

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL013
DA Number	2017/0023
LGA	Canada Bay Council
Proposed Development	Construction of a seniors living development containing 79 self-contained apartments within 2 x 4 storey buildings over basement car parking
Street Address	8-12 Kings Road, Five Dock
Applicant	Creative Planning Solutions
Owner	Baptist Care NSW & ACT
Date of DA lodgement	25/01/2017
Number of Submissions	Four (4) following re-notification of amended design (The initial notification generated twenty-five (25) submissions)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Capital Investment Value (CIV) > \$20 million - \$22,974,175.00 declared by the applicant
List of all relevant s79C(1)(a) matters	<p><u>Environmental Planning Instruments Considered</u></p> <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Canada Bay Local Environmental Plan 2013 <p><u>Non Statutory Planning Policies</u></p> <ul style="list-style-type: none"> • City of Canada Bay Development Control Plan 2017
List all documents submitted with this report for the Panel’s consideration	<p>Appendix B – Plans and Documentation List</p> <p>Appendix C – Public Submissions List</p>
Recommendation	Approval subject to conditions – Appendix A – Conditions of Consent
Report date	11 December 2017

1. BACKGROUND

A background in respect to the application and critical dates is provided below:

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|------------|--|
| 25/01/2017 | Subject Development Application lodged |
| 02/03/2017 | Internal referrals provided to the following Departments of Council <ul style="list-style-type: none">• Engineering Stormwater• Engineering Traffic• Environmental Health (Noise)• Environment Health (Land Contamination)• Environmental Health (Waste)• Landscape Architect• Building Compliance• Access Committee |
| 08/02/2017 | Application notified to adjoining and nearby property owners / occupiers |
| 14/02/2017 | Conditions of consent received from internal referral to Environmental – Contamination |
| 01/03/2017 | Notification period closed with twenty-five (25) submissions received |
| 10/05/2017 | Additional information letter sent to the applicant raising the following issues: <ul style="list-style-type: none">• Outstanding issues included in Pre-DA written advice. Those issues still remaining include setbacks, removal of significant vegetation, and stormwater management and engineering• Seniors Housing SEPP with regard to responding to context, site planning and design, impact on streetscape and neighbouring property and internal site amenity |

The key issues with the original proposal were as follows:

- Upper level setbacks along western boundary and at the rear
- Upper level front setback
- Removal of significant trees located within the front setback
- Solar access and the return portion of Building B at the rear

22/05/2017	Meeting held at Council Chambers convened at the request of the applicant to discuss 10 May 2017 letter prior to a formal response. In attendance was the Applicant, various consultants and Council staff.
31/05/2017	Formal response from applicant to key issues raised in additional information letter dated 10 May 2017 as discussed at Council meeting 22 May 2017.
08/06/2017	On-site meeting was held with members of the SCPP to brief on the proposal ahead of presentation for determination.
Jun-Sept/17	Series of discussions and correspondence between Council and Applicant including several design revisions to address bulk and scale, setbacks, overshadowing/solar access, location and amenity of communal areas, and the retention of significant trees
27/10/2017	<p>Applicant lodged an amended development application package. The amended DA package includes the following revised and additional supporting documents:</p> <ul style="list-style-type: none"> • Architectural Plans – Jackson Teece • Landscape Plans – Scape Design • Stormwater Plans – SCP • Stormwater Report – SCP • BASIX Assessment / Certificate – Efficient Living • BASIX Stamped Architectural Plans – Efficient Living • Revised Statement of Environmental Effects - CPS • Arboricultural Impact Assessment & Root Mapping Report – CPS • Accessibility Report – Morris Goding • Waste Management Plan – Waste Audit • BCA Report – McKenzie Group • Traffic Impact Assessment – SECA • Mechanical Noise Assessment – Acoustic Logic

The amendments to the proposal are as follows:

- Demolition of existing structures removed from proposal as separate DA2017/0371 has since been lodged and approved with Council under delegated authority on 9 November 2017;
- Driveway and bin enclosure relocation from eastern side of frontage to western side of frontage to Kings Road to allow retention of trees 10, 11, 12 & 13;
- Building B foot print reduced and pushed back to be 9m from the Kings Road site boundary for the retention of trees 10, 11, 12 & 13;
- The courtyard from the north side has been opened up by deleting 4 x 2 bedrooms apartments located at the north west of Building B (return portion);
- Community room relocated from Building A to Building B with a revised interior layout to enhance north and west aspects and to provide much larger open space at the western and northern side;
- Building A third level footprint reduced from the western and southern boundaries to address the 10m setback requirements for level-3 (upper level) and to provide compliant scheme;
- 11 out of 17 of the original two-bedroom apartments have been reduced to one-bedroom apartments to accommodate the above changes. The total number of the apartments remains unchanged at 79 (73 x 1-bedroom + 6 x 2-Bedroom);

- GFA reduced from 5600m² to 5050m²;
- FSR reduced from 1.41:1 to 1.27:1;
- Total landscaped area increased from 1,673m² to 1,750m²;
- Communal open space increased in area from 424m² to 721m²;
- Basement reduced in size from the southern side to be 9m from the Kings Road site boundary to allow for retention of trees 10, 11, 12 & 13. Car space numbers reduced from 39 to 37 accordingly;
- OSD and rain water tank location and size have been modified to suit the new design and have been coordinated with updated civil drawings;
- Basement storage areas have been increased by designing more efficient layout for the basement;
- Fire stair at the north side of Building B moved to the east to address BCA travel distances between fire exits;
- Both fire stairs to Building B are enclosed to be fire isolated stairs to address BCA proximity of the open fire stairs to the apartment windows at north and east side;
- Additional fire stair added to the north side of the basement to address BCA travel distances between fire exits;
- Re-location of the fire hydrant booster cabinet to be situated in front of the bin enclosure to improve accessibility for the NSW Fire Brigade, as indicated on the architectural ground floor plan.
- All elevations for both buildings have been updated to accommodate the above changes with maintaining and enhancing the quality of the design;
- Ground floor entry pathways around trees changed to lightweight, above ground structure to ensure minimal impact on TPZ's;
- Lightweight roof changed to flat concrete roof to reduce the overall height of the building;
- Typical unit layouts updated to address Accessibility standards;
- Brick exterior walls introduced at ground throughout to enhance residential character and scale to the project (previously metal clad in some areas);
- Trellis/planting on Building A courtyard façade replaced with architectural metal screen for maintenance point of view; and,
- Open space (BBQ Area) next to Community Area updated, and pedestrian walkway updated accordingly

30/10/2017	Amended application re-notified to adjoining and nearby property owners / occupiers
31/10/2017	Amended application sent to Planning Panels Secretariat
31/10/2017	Internal referrals provided to the following Departments of Council <ul style="list-style-type: none"> • Engineer – Stormwater Management • Engineer – Traffic and Parking • Environmental – Waste Management • Environmental – Noise • Building Surveyor – BCA Compliance • Landscaping – Landscape Architect
20/10/2017	Notification period closed with four (4) submissions received

01/11/2017	Conditions of consent received from internal referral to Environmental – Noise
21/11/2017	Conditions of consent received from internal referral to Landscape Architect – Landscaping
27/11/2017	Conditions of consent received from internal referral to Engineer – Stormwater Management Conditions of consent received from internal referral to Engineer – Traffic & Parking

2. SITE AND CONTEXT

The subject site is comprised of three (3) adjacent allotments legally described as Lot 13, 14 & 15 in DP 6513 and known as 8-12 Kings Road, Five Dock. The site is located on the northern side of Kings Road Five Dock approximately 80 metres west of the intersection with Great North Road. The site is generally oriented along the north-south axis with the south being the Kings Road frontage.

The subject site is generally regular in shape with a total area of 3,964.6m² (title). The site has a front boundary of 56.695m, and a depth across the majority of the site of 73.5m and the topography is generally flat.

No.8 Kings Road is currently occupied by thirty-two (32) single and two-storey bed-sitter units of brick construction with tiled roof. No.10 Kings Road contains a single storey brick dwelling house with slate roof and No.12 Kings Road also contains a single storey rendered brick dwelling house with tiled roof.

The subject site includes a significant group of trees within the front setback to Kings Road and other trees throughout the site.



Aerial image of the subject site dated 4 November 2016 (Source – Applicant’s SEE)

The subject site is located in the suburb of Five Dock immediately adjacent to the west of the Five Dock Town Centre. The site is located 80m west of Great North Road, north of Parramatta Road, and south of Lyons Road West and Canada Bay of the Parramatta River.

The areas to the west and south of the site are characterised by a mixture of detached dwelling houses, multi dwelling housing and residential flat buildings. The built form is predominantly one and two-storey and construction materials are brick with tiled roofs.

Adjoining to the east of the subject site is an at-grade Council car park. Further east is the Five Dock Town Centre which contains a wide range of commercial uses and community facilities including medical centres, banks, grocery stores, convenience stores, retail shops, sporting and recreation facilities.

Adjoining to the north to the rear of the subject site is church grounds and low to medium density residential development.

Nearby public open space includes Five Dock Park located north-east of the site on First Avenue. Five Dock Leisure Centre is located in close proximity to the site at the western end of Kings Road.

Public transport services are within close proximity to the subject site including bus routes with connection to Strathfield, Burwood, Croydon, and Hurstville. Furthermore, public transport routes to Central Station and the Sydney CBD are approximately 20 to 30 minutes travel time by vehicle.

Walking distance to the nearest public transport service is approximately 100m to a bus stop on Great North Road near Kings Road. From this Bus Stop on the western side of Great North Road (and another bus stop located further south along Great North Road), and the opposite bus stop on the

eastern side of Great North Road, the 491 and 492 bus routes provide a regular service to Hurstville (491 route) and to Burwood (492 route), including hourly services between 6am and 9pm weekdays and between 8am and 6pm on weekends for the 491 route.

3. PROPOSED DEVELOPMENT

3.1 Project Description in Detail

The proposed development includes the construction of a *seniors housing* development containing seventy-nine (79) one and two bedroom self-contained apartment style dwellings contained within two (2) x four (4) storey buildings, a basement car park, stormwater works, landscaping, and lot amalgamation at 8-12 Kings Road, Five Dock. It is noted that following lodgement of the original application, the applicant has removed the component of the development related to demolition of all existing buildings and structures on the site.

The description of the proposal has therefore been amended to:

- Construction of a seniors living development containing 79 self-contained apartments within 2 x 4 storey buildings over basement car parking

Pursuant to the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP), the proposed development constitutes *seniors housing* as it is intended to be used permanently for seniors or people with a disability and will consist of group of self-contained dwellings in an apartment development built form.

As defined in cl. 10 of the Seniors SEPP, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

The existing three allotments that make up the subject site are proposed to be amalgamated into a single allotment.

Building A is positioned towards the western boundary and consist of 28 units over 4 storeys. A breakdown of the building floor plans are as follows:

- Ground floor – 7 units (7 x 1 bed)
- Level 1 – 8 units (7 x 1 bed and 1 x 2 bed)
- Level 2 – 8 units (7 x 1 bed and 1 x 2 bed)
- Level 3 – 5 units (4 x 1 bed and 1 x 2 bed)

Building B is positioned towards the eastern side of the site and extends to the rear. Building A consists of 51 units over 4 storeys. A breakdown of the building floor plans are as follows:

- Ground floor - 12 units (12 x 1 bed) and a communal room
- Level 1 – 13 units (12 x 1 bed and 1 x 2 bed)
- Level 2 – 13 units (12 x 1 bed and 1 x 2 bed)
- Level 3 – 13 units (12 x 1 bed and 1 x 2 bed)

A single level of basement is proposed comprising of the following:

- 37 car spaces including 4 accessible spaces
- 2 dedicated lifts to Building A
- 1 dedicated lift to Building B
- Garbage storage room
- Storage areas
- Plant and utility rooms
- On-Site Detention
- Stairs for access to each building

Vehicular access to the site will be via a new driveway located towards the western boundary. Separate pedestrian access to the basement is also proposed. The main pedestrian access to the site will be via a new pedestrian entry located to the middle of the site between the two buildings. The footpath will intersect the proposed buildings and lead to an access gate located approximately 10m from the front boundary.

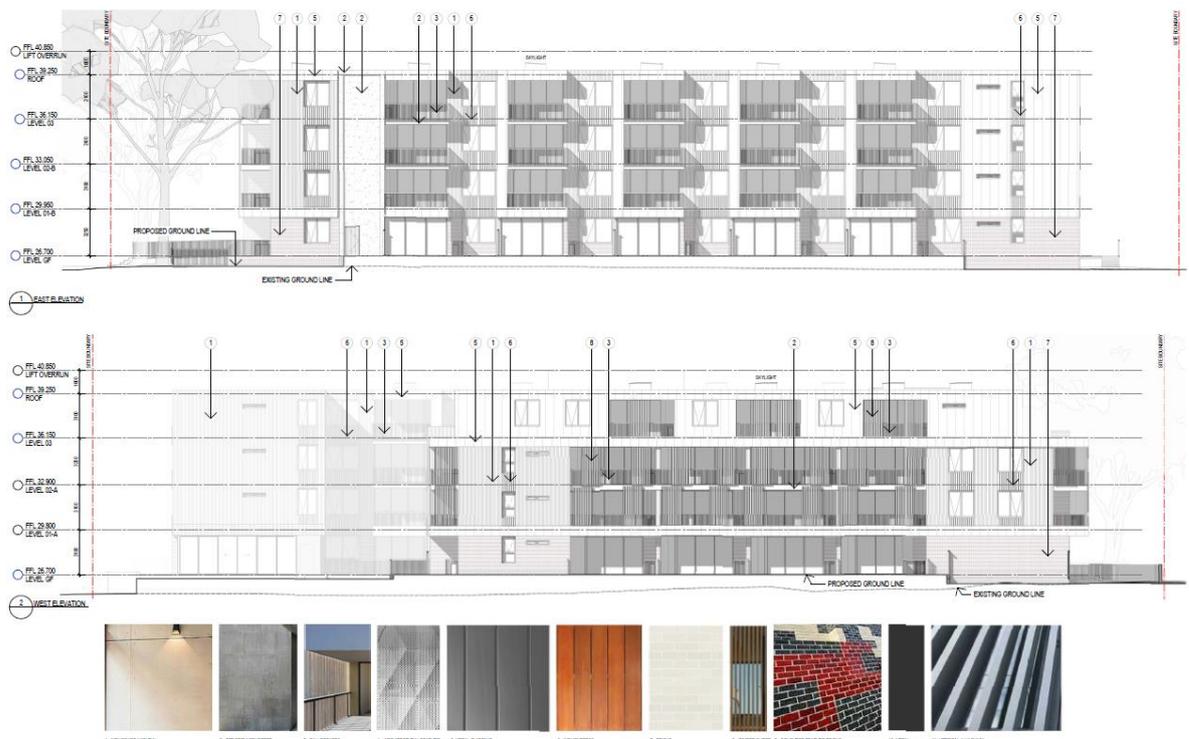


Perspective indicating architectural style of development – Source: Jackson Teece – October 2017



DEVELOPMENT APPLICATION SA PR		DATE: 24/10/17 SCALE: 1:200 PROJECT: 2016075 A DA-004	PROJECT: 2016075 A DA-004 ISSUE: G JACKSON TEECE
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Site Plan – drawing No. DA-004 (issue G, dated 24/10/2017)



DEVELOPMENT APPLICATION SA PR		DATE: 24/10/17 SCALE: 1:200 PROJECT: 2016075 A DA-300	PROJECT: 2016075 A DA-300 ISSUE: H JACKSON TEECE
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Elevations – East & West – drawing No. DA-300 (issue H, dated 24/10/2017)



Elevations – North & South – drawing No. DA-301 (issue H, dated 24/10/2017)



Elevations – Courtyard 1 & 2 – drawing No. DA-302 (issue H, dated 24/10/2017)

4. STATUTORY CONTEXT

4.1 Delegation

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

Pursuant to Schedule 4A (5) of the Act as the application relates to a Crown Development that has a Capital Investment Value (CIV) greater than \$5 million (\$22,974,175.00 declared) the consent authority is the Sydney Eastern City Planning Panel (The Panel).

As detailed within the background of this report an on-site meeting was held with members of The Panel on 8 June 2017. The purpose of the meeting was to present and brief panel members on the application ahead of the presentation of the matter to any future determination meeting.

4.2 Permissibility

The site is zoned *B4 Mixed use* under the *Canada Bay Local Environmental Plan 2013 (CBLEP)*. The proposed development is defined as *seniors housing* and is permissible under the land use table, subject to consent.

4.3 Environmental Planning Instruments

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

Environmental Planning Instruments

- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Canada Bay Local Environmental Plan 2013

Environmental Planning Instruments (Instruments that have been considered however do not technically apply)

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Non Statutory Planning Policies

- Canada Bay Development Control Plan 2017

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

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

Council's Environmental Health Department reviewed the Preliminary Site Investigation prepared by Douglas Partners, dated January 2017, that was submitted with the application. It was concluded that the site was suitable for the proposed use subject to recommended standard and non-standard conditions of consent.

4.3.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 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 (target being 40) and 30 for energy (target being 30).

The schedule of BASIX Commitments is specified within the BASIX Certificate No. **781855M** and is included in the recommended conditions of consent.

4.3.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP);

Clause 2 – Aims of Policy

(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design.*

(2) These aims will be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Clause 10 – Seniors housing

The proposal is defined as *seniors housing* pursuant to this clause.

In the Seniors SEPP, ‘seniors housing’ is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a **group of self-contained dwellings**, or*
- (d) a combination of these,*

but does not include a hospital.

Note. *The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.*

Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows:

- (a) Class 3, 9a or 9c in relation to residential care facilities,*
- (b) Class 1b or 3 in relation to hostels,*
- (c) Class 1a or 2 in relation to **self contained dwellings**.*

Clause 13(2) – Self-contained dwellings

The proposal is consistent with the description of the type of *seniors housing* development “in-fill self-care housing”.

In the Seniors SEPP, 'in-fill self-care housing' is **seniors housing** on land zoned primarily for urban purposes that consists of 2 or more **self-contained dwellings** where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Clause 19 – Use of seniors housing in commercial zones

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.

Comment: The site is located within a *B4 Mixed use zone* under the *Canada Bay Local Environmental Plan 2013*. The designated land use zone permits *seniors housing* development.

Clause 24 – Site compatibility certificates required for certain development applications

(1) *This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:*

(a) *the development is proposed to be carried out on any of the following land to which this Policy applies:*

(i) *land that adjoins land zoned primarily for urban purposes,*

(ii) *land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*

(iii) *land that is used for the purposes of an existing registered club, or*

(b) *the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*

(1A) *Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.*

Comment: The proposed development is permissible with consent on the subject and under the designated zone in the *Canada Bay Local Environmental Plan 2013*. Therefore, a site compatibility certificate is not required.

Clause 26 – Location and access to facilities

The location of the site meets the requirements of clause 26 of the SEPP with regard to the ability to access facilities and public transport via accessible paths of travel.

The site is located not more than 400m to Five Dock Town Centre which contains shops, banks, and a range of other retail, commercial services, community services and recreation facilities and the practice of a general medical practitioner plus multiple bus services available within 400m walking distance of subject site. Gradients are relatively flat to both town centre and public transport services.

Clause 27 – Crime Prevention

(a) *site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street;*

(b) *where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked; and*

c) *providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

Comment: The principles of crime prevention have been considered in the layout, design and landscaping of the proposal.

The main entry to the facility is provided with secure access off Kings Road.

The proposal has been designed to provide an outlook and passive surveillance to Kings Road, from the street facing dwellings, Other dwellings are provided with an outlook and passive surveillance to internal communal open spaces from either internal private living areas or secure common internal spaces like lobby and access areas.

Clause 31 - Design of in-fill self-care housing

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

Comment: The applicant has included a detailed assessment of the proposal against the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development. The assessment is included in the revised Statement of Environmental Effects prepared by CPS Creative Planning Solutions, dated 25 October 2017 (Project No: B758), in the form of a table from page 22 to 34 inclusive.

The performance of the development proposal against the relevant guidelines is considered satisfactory for reasons summarised below:

1. Responding to context

- The proposal remains consistent with the surrounding street pattern and hierarchy of existing streets and land use zones
- In terms of the scale and character of built form, patterns of street planting, setbacks and building heights, the proposal responds appropriately to the development potential of the site
- The development is consistent with the surrounding existing streetscape character and the desired future character of the Five Dock Town Centre
- Significant canopy trees along the front boundary to the street will be maintained with a substantial amount of new planting to be introduced and that will replace vegetation already approved to be removed under separate consent (DA2017/0371)
- The applicant has considered both the Canada Bay LEP and DCP in the design to minimise any environmental impacts
- The applicant's analysis of the site identifies relevant and required information

2. Site planning and design

- Provision of high level of privacy between dwellings, a variety quality landscaped private and communal open spaces and a building configuration that provides two separate building components to maximise levels of solar access and prevailing breezes
- A mix of one and two bedroom dwellings with a sufficient level of car parking provided for residents and visitors
- Building massing separated into two components with good articulation in form, colours and materials thereby minimising the appearance of bulk and scale
- The proposal presents to the street with ground level apartments having direct street access. The residential flat building style of the development and the shape of the allotment restricts the number of dwellings fronting Kings Road however the particular design does maximise this as far as possible

3. Impacts on streetscapes

- The proposed building is consistent with the building envelope controls for the Five Dock Town Centre and includes street facing and accessed ground level apartments, retention of significant trees along the street boundary and new landscaping

- Compliant 4.5m – 9m front setbacks relate to adjoining allotments and the desired future character of the Five Dock Town
- The proposed building design has been broken up into separate blocks of varying heights to reduce the dominance of the built form. A high level of façade articulation has been incorporated into the design to provide visual interest and again reduce the bulk and scale of built form
- A variety of materials and colours have been incorporated into the design of the facades and respond appropriately to the desired future character of this area of the Five-Dock Town Centre
- The upper level of Building A is setback behind the front building façade. The upper level of Building B aligns however it is setback further at 9m from the street or 4.5m in excess of the control to allow for tree retention which will provide a natural screen to that component of the building as viewed from the street
- The flat roof forms proposed are consistent with current and future desired development in the Five Dock Town Centre
- The front fence is a low height brick wall with vertical picket sections and open sections creating a visually permeable front fence to complement the streetscape
- Letterboxes are orientated obliquely to the street to reduce dominance
- Garbage storage areas will be located within a dedicated store room in the. Furthermore, the external bin enclosure proposed along the western side setback is not supported and will be required to be deleted by condition of consent
- A ‘gun barrel’ driveway affect is avoided by maintaining levels close to natural ground level up the front building line. Furthermore, the driveway is located to one side of the site as opposed to a central location which is not desirable as it would result in a more dominant element

4. *Impacts on neighbours*

- The proposal adopts a residential flat building style development broken up into two separate building elements and consistent with building footprint patterns in the street
- Building orientation, compliant heights, window positioning and sizing, screening, provision of landscape screen plantings and adequate setbacks minimise any visual privacy and overshadowing impacts
- Adequate separation from adjoining residential property of the driveway entry/exit to site

5. *Internal site amenity*

- Adequate setbacks, building orientation and built form arrangement provide a good level of solar access as indicated by the shadow diagrams submitted
- A strong sense of identity is provided with a design including visual interest in terms of materials and colours, building articulation, address to the street and fenestrations.
- Dwellings that directly address the street and all internal facing dwelling include clearly identifiable entries marked by a change in building design and will include identification signage
- Clearly defined main pedestrian entry and direct pedestrian entries to the ground level street facing apartments. Each of the two buildings have clearly defined and separate entries from within the internal courtyard
- Dwelling entries have generally been orientated away from each other internally to provide privacy
- Car parking is within the basement and away from any habitable rooms and the driveway is not located near habitable rooms. The pedestrian pathway network and internal courtyards have generally been designed so as to provide a buffer between dwellings in the way of landscaped garden areas

- Hard stand areas relate only to vehicular access and pedestrian pathways and common open space areas
- Private open spaces are provided with direct connectivity between internal living areas and outdoor open spaces and orientated so for maximum solar access
- Privacy and casual surveillance from private open spaces
- Private open spaces at ground level include a mix of paved and planted areas
- Utility areas are located within the basement and not visible from the street. The external bin enclosure proposed along the western side setback is not supported and will be required to be deleted by condition of consent

Clause 36 – Stormwater

(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and

(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

Comment: Revised stormwater plans supported and form part of the conditions of consent.

Clause 40 – Development Standards

Development Standard	Proposed	Compliance
Site Size – Minimum 1,000sqm	3,967.6m ²	Yes
Site Frontage – Minimum 20m	56.695m	Yes
Height Zones where residential flat building are not permitted a) the height of all buildings in the proposed development must be 8 metres [as defined within the Seniors Housing SEPP] or less, and b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	N/A	N/A The site is located within an area where residential flat buildings are permissible
Buildings located in the rear of site	Building located in rear 25% area of site not to exceed 1 storey	N/A (4 storeys are proposed at the rear northern end of the site. Adjoining the site at the rear are church grounds and commercial premises. Furthermore, this requirement is not applicable to an application made be a social housing provider)

Clause 41 – Standards for hostels and self-contained dwellings

(1) A consent authority must not consent to a Development Application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.

(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building

does not have to comply with the requirements of those provisions if the Development Application is made by, or by a person jointly with, a social housing provider.

The applicant has demonstrated that the proposed development complies with the relevant standards for self-contained dwellings within Schedule 3 of the SEPP. Refer to the compliance table included in the submitted Statement of Environmental Effects as amended (dated 25 October 2017), on pages 35 to 41.

Clause 50 – Standards that cannot be used to refuse consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

*(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

Comment: The proposal exceeds 8m in height and includes 4 storeys. The Canada Bay Local Environmental Plan 2013 makes provision for a maximum 15m building height and the Canada Bay Development Control Plan 2017 makes provision for four storeys.

*(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

Comment: The proposal results in a floor space ratio of 1.27:1. The Canada Bay Local Environmental Plan 2013 makes provision for a maximum 2.5:1 floor space ratio.

*(c) **landscaped area:** if:*

- (i) in the case of a development application made by a social housing provider—a minimum **35** square metres of landscaped area per dwelling is provided, or*
- (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,*

Comment: Given the development application has been made by a social housing provider—a minimum **35** square metres of landscaped area per dwelling applies (or 69% of the site). The proposal landscape area is 1,750m² or 44% of the site area.

The applicant has provided the following justification for the shortfall in landscape area:

The proposed landscape area is 1,750m² or 44% of the site area which does not comply with the required 2,765sqm (35m² per dwelling). This is not considered to result in a reason for refusal for the following reasons:

- The provision of 35m² per dwelling is clearly aimed at multi-dwelling housing style seniors developments where each dwelling is at ground level and therefore can accommodate a landscaped area. The proposal is in the form of a multi storey residential flat building, with the majority of dwellings above ground level and therefore have balconies rather than landscaped area. The proposal for seventy-nine (79) apartments creates an unreasonable requirement of 2,765sqm of landscaped area which equates to an unachievable and undesirable 70% of the site area as landscaped area.*
- The proposal provides compliant front, side and rear setbacks in accordance with the recently adopted site specific controls from the CBDP2013. These setbacks are proposed to be nearly fully landscaped and will contain a significant amount of medium and large trees that will provide amenity for the residents and adjoining properties and soften and screen the development in the streetscape.*

- *Given the site controls such as the B4 zoning and 2.5:1 FSR, the proposed provision of 44% landscaped area is considered to be a high level and given that the landscaped areas are mostly located adjacent to the boundaries, it will provide for a high level of amenity and streetscape presentation.*

Comment: Given the applicant's justification in context with the recently adopted site specific controls from the CBDP2013, achieving a landscape area equal to 69% of the site is unreasonable and unnecessary. For reasons stated above by the applicant, it is considered that the 44% landscape area proposed is reasonable for this development.

*(d) **Deep soil zones:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the **deep soil zone**).*

Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,

Comment: The minimum deep soil zone required is 594.69m². The applicant has proposed 1,144m² of deep soil area or 28.7%, which is almost double the minimum requirement.

*(e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Comment: The proposal does not comply with the minimum 3hr requirement to living rooms and private open space for 70% of the dwellings. Approximately 37% of dwellings will achieve the 3 hour requirement.

The applicant provides the following justification, as summarised, including reasons against refusal on the basis of solar access:

- *Living rooms and private open spaces for 70% of the dwellings receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter. The proposal complies with the highly relevant SEPP 65 and the Apartment Design Guide which stipulate a 2 hour requirement for 70% of apartments. Given the proposed seniors housing development is for all intents and purposes a 'Residential Flat Building' that SEPP 65 would typically apply to, the solar access achieved is considered to be of a reasonable level consistent with the state policy for apartment development.*
- *The Apartment Design Guide (ADG) allows for up to 15% of 'no-sun' apartments. The development contains only 3 apartments (4%) which will receive no solar access in mid-winter. This is further evidence of the high quality design proposed that has maximised solar access as far as practical.*
- *Despite the non-compliance, the overall amenity of the apartments is high considering 62% of apartments are naturally cross ventilated, private open space areas are generally far in excess of the minimum requirements, and dwellings sizes exceed ADG rates and have generous bedroom and living area dimensions.*
- *3 hours solar access to 70% of apartments in a Residential Flat Building style development is difficult to achieve which is evident in the proposal which has a favourable north-south orientation and maximises north, east and west facing apartments and still cannot achieve the requirement. This was the one of the key changes from the old Residential Flat Design Code (RFDC) which required 3 hours to the new Apartment Design Guide (ADG) which includes a more practical and reasonable 2 hour requirement.*

- *The non-compliance has not arisen from poor design, as the layout of the development on this generally favourable north-south oriented site has maximised the amount of north, east and west facing apartments. Furthermore, each apartment includes sufficient frontage widths and appropriate private open space locations to maximise solar access. There are also no single aspect south facing apartments which means that all apartments will receive sunlight in mid-winter.*

For reasons stated above by the applicant, it is considered that the solar access achieved for the development is adequate for this type of development.

(f) private open space for in-fill self-care housing: if:

- (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
- (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*

Note. *The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.*

Comment: Each ground level unit has been provided with at least minimum 15m² that is accessible from a living area. These areas include a minimum 3m x 3m area. Balconies for 1 bedroom units have an area of at least 6m² with minimum dimensions greater than 2m and balconies for 2 bedroom units have an area of at least 10m² with minimum dimensions greater than 2m. The proposal achieves required private open space for both ground floor units and to balconies for units above ground floor.

(g) (Repealed)

(h) parking: if at least the following is provided:

- (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or*
- (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.*

Note. *The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.*

Comment: 37 on-site car parking spaces are provided within the basement car parking level, including 4 accessible spaces.

The proposal performs adequately against the requirements of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and is consistent with the aims of the policy stated in cl. 2.

4.3.4 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP

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 guiding principles to be taken into consideration in preparation of environmental planning instruments and / or master plans.

Clause 20(a) states that consent authorities must take into consideration the matters in Division 2 prior to the granting of consent. Given the location of the site in respect to the waterway, nature of works proposed, and conditions of consent, the application is not considered likely to compromise the aims of the SREP.

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.

Clause 20(a) – Matters of considerations in Division 2 include:

- *Clause 21 Biodiversity, ecology and environment protection*

Comment: The site is separated from the foreshore by some kilometres and is not likely to have any impact on the quality of water entering the waterway or upon terrestrial and aquatic species, populations and ecological communities.

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

Comment: The proposed development does not affect public access to and along the foreshore given its physical separation and is not likely to have any adverse impact on watercourses, wetlands, riparian lands or remnant vegetation.

- *Clause 23 Maintenance of a working harbour*

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

- *Clause 24 Interrelationship of waterway and foreshore uses*

Comment: The site does not have an interrelationship with the waterway or foreshore use.

- *Clause 25 Foreshore and waterways scenic quality*

Comment: The development will not be visible from the waterway. The scale, form, design and siting of the building as viewed from the waterway is not likely to compromise its scenic quality.

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

Comment: There are no apparent views or view corridors to be affected as a result of the development. The development will capitalise from upper level district views and general skyline.

- *Clause 27 Boat storage facilities*

Comment: Not applicable.

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

Although not technically applicable, the provisions of SEPP 65 have been considered given the proposed development has the form and function of a *residential flat building*. Currently there is no Urban Design Review Panel constituted for Council under the provisions of SEPP 65.

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

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The subject site is within the Great North Road *B4 Mixed use* zone. This area has been under transition from lower scale traditional shop development along the Great North Road, to up-scaled development under current planning controls which has resulted in various mixed-use developments up to six storeys including commercial and residential. The subject site has a frontage to Kings Road and is located at the southern end of the *B4 Mixed use* strip. The site is currently occupied by 32 single and two-storey bed-sitter units and two detached single storey dwellings

The proposed seniors housing building has been designed with regard to the desired future character and in accordance with current development controls. The building design is well-articulated and will complement both adjacent residential and commercial development.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The bulk and scale at the front and the rear of the site is considered acceptable. The FSR proposed is well below the maximum allowable under the CBLEP. The building form has been split into two separate components to minimise overall bulk and scale.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment: The proposed development is located within a *B4 Mixed use* zone and is fully compliant with the maximum allowable floor space ratio.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comment: The proposal achieves its targets under BASIX requirements. The applicant's proposed stormwater concept has been approved by Council's Engineer subject to conditions of consent. The applicant has demonstrated adequate cross ventilation and solar access.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Comment: The proposal allows for deep soil zones by limiting the extent of the basement construction within the building footprint. Common and private landscaped areas have been provided throughout the site in accordance with the approved landscape plan. Significant trees will be retained.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Comment: The proposal adequately demonstrates that it has followed this principle with regard to access to sunlight, natural ventilation, visual and acoustic privacy, outdoor space, and general outlook.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: The main pedestrian entry into the building is accessed directly off Kings Road via the entry path and secure gate with separate lift and stair access to each building.

Principal 8: Housing Diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment: The proposal provides a mix of unit sizes including one to two bedroom units with communal spaces, both internal and external. The site is directly behind the Great North Road facing Five Dock commercial properties. The proposal will increase the provision of dwellings from 32 to 79 units that will be designated for seniors housing.

Principal 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The proposal’s aesthetic presentation with regard to form, materials, colours and finishes is considered complementary to adjoining commercial and residential development.

As discussed above, the overall bulk and height of the proposal is considered compatible in context of the *B4 Mixed use* zone.

Further to these design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning’s publication entitled *Apartment Design Guide*. A detailed analysis of the proposed development against this guide has been carried out in the compliance table below.

PART 2 – DEVELOPING THE CONTROLS		
Primary Controls		
Building Envelopes	Building Envelopes should be 25 – 30% greater than the achievable floor area to allow for building components that do not count as floor space but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space	The building envelope is consistent with the CBDPC 2017 controls. The top floor of building A is set back to articulate the building envelope as well as improve visual privacy
Building Height	Where a floor space ratio control is defined, test height controls against the FSR to ensure a good fit. Ensure maximum building height allows for articulated roof planes and building services or architectural roof features. Determine building heights by relating them to site specific features such as cliff lines or heritage items and consider secondary height controls to transition built form.	The building is within the maximum allowable height
Floor Space Ratio	The desired built form should be co-ordinated	FSR achieves full compliance

	with the building envelope (including building elements and services that are not included in gross floor area definition), building height, depth, setbacks and open space requirements, and should allow for building articulation.	
Building Depth	Use a range of appropriate maximum apartment depths of 12m – 18m from glass line to glass line. Developments that propose greater depths than 18m need to demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths including significant building articulation and increased perimeter wall length.	Compliant – Apartment depths range between approx. 4m to 8m
Building Separation	Design and test building separation controls in plan and section. Test building separation controls for sunlight and daylight access to buildings and open spaces. Minimum separation: <ul style="list-style-type: none"> • 12m between habitable and non-habitable rooms 	In two small sections of the adjacent existing two storey building to the west, the building separation is 10m (12m required) where the boundary setback of the adjacent building is approximately 4m. In this instance, visual privacy has been addressed by proposed dense landscaping on ground floor and privacy screens to the upper level west-facing balconies
Street Setbacks	Determine street setback controls relative the desired streetscape and building forms. Align street setbacks with building use e.g. - for mixed use buildings, a zero street setback is appropriate. Consider nominating a maximum percentage of development that may be built to the front build-to line, where one exists, to ensure modulated frontages along the length of buildings. Identify quality, type and use of open spaces and landscaped areas facing the street so setbacks can accommodate landscaping and private open space. Consider secondary upper level setbacks to reinforce the desired scale of buildings at the street frontage and to minimise overshadowing of the street and other buildings. Improve passive surveillance by promoting setbacks which ensure a person on a balcony or at a window can easily see the street. Consider increased setbacks where street or footpath widening is desired.	Consistent with adjoining development. The proposed street setback for building A is consistent with the existing adjacent buildings and for building B the proposed street set back 9m which is greater than the minimum 4.5m required. The street setbacks proposed between 4.5m at Building A and 9m ensure minimal impact on significant trees to be retained incl. trees 10, 11, 12 and 13
Side & rear setbacks	Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces. Test side and rear setbacks against building separation, visual privacy, communal and	Compliant

	<p>private open space controls and deep soil requirements.</p> <p>Consider zero side setbacks where the desired character is for a continuous street wall, eg, in dense urban areas, main streets or for podiums in centres.</p> <p>On sloping sites, consider increasing side and rear setbacks where new development is uphill to minimise overshadowing and assist with visual privacy</p>	
PART 3 – SITTING THE DEVELOPMENT		
Siting the Development		
Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street	The buildings have been oriented to appropriately address the street frontage while allowing deep solar penetration into the site
Public Domain Interface	<p>Terraces, balconies and courtyard apartments should have direct street entry where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level should provide surveillance and improve visual privacy for ground level dwellings.</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1.0m.</p> <p>Length of solid walls should be limited along street frontages.</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p> <p>Developments with multiple buildings or entries, pedestrian entries and spaces associated with such entries should be differentiated to improve legibility for residents using architectural detailing, changes in materials, plant species, colours etc.</p>	<p>Direct street entry has been provided for courtyard apartments fronting the street.</p> <p>The ground floor has been elevated above the street front for privacy of units on this level.</p> <p>Upper level balconies and windows overlook the public domain.</p> <p>Good casual interaction between residents and the public domain is provided by the design</p>
Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</p> <p>Communal open space should be consolidated into a well-designed, easily identified and usable area.</p> <p>Communal open space should have a minimum dimension of 3m and larger developments should consider greater</p>	The main communal indoor/outdoor areas are located securely between the buildings to the north west of the site. Adequate solar access, deep soil landscaping and secure and identifiable access is provided

	<p>dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups.</p> <p>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy via elements such as bay windows, corner windows and balconies.</p> <p>Communal open space should be well lit.</p> <p>Solar access should be provided year round along with protection from strong winds.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas.</p>	
<p>Deep Soil Zones</p>	<p>Deep soil zones are to meet the following minimum requirements:-</p> <ul style="list-style-type: none"> • Sites less than 650sqm – 7% of site area and no minimum dimensions • Sites between 650sqm and 1500sqm – 7% of site area and minimum dimensions of 3m • Sites greater than 1500sqm with significant existing tree cover – 7% of site area and minimum dimensions of 6m <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> • 10% of the site as deep soil on sites with an area of 650m² - 1,500m² • 15% of the site as deep soil on sites greater than 1,500m² <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none"> • basement and sub-basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil <p>Achieving the design criteria may not be</p>	<p>Over 28% of the site will be comprised of deep soil planting zones. Mature trees 10, 11, 12 and 13 are to be retained with appropriate planting to the perimeter of the site.</p>

	<p>possible on some sites including where:</p> <ul style="list-style-type: none"> the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) there is 100% site coverage or non-residential uses at ground floor level <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting proposed such as on structure.</p>	
Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries</p>	<p>Building layouts and orientation consider the relationship between apartments within the site and neighbouring buildings. Screening devices on balconies are used where required to allow direct views out whilst maintaining privacy and allowing solar access in mid-winter. Screening devices are also proposed to the western façade to provide privacy to the neighbouring property and to the southern facade to provide privacy from the street (Kings Road)</p>
Pedestrian Access and entries	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p> <p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries</p>	<p>The proposed development provides individual apartment entries from King street to King street facing apartments at ground floor while also providing a clear and legible main building entry. Communal entries are clearly distinguishable from private entries</p>
Vehicle access	<p>Car park access should be integrated with the building's overall facade</p>	<p>Vehicular site access is sufficiently separated from the main pedestrian entry and integrated with the building's overall facade</p>
Bicycle and Carparking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>Secure car and bicycle spaces are provided within the basement in close proximity to the lifts. On-site car parking is provided in excess of the minimum required</p>

	The car parking needs for a development must be provided off street.	
PART 4 – DESIGNING THE BUILDING		
Amenity, Configuration and Performance		
Solar and Daylight Access – Design Criteria	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Good solar access is provided to apartments as well as private and communal open spaces.</p> <p>70% of the total number of units (56 out of 79units) achieves 2hours of direct sunlight to the private open spaces and living rooms</p>
Natural Ventilation	<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line</p>	62% of the total number of units (49 out of 79units) achieves natural cross ventilation
Ceiling Heights	<p>Measured from finished floor level to finished to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> • Habitable Rooms – 2.7 metres • Non-habitable Rooms – 2.4 metres • For 2 Storey Apartments – 2.7m for main living area floor and 2.4m for second floor where its area does not exceed 50% of the apartment area • Attic spaces – 1.8m at edge of room with a 30 degree minimum ceiling slope • If building located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use. 	Minimal ceiling heights of 2.7m are proposed to all habitable rooms. Minimal ceiling heights of 2.4m may apply to bathrooms and/or over kitchen areas
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio – 35sqm • 1 bedroom – 50sqm • 2 bedroom – 70sqm 	Apartment size and layout are generally consistent with SEPP 65 requirements
Private Open Space and Balconies	All apartments are required to have primary balconies with the following minimum areas:	Adequate solar access and amenity is provided to all private open space and

	<ul style="list-style-type: none"> • studio apartments – 4sqm • 1 bedroom apartments – 8sqm • 2 bedroom apartments – 10sqm <p>All apartments are required to have primary balconies with the following minimum depths:-</p> <ul style="list-style-type: none"> • studio apartments – nil min. depth • 1 bedroom apartments – 2.0m • 2 bedroom apartments – 2.0m 	balconies
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight (8)	Building A lift core services 8 units on a typical level and 5 units on the top floor. For building B, one circulation core containing 2 lifts is proposed to provide access to 13 apartments on a typical level and 12 apartments on the ground floor. The generously sized lift lobby and the north-western end of the corridor have access to daylight and natural ventilation.
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • studio apartments – 4m3 • 1 bedroom apartments – 6m3 • 2 bedroom apartments – 8m3 <p>At least 50% of the required storage is to be located within the apartment.</p>	50% of the required storage volume according to ADG requirements is located within the units and the other 50% is provided within the basement

Given the detailed analysis of the proposed development against the *Apartment Design Guide*, it is considered that the proposal performs satisfactorily as indicated in the level of compliance in the table above.

4.3.6 State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

The ARH SEPP has been considered given part of the existing site, No. 8 Kings Road, contains existing affordable rental housing in the form of BaptistCare owned and operated bed-sitter dwellings. Part 3 of the ARH SEPP relates to the retention of existing affordable housing with subclause 49 outlining buildings to which this part applies as follows:

- 1) *This Part applies only to those buildings that were low-rental residential buildings as at 28 January 2000, and does not apply to any building that becomes a low-rental residential building after that date.*
- 2) *This Part does not apply to a building:*
 - a) *that has been approved for subdivision under the Strata Schemes (Freehold Development) Act 1973, or*
 - b) *to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, or*
 - c) *owned by, or under the care, control and management of, a social housing provider.*

BaptistCare NSW & ACT is a Class 2 Community Housing Provider, registered under the National Regulatory System for community housing and therefore meets the definition of a Social Housing Provider. The existing affordable housing on No. 8 Kings Road is owned by BaptistCare which is a

social housing provider and therefore meets Clause 2(c) which stipulates that the Part does not apply. Accordingly, the removal of the existing affordable housing on the site is not inconsistent with the ARH SEPP.

4.3.7 Canada Bay Local Environmental Plan 2013

The site is zoned *B4 Mixed use* under the provisions of the *Canada Bay Local Environmental Plan 2013* (CBLEP). The proposed development defined as *Seniors housing* which is permissible under the land use table.

The objectives of the B4 Mixed use zone are:

- *To provide a mixture of compatible land uses*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

Comment: The proposed development relates to the redevelopment of an existing seniors accommodation which will result in the provision of additional seniors living accommodation within an accessible location in a *B4 Mixed use* zone. In this regard it is not considered inconsistent with zone objectives.

Following is a summary table indicating the performance of the proposal against relevant statutory standards of the *Canada Bay Local Environmental Plan 2013* (CBLEP):

Requirement	Proposed	Compliance
Clause 4.3 - Building Height		
The Building Height Map prescribes a maximum height of 15m	15m	Yes
Clause 4.4 - Floor Space Ratio (FSR)		
The FSR Map prescribes a maximum FSR of 2.5:1	1.27:1	Yes
Clause 6.1 - Acid Sulfate Soils		
Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works, except as provided by this clause. The site is identified as Class 5 as follows: <i>Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i> Subclause (3)(a) states that development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the <i>Acid Sulfate Soils Manual</i>	An Acid Sulfate Soil (ASS) Assessment prepared by Douglas Partners (85666.01) dated January 2017 was submitted, concluding that given the site is located on the crest of a hill, ground water flows cannot be accurately predicted. As search of the Department of Primary Industries and Water (formally the NSW Office of Water) ground water database, revealed no pertinent information	Yes (standard condition of consent applies relating to precautionary provisions)

As indicated in the compliance table above, the proposal complies with the relevant statutory requirements of the CBLEP.

4.3.8 Draft Environmental Planning Instruments

There are no applicable Draft Environmental Planning Instruments of relevance to the proposed development.

4.4 Non-Statutory Planning Policies

4.4.1 Canada Bay Development Control Plan 2017 (CBDPC 2017)

The proposed development as submitted on 25 January 2017 was subject to provisions of the Canada Bay Development Control Plan 2013 (CBDPC 2013). However, following submission of the development application, on the 7 March 2017, Council adopted the Canada Bay Development Control Plan 2017 (CBDPC 2017). As the document did not incorporate any savings provisions, the assessment contained within this report is based upon the CBDPC 2017.

The relevant Section of the CBDPC 2017 is primarily Part E Residential development.

The submitted Statement of Environmental Effects provides an assessment against the provisions of the CBDPC 2013 (pages 47 to 54), which do remain consistent with that of CBDPC 2017 and demonstrates an acceptable level of compliance as indicated in the CBDPC 2017 compliance table below.

Requirement	Proposed	Compliance
Part E2.3 Solar access		
C1. New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas and all private open space areas.	The rectangular site runs along the north-south access. As such, the new building have been orientated as such and split into two components to maximise solar access to the east and west facing living areas. The living areas achieve a minimum of 2hrs direct solar access in accordance with the Apartment Design Guide	Acceptable
C2. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June	Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings will not be reduced to less than 3 hours. The proposal complies with side setbacks to the eastern boundary, and achieves a compliant building height	Yes
Part E3.5 Building setbacks		
C1. The front setback of all residential buildings is to be a minimum of 4.5 metres or no less than the Prevailing Street Setback, whichever is the greater	4.5m to 9m	Yes
C2. No balconies, entry porches or verandahs are permitted to encroach within the front setback.	Balconies that front the street do not encroach within the front setback	Yes
C8. New development is to have a minimum rear setback of 6.0 metres.	6m	Yes
C9. Basement excavation for all development is limited to the area of the building at ground level. The excavation setback includes the driveway access to the basement	The basement does not extend beyond the building envelope on the ground level	Yes
C10. If two or more rows of dwellings are proposed in Multi-Dwelling Housing or Residential Flat Buildings, an internal setback of 12.0 metres is required between rows	Building's A and B are separated by less than 12m in several sections. Building B's dwellings however are orientated to the west and opposite to Building A's western internally facing dwellings. Furthermore, the separation provided is in accordance with the ADG, where a habitable room faces a non-habitable room	Acceptable
Part F2.2 Five Dock Town Centre – Desired future character		

Proposals are required to provide a written statement that outlines how the following future character performance criteria have been achieved: <ul style="list-style-type: none"> • Mixed Use • Well-proportioned streetscapes • Quality Built-form • Safety and Surveillance • Access and Mobility 	See applicant's statement below in italics	Yes
Applicant's statement <ul style="list-style-type: none"> • Mixed use – <i>The proposal provides a Seniors Housing development within the Five Dock Town Centre which will contribute to the variety of uses in the centre and provide additional residents that will highly utilise the town centre and therefore enhance the centres vibrancy</i> • Well-proportioned streetscapes – <i>The built form proposed is generally consistent with the controls for the site. The generally compliant built form provides a level of solar access to adjoining properties in the Five Dock Town Centre which is consistent with the requirements</i> • Quality built form – <i>The proposal includes quality materials and finishes of a contemporary style that is compatible with the existing character of the Five Dock Town Centre</i> • Safety and Surveillance – <i>The buildings have been designed to appropriately address the street frontage with units facing the street and have entrances directly from the street. This will enable casual surveillance of the street and will enhance the safety of the centre</i> • Access and mobility – <i>The proposal supports the accessibility of the Five Dock Town Centre by reinforcing the permeable and attractive network of streets, lanes, footpaths and pedestrian links. Furthermore, the development itself has been designed to be highly accessible for a range of seniors and people with a disability and the apartments will be achieve the Silver Level of the Liveable Housing Design Guidelines</i> 		
High-quality residential development		
C15. Recommendations within the SEPP 65 (State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development) and the accompanying Apartment Design Guide are adopted by this DCP for apartment developments.	Refer to the Apartment Design Guide compliance table in section 4 above	Yes
Landscape and Setbacks		
C16. Landscape setbacks are to be in accordance with Figure F2.9 Primary Setbacks.	4.5 - 9m landscaped setback to Kings Road Min. 6m landscaped setback provided along western side boundary of the site	Yes
C17. A landscape plan prepared by a qualified Landscape Architect is to be submitted with the development application that shows levels adjacent to the public domain; planting schedules; and type and detail of paving, fencing and other details of external areas	Provided	Yes
C18. The area within the minimum landscape setback is to be a deep soil zone, i.e. where there are no structures below	The area within the minimum landscape setback are proposed as deep soil zone ie. The basement is not within this zone	Yes
C19. For residential apartment development common open space is to be provided that occupies a minimum of 25% of the site area and has a minimum dimension of 3.0m. The common open space may be located on an elevated garden (i.e. above		No (see applicant's justification below regarding the landscape

car parking) or on roof tops provided the area provides for the recreational and amenity needs of residents		area shortfall)
<p>Applicant's statement</p> <p><i>Proposal does not provide a total of 25% of the site as common open space as required. The proposal includes 18% or 721m² of the site as communal open space. The proposed communal open space includes areas which will be paved and landscaped and will provide for outdoor activities tailored towards the senior residents. This non-compliance is considered acceptable for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>The communal open space is supplemented by a communal indoor space located adjacent to the outdoor space on the ground floor. This communal room is significant in size at 89m² and will provide for generally passive communal uses that are appropriate for the senior residents,</i> • <i>The total area and variety of spaces provided in the form of the indoor space and the two outdoor areas are considered adequate for the more passive activities that are anticipated for the senior residents,</i> • <i>The communal areas are provided with high levels of amenity as the majority of the area will receive at least 6 hours solar access in mid-winter,</i> • <i>Areas that could be added to the communal open space have instead been utilised for private open space for ground floor apartments. These larger private courtyards are considered to be more beneficial in terms of amenity provided to the senior residents than increased communal open space areas,</i> • <i>The proposal achieves the landscaping and setbacks objectives as it provides high quality landscaping throughout the site to soften and enhance the built form of the proposal.</i> <p>Comment: The applicant's justification for the relatively minor shortfall in landscape area is supported in this instance.</p>		
Building Setbacks		
<p>C21. Building setbacks are to be in accordance with Figure F2.9 Primary Setbacks, Figure F2.10 Secondary Setbacks, Figure F2.12 Maximum Street Wall Heights, Figure F2.13 Example Street Frontage Section and Figure F2.15 Maximum Building Height Zones; and any additional controls set out below.</p>	<p>Figure F2.9 Primary Setbacks – Complies as indicated above. Figure F2.10 Secondary Setbacks – Requirement: • additional 4m setback at upper level along the front and western side boundary Proposed: • 8.5m setback required to Kings Road – minimum 8.5m proposed • 10m setback required to western boundary – 10m proposed to Building A and 17m to Building B Figure F2.12 Maximum Street Wall Heights – Requirement: • Maximum street wall height of 11.5m (3 levels) Proposed: • 3 level street wall proposed to Building A complies • 4 levels to Building B does not comply. This is acceptable as the building has been pushed back 9m from the street boundary to retain the large trees in the front setback. This will ensure the building and 4 level street wall is setback behind the 4.5m front setback control line and visually screened by the trees. Accordingly, it will not read as a street wall. Figure F2.13 Example Street Frontage Section – Not applicable to proposed development Figure F2.15 Maximum Building Height Zones – Complies</p>	Yes
Ground Floor Residential		
C29. Ground floor residential is permitted where an active frontage is not required	Ground floor residential is proposed. Active frontage is not required for subject site.	Yes
C30. The floor to ceiling height of ground level residential is to meet the requirements of the "Adaptable" category of Table F-A Minimum Floor Heights.	The proposed non-compliant ground floor ceiling height is acceptable given the type of owner (i.e. a social housing provider) and intention to provide ongoing residential use of the site based on demand for seniors in	No (acceptable given the site's location)

	locality/LGA. Furthermore, the subject site is located on the fringes of the B4 zoning in a residential street where it is not anticipated commercial uses would be in demand	
C31. Ground floor private open space on the street frontage is to be designed as a private terrace a minimum of 0.4m and a maximum of 1.0m above the adjacent public domain level	Ground floor private open spaces on the street frontage are approximately 0.5m above the adjacent public domain level	Yes
C32. Dwellings on the ground floor facing the street are to have individual entries from the street	Dwellings on the ground floor facing Kings Road have individual entries from the street	Yes
Building to Alignment		
C40. Building setbacks are to be in accordance with Figure F2.9 Primary Setbacks, Figure F2.12 Maximum Street Wall Heights and Figure F2.14 Example Street Frontage Section; and any additional controls set out below.	Figure F2.9 Primary Setbacks – Yes complies see previous assessment. Figure F2.12 Maximum Street Wall Heights - Yes complies see previous assessment. Figure F2.14 Example Street Frontage Section: Not applicable to proposed development Any additional controls set out below: See below	Yes/N/A
Building Heights		
C42. Building heights are to be in accordance with Figure F2.9 Primary Setbacks, Figure F2.10 Secondary Setbacks, Figure F2.11 Built form Sections, Figure F2.12 Maximum Street Wall Heights, Figure F2.14 Typical Street Frontage Section and Figure F2.15 Maximum Building Height Zones; and any additional controls set out below.	Figure F2.4 Primary Setbacks – Complies. See previous assessment. Figure F2.5 Secondary Setbacks – Minor non-compliance. See previous assessment and justification. Figure F2.6 Built form Sections – Complies. See previous assessment. Figure F2.7 Maximum Street Wall Heights – See previous assessment Figure F2.9 Typical Street Frontage Section – Not applicable to proposed development Figure F2.10 Maximum Building Height Zones – Minor non-compliance. See previous assessment and justification. Any additional controls set out below. See below.	Yes
C43. Development is to be consistent with the minimum floor to ceiling heights for the specified uses within the centre shown in Table F-A Minimum Floor Heights.	Minimum 2.7m floor to ceiling heights at upper floors achieved	Yes
C45. The finished floor level of the ground floor above the footpath level is to be no greater than 1.0 metre for residential uses and 0.35 metre for retail and commercial uses.	The ground floor units facing the street are not greater than 1m above the adjacent levels of the Kings Road footpath	Yes
C48. Building heights are to conform with Table F-B Building Heights, which shows the relationship between the height of building in storeys and the height of the building in metres.	Table 2 indicates 4 storeys for 15.0m building height. 4 storeys proposed.	Yes
C49. New buildings are to have a scale that is visually compatible with adjacent buildings and heritage items. This may require the height of new development to be lower than the maximum height permitted	Adjoining development is two-storey however a 6m landscaped setback along western side boundary with additional upper level setback proposed. The bulk and scale appearance is consistent with desired future development under the present development controls	Yes
C50. The upper-most level is to be designed to reduce the visual bulk and scale of the building. Options to achieve	The upper most level of Building A is setback 8.5m from the front boundary and Building B 9m. The retention of large existing trees will	Yes

this include increased setbacks and/or the use of dark colours and roof elements that create deep shadows	assist with screening and softening the development from a streetscape perspective	
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Given the detailed analysis of the proposed development against the CBDP 2017, it is considered that the proposal performs satisfactorily as indicated in the level of compliance in the table above.

For parking provisions, the Seniors SEPP prevails over the CBDP 2017. Refer to discussion under Seniors SEPP in section 4 above. The proposal fully complies with on-site parking provision as prescribed in the Seniors SEPP.

5. CONSULTATION & SUBMISSIONS

5.1 Public Exhibition Details

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

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

Following receipt of the Development Application, Council undertook the following notifications:

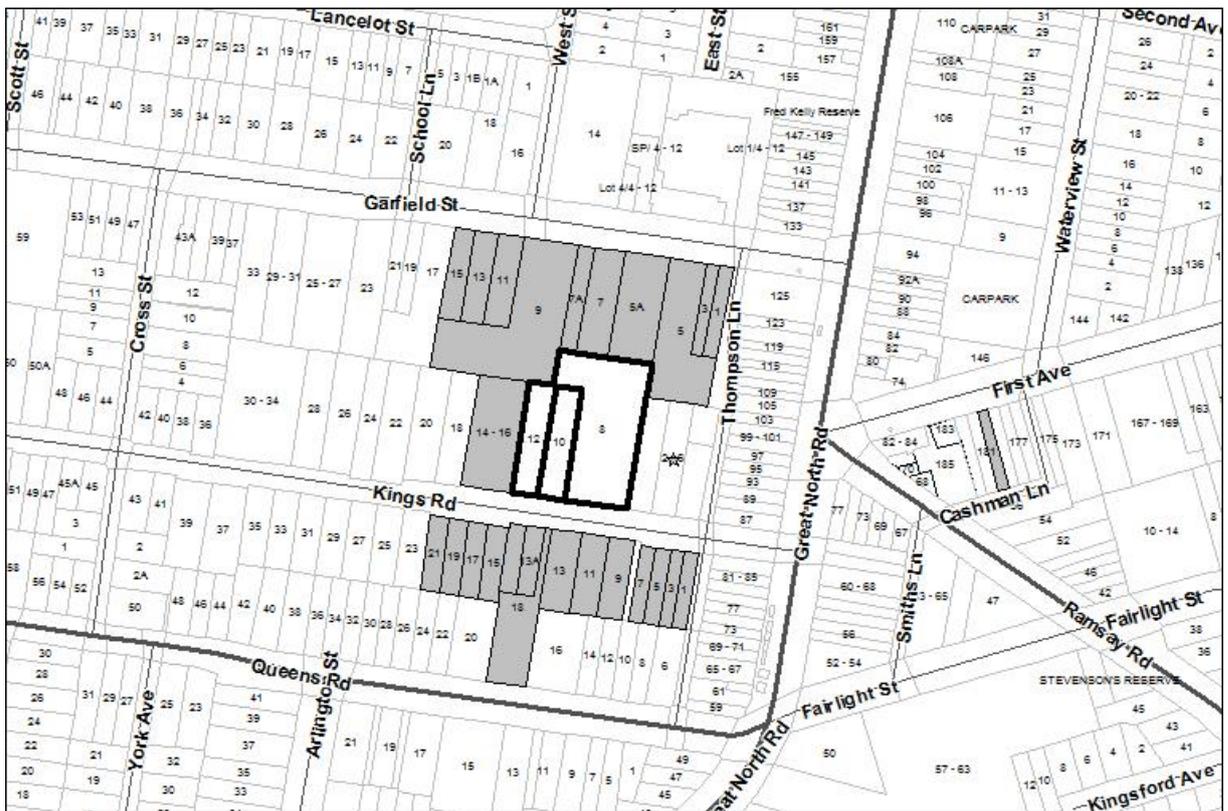
- The development application publicly available from **8 February 2017 to 1 March 2017** (min 21 days)
 - On the Canada Bay Council website;
 - At the Canada Bay Council Administration Office;
 - Notified local land owners and occupiers of proposal - 74 letters sent;
 - Signage was placed on the development site.

The notification period closed with twenty-five (25) submissions received. The applicant subsequently responded to issues raised in submissions and by Council and provided an amended design. Following receipt of the revised Development Application, Council undertook the following notifications:

- The development application publicly available from **30 October 2017 to 20 November 2017** (min 21 days)
 - On the Canada Bay Council website;
 - At the Canada Bay Council Administration Office;
 - Notified local land owners and occupiers of proposal - 74 letters sent;
 - Signage was placed on the development site.

The notification period closed with four (4) submissions received.

The location map below depicts those properties around the site that were notified as shaded. Note that one submission was received from a current tenant at the site and the remaining three submissions from residents of the residential flat building at 14-16 Kings Road.



For details and comments on issues raised in submissions objecting to the proposed development, see section 5.4 below.

5.2 Submissions from Public Authorities

None.

5.3 Internal Referrals

5.3.1 Engineering (Stormwater)

Council's Stormwater Engineering Department reviewed the revised Stormwater Management Concept Plan and following the submission of revisions for review, no objections were raised subject to conditions that have been included in the recommendation for approval.

5.3.2 Engineering (Traffic)

Council's Traffic Engineers reviewed the revised proposal and raised no objection in principle. Conditions apply.

5.3.3 Landscaping

Council's Landscape Architect reviewed the revised proposal in respect to tree retention and the submitted Arborist Report prepared by Scape Design, dated 23 October 2017. No objections were raised subject to conditions of consent to ensure protection and retention of Trees 10, 11, 12 & 13 as identified in the submission.

5.3.4 Environmental Health (Possible Acid Sulfate Soil and Site Contamination)

Council's Environmental Health Department reviewed the submitted Preliminary Site Investigation prepared by Douglas Partners, dated January 2017. It is considered that the site is suitable for the proposed development subject to inspection (and sampling, if considered necessary based on the inspection) of the surface soil beneath existing buildings subsequent to their demolition by an Environmental Consultant. Conditions of consent have been recommended and incorporated.

5.3.5 Waste Management

Council's Waste Management Department reviewed the submitted waste management plan that accompanied the application. No objection raised subject to standard conditions which have been incorporated.

5.3.6 Building Services

Council's Building Services Department reviewed the proposal in respect to the Building Code of Australia. No objections were raised subject to standard conditions which have been incorporated.

5.3.7 Property Services

Council's Property Services reviewed the proposal and raised no issue with the development provided it achieves appropriate setback to the common boundary between the site and Council's car park adjoining to the east. The proposal achieves the required side setback.

5.4 Public Submissions

In response to notification of the revised proposal, four (4) submissions were received. Key issues that were raised within the submissions have been outlined and addressed below.

5.4.1 *Ms M Williamson - 8 Kings Road*

Issues: Concerned that she and other residents will be required to be relocated to other premises.

Comment: This concern raised by a current tenant on the site is subject to administrator/tenant legal procedures. The concerns raised by the resident cannot be used for grounds to justify refusal of the proposed demolition. The applicant has advised that current occupants being notified of the requirement to relocate and will be re-housed accordingly. See applicant's statement below regarding the Kitty Doyle Resident Relocation Strategy.

Applicant's statement regarding the Kitty Doyle Resident Relocation Strategy

Regular monthly communications / meetings with Residents to occur, commencing December 2016.

The Planned closure date of the old Kitty Doyle Units is 30 November 2017, with the relocation of all residents to temporary accommodation and the opportunity to return to the newly constructed Kitty Doyle apartments in late 2019.

Any reasonable additional Resident costs associated with the relocation of the residents will be met by BaptistCare.

The Kitty Doyle Housing Manager will be relocated to the Kitty Doyle site to ensure regular communication with all residents and have individual meetings with residents to keep them informed of progress and discuss any queries or concerns.

Residents have the opportunity to temporarily relocate to existing BaptistCare rental accommodation at Macquarie Park, Springwood or Narellan.

BaptistCare will head lease a new apartment building at Enfield consisting of 18 apartments for the period of time required for the redevelopment of the Kitty Doyle Five Dock site to be completed. The 18 brand new Enfield apartments have sufficient space to accommodate the majority of the residents from Kitty Doyle. This provides an excellent opportunity to keep the community together and maintain those existing friendships and support relationships. The Housing Manager will also be based at that site to ensure a smooth transition.

The Development Application for the redevelopment of the Kitty Doyle site is with Council and nearing finalisation and we hope to commence early works later this calendar year. Therefore we would be looking at all residents relocating by 30 November.

Our residents remain our top priority. Our commitment is to ensure we continue to provide you with safe secure and affordable housing.

BaptistCare's commitments are:

- *Ensure all Residents are relocated in appropriate, safe temporary accommodation for the time of the redevelopment works;*
- *All relocation and removalist costs will be met by BaptistCare;*
- *Costs associated with connection and reconnection of services will be met by BaptistCare;*
- *Residents will not pay anymore rent than what they currently pay and the same annual or biannual rent increase arrangements will continue to apply;*
- *Residents will then have the opportunity to return to a new unit at Kitty Doyle when the redevelopment is complete; Or relocate to another agreed BaptistCare housing site; and,*
- *That under this new agreement upon return to the redeveloped Kitty Doyle apartments, or other BaptistCare housing location, Residents cost of rent will not increase, except for the annual indexation increases that already apply and they will have security of ongoing accommodation.*

Several documents need completion for the above arrangements to be finalised. These are:

- *The completion of the Housing Pathways registration form;*
- *The signing of a Deed between each resident and BaptistCare which ensures the above-mentioned protections are in place for each resident, during your relocation and after your return to the Kitty Doyle new accommodation;*
- *The signing of a Residential Tenancy Agreement for the temporary relocation premises; and*
- *Later in 2019, the signing of a new Residential Tenancy Agreement upon return to Kitty Doyle after the redevelopment or upon moving to another agreed BaptistCare housing site.*

An independent lawyer is to be available for residents on site, for an information session and to allow Residents to individually meet with him to ask any questions and ensure they are clear and comfortable with the Deed before signing. The lawyer's costs will be met by BaptistCare and there will not be any cost to Residents for this service. If Residents wish to seek and utilise their own legal advice, they are more than welcome to do so and again BaptistCare will meet all reasonable costs.

It is encouraged that resident's invite family or a close friend or advocate who you would like to be part of the meeting with the Lawyer, and if they wish to also meet with the General Manager or Housing Manager.

BaptistCare has also provided a status update on the current progress of the relocation program as follows:

As at 7 November 2017:

- *All except two Residents have signed the Deed of Agreement and Pathways Registration form.*
- *All residents have now met with a lawyer to discuss the Deed.*

- 3 Residents have been relocated to two BaptistCare Retirement Village rental units at their request to be close to family.
- 11 Residents have been relocated to the Enfield site over the past month.
- 9 Residents have agreed to relocate to Enfield, with apartments allocated and planned moves to occur over the next three weeks.
- Only two residents remain unplaced, we are working with them to secure appropriate accommodation close to Five Dock which is expected to occur by the end of November.

5.4.2 Ms J Byers – Unit1/14-16 Kings Road

Issues: Loss of privacy, Bin storage location, Loss of natural light, Structural impact, Height and bulk inconsistent with other surrounding properties, Traffic impact

Loss of privacy

Comment: Privacy and overlooking has been discussed in section 6.2 below and assessed above against the Seniors SEPP, SEPP 65 requirements and Council's CBDCP 2017 controls. The level of privacy maintained by the proposal is considered adequate.

The proposal complies with the required 6m landscaped setback and 6m privacy separation requirement from the ADG. The 6m landscaped setback requirement is a site-specific control prescribed under CBDCP 2017 for the Five Dock Town Centre.

Bin storage location

Comment: It is agreed that the proposed location of a temporary bin storage area externally to the building along the western side boundary is not desirable and is considered to be unnecessary. A condition of consent has been included to ensure that the approved plans will be amended, prior to issue of a construction certificate, to delete this element of the proposal and replace the area with landscaping. The bin storage area in the basement will remain.

Loss of natural light

Comment: Overshadowing has been discussed in section 6.1 below and assessed above against the Seniors SEPP, SEPP 65 requirements and Council's CBDCP 2017 controls. The proposal is considered acceptable with regard to overshadowing impact on affected adjoining residential property.

The proposal only overshadows one residential property being the adjoining property to the west, 14-16 Kings Road. This property is only overshadowed for approximately 2 hours in mid-winter from 9am-11am. The CBDCP 2017 requires 3 hours solar access to neighbouring north facing windows and private open space. Overshadow is limited to east facing windows.

The proposed building height complies with the CBLEP2013 15m maximum building height development standard, is well below the maximum allowable floor space ratio as indicated in the relevant compliance table, and fully complies with required side setbacks.

Structural impact

Comment: Standard conditions of consent have been included to ensure a dilapidation report is prepared for adjoining buildings and for the protection of adjoining property during construction.

Surface and subsurface water will be collected and directed by the approved stormwater system.

Height and bulk inconsistent with other surrounding properties

Comment: Height and bulk have been discussed in section 6.6 below and assessed above against the Seniors SEPP, SEPP 65 requirements and Council's CBDCP 2017 controls.

Traffic impact

Comment: The proposal achieves full compliance with regard to on-site parking, providing 14 spaces in excess of the minimum required under the Seniors SEPP. Council's Traffic Engineer has reviewed the submission and has raised no issue against approval subject to recommended conditions of consent which have been included.

5.4.3 *Ms K Wright – Unit 5/14-16 Kings Road*

Issues: Loss of privacy, Traffic impact

Loss of privacy

Comment: As above.

Traffic impact

Comment: As above.

5.4.4 *Ms S Stokes – Unit 2/14-16 Kings Road*

Issues: Loss of privacy, Bin storage location

Loss of privacy

Comment: As above.

Bin storage location

Comment: As above.

6. ASSESSMENT OF ENVIRONMENTAL IMPACTS

Following is an assessment of the proposal against Section 79C(b) 'likely impacts of the development' of the Environmental Planning and Assessment Act 1979.

6.1 *Overshadowing*

The Canada Bay Development Control Plan 2017 (CBDPC 2017) follows the planning principles adopted by the Land and Environment Court as a guide to assessing the impacts of overshadowing which may result from a development proposal. In this regard, the CBDPC 2017 in relation to overshadowing and solar access provides the following provision which seeks to maintain an appropriate level of amenity:

'Direct sunlight to north facing windows of living areas and private open space of adjacent dwellings should not be reduced to less than 3 hours between 9am and 3pm on 21 June'.

Shadow diagrams in plan prepared by Jackson Teece accompanied the application and depict proposed impacts from 9am to 3pm (22 June) at every half hour intervals. Adequate separation is provided from the adjoining residential flat building to the west with the subject site running along the north-south access.

The only residential property that will be affected by additional overshadowing includes No. 14-16 Kings Road where shadows cast will cease at approximately 10.00 AM winter solstice. Accordingly, compliance with the 3 hour standard is achieved. For further detailed analysis in this regard refer to assessments above against the Seniors SEPP, SEPP 65 requirements and Council's CBDPC 2017 controls.

6.2 *Visual Privacy and Overlooking*

Potential visual privacy impacts that could affect adjoining residential properties have been raised in submissions from residents adjoining to the west in the two storey residential flat building at No. 14-16 Kings Road, as discussed above. The objector's property will be separated from the proposed

building by a minimum of approximately 10m to the proposed balcony edge. The separation between the two properties is considered sufficient to maintain adequate privacy for the following reasons:

- Tree planting along the shared boundary including maturity height of 7m as specified in the approved landscape plan
- All side facing balconies on the western side include full height sliding timber privacy screens
- The balconies associated with west facing units are restricted in depth and combined with the nature of the accommodation being for seniors living within predominantly one bedroom units, the use of these balconies will not be expected to, and will not have the capacity for intensive use
- These balconies are adequately separated from the side boundary by 6m

The proposal achieves good levels of privacy between residential units within the development and adjoining residents. Generally, the proposal is considered satisfactory with regard to privacy and overlooking. For further detailed analysis in this regard refer to assessments above against the Seniors SEPP, SEPP 65 requirements and Council's CBDP 2017 controls.

6.3 *Acoustic privacy*

Generally, the proposed development is not likely to result in any unreasonable on-going noise impacts on surrounding properties following construction. Primary living areas of the proposed residential units are adequately separated away from other each other and adjoining residential property.

The applicant has addressed the issue of potential noise associated with proposed air conditioning condenser units on the balconies of the western facing units with the submitted Mechanical Noise Emission Assessment Report. The report demonstrates that relevant noise criteria will be achieved. The report will form part of the approved documentation as conditioned.

To minimise noise impact during demolition and construction, two standard conditions are to be imposed that restrict the demolition and construction hours from 7.00 am to 5.00 pm. Mondays to Saturdays. Works are not permitted on Sundays and public holidays.

Furthermore, the applicant is required to comply with relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and the NSW Environment Protection Authority Environmental Noise Control Manual (1994).

6.4 *View Corridors / View Sharing*

There are considered to be no significant views to and / or from the site and the surrounds that would be adversely affected by the application.

6.5 *Traffic Generation and Parking*

The CBDP 2017 includes objectives for parking provisions as they relate to Mixed Use development.

The objectives are as follows:

- *To ensure development incorporates adequate parking*
- *To ensure parking areas do not detract from the streetscape*

The proposed development achieves full compliance with the parking controls applicable to the site under the Seniors Living SEPP.

The proposal includes above the minimum required on-site parking provisions including an entry/exit point to a basement car parking level from the Kings Road.

See above under section 4.3.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, for details regarding on-site parking provisions.

Council's Traffic Engineers reviewed the proposal and raised no objection to the findings of the applicant's traffic report or provision of off-street parking. Conditions of consent recommended have been applied.

6.6 *Streetscape / Urban Design / Bulk and Scale*

As demonstrated under the Seniors SEPP analysis, CBLEP 2013 compliance and the CBDP 2017 assessment above, the proposal is satisfactory with regard to its street presentation and building envelope as it presents within the Kings Road streetscape.

It is considered that the low density residential character of development adjoining to the west of the site has been adequately considered in the design including appropriate setbacks, materials and colours, architectural articulation, and fully compliant FSR and building height. It is noted that the proposed FSR of 1.27:1 is significantly less than the maximum permitted 2.5:1 FSR as prescribed under the CBLEP 2013.

6.6 *Intensity of Use*

The proposal will intensify the use of the land however the use is permissible, and is consistent with desired future density, height, bulk and scale. The proposal is considered consistent with regard to the development potential of the site.

6.6 *Social / Economic*

The proposed development is considered of benefit from a social and economic perspective, providing additional seniors housing for the local government area.

6.7 *Landscaping / Tree Removal*

The original proposal included the removal of all existing trees on the site including the stand of significant trees located along the front boundary. The amended plans lodged in response to the retention of landscaping issues raised propose to retain four of the significant trees (identified as Tree 10, 11, 12, and 13) within the front setback. This has been achieved by pushing Building B back an additional 4.5m to a total 9m setback from the front boundary. Furthermore, the basement has been redesigned to allow the driveway and entrance to be shifted from the eastern side of the site to the western side so as not to impact on these trees.

A specific Arboricultural Report including root mapping of these trees has been submitted with the amended proposal. This report has confirmed that the amended design will allow for the retention and protection of these trees which will provide the development with natural screening and will adequately maintain the streetscape appearance with regard to landscape quality.

The submitted landscape plan (see below) shows existing vegetation that is to be retained. The landscape plan also incorporates additional planting in the form of trees and shrubs which offsets trees that have previously been approved to be removed under separate consent DA2017/0371.

The proposed landscaping complements surrounding built form and provides an adequate level of amenity to both occupants of the facility and surrounding sites.

The revised Landscape Plans and Arboricultural Impact Assessment and Root Mapping Report have been reviewed by Council's Landscape Architect and supported on condition that they form part of the approved plans and documentation as conditioned.



Landscape Plan including proposed planting and existing trees on site to be retained

7. CONCLUSION

The proposed development is appropriately located within zone *B4 Mixed use* under provisions of *Canada Bay Local Environmental Plan 2013* and is consistent with statutory and non-statutory development standards and controls of relevance.

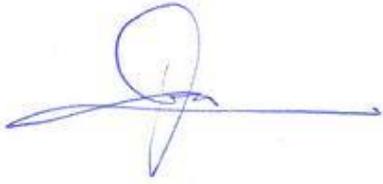
Further, the development is considered to perform adequately in terms of its relationship to surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from a planning perspective subject to conditions of consent.

8. RECOMMENDATION

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

THAT the Sydney Eastern City Planning Panel, as the determining authority grant development consent to Development Application No. DA2017/0023 (2017SCL013) for the Construction of a seniors living development containing 79 self-contained apartments within 2 x 4 storey buildings over basement car parking on land at 8-12 Kings Road, Five Dock, subject to the attached conditions (at Appendix A).

Prepared by:



Peter Giaprakas
**Senior Town Planner – Statutory Planning
Canada Bay Council**

Endorsed by:



Narelle Butler
**Manager – Statutory Planning
Canada Bay Council**

Approved by:



Tony McNamara
**Director – Planning and Environment
Canada Bay Council**



Shannon Anderson
**Coordinator – Statutory Planning
Canada Bay Council**

APPENDIX A – CONDITIONS OF CONSENT

General Conditions

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.

<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
Project No. 2016075 Drawing No. DA-001 (issue E)	Cover Sheet	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-004 (issue G)	Site Plan	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-100 (issue V)	Floor Plan - Basement	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-101 (issue Z)	Floor Plan - Ground Floor	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-102 (issue S)	Floor Plan - Level 1	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-103 (issue R)	Floor Plan - Level 2	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-104 (issue R)	Floor Plan - Level 3	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-105 (issue L)	Roof Plan	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-106 (issue H)	Room Types - Sheet 1	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-107 (issue H)	Room Types - Sheet 2	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-300 (issue H)	Elevations - East & West	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-301 (issue H)	Elevations - South & North	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-302 (issue H)	Elevations - Courtyard	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-400 (issue J)	Sections 1 & 2	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-702 (issue G)	Materials Board	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-704 (issue D)	3D Render	Jackson Teece	24/10/2017
SK01 (revision 13)	Landscape Plan	Scape Design	No date
SK02 (revision 06)	Planting Plan	Scape Design	No date

Revision A	Arboricultural Impact Assessment & Root Mapping Report	Greg Tesoriero	23/10/2017
20161398.3/1010A/R0/JS	Mechanical Noise Emission Assessment	Acoustic Logic	10/10/2017
Pages 1 to 15	Operational Waste Management Plan	Waste Audit and Consultancy Services	Oct 2017
781855M_03	BASIX Certificate	Efficient Living	23/10/2017

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. DAGCA03 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

3. 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. 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)

4. 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)

5. DAGCB03 - Front Fence Height

The new front fence is to be a maximum height of 1.2 metres above Council's footpath at any point of measurement, the fence being stepped if necessary to comply with the height requirement.

(Reason: Streetscape)

6. DAGCB07 - Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

7. 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)

8. DAGCB12 - Street Numbering of Lots and Units

The proposed units and/or new allotments shall be numbered as follows:-

STUDIO NUMBER	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
Ground Floor				
1	8	KINGS	ROAD	FIVE DOCK
2	8	KINGS	ROAD	FIVE DOCK
3	8	KINGS	ROAD	FIVE DOCK
4	8	KINGS	ROAD	FIVE DOCK
5	8	KINGS	ROAD	FIVE DOCK
6	8	KINGS	ROAD	FIVE DOCK

7	8	KINGS	ROAD	FIVE DOCK
8	8	KINGS	ROAD	FIVE DOCK
9	8	KINGS	ROAD	FIVE DOCK
10	8	KINGS	ROAD	FIVE DOCK
11	8	KINGS	ROAD	FIVE DOCK
12	8	KINGS	ROAD	FIVE DOCK
13	8	KINGS	ROAD	FIVE DOCK
14	8	KINGS	ROAD	FIVE DOCK
15	8	KINGS	ROAD	FIVE DOCK
16	8	KINGS	ROAD	FIVE DOCK
17	8	KINGS	ROAD	FIVE DOCK
18	8	KINGS	ROAD	FIVE DOCK
19	8	KINGS	ROAD	FIVE DOCK
Level 1				
20	8	KINGS	ROAD	FIVE DOCK
21	8	KINGS	ROAD	FIVE DOCK
22	8	KINGS	ROAD	FIVE DOCK
23	8	KINGS	ROAD	FIVE DOCK
24	8	KINGS	ROAD	FIVE DOCK
25	8	KINGS	ROAD	FIVE DOCK
26	8	KINGS	ROAD	FIVE DOCK
27	8	KINGS	ROAD	FIVE DOCK
28	8	KINGS	ROAD	FIVE DOCK
29	8	KINGS	ROAD	FIVE DOCK
30	8	KINGS	ROAD	FIVE DOCK
31	8	KINGS	ROAD	FIVE DOCK
32	8	KINGS	ROAD	FIVE DOCK
33	8	KINGS	ROAD	FIVE DOCK
34	8	KINGS	ROAD	FIVE DOCK
35	8	KINGS	ROAD	FIVE DOCK
36	8	KINGS	ROAD	FIVE DOCK
37	8	KINGS	ROAD	FIVE DOCK
38	8	KINGS	ROAD	FIVE DOCK
39	8	KINGS	ROAD	FIVE DOCK
40	8	KINGS	ROAD	FIVE DOCK
Level 2				
41	8	KINGS	ROAD	FIVE DOCK
42	8	KINGS	ROAD	FIVE DOCK
43	8	KINGS	ROAD	FIVE DOCK
44	8	KINGS	ROAD	FIVE DOCK
45	8	KINGS	ROAD	FIVE DOCK
46	8	KINGS	ROAD	FIVE DOCK
47	8	KINGS	ROAD	FIVE DOCK
48	8	KINGS	ROAD	FIVE DOCK

49	8	KINGS	ROAD	FIVE DOCK
50	8	KINGS	ROAD	FIVE DOCK
51	8	KINGS	ROAD	FIVE DOCK
52	8	KINGS	ROAD	FIVE DOCK
53	8	KINGS	ROAD	FIVE DOCK
54	8	KINGS	ROAD	FIVE DOCK
55	8	KINGS	ROAD	FIVE DOCK
56	8	KINGS	ROAD	FIVE DOCK
57	8	KINGS	ROAD	FIVE DOCK
58	8	KINGS	ROAD	FIVE DOCK
59	8	KINGS	ROAD	FIVE DOCK
60	8	KINGS	ROAD	FIVE DOCK
61	8	KINGS	ROAD	FIVE DOCK
Level 3				
62	8	KINGS	ROAD	FIVE DOCK
63	8	KINGS	ROAD	FIVE DOCK
64	8	KINGS	ROAD	FIVE DOCK
65	8	KINGS	ROAD	FIVE DOCK
66	8	KINGS	ROAD	FIVE DOCK
67	8	KINGS	ROAD	FIVE DOCK
68	8	KINGS	ROAD	FIVE DOCK
69	8	KINGS	ROAD	FIVE DOCK
70	8	KINGS	ROAD	FIVE DOCK
71	8	KINGS	ROAD	FIVE DOCK
72	8	KINGS	ROAD	FIVE DOCK
73	8	KINGS	ROAD	FIVE DOCK
74	8	KINGS	ROAD	FIVE DOCK
75	8	KINGS	ROAD	FIVE DOCK
76	8	KINGS	ROAD	FIVE DOCK
77	8	KINGS	ROAD	FIVE DOCK
78	8	KINGS	ROAD	FIVE DOCK
79	8	KINGS	ROAD	FIVE DOCK

Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

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

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

9. DAGCB15 - Telecommunications /TV Antennae

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

(Reason: Environmental amenity)

10. DAGCC01 - Hoarding Requirements

Where any works associated with the approved development are located in close proximity to a public place such that occupation of part of the public place may be required to complete the development, then it will be necessary to erect either an “A” Class or “B” Class hoarding. Should a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

The approved development includes/requires either an “A” Class or “B” Class or both type of hoarding to be erected. Should such a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

· **“A” Class Requirements**

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

· **“B” Class Hoardings**

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

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

(Reason: Public safety)

11. 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)

12. DAGCC06 - Fill Material

Imported Fills

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

1. 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 or the City of Canada Bay upon request.

Classification of waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and 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 Principal 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)

13. DAGCD01 - Approved Stormwater Drainage Design

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”, except where amended by other conditions of consent:

Project/Drawing No.	Prepared by	Revision	Dated:
<i>Approved Stormwater Drainage Plans</i>			
254590-1-CD-000-01, 254590-1-CD-200-01 to 254590-1-CD-200-05 & 254590-1-CD-800-01 to 254590-1-CD-800-04	S.C.P Consulting Pty Ltd	07	09.11.2017
<i>Approved Stormwater Management Plan Report</i>			
254590-1-CR-000-01	S.C.P Consulting Pty Ltd	2	24.10.2017
<i>Approved Driveway Longitudinal Section</i>			
254590-1-CD-200-05	S.C.P Consulting Pty Ltd	07	09.11.2017

Important Note:

- The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate approval.
- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Engineering Requirements for Development Technical Specification".
- Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works. The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

(Reason: Stormwater management)

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

14. DAPDB03 - Site Safety Fencing - Demolition only

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

The site shall be maintained in a clean and orderly condition during demolition works.

Hoardings

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

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

(Reasons: Statutory Requirement and health and safety)

15. DAPDB05 - Erosion and Sediment Control During Demolition

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

(Reason: Environmental protection)

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

16. DACCA01 - Access for People with Disabilities

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

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

17. DACCA02 - Disabled Toilets

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

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

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

18. DACCA03 - Traffic & Parking - Special Condition

AS/NZS2890.1:2004 requires walls be splayed a minimum 2.5m by 2.0m adjacent to the driveway at the property boundary for pedestrian safety. Any objects within the splay shall have a maximum height of 600mm above the internal driveway level. Plans shall demonstrate compliance with the sight distance requirements of AS/NZS2890.1:2004 **prior to the issue of a construction certificate**.

(Reason: Compliance with relevant Australian Standard)

19. DACCB02 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$100,000.00** shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage.

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

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

(Reason: Protection of Council infrastructure)

20. 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)

21. DACCB08 - Fees to be paid to Council prior to issue of the Construction Certificate

Damage Deposit	\$100,000.00
TOTAL PAYABLE (prior to issue of the Construction Certificate)	\$100,000.00

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

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

(Reason: Statutory requirement and information)

22. DACCE01 - Amendments to Approved Plans

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

Architectural/Landscape/Stormwater Plans

- Delete any reference to the external/temporary waste bin enclosure indicated near the front of the property along the western boundary, and replace with landscaping. There shall be no external waste bin storage area.

Waste Management Plan

- Delete any reference and/or waste management procedure related to the external/temporary waste bin enclosure.

Stormwater Management

- Kerb inlet pits are to be installed at no more than 50m apart. Therefore, an additional kerb inlet pit is required between Pit 1 and Pit 2 to effectively collect the runoff along the gutter.
- Existing kerb inlet pit at the corner of Kings Road & Great North Road will need to be reconstructed if the internal dimensions of the pit does not permit a proposed 375mm dia pipe connection or the pit is found to be in poor condition.
- Weir level in the Discharge Control Chamber(DCP) is to be raised to allow minor flow to bypass the storage and to prevent frequent maintenance of underground OSD tank. Majority of the inlet pipes shall be directly connected to DCP to prevent the main storage being utilised all the time. Overflow level shall be set 100mm below Top of Water level.

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)

23. 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)

24. DACCE02A - Construction Traffic Management Plan (CTMP)

Prior to the issue of a Construction Certificate, the applicant shall submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site

during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the CTMP:

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).
- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

25. 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)

26. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

27. 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)

28. DACCG02 - Bicycle Storage Provision

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

(Reason: Convenience)

29. DACCG05 - Emergency Vehicles - Pavement Design

Internal access roads and driveways, which are required for access by service and/or emergency vehicles, shall be designed to withstand minimum laden weight of up to 24 tonnes. Details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate**.

(Reason: Adequate access and egress)

30. DACCG07 - Off Street Parking Provision - General

Thirty-seven (37) off-street car parking spaces, including four (4) accessible spaces, suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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

(Reason: Parking and access)

31. 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)

32. DACCH00 - Obscure Glazing for Privacy in Wet Areas

All bathroom, ensuite and toilet windows shall be installed with obscure glazing.

(Reason: Amenity)

33. DACCI01 - Damage Report

Prior to the issue of the Construction Certificate, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for “minor works” (as defined in the Driveways and Ancillary Works Application Form). For “major works”, a Dilapidation Report will be

required.

This Form is used to assist Council in determining the refund of any damage deposits and any likely repairs necessary upon the completion of the development.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

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

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

(Reason: Maintain public assets)

34. 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)

35. DACCI05 - Vehicular Crossings

Full-width, heavy-duty concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site, subject to separate Council approval. In this regard the Applicant must obtain a copy of Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or can be downloaded from Council's 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)

36. DACCJ01 - Hoardings

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

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved **before the commencement of work**.

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

(Reason: Safety & information)

37. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall complete a Section 138 Civil Works in the Public Domain Area Application for major works, or for minor works (as defined in the Driveways & Ancillary Works Application) adjacent to the site, an application for "Driveway & Ancillary Works" and submit the application to Council for approval **prior to the issue of a Construction Certificate**. Both forms are available from Council's Customer Services Centre or can be downloaded from Council's website.

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

(Reason: Public infrastructure maintenance)

38. 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)

39. 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)

40. 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)

41. DACCK07 - Fire Hydrant Booster Assembly

In order to ensure an overall high quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment to the fire hydrant booster assembly are to be

submitted to, and approved by Council, prior to the issue of a Construction Certificate.

(Reason: Streetscape amenity)

42. 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 "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

(Reason: Adequate stormwater management)

43. 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)

44. DACCL05 - Grated Drain to Garage

A grated trench drain shall be provided across the garage entrance. Unless otherwise

designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end, and have a “bottom” slope of 2 %. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

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

(Reason: Environmental protection)

45. DACCL06 - Rainwater Harvesting

A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Re-use Policy and/or “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate.**

(Reason: Compliance and Amenity)

46. DACCL07 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council’s “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan” 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 Protection)

47. DACCL08 - Installation of Temporary Rock Anchor

Where rock anchors are proposed for the protection of Council’s land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, “An Application to Install Temporary Rock Anchors” shall be submitted with the relevant fees & charges paid **prior to the issue of a Construction Certificate.** An Application for the use of temporary rock anchors will only be considered if there is no other alternative method of stabilization.

In this regard, a statement from a qualified Structural or Geotechnical Engineer is required to be submitted with the application.

The Applicant/Developer must provide full details of the proposed installation design details and certification from a Qualified Civil, Structural or Geotechnical Engineer, for Council’s approval, **prior to the issue of a Construction Certificate.**

The Civil, Structural or Geotechnical Engineer must be a fully Qualified Chartered Professional Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER).

(Reason: Protection of Council Assets)

48. DACCM01 - Dilapidation Report

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 Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) 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 the owners of all properties inspected and 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)

49. 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)

50. 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)

51. DACCN01 - Electricity Connection

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

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

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

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

(Reason: Environmental Amenity)

52. 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)

53. 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 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

54. DAPCA03 - Protection of Landscape Features

To limit the potential for damage to the following trees to be retained, the area beneath their canopies must be fenced **prior to the commencement of demolition, excavation or building works.**

Tree	Location
10, 11, 12 & 13 as identified in the Aboricultural Impact Assessment & Root Mapping Report prepared by Greg Tesoriero, dated 23 October 2017 (revision A)	Along the front boundary to Kings Road

The fencing must extend 2000mm beyond the trees trunk, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected. The fencing should be a minimum of 1800mm high chain link fencing. All fencing shall be maintained for the duration of the construction works.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

55. DAPCA05 - Trunk Protection

To limit the potential for damage to trees to be retained, trunk protection measures must be installed for the following trees **prior to the commencement of demolition, excavation or building works**:

Tree	Location
10, 11, 12 & 13 as identified in the Aboricultural Impact Assessment & Root Mapping Report prepared by Greg Tesoriero, dated 23 October 2017 (revision A)	Along the front boundary to Kings Road

Trunk protection shall comprise the placement of 2000mm lengths of 100mm x 50mm hardwood battens organized vertically at 150mm centres around the trunk and secured in place by metal strap bindings or ten gauge fencing wire fixed at 300mm centres.

Prior to placing battens a soft protective padding must be installed to the ends of the timbers to prevent damage to the bark and conductive tissue. Under no circumstances are the battens to be secured to the tree by a method that involves the trunk being penetrated by a nail, screw, rod or the like. **Trunk protection must remain in place for the duration of the works.**

(Reason: Tree trunk protection)

56. DAPCA07 - Environmental - Special Condition

Prior to construction, an inspection (and sampling, if considered necessary based on the inspection) of the surface soil beneath existing buildings subsequent to their demolition by an Environmental Consultant must be carried out. A report is to be prepared outlining the results and submitted to Councils Environment Health team indicating that the site is suitable for the proposed development.

(Reason: Environmental Protection and Safety)

57. 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 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)

58. 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)

59. 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)

60. 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)

61. 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)

62. DAPCB09 - Toilet Amenities on Construction Site

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

63. 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 Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au/section_73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Following application, Sydney Water will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. Please apply early as building of water and services can be time consuming and may impact on other parts of your development such as building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**. A Section 73 Compliance Certificate must be obtained before the issue of an Occupation Certificate.

(Reason: To comply with statutory requirements)

64. DAPCC01 - Erosion & Sediment Control: Minor works - Prior to construction

Erosion and sedimentation controls shall be in place **prior to the commencement of site works**; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating **prior to and during all construction works**.

(Reason: Environmental protection)

65. 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

66. DADWA01 - Burning and Burying of Waste

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

(Reason: Health and amenity)

67. 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)

68. DADWA03 - Disruption of Traffic

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

(Reason: Safety and information)

69. 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 and shall be modified as directed by the City of Canada Bay Council should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) as directed by the City of Canada Bay Council 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 contaminated or 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 or as directed by the City of Canada Bay Council.

(Reason: Environmental amenity)

70. DADWA05 - Excavation - Water

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

(Reason: Health and safety)

71. 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)

72. 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)

73. 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)

74. 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)

75. DADWB05 - Stamped Plans

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

76. 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 unless prior separate approval from Council is obtained 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.)

77. DADWC01 - Contaminated Land Unexpected Finds

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The exposed material/excavation situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by City of Canada Bay, Manager Health, Building and Environment.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with Statutory Requirements)

78. DADWC08 - Excavation Pump-out

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system,

and shall be disposed of using alternative approved means.

Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

NOTE: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental Amenity)

79. DADWE01 - Arborist Inspections

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

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

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

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

80. DADWE02 - Protection of Landscape Features

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines.

(Reason: Tree preservation)

81. DADWF01 - Noise - Construction

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

- Construction period of 4 weeks and under - The L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks and not exceeding 26 weeks - The L10 level

measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.

· Silencing - All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be substantiated, Council may 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.

Council may also require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Change 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)

82. DADWF02 - Noise - Plant

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and Amenity)

83. 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)

84. 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)

85. 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)

86. 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)

87. 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)

88. DADWH04 - Inspections for Building Work - Critical Stages (Classes 2,3 or 4)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

89. DADWH05 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

90. DADWH06 - Inspection Records & Compliance Certificates

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

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

A compliance certificate must be issued where:

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

(Reason: Statutory Requirement)

91. 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

92. DAOCB01 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority.

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or

- (iv) the basement mechanical 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 Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

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)

93. 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)

94. DAOCB03 - Street Numbering Strategy

The Principal Certifying Authority must be satisfied that the Council approved Street Numbering Strategy has been carried out on site **prior to the issue of any Occupation Certificate**.

The approved Street Numbering Strategy must not be altered in any way without prior consent of Council.

(Reason: Compliance)

95. DAOCC01 - Civil Works on the Footway

The Applicant is required to carry out the following works:

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

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate**.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager Construction, City Services in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: To preserve Council's assets and amenity)

96. DAOCC03 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property.

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

Note: The above works will require the submission of the relevant application for the works to be undertaken.

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

(Reason: To preserve Council's assets and amenity)

97. 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)

98. DAOCE01 - Drainage System - Maintenance of Existing

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

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

(Reason: Maintenance and environment)

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

99. DAFOA01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

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

(Reason: Fire safety)

100. DAFOA02 - Certificate of Test of Mechanical Ventilation

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

101. DAFOB01 - Covenant - Housing for Seniors or People with a Disability

Prior to occupation of the premises, a covenant prepared pursuant to Section 88E of the Conveyancing Act shall be placed on the title of the land occupied by the development to prohibit the occupation of the premises by residents other than:

- Seniors as defined in Clause 8 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; and
- Other persons who are defined in Clause 18 (1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Note: should the premises ceases to be a 'not-for-profit' social housing provider or the development is sold to, or partnered with, an entity which is not a 'not-for-profit' social housing provider, Section 94 Contributions will be payable to Council with the lifting of this covenant.

(Reason: Compliance)

102. DAFOB05 - Wash down of Brickwork

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

(Reason: Visual amenity and environmental health)

103. DAFOC01 - Arborist's Report - Follow up

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

documents the following:

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

(Reason: Ensure survival of trees to be retained)

104. DAFOE01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", **prior to issue of the Final Occupation Certificate.**

(Reason: Adequate stormwater management)

105. 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 (in regards to the on-site stormwater detention system (OSD), mechanical pump-out system, charged lines (which are related to the OSD system), 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 of width as specified in Council's "Engineering requirements for Developments, Technical Specification", over the proposed stormwater 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 "Engineering requirements for Developments, Technical Specification" document.

(Reason: Compliance and adequate maintenance of drainage system)

106. DAFOE03 - OSD Identification Plate

Prior to issue of Final Occupation Certificate, the applicant shall install an identification plate near or onto the control structure of the On-site Stormwater Detention system (OSD). This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The applicant can obtain the OSD identification plate from the Council at a cost.

(Reason: To ensure that the OSD system is installed and identified in accordance with this

approval)

107. DAFOF01 - Subdivision - Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the Land and Property Information Office must be submitted to Council prior to occupation of the site.

(Reason: Information)

108. DAFOG01 - Prospective Owners/Tenants - Ineligible for Parking Permits

All owners, residents, tenants/occupiers of the development are not eligible to participate in any existing or proposed Council on-street Permit Parking Schemes. The owner of the property and/or any managing agent appointed by the owner to sell or lease the residential and commercial units on their behalf shall ensure that all prospective purchasers and/or tenants are advised in writing via any advertising material, lease documents, etc that no on-street parking permits will be issued by Council for the use of owners, tenants or their visitors. Any strata manager/management company appointed following the strata subdivision of the development shall also be responsible for ensuring that all owners and their tenants are informed of this restriction on an ongoing basis.

(Reason: To ensure that prospective residents and/or tenants are aware that on-site parking is available in the building and that no on-street parking permits will be issued by Council.)

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

109. DAOUA01 - Amplified Music (No speakers or music outside)

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

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity)

110. DAOUB01 - Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

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

(Reason: Fire safety)

111. DAOUD01 - Landscape Strategy - Single Dwelling

To ensure the survival of landscaping following work, the owner/occupier is to implement the landscape maintenance strategy submitted with the Construction Certificate application for a **12 month period following the release of the Occupation Certificate.**

(Reason: Ensure survival and quality of landscape features)

112. DAOUD02 - Registration of Final Plan with Land and Property Information

Once a Subdivision Certificate is issued by City of Canada Bay Council, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the linen plan has been registered with Land and Property Information must be submitted to City of Canada Bay Council as soon as possible.

(Reason: Statutory requirement and information)

113. DAOUD04 - Australia Post Guidelines

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

(Reason: To ensure compliance with mail delivery regulations)

Advisory Notes

a) 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 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.

b) DAANN02 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

c) 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.**

d) 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.

e) 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.

f) 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.

g) DAANN09 - Signage Approval

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or

display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

h) 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.

i) 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.

APPENDIX B – PUBLIC SUBMISSIONS LIST

1. Ms J Byers, 1/14-16 Kings Road, Five Dock NSW 2046
2. Ms S Stokes, 2/14-16 Kings Road, Five Dock NSW 2046
3. Ms K M Wright, 5/14-16 Kings Road, Five Dock NSW 2046
4. Ms M Williamson, 8 Kings Road, Five Dock NSW 2046

APPENDIX C – PLANS & DOCUMENTATION LIST

<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
Architectural Plans			
Project No. 2016075 Drawing No. DA-001 (issue E)	Cover Sheet	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-002 (issue E)	Locality	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-003 (issue E)	Local Context	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-004 (issue G)	Site Plan	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-010 (issue G)	GFA, FSR & Landscape/Deep Soil	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-050 (issue F)	Sit Analysis	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-051 (issue E)	Prevailing Winds	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-052 (issue F)	Cross Ventilation & Solar Access	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-100 (issue V)	Floor Plan - Basement	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-101 (issue Z)	Floor Plan - Ground Floor	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-102 (issue S)	Floor Plan - Level 1	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-103 (issue R)	Floor Plan - Level 2	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-104 (issue R)	Floor Plan - Level 3	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-105 (issue L)	Roof Plan	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-106 (issue H)	Room Types - Sheet 1	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-107 (issue H)	Room Types - Sheet 2	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-300 (issue H)	Elevations - East & West	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-301 (issue H)	Elevations - South & North	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-302 (issue H)	Elevations - Courtyard	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-400 (issue J)	Sections 1 & 2	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-600 (issue G)	Solar Access Ground Floor	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-601 (issue G)	Solar Access Level 01	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-602 (issue G)	Solar Access Level 02	Jackson Teece	24/10/2017

Project No. 2016075 Drawing No. DA-603 (issue G)	Solar Access Level 03	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-604 (issue G)	Shadow Diagrams	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-702 (issue G)	Materials Board	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-704 (issue D)	3D Render	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-705 (issue E)	Streetscape Analysis	Jackson Teece	24/10/2017
Project No. 2016075 Drawing No. DA-707 (issue F)	Street Numbering Scheme	Jackson Teece	24/10/2017
Landscape Plans/Documents			
SK01 (revision 13)	Landscape Plan	Scape Design	No date
SK02 (revision 06)	Planting Plan	Scape Design	No date
Revision A	Arboricultural Impact Assessment & Root Mapping Report	Greg Tesoriero	23/10/2017
Stormwater & Driveway Plans/Reports			
254590-1-CD-000-01, 254590-1-CD-200-01 to 254590-1-CD-200-05 & 254590-1-CD-800-01 to 254590-1-CD-800-04	Stormwater Plans (Revision 7)	S.C.P Consulting Pty Ltd	09/11/2017
254590-1-CR-000-01	Stormwater Management Plan Report (Revision 2)	S.C.P Consulting Pty Ltd	24/10/2017
254590-1-CD-200-05	Driveway Longitudinal Section	S.C.P Consulting Pty Ltd	09/11/2017
BASIX			
781855M_03	BASIX Certificate	Efficient Living	23/10/2017
Reports/Documents			
Project No. B758	Statement of Environmental Effects – Revised	CPS Creative Planning Solutions	25/10/2017
No ref.	Arboricultural Impact Assessment & Root Mapping Report (Revision A)	Greg Tesoriero (for CPS Creative Planning Solutions)	23/10/2017
Pages 1 to 29	Accessibility Report	Morris Goding	25/10/2017
20161398.3/1010A/R0/JS	Mechanical Noise Emission Assessment	Acoustic Logic	10/10/2017
Pages 1 to 15	Operational Waste Management Plan	Waste Audit and Consultancy Services	Oct 2017
Pages 1 to 18	Building Code of Australia Report (Revision No. 05)	McKenzie Group	17/10/2017
P0733 LL	Traffic Impact Assessment	SECA Solution	20/10/2017