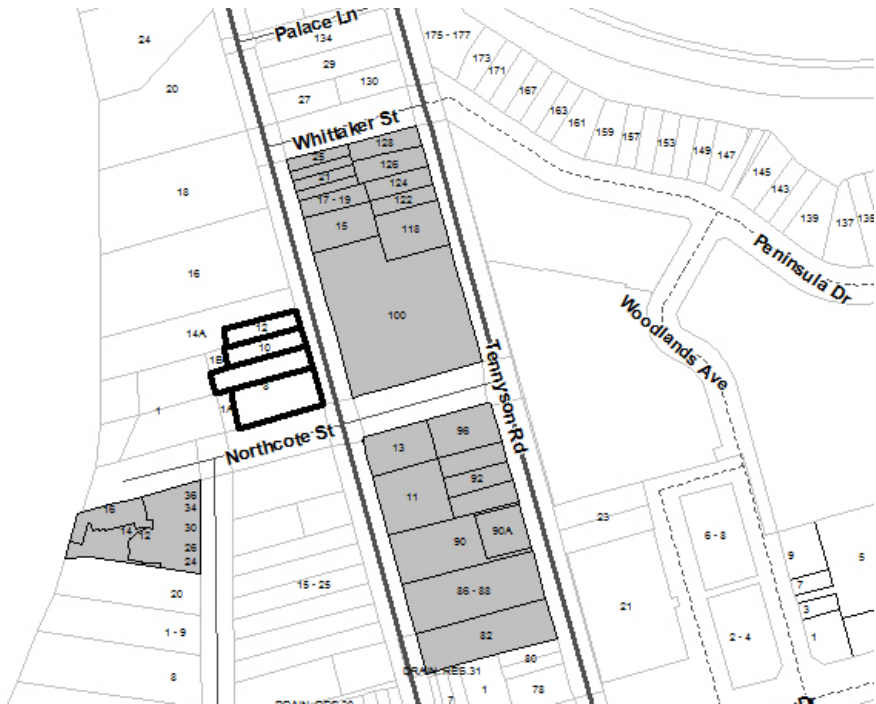


**JOINT REGIONAL PLANNING PANEL  
(Sydney East)**

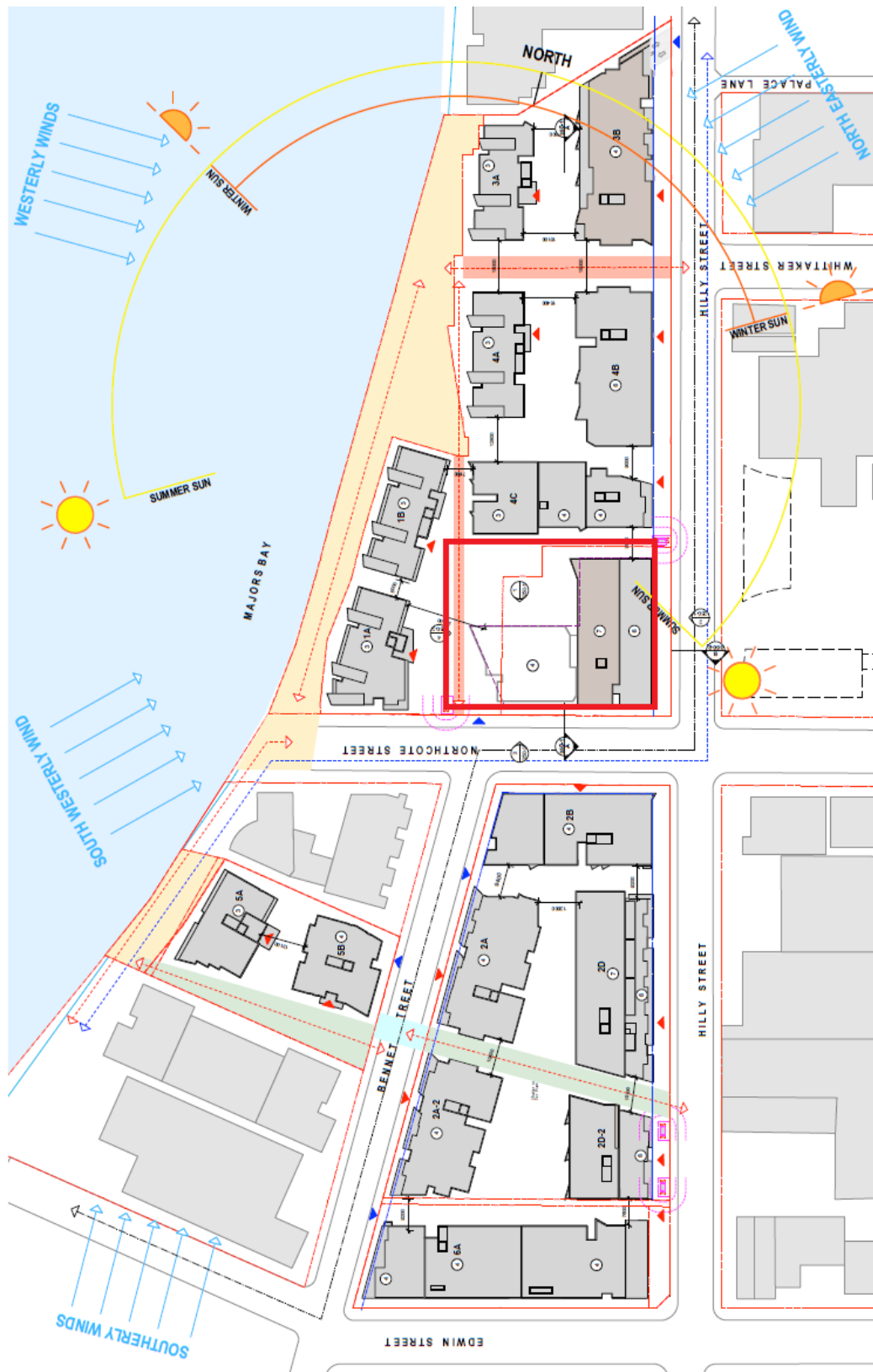
JRPP No	2015/SYE038
DA Number	2015/0062
Local Government Area	City of Canada Bay
Proposed Development	Construction of a residential flat building comprising 64 apartments (11 x 1 bedroom, 50 x 2 bedroom and 3 x 3 bedroom apartments) over basement parking for 105 vehicles, public infrastructure upgrades and associated landscaping
Street Address	8, 10 and 12 Hilly Street, Mortlake
Applicant/Owner	Bennett Hilly Pty Ltd
Number of Submissions	Zero (0)
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy (Major Projects) 2005 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development State Environmental Planning Policy Building Sustainability Index: BASIX) 2004 State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 Canada Bay Local Environmental Plan, 2013 City of Canada Bay Mortlake Point Development Control Plan City of Canada Bay Section 94 Contribution Plan
List all documents submitted with this report for the panel's consideration	Architectural Plans, prepared by Turner, Statement of Environmental Effects, prepared by City Plan Services, Architectural Statement/SEPP 65 Design Verification Statement/SEPP 65 Assessment, prepared by Turner Hydraulic Engineering Plans, prepared by Insync
Recommendation	Approval
Report by	Shannon Anderson

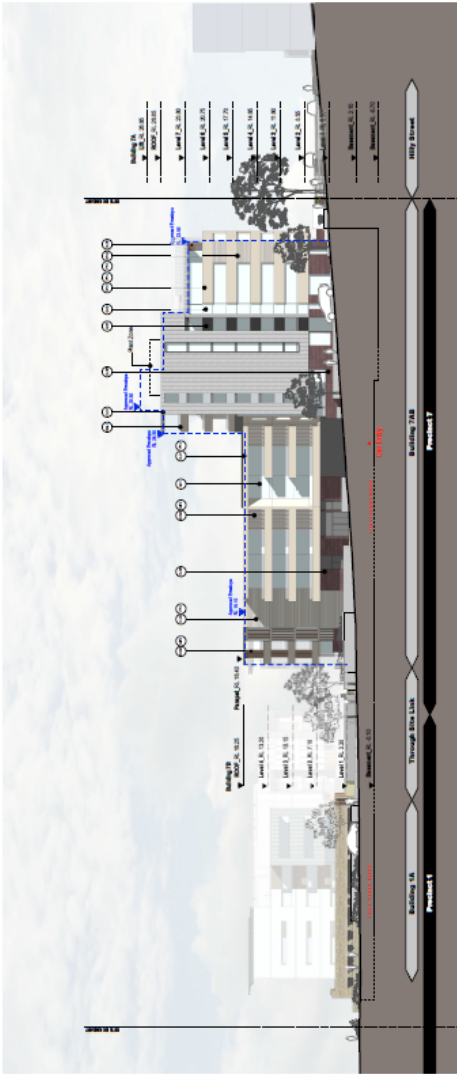
**Location**



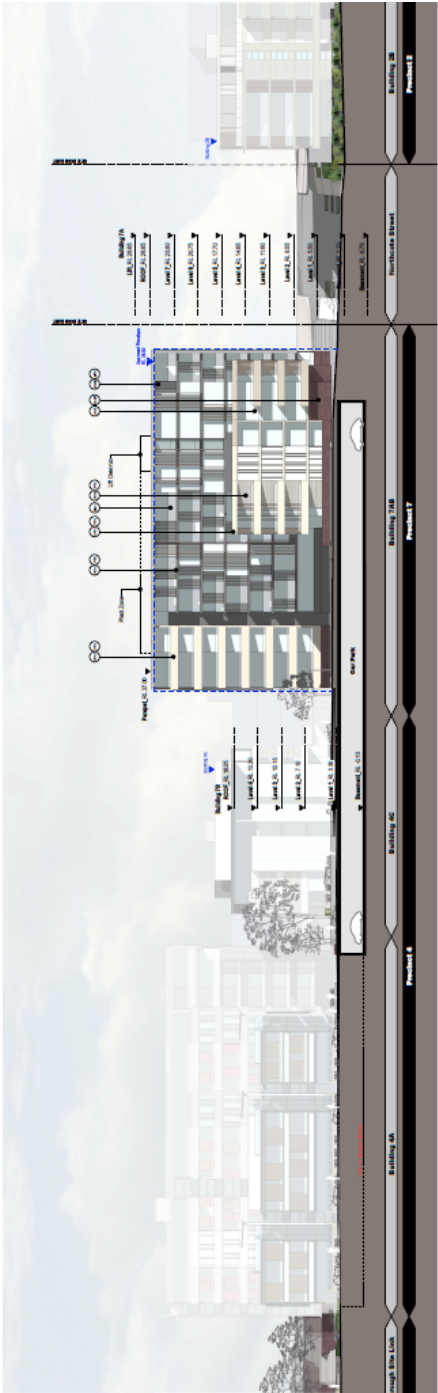
<i>Subject Site</i>		<i>Properties Notified</i>		<b>Y North</b>
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**Note:** neighbouring properties to the immediate North, South and West of the subject development site were not notified as they form the remainder of the ‘Majors Bay’ development precinct, where property exchanges had not yet occurred at time of notification.





• BUILDING 7AB, SOUTH ELEVATION  
FROM 1/200



• BUILDING 7AB, WEST ELEVATION  
FROM 1/200

## RECOMMENDATION

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

THAT the Joint Regional Planning Panel – Sydney East (JRPP), as the determining authority approve Development Application No. DA2015/0062 (JRPP ref 2015/SYE038) for the construction of a residential flat building consisting of 64 dwellings with 11 x 1 bedroom, 50 x 2 bedroom and 3 x 3 bedroom over basement parking for 105 vehicles, public infrastructure upgrades and associated landscaping on land at 8, 10 and 12 Hilly Street MORTLAKE NSW 2137 subject to the following site specific conditions. In granting consent Joint Regional Planning Panel – Sydney East has regard to the merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of the merits of the case the Joint Regional Planning Panel – Sydney East acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

Prepared by:



Shannon Anderson  
Coordinator, Statutory Planning  
City of Canada Bay

Approved by:



Tony McNamara  
Director, Planning and Environment  
City of Canada Bay

Endorsed by:



Narelle Butler  
Manager, Statutory Planning  
City of Canada Bay

1. **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><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Date/s</i></b>
Ref 2391-1-R1	Acid Sulphate Soil Management Plan	Asset Geotechnical	2/3/15
Ref SYD2013-1010-R004A	Acoustic Report	Acouras Consultancy	10/2/15
DA-000_001A	Architectural plan cover sheet	Turner	18/2/15
DA-100_001A	Context Plan	Turner	18/2/15
DA-100_002A	Site Analysis	Turner	18/2/15
DA-110_107D	GA Plans_North_RL00.8	Turner	18/2/15
DA-110_108D	GA Plans_North_RL03.8	Turner	18/2/15
DA-110_110D	GA Plans_North_RL06.8	Turner	18/2/15
DA-110_111D	GA Plans_North_RL09.8	Turner	18/2/15
DA-110_112D	GA Plans_North_RL12.8	Turner	18/2/15
DA-110_113D	GA Plans_North_RL15.8	Turner	18/2/15
DA-110_114D	GA Plans_North_RL18.8	Turner	18/2/15
DA-110_115D	GA Plans_North_RL21.8	Turner	18/2/15
DA-110_116D	GA Plans_North_RL24.8	Turner	18/2/15
DA-110_117D	GA Plans_North_Roof Plan	Turner	18/2/15
DA-250_001A	Elevations 1 and 2	Turner	18/2/15
DA-250_002A	Elevations 3 and 4	Turner	18/2/15
DA-350_001A	Sections AA and BB	Turner	18/2/15
DA-900_101A	Sample Board	Turner	18/2/15
Cert. No. 611099M	BASIX Certificate	Department of Planning and Infrastructure	26/2/15
E22017 AH	Contaminated Land - Remedial Action Plan	Environmental Investigations	4/11/14
2391-R2	Geotechnical Report	Asset Geotechnical	17/12/14
Public Domain and Landscape	Landscape Plan	Turf	February 2015
Majors Bay SEE	Statement of Environmental Effects	City Plan Services	March 2015
SW-7AB-000 to	Hydraulic Engineering Plans	Insync	11/2/15

SW-7AB-110		Services	
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**Note 1:** *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.*

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

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

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

2. **DAGCB01 - Australia Post Guidelines**

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

*(Reason: To ensure compliance with mail delivery regulations)*

3. **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)*

4. **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)*

5. **DAGCC05 - Waste Management**

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

*(Reason: Compliance with approval)*

6. **DAGCC06 - Fill Material**

**Imported Fills**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

1. Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
2. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
3. Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental



consultant in accordance with relevant NSW EPA guidelines, including the “Waste Classification Guidelines” 2014.

To ensure that fill material is suitable for the proposed [use], only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

### **Classification of waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

**Note:** Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2014) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Health, Building & Environment.

*(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)*

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

7. **DACCA03 - Further Acoustic Assessment - Mechanical Plant**

Prior to the issue of a Construction certificate a further acoustic assessment is to be undertaken to assess the below listed plant and their ability to comply with relevant policies and legislation including but not limited to the NSW EPA Industrial Noise Policy 2000, and NSW Protection of the Environment Operations Act 1997:

- Noise impacts of mechanical plant including carpark supply and exhaust fans and air conditioning equipment and any other mechanical plant likely to cause a noise nuisance.

A copy of the above required acoustic assessment is to be furnished to Council.

All recommendations provided within the acoustic assessment are to be adopted, implemented and adhered to.

*(Reason: compliance with acoustic report)*

8. **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)*

9. **DACCB04 - Section 94 Contributions**

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

Based on the following rates, as at December 2015 (CPI 108.9)

<b>Infrastructure Type</b>	<b>Studio/One bedroom dwelling</b>	<b>Two bedroom dwelling</b>	<b>Three + bedroom dwelling</b>
Community Facilities	\$1,095.88	\$1,506.08	\$2,179.39
Civil Infrastructure	\$1,063.97	\$1,514.66	\$2,115.94
Plan Preparation and Administration	\$120.35	\$171.33	\$239.35

Open Space and Recreation	\$7,776.60	\$11,070.68	\$15,465.32
<b>TOTAL</b>	\$10,056.81	\$14,316.75	\$20,000

Based on the following number of Dwellings and Bedrooms:

No. of Dwellings	No. of Studio & One beds	No. of Two beds	No. of Three or more beds	
	11	50	3	
<b>TOTAL</b>	\$110,624.91	\$715,837.50	\$60,000.00	<b>\$886,462.41</b>

Any change in the Consumer Price Index between December (CPI 108.9) and the date that the Section 94 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

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

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

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

#### 10. **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 MHWM) without the relevant approvals being granted by NSW Maritime.

*(Reason: Environmental protection)*

#### **11. DACCE01 - Amendments to Approved Plans**

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

##### **Traffic and Parking**

1. The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code. Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i. Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii. Section showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance of 2500mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii. Certification that the design complies with AS/NZS 2890.1:2004 by a suitably Qualified Engineer.

##### **Landscaping**

1. Sheet L-14 of the landscape plan prepared by TURF is to be amended to demonstrate T1 as wheelchair accessible,
2. Sheet L-16 of the landscape plan prepared by TURF is to be amended to detail 300mm soil for plants should be ANL organic garden mix or equivalent - 75mm mulch should be ANL Hort-Bark or equivalent,

3. *Glochidion ferindi* is to be replaced with a more suitable plant species.

**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)*

12. **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)*

13. **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)*

14. **DACCF04 - On Slab Landscaping**

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

*(Reason: Ensure landscape survival)*

**15. DACCG10 - Speed Hump and Stop Sign on Exit**

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

*(Reason: Traffic safety and management)*

**16. DACCG13 - Vehicular Access Ramps**

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

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

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

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

17. **DACCG14 - Vehicular Circulation, Aisles & Ramps**

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

*(Reason: Parking and access)*

18. **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)*

19. **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)*

20. **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)*

21. **DACCK02 - BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.



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

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

*(Reason: Statutory Compliance)*

22. **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)*

23. **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)*

24. **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, paving or similar
- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels

complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*

(i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

*(Reason: Environmental protection)*

25. **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)*

26. **DACCM01 - Dilapidation Report**

Subject to access being granted, a Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out **prior to the issue of the Construction Certificate**.

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

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

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

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

*(Reason: Safety)*

27. **DACCM02 - Geo-technical Report**

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

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

*(Reason: Structural safety)*

28. **DACCM04 - Support and Protection for Neighbouring Buildings**

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

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

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

*(Reason: Structural safety)*

29. **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)*

**30. DACCN03 - Telecommunications**

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

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

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

*(Reason: Environmental Amenity)*

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

**31. 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)*

**32. 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)*

**33. 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)*

34. **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)*

35. **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)*

36. **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).

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)*

37. **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**

38. **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)*

39. **DADWA04 - Dust Control**

*Small Works*

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If

necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

#### *Major Works*

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

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

*(Reason: Environmental amenity)*

40. **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)*

41. **DADWA07 - Compliance with REMP**

Remediation and construction works are to be undertaken in accordance with the approved Remediation Environmental Management Plan, prepared by Environmental Investigations, Report E22017 AH, dated 4 November 2014,

*(Reason: Clarify the terms of the consent)*

42. **DADWA08 - Waste Collection Zone**

Approval must be sought from Council's Traffic Committee to install 'No Parking - Authorised Garbage Collection Vehicles Excepted' signs for a specified time period which corresponds with the garbage collection services for the waste collection zone identified on the approved plans.

The specific time period is to be negotiated and approved by Council's Waste Coordinator and signs erected prior to the issue of a Final Occupation Certificate for the above-ground works for the relevant buildings. If approved the applicant shall install the signage at their cost and in accordance with Council and the Traffic Committees specifications, prior to the issue of a



Final Occupation Certificate for above ground works for the relevant buildings.

*(Reason: Compliance, health and safety)*

43. **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)*

44. **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)*

45. **DADWB04 - Damage to Adjoining Properties**

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

*(Reason: Structural safety)*

46. **DADWB06 - Site requirements during demolition and construction**

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

(a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.

(b) Demolition must be carried out by a registered demolition contractor.

(c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.

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

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

47. **DADWC04 - Site Validation Report**

**Prior to the issue of a Construction Certificate for above ground works,** on completion of the remedial works, a Site Validation Report is to be forwarded to Council for approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination in New South Wales, EPA contaminated land legislation and guidelines including the Contaminated Land Management Act. The report is to be satisfactorily documenting the following:

1. The extent of validation sampling, and the results of the validation testing,
2. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan
3. That the site is suitable for the proposed use.
4. The Validation Report must be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate

*(Reason: To ensure compliance with Statutory Requirements)*

48. **DADWC05 - Site Audit Statement**

**Prior to the issue of a Construction Certificate for above ground works,** a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form of the consent.

(a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.

(b) A Construction Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the Council in accordance with this condition.

*(Reason: To ensure compliance with Statutory Requirements)*

49. **DADWC06 - Remediation**

**Prior to the issue of a Construction Certificate for works above existing ground level,** the site is to be remediated in accordance with:

- (a) Remedial Action Plan, prepared by Environmental Investigations, Report No E22017 RAP Rev 2, dated 1 October 2014, and
- (b) Remediation Environmental Management Plan, prepared by

Environmental Investigations, Report E22017, dated 4 November 2014, and  
(c) Council's Contaminated Land Policy, and  
(d) State Environmental Planning Policy No. 55 - Remediation of Land and  
(e) The guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, a notice of completion including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Environmental Planning Policy No 55 - Remediation of Land

The validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. The audit is to be carried out by an independent auditor accredited by the NSW Department of Environment and Climate Change. Any conditions recorded on the Site Audit Statement are to be complied with.

*(Reason: Compliance with Statutory Requirements)*

50. **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)*

51. **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<sub>10</sub> 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)*

**52. 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)*

**53. 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)*

54. **DADWG02 - Protection of Public Places**

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

*(Reason: Safety)*

55. **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)*

56. **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)*

57. **DADWI01 - Progress Survey - Major Development (greater than two stories)**

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

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

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

*(Reason: To ensure compliance with approved plans)*

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

**58. 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)*

**59. DAOCB02 - Strata Subdivision Approval**

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

*(Reason: Information)*

**60. 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)*

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

**61. DAFOE01 - Certification of the Constructed Stormwater Drainage System**



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

*(Reason: Adequate stormwater management)*

**62. DAFOE02 - Covenant & Restriction as to User for Stormwater Controlled Systems**

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

**Easement Registration**

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

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

*(Reason: Compliance and adequate maintenance of drainage system)*

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

**63. 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)*

**64. DAOUC07 - Pollution Control**

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) All pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- (b) All liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- (c) The repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:
  - Retained for recycling or;
  - Disposed of in accordance with the requirements of Sydney Water
- (d) All paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- (e) No spray painting of vehicles shall take place outside the spray booth; and
- (f) Appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

*(Reason: Environmental protection)*

**65. DAOUC11 - Water Quality Treatment Systems**

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

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

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

These systems shall be designed to ensure ease of maintenance.

*(Reason: Environmental protection)*

**66. DAOUC12 - Acoustic Assessment**

All recommendations contained in the acoustic assessment report prepared by Acouras Consultancy Ref. SYD2013-1010-R004A dated 10 February 2015 shall be adopted, implemented, and adhered to.

Any changes made to the proposal that would alter the acoustic assessment

will require a further acoustic assessment and a copy of this further report shall be provided to Council **for approval prior to the commencement of works.**

*(Reason: Noise Control and Amenity)*

**67. DAOUC16 - Noise Complaints - General**

The development must not cause offensive noise as defined by the *Protection of the Environment Operation Act 1997 (NSW)* Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for approval. Following approval the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe set by Council, to the satisfaction of Council and in compliance with any additional direction given by Council.

*(Reason: Noise Control and Amenity)*

**Advisory Notes**

**1. 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) 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.

2. **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.**

3. **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.

4. **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.

5. **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.

6. **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.

7. **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-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.

## REPORT

### 1. BACKGROUND

On the 10 May 2013, the Planning Assessment Commission approved a Concept Plan for the Majors Bay site. The Concept Plan **MP 10\_0514** as described in the Instrument of Approval included fifteen (15) buildings ranging in heights from three (3) to seven (7) storeys, a maximum GFA of 38,459m<sup>2</sup> across the site with street upgrades to public roads, stormwater and drainage systems.

On the 11 April 2014, Council approved DA 488/2013 for the demolition of the structures above the slabs and piers of the ground floor only and trees above the root system.

On the 6 November 2014, the JRPP – Sydney East resolved to grant consent to DA513/2013 for construction of 15 residential flat buildings, comprising 142 x 1 bedroom, 240 x 2 bedroom and 48 3 x bedroom apartments with basement parking for 748 spaces.

Under authority delegated to Council, DA513/2013 has been modified on three occasions to include the following:

- Staged payment of the section 94 contributions (*determined 31 March 2015*)
- New basement parking level under building 2B and storage areas having a combined volume of 503m<sup>3</sup> (*determined 27 July 2015*)
- Increase in building heights varying from 150mm to 400mm (*determined 2 December 2015*)

On the 20 November 2014, the Planning Assessment Commission, acting under authority from the Minister for Planning, approved **MOD 1** to Master Plan **MP10\_0154**. The modification included:

- Inclusion of 8, 10 and 12 Hilly Street, Mortlake into the Concept Plan site area;
- Additional building envelope for a new part 4, part 6 and part 7 storey building;
- Relocated driveway access to basement car parking for Buildings 4C/4D; and
- An increase to the maximum GFA from 38,458m<sup>2</sup> to 44,619m<sup>2</sup>

A JRPP briefing meeting was held on 16 April 2015. Council staff provided a presentation of the proposed development, its key elements and the planning controls, including an overview of the issues of concern that arose through the assessment process and the submission received.

On the 2 June 2015 the Acting Director, Key Sites Assessments as delegate of the Minister for Planning, modified the Concept Plan (**MP10\_0154**) via a Section 75W (**MOD 2**) to include:

- Incorporating a former Council carpark and Dunny Lane into the Concept Plan;
- Building envelope extension for Building 6A; and
- An increase to the maximum GFA from 44,619m<sup>2</sup> to 44,939m<sup>2</sup>

Numerous meetings have taken place between the engineers of Council and those representing the applicant to address stormwater drainage and vehicular access issues relating to the subject site. These matters have been resolved, and suitable conditions have been recommended to be placed on any consent to ensure the effective collection and disposal of stormwater and vehicular access into the site.

Negotiations between the engineers on the civil design works associated with the s.138 application are on-going, but are nearing resolution. Suitable conditions are recommended to be placed on any consent ensuring that works covered by the s.138 application are resolved prior to the issue of Construction Certificate.

## **2. THE SITE AND ITS CONTEXT**

The application relates to the following sites:-

- 8 Edwin Street, Mortlake – Lot 1, DP 509509 and Lot 2 DP 210632
- 10 Edwin Street, Mortlake – Lot 1 DP 210632
- 12 Edwin Street, Mortlake – Lot 1, DP 357261

The site is located on the western edge of Mortlake Peninsula with the Majors Bay and Parramatta River directly to the west. The site is in the Canada Bay City Council LGA, north - east from Concord West Village Centre at Majors Bay Road and south-east from the specialised centre at Rhodes. To the east of the development precinct is the residential precinct of Breakfast Point which will provide over 2,000 dwellings when completed.

The site's surrounding area is currently undergoing a rapid transition from industrial uses and built form to a residential neighbourhood. Construction works are well under way for the majority of apartment buildings approved under DA 513/2013.

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

The subject site is made up of three larger blocks, resulting in a total area of 2315m<sup>2</sup>. The Site is part of a larger site which has Concept Approval and development application approval for residential development on Hilly, Bennett, Northcote and Edwin Streets. The original development

application that has been modified will comprise of 434 dwellings in fifteen (15) buildings over the remainder of the development site.

### 3. PROPOSED DEVELOPMENT IN DETAIL

The subject application seeks consent for the construction of residential flat building, known as building 7AB, and comprising 64 residential units.

The subject DA consists of the following:

- Construction of a residential flat building consisting of 64 dwellings with 11 x 1 bedroom, 50 x 2 bedroom and 3 x 3 bedroom apartments.
- Basement parking with vehicular access which provides 105 basement parking spaces including accessible parking spaces, service areas and storage areas. The car parking levels will be connected to the parking levels in the adjacent development,
- Provision of through site link to the foreshore open space,
- Upgrade of the stormwater and drainage system,
- Waste storage at street level with collection from Northcote Street, and
- Upgrades to the adjoining streets and public domain works which supports pedestrian and cycle networks within the site.

The demolition of all structures and trees on the site will be as per the demolition approval DA488/2013 issued by Council on 11 April 2014.

<i>Aspect</i>	<i>Description</i>
<i>Gross Floor Area</i>	6,086.5m <sup>2</sup> (as per condition A5 of Concept Approval <b>MP10_0154</b> , MOD 1 approved 6,161m <sup>2</sup> )
<i>Floor Space Ratio</i>	1.35:1 (as per condition A6 of <b>MP10_0154 MOD1</b> ). 1.5:1 (total for the Majors Bay precinct development as per condition A6 of <b>MP10_0154 MOD 1</b> )
<i>Building Height</i>	Approved Height (storeys) Part 4, Part 6 and Part 7 compliant.  Minor variation to building heights to habitable levels sought 4 storey part of building measures 16.4mRL (*300mm variation to approved RL of 16.1m) 6 storey part of building measures 23.8mRL (*300mm variation to approved RL of 23.5m) 7 storey part of building measures 26.85mRL (*350mm variation to approved RL 26.5m)  * Discussed further in this report under section 5.3 The development is generally in accordance with the approved Building Height Planes and condition A7 of the Concept Plan as modified under MOD 1.



<i>Residential Apartment Size and Mix</i>	<p><b>Total of 64 apartments comprising:</b></p> <p>11 x 1 bedroom, Average unit area 55m<sup>2</sup></p> <p>50 x 2 bedroom, Average unit area 84m<sup>2</sup></p> <p>3 x 3 bedroom , Average unit area 110m<sup>2</sup></p> <p><b>Apartment mix for overall Majors Bay precinct</b></p> <p>494 apartments (including subject site)</p> <p>153 x 1 bedroom (31%) (33.1% in parent DA)</p> <p>290 x 2 bedroom (58.7%) (55.8% in parent DA)</p> <p>51 x 3 bedroom (10.3%) ( 11.1% in parent DA)</p>
<i>Landscaping</i>	<p>Associated landscaping including treatment to the public domain on the periphery of the site, central communal courtyards and through site walkways.</p> <p>Screen planting to be provided to edge of through site link to privatise building forecourt and create landscaped walkway to foreshore area</p>
<i>Car Parking</i>	<p>Provision of 105 parking spaces comprising:</p> <p>92 residential spaces (including 14 adaptable spaces)</p> <p>13 visitor spaces</p> <p>4 motorcycle spaces</p> <p>53 bicycle spaces</p> <p>6 visitor bicycle spaces</p>
<i>Publically Accessible Area</i>	<p>Public walkways provided across the rear of the site to link to foreshore approved in the parent consent DA513/2015.</p>

#### **4. PUBLIC SUBMISSIONS**

In accordance with Council's Notification Development Control Plan, two hundred and twenty (220) adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment. The notification generated **no** submissions objecting to the proposal.

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

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

##### **5.1.1. Concept Plan for a project under Part 3A of the EP & A Act**

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

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

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

On the 20 November 2014 the Planning Assessment Commission modified the Concept Approval (MOD 1) in order to:

- a) Incorporate Nos: 8, 10 and 12 Hilly Street, Mortlake into the Concept Plan site and to permit the use of those properties for residential use with a building envelope of four to six/seven storeys: and
- b) Permit a subsequent 6,160m<sup>2</sup> increase in the total site gross floor area to 29,746m<sup>2</sup>, and an increase in the total floor space ratio from 1.4:1 to 1.5:1 across the entire Concept Plan site

The submitted application is generally consistent with the conditions of the Concept Plan approval and the approved plans and documentation. An assessment against the key features of the Concept Plan is undertaken below in Appendix A.

#### *5.1.2. State Environmental Planning Policies*

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

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

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

A Remediation Action Plan (RAP) has been prepared and reviewed by a NSW EPA Auditor, which was reviewed by Council's Environmental Health team. The RAP was found to be acceptable and it is considered

that the site can be made suitable for the development following the implementation of the RAP. Suitable conditions have been recommended to be placed on any consent ensuring that the recommendations of the RAP are undertaken and a Site Audit Statement is issued upon completion of the works.

State Environmental Planning Policy No 65 (SEPP No.65) - Design Quality of Residential Flat Buildings.

A comprehensive review of the SEPP No 65 and accompanying *Residential Flat Design Code* has been recently undertaken, which has resulted in significant changes to the Policy including a renaming to; *Apartment Design Guide*. This latest Policy applies to residential flat building developments across the State with the exception of development applications lodged prior to 19 June 2015, whereupon the former *Residential Flat Design Code* remains the relevant Policy. The subject development application was lodged 5 March 2015.

The provisions of SEPP No. 65 affect the proposed development being a residential flat building greater than 3 storeys. Currently there is no Urban Design Review Panel constituted for Council under the provisions of SEPP 65. However, the proposed development has been assessed against the principles set out in SEPP No. 65, and the associated Residential Flat Design Code of that SEPP,

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Schedule 1 of SEPP 65. Following is an assessment of the proposal against the nine (9) design quality principles outlined in SEPP 65.

***Principle 1: Context and Neighbourhood Character***

Comment: The subject development site is located at the western edge of the larger development precinct 'Majors Bay', which is currently under construction. The development precinct currently has approval for fifteen (15) apartment buildings ranging in height from three (3) to seven (7) storeys. In total 434 apartments are already approved within the development precinct.

The subject development site has approval for upgrade works to the surrounding local road network and street planting. In addition through-site pedestrian links to along the foreshore area of the precinct will be provided.

The area in the vicinity of the precinct site is undergoing a steady transition from industrial use to residential. The most notable development is observed on the eastern side of the Mortlake peninsula – Breakfast Point, which will provide 2000 residential apartments with services, open space, and public foreshore access.

The site is located on the corner of Hilly and Northcote Streets and has a slope down to the foreshore area from Hilly Street. The highest point of the proposed development (6/7 storeys) runs north to south along the highest point of the site. The built form becomes lower stepping to the west (4 storeys), which provides for view sharing and appropriate urban form when viewed from the public domain and foreshore area.

The proposed development is considered to relate well to the surrounding key natural and built features of the surrounding context.

***Principle 2: Scale***

Comment: The proposed scale of the development is guided by the Concept Plan approval (as modified), which allows for specific height and density. The proposed development satisfies most of the requirements of the Concept Plan. As described in part 5.3 of this report, the height of the proposal breaches the Building Height control of the Concept Plan by up to 350mm, but has been designed to ensure a suitable design outcome and will be consistent with the variations to building height made to other buildings under the previous development application determined by the JRPP.

The proposed building height of 6 and 7 storeys along Hilly Street will be consistent with other apartment buildings in the precinct which have placed the highest buildings (4, 6 and 7 storey building) running parallel the Hilly Street alignment, as depicted in the following perspective:



Aerial View from south-east

The proposal has included details such as vertical slots in the longer buildings' elements to reduce the length of continuous façade and incorporates horizontal separation to create a base, middle and top.

The proposal satisfies this principle and ensures an appropriate scale in terms of bulk and height that suits the scale of the street and surrounding buildings.

***Principle 3: Built form***

Comment: The subject site is located at a corner of the Majors Bay development site which is included in the Concept Plan (as amended). The buildings on the site will relate to each other through a consistent but varied detailing, colours and materials.

The sides of the buildings are articulated with breaks and wall openings to avoid large expanses of blank walls. The buildings have generous balconies, with most full width, to provide a layering affect to the façade.

The angled proportion to the western end of Building 7B opens the common walkway and central courtyard to Northcote Street, making entry to the landscaped area inviting for activation of the outdoor space.

The buildings sit on a podium of carparking that connects into the current basement carpark. Vehicular entry to the carpark has been moved away from the intersection of Bennet Street with Northcote Street to a more discrete location under building 7B.

The proposal will result in an appropriate built form by providing 4, 6 and 7 storey apartment buildings of comparable scale and proportions to development approved in the previous development application for the precinct.

***Principle 4: Density***

Comment: The total gross floor area (GFA) for this development will provide an additional 6,160m<sup>2</sup> of residential development taking the overall GFA for the Majors Bay precinct to 44,619m<sup>2</sup>, consistent with the Concept Plan.

The development will provide a variety of apartment sizes with the following proposed:

**Total of 64 apartments comprising:**

- 11 x 1 bedroom, Average unit area 55m<sup>2</sup>
- 50 x 2 bedroom, Average unit area 84m<sup>2</sup>
- 3 x 3 bedroom, Average unit area 110m<sup>2</sup>

**Apartment mix for overall Majors Bay precinct**

494 apartments (including subject site)

- 153 x 1 bedroom (31%) (33.1% in parent DA)
- 290 x 2 bedroom (58.7%) (55.8% in parent DA)
- 51 x 3 bedroom (10.3%) (11.1% in parent DA)

The proposal will provide a density appropriate for the site and its context.

***Principle 5: Resource, energy and water efficiency***

Comment: The proposal is accompanied by a BASIX certificate, which assures an appropriate level of sustainable design for residential development, where:

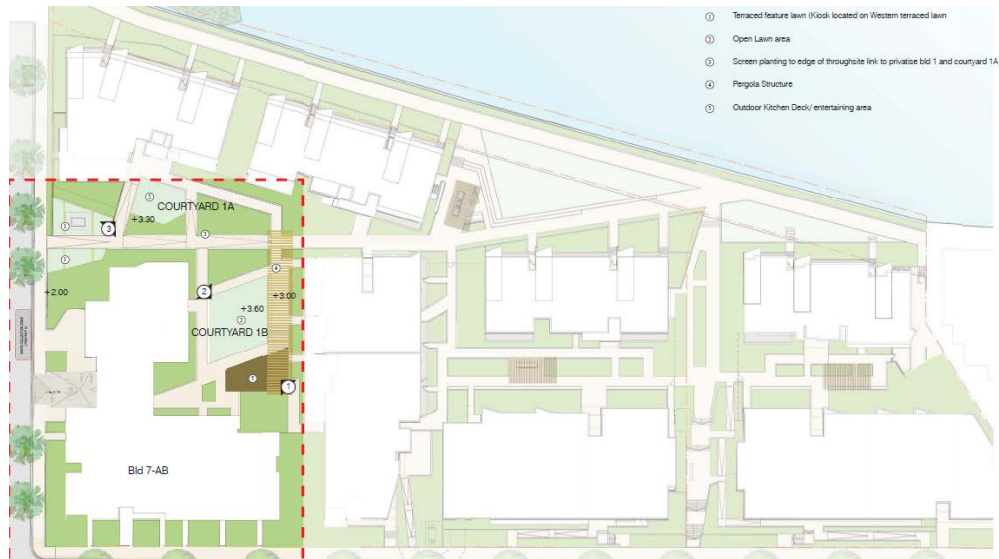
- 61% of units are cross ventilated which meet the RFDCs minimum requirements, reducing the need for mechanical ventilation.
- 70% of units receive 2 hours of solar access in mid-winter to the living rooms and private open space areas of the apartments, reducing the need for heating.
- The SEE submitted with the application also indicates the following measures to ensure sustainability of the proposed development:
  - Minimum ratings for water fixtures;
  - Gas cook tops and electric ovens;
  - Recycling facilities to encourage occupant recycling including split waste chutes;
  - Rainwater tank for garden irrigation and use in the car wash bays;
  - Upgrades to the stormwater drainage system, including gross pollutant traps to assist in the stormwater control of the site and to minimise pollutants entering the Bay;
  - Soft and deep soil landscaping to assist in stormwater control of the site; and
  - The planting of indigenous or low water use plant species to minimise water consumption.

The proposal will make efficient use of natural resources, energy and water throughout the construction and occupation of the development.

***Principle 6: Landscape***

Comment: The applicant has provided communal facilities within the open space areas. Two courtyard areas orientated to the north and west of the development will provide areas for landscaping in the form of; terraced feature lawns, screen planting to the buildings edge, pergola structures and outdoor BBQ, deck/entertaining areas.

A landscaped pedestrian through site link will be maintained and enhanced by the proposed development by integrating communal and private courtyards into the design.



The proposed landscape design will function as an integrated space enhancing the amenity of the occupants.

***Principle 7: Amenity***

Comment: The development has been designed to ensure that it satisfies the numerical standards of the RFDC by providing 61% of apartments with natural cross ventilation, and at least 70% of apartments will receive 2 hours of sunlight to living spaces between 9am and 3pm in mid-winter.

A minimum of 15% of apartments will be provided as adaptable apartments.

Privacy for the occupants between the development and neighbouring apartment buildings has been achieved through a combination of adequate building separation, balcony orientation, privacy screens and through the careful configuration of the internal layout of the apartments.

This development will provide natural light and ventilation to the apartments and provide views of the surrounding district and to the west to the Yaralla Estate.

***Principal 8: Safety and security***

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

The apartments and associated balconies within the complex will provide for good passive surveillance both within the communal open space and along the street frontages.

Adequate passive surveillance of the surrounding street network is also provided by the elevated ground floor apartments through utilisation of extensive glazing and balconies to all elevations.

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

***Principal 9: Social dimensions***

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

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

***Principal 10: Aesthetics***

Comment: These two buildings (7A and 7B) continue the 6-7 storey urban streetscape approved in the parent development consent, and complete the missing piece. The 4 storey building steps down Northcote Street to relate to the built form on the neighbouring southern side of the street.

The use of different material finishes allows the building to differentiate its elements and provide continuity to relate to the existing streetscape elements.

The proposal also provides benefits in landscape design of the communal open spaces and public spaces, providing a specific different character to each of the surrounding streets.

State Environmental Planning Policy - Building Sustainability Index (2004)

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

The proposed development has achieved full compliance with the BASIX commitments as they have reached targets of 40 for Water and 30 for Energy, and a Pass for Thermal Comfort. The schedule of BASIX Commitments is specified within the BASIX Certificate No. 611099M and is included in the recommended conditions of consent.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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



The foreshore land along the northern edge of the Majors Bay development precinct is zoned W8 *Scenic Waters: Passive Use*, which requires the promotion of public access along the foreshore, the maintenance and enhancement of views and protection of natural assets. The development provides a three levelled building stepping from four storeys to seven at its highest. The buildings are suitably articulated through setbacks and materials which ensure interest as viewed from the foreshore. The through link to open space areas along the foreshore will be maintained and enhanced by suitable landscaping.

The foreshore land to the southern edge of the Majors Bay precinct is zoned W2 *Environmental Protection*, which has objectives to protect the natural and cultural values of the water. This portion of the foreshore includes mangroves below the existing seawall. The proposal is setback a significant distance from the protection zone and will not impact on the mangroves. The proposed stormwater upgrades will provide bio retention and gross pollutant traps to improve the water quality.

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

#### 5.1.3. *Local Environmental Planning Instruments*

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

The proposed development, defined as a residential flat building is permissible with the consent of the Joint Regional Planning Panel - Sydney East, within a R1 General Residential zone under the Canada Bay Local Environmental Plan, 2013. The objectives of the zone are considered below:-

<b><i>Objective</i></b>	<b><i>Comment</i></b>
To provide for the housing needs of the community	The proposal will provide 64 additional dwellings, which is consistent with the zoning.
To provide for a variety of housing types and densities	A mix of 1, 2 and 3 bedroom dwellings are proposed in a variety of configurations.
To enable other land uses that provides facilities or services to meet the day to day needs of residents.	This is a residential development only, the site adjoins the Tennyson Road commercial strip, and residents will be within walking distance to a variety of local facilities and services.

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

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

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

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

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

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

<i>Urban Design Elements</i>	<i>Comment</i>
7. Land use compatibility	<p>The proposal is for a residential development which adjoins existing residential developments with some light industrial uses in the vicinity of the site on the south side of Edwin Street.</p> <p>Given the separation provided by the surrounding road network the future residents are unlikely to affect or be affected by these existing uses. The applicant has provided an acoustic report which supports the application.</p>
8. Built form / architectural character	The development satisfies design <i>Principle 3: Built form</i> of SEPP.
9. Building height and scale	The proposal is generally in accordance with the height and scale stipulated in the Concept Plan.

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

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

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

#### ***Building Height***

The Concept Approval specifies maximum heights in *number of storeys* and height as an RL AHD to *topmost habitable level* and *plant/roof zone*. The proposal complies with the maximum storeys of four, six and seven and maximum the RL to plant rooms over both buildings. The development will result in a minor variation to building heights to habitable levels of both buildings of between 300mm to 350mm.

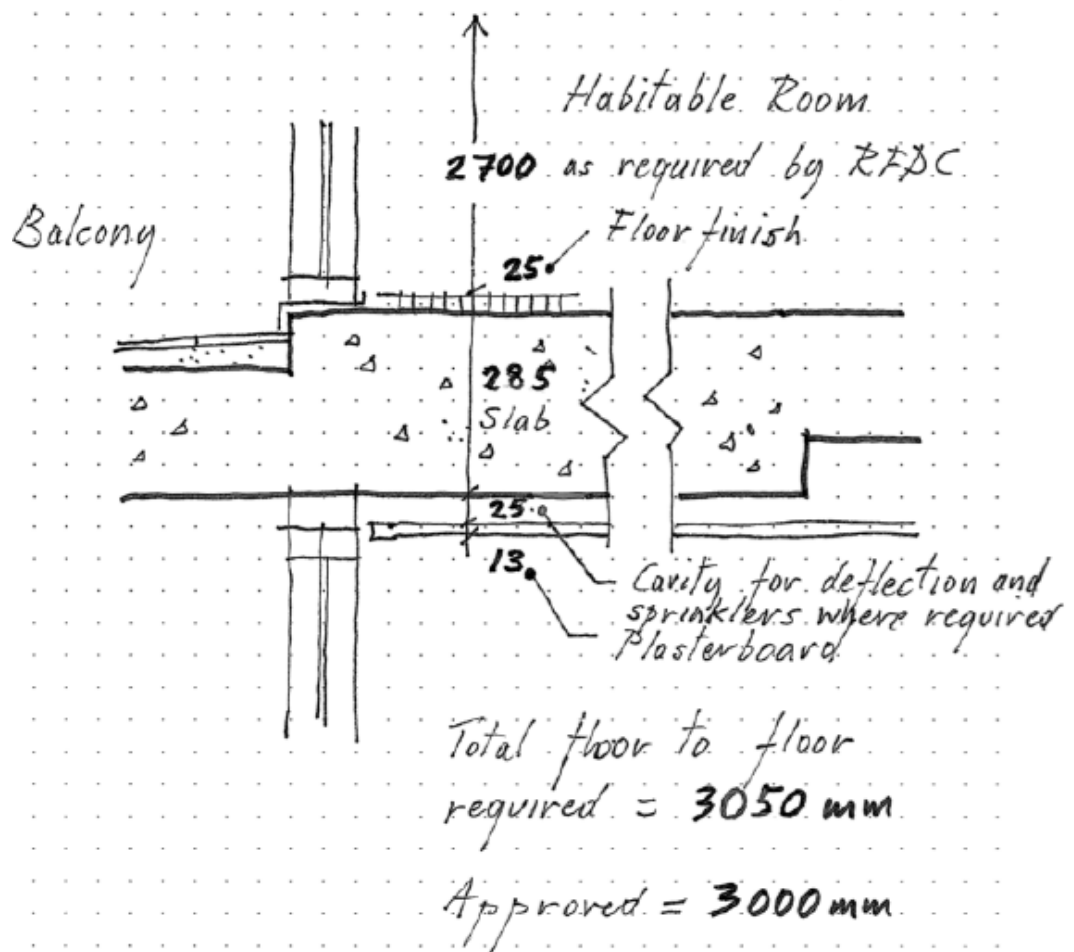
Minor variation to building heights to habitable levels sought

- 4 storey part of building measures 16.4mRL (*300mm variation to approved RL of 16.1m*)
- 6 storey part of building measures 23.8mRL (*300mm variation to approved RL of 23.5m*)
- 7 storey part of building measures 26.85mRL (*350mm variation to approved RL 26.5m*)

The variation to building heights is primarily a result of an increase in floor to floor heights from 3000mm to 3050mm. The minor increase in height is considered acceptable as the development will:

- Ensure floor to ceiling heights achieve a height of 2700mm as recommended in the Residential Flat Design Code;
- Remove the need for bulkheads in the apartments;
- Provide an additional 50mm floor to floor space to include flush pelmets/ceilings in living areas and balcony set downs; and
- Provision of sufficient ceiling cavity space for acoustic separation and to service housing.

The following figure depicts the adjustments to the building height.



Overall, the proposed minor increase in the height of the buildings will improve the amenity of the apartments and provide suitably sized rooms. In addition, the proposal will improve the aesthetic finish of each apartment and enhance the quality of the overall development.

### **Privacy**

The site is bound by Hilly and Northcote Streets with a 4 storey Building known as 4C to the north and the 3 storey buildings known as 1A and 1B to the west of the site.

There will be no privacy impacts to the apartment buildings located on the other side of Hilly and Northcote Streets, as the subject development will be setback over 25metres from them.

Similarly buildings 1A and 1B to the west of the subject development will be separated by a significant distance of over 22metres. In addition deep soil landscape zone will be located between the apartment buildings to further soften and screen the buildings.

Privacy impacts upon the neighbouring 4 storey apartment building to the north of the site (Building 4C) have been ameliorated by the placement of full height privacy screens to the bedroom windows running up the spine

of the northern elevation of the subject development. In addition, it is noted that there will be only windows to each of the floors on this elevation, with each window offset from the windows of building 4C.

To minimise visual and acoustic impacts the balconies protruding from the north-western corner of the building have been positioned over 9 metres from the balconies of the adjoining building 4C.

To avoid visual and acoustic impacts between the balconies of apartments within the subject building, angled solid blade walls are to be constructed to direct vision away from the balconies and to minimise overlooking.

#### ***Traffic generation, parking and loading***

The Concept Approval set out on-site parking rates for the development. As detailed in the submitted application 105 parking spaces are to be provided satisfying the required parking provisions.

The layout of the basement parking levels satisfies the conditions of the Modified Concept Approval (**MP 10\_0154 MOD 1**) and the relevant Australian Standards. Vehicular access to the development is provided via a two-way driveway from Northcote Street.

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

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

#### ***Waste Management***

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

The application proposes an on-street garbage truck collection zone on Northcote Street, adjoining each of the bins rooms, so that Council's waste contractors can service the bin room directly, avoiding the need for the bins to be presented to the street.

#### ***Intensity of Use***

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

### ***Social/Economic***

The proposal will have minimal social / economic impacts. The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of unit sizes and a unit mix which will promote diversity, affordability and housing choice.

### ***Streetscape***

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

### ***Developer Contributions***

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

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

<b>Infrastructure Type</b>	<b>Studio/One bedroom dwelling</b>	<b>Two bedroom dwelling</b>	<b>Three + bedroom dwelling</b>
Community Facilities	\$1,095.88	\$1,506.08	\$2,179.60
Civil Infrastructure	\$1,063.97	\$1,514.66	\$2,115.94
Plan Preparation and Administration	\$120.35	\$171.33	\$239.35
Open Space and Recreation	\$7,776.60	\$11,070.68	\$15,464.32
Total / dwelling	\$10,056.81	\$14,316.75	\$20,000

Based on the following number of Dwellings and Bedrooms:

<b>Dwellings</b>	<b>11 x Studio &amp; 1 bed dwellings</b>	<b>50 x 2 bed dwellings</b>	<b>3 x 3 bed dwellings</b>
<b>Total / dwelling</b>	\$10,056.81	\$14,316.75	\$20,000
<b>Total</b>	\$110,624.91	\$715,837.50	\$60,000
<b>Grand Total</b>	<b>\$886,462.41</b>		

Any change in the Consumer Price Index between December 2015 (CPI 108.9) and the date that the Section 94 Development Contribution is paid, will be added/subtracted from the amount cited above.

5.4. **Suitability of the Site for the Development Proposed [Section 79(c)]**

The proposed development has been assessed in relation to its environmental consequences, and in terms of State Environmental Planning Policy No. 55 and SEPP 65. Having regard to this assessment it is considered that the land is suitable for the intended development.

5.5. **The Public Interest [Section 79C (e)]**

The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

**6. INTERNAL REFERRALS**

6.1. **Landscaping/Tree Removal**

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

6.2. **Stormwater Drainage**

Council's stormwater engineer reviewed the submitted stormwater drainage details and advised that the proposal could be supported subject to the imposition of suitable conditions, which have been included in the recommendation of this report.

6.3. **Traffic Engineering/Local Traffic Committee (where not SEPP 11)**

Council's Traffic Engineer reviewed the submitted traffic report and provided comment. The applicant submitted additional information which addressed the issues previously raised and suitable conditions have been included within the recommendation of this report.

6.4. **Environmental Health**

The subject application was found to be acceptable with the application of suitable conditions to ensure a Site Audit Statement is provided, and that potential Acid Sulfate Soils are appropriately managed.

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

Referral to an external authority was not required.



**8. CONCLUSION**

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

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

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

**Attachments:**

**Appendix A – Assessment against Concept Plan approval (as modified MP 10\_0154 (MOD 1) determined, 20 November 2014)**

**Appendix B – Residential Flat Design Code**

## Appendix A – Assessment against Concept Plan approval (as modified MP 10\_0154 MOD 1 determined, 20 November 2014)

Part A - Terms of Approval																																																										
Condition		Comment																																																								
A1	<p><b>Development Description</b></p> <p>Concept approval is granted to the development as described below:</p> <p>a) use of the site for the purpose of residential apartments and associated open space;</p> <p>b) indicative building envelopes for <del>15</del> <b>16</b> buildings ranging from three to seven storeys;</p> <p>c) basement level car parking zones and car parking rates;</p> <p>d) publically accessible open space and through site links;</p> <p>e) a maximum GFA of <del>38,458m<sup>2</sup></del> <b>44,619m<sup>2</sup></b> across the site;</p> <p>f) pedestrian and cycle networks through the site; and</p> <p>g) street upgrades to public roads and upgrade to stormwater and drainage systems.</p>	The proposal is consistent with the modified development description.																																																								
A2	<p>The development shall be undertaken generally in accordance with:</p> <ul style="list-style-type: none"><li>the Environmental Assessment, except where amended by the Preferred Project Report and including all associated documents and reports;</li><li>the Statement of Commitments in Schedule 4 (except as amended by this approval);and</li><li>the following drawings:</li></ul> <table><tr><th colspan="4">Architectural Drawings prepared for the Preferred Project Report by Cox Richardson Architects MP10_0154 MOD 1</th></tr><tr><th>Drawing No</th><th>Name of Plan</th><th>Revision</th><th>Date</th></tr><tr><td><del>CP_01_03_01</del></td><td>Site Overlay</td><td></td><td><del>October 2012</del></td></tr><tr><td><b><u>CP_01_03_02</u></b></td><td></td><td></td><td><b><u>December 2013</u></b></td></tr><tr><td><del>CP_02_02_04</del></td><td>Floor Space Allocation</td><td></td><td><del>October 2012</del></td></tr><tr><td><b><u>CP_02_05_05</u></b></td><td></td><td></td><td><b><u>December 2013</u></b></td></tr><tr><td><del>CP_02_03_04</del></td><td>Indicative Staging Plan</td><td></td><td><del>October 2012</del></td></tr><tr><td><b><u>CP_02_03_05</u></b></td><td></td><td></td><td><b><u>December 2013</u></b></td></tr><tr><td><del>CP_02_05_05</del></td><td>Public Domain Plan</td><td></td><td><del>October 2012</del></td></tr><tr><td><b><u>CP_02_05_06</u></b></td><td></td><td></td><td><b><u>December 2013</u></b></td></tr><tr><td><del>CP_02_06_05</del></td><td>Basement Extents</td><td></td><td><del>October 2012</del></td></tr><tr><td><b><u>CP_02_06_06</u></b></td><td></td><td></td><td><b><u>December 2013</u></b></td></tr><tr><td><del>CP_02_08_03</del></td><td>Site Elevations</td><td></td><td><del>October 2012</del></td></tr><tr><td><b><u>CP_02_08_04</u></b></td><td></td><td></td><td><b><u>December 2013</u></b></td></tr></table>	Architectural Drawings prepared for the Preferred Project Report by Cox Richardson Architects MP10_0154 MOD 1				Drawing No	Name of Plan	Revision	Date	<del>CP_01_03_01</del>	Site Overlay		<del>October 2012</del>	<b><u>CP_01_03_02</u></b>			<b><u>December 2013</u></b>	<del>CP_02_02_04</del>	Floor Space Allocation		<del>October 2012</del>	<b><u>CP_02_05_05</u></b>			<b><u>December 2013</u></b>	<del>CP_02_03_04</del>	Indicative Staging Plan		<del>October 2012</del>	<b><u>CP_02_03_05</u></b>			<b><u>December 2013</u></b>	<del>CP_02_05_05</del>	Public Domain Plan		<del>October 2012</del>	<b><u>CP_02_05_06</u></b>			<b><u>December 2013</u></b>	<del>CP_02_06_05</del>	Basement Extents		<del>October 2012</del>	<b><u>CP_02_06_06</u></b>			<b><u>December 2013</u></b>	<del>CP_02_08_03</del>	Site Elevations		<del>October 2012</del>	<b><u>CP_02_08_04</u></b>			<b><u>December 2013</u></b>	The proposal is generally consistent with the details of the Concept Plan. Any departures are identified within the following tables and then discussed in greater detail within part 5 above.
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A5	<p><b>Building Envelopes and Separation</b></p> <p>Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site and the Concept Plan Building Separation Diagram <del>CP_02_18_01</del> <b><u>CP 01 02 06</u></b> prepared by Cox Richardson Architects (<del>October 2012</del>) <b><u>December 2013</u></b>, except where amended by the Modifications in Part B of this Approval <b><u>or as required by a future environmental assessment requirement.</u></b></p>	<p>The proposed Architectural Plans demonstrate the building footprints and setbacks are generally in accordance with the approval.</p> <p>The proposal is generally within the approved building envelopes in the Concept Approval and the building separation satisfies the RFDC.</p>																																																															
A6	<p><b>Maximum Gross Floor Area (GFA)</b></p> <p>The maximum GFA for the development shall have a maximum FSR of <del>1.4:1</del> <b><u>1.5:1</u></b> and provide a maximum GFA of <del>38,459m<sup>2</sup></del> <b><u>44,619m<sup>2</sup></u></b>, apportioned as follows:</p> <table><tr><th>Site</th><th>Site Area (m<sup>2</sup>)</th><th>Precinct (GFA m<sup>2</sup>)</th><th>GFA (m<sup>2</sup>)</th><th>FSR</th></tr><tr><td>Site 1</td><td><del>10,483m</del></td><td>Precinct 2 (15,542) Precinct 6 (4,910)</td><td>20,452</td><td>1.95:1</td></tr><tr><td>Site 2</td><td>2,911</td><td>Precinct 5 (2,167)</td><td>2167</td><td>0.74:1</td></tr><tr><td>Site 3</td><td><del>44,037</del> <b><u>16,352</u></b></td><td>Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,244 <b><u>14,401</u></b>)</td><td><del>46,849</del> <b><u>22,000</u></b></td><td><del>4.13:1</del> <b><u>1.35:1</u></b></td></tr><tr><td>Total</td><td><del>27,434</del> <b><u>29,746</u></b></td><td><del>38,459</del> <b><u>44,619</u></b></td><td><del>38,459</del> <b><u>44,619</u></b></td><td><del>1.4:1</del> <b><u>1.5:1</u></b></td></tr></table>	Site	Site Area (m <sup>2</sup> )	Precinct (GFA m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSR	Site 1	<del>10,483m</del>	Precinct 2 (15,542) Precinct 6 (4,910)	20,452	1.95:1	Site 2	2,911	Precinct 5 (2,167)	2167	0.74:1	Site 3	<del>44,037</del> <b><u>16,352</u></b>	Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,244 <b><u>14,401</u></b> )	<del>46,849</del> <b><u>22,000</u></b>	<del>4.13:1</del> <b><u>1.35:1</u></b>	Total	<del>27,434</del> <b><u>29,746</u></b>	<del>38,459</del> <b><u>44,619</u></b>	<del>38,459</del> <b><u>44,619</u></b>	<del>1.4:1</del> <b><u>1.5:1</u></b>	<p>The subject development is located in Precinct 4 which has an amended maximum allowable GFA of 14,401m<sup>2</sup>, inclusive of a maximum GFA of 6,160m<sup>2</sup> for the new building.</p> <p>The proposed GFA of subject development measures 6,086.5m<sup>2</sup>, which is 7.5m<sup>2</sup> less than the maximum approved GFA of 6,160m<sup>2</sup>.</p> <p>The proposal is compliant with the Concept Approval.</p>																																						
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Site 3	<del>44,037</del> <b><u>16,352</u></b>	Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,244 <b><u>14,401</u></b> )	<del>46,849</del> <b><u>22,000</u></b>	<del>4.13:1</del> <b><u>1.35:1</u></b>																																																													
Total	<del>27,434</del> <b><u>29,746</u></b>	<del>38,459</del> <b><u>44,619</u></b>	<del>38,459</del> <b><u>44,619</u></b>	<del>1.4:1</del> <b><u>1.5:1</u></b>																																																													

A7	<p><b>Building Height</b></p> <p>Building height is approved for each building to a maximum RL (top of plant/roof zone) and a maximum RL for the top most residential level. Plant and roof zones are to be designed so that the entire plant zone is not built out for each building and does not contain GFA, as per the approved elevations and as follows:</p> <table><tr><th>Building</th><th>Approved Height (storeys)</th><th>Approved Height RL AHD (to topmost habitable level)</th><th>Approved Height RL AHD (including plant/roof zone)</th></tr><tr><td>1A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>1B</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>2A</td><td>4</td><td>16.2</td><td>19.2</td></tr><tr><td>2A2</td><td>4</td><td>19.2</td><td>22.2</td></tr><tr><td>2B/2C</td><td>Part 3/Part 4</td><td>Part 13.2/Part 17.7</td><td>Part 16.2 /Part 20.7</td></tr><tr><td>2D</td><td>Part 6/Part 7</td><td>Part 30.8/Part 33.8</td><td>Part 30.8 /Part 36.8</td></tr><tr><td>2D2</td><td>Part 6/Part 7</td><td>Part 27.8/Part 30.8</td><td>Part 33.8 /Part 36.8</td></tr><tr><td>3A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>3B</td><td>4</td><td>17.5</td><td>20.5</td></tr><tr><td>4A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>4B</td><td>6</td><td>23.5</td><td>26.5</td></tr><tr><td>4C/4D</td><td>Part 3/Part 4</td><td>Part 13.1/Part 17.5</td><td>Part 16.1/Part 20.5</td></tr><tr><td>5A</td><td>3</td><td>12.3</td><td>15.3</td></tr><tr><td>5B</td><td>4</td><td>15.3</td><td>18.3</td></tr><tr><td>6A</td><td>4</td><td>Part 20.8/Part 26.8</td><td>Part 23.8/Part 29.8</td></tr><tr><td>7A/7B</td><td>Part 4/Part 6/ Part 7</td><td>Part 16.1/Part 23.5/Part 26.5</td><td>Part 19.1/Part 23.5/Part 29.5</td></tr></table> <p>An architectural roof feature that exceeds, or causes a building to exceed, the approved height RL (topmost habitable level) may be carried out subject to the consent authority being satisfied that the architectural roof feature:</p> <p>(a) comprises a decorative element on the uppermost portion of the building; and</p> <p>(b) is not an advertising structure; and</p> <p>(c) does not include floor space area and is not reasonably capable of modification to include floor space area; and</p> <p>(d) will cause minimal overshadowing.</p>	Building	Approved Height (storeys)	Approved Height RL AHD (to topmost habitable level)	Approved Height RL AHD (including plant/roof zone)	1A	3	12.3	15.3	1B	3	12.3	15.3	2A	4	16.2	19.2	2A2	4	19.2	22.2	2B/2C	Part 3/Part 4	Part 13.2/Part 17.7	Part 16.2 /Part 20.7	2D	Part 6/Part 7	Part 30.8/Part 33.8	Part 30.8 /Part 36.8	2D2	Part 6/Part 7	Part 27.8/Part 30.8	Part 33.8 /Part 36.8	3A	3	12.3	15.3	3B	4	17.5	20.5	4A	3	12.3	15.3	4B	6	23.5	26.5	4C/4D	Part 3/Part 4	Part 13.1/Part 17.5	Part 16.1/Part 20.5	5A	3	12.3	15.3	5B	4	15.3	18.3	6A	4	Part 20.8/Part 26.8	Part 23.8/Part 29.8	7A/7B	Part 4/Part 6/ Part 7	Part 16.1/Part 23.5/Part 26.5	Part 19.1/Part 23.5/Part 29.5	<p>The proposal generally satisfies the approved height requirements. There is some variation the approved heights measured to the topmost habitable level.</p> <p>The minor variations of 300-350mm to overall building height will not result in any appreciable impacts to streetscape, privacy, or overshadowing impacts. Further discussion on this variation is provided in part 5.3 of this report.</p>
Building	Approved Height (storeys)	Approved Height RL AHD (to topmost habitable level)	Approved Height RL AHD (including plant/roof zone)																																																																			
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10	<p>Future Development Applications for buildings which include facades denoted 'without openings to habitable rooms', on the Building Separation Plan (CP_02_18_04 CP 01 02 06) (except Building 7B) prepared by Cox Richardson Architects, must demonstrate what architectural treatments, articulation and/or landscape screening will be used, to ensure the attractive presentation of these walls.</p>	<p>To avoid large expanses of blank walls the side walls of the buildings have incorporated articulation with full height breaks incorporating fixed vertical blade screens and wall openings and contrasting building materials and finishes.</p> <p>Generously landscaped common areas and through site link</p>																																																																				

		will enhance the aesthetic quality for the occupants of the subject development and neighbouring apartment building.
30	<p><b><u>Building 7B Design</u></b></p> <p><b><u>Future Development Applications for Building 7B shall provide living areas and habitable rooms with openings at the northern elevation to maximise opportunities for solar access and cross ventilation. The detailed design of Buildings 7B and 4C shall provide an increased setback between the buildings, or other measures to provide an acceptable level of privacy and acoustic amenity in accordance with the Residential Flat Design Code.</u></b></p>	<p>The development has orientated living areas, windows and balconies to the northern elevation to maximise solar access with apartment configuration allowable for appropriate levels of cross ventilation.</p> <p>Adequate setbacks have also been provided to allow for acceptable levels of privacy and acoustic amenity in accordance with the RFDC. Further commentary of the proposal against the RFDC is provided in Appendix B of this report.</p>

## Appendix B – Residential Flat Design Code

<b>Part 1 – Local Context Primary Development Controls</b>	<b>Consideration</b>
<i>Building Height</i>	Generally compliant with Concept Plan. As discussed earlier in the report the proposal seeks to vary the overall building heights by 300-350mm. The minor increase in the height of the buildings will improve the amenity of the apartments and provide suitably sized rooms. In addition, the proposal will improve the aesthetic finish of each apartment and enhance the quality of the overall development.
<i>Building Depth</i>	<p>The Code states the maximum building depth of 18metres. The building depth varies from 15-19.9 metres with an average of 18 metres.</p> <p>The centre of the building typically contains the core, corridor and wet areas with habitable areas to the outer edges contributing to the building depth. The proposal does provide compliant solar access and cross-ventilation.</p>
<i>Building Separation</i>	The building form maintains the separation distances of the RFDC.
<b>Part 2 – Site Design - Primary Development Controls</b>	
<i>Deep Soil Zones</i>	7,068m <sup>2</sup> or 61% of the site is deep soil planting which does not include soil planting above car parking areas. The landscape species are generally Endemic Species which include some indigenous low water use plants.
<i>Fences &amp; Walls</i>	Definition between public / private domain has been established through the use of landscaping and fencing.
<i>Landscape Design</i>	Landscaping associated with the communal open space and linkages to the foreshore area of the development will provide a quality environment for the future occupants. The scale of planting is varied and landscaping to the street setback softens the built form.

<i>Open Space</i>	<p>Over 25% of the site area will be open space with provision of communal BBQ areas, covered pergolas and deep soil zones between the subject site and the neighbouring apartment building to the west.</p> <p>All apartments are provided with adequate private open space areas in the form of balconies.</p>
<i>Orientation</i>	Solar access does provide compliance with the 2 hour numerical control applicable. A useable portion of the communal open space areas will receive direct solar access.
<i>Planting on structures</i>	Appropriate soil depths have been provided to the communal open space area above the basement parking areas, which in turn will enable reasonable amenity.
<b><i>Site Amenity</i></b>	
<i>Stormwater Management</i>	Suitable conditions have been incorporated to ensure adequate stormwater management.
<i>Safety</i>	<p>Passive surveillance provided by proposed balconies to communal areas and street. Building and vehicular access secured.</p> <p>Street boundary is reinforced through landscaping which delineates the public and private domain.</p> <p>All entries are clearly defined and secured. Lift lobbies are visible from building entrances.</p>
<i>Visual Privacy</i>	Separation has been provided between the subject building and those upon adjacent sites with the proposed building orientated appropriately. Screens, planting and the offset of windows address any privacy issues.
<i>Building Entry</i>	<p>Entries have been located in accordance with Concept Plan.</p> <p>The design allows clear orientation for visitors.</p>

<b>Site Access</b>	
<i>Parking</i>	<p>Resident, visitor and bicycle parking is compliant with the provisions of the Concept Plan.</p> <p>105 parking spaces (92 resident and 13 visitor spaces) and promotion of a 'Green Travel Plan' will be conditioned.</p>
<i>Pedestrian Access</i>	An Access Report demonstrating compliance was submitted in respect of the proposal.
<i>Vehicle Access</i>	<p>Car parking / access is provided in accordance with Concept Plan.</p> <p>The vehicular entry point provides adequate separation from pedestrian entries.</p> <p>Width of the dual driveway crossing measures a compliant 7 metres.</p>
<b>PART 03 - BUILDING DESIGN</b>	
<b>Building Configuration</b>	
<i>Apartment Layout</i>	<p>All single aspect apartments have large glazed areas and open plan designs. Kitchens are generally &lt; 8m from an external opening of the building. Where not, large open plan spaces provided with full height and width windows providing adequate light and ventilation.</p> <p>Cross through apartments have a width of 4m and have open plan kitchen, dining and living areas adjoining a balcony.</p> <p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p>
<i>Apartment Mix</i>	<p>The proposal incorporates</p> <ul style="list-style-type: none"> <li>- 11 x 1 bedroom (17%), Average unit area 55m<sup>2</sup></li> <li>- 50 x 2 bedroom (78%), Average unit area 84m<sup>2</sup></li> <li>- 3 x 3 bedroom (5%), Average unit area 110m<sup>2</sup></li> </ul> <p>A satisfactory mix of one, two and three bedroom apartments has been provided within the proposal.</p>



<i>Balconies</i>	Balconies have been provided to all units with dimensions which are appropriate and ensure their useability.
<i>Ceiling Height</i>	Minimum ceiling heights do comply with the rules of thumb with minimum 2.7m provided to residential.
<i>Flexibility</i>	Considered to achieve the objectives in providing internal flexibility for use by occupants.
<i>Ground Floor Apartments</i>	Ground floor apartments are provided with courtyards and where the floor level is elevated balconies are provided.
<i>Internal Circulation</i>	Generally compliant. Where exceeded, lift is usually centrally located with occupants turning right or left to access units. Discussed further in Part 5 above.
<i>Storage</i>	Sufficient storage areas have been allocated for each residential apartment, both within the apartment itself and the parking level of the building. Conditioned to comply.
<b><i>Building Amenity</i></b>	
<i>Acoustic Privacy</i>	An acoustic report demonstrating compliance has been provided. The proposal will be conditioned to comply with the BCA.
<i>Daylight Access</i>	<p>It is noted that SEPP 65 does ordinarily require 70% of apartments receive 3 hours solar access between 9am and 3pm (in dense urban areas 2 hours may suffice).</p> <p>It is noted that the 2 hours provision has been previously applied in the assessment of applications of this size.</p> <p>70% of the units receive 2 hours of solar access between 9am and 3pm.</p>
<i>Natural Ventilation</i>	<p>Buildings generally include a multi core design which results in 61% of the units being cross ventilated.</p> <p>A minimum of 25% of kitchens will have access to natural ventilation.</p>

<b><i>Building Form</i></b>	
<i>Facades</i>	Building facades are generally considered acceptable with effective articulation provided.
<i>Roof design</i>	A flat roof form is proposed which is consistent with the existing residential flat buildings in the area. Roof plant is centralised and not readily visible from the surrounding area.
<b><i>Building Performance</i></b>	
<i>Energy Efficiency</i>	A BASIX certificate was submitted in respect of the application demonstrating target passes.
<i>Waste Management</i>	A waste management plan was submitted with appropriate storage and recycling areas provided within the basement level of the development.
<i>Water conservation</i>	Conditions contained within the recommendation of report.