49%) and 247 x 3 bed (18%) 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.</p> <p>Adequate resident and visitor parking have been provided within the basement with vehicular access provided from McKinnon Avenue, which is the most suitable access point. 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 BASIX Certificate has been submitted in respect of the proposal and does achieve recommended targets.</p> <p>General location and orientation of the buildings will endeavour to maximise solar access to apartments. A large number of dwellings are cross ventilated which provides natural ventilation, reducing the use of air conditioning. Adequate ventilation and circulation provided to the building does also reduce reliance on artificial heating and cooling.</p> <p>Comprehensive stormwater plans have been submitted in respect of the proposal with a rainwater reuse tank and areas of deep soil providing desired infiltration to the perimeter.</p> <p>Efficient waste storage and recycling facilities are also provided.</p>
<i>Principle 6: Landscape</i>	<p>The development includes a landscaped area of 38% of the site area and a deep soil planting of 26%. This is generally consistent with the requirement of the Canada Bay DCP.</p> <p>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.</p> <p>The built form has been designed so that the proposal has a minimal impact on the heritage listed fig trees on Lyons Road.</p>

<i>Key Principles of SEPP 65</i>	<i>Response</i>
	<p>The proposal includes the provision of a communal landscaped area as a central component of the design, which provides for an attractive outlook when viewed from the residential apartments and reduces reverberant sound in the courtyard.</p>
<i>Principle 7: Amenity</i>	<p>Units proposed are of sizes consistent with the design code and have all been provided with private open space areas in the form of terraces and / or balconies which exceed the minimum 12% floor area of the dwelling.</p> <p>68% of the units will receive 3 hours of solar access between 9am and 3pm and 90% would comply if the 2 hour solar access criteria applied. All kitchens are within 8 metres of a window.</p> <p>All units provide storage areas within the units with a further 50% of secure storage within the car park.</p> <p>The proposal incorporates a multi core design which results in predominantly dual frontage dwellings. This results in 72% of the units being cross ventilated.</p> <p>There are no single aspect south facing units.</p> <p>Residential apartments and the main communal open space area are accessible, being serviced via lifts and ramps.</p>
<i>Principle 8: Safety and Security</i>	<p>Readily identifiable and safe access points have been provided to the building both for pedestrians and vehicles.</p> <p>The apartments and associated balconies within the complex will provide for good passive surveillance both within the communal open space and along the street frontages.</p> <p>Adequate passive surveillance of the surrounding street network is also provided by the elevated ground floor apartments through utilisation of extensive glazing and balconies to all elevations.</p> <p>Landscaping provides a clear delineation between the public and private spaces.</p> <p>The applicant has proposed to provide CCTV to the car park and public areas.</p>
<i>Principle 9: Social Dimensions and Housing Affordability</i>	<p>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</p>

<i>Key Principles of SEPP 65</i>	<i>Response</i>
	opportunities and other retail uses.
	In addition, adaptable units and associated parking have been provided.
<i>Principle 10: Aesthetics</i>	In terms of materials and finishes, the building predominantly consists of masonry, with a variation in colour to identify individual buildings. This is consistent with the general earthy face brick pallet that exists in the area.
	Deep window reveals have been used in combination with varying opening sizes which creates interest.

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

<i>Part 1 – Local Context Primary Development Controls</i>	<i>Consideration</i>
<i>Building Height</i>	The building is compliant with the 20m numerical height provision of the Canada Bay LEP.
<i>Building Depth</i>	<p>The Code states the maximum building depth for apartment buildings should be 18m. If greater than this, it should be demonstrated that units still achieve adequate daylight and natural ventilation.</p> <p>The proposal provides a building depth from glass to glass of up to 17m, which is compliant with the DCP and largely consistent with the SEPP. The proposal does also provide compliant solar access and ventilation.</p>
<i>Building Separation</i>	<p>The building footprints and separations are generally consistent with the built forms provided for by the Canada Bay DCP.</p> <p>The building separation north to south is 22m and east to west is 55m.</p> <p>A reduced building separation is provided between the buildings to the north and east and the building to the east and west. These elevations include secondary bedroom windows with the applicant demonstrating that the privacy and amenity of the occupants will not be compromised. Conditions included addressing any privacy issues.</p> <p>The road frontage to the north, south and west and Storey Park to the east, provide significant separation, exceeding the standard.</p>
<i>Part 2 – Site Design - Primary Development Controls</i>	

<i>Deep Soil Zones</i>	2,338m ² or 26% of the site is deep soil planting with a total landscaped area of 3,359m ² or 38% of the site. The landscape species are generally Endemic Species which include some indigenous low water use plants.
<i>Fences & Walls</i>	Definition between public / private domain has been established through the use of landscaping.
<i>Landscape Design</i>	Landscaping associated with the communal open space of the development provides a quality environment for the future occupants. The scale of planting is varied and landscaping to the street setback softens the built form.
<i>Open Space</i>	The site does provide communal open space which exceeds 25% All apartments are provided with adequate private open space area in the form of balconies.
<i>Orientation</i>	Solar access does provide compliance with the 2 hour numerical control applicable. A useable portion of the communal open space area receives direct solar access.
<i>Planting on structures</i>	Appropriate soil depths have been provided to the communal open space area, which in turn will enable reasonable amenity.
<i>Site Amenity</i>	
<i>Stormwater Management</i>	Suitable conditions have been incorporated to ensure adequate stormwater management.
<i>Safety</i>	Passive surveillance provided by proposed balconies to communal areas and street. Building and vehicular access secured. Street boundary is reinforced through landscaping which delineates the public and private domain. All entries are clearly defined and secured. Lift lobbies are visible from building entrances.
<i>Visual Privacy</i>	Compliant separation has been provided between the subject building and those upon adjacent sites. Screens, planting and the offset of windows address any privacy issues. Conditions included addressing any privacy issues.
<i>Building Entry</i>	Clear, readily identifiable and accessible entry is provided to Building B & D. Due to the topography Building A & C are accessed internally. The design allows clear orientation for visitors.
<i>Site Access</i>	
<i>Parking</i>	Visitor and bicycle parking is compliant with

	<p>the provisions of the Canada Bay DCP.</p> <p>189 resident parking spaces are provided for 152 units, given the proximity of the site to public transport services and submission of a 'Green Travel Plan' this is acceptable. Visitor parking at a rate of 1 per 5 units is acceptable.</p> <p>Parking is accessed from McKinnon Avenue and the garage door is recessed from the façade.</p>
<i>Pedestrian Access</i>	An Access Report demonstrating compliance was also submitted in respect of the proposal.
<i>Vehicle Access</i>	<p>Car parking / access is provided from the 'preferred' street frontage as stipulated within the DCP and has been well integrated within the building design.</p> <p>The vehicular entry point provides adequate separation from pedestrian entries.</p> <p>Width of the driveway crossing measures a compliant 6m.</p>
PART 03 - BUILDING DESIGN	
Building Configuration	
<i>Apartment Layout</i>	<p>All single aspect apartments have large glazed areas and open plan designs. All Kitchens within apartments are < 8m from an external opening of the building.</p> <p>All cross through apartments have a width of 4m and have open plan kitchen, dinning and living areas adjoining a balcony.</p> <p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p>
<i>Apartment Mix</i>	<p>The proposal incorporates</p> <ul style="list-style-type: none"> - 51 x 1 bedroom (33%) - 74 x 2 bedroom (49%) - 27 x 3 bedroom (18%) <p>A satisfactory mix of one, two and three bedroom apartments has been provided within the proposal.</p>
<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 do comply with the rules of thumb with minimum 2.7m provided.
<i>Flexibility</i>	Considered to achieve the objectives in

	providing internal flexibility for use by occupants
<i>Ground Floor Apartments</i>	Ground floor apartments are provided with courtyards and where the floor level is elevated balconies are provided.
<i>Internal Circulation</i>	The proposal provides a maximum corridor loading of four units.
<i>Storage</i>	Sufficient storage areas have been allocated for each residential apartment, both within the apartment itself and in the parking level of the building.
<i>Building Amenity</i>	
<i>Acoustic Privacy</i>	An acoustic report demonstrating compliance with SEPP (Infrastructure) has been provided. The proposal will be conditioned to comply with the BCA.
<i>Daylight Access</i>	<p>It is noted that SEPP 65 does ordinarily require 70% of apartments receive 3 hours solar access between 9am and 3pm (in dense urban areas 2 hours may suffice).</p> <p>It is noted that the 2 hours provision has been previously applied in the assessment of applications of this size.</p> <p>68% of the units will receive 3 hours of solar access between 9am and 3pm and 90% would comply if the 2 hour solar access criteria applied.</p>
<i>Natural Ventilation</i>	<p>No single aspect south facing apartments.</p> <p>The proposal incorporates a multi core design which results in predominantly dual frontage dwellings. This results in 72% of the units being cross ventilated.</p>
<i>Building Form</i>	
<i>Facades</i>	Building facades are generally considered acceptable with effective articulation provided.
<i>Roof design</i>	A flat roof form is proposed which is consistent with the overall design of the buildings. Roof plant is centralised and not readily visible from the surrounding 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. A condition requiring a bulky goods storage area is included.
<i>Water conservation</i>	Satisfactory stormwater plans have been submitted.

Appendix D – Recommended conditions of consent

General Conditions

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

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following 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>
DA03.101 [B]	Level B01 Plan	Bates Smart	06.03.14
DA03.200 [B]	Level Ground Floor Plan	Bates Smart	06.03.14
DA03.201 [B]	Level 01 Plan	Bates Smart	06.03.14
DA03.202 [B]	Level 02 Plan	Bates Smart	27.05.14
DA03.203 [B]	Level 03 Plan	Bates Smart	27.05.14
DA03.204 [B]	Level 04 Plan	Bates Smart	27.05.14
DA03.205 [B]	Level 05 Plan	Bates Smart	27.05.14
DA03.206 [B]	Roof Plan	Bates Smart	27.05.14
DA07.00 [B]	Elevations sheet 1	Bates Smart	06.03.14
DA07.01 [B]	Elevations sheet 2	Bates Smart	06.03.14
DA07.02 [A]	Elevations sheet 3	Bates Smart	06.03.14
DA07.03 [A]	Elevations sheet 4	Bates Smart	06.03.14
DA07.04 [A]	Elevations sheet 5	Bates Smart	06.03.14
DA08.00[A]	Sections Sheet 1	Bates Smart	15.09.13
DA09.00 [A]	Car Park Entry Section, OSD Tank Section	Bates Smart	06.03.14
Issue B	DA Landscape Report	Turf	05.03.14
DA-L-001, B	Landscape General Arrangements Plan	Turf	03.03.14
2014893, Rev 3	Arboricultural Impact Assessment	Austalis Tree Management	18.09.13
	Arboricultural Pruning - Letter	Austalis Tree Management	29.01.14
13.370I02v02	Green Travel Plan and Travel Access Guide	Traffix	12.03.14
20140066.1/1303A/R1/JS, Revision 1	Traffic Noise Impact Assessment	Acoustic Logic	13.03.14
Revision D	Waste Management Plan	Elephants Foot	March 2014
	Accessibility review of proposal	Philip Chun Accessibility	17.09.13
Job No. 2013/1272	BCA Compliance Letter	Steve Watson & Partners	12.09.13
E1937	Detailed Environmental Site assessment	Aargus	16.09.08

ES1937/6	Groundwater Investigation	Aargus	27.03.14
ES1937/5	Construction Environmental Management Plan	Aargus	30.01.14
ES5270	Hazardous Ground Gas Assessment	Aargus	03.04.14
SE08010-B	Geotechnical Investigation Report	Brink & Associates	24.11.08
	Addendum to Aargus Environmental Report and Geotechnical Report	Aargus	06.09.13

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 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. **Green Travel Plan**

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

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

A copy of the Green Travel Plan shall be placed in a prominent location within the common foyer of each building.

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

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. **GCG1 Australia Post Guidelines**

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

(Reason: To ensure compliance with mail delivery regulations)

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. **GCG15 Telecommunications /TV Antennae**

No more than one telecommunications/TV antenna will be provided to each dwelling/building.

(Reason: Environmental amenity)

8. **GCH1 Hoarding Requirements**

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

- **"A" Class Requirements**

An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.

- **"B" Class Hoardings**

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

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

(Reason: Public safety)

9. **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)

10. **GCH 5 Waste Management**

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

(Reason: Compliance with approval)

11. **GCD1 Approved Stormwater Drainage Design**

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's "Specification for the Management of Stormwater", except where amended by other conditions of consent:

Drawing No.	Prepared by:	Dated:
Job No. 130462, C6.02, Rev. B	Northrop Sydney	03.06.14
Job No. 130462, C7.01, Rev. B	Northrop Sydney	03.06.14

Job No. 130462, C7.02, Rev. A	Northrop Sydney	05.05.14
Job No. 130462, C7.04, Rev. A	Northrop Sydney	05.05.14
Job No. S130462, H04, Rev. 4	Northrop Sydney	06.05.14
Job No. S130462, H05, Rev. 4	Northrop Sydney	06.05.14
Project No. 5550, S02, Rev A	James Taylor & Associates	30.09.13
Project No. 5550, S03, Rev A	James Taylor & Associates	30.09.13

Important Note: Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Specification for the Management of Stormwater".

(Reason: Stormwater management)

12. **Works Zone**

A Works Zone is to be applied for in McKinnon Avenue for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Canada Bay Traffic Committee and shall have a minimum length of 12 metres. The application for the Works Zone must be lodged with Council at least four (4) weeks prior to the commencement of work on the site.

It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's Traffic Engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

(Reason: Traffic Management)

13. **Roads and Maritime Service (RMS)**

- The post development stormwater discharge from the subject site into RMS drainage system shall not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details must be forwarded to:-

The Sydney Asset Management
Roads and maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond maybe required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001).

- The applicant should be aware of the potential for road traffic noise impact from Lyons Road on the proposed development. Noise attenuation measures should be provided in accordance with Office of Environment & Heritage's Environmental Criteria for Road Traffic Noise.
- The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- All works / regulatory signposting associated with the proposed development are to be at no cost to RMS.

(Reason: Traffic management / safety)

14. **Tree pruning and Removal**

All recommendations and tree protection measures included within the Arboricultural Impact Assessment, Prepared by Austalis Tree Management (2014893, Rev 3, Dated 18.09.13) and as amended by the further Arboricultural Pruning Letter, Prepared by Austalis Tree Management (Dated 29.01.14) shall be implemented.

Approval is granted for the pruning of trees listed in Part 6.1 of this report. Details of the consulting arborist for the on-site supervision and plans showing the tree protection details shall be submitted to Council's Coordinator of Tree Services for approval prior to the pruning works occurring.

Approval is granted for the removal of trees listed in Part 6.2 of this report.

(Reason: Tree Management)

15. **AusGrid Electricity Easement**

All construction works shall be clear of the AusGrid Electricity Easement in the south-western corner of the site. All construction works within proximity to the easement shall be in accordance with the requirements of AusGrid.

(Reason: AusGrid Requirement)

Conditions which must be satisfied prior to the commencement of demolition of any building or structure

16. **PCR1 Construction Certificate - Prior to the Commencement of any Demolition Works**

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of erection of building" pursuant of section 81A(2) of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

(Reason; Statutory Requirement)

17. **PCR2 Demolition**

- (a) That five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
- The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$5,000,000.00.
- (b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- (c) **If the works require a Construction Certificate**, work shall not commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolition shall not be given until the PCA is satisfied that all measures are in place so as to comply WorkCover's *Guide to Working with Asbestos*.
- Note:** A copy of this publication can be obtained from WorkCover Authority's website www.workcover.nsw.gov.au
- (d) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' AND a current WorkCover 'Class 2 (Restricted) Asbestos Licence'.
- (e) In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the NSW Construction Safety Act 1912 Regulations 84A-J *Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984*.
- (f) Demolition works are restricted as follows:
- Monday to Friday inclusive 7:00am - 5:00pm
 - Saturdays 8:00am – 1:00pm
 - Sundays and Public Holidays No work
- (g) At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
- The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover's Hotline (02) 8260 5885.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

18. **PCR3 Site Safety Fencing - Demolition only**

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

Hoardings

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

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

(Reasons: Statutory Requirement and health and safety)

19. **PCR5 Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed 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 during the demolition works and made available to Council officers on request.

(Reason: Environmental protection)

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

20. **McKinnon Avenue**

The applicant must meet the full cost for Council or a Council approved contractor to design and construct the public domain improvement works within McKinnon Avenue, including:-

- Construct kerb and gutter, recessed parking bays, a 1.4m wide concrete footpath and turfed footpath areas for the full McKinnon Avenue frontage of the site.
- Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the new vehicular access in McKinnon Avenue.
- Remove the redundant concrete vehicular crossing and layback in McKinnon Avenue and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- Construct a suitable transition in McKinnon Avenue at the eastern end of the site between the existing recessed parking area and the new kerb and gutter.

- Adjust as necessary all services and service pits within the road reserve as a result of the abovementioned works.
- The applicant is to provide a plan detailing the location and species of new street trees within the road reserve. It should be noted that street trees either side of the proposed driveway may impede sight distance for motorists exiting the site and a minimum sight distance of 30m in both directions is required. Allowance should be made for future growth of these trees.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's Fees and Charges Policy, are required to be paid to Council prior to commencement of the works.

Detailed plans shall be prepared in consultation and to the standards specified by Council's Director of City Services, with subsequent formal approval required under Section 138 of the Roads Act, **prior to the issue of a Construction Certificate.**

(Reason: Public Domain Improvements)

21. Street Numbering of Lots and Units

A street and unit numbering schedule prepared in accordance with AS2819:2011 shall be prepared and submitted to Council for approval, **prior to the issue of a Construction Certificate.**

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

22. CCC8 Fees to be paid to Council prior to issue of the Construction Certificate

Damage Deposit	\$250,000
Sect. 94 Contributions	\$2,056,068
	+ CPI adjustment between September 2013 (CPI 104.3) and the date that the contribution is paid
Total	<u>\$2,306,068</u>
	<u>+ CPI as applicable</u>

PLEASE NOTE that other fees and charges may be applicable to the proposal.

The applicant is advised to obtain a copy of Council's latest Fees and Charges schedule available at Council's Customer Services Section. Further information as to other fees and charges applicable to your development may be obtained by contacting Council's Customer Services Centre on 9911 6555 during office hours.

(Reason: Statutory requirement and information)

23. 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 Council **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's Office.

(Reason: Statutory requirement)

24. CCG1 Amendments to Approved Plans

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

- a) The west facing Kitchen window of D1.01 shall contain obscure glazing or an external fixed screen with a minimum solid density of 85%.
- b) The east facing Kitchen and Dining room windows of D1.03 and D2.06 shall contain obscure glazing or an external fixed screen with a minimum solid density of 85%.
- c) The east facing Kitchen and Dining room windows of B2.06, B3.06, B4.06 and B5.06 shall contain obscure glazing or an external fixed screen with a minimum solid density of 85%.
- d) A storage area for bulky household goods, i.e. whitegoods and furniture, must be identified within the garbage room measure a minimum of 20m².
- e) The kerb inlet pit on McKinnon Avenue is to be designed and installed as a drop pit to maintain adequate cover under the road surface, with full details included on the stormwater drainage concept plan.
- f) The depth and location of all services which will run across the drainage line in McKinnon Avenue shall be identified using a pothole investigation and detailed on the stormwater drainage concept plan.
- g) All discharge control pits at the property boundary shall be fitted with sediment and gross pollutant traps.
- h) All access points and emergency overflow provisions for the onsite stormwater detention system shall be located externally / outside the basement.
- i) The bicycle storage rack on the Lyons Road frontage and adjoining retaining wall shall be relocated outside the AusGrid Electricity Easement.

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 Principal Certifying Authority **prior to the issue of a Construction Certificate** for the proposed development.

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

25. Construction Management Plan

Prior to the issue of a construction certificate, the applicant shall submit, for approval and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan. The following matters (as a minimum) must be addressed in the CTMP:-

- It is to be noted that access to/from the site for construction vehicles is to be restricted to McKinnon Avenue. No construction vehicle access or construction vehicle queuing is to occur in Lyons Road or Great North Road.

- A detailed description and route map of the proposed truck/construction vehicle access routes,
- The locations of proposed Construction Works Zones along the site frontage,
- Provision of a construction schedule,
- Tradesperson parking (parking shall be provided on-site where possible),
- Provision of relevant Traffic Control Plans (certified by an RTA accredited person i.e. red or orange ticket),
- Provision of relevant Pedestrian Management Plans,
- A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

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

26. **Storage**

In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:-

- One-bedroom apartments – 6m³
- Two-bedroom apartments – 8m³
- Three-bedroom apartments – 10m³

Details demonstrating compliance shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**.

(Reason: Residential amenity)

27. **Safety and Security**

A security management plan shall be prepared and submitted to the Accredited Certifier, **prior to the issue of a Construction Certificate**. At a minimum the plan shall incorporate the following security measures / features:-

- CCTV covering all foyer areas and either the vehicle entry or exit point to the basement. Must be of a quality and mounted at a height capable of clearly identifying faces and numberplates. Footage shall be kept for a minimum period of 28 days.
- Zoned sensor lighting within the basement area.
- Each building foyer to be secured by a gate or door with an intercom system.
- Garage door phasing set to a time to prevent multiple cars tailgating into the basement.
- Signage erected at car park entry to encourage residents to prevent tailgating into basement (eg. 'Prevent basement break-ins, No tailgating vehicles').
- Letter boxes shall be located in an area subject to passive surveillance and a high use area such as the foyer. Each letter box shall be secured by a high quality lock.

(Reason: Crime prevention)

28. **War Memorial**

Full details of the works to the war memorial including the exact location of plaques and flag pole shall be submitted to Council for approval, **prior to the issue of a Construction Certificate**.

(Reason: Conservation)

29. **CCG4 Obtaining a Construction Certificate for Building Work**

This Development Consent 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.**

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate.**

(Reason: Information)

30. **Acoustic Assessment:**

The recommendations of the acoustic report including the implementation of the of the acoustic glazing schedule for the site as detailed in Part 6 of the acoustic report prepared by Acoustic Logic (20140066.1/1303A/R1/JS, Revision 1) dated 13 March 2014 are to be implemented.

Acoustic consultants are to be engaged to review the architectural and mechanical services drawings to ensure BCA requirements are met.

(Reason: Environmental Amenity)

31. **CCC4 Section 94 Contributions**

The following Section 94 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s94 Development Contributions Plan.

Based on the following rates, as at September 2013 (CPI 104.3)

Infrastructure Type	Studio/One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling
Community Facilities	\$1,056.65	\$1,504.26	\$2,179.60
Civil Infrastructure	\$1,025.89	\$1,460.47	\$2,116.92
Plan Preparation and Administration	\$116.05	\$165.20	\$239.20
Open Space and Recreation	\$7,498.22	\$10,674.55	\$15,464.28
Total / dwelling	\$9,696.81	\$13,804.48	\$20,000

Based on the following number of Dwellings and Bedrooms:

Dwellings	51 x Studio & 1 bed	74 x 2 bed dwellings	27 x 3 bed dwellings
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	dwelling		
Total / dwelling	\$9,696.81	\$13,804.48	\$20,000
Total	\$494,537	\$1,021,531	\$540,000
Grand Total	\$2,056,068		

Any change in the Consumer Price Index between September 2013 (CPI 104.3) and the date that the Section 94 Development Contribution is paid, will be added/subtracted from the amount cited above.

Contributions must be receipted by Council and submitted to the Accredited Certifier **prior to the issue of any Construction Certificate**.

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

A copy of the City of Canada Bay Section 94 Development Contributions Plan may be obtained from Council's website.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

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

Access for people with disabilities must be provided in accordance with the requirements the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Requirements Act 1992* (as amended). **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance.

(Reason: Statutory requirement and disabled access)

33. **Dilapidation Report**

Subject to access being granted, a Dilapidation Report is to be undertaken on:-

- All structures on the Drummoyne Municipality Senior Citizens Club site at 422 Lyons Road, Five Dock.
- The current structural condition of all existing and adjoining infrastructure and roads.
- Any property which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project.

The Dilapidation Report shall be carried out **prior to the issue of the Construction Certificate**.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: Safety)

34. **CCA1 Damage Report**

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

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

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

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

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

(Reason: Maintain public assets)

35. **CCL4 On Slab Landscaping**

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

(Reason: Ensure landscape survival)

36. **CCL2 Landscape Maintenance Strategy**

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

(Reason: Ensure landscape survival)

37. **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)

38. **CCA5 Vehicular Crossings**

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

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

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

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of \$250,000 shall be paid to Council **prior to the issue of the Construction Certificate**.

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

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

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

(Reason: Protection of Council infrastructure)

40. **CCA5 Vehicular Crossings**

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

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

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

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted **prior to the issue of the Construction Certificate.**

(Reason: Adequate access and egress)

42. **CCV2 Bicycle Storage Provision**

Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan 2013 for Bicycle Parking and Storage Facilities. Details shall be submitted **prior to the issue of the Construction Certificate.**

(Reason: Convenience)

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

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 219 spaces are required and designated as follows:

<i>Car Parking Allocation</i>	<i>Number</i>
Standard Residential Car Parking Spaces	189 (inclusive of 25 residential adaptable car spaces)
Visitor Parking	30 (inclusive of 2 disabled car spaces)
Total Spaces Agreed by this Consent	219

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

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.

- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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)

44. **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)

45. **Sight Lines**

All new walls adjacent to the vehicular crossing must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.

(Reason: Traffic safety and management)

46. **CCV13 Vehicular Access Ramps**

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

47. **CCI1 Hoardings**

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

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

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

(Reason: Safety & information)

48. **CCI2 Redundant Vehicular Crossings and Ancillary Works**

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall submit to Council an application for "Driveway and ancillary works" (available from Council's Customer Services Centre) and pay the appropriate fees & charges **prior to the issue of a Construction Certificate**.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer, prior to the issue of the Occupation Certificate.

(Reason: Public infrastructure maintenance)

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

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

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

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

(Reason: Protection of Public Assets and information)

50. 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)

51. CCR1 Application for a Construction Certificate

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

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

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

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428.
- (f) If an alternative solution to the "deemed to satisfy" provisions of BCA is proposed, the following details must be lodged:

- Performance requirements that the 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**.

(Reason: Statutory requirement)

52. **CCR2 BASIX Commitments**

BASIX Certificate No. 498295M shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

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)

53. **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)

54. **CCM3 Construction or Re-direction of a Stormwater Pipeline**

No line of natural drainage nor any drainage channel, pipeline or other work shall be filled in, diverted or otherwise interfered with, except by the construction of a pipeline of a specific size, material and location approved by Council. Engineering Plans in accordance with Council's "Specification for the Management of Stormwater" **shall be submitted prior to the issue of a Construction Certificate**.

(Reason: Protection of existing drainage infrastructure)

55. **CCM4 Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) compliance with the approved Soil and Water Management Plan
- (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all uncontaminated run-off is diverted around cleared or disturbed areas

- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition/development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection)

56. **CCM5 Grated Drain to Garage**

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

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

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

(Reason: Environmental protection)

57. **CCM6 Rainwater Re-use**

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

(Reason: Compliance and Amenity)

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

A silt and gross pollutant trap shall be fitted at the end of the stormwater line prior to connection into the public stormwater system. The trap shall be designed in accordance with Council’s “Specification for the Management of Stormwater” and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

(Reason: Environmental)

59. 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**. 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)

60. CCS4 Support and Protection for Neighbouring Buildings

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

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

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

(Reason: Structural safety)

61. CCU1 Electricity Connection

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

Note: A limit of one (1) pole per site will apply.

Details are to be submitted **with the application for a Construction Certificate**.

(Reason: Environmental Amenity)

62. CCU2 Electricity Substation

Any required electricity substation must be located within the boundaries of the site.

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** detailing the energy authority's requirements.

Note: Where an 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 development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility)

63. CCU4 Telecommunications

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense.

Should you need to discuss access to or relocation of any Telstra assets please contact Telstra's Network Integrity team on 1800 810 443 (opt1) or email F1102490@team.telstra.com.

Details are to be submitted **with the application for a Construction Certificate**.

(Reason: Environmental Amenity)

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

64. PDR1 Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent 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 the development consent 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 the development consent 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 the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent 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 Environment 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)

65. **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)

66. **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 Development Consent;
- (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)

67. **PDR6 Site Safety Fencing**

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

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

Hoardings

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

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

(Reasons: Statutory Requirement and health and safety)

68. **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)

69. **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)

70. **PDM1 Erosion & Sediment Control: Minor works – 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)

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

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

(Reason: Health and amenity)

72. **DWT2 Construction Hours**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery. Such equipment may only be used between the hours of 7.00 am – 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

73. **DWT3 Disruption of Traffic**

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

(Reason: Safety and information)

74. **DWT4 Dust Control**

Small Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

Major Works

The following measures must be taken to control the emission of dust:

- a. Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.

- b. 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.
- c. All stockpiles of materials that are likely to generate dust must be kept damp or covered.

(Reason: Environmental amenity)

75. DWT5 Excavation – Water

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

(Reason: Health and safety)

76. DWT6 Prevention of Nuisance

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

(Reason: Health and amenity)

77. 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)

78. 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)

79. 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)

80. DWG6 Site requirements during demolition and construction

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.

- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

81. DWC3 Remediation Action Plan (RAP)

A Remediation Action Plan (RAP) shall be prepared and submitted to Council in accordance with the Managing Contaminated Land Planning Guidelines under State Environmental Planning Policy No. 55 - Remediation of Land and the Contaminated Land Management Act

1997. The RAP shall be reviewed by a Site Auditor, accredited by the DECC under the Contaminated Land Management Act 1997, and written confirmation provided by the Site Auditor to Council that the RAP, if followed, is adequate when implemented to render the site suitable for its proposed use.

The following matters must be included as part of the Remediation Action Plan:

- Hours of Remediation Work
- Soil and Water Management Measures including stockpiles, site access, excavation pump-outs, landscaping/rehabilitation and bunding.
- Noise and Vibration
- Air quality and dust and odour control.
- Groundwater
- Transport (management plan)
- Hazardous materials - removal and disposal
- Disposal of Contaminated Soil
- Containment/Capping of Contaminated Soil
- Importation of Fill
- Site Signage and Contact Numbers
- Site Security
- Occupational Health and Safety
- Removal of Underground Storage Tanks (where relevant)

(Reason: Compliance and Site Works Management)

82. **DWC4 Site Audit Statement**

The applicant shall submit to Council a Site Audit Statement and Summary Site Audit Report from a Site Auditor, accredited by the NSW EPA under the Contaminated Land Management Act, 1997, certifying that the site is suitable for the proposed development.

(Reason: Compliance with Statutory Requirements)

83. **DWI1 Road Opening Permit**

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre. A Road Opening Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

Note: Road Opening Permits do not include driveway and layback construction.

(Reason: Maintain public asset)

84. **Arborist Inspections – Lyons Road Fig Trees**

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works on the Lyons Road Fig Trees and employ best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone*) to ensure the longevity of the tree to be retained. The arborist is to attend on site during critical stages of excavation and construction works within the vicinity of Lyons Road Street trees and any other tree/s to be retained and is to record the following information:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

* primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Qualified assessment of impact of works on trees to be retained)

85. **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)

86. **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)

87. **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)

88. 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)

89. 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)

90. DWA3 Protection of Footpath

The footpath must be protected against damage by means of close boarding with chamfered ends.

(Reason: Protection of infrastructure and the environment)

91. DWR1 Compliance with Building Code of Australia

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

(Reason: Prescribed statutory control)

92. 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)

93. DWR6 Inspection Records & Compliance Certificates

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

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

A compliance certificate must be issued where:

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

(Reason: Statutory Requirement)

94. 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 and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (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

95. Car Share Scheme

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

The car share space is to be available at the same time that the car park commences operation. The proponent shall use its best endeavours to make all arrangements for an established car share operator to run the scheme.

(Reason: Compliance and Environmental Protection)

96. 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) A “Work - As - Executed” plan of the 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 driveway and layback, 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 the 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)

97. **OCG2 Strata Subdivision Approval**

This approval does not include approval to strata subdivide the subject property. Should strata subdivision of the property be sought, a **separate development application** must be submitted to Council for approval **prior to occupation and/or use of the building/s**.

(Reason: Information)

98. **OCA1 Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Reconstruct any bays of cracked concrete footpath along the full frontage of the site.
- Reconstruct existing public drainage pit/pipe system
- Provide a new vehicular crossing.
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate**. Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager, City Construction and Fleet in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: Preserve Council asset and amenity)

99. **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.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

100. **OCM1 Drainage System - Maintenance of Existing**

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be *removed*, not flushed from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the Principal Certifying Authority, (a registered plumber or a person of equivalent or greater experience or qualification) **prior to the issue of an Occupation Certificate** to confirm that the system is in good working order and adequate to accept additional flows.

(Reason: Maintenance and environment)

101. **Directional Signage:**

Signage must be provided at each pedestrian entry adjoining Great North Road and McKinnon Avenue which directs pedestrians to the entry / foyer for Building A and Building C. The signs must be installed to the satisfaction of the Certifying Authority **prior to the issue of an Occupation Certificate.**

(Reason: Functional)

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

102. **Visitor Parking / Garbage Collection**

Visitor / loading zone car space 01 and 02 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)

103. **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:-

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

(Reason: Fire safety)

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

On the satisfactory completion of work and **prior to the issue of an 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)

105. **FOL1 Arborist's Report - Follow up**

As part of the on-going assessment of the Lyons Road street trees and the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development. Findings are to be compiled in a detailed report to be provided to the satisfaction of the Principle Certifying Authority at the completion of construction and **prior to issue of the Final Occupation Certificate** which documents the following:

- Methods of excavation or construction used to carry out the works;
- Any damage sustained by the tree/s as a result of the works;
- Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

(Reason: Ensure survival of trees to be retained)

106. **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)

107. **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)

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

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

Easement Registration

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

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

(Reason: Compliance and adequate maintenance of drainage system)

109. **Environmental Management**

An Environmental Management Plan is to be submitted to Council outlining the management of any contaminated fill material which will remain onsite, **prior to the issue of an occupation certificate**.

(Reason: Site Management)

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

110. **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)

111. **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 the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

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

(Reason: Fire safety)

112. **OUE5 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)

113. **OUE6 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)

114. **OUE8 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)

115. **OUG3 Visitor Parking Restriction**

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

(Reason: Compliance)

Advisory Notes (ANN) -

Please note: the following may not apply to all consents

(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

(Reason: Information - protection of utilities)

(b) **ANN5 Lapsing of Consent**

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

(Reason: Information)

(c) **ANN7 Process for Modification**

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

(Reason: Information)

(d) **ANN9 Right of Appeal**

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

(Reason: Information)

(e) **ANN11 Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to

remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

(Reason: Information - amenity and separate approvals)

(f) **ANN12 WorkCover Requirements**

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

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

(Reason: Information - safety)

(g) **GCG2 Compliance with Disability Discrimination Act**

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

(h) **Waste Storage**

Council can provide 660ltr bins for the collection and storage of recyclables. This may reduce the labour associated with moving / cycling bins through the building and reduce the area required for the storage of bins at the garbage area.