

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2014SYE027
DA Number	513/2013
Local Government Area	City of Canada Bay
Proposed Development	Construction of 15 residential flat buildings comprising 142 x 1 bedroom, 240 x 2 bedroom and 48 x 3 bedroom apartments with basement parking for 748 spaces, various public domain works and provision of open space
Street Address	21 – 31 Edwin Street, Mortlake 1 – 9 Bennett Street, Mortlake 15 – 23 Bennett Street, Mortlake 20 Bennett Street, Mortlake 1 Northcote Street, Mortlake 14 – 22 Hilly Street, Mortlake
Applicant	Turner
Owner	Mortlake Consolidated City of Canada Bay
Cost of Works	\$145,115,180
Number of Submissions	Twenty six (26)
Recommendation	Approval subject to Conditions
Report by	Mr Stuart Ardlie – Senior Statutory Planner, City of Canada Bay

RECOMMENDATION

Pursuant to Section 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, indicate its support, in principle, for Development Application No. 513/2013 for construction of 15 residential flat buildings comprising 142 x 1 bedroom, 240 x 2 bedroom and 48 x 3 bedroom apartments with basement parking for 748 spaces, various public domain works and provision of open space on land at the following addresses subject to site specific conditions.

- 21 – 31 Edwin Street, Mortlake
- 1 – 9 Bennett Street, Mortlake
- 15 – 23 Bennett Street, Mortlake
- 20 Bennett Street, Mortlake
- 1 Northcote Street, Mortlake
- 14 – 22 Hilly Street, Mortlake

Draft conditions are contained within Appendix E of this report.

- A. THAT the Joint Regional Planning Panel Sydney East Region further consider DA 513/2013 for final determination once the Voluntary Planning Agreement has been finalised.

REPORT

1. BACKGROUND

On the 10 May 2013 the Planning Assessment Commission approved a Concept Plan for the Majors Bay site. The Concept Plan MP10-0154 as described in the Instrument of Approval includes:-

- a) Use of the site for the purpose of residential apartments and associated open space;*
- b) Indicative building envelopes for 15 buildings ranging from three to seven storeys;*
- c) Basement level car parking zones and car parking rates;*
- d) Publicly accessible open space and through site links;*
- e) A maximum GFA of 38,459m² across the site;*
- f) Pedestrian and cycle networks through the site; and*
- g) Street upgrades to public roads and upgrade to stormwater and drainage systems.*

The Department of Planning and Environment is currently considering a S75W application to incorporate 8, 10 and 12 Hilly Street, Mortlake into the Concept Plan site.

On the 11 April 2014 Council approved DA 488/2013 for the demolition of the structures above the slabs and piers of the ground floor only and trees above the root system (all slabs, piers and footings and tree roots are to remain in place to prevent disturbance of soil).

On the 01 July 2014 Council approved DA 149/2014 for the erection of a temporary display suite and sales office on existing hardstand area with 6 carspaces, 10 flagpoles and associated signage on the site at 1 Northcote Street and 14A Hilly Street, Mortlake.

A Pre-lodgement Panel Meeting was held with Council Planning Staff on the 05 November 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 20 December 2013, however, was not allocated to a planning officer for assessment until the 3 March 2014 as the Voluntary Planning Agreement (referred to below) had not been drafted to enable public notification of the development application. The application was notified on the 3 March 2014 to 390 owners / occupiers for a period of twenty-eight (28) days. During the notification period twenty six (26) submissions were received from neighbouring stakeholders.

Concurrently with the submission of this development application, Council received an offer of an additional developer contribution under Section

93F of the Environmental Planning & Assessment Act 1979. The draft planning agreement was exhibited with the development application. The planning agreement has not been finalised, so this report has been referred to the Joint Regional Planning Panel - East to consider the planning aspects, but if supported, defer determination until the planning agreement is finalised.

Based on a detailed assessment of the application and site inspection, Council wrote to the applicant on the 29 May 2014 and identified the following issues and requested additional information, including:-

- Elevations of each proposed building;
- Matters raised in Urban Design review prepared by GMU;
- Provide certification of GFA in accordance with Concept Plan approval;
- Whittaker Street bus stop design;
- Identify extent of public foreshore area and publicly accessible open space;
- Archival recording of former public baths;
- Contamination and stormwater engineering comments;
- Civil works;
- Acoustic impact from buses;
- Landscaping requirements;
- Privacy issue from roof top terrace Building 3A;
- Demonstrate compliance with adaptable housing provisions;
- Access provisions;
- Required meeting with NSW Police for crime provision; and
- Submissions received during notification.

A panel briefing meeting was held on the 21 May 2014. 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 28 July 2014 the applicant submitted additional information and amended plans which form the basis of this assessment report.

2. THE SITE AND ITS CONTEXT

The subject site is located in Mortlake which is approximately 10km to the west of the Sydney CBD as the crow flies. The application relates to the following sites:-

- 21A Edwin Street, Mortlake – Lot 8, DP 227984
- 21 Edwin Street, Mortlake – Lot 63 & 64, DP 1937
- 23 Edwin Street, Mortlake – Lot 1, DP 309043
- 25 Edwin Street, Mortlake – Lot 2, DP 309043
- 27 Edwin Street, Mortlake – Lot 3, DP 309043
- 29 Edwin Street, Mortlake – Lot 4, DP 309043

- 31 Edwin Street, Mortlake – Lot 5, DP 309043
- 1 – 9 Bennett Street, Mortlake – Lot 1, DP 124953
- 15 – 23 Bennett Street, Mortlake – Lot 1, DP 588807, Lot 3 & 4, DP 31644, Lot 15, Sec 4, Lot 16, Sec4, Lot 17, Sec 4, Lot 18, Sec 4, Lot 19, Sec 4 & Lot 20, Sec 4, DP 15569, Lot A & Lot B, DP 356064, Lot 13, DP 747109
- 20 Bennett Street, Mortlake – Lot 1, DP 812692
- 1 Northcote Street, Mortlake – Lot 1, DP 661962, Lot 1, DP 570384, Lot 4 & 6, DP 210632
- 14A Hilly Street, Mortlake – Lot 101, DP 610982
- 16 Hilly Street, Mortlake – Lot 21, DP 733003
- 18 Hilly Street, Mortlake – Lot 200, DP 774260
- 20 Hilly Street, Mortlake – Lot 102, DP 635035

The site is located on the western edge of Mortlake Peninsula with the Majors Bay and Parramatta River directly to the west. The site is in the Canada Bay City Council LGA, north - east from Concord West Village Centre at Majors Bay Road and south-east from Rhodes and Olympic Park.

The site's surrounding area is currently undergoing a rapid transition from industrial uses and built form to a residential neighbourhood. Mortlake used to be the site of the Mortlake Gas Works for the Australian Gaslight Company (AGL). Some industrial uses are still present in the area; however most sites are being redeveloped as mixed use and residential sites with the biggest development in recent years being Breakfast Point located to the east of the subject site. The development at Breakfast Point includes a mix of residential buildings varying from 2-3 storey townhouses along the river front up to 9 storey residential flat buildings.

There are also other recent residential developments in the close proximity to the subject site along Hilly and Northcote Streets with heights of 4 - 6 storeys.

The existing retail strip is located just one block to the east along Tennyson Road and it includes cafes and restaurants, the historic Palace Hotel, a hairdresser and other services. There is also an IGA supermarket located across the street from the hotel and other retail uses and services at the Breakfast Point development.

The other facilities in the area are located in Concord at Majors Bay Road, which is accessible by bus. Rhodes and Burwood shopping centres are also nearby, accessible by car within 10 and 15 minutes, but there is no direct bus line that connects to those areas from Mortlake Peninsula.

The bus stops are located on Hilly Street and Northcote Street next to the site.

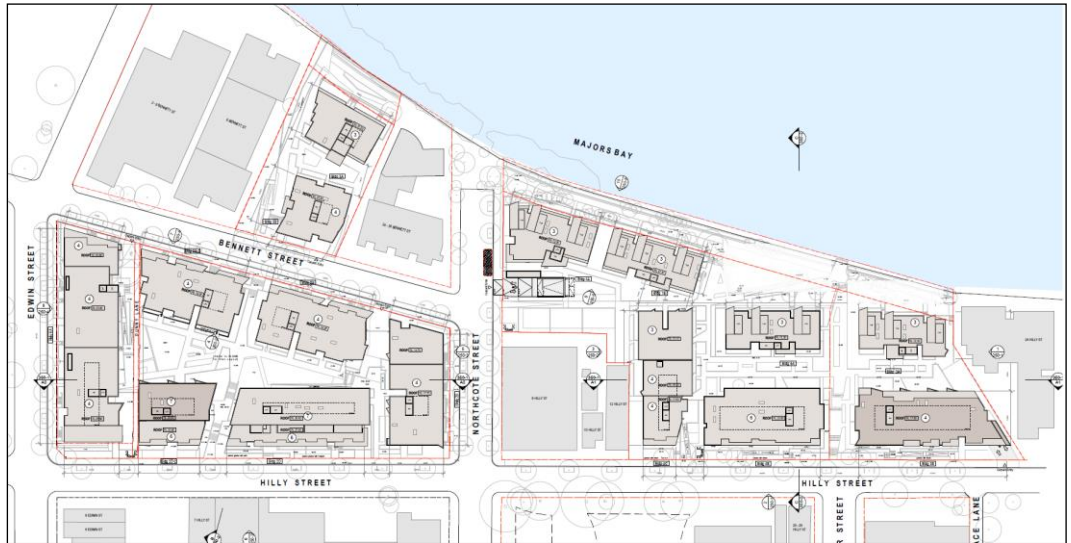
The topography of the area varies. Tennyson Road runs along the ridge and the terrain slopes away to the east, west and north towards the water edge. Hilly Street, which is parallel to Tennyson Road, is characterised by undulating topography, but it is not as steep as the streets running east and west. These streets slope down towards the western edge of the peninsula and end at small pockets of foreshore reserve with jetties protruding in between the mangroves.

There are already a number of areas where the foreshore reserve is accessible from the residential developments. There is a footpath along the foreshore from Edwin Street to the south and a reserve with a footpath at the northern end of the peninsula. The Breakfast Point development provides full access to the eastern foreshore with landscaped footpath providing connection from the ferry (entry from Hilly Street) to Cabarita Park and Breakfast Point Country Club located to the south.

Majors Bay Reserve, which includes the closest recreation area and is located at the southern end of Majors Bay – southwest of the subject site, is not accessible from the foreshore. New residential developments provide opportunities for a continuous footpath around the peninsula's foreshore.

The majority of the proposed development on the subject site faces Hilly Street's western edge. Hilly Street runs in northsouth direction and connects the peninsula to the ferry stop. It runs parallel to the main shopping street – Tennyson Road, which is one block away to the east and which divides the peninsula into Breakfast Point suburb on the east and Mortlake suburb to the west. There are several recent developments along Hilly Street's eastern edge facing the subject site. The existing built form varies from 3 storeys to 6 storeys. The 6 storey building, which is currently the tallest built form along the street, is located on the south-east corner of Northcote and Hilly Streets and it provides some commercial use on the ground level. The height of the existing built form steps down to 3 storeys towards the north of Hilly Street.

The subject site is made up of three larger blocks, resulting in a total area of 27,431m².



The existing structures are currently being demolished under DA488/2013 and most trees cut down above the ground level.

The area of Mortlake is zoned R1 General Residential which generally permits industrial, commercial and residential uses alongside each other. This zoning reflects the existing industrial area whilst facilitating the transition to a predominately medium density residential area.

Development to the north

The northern edge of the subject site shares a boundary with another residential development at 24 Hilly Street, which is set back by approximately 2.5m from its southern boundary. There are some window openings on the southern façade overlooking the side setback. These windows are bathroom windows. However the top level of this property includes a large terrace and openings partially facing the side boundary. This development includes elevated garaging towards the rear of the site. Beyond this development is a row of two storey attached dual occupancies / townhouses. Towards the point is the Mortlake punt which connects to Putney.

Development to the east

The development between Palace Lane and Whittaker Street contain a row of two storey industrial buildings, some of which contain basements.

There are several recent developments along Hilly Street's eastern edge facing the subject site. The existing built form varies from 3 storeys to 6 storeys. The 6 storey building, which is currently the tallest built form along the street, is located on the south-east corner of Northcote and Hilly Streets and it provides some commercial use on the ground level. The height of the existing built form steps down to 3 storeys towards the north of Hilly Street.

Further to the east is Breakfast Point which is a Masterplan estate containing large residential flat buildings up to 9 storeys in height.

Development to the south

The southern side of Edwin Street, which constitutes the southern perimeter of the subject site is a mixture of building typologies; from warehouse developments at the corner of Edwin and Bennett Streets and towards the corner with Hilly Street; multihousing developments at the western end overlooking the water as well as in the mid section between Hilly and Bennett Streets; to a remnant of the single family houses which are mainly older and provide opportunity for redevelopment. The height along Edwin Street currently is between 1 to 3 storeys.

Development to the west

The other street that runs in the north south direction within the perimeter of the subject site is Bennett Street, which is to the west of Hilly Street. The existing residential buildings along Bennett Street are fairly recent. The development on the northwest corner of Bennett and Edwin Streets is an industrial building of 2 storeys and presents a development potential. The building to the north at number 8 Bennett Street is a recent residential building of 4 storeys. The other existing residential building is located on the northern corner of that block. This development varies in height but presents predominantly a 3 storey scale to the street. The two sites (no. 1-9 and 20) located between the existing residential developments along Bennett Street are part of the subject site.

The site also includes a foreshore component fronting Majors Bay.

The existing built form is predominantly white render and dark brick. The roofs of the existing new developments are predominantly mono pitch or flat. The dark brick fits well with the industrial character and provides a positive contrast to the white elements of the balconies and roofs. Many new buildings, particularly within the Breakfast Point estate are characterised by off white colour render finish. The Mortlake development presents a more modern and simpler style with elements of different colour providing some variety to differentiate it from Breakfast Point development.

3. PROPOSED DEVELOPMENT IN DETAIL

The proposed development includes 15 buildings varying in height from 3 to 7 storeys. It is divided into 6 precincts. The lowest buildings are located along the foreshore, addressing the waterfront. Greater density is proposed along Hilly Street south of Northcote Street with buildings of 6 storeys with a 7th level setback from the street. The site includes 5 separate underground parking areas accessed from Northcote Street, Hilly Street and in two locations from Bennett Street.

The key features of the proposal include:

- Site remediation
- Construction of 15 residential flat buildings comprising 140 x 1 bedroom, 242 x 2 bedroom and 48 x 3 bedroom apartments with basement parking for 748 spaces
- Public domain improvements to the adjoining street frontages including stormwater works
- Publicly accessible through site links from Whittaker Street and Hilly Street to the foreshore and along the foreshore
- Construction and dedication to Council of a foreshore park
- Reconstruction of the seawall

Aspect	Description
<i>Site Area</i>	27,431m ²
<i>Gross Floor Area</i>	28,449m ²
<i>Floor Space Ratio</i>	1.4:1
<i>Building Height</i>	Building height of 3 storeys along the foreshore stepping up to 4 storeys along Bennett Street and 4 – 7 storeys along Hilly Street.
<i>Residential Apartment Size and Mix</i>	Total of 430 apartments comprising: 142 x 1 bedroom (33%), Average unit area 55m ² 240 x 2 bedroom (56%), Average unit area 84m ² 48 x 3 bedroom (11%), Average unit area 110m ²
<i>Landscaping</i>	Associated landscaping including treatment to the public domain on the periphery of the site, central communal courtyards and public foreshore works.
<i>Car Parking</i>	Provision of 748 car parking spaces in basement levels including 662 resident and 86 visitor parking spaces
	Provision of 294 bicycle storage spaces
<i>Cost of Development</i>	\$145,115,180 as stated

The proposed finish material is predominantly painted masonry in natural colour tones. There are also elements of sandstone and brickwork along the ground level. The upper levels include some accents with metal cladding. The balustrades and privacy screens are made of solid and perforated powdercoated metal sheets. The building entries are provided with timber elements softening the buildings' appearance.

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 six (26) submissions objecting to the proposal have been received.

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

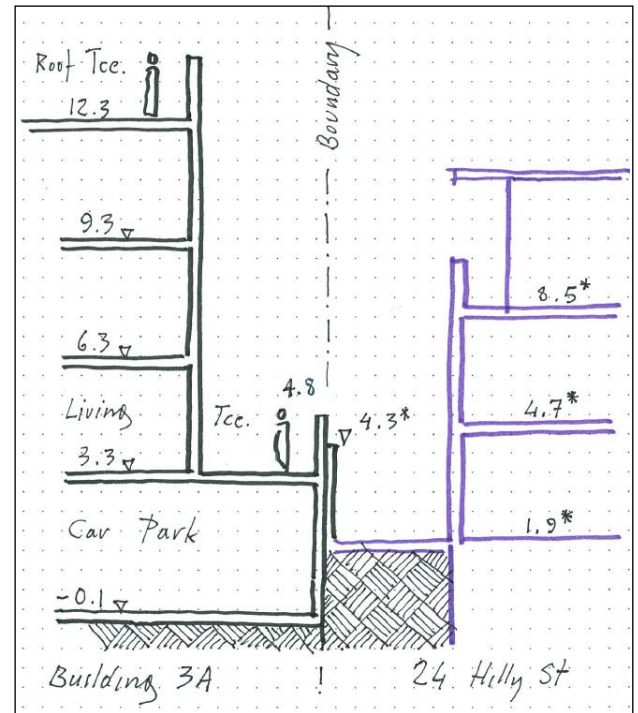
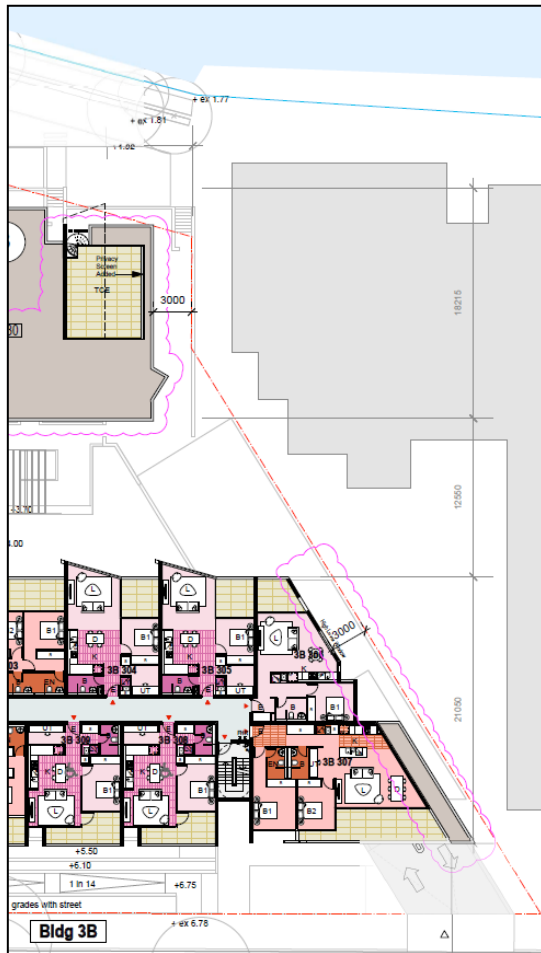
24 Hilly Street

Included in the submissions were 10 separate submissions from each of the units within the adjoining property at 24 Hilly Street. In response to the issues raised in these submissions Council compelled the applicant to amend the development and provide a 3m side setback from the northern boundary and make other ancillary amendments to address the neighbour's concerns. The amended plans were renotified to 24 Hilly Street and no further submissions were received. Nevertheless the relationship between the proposal and this adjoining building is considered further.

The extract and section below show that the building will be setback 3m from the common boundary, which as amended is consistent with the Concept Plan.

The ground floor terrace of unit 3A 203 will be slightly elevated and have a screen wall on the boundary. To minimise the impact on the adjoining property a condition requiring the wall to be setback 0.5m from the northern boundary and increased in height to 1.6m above the finished floor level has been included in the recommendation of this report. The northern side of the roof top terrace will be screened with a solid wall to a height of 1.8m above the finished floor level. The north facing windows of Building 3A where they service living rooms contain external louvre screens. The bedroom window is angled towards the waterfront and as it serves a bedroom will not be intensively used.

In Building 3B the side facing windows are highlight windows or a small slot kitchen window which has an outlook to the car parking area of the adjoining property. The outlook from this building and associated balconies is predominately west and in part towards the rear of this neighbouring property. Given that the east elevation of this neighbouring building is predominately access and services and there is a balcony to window separation of approximately 10m no issue is raised.



The objectors also raised issues of potential damage during the excavation and construction phase. Council's standard dilapidation condition has been included within the recommendation of the report and the objectors notified of this requirement.

Traffic and parking are considered comprehensively within part 5.3 of this report.

A summary of the key issues raised in the submission is considered in further detail below:-

- **Building height - View loss, overshadowing and privacy**

Comment: The Concept Plan sets a building height along Hilly Street of 6 storeys with a 7th storey setback. The proposed building fits within the approved built form and as such view loss is a reality of the developer realising the reasonable development potential of the site as approved under the Concept Plan. The built form does not provide a solid form to the street with breaks between buildings which facilitate some view corridors towards Majors Bay.

During midwinter the proposal will not cast shadow onto this building between 9am to 2pm with some shadow between 2pm and 3pm to a western elevation. This level of shadow to a western elevation is reasonable given the scope of the Concept Plan approval.

The proposal includes balconies and windows which face Hilly Street. As there is a separation building to building of approximately 20m this satisfies the Residential Flat Design Code and does not require treatments beyond those proposed.

- **Exceeds floor space ratio**

Comment: The proposal is compliant with the gross floor area approved by the Concept Plan.

- **Public foreshore access**

Comment: The proposal will allow public access along the foreshore which is in keeping with Council's long term strategic access plan for the area. Access across the adjoining sites will depend on the presence of any easements, this aspect has not specifically been considered as part of this application.

- **Streetscape, bulk and Scale**

Comment: This aspect is considered within Part 5.3 below.

- **Request kayak ramp between 8 & 10 Bennett Street**

Comment: None proposed and will not be considered as part of this development application.

- **Construction Traffic**

Comment: A detailed traffic management plan has been included with this application.

- **Developer levy to improve Mortlake**

Comment: The proposal includes public domain improvements to the adjoining street networks including verge, street tree and road improvements. The proposal will also facilitate public through site links and an easement for access to a foreshore public park. The proposal is also subject to Section 94 Contribution Levies.

- **Local Infrastructure**

Comment: The Concept Plan overrides Council's planning framework and sets the gross floor area, building footprint, building envelope and car parking requirements for the site. The proposal is generally consistent with these parameters. Any impact on the availability of local infrastructure including increased traffic, schools and public transport are outside the scope of this development application.

Council's engineers have reviewed the proposal and raised no issue, subject to conditions, with the vehicular access to and within the site and the stormwater drainage design.

5. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

On the 10 May 2013 the Planning Assessment Commission approved a Concept Plan for this site under Part 3A of the EP & A Act 1979. The applicant is bound by the terms of this approval, noting that where there is an inconsistency with an Environmental Planning Instrument or Development Control Plan, the approved Concept Plan prevails.

The submitted application is generally consistent with the conditions of the Concept Plan approval and the approved plans and documentation. An assessment against the key features of the Concept Plan below, with a comprehensive assessment provided in Appendix C.

The Concept Plan outlines the main parameters for the future development on the site. It is also accompanied by detailed conceptual drawings and a set of future environmental assessment requirements. The approval includes the following development elements:

- a) use of the site for the purpose of residential apartments and associated open space;*
- b) indicative building envelopes for 15 buildings ranging from three to seven storeys;*
- c) basement level car parking zones and car parking rates;*
- d) publicly accessible open space and through site links;*
- e) a maximum GFA of 38,458sqm across the site; and*
- f) street upgrades to public roads and upgrade to stormwater and drainage systems.*

The buildings are defined by precincts 1-6 with individual buildings labelled from A to D. The nomenclature of the buildings have been adjusted in the proposal, where Buildings 2B and 2C are treated as one building called 2B and Buildings 4D and 4C are also combined and called 4C.

The following is a summary of the specific parameters and requirements relating to the urban design and the architectural outcome which are contained in the Concept Plan Approval. The proposal's response to these requirements have been also described and compared below:

Distribution of Floor Space allocation:

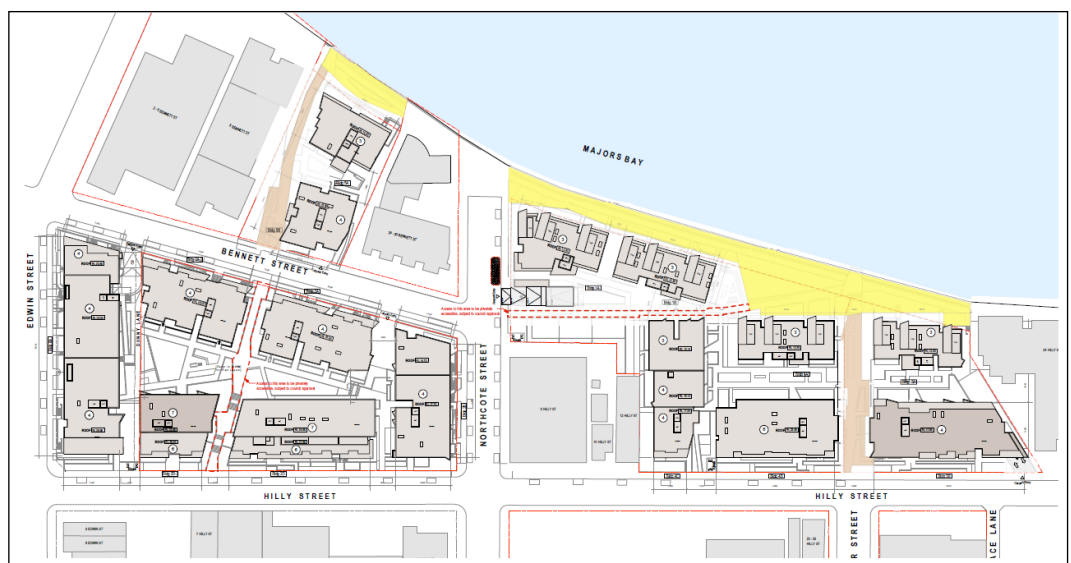
- Precinct 2 and Precinct 6 have 20,452sqm GFA approved (Precinct 1 -15,542sqm and Precinct 6 – 4,910sqm) - 21,292sqm is proposed, which is 840sqm more GFA (317sqm more for Precinct 2 and 523sqm more for Precinct 6).
- Precinct 1, 3 and 4 calculated together have 15,840sqm of the approved GFA against 14,648sqm proposed which is 1,192sqm below (367sqm less in Precinct 1, 521sqm less in Precinct 3 and 304sqm less in Precinct 4).
- Precinct 5 – 2,167sqm GFA approved and 2,509sqm proposed which is 342sqm more than approved.

The applicant is affectively reallocating floor space across the entire site but on balance results in a compliant total of 28,449m², consistent with the Concept Plan.

The Public Domain area and distribution:

The Concept Plan includes the overall public open space area of 5,867sqm and the proposal includes 6,045sqm which is 178sqm greater than the requirement. This space is distributed as follows:-

- Public foreshore – 3,395sqm approved and 3,300 sqm proposed - **95sqm less**
- Public open space – 860sqm approved and 920sqm proposed - **60sqm more**
- Publicly owned paved zone of road reserve – 86sqm approved and 225sqm proposed -**139sqm more**
- Publicly accessible privately owned open space – 1,526sqm approved and 1,600sqm proposed -**74sqm more**



Council in ongoing negotiations with the applicant have advised that the through site link between Hilly and Bennett Street is unnecessary as the site link does not facilitate any practical access because it is a midblock

connection within a small block. It would be infrequently used with suitable pedestrian access provided around the site. The level changes also necessitate stairs and prohibit the possibility of providing disabled access and ramping. It also limits the function of the central common private open space for this group of buildings, affecting the amenity of these future residents.

The foreshore park will be dedicated to Council which facilitates public access. The dedication will be facilitated through the Voluntary Planning Agreement.

Building Height distribution

- Building 1A and 1B – approved total height at AHD 15.3, topmost level at AHD 12.3 - 3 storeys and proposed total height at RL 15.3 and topmost level at 12.3 and 3 storeys – **compliant**
- Building 2A – approved total height at AHD 19.2, topmost level at AHD 16.2 - 4 storeys and proposed total height at RL 18.00 and topmost level at RL 16.2 and 4 storeys – **compliant**
- Building 2A-2 – approved total height at AHD 22.2, topmost level at AHD 19.2 - 4 storeys and proposed total height at RL21.00 and topmost level at RL 19.2 and 4 storeys – **compliant**
- Building 2B – approved total height at AHD 17.7, topmost level at AHD 13.2 - 3 storeys and proposed total height at partially RL13.95 and RL 17.95 and 4 storeys - **non-compliant**

The additional height of Building 2B is 0.25 – 0.75m which is a minor non-compliance. The increased height facilitates increased floor to ceiling heights in the eastern component of the building to allow flexibility in its future use. The increased height to the western component facilitates a ground floor apartment to the corner of Northcote and Bennett Street which provides a good urban design outcome as it activates the frontage and fits within the scope of the Concept Plan.

The building still steps with the topography and provides transition between the five storey building to the east and three storey building to the west.



- Building 2C – approved total height at AHD 20.7, topmost level at AHD 17.7 - 4 storeys and proposed total height at RL 19.5 and topmost level at RL 17.7 and 4 storeys - **compliant** (In the proposal Building 2C is combined with Building 2B)
- Building 2D –approved total height at AHD 30.8 and AHD 33.8, topmost level approved at AHD 27.8 and AHD 30.8 - 6-7 storeys and proposed total height at RL 32.60 and RL 28.7 and topmost level at 27.8 and 30.8, 6 and 7 storeys – **compliant**
- Building 2D-2 – approved total height at AHD 33.8 and 36.8, topmost level at AHD 30.8 and 33.8 - 6-7 storeys and proposed total height at approx. RL 36.05 and 31.7 and topmost level at approx. RL 30.8 and 33.05 and 6 and 7 storeys – **compliant**
- Building 3A and 4A – approved total height at AHD 15.3 and topmost level at AHD 12.3 - 3 storeys and proposed total height at RL 14.10 and topmost level at RL 12.3 and 3 storeys – **compliant**
- Building 3B – approved total height at AHD 20.5, topmost level at AHD 17.5 - 4 storeys and proposed total height at RL 19.30 and topmost level at RL17.5 and 4 storeys – **compliant**
- Building 4B – approved total height at AHD 26.5 and topmost level at AHD 23.5 - 6 storeys and proposed total height at RL 25.30 and topmost level at RL 23.5 and 6 storeys – **compliant**
- Building 4C – approved total height at AHD 20.5 and topmost level at AHD 17.5 - 4 storeys and proposed total height RL 19.30 and topmost level at RL 17.5 and 4 storeys – **compliant**
- Building 4D – approved total height at AHD 16.1, topmost level at AHD 13.1 - 3 storeys and proposed at total height at RL 14.9 and 16.35 and topmost level at RL 13.1-16.1 and 3-4 storeys - the proposed building (part of 4C in the proposal) is partially 4 storey which breaches the number of storeys. However, the proposed height refers to only approx. 2m of the building length being a **minor non-compliance**.

- Building 5A – approved total height at AHD 15.3, topmost level at AHD 12.3 - 3 storeys and proposed total height at RL 14.1 and topmost level at RL 12.3 and 3 storeys – **compliant**
- Building 5B – approved total height at AHD 18.3 and topmost level at AHD 15.3 - 4 storeys and proposed total height at RL 17.10 and topmost level at RL 15.3 and 4 storeys – **compliant**
- Building 6A – approved at AHD 29.8 at the eastern end (for approx. 24m building length) through 26.8 in the middle of the block (for approx. 25m building length) to 23.8 at the western end (for approx. 23m building length) –and 4 storeys stepping with the slope of the street – **non-compliant**

The proposed height of Building 6A includes steps of RL 26.8 (for approx. 24m building length), RL23.8 (for approx. 25m building length) and RL20.8 (for approx. 23m building length) from east to west respectively; however the midsection with height 23.8m is extended further than in the approval and becomes a 5 storey façade towards the western end at Building 6A unit 511 with approximately half of this unit's length breaching the approval's extent. A similar non-compliance also occurs at the western end of the highest section of Building 6A at unit 605. Each of these units has been setback from the street façade leaving an impression of a 4 storey façade which is consistent with the Concept Plan.

Further, the design of Building 6A is highly articulated. The southern facade is divided into 7 different elements indicated by different façade texture. The most significant element is achieved through a differentiation of materials especially with the application of textured concrete in light brown colour.

Building separations and setbacks:

The Concept Plan includes a Separation Diagram which outlines separation distances, locations of balconies and facades with no habitable windows. The separation requirements indicate two ways to determine the appropriate separation distance. First is a set numerical distance denoted on the plan and the second is colour coded where each colour represents the RFDC's separation guidelines. In some areas the Plan's requirements are contradicting each other. The numerical dimensions shown on the diagram are the minimum requirements. The proposal generally meets the requirements on the Concept Plan's diagram outlined in the colours indicating the RFDC separation requirements, however there are some variations to the distances denoted in specific areas such as: Between Building 6A and 2A-2 - distance 9m, 1m less than the 10m denoted on the Concept Plan diagram. Although this separation doesn't meet the numerical dimension, the noncompliance is marginal and it complies with the general requirement of the RFDC.

Between Building 6A and 2D-2 – distance varies from 6.5m at Hilly Street (a side of a balcony and a blank side wall), then 7.5m and then narrows again to 5.8m (between two blank walls) and extends to 7.8m at the courtyard end. This separation breaches the required 10m by up to 4.2m. The proposed distances meet the colour coded requirements relating to the RFDC outlined on the Concept Plan's diagram.

Between Buildings 2B (2C in the Concept Plan) and 2D - The proposal's response to the Concept Approval is compliant for part of the separation, however the separation varies and the majority of the separation is not complying with the Concept Plan's 9m requirement. The proposed separation of 6-7.5m is compliant with the general requirements of the RFDC and doesn't result in any adverse impact.

Between Buildings 2D and 2A - The proposal provides 12m separation at the narrowest which is noncompliant by 1m relative to the Concept Plan's required 13m. It is compliant with the RFDC.

Between Buildings 4B and 4C - The Concept Plan requires a minimum 8m separation at the narrowest point along the street front opening up towards the courtyard. The proposal provides 11m along the street and then reduces the opening to 6.2m at the courtyard end. This provides a better outcome for the streetscape, as the separation appears larger from the street. However, the balcony on the south-west corner of building 4B needs to stay tilted for the full height of the building (as provided on the first 4 levels) to keep the view corridor open towards the courtyard. This has been included as a condition within the recommendation of this report.

The proposed dimension doesn't meet the minimum distance denoted on the approval's diagram of 9m, but it meets the RFDC's separations of 6m between non-habitable rooms for most of the facade.

The proposal includes some variations to the minimum distances denoted on the Plan where blank walls are required. The proposal includes segments of the side walls which step into the separation distance for part of the facade (to provide articulation) and to redirect the outlook from the bedrooms away from the neighbouring building.

The setbacks provided in these locations meet the RFDC's requirements although they vary the set dimensions on the plan. This provides an acceptable design outcome. The separations and the design in combination are sufficient to ensure there is no overlooking and the variations to the controls allow for the articulation of the facade. This treatment also adds interest to the streetscape. This applies to the following locations:

- Between Buildings 2A-2 and 2A
- Between Buildings 2A and 2B
- Between Buildings 2D and 2D-2
- Between Buildings 1A and 1B

- Between Buildings 3B and 4B

The architectural plans also show some openings on the side facades, where the non-habitable openings are required by the Concept Plan to provide opportunity for natural ventilation. However it is unclear from the available drawings if these windows are high level, or translucent windows to avoid overlooking. If the proposed openings are standard windows, the separations would have to be increased to meet the RFDC requirements. This applies to the separations proposed between:

- Between Buildings 2A-2 and 2A
- Between Buildings 2A and 2B
- Between Buildings 2D and 2D-2
- Between Buildings 1A and 1B
- Between Buildings 4A and 3A
- Between Buildings 3B and 4B

The Concept Plan doesn't indicate the exact dimensions of the required separation between the proposed building on the subject site and existing buildings on neighbouring sites. However the Separation Plan shows the building envelopes which when scaled appear to deliver minimum distances as per the DCP. The distances on the diagram measure:

- Approx. 3m to the northern boundary along 24 Hilly Street;
- Approx. 3m to the northern boundary along 24 -30 Bennett Street;
- Approx. 9 m to the southern boundary along 8 Bennett Street; and
- Approx. 11m to the foreshore area.

The Concept Plan also doesn't include a specific dimension for the street setbacks. However, based on the drawing the applied setbacks to the street are:

- Hilly Street - approx. 4.5m from the boundary and 7-8m from the street edge;
- Northcote Street – approx. 2m from boundary and 6m from the street;
- Eastern side of Bennett Street – approx. 2m from boundary and 5m from the street;
- Western side of Bennett Street – approx. 4.5m from boundary and 7m from the street; and Edwin Street – approx. 2m from boundary and 5m from the street.

The proposed design follows or exceeds the setbacks shown on the Concept Plan's diagrams.

Residential amenity

A minimum of 60% of the residential units are required to be cross-ventilated. The proposal provides 61%, which meets this requirement.

At least 2 hours of solar access to a minimum of 70% of the residential units is required. The proposal achieves 71% of 2 hour access to the private open space and the living spaces of the residential apartments.

Design excellence

The proposal was referred to GMU to undertake an urban design review of the proposal with the following summary provided:-

Design Excellence is to be achieved with a high level of articulation and a range of high quality materials and finishes. The overall design presents a good balance of articulation and modern design with high quality material finishes and the colour tones that match the context. In GMU's opinion this requirement is met by the proposal.

Vehicular access

The parking entry points have been rearranged in the proposal as follows:-

- No entries along Edwin Street – Increased address of building to street.
- No entry provided under building 2A-2 with entry to Precinct 6 provided between building 6A and 2A-2 – The entrance is set between two buildings similar to the entry to the north. This location is less visible than locating it within the building and will provide a unit which addresses the street. This location provides ramped access with the garage door located perpendicular to Bennet Street.



- Entry to precinct 5 has been moved to be under the building footprint – The change results in a better design than in the Concept Approval. The relocation of the entry to the north allows for more landscape and more space provided along the public link, which leads to the foreshore.

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

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

6.1.1. 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 Site Preparation Remedial Action Plan (Prepared by Environmental Investigations Australia, Ref: E22071, Rev 1, Dated 03/12/13). This was supported by a sampling analysis and quality plan (Prepared by Environmental Investigations Australia, Ref: E22017, Rev 1, Dated 23/06/13).

The applicant has engaged a site auditor who has reviewed the Site Preparation Remedial Action Plan and provided interim advice (13067_IA1, 05/12/13) with the following conclusions:-

The Auditor considers that the overall remedial strategy outlined in the Site Preparation RAP (Revision 1) prepared by Environmental Investigations Australia (3 December 2013 Revision 1) is appropriate for the contamination currently identified at the site, and conceptually appropriate for contamination that may be identified as the RAP is implement. The RAP presents contingencies and required actions should contamination be greater than anticipated or if the proposed remedial approach does not achieve the remedial goal of rendering the site suitable for high density residential use.

The Auditor understands that part of the remediation tasks, further investigation works will be undertaken (as discussed in section 6 above) following demolition of site structures and that the RAP may be amended for any additional contamination identified.

The Auditor will require involvement during the course of supplementary investigation and remediation activities, and requests regular reporting on progress for the identified stages of work (outlined in Table 9-3

Preliminary Remediation Schedule) and as anticipated by the Auditor in Table 5.1 above.

The Auditor is of the opinion that the Remediation Action Plan meets the requirements of guidelines prepared or endorsed by NSW EPA in particular the NSW DEC (2006) Contaminated Sites Guidelines for the NSW Site Auditor Scheme; the NSW OEH (2011) Contaminated Sites: Consultants Reporting on Contaminated Sites and the NEPC 1999 (as amended 2013) National Environment Protection (Assessment of Site Contamination) Measure subject to comments in Table 5.1.

The Auditor considers that the site can be made suitable for the proposed use if remediation is conducted in accordance with the EI RAP (3 December 2013) and addresses other requirements outlined in Table 5.1.

To give Council comfort around the gaps in the testing a deferred commencement consent has been constructed requiring all of the testing to be completed and a comprehensive remedial action plan prepared and submitted to Council for approval prior to the consent becoming active.

Subject to these suitable conditions included within the recommendation of this report, Council is satisfied that the site can 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 following design verification has been provided:-

We confirm that Nicholas Turner of Turner is registered as an architect under the Architects Act 2003 and has directed the DA design and documentation of the residential flat development at Hilly Street Mortlake, and that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development are achieved for the residential development.

Council engaged the services of GMU to undertake an urban design review of the proposal which has guided amendments to the proposal by the applicant.

Assessment of the proposal against the ten (10) design quality principles is provided below with assessment against the Rules of Thumb contained within the '*Residential Flat Design Code*' contained within Appendix D of this report.

The assessment against the design principles below has been taken from GMU's urban design review with comment provided by Council where subsequent amendments have been made.

Principle 1: Context

The subject site is located approximately 16km west of Sydney CBD, 4.5km east from Rhodes (and 1.7km 'as the crow flies') and 4.5km north of Burwood. It lies on one of the peninsulas along Parramatta River on its southern bank. The site is well connected with the local roads to the Sydney CBD and Rhodes. However there is only bus access to the subject site and commuting to Sydney CBD takes up to 1 hour. The closest train station is Burwood Station which is approximately 5km south of the site.

The peninsula is not connected to the Sydney Parramatta River ferry system, but it includes a cable ferry connecting to Putney Point.

The closest ferry stop is located in Cabarita Park, which is 1.5km away from the subject site.

The area in the vicinity of the site is undergoing a transition from the industrial use to residential. The recent developments are mainly residential with some services. The most development is observed on the eastern side of the peninsula - Breakfast Point development, which will provide 2000 residential units with services, open spaces and river foreshore public access path. The western side of the peninsula includes some remnants of the industrial use with older warehouse buildings. However the majority of the new stock is residential. The Council's zone for this area is General Residential. The site also benefits from the Concept Plan approval, which identifies the site as a residential development site compliant with LEP controls.

The site includes 24 allotments amalgamated for the purpose of this DA. The site respects the existing street alignments and provides additional pedestrian connections. The proposed envelopes include separations to provide a balanced grain of the proposed development that fits in the context of the site.

The DA includes upgrades to the surrounding streets and access path along the foreshore, which connects to the existing footpaths. There are also other pedestrian links which extend the existing connections in the east-west direction.

The site is located on a slope towards the western foreshore line. Hilly Street is located closer to the ridge and therefore the tallest built form is proposed along this street. The built form becomes lower towards the west stepping down in scale towards the foreshore which is a good outcome and provides for view sharing and a good urban form when viewed from the distance especially across the water.

The proposed development is considered to relate well to the surrounding key natural and built features fulfilling this principle.

Principle 2: Scale

The proposed scale of the development is guided by the Concept Plan approval, which allows for specific height and density. The proposal fulfils most of the requirements outlined in the Concept Plan. As described in Part 5 above, the height of the proposal breaches the height control in the western side of Building 2B, Building 4D and Building 6A, but has been designed to ensure a good design outcome.

The proposed height has been studied and analysed during the review of the Concept Plan application process. The Preferred Project Report by Mecone and Urban Design Report by Cox include comparison of the proposed height to the existing height in the area outlining that the proposal fits within the existing context.

The concept plan has been amended to lower some of the proposed heights from 9 storeys to 6 storeys with 7th level applied with a setback to the street, which is applied to two buildings along Hilly Street only and it is lower than the existing heights in Breakfast Point. The other built form is 6-3 storey, which reflects the same height as on the sites next door. The lowest 3 storey scale is provided along the foreshore to allow for view sharing from the taller forms located away from the foreshore. Where the development includes 6 storey street wall heights, the last two levels are differentiated from the rest of the façade by application of different materials and architectural form. This highlights the 4 storey height as the main street wall height alignment, which fits within the context.

The proposal doesn't include the sites located on the corner of Northcote and Hilly Streets (8-12 Hilly Street), however the applicant submitted a S75 W Modification to the Department of Planning and Environment which will allow for the corner site to be included in the proposal. The proposed height for the corner site is 6 storeys towards Hilly Street with the 7th level setback above and a height of 4 storeys to Northcote Street.

The current heights tend to provide a lower built form towards the northern and southern ends of each block with highest buildings located in the centre along Hilly Street's elevation view.

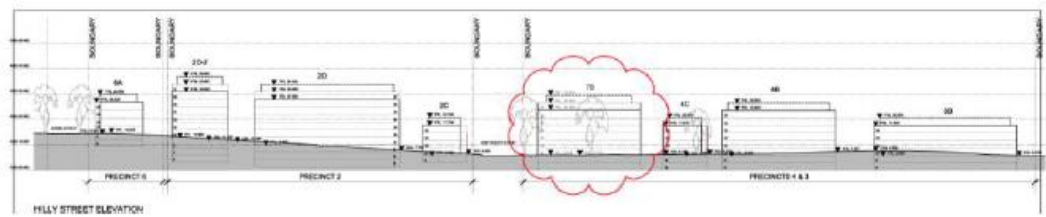


Diagram showing the proposed streetscape for the development along Hilly Street.

The proposal meets this principle by following the applicable controls and assuring appropriate architectural expression.

Principle 3: Built form

The proposal includes 15 separate buildings located in 3 different residential blocks. The buildings are separated by the required distance as per the RFDC's separation requirement with some exceptions which are suitably treated.

The proposal follows or even exceeds the street setbacks as outlined on the Concept Plan's diagrams.

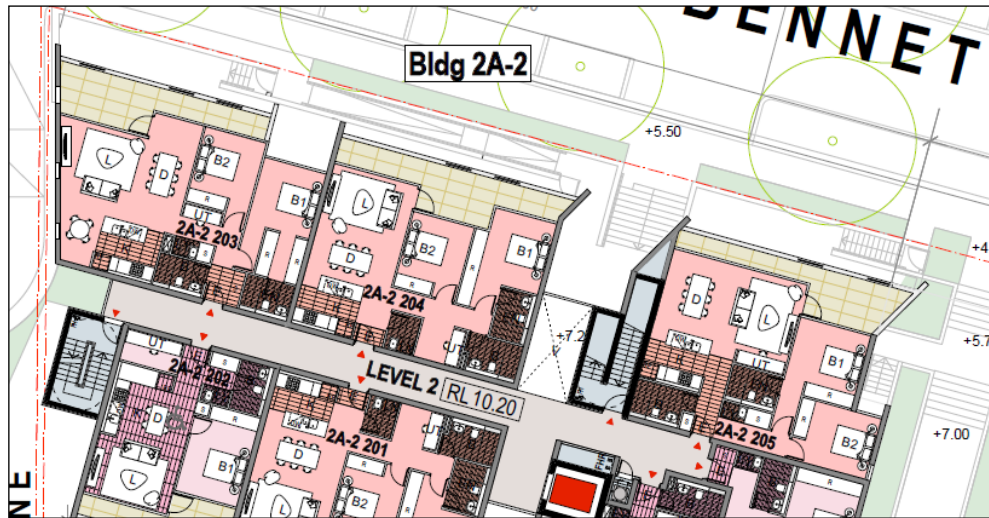
The proposed street setbacks are less than the setbacks provided to some of the existing buildings. Recent development at 8 Bennett Street is set back by 7.75m from the footpath and 24-30 Bennett Street is within 5m away from the footpath. The built form at 24 Hilly Street is 5.3m away from the footpath. The existing post industrial buildings on the corner of Hilly Street and Northcote Street are located 3.5m away from Hilly Street's boundary. The recent residential developments along the eastern side of Hilly Street are approximately 6m away from the street boundary.

The parts of the buildings which are closer to the street than some of the existing buildings are the ground floor gardens and balconies above them. The setbacks provided within the proposal are acceptable as the proposal is providing sufficient space to allow for a landscape edge and private gardens. The development will create a consistent street edge for the subject site.

The side setbacks required in the DCP are a minimum 3m from the side boundary. The proposal has been amended to achieve compliance.

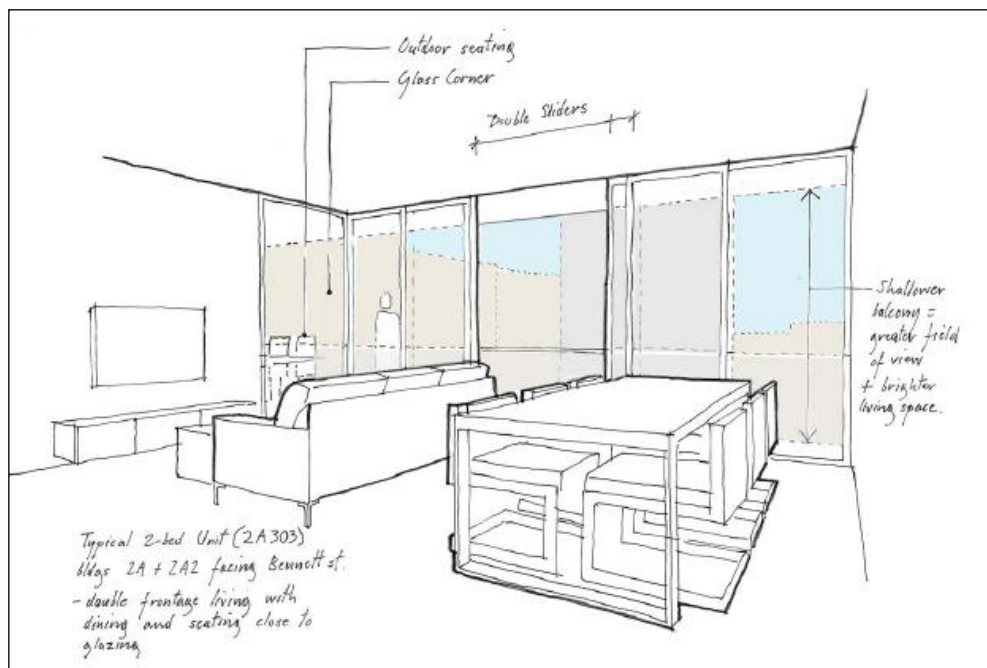
The applicant has amended a number of apartments to achieve more efficient layouts. This included amendment to window placements particularly where the outlook was to blank walls or driveways.

A number of apartments have narrow balconies from the living areas with the balconies located to the side and in front of the bedrooms, as detailed below.



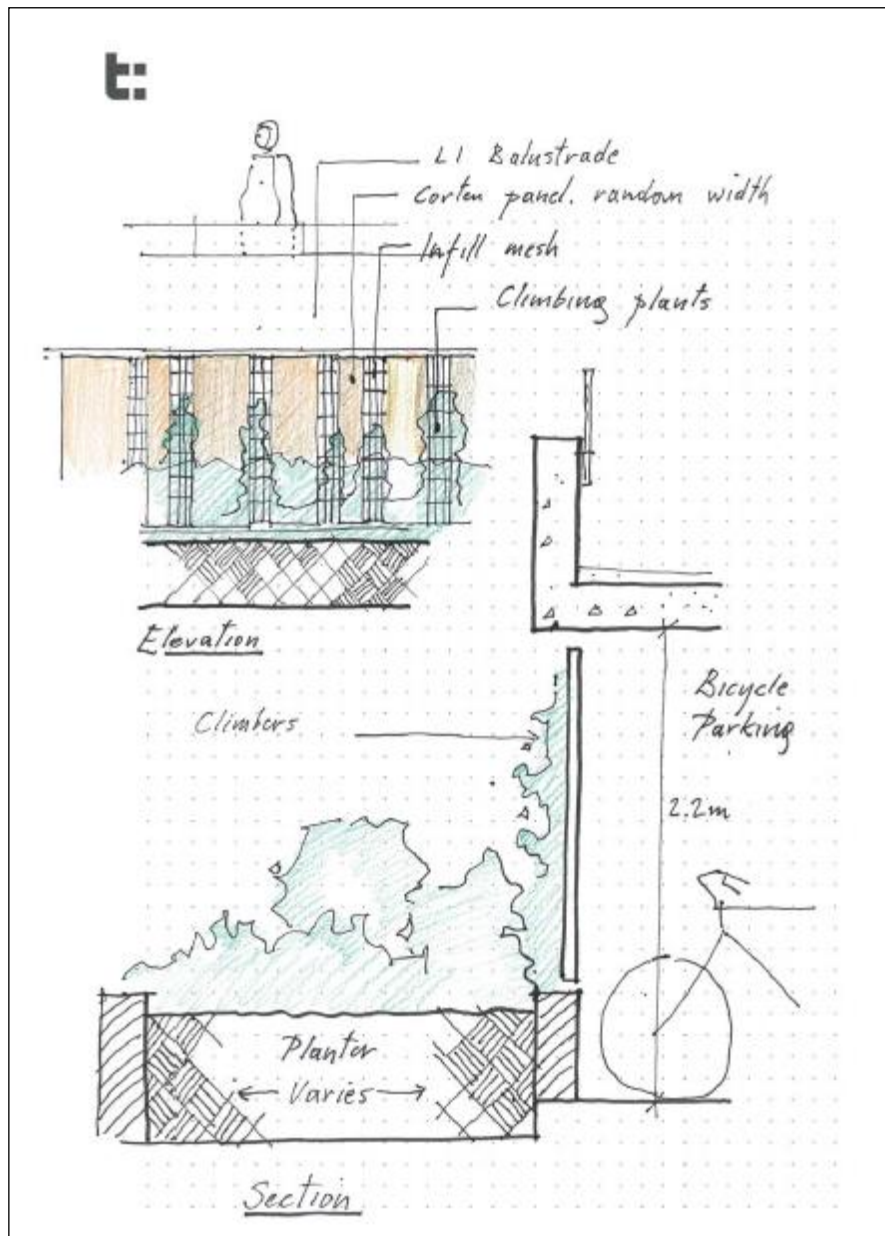
The applicant has clarified that this design facilitates the requirement for 2 hours of solar access to the living areas during midwinter. They also clarify that the overall balconies dimensions will accommodate table settings and have generous areas of between 11 – 17m².

The use of the balconies would potentially have an acoustic impact on the bedroom use, but, given the size of the units this would most likely be unavoidable if redesigned. The living areas have full height glazing which returns to the balconies with operable glazing to provide direct access. The applicant also states that this design provides greater light to the living rooms and a great outlook, as detailed below:-



The western edge of the internal courtyards in Precincts 2, 3 and 4 are made up of the basement car parking wall. In these locations the applicant

has provided bicycle storage areas. The storage areas will be located behind landscaping with a soil depth of 0.6m and be screened with 'corten' metal panels in a barcode pattern. This will be further broken up by portions of mesh with climbing plants to diminish the extent of the screens, detail provided below. This provides interest and screening of this basement wall.



The access to buildings includes direct view lines to the lifts, which is a good design outcome.

All corridors have access to natural ventilation and daylight where possible. Most buildings have 8-9 or fewer units on each level with maximum of 11 units in Building 3B. Buildings with 9 units accessible

from one corridor are buildings 2B, 2D and 4B. The RFDC's rule of thumb says that the number of units accessible from a double-loaded corridor should be limited to 8. The breach of 1 unit above that rule of thumb is considered marginal.

The proposal includes a balanced mix of units including:

- 33% - 140 – one-bedroom units with average area of 55sqm;
- 56% - 242 – two bedroom units with average area of 84sqm; and
- 11% - 48 – three bedroom with average area of 110sqm.

The proposal meets the main objectives of this principle.

Principle 4: Density

The proposal includes 15 buildings located on a site area of 27,431 sqm. The proposed heights vary from 3 to 7 storeys. The proposal follows the requirements of the Concept Plan. The proposed GFA is 38,449sqm which is 10sqm less than the approved Concept Plan. This results in an overall FSR of 1.4:1, which is consistent with Concept Plan approval.

The proposal includes 430 residential units in different sizes. Additionally the proposal provides a required amount of open space including public and privately owned land. The deep soil provided in the proposal meets the requirements of the RFDC by providing over 25% of the subject site's area as deep soil (7,068sqm).

Principle 5: Resource, energy and water efficiency

The proposal is accompanied by the BASIX certificate which assures an appropriate level of sustainable design for residential development.

- 61% of units are cross ventilated which meets RFDC's minimum requirement, which reduces the need for mechanical ventilation.
- 71% of the living rooms and private open spaces receive at least 2 hours of solar access in mid winter, which reduces the need for heating.
- More than 25% of the subject site's area is provided as deep soil, which allows for good quality landscape and planting and natural rainwater penetration.
- The SEE also indicated the following measures that would ensure sustainability of the proposed development:
 - Minimum ratings for fixtures;
 - Gas cook tops and electric ovens;
 - Recycling facilities provided to encourage occupant recycling including split waste chutes;
 - Fluorescent light fittings to communal and circulation areas with lighting efficiency measures;
 - Insulation provided to ceiling, wall and floor areas where necessary;
 - Solar panels;

- A rainwater tank provided for garden irrigation and the car wash bays;
- Upgrades to the stormwater drainage systems to assist in stormwater control for the site;
- Generous soft and deep soil landscaping areas to assist in stormwater control for the site; and
- The planting of indigenous or low water use species of vegetation.

Principle 6: Landscaping

The proposal provides more public open space than the requirement in the Concept Plan approval. The overall public open space area measures at 6,045sqm which is 178sqm more than the requirement.

The overall communal open space equates to 11,410sqm which is 41% of the overall subject site. This includes some 7,068sqm of deep soil, which is 62% of the communal open space and it greatly exceeds the RFDC's requirement.

The applicant has identified communal facilities within the communal open space areas.

Principle 7: Amenity

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.

The proposal provides more than the required number of cross ventilated units. There are also more than required units with appropriate solar access to their living rooms and private open spaces.

As detailed within Principle 3: Built Form the design of the units is mostly efficient. Issues raised with specific apartments through the urban design review have been amended.

Residential apartments and the main communal open space area are accessible, being serviced via lifts and ramps.

Principle 8: Safety and security

Readily identifiable and safe access points have been provided to the building both for pedestrians and vehicles.

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.

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.

Landscaping provides a clear delineation between the public and private spaces.

The applicant has proposed to provide CCTV to the car park and public areas.

A meeting was held with representatives from Turner, Holdmark and Council with the local NSW Police crime prevention officer. From this meeting the applicant submitted a security management plan with compliance enforced through a condition within the recommendation of this report.

Principle 9: Social dimensions

The proposal includes a well balanced mix of apartment sizes and configurations, which will activate the area and provide apartments for variety of users from families to single residents.

The proposal includes residential use only, noting that the applicant has amended units 2B 106 and 2B 107 to provide floor to ceiling heights of 3m to facilitate flexibility in their future use.

The proposal provides public access to a large part of the Majors Bay foreshore which, if connected to the existing footpaths on the neighbouring properties, can be a real benefit for the community to provide recreation areas for walking, running and cycling.

The Whittaker Street through site link provides access to the foreshore from the eastern side of the peninsula to the west. These links were not available on the current site and therefore they also provide a great benefit for the connectivity of the local community and spaces. The applicant has amended the proposal to provide an accessible pathway for the disabled, parents with prams and for cyclists.

Principle 10: Aesthetics

The proposal includes 15 separate buildings. This presents a challenge to develop a design that fits within the context, presents high quality design and provides texture and appropriate grain within the streetscape. The proposed design provides an appropriate response to this challenge by highly articulated facades in vertical and horizontal directions.

The use of different material finishes allows for differentiation between elements and provides streetscape continuity that relates to the existing streetscape elements.

The proposed materials are high quality and the colour tone proposed for the buildings will fit the context and will not create any adverse visual impacts.

The proposal also benefits from a landscape design with communal open spaces and public spaces which provide a specific different character to each of the surrounding streets.

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 minimum targets of 40 for water, 20 for energy and the thermal comfort target. The applicant has submitted a BASIX Assessment Report Prepared by ESD Synergy which has the following conclusion:-

The proposed development has been assessed to optimise its thermal performance (passive and fabric design) using the Nationwide House Energy Rating Scheme (NatHERS) and also been assessed in terms of its ability to conserve water and minimise energy consumption through the BASIX Tool.

With the commitment recommendations contained within this report the proposed development is able to meet BASIX requirements and is BASIX compliant.

For further details, please refer to the BASIX Certificate No. 518016M for Building 1A, 1B, 5A & 5B, 518097M for Building 2A & 2A2, 518109M for Building 2D & 2D2, 517403M for Building 2B & 6A, 518025M for 3A, 3B & 4A, 518028M for 4B & 4C provided.

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 300 dwellings.

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

An acoustic assessment has been prepared by Acouras, 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 is predicted to comply with the acoustic requirements.

Clause 104 of the SEPP – Traffic- generating development

The proposal was referred to the RMS who provided advisory comments which have been considered and included as conditions within the recommendation of this report.

Sydney Regional Environmental Plan (Sydney harbour Catchment) 2007

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

Provisions of the SREP were generally considered in the development of the Concept Plan. The proposal was referred to the Foreshores and Waterways Planning Development Advisory Committee on the 02.05.14, who advised that the committee has already provided comment on the Concept Plan and raised no particular concerns with the proposal.

The foreshore land along the northern precinct is zoned W8 Scenic Waters: Passive Use which promotes public access along the foreshore, maintain and enhance views and protect natural assets. The development will provide public foreshore access and a buffer between the development and the foreshore including upgrades to the existing seawall. The Concept Plan provides three storey buildings to the foreshore with heights stepping up behind. The buildings are articulated through setbacks and materials which ensure interest as viewed from the foreshore.

The foreshore land to the southern precinct is zoned W2 Environmental Protection, the objectives of which are to protect the natural and cultural values of the water. This portion of the foreshore includes mangroves below the existing seawall. The proposal is setback clear of the seawall to facilitate foreshore access and minimise impact on the mangroves. The proposal will introduce natural elements and landscaping along the foreshore frontage. The proposed stormwater upgrades will provide bio retention and gross pollutant traps to improve the water quality.

The proposed development is consistent with the objectives of the SREP and will not have any unreasonable direct or indirect impacts on Sydney Harbour.

6.1.2. Local Environmental Planning Instruments

This development was a Major Project Approval pursuant to Part 3A of the EP & A Act 1979 and this is the relevant Instrument for approval for this site. Nevertheless, an assessment against the objectives of the zoning is provided below.

The proposed development, defined as a residential flat building is permissible with the consent of the Joint Regional Planning Panel - Sydney East, within a R1 General 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	The proposal will provide 430 additional dwellings, which is consistent with the zoning.
To provide for a variety of housing types and densities	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, noting some flexibility is provided to the corner of Northcote and Hilly Street with increased floor to ceiling heights. As the site adjoins the Tennyson Road commercial strip, residents will be within walking distance to a variety of local facilities and services.

The following provisions are relevant to the current proposal:-

Provision	Comment
Acid Sulfate Soils	Suitable condition requiring preliminary acid sulphate soil assessment and potential management plan included within deferred commencement schedule
Terrestrial biodiversity	The site does not contain any significant vegetation, however, adjoins mangroves and significant vegetation along the foreshore. The development is setback from the mangroves which provides a buffer and mitigates any direct impact. The proposed stormwater upgrades will provide bio retention and gross pollutant traps to improve the water quality. The proposal includes significant landscape and public domain improvements along the foreshore,

further enhancing the scenic quality and existing terrestrial biodiversity.

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

The proposed development is affected by the provisions of the Mortlake Point Development Control Plan. The Mortlake Point DCP provides the relevant design guidelines for development in the mixed use zone at Mortlake Point.

The Mortlake Point Planning Study 1999 recommended that the most appropriate future land use for the area would be based on “mixed” pattern of development that incorporates residential land uses and non-residential land uses, in a manner that promotes new residential development while not compromising the operation of existing non-residential land uses.

The DCP's requirements are described in terms of desired outcomes rather than rigid and arbitrary standards. This “performance based” approach enables Council to deal with this application as a unique proposal in a unique context.

The DCP is split into two parts being Part B: Urban Design Analysis and Part C: Urban Design Elements. The Concept Plan approval has set the parameters for development on the site which addresses Part B of the DCP.

Following is a summary table indicating the performance of the proposal against Part C Urban Design Elements.

<i>Urban Design Elements</i>	<i>Comment</i>
7. Land use compatibility	The proposal is for a residential development which only adjoins existing residential developments. The site is adjacent to factory / warehouse uses at the northern end of Hilly Street and some light industrial uses on the south side of Edwin Street. Given the separation provided by the surrounding road network the future residents are unlikely to affect or be affected by these existing uses. The applicant has provided an acoustic report which supports the application.
8. Built form / architectural character	The development satisfies design <i>Principle 3: Built form</i> of SEPP 65 with a full assessment provided in Part 6.1.1 above.

9. Building height and scale	The proposal is consistent with the height and scale stipulated in the Concept Plan. The buildings are architecturally designed with articulated facades and interest in the proposed colours and materials.
10. Building setbacks	The proposal is consistent with the setbacks stipulated in the Concept Plan.
11. Streetscape and public domain	The proposal includes public domain improvements to both sides of the directly adjoining roads and a foreshore open space area. These works are facilitated through the Voluntary Planning Agreement.
12. Views and vistas	The Concept Plan sets a building height along Hilly Street of 6 storeys with a 7th storey setback. The proposed building fits within the approved built form and as such view loss is a reality of the developer realising the reasonable development potential of the site. The built form does not provide a solid form to the street with breaks between buildings which facilitate some view corridors towards Majors Bay.
13. Parking and access	The parking and access arrangements are consistent with the Concept Plan. Traffic report submitted in support of application.
14. Lighting and reflectivity	Lighting will be provided to common and foreshore areas. The reflectivity of glazing has been conditioned.
15. Safety and security	The development satisfies design <i>Principle 8: Safety and security</i> of SEPP 65 with a full assessment provided in Part 6.1.1 above.
16. Privacy	Building separation complies with RFDC which mitigates any privacy issue. Interface with 24 Hilly Street considered in Part 4 above and interface with 8 and 24-36 Bennett Street provided Part 6.3 below.
17. Environmental design	The development satisfies design <i>Principle 5: Resource, energy and water efficiency</i> of

SEPP 65 with a full assessment provided in Part 6.1.1 above.

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

6.3. 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 is considered in detail within Part 5 and Part 6.1.1 of this report.

Solar Access

The level of shadow cast by the proposal is dictated by the built form approved through the Concept Plan. The buildings are largely compliant which means that the level of shadow cast is within the scope of the Concept Plan.

Privacy

The site is predominately bound by roads and the foreshore, with the exception of Precinct 3 and 24 Hilly Street and Precinct 5 and 8 Hilly Street and 24 – 36 Hilly Street. The relationship with 24 Hilly Street is considered in Part 4 and is acceptable subject to conditions.

Precinct 5 includes a three storey building to the foreshore with a four storey building to Hilly Street, sharing a common basement and vehicular access from Hilly Street.

Along the northern elevation Building 5A on each floor includes a living room window and a WIR window with a separation of 7m to the adjoining buildings. Building 5B contains on each floor two full height bedroom windows with a separation of 7m. To address any privacy issues these windows will be conditioned to contain obscure glazing or a minimum sill height of 1.6m. These units are well serviced by east and west facing glazing.

Along the western elevation the building separation is a minimum of 12m and given the separation does not give rise to any privacy issues.

Traffic generation, parking and loading

A total of 748 car spaces are provided across multiple basements levels which consist of 662 residential spaces and 86 visitor spaces. This equates to parking rates in excess of the concept plan. The applicant has also provided bicycles for each apartment with 2 or more bedrooms, being 294 bicycles, and associated storage.

The proposal was supported by a traffic report which concluded that:-

- Access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2-2002.
- The wider road network will be able to cater for the additional traffic from both the Hilly Street and Breakfast Point developments, with intersections operating at satisfactory or better levels of service
- The applicant has agreed to a monetary contribution towards public transport improvements, as part of a voluntary planning agreement for the development.

The applicant has provided a Green Travel Plan for the development. The plan will be conditioned so that it is provided to each future resident / owner of the development to outline the following prior to occupation or purchase:-

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

Given the size of the development the applicant is required to designate and provide three (3) car spaces on the public road carriageway adjacent to the kerb line on one of the street frontages to the development site for the purposes of establishing a car share scheme. This car space shall be suitably line marked and signposted as a car share scheme space only. Furthermore the proponent shall use its best endeavours to make all arrangements for an established car share operator to run the scheme.

Waste Management

The proposal includes a dual chute system adjoining the lift cores of the buildings with a bin collection room located in the basement. The site will require a caretaker to rotate the bins between these areas, noting the caretaker office in the basement of Precinct 2.

The applicant has identified onstreet garbage truck collection zones adjoining each of the bins rooms, so that Council's waste contractors can service the bin room directly, avoiding the need for the bins to be presented to the street. The proposal was referred to Council's Waste Coordinator to review, however, no response was provided so the applicant's figures have been relied upon.

The applicant has identified bulky items storage areas within each precinct.

Intensity of Use

The proposal will intensify the use of the subject site. The density / intensity is consistent with that embodied within the Concept Plan.

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 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	140 x Studio & 1 bed	242 x 2 bed dwellings	48 x 3 bed dwellings
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	dwelling		
Total / dwelling	\$9,696.81	\$13,804.48	\$20,000
Total	\$1,357,553	\$3,340,684	\$960,000
Grand Total	\$5,658,237		

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.

6.4. **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.

6.5. **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.

7. **INTERNAL REFERRALS**

7.1. **Landscaping/Tree Removal**

The proposal was referred to Council's landscape architect who advised that the proposal could be supported subject to the imposition of suitable conditions, which have been included in the recommendation of this report.

7.2. **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.

7.3. **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.

7.4. **Environmental Health**

The proposal was reviewed by Council's Environmental Health Officers. As discussed in Part 6.1.1 a deferred commencement consent has been recommended.

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

8.1. 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 300 dwellings. RMS raised no objection subject to conditions, which have been included within the recommendation of this report.

The Foreshores and Waterways Planning and Development Advisory Committee raised no particular concerns with the proposal.

8.2. Ausgrid

Ausgrid advised that consultation should take place prior to construction commencing, which is not ideal as may require amendment to the proposal to meet requirements. Suitable condition included within the recommendation of this report.

8.3. Department of Primary Industries – Office of Water

The Office of Water responded to the application and provided General Terms of Approval conditions which have been included in the recommendation of this report.

8.4. Jemena Gas Networks

The proposal was referred to Jemena Gas Networks as the sites in the vicinity of primary and secondary gas mains. A condition requiring a safety management study has been included as a condition within the recommendation of this report.

9. CONCLUSION

The proposed development is appropriately located within a R1 General Residential zone under the provisions of the Canada Bay Local Environmental Plan 2013 and is consistent with Concept Plan, statutory and non-statutory development standards and controls of relevance to the proposal.

Having regard to the merit assessment of the proposal, the Joint Regional Planning Panel – East 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	Date Received	Property	Summary of objection
1				- Building 3A no side setback - Overlooking of communal open space Building 3B balconies - Disturbance - Security – increase in people = increase in crime - Traffic – loss of on street parking and Mortlake ferry queuing - Foreshore walkway use will impact security and privacy - Roof top garden Building 3A will have acoustic impact
2				As above - Loss of light
3				- Exceed Council planning controls - Overdevelopment - Traffic - Building 3A no side setback - Privacy - Roof top terrace Building 3A and Building 3B balconies
4				- Building 3A no side setback - Building 3B balconies overlook communal open space - Hilly Street traffic, visitor parking low, street width and bus - Foreshore access – upkeep, safety, noise, liability, privacy - Not in keeping with aesthetics of area - Request onsite meeting
5				- Foreshore access – liability, privacy, risk, security - Exceed Council planning controls - Building 3A no side setback - Overdevelopment - Traffic – onstreet parking, Mortlake Ferry

6	■■■ ■■■■ ■■■■	■■■■	■■■ ■■■■ ■■■■ ■■■■■	- Density - Mortlake Ferry traffic - Building 3A no side setback - Building 3B balconies overlook - Traffic and driveways to Hilly Street
7	■■■■■■■■■■ ■■■■	■■■■	■■■ ■■■■ ■■■■ ■■■■■	- Privacy, overshadowing, view loss towards Hilly Street - Building 3A no side setback - Building 3B balconies overlook - Density – space, parking, access and amenities - Mortlake Ferry queuing – consider no parking
8	■■■■■■■	■■■■	■■■ ■■■■ ■■■■ ■■■■■	- Privacy, proximity and safety - Foreshore walkway - Density – quality of units / height of buildings - Vehicular traffic and parking - Mortlake Ferry
9	■■■■■ ■■■■ ■■■■	■■■■	■■■ ■■■■ ■■■■ ■■■■■	- Building 3B balconies overlook, overshadowing - Building 3A no side setback - Road infrastructure unable to accommodate increased traffic - Congestion and loss of access during construction - Not in keeping with area
10	■■■■■■■	■■■■	■■■■■ ■■■■■ ■■■■■■■	- Height result in overshadowing

11	██████ █ █████ ████████████████ ██████ █ █████ ██████████████	██████		- Scale not in keeping with surrounding area - FSR exceeds Council planning controls - Local infrastructure inadequate – roads, drainage, schools and transport - Traffic congestion - Truck movements – danger - Max height 6 storeys - Construction traffic ban during school zone hours - Access during construction limited to Bennett St, Edwin St and Northcote St - Levy to cover road damage - Increase parking - Bicycles provided to 2 and 3 bed units - Contributions contribute towards Mortlake - No parking in Hilly Street West side - Contamination
12	██████████	██████	█████ ██████ ██████████	- 7 storey height – impact privacy, solar access and view loss - Density - Traffic and parking - Exceed Council planning controls
13	██████████	██████	████ █████ █████ ██████	As per Mortlake & Majors Bay Residents Action Group
14	██████████	██████	████ █████ █████ ██████	As per Mortlake & Majors Bay Residents Action Group
15	██████████	██████	████ █████ █████ ██████	As per Mortlake & Majors Bay Residents Action Group

16	[REDACTED]	[REDACTED]	[REDACTED]	- Height and proximity of Building 2D will impact solar access - Property value – privacy, view loss and overshadowing - Not in keeping with area of 4 storeys - Exceed Council FSR - Local infrastructure – roads, drainage, schools and transport - Traffic congestion - Redistribute to reduce height - Stipulate maximum units
17	[REDACTED]	[REDACTED]	[REDACTED]	- 7 storey building height – privacy, view loss, overshadowing (redistribute height towards foreshore) - Traffic and parking - Noise impact of increased traffic
18	[REDACTED]	[REDACTED]	[REDACTED]	As per Mortlake & Majors Bay Residents Action Group - Specifically consider welfare and amenity
19	[REDACTED]	[REDACTED]	[REDACTED]	- 7 storey building 2D - Visual confrontation between 4 and 7 storeys - Loss of privacy - Loss of sunlight - Loss of sky - Redistribute units and height
20	[REDACTED]	[REDACTED]	[REDACTED]	- 7 storey building – shadow - Overlooking - Traffic Congestion - Property value
21	[REDACTED]	[REDACTED]	[REDACTED]	- Overrides Councils planning controls – Height and FSR - Metro target unknown yet used to justify Concept Plan approval - 7 storey height – view loss - Height, bulk and scale not in keeping with area
22	[REDACTED]	[REDACTED]	[REDACTED]	- Density - Building 3A and 3B – No setback, crowding, overlooking - Public transport - Lack of community infrastructure - Safety – traffic, vehicle speed, Mortlake Ferry queing

23	■■■ ■■■■ ■■■	■■■	■■■ ■■■ ■■■	As per Young Su Yi - Loss of natural environment - Use of roof top
24	■■■■	■■■	■■■ ■■■ ■■■	- View loss, traffic and parking - Request meeting
25	■■■■	■■■	■ ■■■■ ■■■ ■■■	- Boat ramp between 8 & 10 Bennett Street overgrown by mangroves. Should be reconstructed to launch kayak type boats
26	■■■ ■■■■ ■■■	■■■	■■■ ■■■ ■■■	- 7 storey building 2D – view loss, overshadowing, privacy - Limit height to not overshadow

Appendix B – Applicant’s response to submissions

RE: APPLICANT’S COMMENTS IN RESPONSE TO PUBLIC SUBMISSIONS MORTLAKE DEVELOPMENT – DA513/2013

I refer to the above Development Application which is currently under assessment by City of Canada Bay Council. The following table provides a summary of the issues raised in the submissions as a result of the public notification period, and a response on behalf of the applicant.

Issues Raised in Submissions	Response
The following is a summary of the main urban design issues as indicated by Council and the Urban Design Assessment Report prepared by GMU dated May 2014.	
Issues related to the property at 24 Hilly Street Issue 1: Setback to 24 Hilly Street from Building 3A	Building 3A has been modified to increase the building setback to the northern boundary adjoining 24 Hilly Street to 3 metres. The proposed layout and orientation of the units which comprise the northern facade of Building 3A ensures that potential overlooking and impact on the amenity of 24 Hilly Street is mitigated.
Issue 2: Overlooking from balconies of Building 3B	Building 3B has been modified to ensure that the dwellings adjacent to the northern boundary provide a layout and orientation which is directed away from 24 Hilly Street with a minimum setback of 3m. This includes high sill windows for the living room and bedroom along the northern facade of the building, kitchen windows which are treated with opaque glass to mitigate overlooking towards neighbouring dwellings whilst also allow for sunlight to enter the kitchen. The balcony areas also include privacy treatments. The proposed measures ensure that the potential risks of overlooking and privacy issues are resolved.
Issue 3: Loss of daylight access	The subject site is directly south of 24 Hilly Street and will not result in shadow impacts. The increased setbacks to the northern boundary will assist in improving daylight access to 24 Hilly Street.
Issues related to the property at 86-88 Tennyson Road Issue 1: View loss	The height allowed on the western side of Hilly Street is 6 storeys with the 7th storey set back. This will result in some view loss to the properties located on the eastern side of Hilly Street. However, the proposal includes a through site link from Hilly Street towards Majors Bay foreshore, which will allow for direct views and connection to the foreshore. There are also other gaps between the proposed buildings, which will allow for some visual connection to the water. The proposal provides for the building forms within the approved building envelopes and is therefore consistent with the Concept Plan.
Issue 2: Overshadowing	The shadow analysis submitted with the DA demonstrates that the proposed development does not overshadow the neighbouring properties to the eastern side of Hilly Street between 9am and 2pm. Refer to the detailed analysis prepared by Turner ‘Response to GMU Urban Design Report’ (Section 15) with regard to the shadow analysis between 2pm and 3pm.
Issue 3: Privacy issues	The proposal includes dwellings which front Hilly Street with existing residential buildings opposite. The proposal comprises a setback to

	the property boundary of 5m, which equates to a setback of 7.5m to the Hilly Street boundary. The overall distance between the proposed dwellings and the existing dwellings on the eastern side of Hilly Street is in excess of 20m and which satisfies the requirements of the RFDC with respect to building separation and privacy. The generous separation distances across Hilly Street, as well as the treatments to the balcony, building facades and screening devices assist in providing privacy measures for the proposed dwellings and the neighbouring dwellings.
Issue 4: Scale relationship	The proposed buildings (2D and 2D-2) located opposite 86-88 Tennyson Street provide a scale which was previously approved in the Concept Plan (MP10_0154). These buildings provide a generous setback to the street which is appropriately treated with landscaping. The buildings have an interesting mix of architectural features, colours and materials which provide an aesthetically pleasing presentation with the upper level further setback to ameliorate the visual impact of the Hilly Street facade. The scale of the proposed buildings is contextually appropriate with the existing buildings in the immediate vicinity which range from 4 to 6 storeys, and up to 9+ storeys at Breakfast Point.
General issues from Mortlake and Majors Bay Residents Action Group	
Issue 1: Scale relationship (maximum 6 storeys) and density issues	The scale relationship and density of the development was addressed in the assessment of the Part 3A Concept Plan (MP10_0154) and considered appropriate in this context by virtue of the approval of the Concept Plan. This DA respects the building envelope and maximum GFA of the approval and provides building forms which are contextually consistent with existing neighbouring buildings including 6 storey buildings along Hilly Street and 9+ buildings in Breakfast Point to the east. These buildings provide a generous setback to the street which is appropriately treated with landscaping. The buildings have an interesting mix of architectural features, colours and materials which provide an aesthetically pleasing presentation with the upper level further setback to ameliorate the visual impact of the built form. The proposal is considered to be a highly valuable improvement to the former industrial buildings and also offers extensive improvements to the public domain which will assist in enhancing the residential nature of this transitioning area.

Issues Raised in Submissions	Response
The following is a summary of the remainder of the issues raised in the public submissions.	
Location of the walkway / foreshore	The Concept Plan includes a requirement to introduce a pedestrian pathway along the foreshore. This pathway is in keeping with

	Council's desire to improve pedestrian access throughout the peninsula. Although the resident at No. 24 Hilly Street is concerned that their existing pathway on their property is close to their patio on the ground floor, the pathway associated with the Concept Plan site is sought to be located along the foreshore edge in this location, pending Council approval.
Will cyclists be using the foreshore pathway?	The foreshore pathway is required to be made available for public access pursuant to the Concept Plan. This pathway is not for the primary purpose of being a cyclist pathway. The cyclist pathway is provided along Hilly Street and Northcote Street.
Currently there is only disturbance during weekdays between 7am and 3pm. The proposal will result in ongoing disturbance (No. 24 Hilly Street).	The area is in transition from a former industrial area to a residential area. The Concept Plan has considered the provision of residential uses on these sites and this application is consistent with this approval. As discussed above, the proposal has been amended to increase the building separation to the northern boundary which is shared with No. 24 Hilly Street and provides further privacy measures to protect their privacy and amenity.
The additional traffic will impact on the road infrastructure.	The proposal consists of improvements to the existing footpaths and roads which are within the Concept Plan site. Furthermore, Condition 8 of the Concept Approval require improvements to the intersections of Patterson Street and Wellbank Street with Concord Road, or alternative upgrades to an equivalent value. Therefore, the proposal consists of improvements to the public domain and traffic infrastructure which would otherwise not be available without the Concept Approval.
Increased pressure on on-street parking and congestion on the roads, in particular cars waiting along Whitaker Street to board the Mortlake ferry.	Please refer to the comment above.
Requests for on-street parking restrictions.	Concerns from existing residents with regard to limited street parking are noted, but such restrictions are subject to Council and RMS and are outside of the scope of this application.
Concern for increased crime in the area.	The proposal has been designed to deter opportunities for crime which may affect this locality. The design was discussed in detail with Council's officers and John Tikisci, Senior Consultant – Crime Prevention Officer, NSW Police Force on 11 June 2014. The issues associated with risk of crime have been designed into the proposal. The proposal is also supported by a Security Management Plan dated June 2014 which includes details of how the operation of the development will be managed to support a safe environment.
Density	The proposed dwelling yield is in line with the approved maximum GFA pursuant to the Concept Approval.
There are several construction sites in the area.	The proposal is accompanied by a detailed construction management plan with large construction vehicles using the appropriate main roads. The construction works and vehicle movements will also be managed by the developer and site foreman.
Impact on the foreshore walkway at No. 24 Hilly Street and its safety and upkeep.	The applicant is also aware of the risk to safety and security for the foreshore area. As suggested in the Development Application submission documents, the future use of the foreshore area is

	preferred to be available to the public during daylight hours, and reserved for the use of residents outside of daylight hours. This issue was further discussed with Council and John Tikisci, Senior Consultant – Crime Prevention Officer, NSW Police Force on 11 June 2014. The issues associated with risk of crime have been designed into the proposal. The proposal is also supported by a Security Management Plan dated June 2014 which includes details of how the operation of the development will be managed to support a safe environment. Notwithstanding this, the ownership/dedication and management of the foreshore area and the pathway is the subject of Council's direction with regard to the draft Voluntary Planning Agreement.
Request for the boat ramp between 8 and 10 Bennett Street to be reinstated for kayak type boats.	There is no requirement for a new/replacement boat ramp to be provided within the Concept Approval, and therefore does not form part of this DA. Should Council and the relevant stage agency seek to provide a boat ramp, this matter can be addressed separately to this DA. It is noted that Council's existing viewing platform at the end of Northcote Street is being retained and this application introduces a foreshore walkway; both of which are alternative forms of enjoying the foreshore setting for the benefit of the public.
Vehicle ferry use is at capacity and a representative of the ferry operator should be present at peak times.	This matter is outside of the scope of this application. The Applicant supports the improvement of public transport services in the locality and its effectiveness, as supported by the Travel Access Guide which accompanies the DA.
1 bedroom dwellings are not needed in this locality.	The proposal provides a mix of 1, 2 and 3 bedroom dwellings. This mix is responsive to current and future market demand for individuals, couples, small families and residents looking to downsize to affordable units.
Specific request for improvements to the road and cycle lanes at Braddon Street, Edwin Street and Foreshore Link to Kingston/Deakin/Rickard Streets.	In recognition of the need to improve and/or create cycle connections in the local areas, this application maintains the commitment to foster the use of alternative modes of transport such as bicycles and improve the roads and footpaths which directly adjoin the sites within this application, which include Edwin Street. These improvements are addressed in detail in the detailed DA to Council. Braddon Street and Kingston/Deakin/Rickard Streets are outside of the site area of this application, however will directly benefit from the improvements to the Concept Plan site.
Secure undercover bicycle parking for at least 1 bike per unit should be provided in close proximity to the parking entry / exit.	Secure undercover bicycle parking is provided within the Concept Plan site, and is the subject of the detailed DA/s to Council. Bicycle parking is located in suitable accessible locations which assist in supporting their use by residents and visitors.
Vehicle ferry use is at capacity and a representative of the ferry operator should be present at peak times.	This matter is outside of the scope of this application. The Proponent supports the improvement of public transport services in the locality and its effectiveness, which is a matter addressed in the detailed DAs to Council and by the relevant agencies.
1 bedroom dwellings are not needed in this locality.	The proposal seeks to provide 67 additional dwellings in Building 7AB, being a mix of 25x1Bed, 38x2Bed and 4x3bed dwellings. When also considered in light of the overall Concept Plan site, this mix is responsive to current and future market demand for individuals, couples, small families and residents looking to downsize to

	affordable units.
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Issue Raised in Submissions	Response
Mortlake and Majors Bay Resident Action Group (MMBRAG)	
Buildings on the site should be restricted to a maximum of 6 stories.	See comment above.
That approval set the maximum number of dwellings for the site.	The Concept Plan (MP10_0154) approved a maximum GFA on the site and this Development Application (DA) maintains this density control.
All construction traffic be banned during school zone hours. All access to the site during construction should be via Bennett Street, Edwin and Northcote Streets with no ingress or egress to the site from Hilly Street.	This DA is accompanied by a detailed Traffic Management Plan including extensive measures to ensure road safety and management.
A levy be imposed on developer to defray the cost of repairs to local roads during construction. This levy to be determined in conjunction with Canada Bay Council.	The proposal consists of improvements to the existing footpaths and roads which are within the Concept Plan site. Furthermore, Condition 8 of the Concept Approval requires improvements to the intersections of Patterson Street and Wellbank Street with Concord Road, or alternative upgrades to an equivalent value. Therefore, the proposal consists of improvements to the public domain and traffic infrastructure which would otherwise not be available without the Concept Approval.
The developer be required to ensure that access to the foreshore adjacent to the development is guaranteed and public access granted as each stage of the development is completed.	The Concept Approval includes the introduction of a foreshore link for public access which is embodied with this DA and provides a significant public benefit.
The proposed parking be increased to more adequately reflect the number of vehicle that will be owned by residents, to limit the need for on street parking.	The proposal includes the provision of basement parking which is designed to meet the parking demands for residents on site. In recognition of the impact on street parking, this DA also includes a continued commitment to engage with Transport for NSW to improve public transport services and use, includes a Travel Access Guide for the benefit of future residents to encourage public transport use, provide facilities for bicycles and motorcycles use and storage, provision of a car share scheme and improvements to pedestrian links. These measures assist in alleviating pressure on street parking.
The recommended bicycle parking is retained as a condition of the approval and that the developer formally be the required to provide bicycles to 2 and 3 bedroom unit as outlined in the previous VPA.	The provision of bicycle parking is maintained as per the approved Statement of Commitments.
That a substantial portion of the developers contributions be applied to improving the road infrastructure in	Condition 8 of the Concept Approval requires improvements to the intersections of Patterson Street and Wellbank Street with Concord Road, or alternative upgrades to an

Mortlake rather than Patterson Street which will bear none of the additional traffic generated by the Development.	equivalent value. The application of the improvements to the road infrastructure is subject to Council and RMS approval.
When the development is completed parking in Hilly Street adjacent to the development be banned/restricted to allow unhindered access by public transport and emergency vehicles and to allow vehicles waiting for the vehicle ferry to queue past the development without restricting other traffic.	This matter is outside of the scope of this application, and can be addressed in consultation with Council, RMS and relevant agencies.
That the developer be required to seek EPA approval before any contaminated material is removed from the site.	This matter is addressed in detail in the environmental assessments submitted with this application and the DA for demolition and excavation. Conditions 22 and 23 'Contamination' of the Concept Approval have been addressed.

Appendix C – Assessment against Concept Plan approval

Part A - Terms of Approval																																																																																						
Condition		Comment																																																																																				
A1	Development Description Concept approval is granted to the development as described below: a) use of the site for the purpose of residential apartments and associated open space; b) indicative building envelopes for 15 buildings ranging from three to seven storeys; c) basement level car parking zones and car parking rates; d) publically accessible open space and through site links; e) a maximum GFA of 38,458m² across the site; f) pedestrian and cycle networks through the site; and g) street upgrades to public roads and upgrade to stormwater and drainage systems.	The proposal is generally consistent with the approved description and has a GFA of 38,459m ² .																																																																																				
A2	The development shall be undertaken generally in accordance with: - the Environmental Assessment, except where amended by the Preferred Project Report and including all associated documents and reports; - the Statement of Commitments in Schedule 4 (except as amended by this approval);and - the following drawings: <table><tr><th colspan="4">Architectural Drawings prepared for the Preferred Project Report by Cox Richardson Architects</th></tr><tr><th>Drawing No</th><th>Name of Plan</th><th>Revision</th><th>Date</th></tr><tr><td>CP_01_03_01</td><td>Site Overlay</td><td></td><td>October 2012</td></tr><tr><td>CP_02_02_04</td><td>Floor Space Allocation</td><td></td><td>October 2012</td></tr><tr><td>CP_02_03_04</td><td>Indicative Staging Plan</td><td></td><td>October 2012</td></tr><tr><td>CP_02_05_05</td><td>Public Domain Plan</td><td></td><td>October 2012</td></tr><tr><td>CP_02_06_05</td><td>Basement Extents</td><td></td><td>October 2012</td></tr><tr><td>CP_02_08_03</td><td>Site Elevations</td><td></td><td>October 2012</td></tr><tr><td>CP_02_10_03</td><td>Site Elevations</td><td></td><td>October 2012</td></tr><tr><td>CP_02_11_03</td><td>Site 1 – Elevations</td><td></td><td>October 2012</td></tr><tr><td>CP_02_12_03</td><td>Site 2 – Elevations</td><td></td><td>October 2012</td></tr><tr><td>CP_02_13a_03</td><td>Site 3 (East) – Elevations</td><td></td><td>October 2012</td></tr><tr><td>CP_02_14_03</td><td>Buildings to be Demolished</td><td></td><td>October 2012</td></tr><tr><td>CP_02_15_02</td><td>Street Sections</td><td></td><td>October 2012</td></tr><tr><td>CP_02_16_02</td><td>Proposed Street Sections</td><td></td><td>October 2012</td></tr><tr><td>CP_04_01_04</td><td>Pedestrian and Cycle Networks</td><td></td><td>October 2012</td></tr><tr><td>CP_04_02_04</td><td>Street Access and Address</td><td></td><td>October 2012</td></tr><tr><td>CP_04_03_04</td><td>Accessible Paths of Travel</td><td></td><td>October 2012</td></tr><tr><td>CP_02_17_04</td><td>Building Heights in metres to AHD</td><td></td><td>October 2012</td></tr><tr><td>CP_02_18_01</td><td>Building Separation</td><td></td><td>October 2012</td></tr><tr><td>Landscape Concept Plan</td><td>Taylor Brammer</td><td></td><td>November 2012</td></tr></table> except for as modified by the following pursuant to Section 75O(4) of the Act.	Architectural Drawings prepared for the Preferred Project Report by Cox Richardson Architects				Drawing No	Name of Plan	Revision	Date	CP_01_03_01	Site Overlay		October 2012	CP_02_02_04	Floor Space Allocation		October 2012	CP_02_03_04	Indicative Staging Plan		October 2012	CP_02_05_05	Public Domain Plan		October 2012	CP_02_06_05	Basement Extents		October 2012	CP_02_08_03	Site Elevations		October 2012	CP_02_10_03	Site Elevations		October 2012	CP_02_11_03	Site 1 – Elevations		October 2012	CP_02_12_03	Site 2 – Elevations		October 2012	CP_02_13a_03	Site 3 (East) – Elevations		October 2012	CP_02_14_03	Buildings to be Demolished		October 2012	CP_02_15_02	Street Sections		October 2012	CP_02_16_02	Proposed Street Sections		October 2012	CP_04_01_04	Pedestrian and Cycle Networks		October 2012	CP_04_02_04	Street Access and Address		October 2012	CP_04_03_04	Accessible Paths of Travel		October 2012	CP_02_17_04	Building Heights in metres to AHD		October 2012	CP_02_18_01	Building Separation		October 2012	Landscape Concept Plan	Taylor Brammer		November 2012	The proposal is generally consistent with the details of the Concept Plan. Any departures are identified within the following tables and then discussed in greater detail within part 5 above.
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A3	Inconsistencies between Documentation	Noted																																																																																				

	In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.																																														
A4	Mediation Where this Concept Plan requires further approval from Council or State Authorities (prior to the lodgement of a future application), the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director General, the matter is to be referred to the Director-General or his nominee for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.	Noted																																													
A5	Building Envelopes and Separation Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site and the Concept Plan Building Separation Diagram CP_02_18_01 prepared by Cox Richardson Architects (October 2012), except where amended by the Modifications in Part B of this Approval.	The proposed Architectural Plans demonstrate the building footprints and setbacks are generally in accordance with the approval. The proposal is generally within the approved building envelopes and the building separation satisfies the RFDC and is generally consistent with the Concept Plan. A detailed assessment of any variation is provided in section 5 above.																																													
A6	Maximum Gross Floor Area (GFA) The maximum GFA for the development shall have a maximum FSR of 1.4:1 and provide a maximum GFA of 38,459m ² , apportioned as follows: <table><tr><th>Site</th><th>Site Area</th><th>Precinct (GFA m²)</th><th>GFA (m²)</th><th>FSR</th></tr><tr><td>Site 1</td><td>10,483m</td><td>Precinct 2 (15,542) Precinct 6 (4,910)</td><td>20,452</td><td>1.95:1</td></tr><tr><td>Site 2</td><td>2,911</td><td>Precinct 5 (2,167)</td><td>2167</td><td>0.74:1</td></tr><tr><td>Site 3</td><td>14,037</td><td>Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,241)</td><td>15,840</td><td>1.13:1</td></tr><tr><td>Total</td><td>27,431</td><td>38,459</td><td>38,459</td><td>1.4:1</td></tr></table>	Site	Site Area	Precinct (GFA m ²)	GFA (m ²)	FSR	Site 1	10,483m	Precinct 2 (15,542) Precinct 6 (4,910)	20,452	1.95:1	Site 2	2,911	Precinct 5 (2,167)	2167	0.74:1	Site 3	14,037	Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,241)	15,840	1.13:1	Total	27,431	38,459	38,459	1.4:1	The total GFA is 38,459m², which satisfies the maximum GFA. The proposal seeks minor adjustment of the distribution of the GFA within was site/precinct as follows: - <table><tr><th>Site</th><th>Precinct (GFA m²)</th><th>GFA (m²)</th><th>Change</th></tr><tr><td>Site 1</td><td>Precinct 2 (15,859) Precinct 6 (5,433)</td><td>21,292</td><td>+840</td></tr><tr><td>Site 2</td><td>Precinct 5 (2,509)</td><td>2,509</td><td>+342</td></tr><tr><td>Site 3</td><td>Precinct 1 (2,426) Precinct 3 (4,285) Precinct 4 (7,937)</td><td>14,648</td><td>-1,192</td></tr><tr><td>Total</td><td>38,449</td><td>38,449</td><td>0</td></tr></table> The proposal seeks to reallocate the GFA between the sites, but	Site	Precinct (GFA m ²)	GFA (m ²)	Change	Site 1	Precinct 2 (15,859) Precinct 6 (5,433)	21,292	+840	Site 2	Precinct 5 (2,509)	2,509	+342	Site 3	Precinct 1 (2,426) Precinct 3 (4,285) Precinct 4 (7,937)	14,648	-1,192	Total	38,449	38,449	0
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		will still maintain the general building forms and massing as approved in the Concept Plan.																																																																
A7	Building Height Building height is approved for each building to a maximum RL (top of plant/roof zone) and a maximum RL for the top most residential level. Plant and roof zones are to be designed so that the entire plant zone is not built out for each building and does not contain GFA, as per the approved elevations and as follows: <table><tr><th>Building</th><th>Approved Height (storeys)</th><th>Approved Height RL AHD (to topmost habitable level)</th><th>Approved Height RL AHD (including plant/roof zone)</th></tr><tr><td>1A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>1B</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>2A</td><td>4</td><td>16.2</td><td>19.2</td></tr><tr><td>2A2</td><td>4</td><td>19.2</td><td>22.2</td></tr><tr><td>2B/2C</td><td>Part 3/Part 4</td><td>Part 13.2/Part 17.7</td><td>Part 16.2 /Part 20.7</td></tr><tr><td>2D</td><td>Part 6/Part 7</td><td>Part 27.8/Part 30.8</td><td>Part 30.8 /Part 33.8</td></tr><tr><td>2D2</td><td>Part 6/Part 7</td><td>Part 27.8/Part 30.8</td><td>Part 33.8 /Part 36.8</td></tr><tr><td>3A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>3B</td><td>4</td><td>17.5</td><td>20.5</td></tr><tr><td>4A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>4B</td><td>6</td><td>23.5</td><td>26.5</td></tr><tr><td>4C/4D</td><td>Part 3/Part 4</td><td>Part 13.1/Part 17.5</td><td>Part 16.1/Part 20.5</td></tr><tr><td>5A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>5B</td><td>4</td><td>15.3</td><td>18.3</td></tr><tr><td>6A</td><td>4</td><td>Part 20.8/ Part 23.8/ Part 26.8</td><td>Part 23.8/ Part 26.8/ Part 29.8</td></tr></table> An architectural roof feature that exceeds, or causes a building to exceed, the approved height RL (topmost habitable level) may be carried out subject to the consent authority being satisfied that the architectural roof feature: (a) comprises a decorative element on the uppermost portion of the building; and (b) is not an advertising structure; and (c) does not include floor space area and is not reasonably capable of modification to include floor space area; and (d) will cause minimal overshadowing.	Building	Approved Height (storeys)	Approved Height RL AHD (to topmost habitable level)	Approved Height RL AHD (including plant/roof zone)	1A	3	12.3	15.3	1B	3	12.3	15.3	2A	4	16.2	19.2	2A2	4	19.2	22.2	2B/2C	Part 3/Part 4	Part 13.2/Part 17.7	Part 16.2 /Part 20.7	2D	Part 6/Part 7	Part 27.8/Part 30.8	Part 30.8 /Part 33.8	2D2	Part 6/Part 7	Part 27.8/Part 30.8	Part 33.8 /Part 36.8	3A	3	12.3	15.3	3B	4	17.5	20.5	4A	3	12.3	15.3	4B	6	23.5	26.5	4C/4D	Part 3/Part 4	Part 13.1/Part 17.5	Part 16.1/Part 20.5	5A	3	12.3	15.3	5B	4	15.3	18.3	6A	4	Part 20.8/ Part 23.8/ Part 26.8	Part 23.8/ Part 26.8/ Part 29.8	The proposal generally satisfies the approved height requirements. There is some variation in Building 2B, Building 4D and Building 6. Further discussion is provided in part 5 of this report.
Building	Approved Height (storeys)	Approved Height RL AHD (to topmost habitable level)	Approved Height RL AHD (including plant/roof zone)																																																															
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A8	Lapsing of Approval Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out part or all of the development for which concept approval has been given	Noted.																																																																

Part B - Modifications	
Condition	Comment

B1	Public Domain Plan The plans described above in Part A – Terms of Approval shall be amended as follows: a) The public domain plan shall be amended to demarcate the through site link from Whittaker Street to the foreshore and from Northcote Street to the foreshore as publically accessible private open space rather than land to be dedicated to Council. b) The concept landscape plans are to be amended to be clear that no works, including landscape works are approved within the Council owned land including Dunny Lane (between Hilly and Bennett Streets) and the Council car park on the corner of Hilly and Edwin Streets.	Through site links identified as publically accessible private open space. Council's in the ongoing negotiations have advised that the through site link between Hilly and Bennett Street is unnecessary and impractical given the level changes. The foreshore land will be dedicated to Council. Owners consent has been granted by Council for the car park and lane sites.
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Schedule 3 – Future Environmental Assessment Requirements		
Conditions		Comment
1	Residential Amenity Future Development Applications shall demonstrate compliance with the provisions of the <i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i>. In particular, future applications shall demonstrate that: (a) a minimum of 60% of apartments within each stage are capable of being naturally cross ventilated; and (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies in mid-winter.	The proposal is capable of achieving the minimum requirements of SEPP 65 and RFDC with an assessment provided in Part 6.1.1 above. The proposal provides cross ventilation to 61% of units. The proposal achieves solar access to 71% of units with 2 hour access to the private open space and the living spaces of the residential apartments.
2	Design Excellence Future Development Applications for buildings must demonstrate that the proposed buildings achieve a high standard of architectural design incorporating a high level of modulation/articulation of the building and a range of high quality materials and finishes.	Council engaged GMU to review the proposal and they found that the overall design presents a good balance of articulation and modern design with high quality material finishes and colour tones that match the context.
3	Industrial Character Future Applications must be designed with consideration for the sites industrial history. Applications must demonstrate how the development will respond to the industrial heritage of the site, retaining links to Mortlake's industrial character, including through the use of materials, finishes and landscaping elements, as well as the provision of interpretive signage.	The proposed residential development provides a built form and landscaping elements which appropriately respect the locality's links to its historical industrial character.

4	Privacy Future Development Applications shall demonstrate that adequate privacy screening/treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments. Particular attention and design features will be required between Building 6A and 2A2 where the oblique aspect between the two buildings will require design features to ensure privacy.	The applicant has provided privacy treatments where privacy concerns with adjoining developments occur. The building separation and setback are consistent with the Concept Plan. Some openings are provided in elevations marked as facades without openings in the Concept Plan, where this occurs the applicant has provided obscure glazing to one side which addresses the privacy impact.
5	ESD Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.	ESD principles are to be incorporated into the design, construction and ongoing operations. The proposal is accompanied with a BASIX Certificate which assures an appropriate level of sustainable design. The proposal provides systems for reusing stormwater throughout the development for irrigation and car wash. The proposal provides 61% of cross ventilated units and 71% of the units receive at least 2 hours of solar access in mid winter, which reduces the need for heating or ventilation mechanisms.
6	Car Parking Future applications shall provide on-site car parking at the following rates: 1B – 1 space 2B – 1.5 spaces 3B – 2 spaces Vis – 1 per 5 apartments	The proposed basement parking arrangement for 748 spaces satisfies this car parking rate. The parking is distributed appropriately across each of the basements.
7	Bicycle Parking Future Development Applications shall provide bicycle parking for each unit with two bedrooms or more.	The proposal provides facilities for 294 bike parking spaces which satisfies this requirement.
8	Traffic and Transport Management The first future application for buildings must include details on the upgrades to the intersection of Patterson Street and Wellbank Street with Concord Road to accommodate the traffic generation specifically attributed to the Mortlake development, and as demonstrated by a specialist traffic impact assessment. The detailed design of the upgrade works shall be to the satisfaction of the RMS or Council. Alternatively, the application may be accompanied by documentation demonstrating that Council has agreed to a monetary contribution that is proportionate to the value of the upgrade works, in lieu of the works occurring, or to alternative road upgrades of an equivalent value, in the event that upgrades to the intersections of Patterson Street and Wellbank Street with Concord Road are not necessary.	In lieu of upgrades to the intersection of Patterson Street and Wellbank Street with Concord Road the applicant has agreed to a monetary contribution towards public transport improvements, as part of the Voluntary Planning Agreement for the development.

9	Traffic and Transport Management Future Development Applications for residential buildings shall include a Travel Access Guide (TAG)/Green Travel Plan, to encourage public and active transport use, for future occupants and visitors.	A Green Travel Plan has been provided which informs future occupants of the public transport options.
10	Building Separation – Non Habitable Facades Future Development Applications for buildings which include facades denoted ‘without openings to habitable rooms’, on the Building Separation Plan (CP_02_18_01) prepared by Cox Richardson Architects, must demonstrate what architectural treatments, articulation and/or landscape screening will be used, to ensure the attractive presentation of these walls.	Consistent. Some openings are provided in elevations marked as facades without openings in the Concept Plan, where this occurs the applicant has provided obscure glazing to one side which addresses the privacy impact. Further discussion is provided in part 5 of this report.
11	Ground Floor Apartments Future Development Applications for buildings addressing Hilly, Northcote, Edwin and Bennett Streets must provide ground floor apartments with individual entries and private courtyards.	The ground floor apartments generally provide direct access to the street. The proposal has been amended in accordance with GMU’s urban design review which has provided increased access to a number of units.
12	Building 6A Design The Future Development Application for Building 6A shall include a design assessment which details those measures used to articulate the building to prevent it having a monolithic form. Design features such as breaks in the façade, modulation, articulation and stepping of the built form up the slope of Edwin Street, and use of ground floor courtyards and separate entrances fronting the street are to be explored. Alternatively, the building may need to be ‘broken’ up in the detailed design stage.	Consistent. Further discussion is provided in part 5 of this report.
13	Roads and Maritime Services Requirements Future Developments Applications which include driveways, must include "No stopping" signs on the either side of the driveway. Council's Local Traffic Committee Meeting shall review and determine the suitability of the signs.	A condition has been included within the recommendation of this report.
14	Roads and Maritime Services Requirements The Future Application which proposes the upgrading of the existing bus stop in Whittaker Street must demonstrate that Council and the Ministry of Transport have reviewed and approve of the works.	This has been incorporated into the Voluntary Planning Agreement.
15	Roads and Maritime Services Requirements Relevant Future Development Applications shall demonstrate the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as its manoeuvrability through the site, is in accordance with AUSTROADS, AS 2890.1–2004 and AS 2890.2 – 2002.	Swept turning paths prepared by Colston Budd Hunt & Kafes (17.06.14) provided details regarding swept turning paths and maneuverability throughout the site. A condition has been included within the recommendation of this report.
16	Roads and Maritime Services Requirements Relevant Future Development Applications shall demonstrate that the layout of the	A condition has been included within the recommendation of this report.

	proposed car parking areas (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002, and AS 2890.6 – 2009.	
17	Roads and Maritime Services Requirements Relevant Future Development Application shall demonstrate that clear sight lines will be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.	A condition has been included within the recommendation of this report.
18	Roads and Maritime Services Requirements Relevant Future Development Application shall demonstrate that vehicles are able to enter and exit the site in a forward direction.	Satisfied.
19	Roads and Maritime Services Requirements Each Future Development Application which seeks consent for the construction of a residential building must be accompanied by a Draft Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted with each future Development Application.	A Construction Traffic Management Plan is provided.
20	Open Space/Public Access/Seawall Future application/s shall: (i) Provide for the embellishment (to Council's requirements and standards) and dedication (free of cost) a minimum of 3,395m ² of public foreshore open space to Council. Embellishment works requested by Council may include the repair of the sea wall. (ii) Provide for the embellishment of a minimum of 2,386m ² of publicly accessible open space to be maintained in private ownership by the future body corporate to specifications agreed to with Council. Future applications for each relevant stage shall clearly set out the mechanism for creating rights of public access all publicly accessible areas of open space and through site links, with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development. Future applications must also demonstrate what strategies will be used to make the public aware of their right to use these spaces, including any purchaser or residential units. The Concept Plan does not require Council to accept land for dedication that it considers to be through site links or ancillary spaces for the proposed buildings. Accordingly, if	Satisfied. Further discussion is provided in part 5 of this report.

	Council does not agree to take ownership of this land, the proponent will identify a suitable alternative public or private land ownership option.	
21	Section 94 Contributions Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval. Section 94 contributions are required in addition to any public benefit delivered through a voluntary planning agreement. Street/footpath/intersection upgrades will require discussion between the developer and Council to determine what is expected as part of the development and what is considered as material public benefit and works-in-kind. Note: The dedication of foreshore land and the upgrade of seawalls is part of the community benefit required to allow for the incentive height and GFA on the site and is not a material public benefit which may be used to offset a monetary contribution for local infrastructure (i.e. Section 94 contributions).	A condition has been included within the recommendation of this report requiring payment prior to the issue of a Construction Certificate.
22	Contamination The first application for works on site must include a Remediation Action Plan for the entire site. The Remediation Action Plan must take into account any staging of development and be accompanied by advice from a Site Auditor, accredited under the CLM Act, on whether the works proposed in the Remediation Action Plan will make the site suitable for the proposed use, and the suitability of any proposed staging of the remediation works.	Discussion provided in part 6.1.1 of this report.
23	Contamination Each development application must demonstrate compliance with the Remediation Action Plan, endorsed by a Site Auditor, accredited under the CLM Act. Following remediation and validation works, a site audit statement must be issued by an accredited Site Auditor commenting on the suitability of the site for the proposed use.	Discussion provided in part 6.1.1 of this report.
24	Sydney Water Requirements Future Development Applications shall address Sydney Water's requirements in relation to: (a) required amplification works to existing drinking water mains; (b) required amplification works to the wastewater system; (c) application for a Section 73 certificate, as necessary. The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured	A suitable condition has been included within the recommendation of this report.

	according to the Water Supply Code of Australia (Sydney Water Edition WSA 03–2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02–2002).	
25	Transport for NSW Requirements Future applications that proposed any changes to on–street traffic and parking arrangements associated with the new development must accommodate the parking, manoeuvring and turning requirements of low–floor buses in consultation with the State Transit Authority (STA). Any new kerbside plantings or placements of street furniture including posts and poles, need to be placed with sufficient clearances to facilitate the safe operation of buses.	A suitable condition has been included within the recommendation of this report.
26	Transport for NSW Requirements Future Development Applications for residential buildings must incorporate appropriate noise mitigation measures for its future residents to avoid adverse impact from the operations of buses.	Acoustic Report submitted. A suitable condition has been included within the recommendation of this report.
27	Groundwater Future applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater and dewatering.	The proposal was reviewed by Council’s Engineers and suitable conditions included within the recommendation of this report.
28	Stormwater Future applications shall provide for treatment of stormwater prior to discharge to surface water and/or groundwater sources.	The proposal was reviewed by Council’s Engineers and suitable conditions included within the recommendation of this report.
29	Flooding Future applications shall demonstrate consistency with the requirements and recommendations of the Worley Parsons Flood Assessment Report 301015-02438 – ENREP-0001 [E], dated September 20122.	Appropriate ground and finished floor levels and stormwater treatment measures proposed.
30	Staging The first future application shall be accompanied by details of the intended future staging of the development, to ensure the orderly and coordinated development of the site. The indicative staging plan is to be updated and re-submitted with each subsequent application to ensure the documentation outlined in the indicative staging plans remains current as redevelopment of the site progresses. Each subsequent stage shall be delivered in full to ensure adequate open space, road upgrades and other elements essential to the delivery of the project. The proponent shall demonstrate with each development application that the proposed development represents orderly and coordinated development in that: • It may be serviced by existing infrastructure or is capable of being serviced; • Access for vehicles and pedestrians is available and can be made available; • Adequate on-site facilities including open space exist or will be provided to serve future occupiers / residents of the site; and	Single development application lodged for all buildings. Voluntary Planning Agreement will provide mechanism for timing, Precinct 1 (Buildings 1A and 1B) will be the first to be completed, and include upgrades to foreshore land.

	Obligations for the provision of these facilities are provided.	
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Statement of Commitments				
Item	Issue	Commitment	Delivery	Comment
1	Consultation	The proponent shall hold another community consultation session to be held at a local venue and shall incorporate and address any feedback from the public.	During formal exhibition of Concept Plan application.	Completed.
2	Consultation (Project Development Applications)	The proponent shall engage with and consult the following authorities: - Canada Bay City Council; - NSW Department of Planning & Infrastructure; - Roads and Maritime Services; - Sydney Water; - NSW Office of Environment & Heritage; - NSW Maritime; - Transport for NSW.	Prior to lodgement of future Development Application/s. Much of this consultation was undertaken in preparation of the preferred proposal. Consultation as required will be undertaken for the detailed Development Application stages.	As relevant, referrals made for comment.
3	VPA-Land Transfers	The proponent will continue to discuss arrangements for the dedication and transfer of land with Council, specifically the dedication to the public of the foreshore land and through site links, (and agreed improvements thereof), and the transfer of the “dunny lane” and “car park” to the proponent. Any VPA should include a provision, which creates a mechanism to value the land elements to allow for an equitable outcome.	Prior to approval of the applicable Development Applications in relation to foreshore land and through site links. Prior to the approval of the applicable Development Applications in relation to the “dunny lane” and “car park.”	Owners consent granted to incorporate dunny lane and car park site into development site. VPA to provide mechanism.
4	VPA-Developer Contributions	Given the substantial public benefits associated with the proposal it is proposed to enter into a VPA with Council that could address relevant S94 contributions. Contributions within the VPA may include monetary contributions and works in kind. Proposed contributions proposed to be discussed with Council include: implementation of a resident’s parking scheme including relevant signposting	As part of VPA and on a Project basis.	Section 94 contributions included as condition within recommendation of this report.

		• Provision of a car share scheme (such as GoGet) within the development as an alternative form of transport • Provision of a bicycle to each unit with 2 bedrooms or more as an alternative form of transport • Street upgrades to public roads including resurfacing, new kerb and guttering, footpaths and street tree planting • Infrastructure upgrades to stormwater and drainage system including implementation of Gross Pollutant Traps and bioretention • Contributions to local roads in the immediate vicinity or if nil, potential intersection upgrades at the Patterson Street and Wellbank Street intersections along Concord Road as per TTPA report prepared for Council in September 2011 • Sea wall – the proponent will undertake detailed studies and repair work where necessary as part of relevant Development Applications		
5	Staging	Precinct 1 (Buildings 1A and 1B) will be proposed to be first to be completed and shall include access to the foreshore and the dedication of the foreshore land to Council at the western portion of the Precinct. Flexibility is sought with respect to the sequence of the remaining stages. However, each stage as should shown in the accompanying documentation once commenced shall be delivered in full to ensure adequate open space, roads upgrades and other elements essential to the orderly development of the Precinct.	Future Development Applications	Precinct 1 (Buildings 1A and 1B) will be the first to be completed, and include upgrades to foreshore land.
6	Construction Management Plans	The Proponent shall prepare a detailed Construction Environmental Management Plan (CEMP) in order to ensure appropriate measures are in place to minimise any potential impacts. The	With each Development Application	A CEMP was lodged with this development application.

		CEMP will include but not be necessarily limited to the following: • Demolition Plan; • Waste Management Plan; • Erosion and Sediment Control Plan; • Soil and Water Management Plan; • Traffic Management Plan; and • Air Quality Management Plan. The CEMP shall be prepared to the satisfaction of Council.		
7	Contamination, Salinity and Hazardous Materials	The Proponent will implement all recommendations made by Aargus in the environmental Site Assessments and Salinity Assessment accompanying this application.	Prior to and during construction	Suitable condition contained within recommendation of this report.
8	Geotechnical Assessment	The recommendations provided in the Aargus Environmental Preliminary geotechnical Assessment at Section 4.7, be implemented.	Prior to and during construction	Suitable condition contained within recommendation of this report.
9	Basement Entry Levels	Finished ground levels at the entry to basements shall be set at a minimum of RL. 2. Civil design shall be prepared on the basis of diverting overland storm water flows from entering the basement.	Development Application	Complies.
10	Further Information	Urban Design In response to those detailed design requirements set out in Mortlake DCP 2007, the proponent shall provide all necessary information to allow for a comprehensive assessment in this respect at Development Application Stage. Acoustics Further detailed acoustic assessments shall accompany each future Development Application. Future stages will be designed to comply with the following criteria: • Interim Construction Guideline – DECCW; • AS2107 Recommended Design Sound Levels and Reverberation Times for Building Interiors;	Development Application	Acoustic assessment and wind analysis submitted with development application.

		• NSW Industrial Noise policy. Wind Further detailed wind assessments shall accompany each future Development Application. Further Wind Assessments will: • Take into account the known characteristics of mean and gust speeds on both an annual and seasonal basis associated with the local (e.g. Sydney) wind climate, i.e. taking into account the strength characteristics of prevailing Sydney wind directions on a seasonal basis. • identify all public spaces of interest, e.g. footpaths, building entry points, areas designated for quiescent type activities (e.g. outdoor eating areas). • identify potential adverse wind conditions and the likely wind intensities compared to standard acceptability criteria for pedestrian and occupant safety and comfort. • make recommendations to reduce adverse wind effects, e.g. using landscaping, porous windbreaks, awnings and canopies, etc. These modifications would be developed in tandem with the Project Team (for viability, practicality, cost effectiveness, aesthetic impact, etc).		
11	Heritage	An archival recording of the former public baths shall be conducted prior to demolition. Monitoring shall be carried out during site excavation to observe any archaeological relics.	Prior to demolition During excavation	Not complied with. Suitable condition contained within recommendation of report.
12	Motorcycle and cycle parking	Future Development Applications will include the provisions of parking/storage for motorcycles and cycles at the following rates: • Motorcycles - 1 space per 20 units;	Development Application	Bicycle Parking - 294 Motorcycle spaces - Provided in excess of the requirement.

		• Cycle storage - 1space per unit; • Visitor cycles – 1 space per 12 units.		Suitable condition contained within recommendation of report.
13	Public Transport	Letters shall be sent to the NSW Minister for Transport and Transport for NSW the Sydney Transport Authority informing them of this residential development and the opportunities it creates to increase in public transport use and a request that existing services are extended and intensified in frequency to better serve the Mortlake locality. In addition, further consultation is to occur with Transport for NSW STA on the upgrade and design of the Whittaker Street bus stop. It is also proposed to undertake further consultation with Canada Bay Council regarding the implementation of a car share scheme.	Prior to first Development Application.	The applicant is currently liaising with the appropriate authorities. Bus stop upgrade incorporated into VPA.
14	Travel Access Guide	A Travel Access Guide shall be prepared for the future residents and visitors to the area.	Prior to Occupation of first Stage.	A Green Travel Plan included with development application which informs future occupants of the public transport options.
15	Water Quality Maintenance	The following on-going maintenance schedule for water quality systems shall be implemented: • 6 Monthly – Inspection of Bio-retention basis and removal of any coarse sediments, litter and other gross pollutants, replacement of vegetation as necessary. • 3 Monthly (and after any storm greater than 1 yr ARI) – Removal of trapped pollutants from Gross Pollutant Traps.	Project Approval – on going.	Suitable condition contained within recommendation of report.
16	Further Approvals	The Proponent commits to obtaining all further statutory approvals such as s.68 Approval under the Local Government Act 1993 for any connection to Council’s stormwater infrastructure and s.138 Approval under the Roads Act 1993 for works in the road reserve.	Prior to commencement of such works.	Applicant committed to obtain approvals as neccessary.

Appendix D – Residential Flat Design Code

Part 1 – Local Context	
Primary Development Controls	
<i>Building Height</i>	Generally compliant with Concept Plan, detailed assessment part 5 above.
<i>Building Depth</i>	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. The proposal provides a building depth from glass to glass of between 15 – 19.9m with average of 18m. The centre of the buildings typically contain the core, corridor and wet areas with habitable areas and balconies to the outer edges. The proposal does provide complaint solar access and ventilation.
<i>Building Separation</i>	The building form maintains the separations of the RFDC.
Part 2 – Site Design - Primary Development Controls	
<i>Deep Soil Zones</i>	7,068m ² or 61% of the site is deep soil planting which does not include deep soil planting above car parking areas. 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 and fencing.
<i>Landscape Design</i>	Landscaping associated with the communal open space and foreshore area 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 of 11,410m² or 41% of the site area exceeding the minimum 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 areas and foreshore areas receives direct solar access.
<i>Planting on structures</i>	Appropriate soil depths have been provided to the communal open space area above basement parking areas, which in turn will enable

	reasonable amenity.
Site Amenity	
<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>	Separation has been provided between the subject building and those upon adjacent sites with building orientated appropriately. Screens, planting and the offset of windows address any privacy issues. Conditions included addressing any privacy issues.
<i>Building Entry</i>	Entries have been located in accordance with Concept Plan. The design allows clear orientation for visitors.
Site Access	
<i>Parking</i>	Resident, visitor and bicycle parking is compliant with the provisions of the Concept Plan. 662 resident parking spaces are provided and submission of a 'Green Travel Plan'. 86 visitor parking spaces and 294 bicycle parking / storage areas.
<i>Pedestrian Access</i>	An Access Report demonstrating compliance was submitted in respect of the proposal.
<i>Vehicle Access</i>	Car parking / access is generally provided in accordance with Concept Plan. Variation is discussed in Part 5 above. The vehicular entry point provides adequate separation from pedestrian entries. Width of the driveway crossing measures a compliant 6m.
PART 03 - BUILDING DESIGN	
Building Configuration	
<i>Apartment Layout</i>	All single aspect apartments have large glazed areas and open plan designs. Kitchens are generally < 8m from an external opening of the building. Where not large open plan spaces provided with full height and width windows

	providing adequate light and ventilation. Cross through apartments have a width of 4m and have open plan kitchen, dinning and living areas adjoining a balcony. A variety of unit sizes, compliant with the minimum stipulated within the code are provided.
<i>Apartment Mix</i>	The proposal incorporates - 140 x 1 bedroom (33%), Average unit area 55m² - 242 x 2 bedroom (56%), Average unit area 84m² - 48 x 3 bedroom (11%), Average unit area 110m² A satisfactory mix of one, two and three bedroom apartments has been provided within the proposal.
<i>Balconies</i>	Balconies have been provided to all units and retain dimensions which are appropriate and ensure their useability.
<i>Ceiling Height</i>	Minimum ceiling heights do comply with the rules of thumb with minimum 2.7m provided to residential.
<i>Flexibility</i>	Considered to achieve the objectives in providing internal flexibility for use by occupants. Greater floor to ceiling of 3m provided to ground floor units at corner of Northcote and Hilly Street.
<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>	Generally compliant. Where exceeded lift is usually centrally located with occupants turning right or left to access units. Discussed further in Part 5 above.
<i>Storage</i>	Sufficient storage areas have been allocated for each residential apartment, both within the apartment itself and parking level of the building. Conditioned to comply.
<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>	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.
	70% of the units receive 2 hours of solar access between 9am and 3pm.
<i>Natural Ventilation</i>	Buildings generally include a multi core design which results in 61% of the units being cross ventilated.
	A minimum of 25% of kitchens will have access to natural ventilation.
<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 existing residential flat buildings in the area. 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.
<i>Water conservation</i>	Conditions contained within the recommendation of report.

Appendix E – Recommended conditions of consent

Deferred Commencement:

This is a ‘Deferred Commencement Consent’ under Section 80(3) of the Environmental Planning and Assessment Act, 1979, (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule ‘A’ of this consent. All issues shall be satisfactorily resolved within a period of twenty four (24) months from the ‘Determination Date’, that is shown on this consent. Upon compliance with the issues under Schedule ‘A’, and written confirmation from Council to that effect, then the consent shall become operative from a “Date of Endorsement” (to be included on the written notification) subject to the conditions listed in Schedule ‘B’ and any additional conditions arising from the requirement of Schedule ‘A’.

(Reason: Statutory requirement)

Schedule A

The Applicant shall prepare and submit to Council for approval/certification the following:

1. DWC3 Remediation Action Plan

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 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)

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.

(Reason: Compliance and Site Works Management)

2. Preliminary acid sulphate soil assessment

A preliminary acid sulphate soil assessment shall be prepared. If acid sulphate soils are identified during testing then an acid sulphate soil management plan shall be prepared.

(Reason: Environmental)

Schedule B

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 in the 'Application Plans' table **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. The 'Supporting Information/Documents' table are to be referred to as supporting reference documents.

Approved Plans			
<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
DA-110_007, Rev Q	Site Plan – RL 00.8	Turner	22.07.14
DA-110_008, Rev Q	Site Plan – RL 03.8	Turner	22.07.14
DA-110_010, Rev Q	Site Plan – RL 06.8	Turner	22.07.14
DA-110_011, Rev Q	Site Plan – RL 09.8	Turner	22.07.14
DA-110_012, Rev Q	Site Plan – RL 12.8	Turner	22.07.14
DA-110_013, Rev Q	Site Plan – RL 15.8	Turner	22.07.14
DA-110_014, Rev Q	Site Plan – RL 18.8	Turner	22.07.14
DA-110_015, Rev Q	Site Plan – RL 21.8	Turner	22.07.14
DA-110_016, Rev Q	Site Plan – RL 24.8	Turner	22.07.14
DA-110_017, Rev Q	Site Plan – RL 27.8	Turner	22.07.14
DA-110_018, Rev Q	Site Plan – RL 30.8	Turner	22.07.14
DA-110_019, Rev Q	Roof Plan	Turner	22.07.14
DA-110_107, Rev Q	GA Plans_North_RL 00.8	Turner	22.07.14
DA-110_108, Rev Q	GA Plans_North_RL 03.8	Turner	22.07.14
DA-110_110, Rev Q	GA Plans_North_RL 06.8	Turner	22.07.14
DA-110_111, Rev Q	GA Plans_North_RL 09.8	Turner	22.07.14
DA-110_112, Rev Q	GA Plans_North_RL 12.8	Turner	22.07.14
DA-110_113, Rev Q	GA Plans_North_RL 15.8	Turner	22.07.14
DA-110_114, Rev Q	GA Plans_North_RL 18.8	Turner	22.07.14
DA-110_115, Rev Q	GA Plans_North_RL 21.8	Turner	22.07.14
DA-110_116, Rev Q	GA Plans_North_RoofPlan	Turner	22.07.14
DA-110_207, Rev Q	GA Plans_West_RL 00.08	Turner	22.07.14
DA-110_208, Rev Q	GA Plans_West_RL 03.08	Turner	22.07.14
DA-110_210, Rev Q	GA Plans_West_RL 06.08	Turner	22.07.14
DA-110_211, Rev Q	GA Plans_West_RL 09.08	Turner	22.07.14
DA-110_212, Rev Q	GA Plans_West_RL 12.08	Turner	22.07.14
DA-110_213, Rev Q	GA Plans_West_RoofPlan	Turner	22.07.14
DA-110_308, Rev Q	GA Plans_South_RL 03.8	Turner	22.07.14
DA-110_310, Rev Q	GA Plans_South_RL 06.8	Turner	22.07.14
DA-110_311, Rev Q	GA Plans_South_RL 09.8	Turner	22.07.14
DA-110_312, Rev Q	GA Plans_South_RL 12.8	Turner	22.07.14
DA-110_313, Rev Q	GA Plans_South_RL 15.8	Turner	22.07.14
DA-110_314, Rev Q	GA Plans_South_RL 18.8	Turner	22.07.14
DA-110_315, Rev Q	GA Plans_South_RL 21.8	Turner	22.07.14
DA-110_316, Rev Q	GA Plans_South_RL 24.8	Turner	22.07.14

DA-110_317, Rev Q	GA Plans_South_RL 27.8	Turner	22.07.14
DA-110_318, Rev Q	GA Plans_South_RL 30.8	Turner	22.07.14
DA-110_319, Rev Q	GA Plans_South_RoofPlan	Turner	22.07.14
DA-250_001, Rev Q	Elevations 1 & 2	Turner	22.07.14
DA-250_002, Rev Q	Elevations 3 & 4	Turner	22.07.14
DA-250_003, Rev Q	Elevations 5 & 6	Turner	22.07.14
DA-250_004, Rev Q	Elevations 7 & 8	Turner	22.07.14
DA-250_005, Rev Q	Elevations 9 & 10	Turner	22.07.14
DA-250_006, Rev Q	Elevations 11 & 12	Turner	22.07.14
DA-250_007, Rev Q	Elevations 13, 14 & 15	Turner	22.07.14
DA-250_008, Rev P	Elevations 16 & 17	Turner	22.07.14
DA-250_009, Rev P	Elevations 18 & 19	Turner	22.07.14
DA-250_010, Rev P	Elevations 20 & 21	Turner	22.07.14
DA-250_011, Rev P	Elevations 22 & 23	Turner	22.07.14
DA-250_012, Rev P	Elevations 24 & 25	Turner	22.07.14
DA-250_013, Rev P	Elevations 26 & 27	Turner	22.07.14
DA-250_014, Rev P	Elevations 28, 29 & 30	Turner	22.07.14
DA-350_001, Rev Q	Section A1-A1 & Section A2-A2	Turner	22.07.14
DA-350_002, Rev Q	Section B-B & Section C-C	Turner	22.07.14
DA-800_501, Rev P	Public Domain Improvement	Turner	22.07.14

Final civil, public domain and landscape plans to be inserted once received and reviewed for consistency with VPA.

Supporting Information / Documents			
Reference	Title/Description	Prepared By	Date/s
Revision C	Waste Management Plan	Elephants Foot	December 2013
P213_198 (ACCESS) MB	Access Design Assessment Report	Design Confidence	05.12.13
P213_198-1 (AS 4299) MB	Adaptable Housing	Design Confidence	16.12.13
J130469	BCA Capability Report – Site 1	Vic Lilli	13.12.13
J130469	BCA Capability Report – Site 2	Vic Lilli	13.12.13
J130469	BCA Capability Report – Site 3	Vic Lilli	13.12.13
ES20130820_00	BASIX Assessment Report	ESD Synergy	19.12.13
518016M	BASIX Certificate	ESD Synergy	18.12.13
518097M	BASIX Certificate	ESD Synergy	18.12.13
518109M	BASIX Certificate	ESD Synergy	18.12.13
517403M	BASIX Certificate	ESD Synergy	18.12.13
518025M	BASIX Certificate	ESD Synergy	18.12.13
518028M	BASIX Certificate	ESD Synergy	18.12.13
SYD2013-1010-R001E	Acoustic DA Assessment	Acouras Consultancy	17.12.13
610.13152-R1	Wind Analysis Incorporating CFD Modelling	SLR Global Environmental Solutions	02.12.13

	Proposed Security Management Plan		July 2014
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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. **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:

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)

3. **CCR5 93F Planning Agreement**

In accordance with Section 93I(3) of the Environmental Planning and Assessment Act 1979, the terms of the Voluntary Planning Agreement signed on <CHECK> or as otherwise amended and agreed with Council as it relates to the development which is the subject of this approval shall be adhered to.

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

4. **Publicly accessible open space**

The strip of land to the east of Building 1A and 1B identified on drawing number DA-800_501, Rev P, 22/07/14 marked as 'Access to this area to be privately accessible, subject to Council approval' shall be amended to be Public Accessible Space.

(Reason: Requirement of Concept Plan)

5. **Dedicated Foreshore Land and Formal Shared Pathway**

The foreshore land to be dedicated to Council for public access shall be constructed to the following specifications:

1. A formal path to be constructed in concrete (minimum 25MPa compressive strength at 28 days and 80mm slump in accordance with AS3600-1994 Concrete Structures Code) for a shared pedestrian and bicycle access route along the foreshore area.
2. The path is to be constructed in accordance with Aust Roads standards classified for a shared pathway with recreational usage.
3. The minimum width of the shared pathway shall be 3.0 meters and is to be constructed in coloured concrete (colour palette to be dark grey). It must have a cross-fall of not less than 0.5% and not more than 2.5% graded towards the Bay. Thickness of the slab shall be a minimum of 150mm bedded on 50mm thick well-compacted road base (to minimum 98% max dry density) or 50mm thick well-compacted sand (to minimum compaction index of not less than 65%) with SL62 reinforcement laid centrally. Expansion/construction joints shall be installed every 9.0 meters with weakened joints every 3.0 meters.
4. A minimum width of 5.0 meters must be provided as buffer on the downstream side of the path unless a 1.2 meter high fence or barrier is erected, in which case, the buffer width can be reduced, and a 1.0 meter buffer on the higher side.
5. Buffer strips are to be turfed, free of obstructions, planting of trees or shrubs.
6. A total width of 9.0 meters along the foreshore is required for this aspect of the works.
7. Construction drawings are to be submitted to Council and approved prior to the issue of the Construction Certificate. Drawings are to include full details of the footpath are to be submitted to Council and approved prior to installation. Detailed drawings are to include dimensions, structural reinforcement, concrete compressive strength, colour palette, cover to reinforcement, jointing detail and so on.
8. Lighting shall be provided and installed to Council's satisfaction. The lighting grid for public foreshore areas is to be connected to a Council meter. The circuit for lighting for all public areas shall be separated from the development.
9. The Developer shall provide and install appropriate signage to inform the public of the right to use the space.
10. An Engineer's Certification which confirms that the above items 1 to 9 have been installed shall be provided upon completion and prior to Occupation Certificate.

(Reason: Provide adequate public amenity)

6. Sea Wall

The Developer shall reconstruct or renew the existing sea wall in accordance with the following requirements:

1. A Structural Report identifying sections of the wall to be renewed or reconstructed including full design details are to be submitted to Council and approved prior to installation. The Structural Report is to be prepared by a suitably qualified Structural Engineer with Corporate Membership with the Institution of Engineers, Australia.
2. Where the seawall is assessed to require renewal, it shall be re-constructed to achieve a 100 year design life in accordance with the marine structures code (AS 4997) and have a height of not less than RL1.7m AHD. This level will need to be raised to accommodate for sea level rise and wave action, which will increase the crest height to RL2.1m AHD. The structural design shall allow for the possibility of raising the wall without strengthening the foundation, footings or lower portion of the wall.
3. Where the seawall is assessed to require repairs only, the existing wall shall be secured by piling and anchoring behind the wall. The construction of which is as specified by Council.

4. The land behind the sea wall is to be filled with grout/mortar injection to provide protection from structural failure and have adequate drainage provisions installed to prevent the build-up of pore pressure.
5. Details of the sea wall is to be designed by a suitably qualified Structural Engineer or Marine Structures Engineer, submitted to Council and approved via a Section 138 Consent, prior to the release of the Construction Certificate.
6. A Structural Engineer's Report and Certification shall be provided upon completion and prior to the release of the Occupation Certificate.

(Reason: To provide public amenity and protection of the foreshore)

7. Stormwater Drainage in Public Domain Areas

The Developer shall install a main stormwater drainage system in the public domain areas in accordance with the following specification:

1. The piped stormwater trunk drainage system within the road corridor shall be designed in accordance with Council's Specification for the Management of Stormwater, Part B.
2. The piped stormwater drainage system shall be designed to convey the 20-year ARI storm event.
3. The piped stormwater trunk drainage system is to have minimum 375mm diameter pipes, reinforced concrete, rubber ring jointed, or equivalent.
4. All stormwater drainage inlet pits in the road reserve are to have minimum 1.2 meters long extended kerb lintels with weldloc type grating or equivalent having a minimum grated inlet opening of 450mm x 900mm.
5. Plan and longitudinal sections of the stormwater trunk drainage system is to be provided. These longitudinal sections must include invert levels, finished levels, pipe sizes and class, design flow and hydraulic grade line, and all utility services crossings.
6. The details of method of pipe trenching and road pavement design must be provided.
7. Details of the tree pits including the type of edge treatment, the indicative tree species, to be provided.
8. Supporting calculations (eg DRAINS or ILSAX modelling) to verify design flow rates for pipe/conduit design (minimum 20-year ARI) must be provided.
9. Calculations for the overland flowpath conveyed within the road corridor for the design storm (minimum 100-year ARI) must be provided.
10. Overflow/surcharge from the drainage system for storm events exceeding the design 20 year ARI shall be contained and treated prior to discharge to the Bay.
11. Details of the outlet headwalls and pipe outlet treatment, which is to include scour/erosion control or drop pits, must be provided.
12. Construction drawings which are to include all of the above listed items along with supporting calculations are to be submitted to Council and approved via a Section 138 Consent, prior to the issue of the Construction Certificate.
13. A Hydraulic/Civil Engineer's Design Certificate for the above is to be provided. The Engineer must be a suitably qualified Engineer with Corporate Membership with the Institution of Engineers, Australia.
14. A Works-as-Executed drawing and Hydraulic Engineer's Certification of the above works shall be provided upon completion and prior to the release of the Occupation Certificate.

(Reason: To provide adequate public stormwater drainage infrastructure)

8. Public Domain Improvements

The Developer is to reconstruct the public domain areas in accordance with the following specification:

1. Full width road reconstruction, and footpath improvements on both sides of Bennett Street, Hilly Street, Northcote Street as depicted in the extract of the public domain and landscape report by Turf Design.
2. The minimum width of the footpath shall be 3.0 meters and is to be constructed in plain concrete. It must have a cross-fall of not less than 0.5% and not more than 2.5% graded towards the kerb and gutter. Thickness of the slab shall be a minimum of 150mm bedded on 50mm thick well-compacted road base (to minimum 98% max dry density) or 50mm thick well-compacted sand (to minimum compaction index of not less than 65%) with SL62 reinforcement laid centrally. Expansion/construction joints shall be installed every 9.0 meters with weakened joints every 3.0 meters.
3. These works to include tree planting, kerb blisters within the vicinity of the development, street furniture, bus stops/shelters, pram ramps, street lighting consistent with the below extract from the public domain and landscape report prepared by “turf design”.
4. Lighting in vehicle trafficked areas is to be included and these are to be designed to AusGrid standards.
5. Construction drawings are to be submitted to Council and approved via a Section 138 Consent, prior to the issue of the Construction Certificate.
6. Construction Certificate and Certification of the constructed works will be required upon completion which is to be issued by a suitably qualified Civil Engineer with Corporate Membership with the Institution of Engineers, Australia.

(Reason: To provide adequate public domain infrastructure)

9. Public Lighting

a) Lighting in Public Road Reserves.

New LED street lighting shall be provided in the public road areas that are to be reconstructed adjacent to the site. Prior to commencement of detailed lighting design for new street lighting in public road reserves the applicant shall submit an ‘Application for Connection’ to AusGrid and obtain a ‘Design Information Package’ from the AusGrid Contestability Group. The detailed lighting design shall comply with AusGrid requirements and be submitted for Certification of the design by AusGrid. AusGrid Certification shall be obtained prior to commencement of the work.

All new lighting in public road reserves shall:-

- a) meet AusGrid Network Standards and
- b) be connected to the AusGrid street light network and
- c) meet AS/NZS 1158.3.1 or its’ successor standards at category P3.

b) Lighting in non-road public areas covered by public access easements.

Lighting in areas covered by public access easements shall comply with AS/NZS 1158.3.1 or its’ successor standards at a minimum of category P4 and be connected to the adjacent community or strata common area supply. It shall be noted in the community management statement or strata rules that maintenance and running costs are to be met by the Community Association or Body Corporate.

c) Lighting in non-road public areas to be dedicated.

Lighting in areas to be dedicated for public recreation and transferred to Council shall comply with AS/NZS 1158.3.1 or its' successor standards at a minimum of category P4 and be connected to supply via a dedicated meter located on the relevant parcel. Lighting design is to be approved by Council as future asset owner prior to implementation and shall provide for durability and efficiency.

d) Engineering Certification of Lighting and Works as Executed Plans

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

- 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 lighting in roads and public areas including location of underground cables, connection details and asset list.
The abovementioned Certificate is to certify that:
 - (i) the street lighting meets AusGrid standards, has been accepted by AusGrid and is connected to the AusGrid street light network.
 - (ii) the street lighting meets or exceeds the requirements of AS/NZS 1158.3.1 or its' successor standards at category P3.
 - (iii) the public area lighting meets AS/NZS 1158.3.1 or its' successor standards at a minimum of category P4 and the relevant wiring rules.

It is strongly recommended that the Certifying Engineer supervise the works.

(Reason: Public Amenity)

10. Controlled Activity Approval – Office of Water

Prior to commencement of any work or activity the applicant shall obtain a controlled activity approval from the Office of Water under the Water Management Act 2000, in accordance with the following general terms of approval:-

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2013/513 and provided by Council: (i) Site plan, map and/or surveys Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the foreshore identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan
4 – 6	N/A
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
9 – 13	N/A
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
15 – 17	N/A
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Note:- Finalisation of a controlled activity approval can take up to eight (8) weeks for the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to Nicole Hely, Cadet Water Regulatory Officer) an application form for a controlled activity approval together with any required plans, documents, the appropriate fees and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

(Reason: Water Management)

11. Safety and Security

The applicant shall implement the Proposed Security Management Plan dated July 2014.

(Reason: Crime prevention)

12. Travel Plan

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

- The limited street parking available in the area;
- 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 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)

13. 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)

14. 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)

15. 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)

16. 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)

17. GCG15 Telecommunications /TV Antennae

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

(Reason: Environmental amenity)

18. GCH1 Hoarding Requirements

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

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

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

(Reason: Public safety)

19. 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)

20. 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)

21. Roads and Maritime Service (RMS)

- All works / regulatory signposting associated with the proposed development are to be at no cost to RMS.

(Reason: Traffic management / safety)

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

22. 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)

23. 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)

24. 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)

25. 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

26. Gross Floor Area Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the subject site does not exceed 28,449m² in accordance with the Concept Plan. Details shall be provided to Certifying Authority demonstrating compliance with this condition prior to issue of Construction Certificate.

(Reason: Demonstrate Compliance with Maximum FSR controls)

27. Public Domain Improvement

The applicant shall submit to Council for approval, full design and construction details of all public domain works including the land identified for dedication to Council. Written approval shall be obtained from Council and provided to the Accredited Certifier **prior to the issue of a Construction Certificate**.

(Reason: Design details)

28. Whittaker Street Bus Stop

The applicant shall submit to Council and the Minister for Transport for approval, full design and construction details for the Whittaker Street Bus Stop upgrade. The written approval of Council and the Minister for Transport must be submitted to the Accredited Certifier, **prior to the issue of a Construction Certificate**.

(Reason: Concept Plan requirement)

29. Separate Approval for Works in the Road and Public Domain Areas – (external works) – Section 138 Road Act

Plans submitted with the Development Application shall clearly delineate between internal works and external works.

Important Note: Development Consent or 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 the Construction Certificate, the Applicant must submit detailed plans to obtain a written approval from the appropriate Road Authority, for any works in the road reserve or public domain areas.

Additional where works involve the 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 a Regional Road or is within close proximity of a traffic facility (e.g. traffic lights), then a Road Occupancy Licence must be obtained from the Traffic Management Centre of the RMS. The application should be lodged at least 10 working days prior to the planned commencement date.

(Reason: Protection of Public Assets and Information)

30. 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 openings in the eastern elevation of the west facing balconies of Building 3B shall contain a fixed screens or louvers with a minimum solid density of 85%.
- b) The north facing external screens or louvers to the living room windows of Building 3A shall be fixed and have a minimum density of 85%.
- c) The wall to the northern edge of the ground floor terrace of Building 3A unit 203 shall be setback a minimum of 0.5m from the north boundary and increased in height to a minimum of 1.6m above the finished floor level.
- d) All windows on the north elevation of Building 5A and Building 5B shall contain obscure glazing or have a minimum sill height of 1.6m above each finished floor level.
- e) All trees shall be specified and planted from a container size not less than 200 litres.

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)

31. Reflectivity

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

(Reason: Amenity)

32. 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:-

- A detailed description and route map of the proposed truck/construction vehicle access routes,
- Number of trucks, hours of operation, cumulative traffic impacts, access arrangements, parking effects / management and managing traffic control
- 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)

33. Dilapidation Report

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

- 24 Hilly Street, Mortlake.
- 8 Bennett Street, Mortlake.
- 24-28 Bennett Street, Mortlake
- 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 and each of the properties included in the report 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. 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)

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

Damage Deposit	\$50,000
Sect. 94 Contributions	\$5,650,022+ CPI adjustment between September 2013 (CPI 104.3) and the date that the contribution is paid
Total	\$5,700,022 + CPI as applicable

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)

36. 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)

37. 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	142 x Studio & 1 bed dwellings	240 x 2 bed dwellings	48 x 3 bed dwellings
Total / dwelling	\$9,696.81	\$13,804.48	\$20,000
Total	\$1,376,947	\$3,313,075	\$960,000
Grand Total	\$5,650,022		

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)

38. 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)

39. CCV 14 Vehicular Circulation, Aisles & Ramps

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Maritime Services Guidelines and ASNS 2890.1:2004 – Off-Street Car Parking Code.

(Reason: Parking and access)

40. 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)

41. 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)

42. 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 3 of the acoustic report prepared by Acouras Consultancy (SYD2013-1010-R001E) dated 17 December 2013 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)

43. 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)

44. 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)

45. 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)

46. 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)

47. CCA3 Protection of Public Places

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

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

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

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

(Reason: Safety)

48. CCA4 Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies of Civil Engineering plans for the design of all works within the road reserve of Hilly Street, Northcote Street, Edwin Street and Bennett Street including long and cross sections, details of proposed structures and specifications.

The drawings must be approved by Council in writing and all fees and charges paid **prior to the issue of the Construction Certificate**.

Such design shall be:

- (a) Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) Upon completion of the works, the Applicant is to provide to Council two (2) copies of “work as executed plans”. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, and
- (d) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council’s specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

49. 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)

50. CCC2 Damage Deposit for Council Infrastructure

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

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

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

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

(Reason: Protection of Council infrastructure)

51. 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)

52. 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)

53. 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	662
Inclusive Residential Adaptable Car Spaces	100
Visitor Parking	86
Total Spaces Agreed by this Consent	748

- All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided and comply with AS 4299:1995.
- 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 to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.
- 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)

54. CCV10 Speed Hump and Stop Sign on Exit

The applicant shall install a stop sign and a speed hump at each car park exit. 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)

55. Sightlines - Mirrors

[A mirror system shall be proposed to manage the conflict between vehicles basement ramps at the eastern end of Building 6A with details submitted to the Accredited Certifying Authority prior to the issue of a construction certificate.](#)

(Reason: Traffic safety and management)

56. Sightlines

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 Accredited Certifying Authority **prior to the issue of a construction certificate** showing compliance with this condition.

(Reason: Traffic safety and management)

57. 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)

58. 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)

59. 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)

60. 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)

61. 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)

62. CCR2 BASIX Commitments

BASIX Certificate No. 518016M, 518097M, 518109M, 517403M, 518025M, 518028M, 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)

63. CCM1 Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the disposal of stormwater from the site, prepared in accordance with Council's "Specification for the Management of Stormwater" shall be submitted and approved by the Accredited Certifier.

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

Important Note: Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

(Reason: Stormwater management)

64. 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)

65. 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)

66. 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)

67. 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)

68. CCM7 Silt Arrestors and Gross Pollutant Traps

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

(Reason: Environmental)

69. 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.

The applicant shall comply with all findings and recommendations of this report.

(Reason: Structural safety)

70. 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)

71. Jemena Gas Networks

A Pipeline Safety Management Study shall be prepared in conjunction and to the satisfaction of Jemena Asset Management and then submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**.

The AS2885 Safety Management Study is a formal process to ensure that all relevant risk issues are properly addressed for the continuous safe operation of the pipeline in the changed environment. To attain such objective, it is necessary to apply the following process:

- Jemena will, in the first instance and depending on the development extent, undertake a preliminary risk review to assess the need for further investigation.
- Jemena, on behalf of the Pipeline Asset Owner, has the right to comment upon, and participate in, the Safety Management Study process.
Jemena participants will include suitably qualified and experienced persons in the pipeline design, operation and maintenance areas.
- The Safety Management Study will be facilitated by an independent third party who is experienced and qualified in the AS2885 methodology.

All costs associated with a Safety Management Study will be born by the developer and or landowner.

All recommendations and finding of the study shall be adopted and implemented.

(Reason: High pressure primary and secondary gas mains)

72. 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)

73. CCU2 Electricity Connection and Substation

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.

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

74. 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

75. 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)

76. 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)

77. 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)

78. 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)

79. 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)

80. PDR8 Sydney Water Approvals (Quick Check)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

The Accredited Certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans **prior to the commencement of works**.

(Reason: Statutory Requirement)

81. 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)

82. PDR10 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 commencement of works**.

(Reason: To comply with statutory requirements)

83. 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)

84. PDM2 Soil & Water Management during Construction

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

(Reason: Environmental protection)

85. 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)

86. 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)

87. 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)

88. 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)

89. DWT5 Excavation – Water

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

(Reason: Health and safety)

90. 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)

91. 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)

92. 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)

93. 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)

94. 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.)

95. 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)

96. 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)

97. 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)

98. 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)

99. 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)

100. 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)

101. 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)

102. 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)

103. 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)

104. 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)

105. 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

106. 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, **prior to the issue of any Occupation Certificate.**

(Reason: Compliance with Statutory Requirements)

107. Car Share Scheme

The applicant shall designate and provide three (3) car spaces on public road carriageway adjacent to development 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 and will be referred to the traffic committee for approval **prior to the issue of an Occupation Certificate.**

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)

108. Street Signage

Prior to the issue of an occupation certificate, the applicant shall apply to Councils Traffic Committee for the installation of No Stopping signage at all intersections adjoining the site frontages for the purpose of reinforcing statutory 10m No Stopping restrictions. If approved by Councils Traffic Committee and Council, prior to the issue of an occupation certificate, the applicant shall signpost the No Stopping restrictions at their cost and in accordance with Councils specifications at the location/s specified by Councils Traffic Committee on one or more street frontages of the development site.

(Reason: Traffic Engineering)

109. Certification of Engineering Works

Prior to the issuing of an Occupation Certificate, 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 “Works-as-Executed” plan of the engineering and/or drainage works

The above mentioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) car parking arrangement area and/or
- (iii) any related footpath works and/or
- (iv) road carriageway pavement and design and/or
- (v) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with the appropriate SAA Codes, relevant Australian Standards, and Council’s Policies and Specifications.

Important Note: All works in the public domain areas cannot be approved by Principal Certifying Authority. Such works must be approved by Council.

(Reason: Asset Management)

110. 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)

111. 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 application must be submitted to Council or an Accredited Certifier for approval **prior to occupation and/or use of the building/s**.

(Reason: Information)

112. OCA3 Construction of Concrete Kerb and Gutter

Standard 150 high concrete kerb with gutter shall be constructed the full length along the front and side of the property.

The above works must be programmed and constructed **prior to the issuing of any Occupation Certificate.**

Where the Applicant would prefer Council to undertake the civil and stormwater works, they should contact Council's Senior Manager, City Services to obtain an estimated cost of construction, and contract to undertake the works.

(Reason: Preserve Council asset and amenity)

113. 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)

114. 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)

115. Directional Signage:

Signage must be provided at each pedestrian entry where it adjoins the footpath which directs pedestrians to the entry / foyer for each building. 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 any Subdivision Certificate

116. SCG3 Prior to Issue of Subdivision Certificate

Prior to the issuing of any Subdivision Certificate under section 37A of the *Strata Schemes (Freehold Development) Act 1973*, and section 66A of the *Strata Schemes (Leasehold Development) Act 1986*, and in accordance with section 29A of the *Strata Schemes (Freehold Development) Regulation 2007* and section 30A of the *Strata Schemes (Leasehold Development) Regulation 2007*, the PCA is required to be satisfied that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
- (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
- (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, a Council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Council or accredited certifier should also be satisfied that:

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

(Reason: Statutory Requirements)

117. SCG4 Application for Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information.

(Reason: To comply with statutory requirements)

118. SCG5 Section 73 Certificate from Sydney Water

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

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

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

(Reason: To comply with statutory requirements)

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

119. Garbage Collection

Approval must be sought from Council's Traffic Committee to install 'No Parking – Authorised Garbage Collection Vehicles Excepted' signs for a specified time period which corresponds with the garbage collection service for each of the waste collection zones identified on the approved plans. The specific time period is to negotiated and approved by Council's Waste Coordinator and signs erected **prior to the issue of a Final Occupation Certificate for the development.** If approved the applicant shall install the signage at their cost and in accordance with Council and the Traffic Committees specifications, **prior to the issue of a Final Occupation Certificate.**

(Reason: Waste collection)

120. 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)

121. 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)

122. 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)

123. 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)

124. 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 (Gross pollutant traps, 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)

125. 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

126. 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)

127. 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)

128. OUH5 Microbial Control

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

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

(Reason: Health and safety)

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

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

(Reason: Environmental protection)

130. OUH8 Registration of Water Cooling and Warm Water Systems

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

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

(Reason: Health and safety)

131. OUH11 Water Quality Treatment Systems

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

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

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

These systems shall be designed to ensure ease of maintenance.

(Reason: Environmental protection)

132. 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.