

Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

6 May 2026

Attn: Michelle Niles

Emailed to: michelle.niles@planning.nsw.gov.au

Proposal: Shop top housing development with in-fill affordable housing
Property: 79-81 Queens Road and 2-8 Spencer Street, Five Dock
Ref: SSD-78287462

Dear Ms Niles,

Thank you for the opportunity to comment on the State Significant Development (SSD) proposal.

The City of Canada Bay has reviewed the EIS and supporting documentation and objects to the application in its current form due to several concerns, which are outlined below.

Potential Isolation of 10-12 Spencer Street

Council acknowledges the concurrent planning proposal, which would facilitate the division of Area 17 into two separate sub-areas, including the subject site of this SSD and 10–12 Spencer Street. However, Council raises concern that the current SSD design, if approved in its present form, may result in the potential isolation of the 10–12 Spencer Street site.

In particular, the location of the proposed driveway directly along the boundary may constrain future access, integration, and redevelopment opportunities for 10–12 Spencer Street. In addition, the communal open space proposed at Level 1 has the potential to generate amenity impacts, such as overlooking and noise, on any future residential development of that site.

Council also notes that 10–12 Spencer Street is a south-orientated site. To achieve reasonable solar access for any future residential development, it is critical that built form to the east and north provides adequate setbacks and does not result in excessive overshadowing that would compromise the site's development potential.

Furthermore, the presence of a through-site link over a stormwater management public easement to the west of 10–12 Spencer Street may limit the ability to amalgamate this site with adjoining land to the west, further constraining future redevelopment opportunities.

Council respectfully requests that the consent authority give consideration to these matters and ensure that the proposal does not unreasonably prejudice the orderly and efficient development of 10–12 Spencer Street.

Built Form, Interface and Design Excellence

Council has reviewed the proposal having regard to the Design Integrity Panel (DIP) advice and raises significant concerns that the current scheme does not adequately resolve built form outcomes, particularly at key interfaces, and may compromise the ability to achieve design excellence.

While the DIP noted that the scheme has evolved positively in some areas, it also emphasised the importance of ensuring that built form articulation is meaningful and that elevations do not result in large expanses of blank wall, particularly when viewed from surrounding streets. In this regard, Council considers that the proposal has not satisfactorily addressed these concerns.

In particular, the Ground Floor is proposed directly on the boundaries with 10–12 Spencer Street along both the southern and western interfaces. This results in a dominant and continuous built form, creating highly visible blank walls to the north and east of the adjoining site. This outcome is inconsistent with the intent of achieving a high-quality urban interface and fails to respond to the DIP's advice to minimise blank walls and improve elevation outcomes. 10–12 Spencer Street is a south-oriented site, which relies on solar access from the north and east to achieve reasonable residential amenity and solar compliance. In this context, development built to the shared boundaries, particularly to the north and east, may significantly constrain the ability of that site to achieve compliant solar access outcomes and may limit its future development potential. Accordingly, appropriate setbacks should be incorporated to ensure that adjoining land is not unreasonably sterilised and can be developed in accordance with relevant planning controls.

The siting of communal open space at the podium level 1 and 5 along the boundary further exacerbates impacts, introducing potential overlooking and privacy concerns for any future residential development on 10–12 Spencer Street.

In addition, the southern podium element, at approximately six storeys in height and built to the boundary, presents excessive bulk and scale, resulting in significant overshadowing and amenity impacts to the adjoining site. While the neighbouring land is currently used for industrial purposes, it has been

rezoned for mixed-use development, and the proposal should therefore respond to its future development potential rather than existing conditions.

Council also notes that the overall podium footprint is substantial and should be reduced through appropriate setbacks, particularly along the western boundary, to improve spatial separation and reduce visual dominance. The current design results in a highly visible blank wall to the west and unresolved built form contrary to the intent of the DIP advice.

Furthermore, the tower form does not provide adequate separation from the podium and exhibits insufficient setbacks, particularly to the western interface. Council notes that this is inconsistent with Council's resolution on Planning Proposal PP-2025-145, which identified a minimum 3m tower setback to 10–12 Spencer Street as a key requirement. The proposed setbacks (ranging from approximately 1–3m) are insufficient and result in increased bulk, overshadowing, and reduced development potential for the adjoining site.

The increase in tower floorplate and associated Clause 4.6 variation to achieve additional GFA on this constrained site is not supported. Council considers that this uplift is not justified, given the resulting adverse impacts on adjoining properties, streetscape outcomes, and the overall built form composition.

In summary, Council considers that the proposal represents an excessive and unresolved built form outcome that does not adequately respond to its context, adjoining development potential, or the design quality expectations outlined by the DIP. Further refinement is required to reduce bulk, improve setbacks, minimise blank walls, and ensure that the development can achieve an appropriate level of amenity and design excellence.

Basement Encroachment into Future Public Road

Council's review of the architectural drawings indicates that the proposed basement extends beneath land identified for future public road reserve, including areas associated with Queens Road and Spencer Street. Council does not support basement encroachment beneath land to be dedicated as public road reserve.

Any proposed land dedication is to be secured through a Voluntary Planning Agreement (VPA). Council notes that a VPA process does not appear to have been initiated as part of the current SSDA.

Accordingly, the plans should be amended to remove any encroachment beneath the proposed public reserve and to clearly demonstrate a compliant arrangement that facilitates future land dedication in accordance with Council requirements.

Concept Subdivision Plan – Requirement for Easement to Secure Through-Site Link and Public Access Corridor

It is noted that the Concept Subdivision Plan does not identify an easement for right of way over the proposed 6-metre-wide through-site link located along the western boundary of the site. To support the establishment of the proposed green network and ensure continuity of publicly accessible connections, the Concept Subdivision Plan should clearly identify and secure this corridor as a public access easement. This will ensure the through-site link is appropriately protected and delivered as a functional component of the pedestrian and open space network.

Public Domain Delivery and Voluntary Planning Agreement Requirements

Council notes that the proposal includes the delivery of public domain works, land dedication for road reserve, and associated embellishment works that are fundamental to the overall planning outcome and long-term public benefit.

Given the extent of proposed public domain delivery and land transfer, Council requests that the consent authority give consideration to ensuring that appropriate binding mechanisms are secured prior to consent being issued, to ensure timely and enforceable delivery of these obligations.

Voluntary Planning Agreement – Public Domain Works and Land Dedication

Council advises that a Voluntary Planning Agreement (VPA) is required to secure the delivery, embellishment, and dedication of land and associated public domain works forming part of the proposal.

The VPA should be finalised and executed prior to the granting of consent (or as a pre-commencement condition of consent where applicable) to ensure legal certainty and enforceability of commitments relating to:

- Dedication of land for road reserve;
- Public domain embellishment works;
- Interface works to ensure functional and high-quality public domain outcomes;
- Associated civil infrastructure required to support the dedicated land;
- Ongoing maintenance periods, warranties, and defect liability arrangements;
- Security (bond or bank guarantee) to ensure satisfactory completion of works.

This approach is consistent with the requirement that planning agreements be legally binding instruments that are entered into and executed by the relevant parties and integrated into the development approval framework, rather than deferred commitments without enforceable certainty.

Governance, Council Involvement and Compliance Assurance

Council respectfully requests that, should the application be approved, conditions or equivalent mechanisms be imposed to ensure ongoing Council involvement in the implementation phase, including:

- Participation in pre-construction and pre-commencement meetings;
- Review of detailed public domain and civil design documentation prior to commencement;
- Notification of any proposed modification applications affecting public domain, land dedication, or infrastructure delivery;
- A condition requiring the proponent to meet reasonable costs associated with independent compliance auditing where required by the consent authority or Council (particularly in relation to public domain delivery, environmental performance, and traffic impacts).

Legal Instruments and Infrastructure Dedication

Council further advises that all relevant legal instruments, including easements, covenants (including OSD and drainage infrastructure), and any affordable housing or other public benefit deeds, should be executed and registered on title prior to the issue of the relevant Construction Certificate and/or Occupation Certificate, as applicable.

As-Constructed Documentation and Asset Transfer

Upon completion of works, the proponent should be required to provide full as-constructed documentation for all public domain and civil infrastructure works.

All land and infrastructure to be dedicated to Council must be transferred in a condition suitable for public use, supported by:

- Certification of compliance with approved designs;
- Defects liability and maintenance arrangements;
- Appropriate security to ensure rectification of any latent defects.

Council respectfully requests that these matters be given due consideration in the assessment and determination of the application.

Stormwater / Drainage / Flooding

Non-Compliance with Approved Precinct Flood Studies: 5% AEP Event Not Modelled

The submitted FIRA has not been prepared in accordance with the Parramatta Road Corridor – Flood Risk Assessment for City of Canada Bay Council (WMA Water, September 2020) or the Kings Bay Village Flood Impact and Risk Assessment (Mott MacDonald, March 2025, SSD-73228210), approved by NSW DPHI on 30 June 2025. These documents constitute the governing flood studies for the Kings Bay Precinct under Council's DCP Part B, Section B8.5 (Table B-W).

The FIRA considers only the 1% AEP, 1% AEP with Climate Change, and Probable Maximum Flood (PMF) events. The omission of the 5% AEP design event represents a fundamental deficiency. The 5% AEP event is explicitly required under Council's DCP and the approved precinct flood studies for the following reasons:

The WMA Water PRCUTS Flood Risk Assessment (2020) identifies the 5% AEP event as a critical design condition for the Kings Bay Precinct, with a critical storm duration of 30 minutes, and provides precinct-wide flood mapping for this event.

The Mott MacDonald Kings Bay Village FIRA (2025) for the development at 129-153 Parramatta Road and 53-75 Queens Road, Five Dock assesses the 5% AEP event and establishes flood levels, depths, and hazard classifications along William Street, Spencer Street and Queens Road for both interim and ultimate development scenarios.

The future William Street Park (refer RFI 2) is required to remain flood-free during the 5% AEP event, consistent with the PRCUT flood study and approved Kings Bay Village flood study.

No Assessment of Impact on William Street Park and Ausgrid Kiosk Substation

William Street Park

The future William Street Park is a key element of the precinct flood storage and conveyance strategy under PRCUTS and was approved under SSD-73228210. The approved design requires:

- The park to remain flood-free during the 5% AEP event; and
- Any inundation during the 1% AEP event to remain minor and consistent with approved thresholds.

Ausgrid Kiosk Substation

The future Ausgrid kiosk substation, located on William Street adjacent to William Street Park, was approved by NSW DPHI on 30 June 2025 as part of the Kings Bay precinct approvals.

However, the submitted FIRA makes no reference to this infrastructure, does not identify it as a sensitive or critical flood receptor, and does not provide any assessment of flood levels, depths, or hazard at this location.

The submitted FIRA does not identify the park as a flood-sensitive receptor, nor does it provide flood level or depth assessment at this location. Flood difference mapping indicates increases in flood levels along William Street extending toward Queens Road under the 1% AEP and PMF scenarios.

The proponent must demonstrate, through revised modelling, that:

- No increase in flood levels or depths occurs at the park during the 5% AEP event; and
- Any change during the 1% AEP event remains within acceptable thresholds established in the approved Kings Bay Village FIRA.
- The FIRA does not assess flood impacts at the substation location.

Climate Change Scenario Does Not Comply with NSW Requirements for State Significant Development

The submitted FIRA applies a 30% increase in rainfall depth applied to the 1% AEP event as its climate change scenarios. This approach does not satisfy the minimum requirements of the NSW Climate Change Scenario Guidelines (Version 2, NSW Department of Planning, Housing and Infrastructure) for a State Significant Development application.

Table 2 of the Guidelines prescribes a minimum emissions scenario of SSP3-7.0, to be assessed at both the 50-year and 100-year modelling horizons, for all Major Development, including State Significant Development. Table 1 of the Guidelines identifies a decision lifetime of 50–100 years for a development of this nature, namely a 26-storey residential building accommodating a permanent population.

This requirement is further reinforced by the Planning Secretary's Environmental Assessment Requirements (SEARs) in December 2024, which require the assessment to address the potential impacts of climate change, and by Council's DCP Part B, Section B8 — Design Principle D11, which requires development to be consistent with current flood studies and applicable planning policy.

Under the SSP3-7.0 scenario for the 2090/2100 timeframe (100-year horizon), the Guidelines indicate that rainfall intensity for short-duration storm events (approximately 1-hour duration, consistent with the 45-minute critical storm duration for this catchment) is projected to increase by approximately 59%. The 30% rainfall uplift adopted in the submitted FIRA is therefore materially below the minimum prescribed scenario and is not compliant with the NSW Guidelines.

Australian Rainfall and Runoff Version and Temporal Pattern Methodology Inconsistent Across Design Events

Section 2.4 of the FIRA states ARR v4.2 (2024) was adopted, but Appendix A (Model Summary Sheet) records that ARR 2019 and ARR1987 data were not modified from the base Council model. These statements are contradictory and shall be resolved.

The 1% AEP event has been assessed using temporal patterns 1 to 10 (10 patterns) as required by Australian Rainfall and Runoff (ARR) 2019. However,

the 1% AEP with Climate Change scenario has been assessed using only temporal pattern 1. ARR 2019 requires multiple temporal patterns to be applied consistently across all design events. The critical temporal pattern for the Climate Change scenario may differ from temporal pattern 1, which is the first pattern in the ensemble and not necessarily the representative or critical pattern.

Ground Floor Lobby, Basement Entry and Connecting Elements - FFL Compliance

The Conclusions (Section 5.0) address FFL compliance for ground floor retail tenancies. Whilst upper floor residential levels will inherently be above the FFL, the proponent should confirm FFL compliance specifically for:

- All ground floor lobby entry levels for both the 5-storey and 26-storey buildings;
- Basement ramp crest level — DCP Car Parking Controls (C3) requires the ramp crest to be no lower than 500 mm above the 1% AEP flood level, noting Spencer Street is inundated in the 1% AEP event; and
- All basement connection points including lift shafts, stairwells, ventilation ducts and light wells — DCP Car Parking Controls (C8) requires all water entry points to underground car parks to be protected to the PMF level.

These elements must be tabulated against the applicable flood levels from the modelling and confirmed as compliant with DCP Part B Section B8.8 Floor Level Controls and Car Parking Controls, and Appendix 2 SW23 freeboard requirements.

Submission of DRAINS Hydrological Model and TUFLOW Hydraulic Model Files

Council's DCP Appendix 2 Engineering Specifications, Clause SW37 requires that any electronic models utilised in a flood report and plans submitted for a development application shall be submitted to Council for reference. This requirement has not been satisfied. The electronic flood modelling (DRAINS and TUFLOW with All Scenarios and the flood results shown in the flood maps shall be provided to Council.

Multi-Floor Basement Car Park: PMF Flood Protection Not Demonstrated

The submitted FIRA does not meaningfully address the flood protection of the basement car park. This represents significant non-compliance with Council's DCP and must be rectified prior to determination of the application.

Council's DCP Part B — Design Principle D16 requires that where basement car parking is proposed on flood-prone land, the design must be demonstrating that the basement is protected from all flooding up to and

including the PMF event, together with an appropriate emergency response and evacuation plan. This has not been provided.

Further, under Control C8, all potential water entry points to the basement must be protected against the PMF flood level. This requirement applies without relaxation, as the flood depths at the site significantly exceed the 300 mm threshold for any concession. Potential water entry points include, but are not limited to, the vehicle ramp, pedestrian stairwells, lift shafts, fire stairs, ventilation openings, light wells, and all service penetrations.

PMF Flood Level Increase — Confirmation of No Hazard Worsening

The flood difference mapping (Appendix E, Figure E-3) indicates PMF flood level increases of up to 0.25 metres at the northeastern section of the site extending northward to Queens Road and William Street. However, the study has not confirmed that despite the increase in PMF flood levels, the flood hazard classification at and adjacent to the site — including along William Street, Queens Road and at the William Street Park and Ausgrid substation locations — does not worsen beyond the hazard categories established in the existing conditions and accepted in the PRCUTS strategy.

Water Sensitive Urban Design (WSUD)

The proposed development requires Water Sensitive Urban Design strategies in accordance with Council's DCP, Appendix 2 – Engineering Specifications (Controls WSUD1 to WSUD9) to address the minimum requirement outlined in Control SC4 – Pollutant Load Retention. However, the submitted stormwater management plan has not provided any strategy and measures to address the WSUD requirement.

Existing Infrastructure Stormwater Pipeline across the subject site and asset ownership verification with Sydney Water

The pre-development layout plan (Drawing CI-1010) identifies an existing Ø750mm stormwater pipe adjacent to and traversing the site. The Stormwater Diversion drawing (CI-1040) proposes to divert this pipeline via a new Ø900mm RCP with new junction pits, described as being designed to "City of Canada Bay Council Specifications."

However, it is required to draw NSW DHIP attention to a critical preliminary matter: the Ø750mm stormwater pipeline has not been confirmed as a Council-owned and maintained asset. Trunk stormwater infrastructure of this diameter in the Five Dock/Kings Bay area may be owned and managed by Sydney Water Corporation. If this is the case, the entire diversion strategy, design standards, approval pathway and project programme will be fundamentally different from those proposed in the stormwater management plan.

The consequences of proceeding with design based on an incorrect assumption of asset ownership are significant, including potential delays to construction, redesign costs, and the need to re-engage with a different consent authority.

Traffic, Parking and Access

Council has reviewed the submitted Traffic Impact Assessment (TIA), Environmental Impact Statement (EIS), and supporting documentation. A number of inconsistencies and design concerns have been identified in relation to parking provision, basement design, traffic modelling, and servicing arrangements. These matters require further consideration to ensure compliance with relevant standards and to minimise impacts on the surrounding road network.

Council raises the following concerns regarding the proposed parking layout and vehicular design:

- The submitted Waste Management Plan indicates that waste will be collected by a private contractor. Council notes that this approach is generally only supported for the retail component. The residential component must still provide a compliant on-site waste collection area capable of accommodating a 12.5m Heavy Rigid Vehicle (HRV), in accordance with Council's DCP requirements.
- There is an inconsistency in parking numbers, with the TIA indicating 234 spaces (consistent with the architectural plans), while the EIS refers to 242 spaces. This discrepancy should be resolved.
- The parallel parking spaces on Basement Levels 2 and 3 do not comply with the dimensional and aisle requirements set out in AS/NZS 2890.1:2004 (Figure 2.5), despite the TIA asserting compliance.
- In accordance with AS 4299:1995 and Council's DCP, a minimum of one accessible parking space is required per adaptable dwelling. Based on a minimum provision of 20 adaptable units, at least 20 accessible residential parking spaces are required.
- In addition, at least one accessible visitor parking space is required from the 13 visitor spaces proposed. When combined with commercial and retail requirements, a total of 22 accessible parking spaces should be provided in accordance with AS/NZS 2890.6:2009.
- Accessible parking spaces must comply with AS/NZS 2890.6:2009, including minimum dimensions (2.4m space plus 2.4m shared area), bollards, and appropriate line marking. Compliance should be clearly demonstrated in the architectural plans prior to determination.
- Any stacked parking (maximum two spaces in tandem) must be allocated to a single tenancy or dwelling, not used for visitor parking, and must be managed wholly within the site.

- Basement floor-to-floor heights are required to be a minimum of 3.7m under Council's DCP. The submitted plans do not clearly demonstrate compliance.
- Curved ramps with an outer radius of less than 15m must include a central separator or median in accordance with AS/NZS 2890.1:2004.
- Given the length, grade, and curvature of the basement ramps, a traffic management system is required to address potential vehicle conflicts. This may include traffic signals and/or mirrors. Any system should prioritise safe entry and exit movements and consider conflicts with vehicles reversing from parking spaces.

Council considers that the traffic modelling does not adequately reflect existing and future network conditions:

- The TIA relies on SCATS data to suggest a reduction in traffic compared to 2018 levels. However, this does not adequately consider more recent assessments identifying the William Street/Queens Road corridor as operating at Level of Service (LOS) F, with queuing impacts extending to the William Street/Spencer Street intersection.
- The freight and servicing task has not been adequately assessed. Based on applicable trip generation rates, the development could generate approximately 74 additional vehicle trips per day associated with servicing. This impact should be properly assessed, and appropriate mitigation measures identified.
- In accordance with Council's Kings Bay Street Design Guide, a raised combined pedestrian and cyclist crossing is required across Spencer Street. The design and delivery of this infrastructure must consider cumulative impacts, including the approved development under SSD-73228210 on the opposite side of William Street.
- The nominated construction haulage route includes Queens Road, which is subject to a 3-tonne load limit in sections near the site. This is not appropriate for heavy vehicle movements. Haulage routes should instead prioritise Parramatta Road.

Recommended Conditions

Council respectfully requests that the consent authority consider imposing conditions to address the above matters, including:

- Revision of parking layouts and basement design to demonstrate full compliance with relevant Australian Standards and Council requirements;
- Provision of the required number of accessible parking spaces;
- Resolution of inconsistencies in parking numbers across all documentation;
- Submission and approval of a detailed Construction Traffic Management Plan (CTMP) by Council;

- Review and update of traffic modelling to reflect current network conditions and cumulative impacts;
- Identification and implementation of appropriate servicing and freight management measures;
- Design and delivery of required public domain infrastructure, including the Spencer Street crossing, in coordination with surrounding developments.

Landscape and Public Domain Design Requirements

It is recommended that the Department impose a condition requiring the landscape plans to be updated to demonstrate a compliant and equitable seating strategy within the public domain. Given the proposal includes subdivision and dedication of part of the land as road reserve following embellishment, the condition should also require consultation with, and approval from, Council.

A minimum of 50% of all seating is to include backs and armrests, with seating provided at regular intervals (generally every 30m) along key pedestrian desire lines.

The landscape package should be updated to clearly annotate planting zones, including differentiation of planting types, structure, height, density, and intended function within each space. A detailed planting schedule should be provided, demonstrating how planting contributes to spatial hierarchy, user experience, microclimate outcomes (including wind mitigation on elevated levels), and overall landscape character.

For improved landscape and environmental outcomes, the landscape design should be closely coordinated with the stormwater and rainwater harvesting system to support irrigation demands. This approach should aim to reduce reliance on potable water, optimise reuse across planted areas, and align with Water Sensitive Urban Design (WSUD) principles.

Given the critical role of street trees in providing shade, comfort, and amenity to key public domain areas, the detailed design is to demonstrate how their long-term health and establishment will be achieved. Structural soil systems or tree vault cells are to be specified to ensure adequate soil volumes, root growth, and integration with surrounding infrastructure, particularly within ground floor streetscape locations.

The interface between public and private spaces is to be refined through landscape treatments, including planted buffers and soft landscape elements, to reduce the visual dominance of fencing and provide a more integrated and high-quality public domain outcome, particularly at the ground floor/street level.

A wayfinding strategy should be included to demonstrate clear identification of building entries, pedestrian links, and publicly accessible routes. This is to include signage, landscape cues, and spatial definition to support legibility and ease of movement through the site.

Construction Impacts and Environmental Management

Council notes the proximity of sensitive uses, including the Leisure Centre, nearby residences, school routes, and the parallel Deicorp project. Given these interfaces, careful coordination is required to avoid cumulative construction impacts. Key matters include managing truck movements (with spoil haulage restricted to arterial roads and not local streets), maintaining pedestrian safety (including provision of safe alternative routes where closures are required), and minimising noise, vibration, dust, and out-of-hours works. Early and ongoing community engagement regarding construction activities is strongly supported.

Council further emphasises the importance of robust construction management to protect local amenity, adjoining infrastructure, and receiving environments.

Construction activities are expected to generate significant noise and vibration impacts, requiring strict controls to minimise effects on surrounding sensitive receivers, including the Leisure Centre and nearby residential properties. High-noise activities such as pile driving and rock breaking should be undertaken in accordance with the NSW EPA Interim Construction Noise Guideline (ICNG), with appropriate management of timing and duration.

Community concerns regarding out-of-hours works are noted and should be strictly controlled in accordance with relevant regulatory requirements.

Appropriate mitigation measures should be implemented throughout construction, including the use of low-noise plant and equipment, installation of temporary acoustic hoardings where required, and minimisation of unnecessary truck idling. Vibration impacts must be carefully managed to avoid damage to surrounding structures, supported by pre-construction dilapidation surveys.

Environmental safeguards are also required to ensure erosion, sediment, stormwater runoff, and dust are appropriately managed so that no off-site impacts occur.

Recommended Condition – Construction Management Plan and Associated Sub-Plans

It is recommended that the consent authority impose a condition requiring the preparation, approval, and implementation of a comprehensive Construction Management Plan (CMP), in consultation with, and to the satisfaction of, Council, prior to the commencement of any works.

The CMP is to include the following components:

Construction Traffic and Pedestrian Management Plan, addressing:

- Haulage routes restricted to William Street and Parramatta Road only;
- Site access and servicing arrangements;
- Staging and management of road and footpath closures;
- Provision of safe temporary pedestrian detours, including signage and lighting;
- Coordination with adjacent developments to manage cumulative construction impacts.

Construction Noise and Vibration Management Sub-Plan, including:

- Compliance with the NSW EPA Interim Construction Noise Guideline (ICNG);
- Identification of mitigation measures such as plant selection, acoustic barriers, monitoring, and community notification;
- Restriction of high-noise activities (including pile driving and rock breaking) to appropriate daytime periods, with respite periods where necessary;
- Compliance with standard construction hours (7:00am–6:00pm Monday to Friday and 8:00am–1:00pm Saturday), with any out-of-hours works subject to prior written approval from the relevant regulatory authority and appropriate community notification;
- Pre- and post-construction dilapidation surveys of adjoining properties and infrastructure, including the Five Dock Leisure Centre, surrounding buildings (including any heritage items), and adjacent road and footpath assets, with any damage to be rectified by the proponent;
- Real-time vibration monitoring during high-impact works, with immediate cessation and reassessment of methods if threshold levels are exceeded.

Site Environmental Management Measures, including:

- Installation and maintenance of site hoardings and fencing prior to demolition and throughout construction, including clear signage with 24-hour contact details for site management;
- Preparation and implementation of a detailed Erosion and Sediment Control Plan (ESCP) by a suitably qualified professional, with ongoing inspection and maintenance, particularly following rainfall events;

- Implementation of a Dust Management Plan incorporating water carts or misting systems (using non-potable water where feasible), covering of truck loads, and suspension of dust-generating works during high wind conditions;
- Compliance with the approved Remedial Action Plan (RAP) and Unexpected Finds Protocol, with any contaminated materials (including asbestos) managed and disposed of in accordance with NSW EPA requirements, and Council to be notified of any significant contamination findings.

Council respectfully requests that these matters be given due consideration in the assessment and determination of the application.

Operational Waste Management – Key Issues and Non-Compliance

Council considers the proposed operational waste management approach to be unacceptable.

The applicant proposes waste collection by a private contractor twice per week. However:

- Council does not permit private contractors to service:
 - Residential waste collection
 - Bulk household waste collection
- Private waste contractors are permitted only for commercial/retail uses within the Canada Bay LGA
- Council does not provide multi-week waste collection services

As proposed, the development does not demonstrate a compliant or serviceable waste management arrangement for the residential component.

Design Non-Compliance and Required Amendments

The proposed design does not support compliant waste operations and requires amendment to meet Council and NSW EPA Better practice guide for resource recovery in residential developments requirements:

- The design does not accommodate a Council standard HRV, preventing future Council servicing
- The proposed bulky waste room (10 sqm) is insufficient:
 - A minimum of 23 sqm is required, based on Council waste generation rates and in accordance with DCP and NSW EPA best practice
- The commercial/retail waste room is undersized and does not reflect the proposed land use:
 - The EIS identifies a childcare centre within the retail component
 - This use is not reflected in the Waste Management Plan (WMP)
 - Waste generation calculations do not account for this use and require revision

- No space has been allocated for FOGO bins, which is required for residential organic waste management

Waste Compaction Non-Compliance

The proposal includes waste compaction in 1,100L bins, which is not supported by Council.

Council requirements are as follows:

- Compaction is permitted only up to 660L bins, to enable potential future Council servicing
- Compaction is not permitted in the recycling stream
- As proposed, Council would be unable to provide waste collection services to the development.

Should you require further clarification or wish to discuss these comments, please do not hesitate to contact me on 9911 6441 or email shannon.anderson@canadabay.nsw.gov.au.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'S/A' followed by a long horizontal stroke.

Shannon Anderson
Manager, Statutory Planning
City of Canada Bay