

## JOINT REGIONAL PLANNING PANEL (Sydney Region East)

JRPP No	2013SYE083												
DA Number	248/14												
Local Government Area	Canada Bay Council												
Proposed Development	Construction of four (4) buildings to be used as a community hall, resource centre, meeting spaces, café / restaurant with landscaping and public domain works												
Street Address	30 Shoreline Drive, Rhodes												
Applicant/Owner	<p>Mr John Calvani (City of Canada Bay Council)</p> <ul style="list-style-type: none"><li>• Lot 310, DP 1163025 – City of Canada Bay Council</li><li>• Lot 311, DP 1163025 – City of Canada Bay Council</li><li>• Lot 312, DP 1163025 – City of Canada Bay Council</li><li>• Lot 313, DP 1163025 – City of Canada Bay Council</li><li>• Lot 142, DP 1163025 – City of Canada Bay Council</li><li>• Lot 316, DP 1163025 (sea wall) – Roads and Maritime Services</li><li>• Homebush Bay – Roads and Maritime Services</li></ul>												
Number of Submissions	Thirteen (13) Submissions (11 of Objection and 2 of Support)												
Regional Development Criteria (Schedule 4A of Act)	Capital Investment Value (CIV) greater than \$5 million (\$13,925,000 declared) and is a Council related application												
List of All Relevant s79C(1)(a) Matters	<p><u>Environmental Planning Instruments</u></p> <ul style="list-style-type: none"><li>• State Environmental Planning Policy No. 55 - Remediation of Land</li><li>• Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP</li><li>• Canada Bay Local Environmental Plan 2013</li></ul> <p><u>Non Statutory Planning Policies</u></p> <ul style="list-style-type: none"><li>• Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005</li><li>• Rhodes West Development Control Plan 2011</li></ul>												
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"><li>• Statement of Environmental Effects Report, including all appendices, prepared by URBIS, dated June 2014</li><li>• Architectural Drawings prepared by Crone Partners (CA 3138):</li></ul> <table><tr><th>Drawing</th><th>Revision</th><th>Name of Plan</th><th>Date</th></tr><tr><td>0101</td><td>B</td><td>Proposed Site Plan - North</td><td>16/06/14</td></tr><tr><td>0102</td><td>B</td><td>Proposed Site Plan - South</td><td>16/06/14</td></tr></table>	Drawing	Revision	Name of Plan	Date	0101	B	Proposed Site Plan - North	16/06/14	0102	B	Proposed Site Plan - South	16/06/14
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	1001	B	Ground Floor Plan - Building A	16/06/14																																																								
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	3003	B	Building Sections	16/06/14																																																								
	4001	B	Schedule of Colours and Materials	16/06/14																																																								
	<ul style="list-style-type: none"><li>Stormwater Concept Plan prepared by Taylor Thomson Whiting (131652) C03, Rev C, dated 29/08/14</li><li>Landscape Detail prepared by URBIS:</li></ul>																																																											
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<ul style="list-style-type: none"><li>Additional Information and Response to Submission prepared by URBIS dated 5 December 2014</li><li>View Loss Analysis Plans prepared by Crone Partners (CA 3138) dated 02/11/14 (10 Sheets Inclusive)</li></ul>																																																												
Recommendation	Approval subject to conditions																																																											
Report by	Mr Samuel Lettice – Coordinator Canada Bay Council																																																											

# 1. BACKGROUND

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The Rhodes Peninsula was identified as an urban renewal precinct in the late 1990's and has been progressively developed under a planning framework originally established in 1999. Extensive remediation works have been completed to ensure this former industrial area is suitable for residential and commercial development, and associated open space and community facilities.

The area was rezoned by Sydney Regional Environmental Plan No. 29 - Rhodes Peninsula (SREP 29) in 1999, supported by the Renewing Rhodes Development Control Plan 2000 (RRDCP) which came into force on 3 December 2001. The RRDCP indicated that a community centre would be built in part of Foreshore Park, although the footprint was only conceptual.

The Community Development Plan dated June 2001 establishes the need for a community centre.

A Public Community Facility was also identified within Foreshore Park (again as a conceptual footprint) in the Rhodes Peninsula Precinct B Masterplan of February 2005.

Council prepared a Local Planning Strategy for the City of Canada Bay in 2009. The Strategy set down a series of actions, one of which was to provide *a landmark design, multi-purpose community facility in the centre of the Rhodes Peninsula urban renewal precinct...* This Strategy was placed on public exhibition from 12 May 2009 to 9 June 2009 and was adopted by Council on 1 June 2010.

Work commenced on a new Masterplan for Rhodes West in 2008 and included uplifts in floor space, increased public open space, a public square and a larger multi-functional community facility to meet the needs of new and existing population on the community precinct lot (the subject site). On 8 December 2009, Council resolved to prepare a new DCP to implement the Masterplan and incorporate relevant provisions of SREP 29 into the Canada Bay LEP 2008. Amendment 1 to the Canada Bay LEP 2008 was gazetted on the 20 April 2011 and adopted a B1 'Neighbourhood Centre' zone and 12m height limit for the site. The current Rhodes West DCP 2011 also became effective on this date.

A number of development consents apply to the site, the majority of which were issued by the Department of Infrastructure, Planning and Natural Resources which then became the Department of Planning. The role of consent authority was delegated to Council from the Minister for Planning in July 2007. Some of the relevant consents are set out as follows:-

**DA 268-6-2003:** This was the Masterplan for Precinct B and involved the staged development of Lot 10 DP 1007931 for various uses, including residential, local shops, open space, roads, subdivision and community facilities. This application was submitted in 2003 and approved in April 2005.

**DA 18-2-2005:** This involved subdivision of land being Lot 10 DP 1007931 in three stages to create development lots, open space lots, roads lots and the community precinct lot. This application was submitted in February 2005 and approved in November 2006.

**DA 89-4-2005:** This related to open space and public domain works including hard and soft landscaping, road construction, stormwater drainage and services. This DA also dealt with landscape works on Foreshore Park with conditions relating to a community centre. It depicted 'the boathouse community centre and café' to the northern component of what is now Lot 310 and 312, children's play area to the central component and two multi-purpose courts and pavilion to the southern component. The application was approved in August 2007.

**DA 630/2008:** This was a modification of DA 89-4-2005 (see above) and was approved by the Department of Planning in November 2009 following an assessment of the application by Council's Planning staff in consultation with Council's Technical Services and Operations staff. This application only dealt with changes to street lighting specifications, road and footpath pavement finishes.

On 16 January 2012 Council approved under delegated authority a further Modification to DA 89-4-2005 (603/08) which related to design and finishes of the community precinct lot. The main modification was removal of all infrastructure from the community precinct lot and provision of simply lawn and select planting. It is understood that this amendment enabled the site to be dedicated to Council and provided greater flexibility for the future provision of the Homebush Bay Bridge and the subject Community Facility.

**DA 89/2013:** This application related to construction of a temporary building on the site measuring 12m x 12m with an area of 144sqm. This building contained a room with an area of approximately 68sqm to be made available for community activities and office area to accommodate Council's customer service staff on a part-time basis. It was also intended that the building be used as a site office whilst the permanent Rhodes Community Centre (subject application) was under construction. The building was to remain on site for a period of approximately three years. This consent to date has not been made operative and it is now understood that it is not intended to be enacted.

## 2. SITE AND CONTEXT

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The 'subject site' consists of a number of allotments, legally identified as Lots 310, 311, 312, 313, 316 in DP 1163025 and Lot 142 in DP 1116624 and is collectively known as 30 Shoreline Drive, Rhodes. The site is relatively level in nature and provides an approximate overall area of 22,926m<sup>2</sup>.

Sydney Water owns Lot 141 in DP 1116624, which is within the boundaries of the site though this allotment is excluded and does not form part of the proposal.

The subject site is located on the western side of Shoreline Drive, Rhodes between Gauthorpe Street to the north and Mary Street to the south. The site is currently vacant and consists of relatively level grassed area with perimeter planting, pedestrian pathways and children's playground to southern edge.

In respect to surrounding development, a seven (7) storey mixed use building (36 Shoreline Drive) is located to the north with the future bridge (currently under construction) that will connect Wentworth Point and the Rhodes Peninsula to be located to this side of the site. Residential development is located to the east upon the site originally known as 10 - 16 Marquet Street and comprises medium density residential development in the form of residential flat buildings of up to seven storeys in height and two storey townhouse style dwellings with roof top terraces fronting Shoreline Drive opposing Lot 312. Medium density residential development is also located south of Annie Leggett Promenade and to the southern elevation of foreshore park. Homebush Bay bounds the western elevation of the site.



## 3. PROPOSED DEVELOPMENT

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### 3.1 Project Description in Detail

The proposal seeks consent for the construction and use of four single storey community buildings (Buildings A - D), landscaping and public domain improvements, an over-water lookout platform on Homebush Bay, associated access and car parking detailed as follows:

**Building A** - Café / restaurant which will provide for two separate seating areas, bar, kitchen, waste and general storage areas as well as amenities; The applicant has identified that the fit out and use of this space will be subject to a separate application (enforced via a condition).

**Building B** - E-Resource Centre providing a central learning and reading area, digital gallery and separate rooms utilised as 'creative centres', as well as a Council office / meeting room and staff amenities. Waste and general storage areas are incorporated as well as general public amenities accessed both internally and externally to the building.

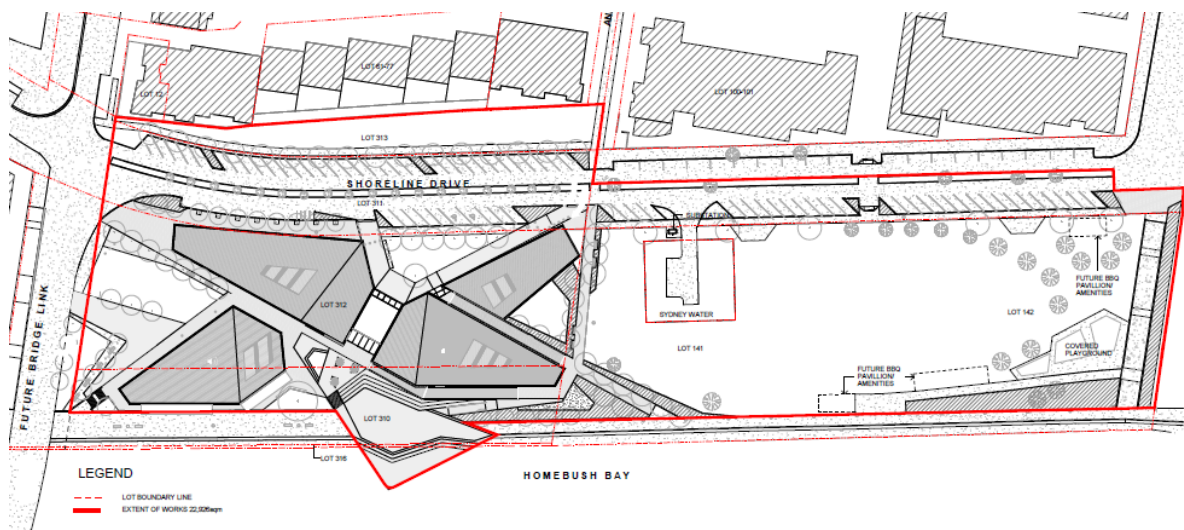
**Building C** - Multipurpose community space providing large open central space and adjacent external terrace fronting Homebush Bay. A kitchen / prep area, storage areas and amenities are also provided.

**Building D** - Community meeting space that can be divided into a number of rooms intended to be utilised as playgroup / art space and general meeting rooms, storage areas and amenities. A room located to the south east section of this building will be allocated to Council's Parks Team and provides for one enclosed parking space to be utilised in conjunction with maintenance requirements.

- The overwater lookout platform located between Building A and C serves as an extension of the foreshore promenade, which overhangs the foreshore. The platform has been designed to be suitable for use as a stage or amphitheatre, for community purposes;
- In respect to parking the existing layout of Shoreline Drive adjacent to the site is to be reconfigured, primarily through introduction of angled parking, providing an increase of 18 parking spaces from 80 currently provided to 98 as well as four (4) allocated for motorcycles. Provision is also made for one (1) off-street service vehicle (garaged) within Building D and a space for loading activities and community bus parking to the northern component of the site (access via Gauthorpe Street).
- Associated site landscaping and public domain improvements.



Photomontage depicting community facility and future Homebush Bay Bridge



**Note** - A competitive design process was undertaken for delivery of the Community Centre, involving four contenders. The proposed design prepared by Crone Partners was favoured by the community. A summary of the Community Consultation has been provided by the applicant at Appendix B.

## 4. STATUTORY CONTEXT

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### 4.1 Delegation

Under Section 23G of the *Environmental Planning and Assessment Act 1979 (the Act)*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Pursuant to Schedule 4A of the Act as the development has a Capital Investment Value (CIV) greater than \$5 million (\$13,925,000 declared) and is a Council related application, the consent authority is the Sydney East Joint Regional Planning Panel (JRPP).

### 4.2 Permissibility

The northern component of the site is zoned B1 'Neighbourhood Centre' under the Canada Bay Local Environmental Plan 2013 (CBLEP) with the proposed structure defined as a 'community facility' located within this zone. The provision of the café / restaurant within the community facility is separately defined as a 'food and drink premises', falling under the retail premises group term and is also permissible. The southern component of the site is zoned RE1 'Public Recreation' with the proposed works contained within, defined as 'recreation areas' and being a permissible land use.

### 4.3 Environmental Planning Instruments

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

#### Environmental Planning Instruments

- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Canada Bay Local Environmental Plan 2013

#### Non Statutory Planning Policies

- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005
- Rhodes West Development Control Plan 2011

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

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

The site has recently been remediated by Thiess Services Pty Ltd as part of remediation works on the former Lednez site on the eastern side of Homebush Bay.

A Site Audit Statement (BE101 - Foreshore) was issued by Brad Eismen of AECOM Australia Pty Ltd on 27 May 2011 to cover Lots 310, 312, 313 and 316 for 'Open Space (i.e. 40 m Foreshore reuse zone)' use. Following on from this Site Audit Statement (BE101 - Community Centre) was issued on 11 October 2011 to cover Lot 312 for 'Community Centre use'. The reason provided is that since the treated material on the foreshore area under SAS No. BE101 - Foreshore was covered by more than 1 metre of clean material, the auditor considered Lot 312 to be suitable for the use as a community centre. It is noted that the community centre overlaps into Lot 310 and in this regard the Environmental Protection Authority (EPA) have advised that '*according to the rationale provided by the site auditor in*



*endorsing Lot 312 for community centre use (clean cover of no less than 1 metre thick), the EPA sees no reason why part of Lot 310 cannot be made permissible for community centre use'. A condition is imposed requiring the applicant to provide a letter from the site auditor stating that the site is suitable for the proposed use with the relevant site history attached.*

An Environmental Management Plan (EMP) prepared by Thiess Services in June 2013 states that, *'Any party proposing to undertake intrusive works...must consult with and satisfy the requirements of the EPA prior to commencement of any activity that disturbs the subsurface of this area'.*

A draft Construction EMP prepared by Douglas Partners (37253.21) dated May 2014 was also submitted with the application to address requirements of the Thiess Services EMP and ensure integrity of the site during and after construction activities.

Noting the abovementioned commentary the site is considered suitable for the uses proposed.

#### **4.3.3 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP**

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

Pursuant to clause 16 the zoning of the waterway within which the overwater lookout platform is to be located is identified as W5 – Water Recreation. Objectives for this zone are as follows:

- (a) to give preference to and increase public water-dependent development so that people can enjoy and freely access the waters of Sydney Harbour and its tributaries,*
- (b) to allow development only where it is demonstrated that the public use of waters in this zone is enhanced and will not be compromised now or in the future,*
- (c) to minimise the number, scale and extent of artificial structures consistent with their function,*
- (d) to allow commercial water-dependent development, but only where it is demonstrated that it meets a justified demand, provides benefits to the general and boating public and results in a visual outcome that harmonises with the planned character of the locality,*
- (e) to minimise congestion of and conflict between people using waters in this zone and the foreshore,*
- (f) to protect and preserve beach environments and ensure they are free from artificial structures,*
- (g) to ensure that the scale and size of development are appropriate to the locality, and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or from areas of public access.*

The proposed structure is considered consistent with the abovementioned objectives and pursuant to clause 18 is a permissible use, defined as a 'Public Water Recreation Facility' which means *'a pier, wharf, boat shed or other waterfront structure that is primarily used for public recreation'.*

Clause 20(a) states that consent authorities must take into consideration the matters in Division 2 prior to the granting of consent. Assessment in response to considerations is provided below:

- *Clause 21 Biodiversity, ecology and environment protection*

The proposed development is not likely to have any impact on the quality of water entering the waterway or upon terrestrial and aquatic species, populations and ecological communities.

- *Clause 22 Public access to, and use of, foreshores and waterways*

The proposed development is considered to maintain and improve public access to and along the foreshore in the form of the proposed pathway and overwater lookout platform. This is not foreseen to have any adverse impact on watercourses, wetlands, riparian lands or remnant vegetation.

- *Clause 23 Maintenance of a working harbour*

The proposed development will not impact upon the character and functions of a working harbour.

- *Clause 24 Interrelationship of waterway and foreshore uses*

The proposed development will not affect the interrelationship and indeed is likely to enhance the interrelationship of the waterway and foreshore uses.

- *Clause 25 Foreshore and waterways scenic quality*

The scale, form, design and siting of the building as viewed from the waterway is generally considered acceptable and will not compromise the scenic quality of the waterway.

- *Clause 26 Maintenance, protection and enhancement of views*

The proposed development will maintain, protect and enhance views (including night views) to and from Sydney Harbour. In this regard the design of the structure, its minimal height and the retention of significant areas of open space to its perimeter are all considered positive impacts on the waterway.

- *Clause 27 Boat storage facilities*

No boat storage facilities are proposed within the subject development application, and the proposal will not affect any existing boat storage facilities.

#### **4.3.4 City of Canada Bay Local Environmental Plan 2013**

The site consists of land zoned B1 'Neighbourhood Centre' and RE1 'Public Recreation' under the Canada Bay Local Environmental Plan 2013 (CBLEP). The proposed development comprises land uses defined as a 'community facility', 'food and drink premises' and 'recreation areas' which are all permissible within respective zones under Part 2 of the CBLEP subject to consent.

##### *Clause 4.3 Height of Buildings*

Pursuant to sub clause (2) the maximum height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map which is **12m**.

The existing ground level on the site, as noted on the survey prepared by Denny Linker & Co. dated 10 January 2014 submitted with the application ranges from approximately RL 4.0m to RL 5.2m.

The highest point of the building is RL 11.48 (7.82m) measured to the top of the projecting feature (skylight) of Building C which is substantially lower than the maximum 12m height limit.

##### *Clause 4.4 Floor Space Ratio*

Pursuant to sub clause (2) the site is not provided with a maximum floor space. Nevertheless the proposal is considered to remain consistent with primary objectives of sub clause (1) which seek to ensure that buildings are compatible with the bulk and scale of desired future character of the locality, provide suitable balance between landscaping and minimise the effects of bulk and scale of buildings.

##### *Clause 6.1 Acid Sulfate Soils*

Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works, except as provided by this clause. The site is identified as Class 2 as follows:

*Works below the natural ground surface.*

*Works by which the watertable is likely to be lowered*

Subclause (3)(a) states that development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual*



A Geotechnical Investigation prepared by Douglas Partners (37253.21) dated 12 May 2014 was submitted with the application. In respect to Acid Sulphate Soils the report provided the following:

*As discussed previously, the remediation works on the site are likely to have removed any potentially acid sulphate-affected soils (i.e. alluvial soils) that may have been present on the site. The risk of acid sulphate soils being present on the site is therefore limited to the possibility that untreated alluvium was re-placed as filling. This will need confirmation during further investigations.*

*However, it is known that the capping material is not acid sulphate soil as the remediation requirement was that the capping be virgin excavated natural material (VENM). As excavations will ideally be limited to the capping material and displacement piles will ideally be used to support the buildings, the presence of acid sulphate soils will not have an impact on the proposed development works. On the basis of our knowledge of the site, it is unlikely that acid sulphate soils will be present in any case.*

Compliance with findings of the Geotechnical Investigation are conditioned.

#### **4.4 Non-Statutory Planning Policies**

##### **4.4.1 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005**

The Sydney Harbor Foreshores and Waterways Development Control Plan (SHFDCP) provide detailed guidelines for development and criteria for natural resource protection.

The DCP identifies the site as being Landscape Character Type 15.

The Statement of Character and Intent is as follows:

*These areas have a high level of built form characterised by industrial and institutional uses in the foreground and residential development in the background. Part of the Parramatta River Regional Park is located within this landscape.*

*Development is suitable for these areas provided the following issues are taken into consideration:*

- *The contribution industrial uses make to the economics and vitality of the river and their need for location on the water's edge;*
- *Establishment of open space and recreational opportunities;*
- *Mitigating against incompatible land uses; and*
- *Preserving the mangrove screening along the foreshore and reducing the stark contrast of built elements behind these natural features.*

Performance Criteria of any development within this landscape is to satisfy the following:

- *The industrial uses along the river are maintained and preserved. Pressure for these uses to relocate is minimised;*
- *Design and mitigation measures are provided between incompatible land uses to minimise noise and amenity impacts;*
- *Remaining natural elements along the foreshore are preserved to maintain the natural screen along the foreshore; and*
- *Vegetation is integrated within the development to minimise the contrast between natural and built elements.*

Since adoption of the SHFDCP in 2005 the Rhodes Peninsula has changed significantly with previous industrial uses phased out, land remediated and medium density residential land uses developed. In respect to the above performance criteria the proposal is considered acceptable with most notably desirable open space areas and landscaping provided throughout the site.

Section 4 of the SHFDCP provides design guidelines for water based and land / water interface developments which in this instance relates to the proposed overwater lookout platform. Whilst there is no specific design criteria applicable the proposal is considered to remain consistent with sections 4.2, 4.3 and 4.4 which provide requirements in respect to general built form and foreshore access.

Section 5 of the SHFDCP provides design guidelines for land based development and relates to the proposed community facility as follows:

#### *Section 5.2 - Foreshore Access*

*Most desirable are foreshore links joining public open spaces or access points. They can be obtained by right of way or dedicated or acquired strips of land and may link with tracks across beaches and rock platforms. Where foreshore access cannot be achieved, a linkage through adjacent streets is usually possible.*

Comment - The proposed development retains the existing public foreshore access forward of the site that extends along the entire western boundary of the Rhodes Peninsula fronting Homebush Bay.

#### *Section 5.3 - Siting of Buildings and Structures*

*Most Council's around the foreshores have set foreshore building lines governing the setback of structures from the waterway. In addition to these foreshore building lines, the following criteria should be observed when siting buildings and structures:*

- *where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbing it;*
- *buildings should address the waterway;*
- *buildings should not obstruct views and vistas from public places to the waterway;*
- *buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP; and*

Comment - The proposed development in respect to its location is consistent with that envisaged within the Rhodes West Development Control Plan, contained within Lots 310 and 312. There is no applicable foreshore building line or setbacks though the location of the building provides an appropriate address to the waterway; does not unreasonably obstruct views/vistas of the waterway and does not compromise landmarks and features identified on maps accompanying the DCP.

#### *Section 5.4 - Built Form*

*Buildings and other structures should generally be of a sympathetic design to their surroundings; well designed contrasts will be considered where they enhance the scene. Many Councils have development controls governing built form and the heights of buildings. The following guidelines are designed to reinforce the local requirements:*

- *where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting;*
- *where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees;*
- *while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs;*
- *walls and fences should be kept low enough to allow views of private gardens from the waterway;*
- *bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the water. Australian Standards AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting should be observed;*
- *use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied;*
- *colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3 of this DCP;*
- *the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements; and*
- *the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features,*

Comment - Scale, form, design and siting of the building as viewed from the waterway is generally considered acceptable. Effective articulation is provided with colours, materials and finishes sympathetic to surrounds.

## Section 5.6 - Planting

*Vegetation in the form of bushland, remnant native species and cultural planting has important ecological and landscape values that require protection and enhancement. The following criteria should be addressed when providing landscaping for developments:*

- *appropriate species from those found in the surrounding landscape should be incorporated;*
- *endemic native species should be used in areas where native vegetation is present or has the potential to be regenerated;*
- *exotic species that have the potential to spread into surrounding bushland should be avoided;*
- *existing mature trees should be retained where possible and incorporated into the design of new developments;*
- *vegetation along ridgelines and on hillsides should be retained and supplemented with additional planting to provide a backdrop to the waterway; and*
- *a landscape plan is to be submitted with any land-based development proposal showing existing and proposed changes in contours, surface and sub-surface drainage, existing trees to be retained and removed, measures to protect vegetation during construction, and proposed planting including species and common names.*

Comment - A comprehensive landscape plan accompanied the application and depicts extensive planting to all elevations of the proposed built form. Existing vegetation within the foreshore park is retained and also supplemented by additional planting.

The reconfiguration of Shoreline Drive requires the removal of number of existing trees though in this regard replacement planting consists of native species, being Eucalyptus maculata (spotted gum).

### 4.3.2 Rhodes West Development Control Plan 2011

The Rhodes West Development Control Plan 2011 (RWDCP) superseded the Rhodes Peninsula Precinct B Masterplan 2005 which provided development standards for works within Rhodes West.

The table below provides an assessment of the proposal against general applicable provisions:

Section	Control	Compliance
<b>PART 4: GENERAL CONTROLS</b>		
<b>4.2 Public Domain</b>		
4.2.2 Elements of the Public Domain	<p>C1 Provide a continuous pedestrian network through the streets, parks and public rights of way</p> <p>C2 Connect the regional pedestrian network by linking to the Bicentennial Park path system at the southern end of the Peninsula, and to Blaxland Road to the north</p> <p>C11 Avoid ambiguity in the design of public spaces and secondary streets, particularly at parks, entrances and areas with a strong built edge and residential presence</p> <p>C14 Provide high levels of lighting in areas of concentrated car parking, pedestrian/vehicle laneways, and at interface between buildings and streets in commercial / retail areas.</p> <p>C18 Integrate design for equal access into the design of streets and open spaces.</p>	<p>✓ Continuous pathways provided throughout site</p> <p>✓ Foreshore walk is retained</p> <p>✓ Design of public spaces and access points are open and readily identifiable</p> <p>✓ Effective lighting to be provided throughout site</p> <p>✓ Access report submitted with the application and compliance conditioned</p>

4.2.3 Cycle Strategy	<p>C1 Provide a cycle network through the public streets and the foreshore park</p> <p>C6 Provide lockable bicycle storage at Rhodes Station, the retail centre, and in publicly accessible facilities.</p>	<p>✓ Proposal provides for the desired cycle links.</p> <p>✓ Bicycle parking provision is conditioned in accordance with the Canada Bay DCP.</p>
4.2.8 Street furniture, paving and lighting	C7 For parks, establish a simple palette of materials that reflections the streetscape palette, unifies the range of spaces within the public domain, reinforces hierarchies and details within the spaces and responds creativity where relevant to heritage themes associated in the area.	✓ Submitted schedule of colours and materials depicts appropriate finishes.
4.2.9 Water/land interface	<p>C1 Substantially retain strong edge to Homebush Bay in its present shape, as a reference to industrial heritage, and to preserve the relationship with the opposite shore of Homebush Bay.</p> <p>C3 Treatment of the water edge should not restrict views from the public domain. In areas where seating along or in proximity to the edge is an element of park design, provides views from the seating areas</p>	<p>✓ Strong edge to Homebush Bay retained with overwater lookout only slightly altering visual built form / shape.</p> <p>✓ Treatment of water edge is considered to facilitate additional views of the Bay.</p>
4.2.11 Public Art	C2 All development proposals must include a public art strategy including how proposed public art has been selected to suit the historic, environmental and social contexts of Rhodes West and how it contributes to a unique sense of place, with cost estimates and information on the car and maintenance requirements	✓ In respect to Public Art Brook Andrew has been commissioned by Council to create an integrated artwork for the Community precinct called ' <i>In Motion</i> '.
4.2.17 Foreshore Park	<p>This park forms a spatial break in the Foreshore Reserve and caters for informal active recreation. Riparian zone planting should continue along the foreshore strip with gaps for views through to the water and Sydney Olympic Park/Wentworth Point. The park is to be a well-vegetated, predominantly green space, with potential for play facilities for youth and children.</p> <p>The indicative landscape concept design for Foreshore Park is arranged with five elements: (1) Gauthorpe Plaza, (2) The Vista, (3) The Community Centre, (4) The Foreshore Walk and (5) The themed vegetation as follows:</p> <p><u>Gauthorpe Plaza:</u></p> <p>Gauthorpe Plaza is a paved area located at the interface of Gauthorpe Street with Homebush Bay and the springing point for future Homebush Bay Bridge. It is designed to capture views out over the bay. This space will be an active space with development in the northern side of the plaza as a preferred location for non-residential uses. The southern side of the plaza is where the community facility will be site, with active uses such as a café or restaurant orientated to the north overlooking the plaza. An observation tower is proposed to be located at the bend in the foreshore line with potential views up and down the Bay.</p> <p><u>The Vista:</u></p> <p>The vista looking south west from Shoreline Drive across Foreshore Park to Homebush Bay and beyond to the iconic structures in Sydney Olympic Park is to be maintained through the careful siting of the community facility and in the landscape design that avoids visual obstruction.</p> <p><u>The Community Centre:</u></p> <p>The community facility will be a 2 storey building which is to be accessed off a forecourt with a frontage to Shoreline Drive. The building may extend out to the water, whilst</p>	<p>A 'civic park' and elevated open space area is provided to the northern elevation of the site adjacent to Gauthorpe Street and future bridge connection. This space is located adjacent to the proposed restaurant / café and is elevated above the Bay which in turn provides the desired outlook.</p> <p>Positioning of the community facility is consistent with that envisaged within the DCP and does allow reasonable retention of sightlines. The orientation and design of the facility also provides desirable through links.</p> <p>Proposed building is single storey, provides access via a forecourt to Shoreline</p>

	<p>ensuring that pedestrian/cycleway access is maintained at ground level. Off-street parking, access for service vehicles and drop off-pick up zone for potential child care use and visitors will be provided. The forecourt forms part of the vista described above.</p> <p><u>The Foreshore Walk:</u></p> <p>The central walkway is the unifying element that ties the Foreshore Park concept design together. Side pathways from the main pathway serve other spaces within the park and connect to the car parking spaces along Shoreline Drive and to the foreshore promenade.</p> <p><u>The Themed Vegetation:</u></p> <p>The design of the Foreshore Park is to incorporate a sequence of different types of vegetation. The different types of vegetation includes planting of avenue trees for shade along Shoreline Drive; open landscape quality to the Gauthorpe Plaza and the central walkway as well as open grass areas edged with tree planting.</p> <p>General Controls:</p> <p>C1 provide a minimum of 0.8ha of publically accessible open space in Precinct A and 1.18ha for Precinct B.</p> <p>C2 Provide cycle and pedestrian links to track along Foreshore reserve</p> <p>C3 Ensure accessibility to / from Shoreline Drive</p> <p>C4 Use variety of surface materials for varied recreation</p> <p>C5 Integrate the design of the community centre into the northern end of the Park close to the Gauthorpe Street axis</p> <p>C6 Provide a central walkway diagonally along the alignment of the vista from the north east corner of the park with a minimum width of 5 metres.</p> <p>C7 Retain views from the public domain and built edges</p> <p>C8 Provide level areas for active recreation with multi-purpose uses</p> <p>C9 Provide external break out space associated with commercial uses at edges of park</p> <p>C10 Incorporate landing of the future Homebush Bay pedestrian / cycleway bridge along Gauthorpe Street axis</p> <p>C11 Provide shaded seating/viewing area with facilities for outdoor seating</p> <p>C12 Provide facilities for disabled users</p>	<p>Drive and maintains the existing pedestrian/cycleway access. Parking addressed in section 6 of this report.</p> <p>The proposed application provides appropriate links.</p> <p>A comprehensive landscape plan was submitted with the application and incorporates appropriate plantings throughout the site.</p> <p>✓ Lot size not altered and remains accessible. It is also noted that the site is zoned B1 'Neighbourhood Centre'</p> <p>✓ Effective links provided</p> <p>✓ Proposal is accessible</p> <p>✓ Variety is utilised</p> <p>✓ Community centre has been well integrated</p> <p>✓ Diagonal central walkway provided measures 3.6m due to refinement of design.</p> <p>✓ Views are retained.</p> <p>✓ Level areas are provided and allow for both passive and active recreation.</p> <p>✓ External terraces are provided to each building.</p> <p>✓ Given approval of the bridge its design has been finalised and enabled it to be effectively incorporated.</p> <p>✓ A range of shaded areas and seating is provided.</p> <p>✓ Proposal is accessible.</p>
<b>4.3 Private Domain</b>		
4.3.2 Publically-accessible facilities	C3 To activate the Foreshore Park and Gauthorpe Street extension incorporate non-residential uses into the design of community facility building (i.e. cafes and restaurants).	✓ The community centre incorporates a number of uses within its design
4.3.3 Built Form	C8 To minimise visual impact and optimise views from the	✓ Maximum height 7.82m

	private domain, the community facility building sited within Foreshore Park in Precinct B must not be higher than 12m	
4.3.8 Building Articulation and address	C1 Provide high-quality architecturally designed buildings with highly articulated massing and façade design that enhances the character of Rhodes West	✓ Building is architecturally designed and provides an appropriate massing that is highly articulated.
4.3.12 Acoustic Privacy	<p>C2 The siting and design of buildings should minimise the transmission of noise externally through careful consideration of the layout of internal rooms and external living spaces, design of openings, screens, blade walls, and the like and choice of materials</p> <p>C3 Design restaurants and cafes to minimise impact of late night operation, on nearby residents by using measures such as double glazing and providing outdoor eating areas under awnings to help contain noise to street level.</p>	<p>✓ The facility is limited to single storey. Further its primary orientation towards the waterway is also noted.</p> <p>✓ The café / restaurant are contained in Building A to the north east corner of the development with a primary orientation to the foreshore which provides suitable separation from sensitive residential sites. The Acoustic Report indicates that this element complies with relevant noise criteria.</p> <p>Fit out and use of this area will be subject to a separate application which will also establish operating hours.</p>
4.3.13 Solar Access and Glazing	<p>C1 To create a useable public domain that can be enjoyed by local residents and workers, new development should retain solar access to a minimum of 50% of the area of the neighbourhood open space, urban squares and parks, during lunchtime hours mid-winter (22 June)</p> <p>C2 To protect comfort and safety of pedestrians and motorists, new buildings and facades should minimise glare. Mirror glass is not to be used. A maximum of 20% reflectivity index is permitted for external glazed elements.</p>	<p>✓ Proposal is limited in design to single storey and as such enables compliant solar access to be retained</p> <p>✓ Condition recommended requiring reflectivity of building materials not exceed 20%.</p>
4.3.25 Waste Minimisation, storage and removal	<p>C1 On site storage for waste and recycling facilities must be provided in designated areas for all new developments.</p> <p>C8 A Waste Management Plan is required as part of the development application documents for all developments</p> <p>C9 Plans and drawings of the proposed development that highlight the location of and space allocated to the waste management facilities and the nominated waste collection point must be included in the Waste Management Plan. The path of access for both users and collection vehicles must also be highlighted.</p>	<p>✓ Buildings A, B, C and D provided with waste storage</p> <p>✓ Waste Management Plan was submitted</p> <p>✓ Architectural plans depict areas of waste management</p>

## 5. CONSULTATION AND SUBMISSIONS

### 5.1 Public Exhibition Details

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

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

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

- Made the Application publicly available from **8 July 2014 to 7 August 2014** (min 30 days)
  - On the Canada Bay Council website;
  - At the Canada Bay Council Administration Office
- Notified local landowners and residents of proposal (and exhibition period) - 1600 letters sent;
- Signage was placed on the development site

A site inspection as detailed within section 6 of this report occurred on the 9 October 2014 of those properties potentially impacted in terms of view loss and enabled additional modelling to be undertaken. Additional information was submitted by the applicant on the 5 December 2014 in respect to view loss and other issues that were raised in submissions. It is noted that the amended plans that formed part of this information related to the redesign of roof skylights and addition of an acoustic enclosure around kitchen exhaust (in accordance with a recommendation of the Acoustic Report). Additional elevations were also submitted to more accurately detail the development with RL's provided depicting the highest point of each building (building sizes and locations were not changed). Minor alterations were also made in respect to size of glazing, timber batten / cladding profiles etc.

Further notification was sent to those properties that had previously provided a submission on the 9 December 2014 for a fourteen (14) day period. An internal systems upgrade unexpectedly impacted upon the Canada Bay Council website and as such the additional information provided could not be viewed on the 'DA Tracking Tool'. This technical issue was resolved on 6 January 2015 and a further twenty eight (28) days afforded to the submitters to enable review of the information (letters were sent on the 7 January 2015 detailing this).

## **5.2 Submissions from Public Authorities**

### **5.2.1 NSW Department of Environment, Climate Change and Water (DECCW)**

Under section 91 of the Environmental Planning and Assessment Act 1979, the proposed application was lodged as 'Integrated Development' requiring a Controlled Activity Approval under the Water Management Act 2000 to be issued by the NSW Office of Water. Accordingly the application was referred to the NSW Office of Water on the 16 July 2014. Correspondence was received on the 23 October 2014 citing an exemption from the need to obtain a controlled activity approval under clause 38 of Water Management (General) Regulations 2011 as the applicant (Council) is a public authority.

## **5.3 Internal Referrals**

### **5.3.1 Stormwater Management**

Council's Stormwater Engineers reviewed the application and raised no objections subject to conditions which have been incorporated within the recommendation of this report.

### **5.3.1 Traffic Engineering**

Council's Traffic Engineers reviewed the proposal and raised no objection to the finding of the submitted Traffic Report. A number of conditions were also provided and are incorporated.

### **5.3.3 Parks Management**

Council's Parks Management Coordinator reviewed the application and raised no objections in principle. It was suggested that *Poa labillardieri* (Tussock Grass) be removed from the indicative plant schedule (enforced via a condition).

### **5.3.4 Environmental Health**

Council's Environmental Health Department reviewed the proposal and provided a number of conditions which have been incorporated with the recommendation of this report.

## **5.4 Public Submissions**

In response to the initial public notification of the application, eleven (11) submissions raising objection as well as two (2) submissions of support were received. A number of further submissions were also



received in respect to the additional notification. Key issues that were raised have been outlined and addressed below with a list of submitters and their objections provided to the JRPP.

#### Incompatibility with other Documents

*...prior planning documents indicated that the land on which the community centre is proposed would be retained as open community park land and would be used for outdoor community facilities including tennis courts and a playground (modification application 89-4-2005). The site has historically been labelled as a "community lot" and the "community precinct"; titles that do not denote for buildings.*

*...the land was marked for "Open Space" or "Open Public Space" within a number of documents. There was never an agreement to build a Community Centre on this land. The Rhodes Peninsula DCP identified the land as "Public Open Space" (pages 24, 53 & 57). Sydney Regional Environmental Plan No. 29, Rhodes Peninsula Amendment No. 1 (dated 20/11/01) shows the land as "Open Space".*

*...the Rhodes West Development Control Plan is the first to mention a 'community centre' and the document itself is not clear in this regard. Illustrations provide show completed and future construction. Images in the Rhodes West DCP illustrate that the community centre site was depicted as open community park land.*

**Comment** – As outlined within the 'Background' to this report a number of consents were previously issued by the now Department of Planning as well as Council. The consents all alluded to the fact that the site was to be utilised as a community use of some sort. As previously outlined the final Modification to DA 89-4-2005 (603/08) approved by Council on the 16 January 2012 removed all infrastructure from the community lot in lieu of lawn. The reasoning for this was that it enabled the previous owner (Renewing Homebush Bay) to finalise infrastructure works for which they were responsible and dedicate the site to Council. Further, Council was intending to commence the tender process for the design of the community precinct, and this would enable a greater time frame and more detailed overall planning for the community precinct to be undertaken.

The subject facility had been previously highlighted in a number of previous planning documents that have since been superseded including that of the 'Rhodes Peninsula Precinct B Master Plan' February 2005. On the 8 December 2009, the City of Canada Bay Council also endorsed the draft Rhodes West Master Plan which proposed 12% uplift in the amount of floor space permitted in the Rhodes Peninsula under Sydney Regional Environmental Plan 29 (SREP 29). Under this document intended development upon the subject site was depicted as 'community facility'.

Amendment 1 to the Canada Bay Local Environmental Plan 2008 was gazetted on the 20 April 2011 and endorsed a B1 'Neighbourhood Centre' zone and 12m height limit for the site. The Rhodes West DCP 2011 also became effective on this date and implemented provisions of the previous Master Plan. The Rhodes West DCP 2011 depicts the centre on many plans though has not included it on the 3D modelling images primarily in the absence of site specific design criteria (outlined in section 5).

An assessment of the proposal against all applicable planning legislation has also been provided within this report and the built form proposed is considered acceptable.

#### View Loss

*...the construction of the community centre will adversely affect the townhouses and ground floor apartments located on the Eastern side of Shoreline Drive. By Council's own admission these properties will lose valuable water views of Homebush Bay, in some cases 100% loss of views.*

*...any partial or entire obstruction of existing water (Parramatta River) and open space (Rhodes Playground) views will create a negative psychological impact.*

**Comment** - This issue is addressed in detail within section 6 of this report.

#### Streetscape / Design

*...the site is full of white apartments with a modern outlook. The community centre is old style with tiled roof and brick walls. This is a total unfit for the area and absolutely does not help the streetscape.*

**Comment** - A competitive design process was undertaken for delivery of the Community Centre, involving four contenders. The proposed design was favoured by the community. Finishes of the centre do not mimic the predominant white render of many surrounding buildings though in this regard limited bulk and scale, level of articulation and the varied material and finishes schedule proposed will enable it to be effectively integrated into the streetscape and make a positive contribution within the context of surrounding development.

#### Existing Site Conditions / Building Height

*...the existing ground level of the site was recently created by council. There was no reason or justification for raising the level of the ground. Previously the land sloped nicely towards the water.*

*...council has already raised the floor of the site in excess of 7 metres after the remediation.*

*...the proposal negates community consultation process with regards to the proposed height of the building (over 10m proposed, where 5-6m max was stated during the concept stage). Council has already raised the height of the parcel by 4m with installation of a large retaining wall on the foreshore.*

**Comment** - During soil remediation works conducted by Thiess Services Pty Ltd, contaminated and / or remediated soil and rock, excavated from elsewhere on site, was used as fill. Sectional detail provided in the Thiess Environmental Management Plan indicates that the bottom of the maintenance layer varies from RL 2.09m to RL 3.2m across the site with the design surface 1m above this point.

The final levels that exist on the site today were approved under DA 89-4-2005 which related to open space and public domain works. Finished levels are clearly depicted on the final modification plans which were approved by Council on the 16 January 2012. This enabled the site to adopt a level similar to the Shoreline Drive frontage with only a slight fall towards the Bay.

In respect to building height the definition provided by the Canada Bay Local Environmental Plan 2013 provides ‘...the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like’.

Accordingly the maximum building height (as measured to the top of the skylights and acoustic enclosure) for all buildings is between 6.5m and 7.82m above ground levels currently existing on the site and which existed on the site at the time that the Canada Bay LEP 2013 was gazetted adopting the current definition of building height. All buildings are therefore well below the maximum 12m height limit that applies under the Canada Bay LEP 2013.

#### Traffic and Parking

*...the traffic requirements for the DA were never flagged in the Transport Management Plan (TMP) and development plans. A TMP approved by the NSW Minister for Urban Affairs and Planning prior to 2003-04 required a provision for basement car parking in residential, retail and commercial buildings. At present, resident car parking occupies the entire available street parking at all but office times. The proposal adds unbearably to the existing traffic and parking chaos.*

*...additional restaurants and other buildings near the community centre will increase the parking problem in Rhodes. Parking on Shoreline Drive is an existing problem because of the high density residential and commercial buildings in the area. Anything additional will exacerbate the problem.*

*...there are serious constraints with only 2 ingress and egress points to the Rhodes Peninsula. There is no spare capacity for these limited ingress and egress points to take on more traffic.*

*...angled parking will have the effect that vehicles using such parking will shine reverse lights and headlights into the living rooms of the townhouses and lower level apartments on Shoreline Drive.*

*...as proposal includes commercial ventures such as cafe and function facilities, the site will be used until late into the evening. Noise and light created using angled parking will be totally unacceptable.*

**Comment** - This issue has been addressed in detail in section 6 of this report.

In respect to headlight glare the reconfiguration of the road reserve introduces angled back to kerb parking in sections along Shoreline Drive. It is noted that the townhouse dwellings opposing the development contain ground floor levels that are located on an elevated podium. Noting this as well as proposed planting that is to be incorporated within the central and eastern verges of Shoreline Drive, any impact will be minimised.

#### Similar Existing Facilities

*...there are already other options to serve the community; the community wants open public space and not a built form. There are 25 community activity centres available within 5 to 15 minutes from the Rhodes Peninsula. There are 4 libraries within easy reach of the Rhodes Peninsula. There are already 10 community centres within the Canada Bay Council controlled areas. There is an existing Rhodes Community Centre at 63 Blaxland Road that is capable of providing space for 60-100 people in one room and 30-40 in another and this centre has plenty of scope for redevelopment.*

**Comment** - It is noted that there are a number of other community facilities located within relatively close proximity of the subject site as outlined above. However Canada Bay Council has identified the need for additional services to provide for the growing population of the Rhodes Peninsula.

The following is an extract from The City of Canada Bay Community Facilities Resourcing Strategy:

*The Community Development Plan prepared by the NSW Department of Planning in relation to social infrastructure in Rhodes West identified a range of existing community facilities and services in the area, and identified deficiencies with these to support the future population. The Plan identified the limited activities and services for young people in the Rhodes area and the need for some formal and informal recreational facilities. These community facilities and infrastructure were incorporated into the Contributions Framework Plan. The Plan identifies that the area has good access to major educational and health facilities and sporting facilities at Sydney Olympic Park that are of State and National importance. However, there are relatively few local public or community facilities in the nearby area.*

*The Rhodes West Master Plan 2009 was prepared on behalf of Mirvac, Renewing Homebush Bay, Billbergia Developments and Meriton in response to a request from the City of Canada Bay (Council) to supplement the Rhodes Floor Space Review submission prepared by Architectus dated March 2009. Key elements of the Rhodes West Master Plan and associated voluntary planning agreements, which relate to the scope of this strategy include:*

- *...A \$13 million multi-purpose community facility.*

#### Safety and Security

*...because no fences are proposed around the buildings and because of the way that the buildings are designed, anybody can use the areas around the buildings day and night and could not be seen from the street. To prevent vandalism and unsocial behaviour the designs should be altered and there should be a boundary fence and/or 24/7 security.*

**Comment** - In respect to safety/security Crime Prevention Through Environmental Design (CPTED) aims to reduce crime and change perceptions of crime through changing the physical environment. It provides four (4) principles used in assessment of development applications to minimise opportunity for crime. These are Surveillance, Access control, Territorial Reinforcement and Space Management

In respect to the subject proposal, consideration has been given to incorporation of these principles noting readily identifiable access points and entrances to buildings as well as the retention of clear sight lines that also minimise concealment opportunities. Technical and passive surveillance will be provided as well as lighting, legibility, accessibility, and space management. It is also noted that the site is adjoined by a multi-storey residential development with many apartments overlooking the site providing significant opportunities for passive surveillance.

#### Pedestrian Safety

*...crossing Shoreline Drive is difficult and extra traffic will make it even harder. Suggestions made to address the issue are to include two pedestrian crossings; one from the river walk across Shoreline*

*Drive to get to the crossing at Rhodes shops, and the other in close proximity to the council facilities allowing visitors to cross safely.*

**Comment** - In respect to pedestrian safety a suitable condition has been recommended requiring that the proposed reconfiguration of the road reserve be considered by the Local Traffic Committee, which will include review of pedestrian safety i.e. pedestrian crossings as well as other aspects.

#### Restaurant / Café

*...restaurants and cafes are not community beneficial, just Council beneficial because there are already plenty of restaurants in Rhodes but not enough open parks;*

*...there are already enough restaurants and cafes along Walker Street, Mary Street and Rider Boulevard and within the Rhodes waterside centre. There is no case for any further under the pretext of some kind of Community Service or Centre;*

*...restaurants and cafes are not a community centre activity.*

**Comment** - The site upon which the proposed building is to be located is zoned B1 'Neighbourhood Centre' under the Canada Bay Local Environmental Plan 2013 (CBLEP). The proposed development comprises land uses defined as a 'community facility' and 'food and drink premises' within this area, which are permissible under Part 2 of the CBLEP subject to consent.

The Rhodes West DCP depicts the site as a 'community facility' in many maps though specifically section 4.3.2 (C3) 'Public-accessible facilities', provides that 'to activate the Foreshore Park and Gauthorpe Street extension incorporate non-residential land uses into the design of the community facility building (i.e. cafes and restaurants)'.

#### Approval from RMS and NSW Office of Water

*Approval by the Roads and Maritime Services (RMS) or that of the NSW Office of Water was not attached to the Development Application.*

**Comment** - A copy of the proposal was provided to RMS on the 27 June 2014 prior to formal lodgement of the application in accordance with clause 49(2)(a) of the EP&A regulations.

RMS have advised that they raise no specific concerns in respect to merits of the proposal, however did outline that if the application is approved Council would be required to enter into a tenure agreement with RMS with regard to any structures that are to be built over the waterway (i.e. works below the Mean High Water Mark). An advisory note is provided in this regard.

Under section 91 of the Environmental Planning and Assessment Act 1979, the proposed application was lodged as 'Integrated Development' requiring a Controlled Activity Approval under the Water Management Act 2000. Accordingly the application was referred to the NSW Office of Water on the 16 July 2014. Correspondence was received on the 23 October 2014 citing an exemption from the need to obtain a controlled activity approval under clause 38 of Water Management (General) Regulations 2011 as the applicant (Council) is a public authority.

#### Contamination

*...land was the most toxic land in New South Wales. The toxic waste on the land and in the harbour had unacceptably high levels of dioxin and other chemicals. The water remains contaminated today;*

*...contamination issues hang in the background of platforms extending into the contaminated waters.*

**Comment** - As outlined in response to SEPP 55, Site Audit Statements have been issued for the site and the Environmental Protection Authority (EPA) also provided comment and raised no objections.

A draft Construction EMP prepared by Douglas Partners (37253.21) dated May 2014 was also submitted with the application to address requirements of the Thiess Services EMP and ensure integrity of the site during and after construction activities.

The proposed 'overwater lookout platform' extends over Homebush Bay. It is elevated and does not provide direct access to or any greater interface with the water than the existing foreshore walk.

### Council Uses

*...council staff offices must not occupy main waterfront areas of Sydney and the use by Council staff, in any shape or form, is not use by Community.*

*...community buildings must not house 15 Council staff.*

**Comment** - A Council office / meeting room and staff amenities are provided within Building B. A room located in Building D is also allocated to Council's Parks Team and provides for one (1) enclosed car parking space and is utilised in conjunction with maintenance requirements. It is noted that the two of these buildings are located on the eastern side of the development and do not front the foreshore.

Given the nature of the building and its use there will be a need for the employment of individuals to provide for the proposed services that will ultimately benefit the community.

### Noise

*...the DA does not comply on account of noises made by the use of the community centre including, but not limited to: patron use, restaurant and café noise until late at night, parking noises, event functions, waste removal vehicles, etc. Construction of the built form will add noise, pollution and dust*

**Comment** - A detailed Acoustic Report was provided with the application the findings of which have been outlined and discussed in section 6 of this report. Appropriate conditions are recommended in respect to construction activities as well as the ongoing operation of the facility to control potential impacts upon the amenity of surrounding residents.

A separate development application will be required for the proposed café / restaurant and will provide the opportunity to address matter such as operating hours etc.

### Loss of Open Space

*...this area is not just for immediate residents but also for the greater community to enjoy. It is a lively area by the water and it is our assertion that a public green space would be much more valuable to the community as a whole rather than a more specifically targeted centre as is being proposed by Council.*

*...we need a park in the middle of many high rise buildings. We don't need another building.*

**Comment** - It should be noted that the subject site is not zoned RE1 Public Recreation (open space) rather it is zoned B1 'Neighbourhood Centre' and whilst it is currently vacant, providing a relatively flat and open grassed area it has for some time been intended to be utilised for a community facility.

Council has endeavoured to significantly increase the amount of open space available to residents in Rhodes through Voluntary Planning Agreements. Of recent times, these Agreements have resulted in large areas of open space being established as a result of residential and mixed use developments.

### Property Value

*...the loss of valuable water views and the shoreline from townhouses and ground floor apartments located on the Eastern side of Shoreline Drive will result in a negative impact on property values.*

*...if approved, development will severely affect prices of affected properties ...It is clear that when these homes were constructed and purchased, the site was destined for outdoor community facilities.*

**Comment** - The impact on individual property values is not a planning consideration. Rather the application has been considered against the applicable planning framework as detailed in this report.

### Berger War Memorial

*...take opportunity to bring the Berger War Memorial back to a location in the vicinity of the community centre, so that new residents can join with other residents who have lived in the area longer, to commemorate the services and sacrifices of Australians during WW1, in a multi-cultural setting.*

**Comment** - This memorial is made up of two parts, a large stone seat next to a stone monument with three levels, a sun dial on the top and several metal plaques around the monument. It is currently located within Queen Elizabeth Park in Concord. The subject request to relocate this memorial does not specifically relate to the application at hand though it is noted that conservation works for the Centenary of Anzac are being undertaken with the relocation issue previously raised with Council.

## 6. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following is an assessment of the proposal against heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 - predominantly Section 79C(b) Likely Impacts of the Development. Issues discussed are limited as many other considerations have been previously addressed in section 3 of this report in response to provisions of environmental planning instruments.

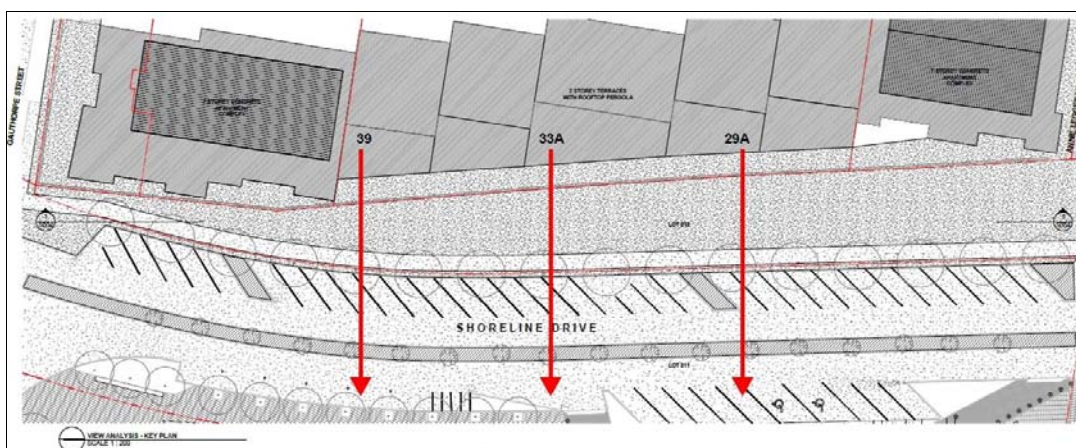
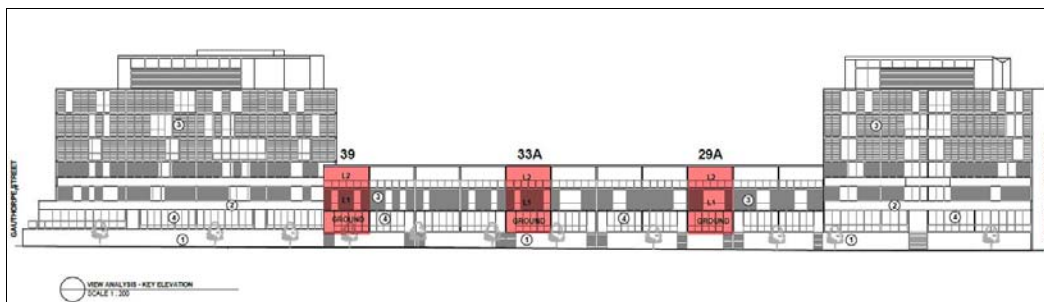
### 6.1 View Corridors / View Sharing

Given the location of the site upon the foreshore, topography and existing built form that surrounds, view loss is likely and in this regard a number of submissions were received raising objection. Properties included 27, 29, 29A, 33, 35, 37, 37A and 39 Shoreline Drive (townhouses) opposite the subject site on the eastern side of Shoreline Drive. Unit 701/36 Shoreline Drive situated within the Monaco building to the north of the subject site also objected on the basis of view loss.

The submitted Statement of Environmental Effects that was initially lodged with the application provided a View Corridor Analysis at Appendix J in plan which was based upon surveyed levels.

Given submissions that were received a site inspection was carried out on the 9 October 2014. Council's Manager Statutory Planning, architect from Crone Partners, planning consultant from Urbis were present and accompanied by several objectors whilst four of the townhouses that front Shoreline Drive, being 29A, 33A, 35 and 39 Shoreline Drive were inspected. Unit 701/36 Shoreline Drive was also to be inspected though the owner was not available and access not achieved.

Following the site inspection, photomontages were prepared by the applicant depicting existing views and the likely impact of the proposed built form. Given the similar layout and elevation of the row of eleven townhouses fronting Shoreline Drive the applicant prepared the submitted photomontages from three that were visited (29A, 33A and 39 Shoreline Drive) to provide a balanced assessment. The photographs were taken from external terrace areas located on the elevated ground floor, first floor and roof top of each property. Plan and elevation detail provided by the applicant is depicted below.



### Development to the North

The site to north is known as the 'Monaco' building (36 Shoreline Drive) and will be separated from the subject site by the Gauthorpe Street extension and Homebush Bay bridge connection. A large commercial space is located in the south east corner of this development with elevated floor to ceiling levels. Residential apartments located above this level are afforded direct views to the open space and oblique views of Homebush Bay. Noting the elevation these apartments and limited overall height of the proposed facility, view loss experienced by this development is considered to be limited.

A submission was received from Unit 701/36 Shoreline Drive and as detailed above an inspection was not undertaken. It is however understood that this unit is elevated within the subject building and as such the proposed built form is not considered to compromise the current outlook experienced.

### Development to the East

Development located on the eastern side of Shoreline Drive opposite the subject site forms part of the development originally known as 10 - 16 Marquet Street which contains a number of buildings. It provides a seven (7) storey residential flat building to its northern boundary adjacent to Gauthorpe Street, eleven (11) two storey townhouse style dwellings with roof top terrace areas (now numbered to Shoreline Drive) within the central section with a further residential flat building of seven storeys in height to the southern section. Ground floor levels are elevated above Shoreline Drive upon a podium.

Given the design and positioning of the community facility the central row of townhouses are deemed to be those properties most impacted by view loss and this has been reflected in submissions received by Council to date. Lower levels of the two adjoining residential flat buildings would also be impacted to a certain degree though in this regard no submissions from these properties were received.

Due to the fact that the subject site, more specifically Lot 312 is vacant each of the townhouses experiences unobstructed views of Homebush Bay and the opposing foreshore of Wentworth Point.

#### *Townhouses (Eastern side of Shoreline Drive)*

Views from elevated ground floor terraces which are adjacent to the main living areas of the dwellings will be obstructed by the proposed built form. Those townhouses situated to the north and south of the row will retain partial filtered views through vegetation towards Homebush Bay beyond the northern and southern edges of the proposed built form respectively.

Views from first floor terraces which are associated with the main bedrooms of the dwellings will be impacted such that only a glimpse of Homebush Bay and the Wentworth Point foreshore will be retained looking directly out from each of the dwellings over the proposed built form. The townhouses to the southern component of the row are likely to retain views in a south westerly direction over Foreshore Park and Homebush Bay towards Sydney Olympic Park.

Given the elevation of roof terraces to each of the townhouses and limited overall height of proposed built form only immediate views down over the Rhodes Peninsula Foreshore will be compromised. More distant water views of Homebush Bay and surrounding foreshore are retained.

The images below submitted as part of the additional view loss analysis demonstrate the existing and proposed impact from each level of 33A Shoreline Drive. Images from this property have been selected as it is deemed to be one of the dwellings most impacted by potential view loss due to its location, centrally opposing the proposed community facility building and not benefiting as much from the retention of peripheral views.





Existing - Ground Floor Terrace

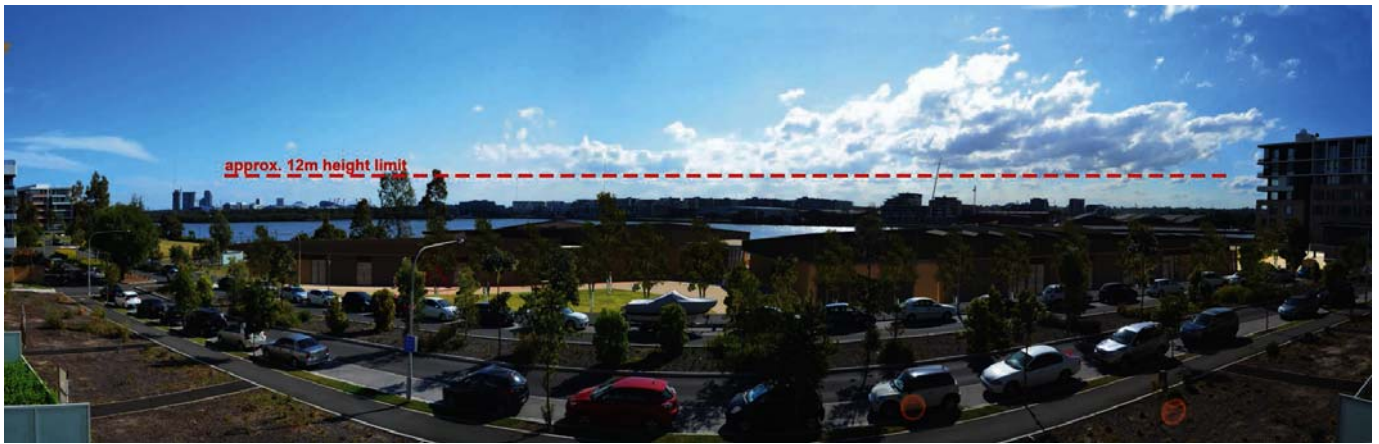


Proposed - Ground Floor Terrace



Existing - First Floor Terrace





Proposed - First Floor Terrace



Existing- Roof Top Terrace



Proposed - Roof Top Terrace

In respect to view loss the provisions of the Rhodes West Development Control Plan 2011 provides little guidance and in this regard an assessment has been provided against the planning principles established in *Tenacity Consulting v Warringah Council*; [2004] NSWLEC 140.

In the aforementioned case, Senior Commissioner Roseth of the Land and Environment Court set out certain planning principles for the assessment of the impact of development on view sharing. The proposed development has been considered against those principles as follows:

1. *Assessment of the value of the view lost. Water views are valued more highly than land views. Iconic views are valued more highly than land views. Whole views are valued more highly than partial views.*

Comment: Due to the fact that the site is vacant the views currently attained from surrounding properties is generally that of unobstructed / whole water views of Homebush Bay and the opposing foreshore. The immediate views are not considered iconic though an outlook is currently afforded at an oblique angle towards Homebush Bay and the former Sydney Olympic Stadiums.

2. *Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. The protection of a view when seated is also more difficult to protect than a view obtained from a standing position. An expectation that a side view across an adjoining property must be protected is generally unrealistic and given limited weight.*

Comment: Properties that are primarily impacted are those located on the eastern side of Shoreline Drive of which currently experience views directly over the frontage and central component of the site.

3. *The impact on views from living areas (particularly kitchen areas) is more significant than from bedrooms or service areas.*

Comment: Views currently attained from the townhouses on the eastern side of Shoreline Drive are from elevated ground floor living areas with adjacent terraces, first floor bedrooms and adjacent terraces as well as from roof top terrace areas.

4. *A development that complies with all planning controls must be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. Where a complying proposal compromises a view corridor which is considered significant under the above tests, would a more skilful design which provides the applicant with the same development potential and amenity and reduces the impact on the views of neighbours, be possible? If the answer to this question is no, then the view impact of a complying development is likely to be acceptable and the view sharing reasonable.*

Comment: View loss in this instance is considered to stem directly from the fact that the site is currently vacant and has been for a number of years. As previously stated the site has been identified for a community facility for many years in both superseded and current planning documents. It is further noted that view corridors are generally attained directly over the central component of the site which is considered to make view retention difficult in light of any redevelopment / built form.

Following gazettal of Amendment 1 to the Canada Bay Local Environmental Plan 2008 (20 April 2011) the site adopted a B1 'Neighbourhood Centre' zone with a 12m height limit also applied. In this regard the Rhodes West Development Control Plan 2011 is silent in respect to numerical provisions though section 4.2.17 identifies the community facility as being of two storey construction.

As previously outlined the design of the proposed community facility was selected via a community consultation process and the low lying single storey nature of the subject design was favoured. From a bulk and scale perspective the proposal provides an overall height to Building A of 7.48m as measured to the acoustic enclosure, Building B - 7.07m (skylight), Building C - 7.82m (skylight), Building D - 6.5m (skylight). Further it is noted that the predominant height of each building is approximately 6m.

In summary view loss resulting from the proposed development is considered acceptable and as previously discussed impacts are considered to stem directly from the current vacant nature of the site as opposed to the design which in this instance is considered reasonable and results in a lesser impact than a development that would otherwise be permitted, i.e., two storeys / 12m height.

## **6.2 Traffic Generation and Parking**

Section 4.3.29 of the Rhodes West Development Control Plan 2011 provides parking requirements for development within the Rhodes Peninsula. Given the nature of the proposed development which relates to a community facility with café / restaurant the DCP does not outline specific parking rates.

A Traffic and Parking Report prepared by Taylor Thompson Whiting (131652) dated 25 June 2014 was submitted in support of the application and analysed associated traffic and parking impacts.

In respect to parking the report adopts the RMS Guideline of 15 spaces per 100sqm for the café / restaurant located within building A which based upon the proposed area of 532sqm, equates to 79 spaces. In respect to the remaining 1522sqm contained within Buildings B, C and D the report draws a comparison to that of the North Sydney DCP which it is stated is a similar area with public transport accessibility. The rate applied to recreation facilities was adopted, being 3 spaces per 100sqm which equates to 45 Spaces. As such a total parking demand of 124 spaces is foreseen.



The proposal includes the reconfiguration of Shoreline Drive adjacent to the site. Plans show a divided carriageway with the conversion of existing parallel parking to angle parking. The reconfiguration has enabled the creation of eighteen (18) additional car parking spaces and four (4) motorcycle spaces. Provision is also made for one (1) off-street service vehicle (garaged) within Building D and as well as a space for loading activities and community bus parking to the northern component of the site.



**Reconfigured Parking – Adjacent to Northern component of site**



**Reconfigured Parking – Adjacent to Southern component of site**

Despite the shortfall in parking the Traffic Report after analysing the proposal as a whole concluded that *'the redevelopment proposal should have no unacceptable traffic implications. Access arrangements and parking provision are acceptable and supportable on the basis of relevant guidelines'*. Council's Traffic Engineers reviewed the proposal and raised no objections to the abovementioned methodology or findings of the Consultants Traffic Report.

In respect to the parking shortfall the applicant cited the constraints experienced by the site and presented the following scenarios that were considered:

#### Below Ground Basement Parking

*Normally in a project such as this, basement parking would be considered a viable solution and included as part of the design requirements. However, being a formerly heavily contaminated site the site remediation works precluded any significant excavation owing to the stringent conditions attached the Environmental Management Plan for the site. Additionally, restrictions exist in connection with the movement of site material off the site, eliminating below ground basement parking as a viable option.*

#### Undercroft Parking

*The Community Precinct has a 12m building height limit as prescribed in the LEP. The design for this community precinct was initiated through a concept design competition with the design competition*

brief not precluding consideration of undercroft vehicle parking but designers needed to be mindful to not exceed the overall building height limit. Crone Architects, as winners of the concept design stage opted for a single level building complex which required a larger building footprint spread across the site. Their design had the advantage of retaining a much lower building profile as opposed to the other concepts being considered. Changing the concept design to provide for undercroft parking would significantly alter the concept design (increased building height) and add significant cost to the project.

#### At Grade On-site Parking

Provision of a 40 vehicle car park on site would require in the order of 1,400m<sup>2</sup> inclusive of access, circulation space and screening. Construction of such a facility on site was not considered an appropriate use of public open space (Foreshore Park) or the Community Lot land.

#### Use of Lot 313 for On-street Parking (land directly east of Shoreline Drive)

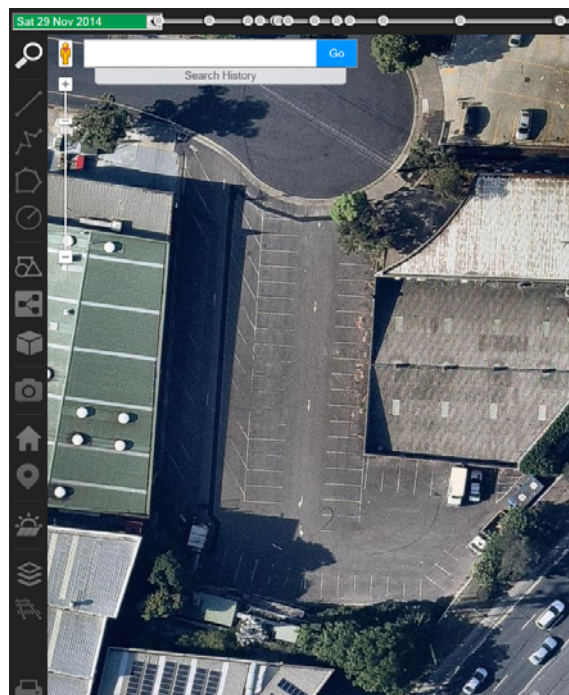
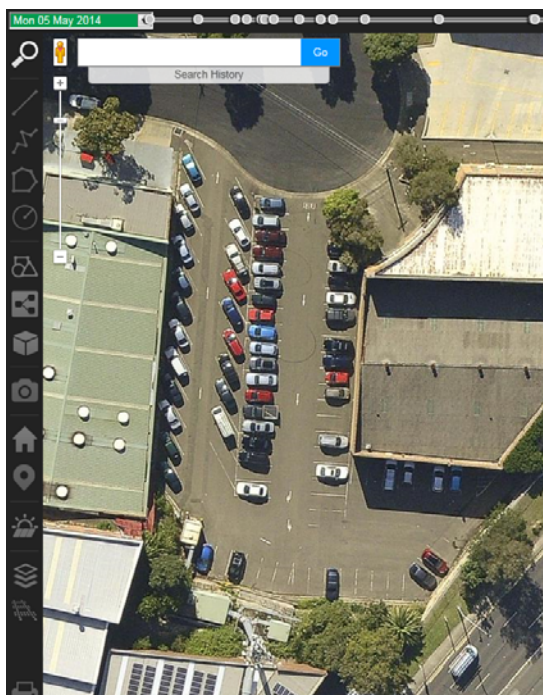
A narrow parcel of land measuring approximately 1,150m<sup>2</sup> is located between Shoreline Drive and residential property known as The Terraces. Options were explored as to whether this land would be suitable for provision of off-street car parking. Given its narrow configuration and the need to maintain access to adjoining residents as well as maintaining a workable geometry for Shoreline Drive, options for provision of car parking on this lot were not considered viable or desirable.

The option pursued whilst only providing for an additional 18 parking spaces on street was considered the most appropriate as it responded effectively to site constraints, minimised bulk and scale, enabled retention of quality usable open space in Foreshore Park and Community Lot, met the objectives of a people orientated development in a low car ownership place (Rhodes) e.g., encouraging local residents to walk to the facility and is cost effective whilst maintaining other technical requirements of good road and traffic design. A condition is recommended requiring review by Local Traffic Committee.

In terms of the ongoing use of the facility the applicant has suggested the following additional means of providing access to parking that could be utilised in response to peak demand periods:

#### Leeds Street Public Car Park

Council owns an 86 space public car park in Leeds Street, Rhodes, being at the northern end of the peninsula. This car park is just over a kilometre from the north-eastern entry to **The Connection** (13minute walk) and its peak use times are business hours (7am to 5pm Monday - Friday) of surrounding industrial / commercial premises. Outside of these times, the car park is generally vacant. Analysis of aerial imagery of the car park ([www.nearmap.com](http://www.nearmap.com)) on 8 different occasions between Wed 11 July, 2013 and Sat 29 November, 2014 indicates some vacancies during business days (M-F) and close to 100% vacancy rates during weekends / public holidays.





Given that the Leeds Street carpark remains largely underused during times that peak usage is expected at **The Connection** Council can reasonably expect that this car park could be utilised as additional parking for large Council run events such as its annual 'Cinema in the Park' evening which is held in Foreshore Park. Council's Community bus could operate as a shuttle bus service on such occasions. Similarly, hirers of the Community Hall could be informed of this option if anticipating significant numbers of attendees after normal business hours or on weekends when the car park is largely vacant.

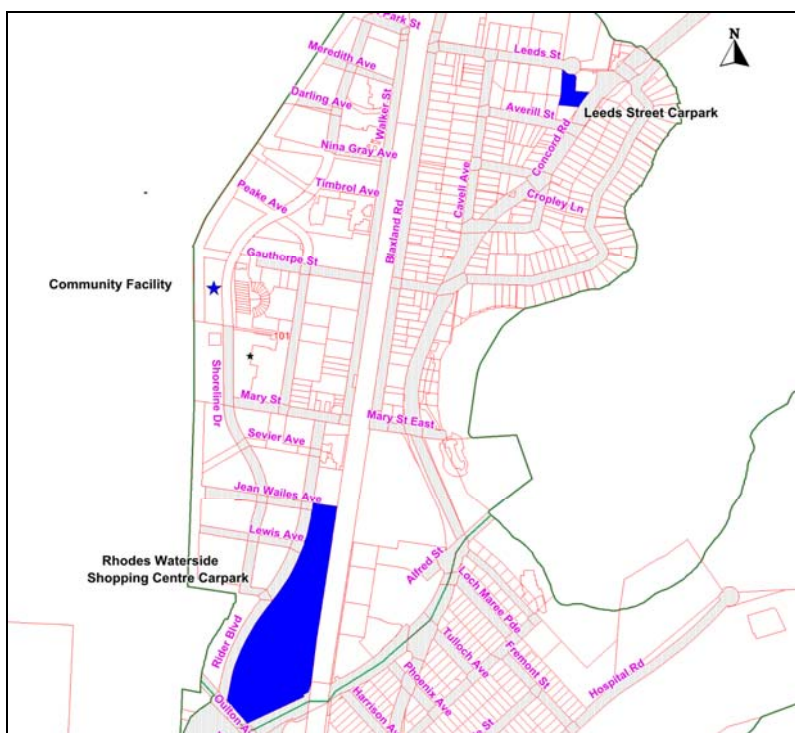
#### Rhodes Waterside Shopping Centre Parking

The main entry to Rhodes Waterside is 770m (less than a 10 minute walk) from the main entry to The Connection community facility. Discussions are presently being conducted with Centre Management to discuss opportunities for including promotion of the Rhodes Waterside car park as part of the Community Hall hirer's literature. Given that the Hall has a capacity of up to 350 persons for a catered seated event, Rhodes Waterside may be a place for cars to be parked at peak demand times for persons wanting a secure paid parking option. Following extract is from Rhodes Waterside web site:

*Rhodes Waterside is highly visible from surrounding roads and accessible from many major arterial roads including Homebush Bay Drive and the M4, Victoria Road and the M2 and Concord Road. Rhodes Waterside has 8,000 parking spaces for cars daily and parking is FREE for the first 3 hours. Parking is also free if you enter the car park after 6:00PM and leave before close at 12:00AM and cinemas patrons are entitled to 4 hours free parking. The Rhodes Waterside Car Park has been awarded a 5-Star NRMA Excellent Car Park security rating, and is one of only two shopping centre car parks in Australia to be awarded this rating.*

The Rhodes West Peninsula has been planned to be a transport oriented development with parking policies designed to encourage low car ownership and use. Rhodes railway station was upgraded to support increased use of public transport, and the area planned with a mix of residential, retail and office developments to provide opportunities for residents to live, shop and work in Rhodes, thus reducing traffic generation and reliance on car ownership. The Homebush Bay Bridge is also likely to be completed prior to operation of the facility and will provide further pedestrian, bus and cycle access.

As detailed above the proposal has provided limited parking though in this regard noting constraints of the site, options that will be pursued during ongoing operation and local population that the centre has been primarily designed to cater for, the proposal considered worthy of support in this regard.



Location of the site to additional carparking facilities

### 6.3 Residential Amenity

An Acoustic Report prepared by Wood & Grieve Engineers Pty Ltd (26311-SYD-N) dated 24th June 2014 was submitted with the application provided the following:

- A statement of compliance with the Canada Bay Councils' DCP and NSW OEH's INP criteria for proposed development within the vicinity of the nearest potentially affected residential receivers;
- Mechanical noise assessment based on proposed mechanical plant;
- Traffic noise impact assessment associated with the proposed redevelopment;
- Operational noise impact assessment from the café/restaurant;
- Operation noise impact assessment from community facilities;
- Noise and vibration level criteria for construction noise.

The report concluded that *'...The establishment of the noise criteria was based on our noise survey which monitored ambient and background noise levels using both hand held sound level meters and a long-term noise logger at the boundary of the potentially most affected receivers...The predicted noise levels presented in this report showed that the most stringent noise criterion (night time criterion) will be met with the implementation of the proposed mitigation measures for external mechanical plant.*

Compliance with mitigation measures provided within the report is conditioned. The fit out and use of the café / restaurant to be located in Building A is to be subject to a separate application which will amongst other things establish specific operating parameters i.e. hours of operation for this building. From a residential amenity perspective the location of this use on the western side of the development providing a primary outlook and orientation towards Homebush Bay is considered beneficial.

In respect to the remaining buildings and general use of the community precinct Council has sought flexibility and not proposed specific operating hours to ensure that the use of the precinct is flexible enough to evolve with the changing needs of the community, in line with the vision as presented in the initial design brief being:

1. *A vibrant and activated precinct that brings together the local community and meets their competing needs and aspirations for a community hub*
2. *A community hub, which embodies the connections and relationships between global and local residents.*
3. *Access to online resources that will bring people and communities together and enable them to collaborate, create, discover and communicate on any scale*
4. *Activation of the entire community precinct is critical to the success of each element of the precinct*
5. *A financially self-sustaining precinct. Any surplus funds generated through hire or lease should be set aside to enable the precinct to be maintained and adapted for future use.*

The applicant has advised that an Operational Plan of Management is to be implemented prior to occupation of the building which will be developed so that it is consistent with the above-mentioned vision. Furthermore Council's Environmental Health Department reviewed the proposal and provided specific conditions requiring the ongoing use of the premises to comply with relevant noise legislation.

## 7. CONCLUSION

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Council has assessed the Development Application in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies.

The proposal provides for the construction of four (4) buildings to be used as a community hall, resource centre, meeting spaces, café / restaurant with landscaping and public domain works. The design of the structure as detailed within the report is considered to provide a reasonable bulk and scale and finish which will enable it to be effectively integrated into the streetscape and make a positive contribution within the context of surrounding development, whilst minimising impacts.

Further, the proposal will provide considerable public benefit for the growing population of the Rhodes Peninsula and is foreseen to become a focal point for the community.



Accordingly the proposal is recommended for approval subject to conditions of approval

## 8. RECOMMENDATION

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

THAT the Sydney East Joint Regional Planning Panel, as determining authority, approve Development Application No. 248/2014 (2013SYE083) for construction of four (4) buildings to be used as a community hall, resource centre, meeting spaces, café / restaurant with landscaping and public domain works on land at 30 Shoreline Drive, Rhodes subject to site specific conditions (at Appendix A). In granting consent the Joint Regional Planning Panel - East has regard to merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of merits of the case the Joint Regional Planning Panel - East supports the application based on consistency with the Canada Bay Local Environmental Plan 2013 and Rhodes West Development Control Plan 2011

**Prepared by:**



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**Endorsed by:**



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**Canada Bay Council**

**Approved by:**



Tony McNamara  
**Director**  
**Canada Bay Council**

## APPENDIX A – CONDITIONS OF CONSENT

### General Conditions

#### ~DAGCA01 - Approved Plans and Supporting Documents

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<b>Statement of Environmental Effects Report, including all appendices, prepared by URBIS, dated June 2014</b>			
<b><i>Architectural (or Design) Drawings prepared by Crone Partners (CA 3138)</i></b>			
<b><i>Drawing</i></b>	<b><i>Revision</i></b>	<b><i>Name of Plan</i></b>	<b><i>Date</i></b>
0101	B	Proposed Site Plan - North	16/06/14
0102	B	Proposed Site Plan - South	16/06/14
0104	B	Proposed Works Site Plan	16/06/14
1001	B	Ground Floor Plan - Building A	16/06/14
1002	B	Ground Floor Plan - Building B	16/06/14
1003	B	Ground Floor Plan - Building C	16/06/14
1004	B	Ground Floor Plan - Building D	16/06/14
1007	C	Roof Plan - Building A	27/11/14
1008	C	Roof Plan - Building B	03/12/14
1009	C	Roof Plan - Building C	27/11/14
1010	C	Roof Plan - Building D	27/11/14
2001A	C	Elevations Sheet 1 - Building A	03/12/14
2001B	C	Elevations Sheet 2 - Building A	03/12/14
2002	C	Elevations - Building B	03/12/14
2003A	C	Elevations Sheet 1- Building C	03/12/14
2003B	C	Elevations Sheet 2 - Building C	03/12/14
2004	C	Elevations - Building D	03/12/14
3001	B	Site Sections - Sheet 1	16/06/14
3002	B	Site Sections - Sheet 2	16/06/14
3003	B	Building Sections	16/06/14
4001	B	Schedule of Colours and Materials	16/06/14
<b><i>Stormwater Concept Plans prepared by Taylor Thomson Whiting (131652)</i></b>			
C03	P3	Stormwater Plan	29/08/14
<b><i>Landscape Detail prepared by URBIS</i></b>			
<b><i>Drawing</i></b>	<b><i>Revision</i></b>	<b><i>Name of Plan</i></b>	<b><i>Date</i></b>
-	-	Landscape Design Statement	-
-	-	Tree Management Plan (Schedule)	-
051-TM	C	Tree Management Plan	10/06/14
052-TM	C	Tree Management Plan	10/06/14
-	-	Landscape Concept Master Plan	11 June 2014
LP-001	-	Landscape Concept Master Plan	11 June 2014
LP-002	-	Landscape Concept Master Plan	11 June 2014

100-LP	C	Landscape Concept Plan 01	10/06/14
101-LP	C	Landscape Concept Plan 02	10/06/14
200-GR	C	Landscape Grading Plan 01	10/06/14
201-GR	C	Landscape Grading Plan 02	10/06/14
-	-	Planting Strategy	-

**Note 1:** *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.*

**Note 2:** *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

**Note 3:** *The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

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

#### **~DAGCA03 - 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)*

#### **~DAGCA06 - Separate Approvals**

Separate Development Approval shall be obtained for the following:

- Fit out and use of the cafe / restaurant within Building A

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

#### **~DAGCB02 - Compliance with Disability Discrimination Act**

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

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

#### **~DAGCB07 - 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.

*(Reason: Protect amenity of surrounding area)*

#### **~DAGCB10 - 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)*

#### **~DAGCC04 - 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)*

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

#### **~DACCA01 - Access for People with Disabilities**

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

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

#### **~DACCA02 - Disabled Toilets**

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

The plans must be approved by the Accredited Certifier **prior to issue of a Construction Certificate**.

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

#### **~DACCB03 - 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)*

**~DACCB04 - Site Audit Statement**

The applicant is to provide a letter from the site auditor (Brad Eisman) stating that the site (specifically Lot 310) is suitable for the proposed use. The letter must include a site history justifying the wording on the Site Audit Statement **prior to the issue of a Construction Certificate**.

*(Reason: Compliance)*

**~DACCD02 - Foreshore Protection**

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

*(Reason: Environmental protection)*

**~DACCE01 - Amendments to Approved Plans**

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

- a) Section plans shall be updated to reflect approved elevation detail
- b) *Poa labillardieri* (Tussock Grass) shall be removed from the indicative plant schedule
- c) The three (3) proposed BBQ pavilions situated to the southern component of the site shall be removed from plans given lack of detail provided
- d) Vehicle movements are to be separated from pedestrian walkways in the form of bollards or the like, noting the community bus / garbage collection area.
- e) All refrigeration motors/units or other mechanical plant including cool room motors are to be installed within the building in an acoustically treated room, in this regard adequate provision is to be made with the confines of the building for refrigeration motors or units or

other mechanical plant associated with use of the building.

- f) Proposed blister islands on western side of Shoreline Drive shall be placed at least 450mm away from the kerb to allow uninterrupted gutter flow. Trench drain or similar type across the island shall be installed in locations where blister islands cannot be separated from the kerb alignment.
- g) Proposed driveways are to be constructed in accordance with Council's Specification for Driveway Construction. The driveway is to be designed and installed such that it prevents runoff from kerb & gutter and adjoining footpath does not enter the property. The driveways are to be constructed with at least 200mm crest to provide adequate freeboard from stormwater accumulated at the driveway.

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

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

#### **~DACCE02 - Construction Management Plan**

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

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

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

#### **~DACCE04 - 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)*

#### **~DACCE05 - Waste Water Control**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system **prior to the issue of a Construction Certificate**.

There is to be no discharge of wastewater to the stormwater system.

*(Reason: Information)*

**~DACCG01 - Traffic Committee**

**Prior to the issue of a Construction Certificate** application shall be made to the Local Traffic Committee via Canada Bay Council's Traffic and Transport Department to seek formal approval for the proposed modifications to existing kerb side parking, including pedestrian crossings, signposting and the like.

*(Reason: Adequate access and egress)*

**~DACCG02 - Bicycle Parking / Storage**

Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan 2013 for Bicycle Parking and Storage Facilities. Plans shall clearly indicate where the bicycle parking spaces are to be located and demonstrate their compliance with AS 2890.3-1993.

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

*(Reason: Convenience)*

**~DACCG14 - Reflectivity of Building Materials**

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

*(Reason: Amenity)*

**~DACCI03 - Protection of Public Places**

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

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

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

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

*(Reason: Safety)*

**~DACCI05 - 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)*

#### **~DACCJ02 - 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)*

#### **~DACCJ03 - 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 planned commencement date.

*(Reason: Protection of Public Assets and information)*

#### **~DACCK01 - 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)*

#### **~DACCK03 - Energy Australia Requirements**

The approved development must comply with the requirements of Energy Australia. **Prior to the issue of a Construction Certificate**, the applicant shall demonstrate to the Accredited Certifier that any such requirements have been complied with.

*(Reason: Statutory requirement)*

#### **~DACCL01 - 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)*

#### **~DACCL02 - 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)*

#### **~DACCL03 - 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)*

**~DACCL04 - 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 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)*

**~DACCL06 - Rainwater Re-use**

A rainwater re-use system shall be provided in accordance with 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)*

**~DACCL07 - 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)*

**~DACCN02 - Electricity Substation**

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

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

**Note:** Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

*(Reason: Access to utility)*

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

#### **~DAPCB01 - 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 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)*

#### **~DAPCB02 - 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)*

#### **~DAPCB05 - 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)*

#### **~DAPCB06 - 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)*

#### **~DAPCB07 - 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)*

#### **~DAPCB10 - 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](http://www.sydneywater.com.au) <<http://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)*

#### **~DAPCC01 - 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)*

#### **~DAPCC02 - Soil & Water Management during Construction**

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

*(Reason: Environmental protection)*

#### **Conditions which must be satisfied during any development work**

##### **~DADWA01 - 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)*

##### **~DADWA02 - 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)*

**~DADWA03 - 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)*

**~DADWA04 - Dust Control**

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)*

**~DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

**~DADWA06 - Prevention of Nuisance**

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

*(Reason: Health and amenity)*

**~DADWB02 - Acid Sulphate Soils**

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

*(Reason: Environmental protection)*

**~DADWB03 - 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)*

**~DADWB04 - Damage to Adjoining Properties**

All precautions must be taken to prevent any damage. 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)*

#### **~DADWB05 - 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)*

#### **~DADWD01 - 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)*

#### **~DADWF01 - Noise - Construction**

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

- Construction period of 4 weeks and under - The  $L_{10}$  level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A).
- Construction period greater than 4 weeks - The  $L_{10}$  level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A).
- Silencing - All possible steps should be taken to silence construction site equipment.

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

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

*(Reason: Noise Attenuation)*

#### **~DADWF03 - 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)*

#### **~DADWG01 - 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)*

#### **~DADWH01 - 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)*

#### **~DADWH02 - 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)*

#### **~DADWH06 - 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)*

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

**~DAOCB01 - 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)*

**~DAOCC01 - Civil Works on the Footway**

The Applicant is required to carry out the following works:

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

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

*(Reason: Preserve Council asset and amenity)*

**~DAOCC02 – Operational Plan of Management:**

An Operational Plan of Management shall be developed for the ongoing use of the premises and shall be submitted to Council's Director Planning & Environment **prior to the issue of any Occupation Certificate**.

*(Reason: Compliance)*

**~DAOCD01 - 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)*

**~DAOCE01 - 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)*

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

**~DAFOA01 - 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)*

**~DAFOA02 - 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)*

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

### **~DAOUA01 - Amplified Music**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. In addition, the sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

*(Reason: Environmental amenity)*

### **~DAOUA06 - Deliveries**

All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.

*(Reason: Protect amenity of surrounding property)*

### **~DAOUA13 - Lighting Nuisance**

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

*(Reason: Environmental amenity)*

### **~DAOUA17 - Patron Behaviour**

The business proprietors shall take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

*(Reason: Environmental health)*

### **~DAOUC06 - 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)*

### **~DAOUC13 - Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, incorrectly implemented or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the person/s entitled to act on the development consent shall employ the services of a qualified acoustic consultant to undertake an assessment of the development and will undertake all work required by the consultant, implement any recommendation made by the consultant and adhere to any further direction given by Council in relation to noise abatement.

*(Reason: Noise Control and Amenity)*

### **~DAOUC15 - Noise (General)**

The use of the premises shall comply with all applicable noise legislation and not give rise to the transmission of unacceptable or offensive vibration or noise to any place of different occupancy in accordance with the NSW DECC's *Industrial Noise Policy 2000* as well as *The Protection of the Environment Operations Act 1997 (NSW)*.

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
- (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental

*(Reason: Noise Control and Amenity)*

**~DAOUC18 - Noise Complaints - Industrial Noise Policy**

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW EPA Industrial Noise Policy (2000). A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

*(Reason: Noise Control and Amenity)*

**Advisory Notes**

**~DAANN01 - Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) <<http://www.1100.com.au>> or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

*Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision or essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

**~DAANN04 - Lapsing of Consent**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

**~DAANN06 - Process for Modification**

The plans and/or conditions of this Consent 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 Council is received by way of an amended consent.

#### **~DAANN07 - Review of Determination**

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

#### **~DAANN08 - 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 six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

#### **~DAANN09 - Signage Approval**

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

#### **~DAANN10 - 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.

#### **~DAANN11 - WorkCover Requirements**

*The Work Health and Safety Act 2011* 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://www.workcover.nsw.gov.au/newlegislation2012/your-](http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx)

[industry/construction/Pages/default.aspx](http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx) 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.

#### **~DAANN12 - DECC Contaminated Land Orders**

The subject site or part of the subject site is affected by a current Ongoing Maintenance Order under Section 28 of the Contaminated Land Management Act 1997. For further information regarding this Order, contact the Department of Environment and Climate Change (DECC) by phone: 131555. A copy of the Order can be downloaded from the DECC webpage at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) <http://www.environment.nsw.gov.au>

#### **~DAANN13 - Roads and Maritime Services (RMS)**

Council is required to enter into a tenure agreement with Roads and Maritime Service (RMS) with regard to any structures that are to be built over the waterway (i.e. works below the Mean High Water Mark). The Commercial Tenure and Development Team within (RMS) shall be contacted to facilitate such agreement.



## APPENDIX B – DESIGN PROCESS & CONSULTATION SUMMARY

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### ***Memorandum***

FROM: Major Capital Projects Manager Rhodes - John Calvani

DATE: 29 January 2015

FILE: DA - 248/2014

SUBJECT: ***THE CONNECTION*** Community Precinct - Design Process & Consultation Summary

DEVELOPMENT APPLICATION 248/2014 – 30 SHORELINE DRIVE, RHODES

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### ***Introduction***

The Community Precinct project would present a number of challenges given the combination of site constraints:

- remediated & capped site,
- high density development within a transit node setting
- the community precinct having a waterfront location with a 12 metre height limit and being in front of existing residential development.

The design and communication of the project to the community and affected residents was carefully considered. The following is a summary of processes utilised to engage and communicate with the community concerning key aspects of the project.

### ***The EOI Process & Design Brief***

Following completion of the design brief for the project, an Expression of Interest was advertised for consultants with suitable design experience to prepare a concept plan for the project. Council had indicated that 4 design consultancies would be shortlisted via the EOI process and paid a set fee for the preparation of the concept plans. The design brief stipulated Council's criteria for the project together with the selection criteria to be used to determine the winning design. The consultant preparing the winning design concept would be offered the design contract for the project.

The community precinct was referred to as '**The Connection**' in the EOI and draft design brief. This term reflected one of the Precinct's main functions - being a place where the community can make connections with each other and the activities and other things they wish to participate in.

Key outcomes –

- 13 submissions were received from high profile and award winning firms.
- An internal Expression of Interest assessment panel was established and were of the opinion that any of the 13 would be able to do prepare very good concept plans
- Four firms were shortlisted with designs to remain anonymous and would be referred to as the Blue, Orange, Purple or Yellow Concept.
- The four selected design firms were issued the final design brief and given three to submit concept designs through a "tender" format
- Concept plans were publically exhibited for five weeks and comments from the community sought.

### ***Community Engagement & Consultation***

Concept plans were publicly exhibited and various formats were developed to receive feedback and preferences including web based formats such as 'Bang the Table'. Key promotional avenues included

- Two large format display posters positioned at the community precinct site
- 6,500 postcards informing the community about the project were distributed to residents in the 2138 postcode area (Rhodes, Liberty Grove and parts of Concord West)
- Information provided in the @rhodes e-news
- Council Media Release
- Display information boards placed at Rhodes Waterside shopping centre and staffed to

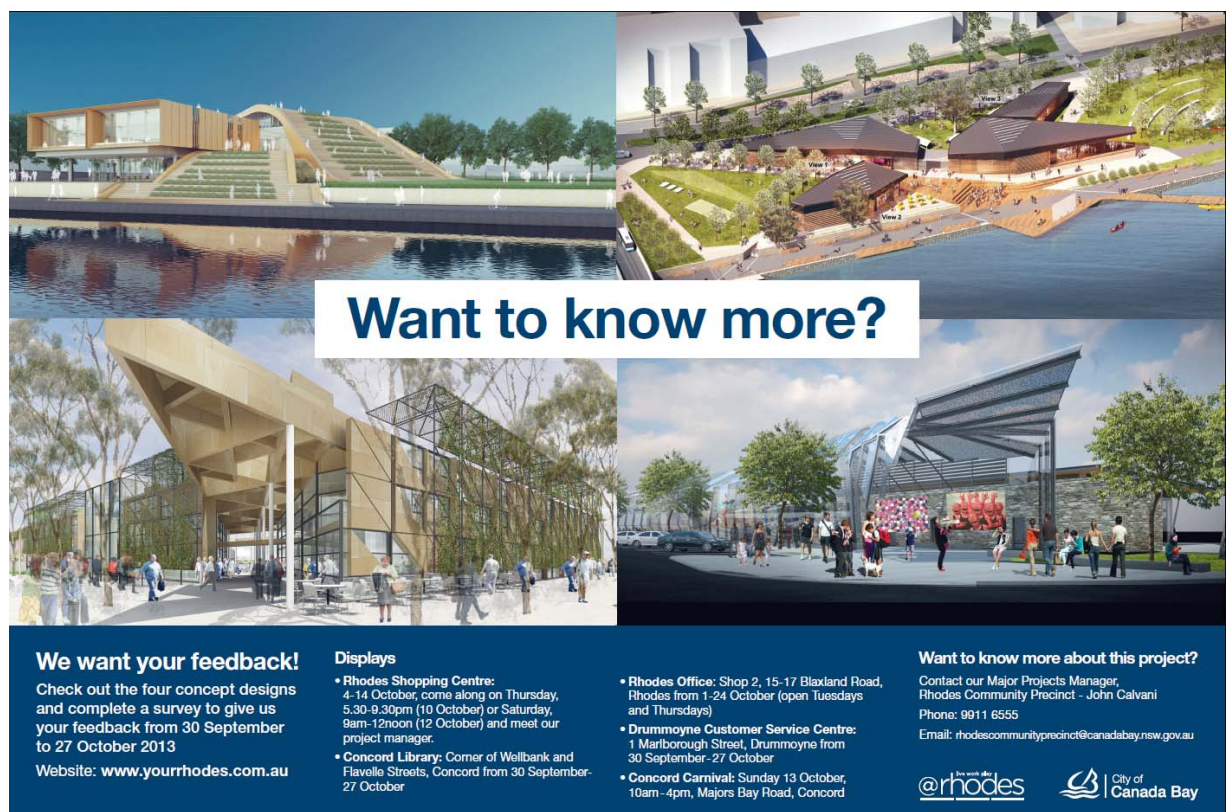
A full consultation summary is attached for reference.

### **Concept Plan Assessment Process**

Selection of the preferred concept also went through a vigorous process. Key points include:

- Establishment of a peer review panel to assist Council and provide independent advice on which concept best met the objectives of the brief. The panel was comprised of principals from architectural, landscape, environmental and cost planning disciplines.
- Review of submission by Rhodes Community Precinct Community Advisory Group (Councillors & resident panel, including a resident representative from Shoreline Drive – Mr Raul Senise)
- Designs reviewed by Council's *Rhodes Community Precinct Project Steering Group* (internal review by Council staff)
- Review of submission by the *Rhodes Community Precinct Project Control Group* (Staff, internal review)
- Review of submission by Executive (Council's Directors & General Manager)
- Review of submission at Councillor Workshop including presentation by designers.
- All comments were considered in the preparation of the report for Council's consideration as a Tender Report recommending engagement of preferred design team.

A copy of the two-sided postcard distributed to Rhodes residents and the consultation summary follow.



**Want to know more?**

**We want your feedback!**

Check out the four concept designs and complete a survey to give us your feedback from 30 September to 27 October 2013

Website: [www.yourrhodes.com.au](http://www.yourrhodes.com.au)

**Displays**



- **Rhodes Shopping Centre:** 4-14 October, come along on Thursday, 5.30-9.30pm (10 October) or Saturday, 9am-12noon (12 October) and meet our project manager.
- **Concord Library:** Corner of Wellbank and Flavell Streets, Concord from 30 September-27 October
- **Rhodes Offices:** Shop 2, 15-17 Blaxland Road, Rhodes from 1-24 October (open Tuesdays and Thursdays)
- **Drummoyne Customer Service Centre:** 1 Marlborough Street, Drummoyne from 30 September-27 October
- **Concord Carnival:** Sunday 13 October, 10am-4pm, Majors Bay Road, Concord

**Want to know more about this project?**

Contact our Major Projects Manager, Rhodes Community Precinct - John Calvani

Phone: 9911 6555

Email: [rhodescommunityprecinct@canadabay.nsw.gov.au](mailto:rhodescommunityprecinct@canadabay.nsw.gov.au)



The City of Canada Bay is committed to delivering a modern, multipurpose Community Precinct that provides a combination of indoor and outdoor spaces, addressing the foreshore and adjacent open spaces.

This facility will provide services and programs for the growing and changing needs of the population.

#### Have your say!

We want your feedback! Check out the four concept designs and complete a survey to give us your feedback from 30 September - 27 October 2013.

Website: [www.yourrhodes.com.au](http://www.yourrhodes.com.au)  
or scan the QR code



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*Angelo Tsirekas*

Mayor Angelo Tsirekas



## THE CONNECTION

### Community Precinct Consultation Summary

The following summarize the consultation avenues utilised during the exhibition of the four concept designs for the Rhodes Community Precinct:

#### ***Rhodes Shopping Centre Display***

Four concepts were displayed at Rhodes Shopping Centre from 4 – 14 October, residents could meet the project manager on Thursday evening (10 October) 5 - 8.30pm and Saturday (12 October) 9.00am – 12noon.

During the exhibition period, 50 fact sheets, 99 post cards, and all 30 hard copies of the online survey were taken by interested persons. During the face time with the Project manager, approximately 60 persons stopped to make further enquiries with some asking detailed questions (a couple of Shoreline Drive residents opposite the site) through to general questions or no questions. Some of the visitors to the stand were from Wentworth Point (3) and they together with many of the other visitors also showed a lot of interest in the proposed Homebush Bay Bridge. Of the visitors stopping to enquire or look at the display, approximately quarter indicated that they would take a further look at the information on the Bang the Table web site and would consider making a submission.

The majority of visitors that offered an opinion on what they saw, favored the Yellow Scheme as their most liked concept (looked modern and stylish and retained more grass area than the other schemes) followed by the Purple scheme water activation via pontoon and lower height).

#### ***Council displays***

The four concepts were displayed at the Rhodes Office, Concord Library, Drummoyne Civic Centre and at Concord Carnival between 30 September – 27 October.

#### ***Children and Young People***

Display panels with 4 concept perspectives and stickers were given to students and young people to 'vote' for their preference and provide verbal feedback at Concord West (22 Primary School students),



Concord (20 High School students) and at the youth space at Concord Library (a link on Facebook page was also provided).

The majority of students at both Concord West Primary School and Concord High School 'voted' for the yellow concept, citing the amount of open space available, the ability to sit on the 'hill' section of the building and the building looking nice (timber, curved sides and open air theatre space).

[See the snapshot image of the voting panel for each school for visual representation of 'votes'].

### ***Bang the Table Consultation Website***

The Bang the Table ([www.yourrhodes.com.au](http://www.yourrhodes.com.au)) website and consultation survey has been open for public access from 27 September – 28 October 2013. The website provides an overview of the Rhodes Community Precinct project, 4 concept designs (yellow, purple, blue and orange), project fact sheets, overall Rhodes projects map and table and the Rhodes Place Plan.

Visitors to the site could read, download documents and email the project team; following registration visitors could also provide feedback by completing a survey.

### ***Website results***

Item	Number
Unique Visitors to the site	880
Total site views	1,774
Visitors who downloaded documents	490
Surveys completed	45
Emails to the project team	8
Blue Concept Design downloaded	615
Yellow Concept Design downloaded	556
Orange Concept Design downloaded	525
Purple Concept Design downloaded	522
Concept Design Brief: 'The Connection' - Rhodes Community Precinct downloaded	401

### ***Survey results***

31 visitors who completed the survey were from Rhodes, 1 Liberty Grove, 2 Concord, 2 Burwood, 2 Sydney, 1 Strathfield, 1 Horsley, 1 Newington, 1 Millperra, 1 Randwick, 1 Potts Point, 1 Brisbane. It is important to note that at least four of these submissions were from the organisations or people related to them who submitted designs. None of the survey respondents outside the city of Canada Bay show up in our records as away owners or interested stakeholders in the LGA.

Many survey participants did not rate their satisfaction with all concepts, therefore is it not particularly useful to provide raw number results (for example many participants provided a satisfaction rating of 10 for their preferred concept, but did not provide any score for the 3 other concepts).

### ***Submission preference explanation and analysis***

The following highlights some of the main matters raised through the surveys and email responses.

#### ***Responses from residents within close proximity***

8 Shoreline Drive residents who are directly adjacent to the site participated in the survey and 2 emailed the project team directly. These residents seem to be basing their preferences on two key features building height and building spread across the site. These residents seem to be in two groups depending on their own properties location along Shoreline Drive, they preference either the yellow or purple concepts.

#### ***Water Recycling Facility***

Both survey and email submissions mentioned the water recycling facility included within the precinct, most said they did not want it within the precinct or they preferred it be supplied underground.

#### ***Open Space and outdoor facilities***

Many respondents commented on the need to maintain open space area within Rhodes, which is consistent with past consultation. Respondents commented on the need for all concepts to provide more details regarding the amenity items provided within the open space and public domain areas surrounding the building. Some respondents commented on the need for play spaces and liked the

provision of access to the water. Some respondents also commented positively regarding the concepts which utilised roof access for the public and providing a water feature onsite.

#### *Café and Restaurants*

Respondents were supportive of the provision of café and restaurant options, their comments varied on which location and layout would be most suitable.

#### *Parking*

Respondents were divided on the provision of parking both on-site and street frontage. Some respondents preferred on-site parking, but did not like the locations shown in the designs. Some respondents requested additional parking be provided.

#### *Survey Participation*

Although large numbers of residents and stakeholders are interested in the project (which can be shown by website hits and phone calls to Council over the last 2 years), a relatively small number participated in providing written feedback during this process.

#### **Rhodes Community Precinct Advisory Group (RCPAG)**

The Advisory Group was established to further expand options for community engagement and feedback on the project via community/resident representatives with links to other local community networks/organizations. It included 5 resident representatives. Some of the resident members submitted individual survey responses. At the last RCPAG meeting, two members were in attendance and were asked for some feedback and their sense of what they believe their constituent groups were favouring. Feedback included:

- A lack of support from nearby residents for the Water Recycling Plant to be built within the precinct (this may be more as a result of preconception rather than a position derived from an understanding of facts);
- Strong support for the Yellow Concept from those residents favouring the retention of the greatest amount of usable open space as well as suggesting that it is the more 'iconic' in form (despite some water view interference);
- Strong support for the Purple Concept from those residents favouring the lower building profile (less perceived visual interference of water views);
- General support for both the Purple Concept or the Yellow Concept.
- One RCPAG member rated the Purple Concept as the least preferred;
- One RCPAG member rated the Blue Concept as the least preferred.

#### **How was the consultation and exhibition advertised?**

- Postcard to all properties in Rhodes
- @rhodes e-news in October and November
- Email to Strata and Building Managers (who uploaded to their intranets and emailed to residents)
- Council's website page
- Media Release
- Mayor's Column in local newspapers
- On-site sign at 30 Shoreline Drive, Rhodes
- Concord Carnival 13 October
- Updated fact sheet
- Information provided to the Rhodes Community Precinct Advisory Group (which includes resident representatives)
- Information provided at October Rhodes Community Reference Group meeting
- Information provided to Liberty Grove Executive Committee and residents