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| JRPP Ref. No. | 2012SYE002 |
| D/A No. | DA-592/2011 |
| Property | 15-15A & 18 Charles Street, Canterbury (Lot 9 DP 578249, Lot 10 DP578249 & Lot 10 DP 828270). |
| Proposal | Construction of a residential flat building containing 254 dwellings and three levels of basement parking |
| Zoning | Residential 2(c) under Canterbury Local Environmental Plan No. 138: Canterbury Precinct |
| Applicant | Omada Property Group Pty Ltd |
| Owner | Renato Gattone, Paul Gattone, Daniel Gattone, Garry Attard, Phillip Screpis, Colin Swadling |
| Report By | Bernard Sutton – Development Assessment Officer |

EXECUTIVE SUMMARY

- Council has received a development application for the construction of a residential flat building, containing 254 dwellings and associated basement carpark. The residential flat development is to be in the form of three buildings. Building A is to be nine storeys in height and orientated toward Charles Street. Building B is to be three storeys in height and orientated toward Cooks River. Building C is to be nine storeys in height and is orientated toward Cooks River and Charles Street. The proposal includes a Voluntary Planning Agreement (VPA) to dedicate the land identified as 18 Charles Street to Council for use as a public car park.
 - The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the *Environmental Planning and Assessment Act 1979*, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
 - The subject site is zoned Residential 2(c) under Canterbury Local Environmental Plan No. 178: Belmore-Lakemba Precinct (CLEP 138). The proposed development is defined as a 'multiple unit development' under Clause 5 of the CLEP138, which is a permissible use in a Residential 2(c) zone subject to consent.
 - The development application has been assessed against the relevant State and Local Instruments and Planning Policies. The proposed development is seeking a variation to the floor space ratio and height standards of the environmental planning instrument, and is found to be generally consistent with Council's Development Control Plans and Policies, with the exception of a non-compliance to the height controls of Development Control Plan No.55 – Canterbury Town Centre.
 - The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Council's Development Control Plan No. 32 – Notification Policy. The application was notified on 10 January 2012 for 21 days. One submission, in the form of a petition with 44 signatures
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was received in objection to the proposed development. The submission advised that the residents have concerns regarding the effect of the development on the surrounding area.

- The development application is recommended for approval subject to conditions.

SITE DETAILS

The subject site consists of three lots identified as Lot 9 DP 578249, Lot 10 DP578249 & Lot 10 DP 828270, and commonly known as 15-15A & 18 Charles Street, Canterbury (refer to Figure 2). 15-15A Charles Street is located on the western side of Charles Street and 18 Charles Street is located on the eastern side of the street.

The site identified as 15-15A Charles Street has a site area of 7392 square metres and contains two buildings which operate as a Mitre 10 store and timber yard.

The site identified as 18 Charles Street has a site area of 1009 square metres. The site does not contain any building structures and is used as a parking and storage facility for the Mitre 10 business located at 15-15A Charles Street. The site is heavily burdened by easements and adjoins the rail line at the rear.

Adjoining the site to the south-east is an industrial building and to the west is the Cooks River.

Surrounding development in the immediate vicinity of the site is predominantly industrial. However, this precinct has been re-zoned under Canterbury Local Environmental Plan No.138 – Canterbury Precinct to residential and commercial zonings. A total of three Development Applications are currently under consideration within Charles Street (including this application).



Figure 1. Aerial photograph showing the development site and surrounds

PROPOSAL

Council has received a development application for the construction of a residential flat development for 254 dwellings in three separate buildings and three levels of basement car parking. The proposal also involves a Voluntary Planning Agreement (VPA) for the dedication of 18 Charles Street to Council for use as a public car park.

The dwellings will be provided in the form of three separate buildings, building A is to be nine storeys in height, building B is to be three storeys in height and Building C is to be nine storeys in height.

The proposed three levels of basement provide car parking for 337 vehicles and one car wash bay. Waste management facilities, including a compaction system are to be provided within the basement. One entrance/exit is proposed for the basement car park.

The proposed ground level provides 1613 square metres of communal open space for future occupants and a right of carriageway from Charles Street to the Cooks River Walkway to allow for access by the general public. A rubbish bin presentation area and loading bay will also be provided on the ground level.

A total of 254 dwellings are to be provided, consisting of 97 one bedroom dwellings, 153 two bedroom dwellings and 4 three bedroom dwellings.

The VPA is to transfer the site known as 18 Charles Street to Council for dedication and use of the site as a public car park. The applicant is seeking that the prescribed floor space for 18 Charles Street, being 1513.50 square metres be transferred to 15-15A Charles Street.

STATUTORY CONSIDERATIONS

The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the *Environmental Planning and Assessment Act 1979*, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

When determining this development application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act, 1979, must be considered and in this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Water Management Act 2000
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy 2004 - BASIX
- Canterbury Local Environmental Plan No. 138: Canterbury Precinct
- State Environmental Planning Policy No. 1 – Development Standards
- Draft Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan No. 20 – Car Parking
- Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design
- Canterbury Development Control Plan No. 37 – Energy Smart Homes
- Canterbury Development Control Plan No. 45 – Landscaping
- Canterbury Development Control Plan No. 48 – Waste Management
- Canterbury Development Control Plan No. 55 – Canterbury Town Centre

- Stormwater Management Manual – Specification 9 ‘A Guide to Stormwater Drainage Design’
- Canterbury Town Centre Development Contributions Plan.

ASSESSMENT

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

- **State Environmental Planning Policy No. 55 – Remediation of Land**
State Environmental Planning Policy No. 55 – Remediation of Land, aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

An environmental site assessment has been carried out by Environmental Investigation Services, identifying that the subject site has history of use as a sportsground until the mid 1940's, timber yard until 1999 and a hardware store has been incorporated until the present time. The report concludes that the site can be made suitable for the proposed development provided that the following recommendations are implemented:

- Additional subsurface investigation and soil sampling is undertaken across the site;
- Samples are analysed for potential contamination and acid sulphate soils;
- Groundwater conditions are assessed at the site; and
- Prior to demolition of the buildings a hazardous Building Material Survey is undertaken.

Having regard to the above, Council is satisfied that the land can be made suitable for the proposed residential development. With the exception of the building material survey, as the development does not involve demolition works, these recommendations, and any further actions required as a result have been imposed as conditions of consent (Condition 11).

- **State Environmental Planning Policy (Infrastructure) 2007**
In accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, the proposal has been referred to the Roads and Maritime Services (RMS), as the proposal includes parking for in excess of 200 motor vehicles.

The RMS' Sydney Regional Development Advisory Committee (SRDAC) reviewed the proposal at its meeting on 19 January 2012 and has advised that the proposal has its concurrence. No conditions have been recommended.

In accordance with Clause 86 of the SEPP, the proposal was referred to RailCorp for its consideration. On 22 February 2012 RailCorp granted its concurrence to the proposal, subject to a deferred commencement condition, requiring:

This consent not operate until the applicant satisfies the Council, within 12 months of the date of this consent that it has obtained approval/certification from RailCorp as to the following matters and the approval/certification has been forwarded to Council:

The applicant shall prepare and provide to RailCorp for approval/certification the following items:

1. *A final Geotechnical and Structural report that meets RailCorp's requirements as detailed in RailCorp's "Standard Brief".*
2. *Construction methodology with details pertaining to structural support during excavation.*
3. *Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground floor support adjacent to the rail corridor.*

RailCorp also grants its concurrence subject to the imposition of standard conditions.

These conditions have been included within the recommendation as conditions of consent (Condition 46-62).

- **Water Management Act 2000**

Given the location of the subject site, being within 40 metres of the Cooks River, the proposal was referred to the Department of Primary Industries, Office of Water for its concurrence.

On 15 February 2012, we received concurrence from the Office of Water, subject to the development being carried out in accordance with General Terms of Approval (GTA), which includes obtaining a controlled activity approval.

The terms of this GTA have been included within the recommendation as conditions of consent (Conditions 63-90).

- **State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)**

The proposed development falls within the definition of a residential flat building under this SEPP. The policy aims to improve the design quality of residential flat buildings in NSW by addressing the following design principles:

Context

The residential flat development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential development will be a characteristic of the area.

Scale

The scale and built form of the proposed development is consistent with the scale of development which is encouraged for this area. The development achieves this by generally complying with the height plane and building envelope plans of Canterbury Local Environmental Plan No.138 – Canterbury precinct and Canterbury Town Centre and Riverfront Development Control Plan (DCP 55).

Built Form

The proposal achieves the built form objectives of the relevant Codes and Policies and is sympathetic to the adjoining properties.

Density

The proposed development has been designed to achieve the aims and objectives of the built form controls of DCP 55 and therefore represents an appropriate density for the site.

Resource, Energy and Water Efficiency

The applicant has submitted a BASIX Certificate for the proposal, which demonstrates the proposal is satisfactory in terms of energy efficiency.

Landscape

A landscape plan, prepared in accordance with Council's Development Control Plan 45 – Landscape has been provided and demonstrates a satisfactory landscaped area will be provided which includes significant common open space areas at ground level and a linkage to public domain space along the Cook River.

Amenity

The proposal achieves a satisfactory residential amenity with reasonable room size and shape, along with access to natural light and ventilation.

Safety and Security

The proposal has been reviewed in accordance with our Crime Prevention Through Environmental Design Policy (DCP 29) and is acceptable as it maintains natural surveillance, provides clear sight lines and has adequate security measures.

Social Dimensions and Housing Affordability

The mixed use development will add to the range of dwelling size options and optimise the provision of housing to suit social mix.

Aesthetics

The design of the proposal in terms of building envelope and building lines is consistent with the objectives of DCP 55 and with the desired character of the area.

The applicant has submitted a statement from the project architect, Architects⁺ Partners, which details the development's compliance with the design principles of the SEPP. In particular the scale, density, and built form of the development are appropriate to create an attractive and vibrant residential environment along Cooks River. The individual apartments provide a high level of amenity for occupants through the provision of spacious bedrooms and deep balconies.

The proposal is consistent with the Residential Flat Design Code prepared by the Department of Planning.

- **State Environmental Planning Policy 2004 – BASIX**
BASIX Certificates accompany this application. The Certificates make a number of energy and resource commitments. These commitments have been shown on the DA plans, and satisfy the requirements of the SEPP.
- **Canterbury Local Environmental Plan No. 138: Canterbury Precinct**
The subject site is zoned Residential 2(c) under Canterbury Local

Environmental Plan 138: Canterbury Precinct (CLEP138). An extract of the zoning plan is provided below.

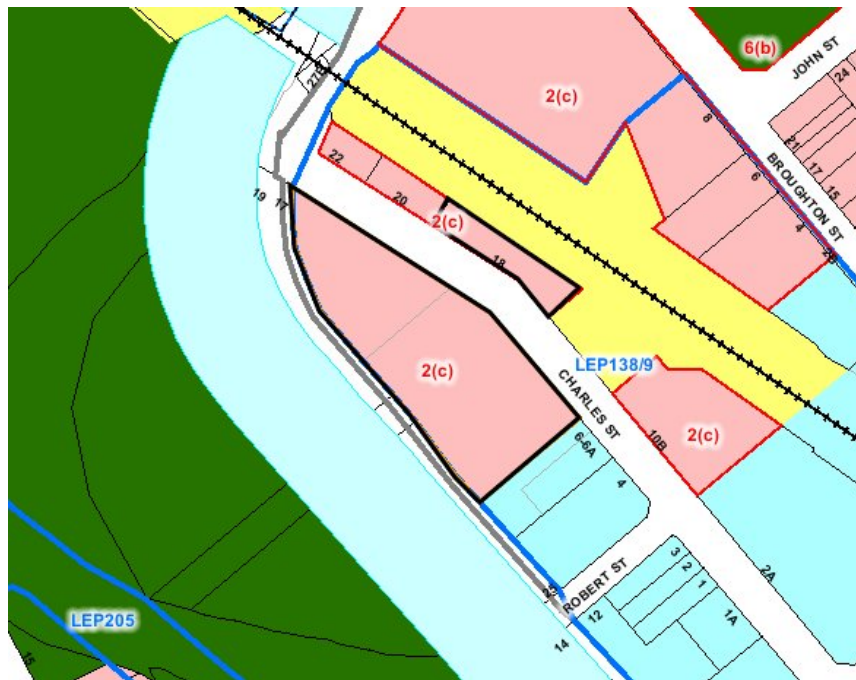


Figure 2. Extract of Zoning Plan from CLEP 138

In accordance with Clause 5 of CLEP138, the proposed development is defined as an 'multiple unit housing' which means:

"a group of 3 or more dwellings (whether or not attached), but does not include multiple dwellings comprising town houses or villa homes"

'Multiple unit housing' is a permissible use in a Residential 2(c) zone under the provisions of CLEP138 with consent.

Clause 32 – Height of Buildings

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the height building map. The clause also states that for the purpose of this clause, height is to be measured from natural ground level, or the level of a 1 in 100 year flood (plus 500mm), whichever is the greatest. An extract from the building height map is shown below.

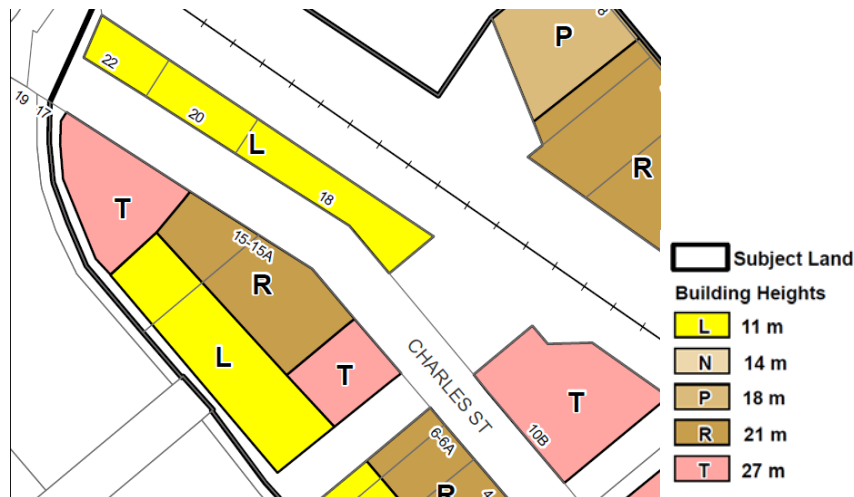


Figure 3. Extract of Height Maps from CLEP 138

The proposal generally conforms with the height requirements of CLEP 138, with the exception of the area identified as “T” 27 metres. The proposal exceeds the height by up to 1.6 metres for lift over runs and parapet design.

CLEP 138 does not define where the height is measured to. However, given that the definition of height within the Standard Instrument includes the total height of any building, including roof pitch, lift over runs and the like, the applicant has submitted an objection to this development standard under State Environmental Planning Policy No.1 – Development Standards.

Clause 33 – Floor Space Ratios

This clause states the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space ratio Map. An extract from the Floor Space Ratio Map is shown below.



Figure 4. Extract of Floor Space ratio Maps from CLEP 138

As identified on the Floor Space ratio Map, the site known as 15-15A Charles has a floor space ratio of 2.5:1 and the site known as 18 Charles Street has a floor space ratio of 1.5:1.

The proposed multiple unit development is to occur wholly on 15-15A Charles Street and proposes a floor space ratio of 2.73:1 when based only on the site area of 15-15A Charles Street.

Given that the proposal exceeds the prescribed floor space ratio for this site, an objection to this development standard under State Environmental Planning Policy No.1 – Development Standards has been submitted.

- **State Environmental Planning Policy No. 1 – Development Standards**

The applicant has submitted an objection to Clauses 32 and 33 of the Canterbury Local Environmental Plan No.138 – Canterbury Precinct under SEPP 1.

In giving consideration to the SEPP 1 Objection, guidance is taken from the judgement handed down from Lloyd J in *Winten v North Sydney* [2001] NSW LEC 46 (6 April 2001). This case set out a five step test for assessing SEPP 1 Objections, these being:

1. Is the planning control in question a development standard?
2. What is the underlying object or purpose of the standard?
3. Is compliance with the development standard consistent with the aims of the policy (ie. the CLEP 138) and in particular, does compliance with development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act (EPAA)?
4. Is compliance with the development standard unreasonable or unnecessary?
5. Is the objection well founded?

In answering these five questions, the following information is provided:

1. The control in question (Clause 32 (Height of Buildings) and Clause 33 (Floor Space Ratios)) of the Canterbury Local Environmental Plan No.138 – Canterbury Precinct are development standards.
2. The objectives relating to these development standards are:

Height of Buildings

- (a) to ensure that buildings are compatible in height with the desired future character of the locality,
- (b) to minimise adverse visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

The area of the building exceeding maximum height requirements of CLEP 138 relates to minor parts of the building parapets and the lift overruns and does not include any habitable space. The additional height will not have any impact on the adjoining buildings in terms of overlooking and loss of privacy. Further, the additional height of the lift overruns is setback from the edge of the building, ensuring they are not visually intrusive. The additional height will not result in any loss of solar access to the surrounding buildings and open spaces, thereby achieving the objective of the height standard.

Floor Space Ratios

- (a) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,
- (b) to minimise adverse visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to ensure building heights take into account sites which are potentially affected by flooding.

The proposal involves two sites, identified as 15-15A and 18 Charles Street. The multiple unit development itself is to be located on 15-15A Charles Street and exceeds the floor space ratio prescribed for this site by 1,713 square metres. However, the proposal achieves compliance with the objectives relating to this development standard as the building is consistent with the building envelope plan identified in the Canterbury Town Centre and Riverfront Precinct Development Control Plan (DCP 55), does not create any additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy and loss of solar access and the building height is generally compliant with the relevant development standards.

Section 5(a)(i) and (ii) of the EPAA includes the following objectives:

- a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land

The proposal is acceptable having regard to 5(a)(i) and (ii).

- 4. In considering whether compliance with the maximum floor space ratio and building height is unreasonable or unnecessary, it is relevant to take into consideration the extent of the increased impact the proposed development would have on the adjoining properties and precinct as a whole over the impacts of a compliant development.

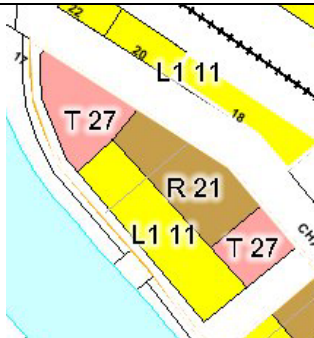
Given that the proposal is generally consistent with the building envelope plan of DCP 55, and that the variation to the height standard is minor and inconsequential, the increase to the height and floor space will not any negative impacts to the adjoining properties or precinct. On this basis, strict compliance with these development standards is considered unnecessary.

- 5. Given that the proposed variations to the height and floor space ratio standards of CLEP 138 do not create any negative impacts on the surrounding area, and that the proposal achieves the objectives relating to these standards, the variation is well founded and is supported.

- **Draft Canterbury Local Environmental Plan 2012**

On 29 March Draft Canterbury Local Environmental Plan 2012 went on public exhibition and became an instrument for consideration under Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*. The

broad controls applicable to this application are as follows:

| Standard | Requirement | Proposal | Complies |
|----------|---|--|-----------|
| Zoning | R4 High Density Residential | Residential Flat Building | Yes |
| Height |  | Varies across site, generally as per height maps, with the exception of lift over runs and parapet for 27m component | No |
| FSR | 15-15A Charles Street = 2.5:1 18 Charles Street = 1.5:1 | 2.73:1 0:1 | No Yes |

However, the draft LEP has not yet been gazetted and no determinative weighting can be afforded to its provisions in respect to this application.

- Canterbury Development Control Plan No. 20 – Car Parking**
 Development Control Plan No. 20 – Car Parking (DCP 20) aims to ensure that development provides adequate off-street car parking and access arrangements. The DCP provides specific parking rates for a range of development types. In this instance, we are required to consider the parking requirements for a multiple unit development.

For a multiple unit development, Table 3(a) of DCP 20 states that parking be provided at a rate of:

| Standard | Requirement | Proposal | Complies |
|---------------------------|--|------------|----------|
| Multiple Unit Development | 1 space per 1 bed dwelling (97 proposed) = 97 spaces | 97 spaces | Yes |
| | 1.2 space per 2 bed dwelling (153 proposed) = 184 | 181 spaces | No |
| | 2 space per 3 bed dwelling (4 proposed) = 8 | 8 spaces | Yes |
| | Total = 289 | 286 spaces | No |
| Visitor Parking | 1 space per 5 dwellings = 51 spaces | 51 spaces | Yes |
| Car Wash Bay | 1 space | 1 space | Yes |
| Bicycle Spaces | 76 spaces | 71 spaces | No |

The proposal is seeking a variation to the number of car parking spaces provided for the two bedroom dwellings by three car parking spaces and the number of bicycle spaces provided.

DCP 20 requires that 1.2 car parking spaces being provided per two bedroom dwelling, with the 0.2 to remain as common property. Given that the proposal includes 153 two bedroom dwellings, a total of 184 car parking spaces are

required for this component of the development, including 31 car parking spaces to be provided as resident common parking.

The applicant is seeking to reduce the resident common parking by three car parking spaces.

The proposal will provide 28 resident common spaces and 51 visitor car parking spaces, has a significant street frontage which would allow for some surplus parking and is located in close proximity to the train station. Taking these points into account, the variation is considered reasonable and is therefore supported.

In regard to the bicycle spaces, the applicant is seeking a variation of five spaces. Given that a significant number of spaces will be provided (71), which is readily available for both residents and visitors, this variation is unlikely to have any impacts and is acceptable.

- Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design (CPTED)**

The proposed development has also been assessed against the relevant provisions of Council's Development Control Plan No. 29 – Crime Prevention Through Environmental Design (DCP 29), which aims to promote design as a genuine crime prevention strategy through three main principles, namely natural surveillance, access control and ownership.

| Standard | Requirement | Proposed | Complies |
|------------------------|---|--|----------|
| Site & Building Layout | Address the street, or both streets and corners | The building and dwellings are orientated toward all areas of public domain, including Charles Street, "Short Street" and the Cooks River Walk which achieves natural surveillance | Yes |
| | Habitable rooms with windows at front of dwellings | Dwellings have been orientated to ensure windows front to all areas of public domain, including Charles Street, "Short Street" and the Cooks River Walk | Yes |
| Access Control | Access to the individual units be clearly marked and apparent to visitors | Each individual entry is to be clearly numbered with the dwellings accessible through that entry. Condition of consent recommended (Condition 14). | Yes |
| | Install intercom, code or card locks or similar to main entries to buildings, including car parks | Intercoms and controlled access measures to be installed at building entry points, including basement car park. Condition of consent recommended (Conditions 15 and 16). | Yes |
| | Main entry door to be self closing | Main entry doors are to be self closing. Condition of consent recommended (Condition 17). | Yes |
| Ownership | Dwellings and communal areas to provide sense of ownership | Sense of ownership achieved through the use of design features, including landscaping, building materials and site layout. | Yes |

| Standard | Requirement | Proposed | Complies |
|-----------------------------|--|---|----------|
| Natural surveillance | Avoid blind corners in pathways, stairwells, hallways and car parks. | The building layout avoids blind corners. | Yes |
| Minimise concealment points | That concealment points be eliminated. | The proposal eliminates concealment points by controlling access to the site. | Yes |

It is considered that the above measures would significantly improve access control and surveillance of the site. In this regard, the proposed development, subject to compliance with conditions recommended, satisfies the CPTED requirements of DCP 29.

- Canterbury Development Control Plan No. 37 – Energy Smart Homes**
 This DCP applies insofar as it aims to protect and maintain the solar access of immediately adjoining residential properties by ensuring it receives 2 hours sunlight between 9am and 3pm on June 21 to the various scenarios tabled below:

| Solar Access Requirement | Proposed | Complies |
|--|--|----------|
| 2 hours solar access to 50% or 35m ² (Whichever is the lesser) of adjoining ground floor private open space between 9.00am and 3.00pm on June 21. | Development provides the opportunity for a minimum of 2 hours solar access to all areas of private open space between 9.00am and 3.00pm on 21 June for future residential developments | Yes |
| One living room window (of the adjoining property) is to receive 2 hours sunlight between 9am and 3pm on June 21. | The proposal allows the opportunity for future residential developments to receive 2 hours sunlight between 9am and 3pm on June 21 to living room windows. | Yes |

As demonstrated in the table above, the proposal complies with the solar access requirements of DCP 37.

- Canterbury Development Control Plan No. 45 – Landscaping**
 The proposed development has been assessed against the provisions of Canterbury Development Control Plan No. 45 – Landscaping.

Council's Landscape Architect is satisfied with landscape proposal on the subject site and has recommended that a number of landscape related conditions be imposed should the application be approved.

- Canterbury Development Control Plan No. 48 – Waste Management**
 The proposed development has been assessed against the provisions of Canterbury Development Control Plan No. 48 – Waste Management (DCP 48). The DCP requires consideration of the design and location of waste management facilities on site.

The development application and associated documentation, including Waste Management Plan were referred to Council's Waste Service Contracts Coordinator for comment. The proposed development in its current form complies with the requirements of DCP 48 in that the bin presentation area will

be within 15 metres of the kerb to allow for collection in accordance with current waste management contracts.

However, the location of the bin presentation area is contrary to the public domain controls of our Canterbury Town Centre & Riverfront Precinct (DCP 55), in that the provision of the bin presentation area adjacent to Charles Street does not contribute to “Short Street” appearing as public space.

Therefore, it is recommended that a condition be imposed that the bin presentation area be relocated to the western end of Short Street, Short Street be constructed so as to be capable of accommodating 25 tonne trucks and that the waste collectors be indemnified against causing any damage to the building (Condition 7 and 9).

This arrangement allows for the entrance to Short Street from Charles Street to appear as a public street and will encourage pedestrian access, as envisaged by DCP 55.

The proposal includes a garbage compactor to be provided within the basement and may compact general rubbish at a ratio of 2:1.

For general rubbish, DCP 48 requires one bin to be provided per two apartments, which in itself would require 127 bins. However, the garbage compaction system allows for this to be reduced to 64 bins. In order to further reduce the number of bins required, garbage may be collected twice per week, with the additional costs being borne by occupants. This allows the total number of general rubbish bins to be reduced to 32.

In regard to recycling, one bin is provided per three dwellings. On this basis, a total 85 bins would be required. However, as two collections per week will take place, the total number of recycling bins required is reduced to 43. Compaction of recycling is not permitted.

On this basis, the proposal will be consistent with the requirements of DCP 48 subject to operational conditions which have been included within the recommendation (Condition 19).

- **Canterbury Development Control Plan No. 55 – Canterbury Town Centre & Riverfront Precinct (DCP 55)**

The purpose of this Development Control Plan is to provide clear objectives, controls and guidelines for future development within the Town Centre through;

- Providing a clear vision and objectives for Canterbury Town Centre;
- Identifying opportunities and constraints so as to maximise potential benefits within the Town Centre;
- Establish principles to guide the design of the urban structure of the Town Centre; and
- Establish objectives, controls, and guidelines that guide and manage future development within the Town Centre.

In order to achieve these objectives, DCP 55 is essentially in two parts, namely Public Domain Controls and Private Domain Controls.

The condition of allowing any new development to be built to its maximum envelope is that all the requirements as set out in this DCP regarding improvements to the Public Domain, have been adequately addressed.

The proposed development has been reviewed in accordance with the public domain controls and is generally consistent with the requirements of the Code, subject to a portion of the site in the south-western corner being dedicated to Council to ensure a 6 metre wide public domain area is provided along the Cooks River Walkway. The applicant is required to contribute toward the provision of the public domain upgrade and this is addressed within the Canterbury Town Centre Development Contributions Plan section of this report.

The Public Domain Controls identify that the portion of the site along the southern site boundary be dedicated to Council for use as a public street, identified as Short Street.

The proposal seeks to retain this area in private ownership and instead, provide a right of carriageway over this area to allow for public access between Charles Street and the Cooks River Walkway and allow possible future use of the right of carriageway to provide vehicular access to the adjoining property to the south if/when developed.

This proposal satisfies the intent of the land dedication and on this basis, Council is willing to allow the land to remain in private ownership, provided the area presents as public space. In this regard, a condition has been recommended that the materials and finishes of the right of carriageway be designed by Council at the expense of the applicant. A condition has also been recommended that the bin presentation area be relocated to the south western corner of the site, which will assist in having the area present as public domain when entering from Charles Street (Condition 7).

The proposed development has been assessed in accordance with Private Domain requirements of DCP 55 and compares with the criteria of the Code, as outlined in the table below:

| Standard | Requirement | Proposed | Complies |
|-------------|---|--|----------|
| Orientation | Position and orientate buildings to maximise north facing walls | Buildings are positioned and orientated in accordance with the building envelope control of DCP 55. | Yes |
| | Provide adequate building separation within the development and to adjacent buildings | Adequate building separation provided, proposal complies with relevant setback requirements of DCP 55. | Yes |
| | Align buildings to the street on the east west frontages | Building aligns to required setback on east & west frontages | Yes |
| | Use courtyards, L Shaped configurations and increased setbacks to northern boundaries on north-south streets. | Courtyards provided on ground level and centrally located communal open space area provided to maximise solar access | Yes |

| Standard | Requirement | Proposed | Complies |
|------------------------------------|--|---|----------|
| | Optimise solar access to living spaces by orientating them to the north where possible | Where possible, living areas are orientated to the north. | Yes |
| Building Entry & Pedestrian Access | Locating entries so they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. | Accesses are designed to relate to the pedestrian access network from Charles Street and Cooks River Walkway. | Yes |
| | Designing the entry as a clearly identifiable element of the building in the street. | Main entrances are clearly identifiable elements of the development | Yes |
| | Designing multiple entries that include main common entry plus separate private ground floor apartment entries where it is desirable to activate the street edge or reinforce a rhythm along the street. | Multiple entries provided with a main entrance being provided along Charles Street. | Yes |
| | Ensure equal access for all. | Development to comply with the Premises Standard. Ramp provided at main entrance point and circulation is maintained throughout the site. | Yes |
| | Provide safe and secure access that includes clear sight lines between one circulation space to the next and adequate well lit and highly visible spaces to enter the building, meet and collect mail. | All access points are safe and secure, providing adequate sight distances/visibility. | Yes |
| | Separate the entry points for pedestrians and vehicles. Within mixed-use developments it may be desirable to separate the entry points between residential and commercial/retail uses. | Main pedestrian entrance points are from Charles Street and Cooks River Walkway. Vehicular entrance to the basement is from "Short Street". | Yes |
| | Integrate vehicular ramps where necessary into the overall landscape and building design to the rear or side streets where possible. | Ramp to basement is provided from "Short Street" which is a side street. | Yes |
| | Design entries and associated spaces appropriately for the transporting of furniture. | Sufficient space provided for the transporting of furniture. Loading bay provided on site for removalists truck. | Yes |
| | Provide and design for discretely located mailboxes that do not cause a visual blight when viewed from outside. | Mailboxes are appropriately screened from public domain areas. | Yes |

| Standard | Requirement | Proposed | Complies |
|---------------------|---|--|----------|
| | Design ground floor apartments to be accessible from the street and to have clearly articulated private open spaces associated with these apartments. | Ground floor apartments have private open spaces. Individual entrances to ground floor apartments provided through accessible pedestrian network which assists in providing desired streetscape. | Yes |
| | Provide boundary definition by construction of an open fence or hedge to the street boundary | Boundary definition provided through landscaping and courtyard elements. | Yes |
| | Provide quality accessible routes to public and semi public areas including entries, lobbies, communal open space, site facilities, - carparks, etc. | Accessible pedestrian routes throughout development are provided, including direct access to Cooks River Walkway. | Yes |
| Vehicle Access | Ensure that pedestrian safety is maintained by minimising the potential for vehicular and pedestrian conflict. | Vehicular entrance and pedestrian paths are separated where possible. | Yes |
| | Ensure adequate separation between vehicle entries and street intersections. | Entrance to basement is located 31 metres from Charles Street | Yes |
| | Optimise opportunities for active street frontages and streetscape design | Contributes to desired streetscape, as "Short Street" presents as public space. | Yes |
| | Improve the appearance of car parking and service entries | Entrance to basement is not visible to Charles Street or Cooks River Walkway | Yes |
| Parking & Servicing | Parking entrance off "Short Street" and/or to northern end of site | Entrance to basement off "Short Street". | Yes |
| | Limit the number of visitor parking spaces on-site, particularly in small developments where the impact on landscape and open space is significant. | All car parking provided within basement. | Yes |
| | Provide underground parking where possible. | Basement provided | Yes |
| | A basement podium should not protrude more than 1.5m above existing ground level or natural terrain except where it forms a barrier to 1:100 year flood events (in which case it may protrude to the 1:100 year flood level +0.5m). | Basement podium height is established in accordance with flood levels | Yes |
| | Ensure resident/visitor parking has safe and efficient lift access. | Lift access provided to all levels of basement parking | Yes |

| Standard | Requirement | Proposed | Complies |
|------------------------|---|---|----------|
| | Provide secure bicycle parking which is easily accessible from ground level, from apartments and other uses. | Bicycle parking provided both on ground level and within basement | Yes |
| Deep Soil Zones | A minimum of 15 percent of the communal open space area of a site, with minimum dimension of 3m, is to be a deep soil zone. | 16.5% of communal open space area to be deep soil zone. | Yes |
| | Optimise the provision of consolidated deep soil zones within Urban Residential by the design of basement and sub-basement car parking within the building footprint and the use of setbacks where possible. | Deep soil zone consolidated into one area. | Yes |
| | Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties where possible. | Deep soil zone adjoins the Cooks River Walkway. | Yes |
| | Promote landscape health by supporting a rich variety of vegetation type and size. | Landscaping provides variety in terms of vegetation type. | Yes |
| | Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials. | Paving is limited where possible. | Yes |
| Planting on Structures | Design planters to support the appropriate soil depth and plant selection | Proposed landscaping/plantings is suitable to soil depths. | Yes |
| Stormwater Management | Reduce the impact of stormwater volumes on existing infrastructure by providing on-site detention and retention where possible. | On-site detention provided where possible. | Yes |
| | Protect stormwater quality | Stormwater quality is protected. Adequate methods of treatment, including biofiltration provided. | Yes |
| Communal Open Space | In the case of sole residential usage, provide communal open space at a minimum of 25 percent of the site area. If this cannot be achieved, demonstrate that residential amenity is improved in the form of increased private open space. | 26.2% of site area (1944 square metres) provided as communal open space | Yes |
| | Facilitate the use of communal open space for the desired range of activities | Communal open space designed to be functional and provide are for passive recreation. | Yes |

| Standard | Requirement | Proposed | Complies |
|--------------------|---|--|----------|
| Private Open Space | Provide a minimum area of 25m ² private open space for each apartment at ground or podium level; the minimum dimension in any one direction is 4 metres. | Ground floor units generally achieve total area of 25m ² . Minimum dimension of 4 metres not achieved | No |
| | Provide private open space for each apartment capable of enhancing residential amenity, in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace. | Areas of private open space enhance the amenity of each dwelling | Yes |
| | Provide private open space in a form of balcony terrace or similar with a minimum of 8m ² or 10m ² (depends on dwelling size) with a minimum dimension of 2m. | Minimum private open space area and dimensions achieved. | Yes |
| Landscape Design | Improve the amenity of open space with landscape design | High amenity of landscaped open space provided, including connection with Cooks River Walkway. | Yes |
| | Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. | Landscaping contributes to the energy efficiency of the overall development and allows maximum solar access to private open space areas and dwellings. | Yes |
| | Design landscape which contributes to the site's particular and positive characteristics. | Landscaping is designed to reflect the sites location to Cooks River, including the provision of a wetland | Yes |
| | Contribute to water and storm water efficiency by integrating landscape design with water and stormwater management. | Landscaping includes stormwater management controls | Yes |
| | Provide a sufficient depth of soil above paving slabs to enable growth of mature trees. | Landscaping is appropriate to soil depths. | Yes |
| | Minimise maintenance by using robust landscape elements. | Landscaping designed to minimise maintenance | Yes |
| Fences & Walls | Respond to the identified architectural character for the street and/or the area. | Walls provide clear definition of private verse public areas. Provision has been made for articulation within the walls/fencing to achieve desired streetscape while maintaining privacy to ground level private open space areas. | Yes |
| | Clearly delineate the private and public domain without compromising safety and security | Walls provide clear definition of private verse public areas. Proposal complies with CPTED principles. | Yes |

| Standard | Requirement | Proposed | Complies |
|----------------|--|--|----------|
| | Contribute to the amenity, beauty and useability of private and communal open spaces | Proposal contributes to the amenity and beauty of open space areas through the use of decks, terraces, furniture and a wetland. | Yes |
| | Retain and enhance the amenity of the public domain | The amenity of the public domain is enhanced through the upgrading of Cooks River Walkway and provision of a link between Charles Street and Cooks River. | Yes |
| | Provide riverfront edge wall as set out in PDS to appropriate detail. | Riverfront edge wall complies with Public Domain Strategy | Yes |
| Visual Privacy | Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings | Proposal is orientated as per the building envelope requirements of DCP 55, which maximises privacy between buildings while taking advantage of sites orientation. | Yes |
| | Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments | Building layout maximises privacy to areas of private open space | Yes |
| | Use detailed site and building design elements to increase privacy without compromising access to light and air. | Privacy is achieved through building layout and orientation, as established by DCP 55. This does not impact on solar access | Yes |
| Safety | Reinforce the development boundary to strengthen the distinction between private and communal space. This can be actual or symbolic. | Proposal clearly defines boundaries between public and private domain areas. This is achieved through level changes, materials and controlled access | Yes |
| | Optimise the visibility, functionality and safety of building entrances | Building entrances to be visible and functional | Yes |
| | Improve the opportunities for casual surveillance | Proposal encourages the use of the centrally located communal open space area, which increases casual surveillance within the development. Dwellings facing Cooks River and Charles Street have balconies orientated toward the public domain areas. | Yes |
| | Minimise opportunities for concealment | Proposal is designed with minimal concealment points. | Yes |
| | Control access to the development | Access to the development is to be controlled via security access system. | Yes |

| Standard | Requirement | Proposed | Complies |
|------------------------|---|---|----------|
| Building Envelope | Designed with frontage to Charles Street, "Short Street" and Cooks River Walk. Communal area to be provided centrally | Proposal addresses Charles Street, "Short Street", Cooks River walkway with communal open space being centrally located. | Yes |
| Building Height | Mixture of 8 storeys, 6 storeys and 3 storey component along Cooks River | 3 storeys along Cooks River | Yes |
| | | Proposes 7 and 9 storey components in locations identified for 6 & 9 storeys | No |
| Building Depth | 18 metres | 18 metre building depth | Yes |
| Building Separation | Up to 4 storeys = 12m min | 13 min | Yes |
| | Over 5 storeys = 18m | Allows in excess of 18m when adjoining site is developed | Yes |
| Street Setback | 3-5 metres around entire site | Minimum 3m setback provided | Yes |
| Floor Space Ratio | 15-15A Charles Street = 2.5:1 | 2.73:1 | No |
| | 18 Charles Street = 1.5:1 | No building work proposed – subject of VPA | Yes |
| Building Configuration | Provide a variety of apartment types including studio, one, two, three and three plus-bedroom apartments. | Proposal includes a range of apartment types, including one bedroom, one bedroom plus study, two bedroom, two bedroom plus study and three bedroom | Yes |
| | Locate a mix of accessible one-, two- and three-bedroom apartments on the ground level for people with disabilities, elderly people and families with children. | One and two bedroom accessible dwellings located on the ground floor | Yes |
| | 10% of residential units in each building with more than 30 units should be accessible and adaptable apartments. | 24 units are adaptable | No |
| Façade Treatment | Compose facades with an appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character | Façade provides an appropriate scale and contributes desired character. Proposal achieves this through use of articulation, variation in materials and variation in heights | Yes |
| | Design facades to reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows. | Facades reflect orientation of building. Proposal maximises solar aspect and access to vistas. | Yes |

| Standard | Requirement | Proposed | Complies |
|--------------|--|--|----------|
| | Express important corners by giving visual prominence to parts of the façade. | Important corners are prominent due to increased height | Yes |
| | Co-ordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. | Building service coordinated into façade. | Yes |
| | Co-ordinate security grills/screens, ventilation louvres and carpark entry doors with the overall façade design. | Security grills/screens, ventilation louvres and carpark entry doors are designed so as to maintain the façade design. Louvres are incorporated on upper levels as a design feature. | Yes |
| | Integrate the design of garage entries with the building façade design, locating them on secondary streets where possible. | Basement entrance is located off "Short Street". | Yes |
| Articulation | Buildings should generally have a street facade: base, middle and top. | Buildings achieve a street façade, base, middle and upper through the use of varied setbacks and changes in materials. | Yes |
| | The design of the street facade, including the quality and durability of its materials, should be emphasised. | The street façade is emphasised through strong vertical elements with particular emphasis on depth. Materials of a high quality and are durable | Yes |
| | The street facade will in all cases have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Frontage types and other ground floor treatments are dealt with subsequently. Modulation above the ground floor, however, may take the form of party walls, small bays, as well as variations in materials and colours. | Vertical emphasis is provided with appropriate modulation through the use of varying materials and external finishes | Yes |
| | The street facade modules should have some variation in height and not be read as a continuous line on any one street. They will vary between 2-4 storeys, step-back to the 'middle' component and again at the 'top'. | Street façade is not read as a continuous line due to varied setback and alignment to Charles Street. | Yes |
| | A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable. | The design of the building creates shadow lines and visual interest | Yes |
| | | | |

| Standard | Requirement | Proposed | Complies |
|---|---|---|----------|
| | Above the ground floor, on public realm frontages, balconies and voids should not dominate facades. This is to be controlled by a void to solid ratio requirement in the vicinity of 50% with each facade measured independently. | A high ratio of balconies are orientated toward public realm frontages, however this achieves casual surveillance requirements. The use of a variety of patterns, materials and architectural elements modulate the façade, creating interest and reducing the visual dominance of balconies | Yes |
| | No blank walls to the public realm. | No blank walls to the public realm | Yes |
| | Balconies should generally be used in moderation and shall be integrated into the overall composition of the facade. They should not be implemented in a monotonous or repetitive configuration. This pertains to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail. | Balconies are proposed to take advantage of the site location and are required to satisfy the private open space requirements of DCP 55. The design of the balconies and materials reduces the monotonous configuration. Proposal involves a mixture of glass and masonry balustrades to emphasise building elements. | Yes |
| | The majority of windows shall be rectangular. Square, circle and semi-circle windows are permitted but should be used in moderation. | Majority of windows are to be vertically rectangular. | Yes |
| Garden Setback Frontage – Charles Street and Short Street | The majority of the building is setback 4-6m from the front property boundary creating a garden area/terrace for ground floor residential or live/work apartments. The front boundary is suitably defined. | Majority of the development is setback in excess of 4 metres to Charles Street. The remainder is setback a minimum of 3 metres, as per the street setback requirements of DCP 55. | Yes |
| Terrace Setback | 3-5 metres and established at a higher level than the walkway adjacent | Minimum setback of 3 metres to Cooks River walkway is provided and building set at higher level. | Yes |
| Foreground Treatment | Foreground treatments to internal landmark buildings, can be corner features, wrap around balconies, vertical elements, changes in materials / colours and the like | Foreground treatment provided to landmark building in northern corner. | Yes |
| Roof & terraces | Relate roof design to the desired built form and or context. | Roof design is consistent with the desired built form and context of the area | Yes |

| Standard | Requirement | Proposed | Complies |
|--------------------------------|--|--|------------|
| | Design the roof to relate to the size and scale of the building, the building elevations and 3D building form. This includes the design of any parapet or terminating elements and the selection of roof materials. | Roof design and parapet relates to size and scale of the buildings | Yes |
| | Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access. | Roof responds to orientation of the site, assists in achieving solar access requirements. | Yes |
| | Integrate service elements into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes and signage | Service elements are integrated into the roof design and are located so as not to create any impacts on adjoining properties with minimal vision from public domain areas | Yes |
| | Facilitate the use or future use of the roof for sustainable functions | Roof is capable of supporting future sustainable energy options such as solar panels | Yes |
| Balconies & Private Courtyards | Larger apartments (2 bedroom or larger) should provide primary and secondary private open space. The combined area of private open space should be a minimum of 10% of the dwelling floor space. | Where possible, larger apartments provide primary and secondary private open space areas. This is not always possible due to privacy issues. The total area of each private open space is at a minimum 10% of unit floor area. | Yes |
| | Primary balconies for one-bedroom apartments are to have a minimum area of 8 m ² . Primary balconies for two and three bedroom apartments are to have a minimum area of 10m ² . | One bedroom = 8m ² minimum Two and three bedroom = 10m ² minimum | Yes Yes |
| | Primary balconies are to be located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space and proportioned to be functional and promote indoor/outdoor living. A dining table and two to four chairs should fit on the majority of balconies in any development. A minimum depth of 2m is required. | Primary balconies are accessible from living areas, with minimum dimension of 2 metres. | Yes |
| | Design and detail balconies in response to the local climate and context. | Balconies are designed to suit local climate and site orientation. | Yes |

| Standard | Requirement | Proposed | Complies |
|--|--|--|----------|
| Ground Floor Apartments | Design front gardens or terraces to contribute to the spatial and visual structure of the street while maintaining privacy for apartment occupants. | Ground floor apartments achieve the desired streetscape appearance and maintain privacy for occupants | Yes |
| | Promote housing choice | Variation in apartment sizing provided | Yes |
| | Increase opportunities for solar access in ground floor units, particularly in denser areas | Solar access to ground floor apartments is maximised. | Yes |
| | Encourage ground floor units with direct access from semiprivate/ communal courts to engender passive surveillance and communal interaction. | Access to ground floor apartments encourages passive surveillance due to communal interaction | Yes |
| Visual Privacy and Acoustic Separation | All new developments must comply with Railcorp Guidelines - "A Guide to Working in and Around Rail Corridor" and requirements of the Rail Infrastructure Corporation and State Rail Authority "Interim Guidelines for Applicants - Consideration of Rail Noise and Vibration in the Planning Process". | Proposal has been reviewed by Railcorp, who have granted their concurrence to the proposal on a deferred commencement basis. | Yes |
| | Use detailed site and building design elements to increase privacy without compromising access to light and air. | Building orientation has been established to increase privacy to individual apartments | Yes |
| Daylight Access | For 3 or more storey developments, provide at least 75% of residential apartments with at least 2 hours of sunlight to living room and private open spaces between 9.00 am and 3.00 pm in mid-winter. | 91% of dwellings receive at least 2 hours solar access between 9.00am and 3.00pm in mid winter. | Yes |
| | Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed. | 9% of dwellings orientated to south | Yes |
| | Design for shading and glare control, particularly in summer | Proposal allows for shading and screening from elements. | Yes |
| Natural Ventilation | Plan the site to promote and guide natural breezes | Site to be developed in accordance with building envelope plan established by DCP 55. | Yes |
| | Limit residential building depth to 18 metres glass line to glass line to support natural ventilation. | Building depth 18m glass line to glass line. | Yes |

| Standard | Requirement | Proposed | Complies |
|-------------------|---|---|----------|
| | Utilise the building layout and section to increase potential for natural ventilation | Building layout provides breezeways to allow for ventilation throughout the site. | Yes |
| | Design the internal apartment layout to promote natural ventilation | Apartments are generally open plan living areas with access to private open space areas to promote natural ventilation | Yes |
| | A minimum of 60% of residential apartments are to be naturally ventilated by utilising cross ventilation. | 61% of apartments to be cross ventilated. | Yes |
| | A minimum of 25% of kitchens within a development are to be naturally ventilated | In excess of 25% of kitchens are to be naturally ventilated due to open plan living | Yes |
| | Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. | Sliding doors and operable windows to allow natural and cross flow ventilation. | Yes |
| Energy Efficiency | All heating/cooling devices used are to comply with BASIX. | BASIX Certificate provided indicating that the proposal satisfies the energy efficiency targets. | Yes |
| | Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer | Proposal includes passive solar design techniques including limiting southerly aspect units. Proposal complies with the thermal comfort commitments of the BASIX Certificate. | Yes |
| | Improve the control of space heating and cooling | Shading devices including screens and louvers incorporated into design. The proposal achieves compliance with BASIX targets | Yes |
| | Provide or plan for future installation of solar collectors and photovoltaic panels. | Solar energy systems may be provided on roof tops in the future without impacting on the amenity of adjoining properties. | Yes |
| | Reduce reliance on artificial lighting | Proposal provides apartments with satisfactory access to natural lighting. | Yes |
| Maintenance | Design windows to enable cleaning from inside the building, where possible. | Windows to be accessible to occupants of each individual apartment for cleaning. | Yes |
| | Select manually operated systems, such as blinds, sunshades, pergolas and curtains in preference to mechanical systems. | Screening devices such as louvers and sun shades are to be manually operated by future occupants. | Yes |

| Standard | Requirement | Proposed | Complies |
|----------|--|--|----------|
| | Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. | Building maintenance systems incorporated into the design without impacting on the façade. | Yes |
| | Select durable materials, which are easily cleaned and are graffiti resistant. | Proposed materials are durable and consistent with residential development. | Yes |
| | Select appropriate landscape elements and vegetation and provide appropriate irrigation systems | Landscaping is appropriate to site and desired character. Irrigation can be provided. | Yes |
| | For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage. | Space for garden maintenance and storage available within basement. | Yes |

As demonstrated in the table above, the proposal complies with the requirements of DCP 55 with the exceptions which are discussed below in more detail.

Private Open Space

DCP 55 requires that all ground floor apartments have 25 square metres private open space with minimum dimension of 4 metres, measured in any direction. The proposal is seeking a variation to this requirement in that the ground floor apartments having areas of private open space ranging from 20 square metres up to approximately 50 square metres with a minimum dimension of 2 metres.

The objective of this control is to provide residents with passive and active recreational opportunities, and to provide a pleasant outlook.

While the proposal does not strictly comply with this requirement, it does achieve the objectives. The requirements of DCP 55 are quite stringent and in achieving compliance with one control, a proposal can conflict other controls. In this instance, compliance with the building setbacks, building separation and building envelope controls restrict the development's capability to comply with the minimum dimensions for the ground floor private open space areas. However, the areas provided create a reasonable living amenity, provide passive recreational opportunities and provide a pleasant outlook. On this basis, the proposal is supported.

Building Height

DCP 55 sets maximum building heights over the subject site. However, the DCP specifies these heights in storeys, rather than metres, which is contrary to CLEP 138. The maximum building heights are shown in the diagram below:

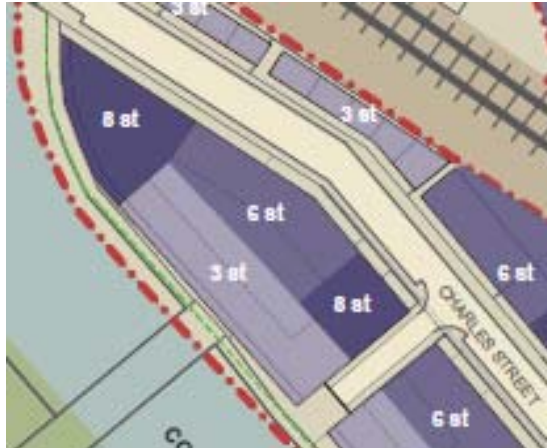


Fig 5. Building Height Plan of DCP 55

The proposed development complies with the 3 storey height limit along the Cooks River. However, the proposal is seeking a variation to the 6 and 8 storey components of the plan.

The proposal is seeking to increase these heights to 7 and 9 storeys. In considering this variation, it is reasonable to consider the provisions of CLEP 138, which sets the height standards at 24 and 27 metres respectively. As outlined earlier in this report, the applicant has submitted an objection to this development standard, which is considered to have merits and is well founded. On this basis, the variation to DCP 55 in this regard is supported.

Floor Space Ratio

The site on which the residential flat development is to be sited has a prescribed floor space ratio of 2.5:1, which allows for a floor area of 18,480 square metres. The proposed development provides a floor space ratio of 2.73:1, being a total floor area of 20,193 square metres.

The proposal involves a Voluntary Planning Agreement, involving the transfer of land known as 18 Charles Street to Council for the dedication and provision of a public car park. 18 Charles Street has a prescribed floor space ratio of 1.5:1 which entitles it to a floor area of 1513.50 square metres.

In considering this variation, it is noted that the total floor area provided exceeds the prescribed floor area across 15-15A and 18 Charles Street by 199.5 square metres, when expressed as a percentage is less than 1%. This is a minor variation which is reasonable to allow for design flexibility.

Given that the development is to be sited wholly on 15-15A Charles Street, consideration has been given to whether this site is capable of supporting the additional floor space. On balance, the proposal provides a reasonable living amenity for future occupants, will not negatively impact on adjoining sites and is generally consistent with Council's vision for the precinct.

On this basis, the proposed floor space ratio is a reasonable and the proposal is supported in this regard.

Building Configuration

DCP 55 requires that where a development contains more than 30 dwellings, 10% of the dwellings should be accessible and adaptable apartments.

The proposal is for the construction of 254 dwellings, which would typically require 25 dwellings to be adaptable.

A total of 24 dwellings are proposed to be adaptable. Although this is a variation from the control, a development which provides 24 adaptable apartments is considered to be a significant contributor to adaptable housing. The proposed adaptable apartments are a range of one and two bedroom apartments, which contribute to the housing choice available. On this basis, the proposal is acceptable in terms of its configuration.

- **Stormwater Management Manual – Specification 9 ‘A Guide to Stormwater Drainage Design’**

The proposed development and accompanying engineering drawings have been reviewed by Council’s Development Engineer who has found that the proposal complies with the requirements of our Stormwater Management Manual. Conditions regarding stormwater management have been recommended (Conditions 31-43).

- **Canterbury Town Centre Development Contributions Plan**

Significant upgrades of the existing infrastructure are necessary to sustain the scale of urban renewal envisaged for the Canterbury Town Centre. Accordingly, the main purpose of this Plan is to enable reasonable contributions to be obtained from development for the provision of new and augmented local infrastructure that will both benefit and be required for the proposed development.

Residential flat developments are identified as increasing demand for local infrastructure and are therefore subject to a contribution.

The Plan requires a contribution of \$149.59 per square metre of gross floor area.

The proposed development has a gross floor area of 20,193 square metres, which requires a contribution of \$3,020,670.80.

Clause 2.15.1 of the Plan states:

“Council may accept an offer made in writing that provides for:

- *a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition already imposed requiring the payment of a monetary contribution; or*
- *the dedication of land free of cost towards the provision of public facilities to meet the demands of the development.*

Where the Council accepts such an offer, it is not necessary for the consent to be amended under section 96 of the EP&A Act.”

On this basis, a condition has been included within the recommendation requiring the applicant to pay a contribution of \$3,020,670.80, which may be offset by the developer carrying out improvements to the public domain, as approved by Council, in order to offset the developer contributions (Condition 21).

INTERNAL REFERRALS

The development application was referred to a number of internal sections of Council for comment and the advice received is summarised below. Please note that referral comments from Council's Landscape Architect, Development Engineer, Crime Prevention Committee and Waste Services were received in relation to this application. Comments received from these sections of Council have been addressed in the previous section of this report titled 'Assessment'.

- **Fire Safety and Building Related Comments**

The development application has been accompanied by a Building Code of Australia Assessment Report prepared by Steve Watson & Partners. The report concludes that the proposed development is capable of satisfying the provisions of the National Construction Code subject to the certain aspects being complied with at Construction Certificate stage. The development application and accompanying BCA report were referred to Council's Team Leader Building for comment who has raised no objections to the proposal in principle subject to certain conditions being included as part of any development consent issued.

- **Voluntary Planning Agreement**

On 26 July 2012, Council considered the proposed Voluntary Planning Agreement (VPA) for the development of 18 Charles Street as a public car park and transfer to Council ownership and resolved the following:

1. We agree to enter into a VPA for the transfer of potential floor space yield from 18 Charles Street, Canterbury to 15 Charles Street, Canterbury, and in return accept ownership of a fully developed carpark to our specifications at 18 Charles Street.
2. The draft VPA be exhibited for a period of 28 days and in the manner required by the Environmental Planning and Assessment Regulation.
3. A further report be presented to Council with the results of this exhibition process.
4. Notwithstanding this draft VPA, the Development Application for 15 Charles Street continue to be assessed pursuant to the objectives of the relevant LEP and DCP that apply to the site as well as the development of the Canterbury Town Centre precinct generally.

A condition has been recommended that the VPA be executed prior to the issue of the Occupation Certificate (Condition 28).

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are considered to be satisfactory. The proposal is not expected to have any detrimental impacts in terms of the natural or built environments, and the social and economic aspects, as discussed under the following headings below.

- **Excavation Works**

A Geotechnical Report prepared by Jeffery and Katauskas Pty Ltd was submitted in relation to the development. The report noted that the proposed excavations will be safely achievable at the site. Recommendations have been provided in relation to excavation structural footings and groundwater. A condition has been recommended requiring the works to be carried out in accordance with the recommendations of the Geotechnical report prepared by Jeffery and Katauskas Pty Ltd (Conditions 22).

Given the proximity of the excavation works to adjoining properties, it has been

recommended that an additional condition be imposed regarding the submission of a Dilapidation report of the adjoining property to the south prior to the issue of the Construction Certificate (Condition 23).

- **Privacy Considerations**

Privacy impacts have been adequately mitigated by off-setting windows, screening and through the orientation of the apartments. It is considered that the measures proposed are acceptable.

- **Traffic and Car Parking Implications**

The development application has been accompanied by Traffic Impact Assessment prepared by Colston Budd Hunt & Kafes Pty Ltd which addressed the traffic and parking conditions of the locality and the proposed development. The report indicates that the expected number of vehicle movements generated by the development will not cause any significant interruptions and can be adequately catered for by the existing road network.

- **Acoustic Considerations**

The development application has been accompanied by an Acoustical Assessment Report prepared by Wood & Grieve Engineers. The report concludes that noise generated by mechanical devices and increased traffic is of a minimal level and will have negligible impacts on the surrounding environment.

The report makes a recommendation that all glazing on the Charles Street façade be 12.38mm thick single laminated, and that all glazing on the Cooks River frontage be 8.38mm thick single laminated. This recommendation has been imposed as a condition of consent (Condition 24).

SUITABILITY OF THE SITE

These matters have been considered in the assessment of the development application. The proposed redevelopment of the site is permissible and not expected to have any detrimental impacts on the amenity of the locality. The proposed development is considered to be a suitable development with regard to the desired context.

NOTIFICATION

The development application was publicly exhibited and all adjoining owners & occupiers were notified of the proposed development in accordance with the provisions of Council's Development Control Plan No. 32 - Notification Policy on 2 February 2012 for 21 days.

During the notification period, one submission was received in the form of a petition with 44 signatures. The issue raised related to the effect the proposed development would have on the surrounding area.

The issue arising from the notification periods have been addressed below:

- **Effect on Surrounding Area**

The subject site has been rezoned to a residential land use, permitting development of a high density. The proposed development is generally consistent with the provisions of all applicable Codes and Policies and is therefore unlikely to create any significant impacts on the surrounding area. It should be noted that the proposal will provide a significant number of benefits to the community including the provision of upgrades to the Cooks River Walkway.

PUBLIC INTEREST

The proposed development satisfies the relevant requirements contained within the Canterbury Local Environmental Plan 138: Canterbury Precinct, and is generally consistent with the relevant Development Control Plans applicable to the proposal as discussed in earlier sections of this report. The proposed development promotes the coordinated, orderly and economic use of the land and is not expected to have any unreasonable impacts on adjoining properties. Approval of the application is therefore considered to be in the public interest.

CONCLUSION

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and all relevant development control plans, codes and policies.

The proposed development is permissible in the zone subject to consent under the provisions of Canterbury Local Environmental Plan 138: Canterbury Precinct (CLEP138). As demonstrated, the proposed development is generally consistent with the provisions of the relevant State Environmental Planning Policies and Councils development control plans.

As outlined throughout this report, the site is capable of accommodating the proposed residential development and is not expected to have any detrimental impacts on the amenity of the locality, in this regard the proposal is considered to be a suitable development for the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve Development Application 592/2011 for the construction of a residential flat building containing 254 dwellings and three levels of basement parking, in the following manner:

PART A:

THAT the State Environmental Planning Policy No.1 objection to vary Clauses 32 and 33 of Canterbury Local Environmental Plan No.138 (Canterbury Precinct) be supported.

Part B:

THAT Development Application 592/2011 be **APPROVED** subject to the following conditions:

1. The Joint Regional Planning Panel grants its consent to the development application as a “**DEFERRED COMMENCEMENT**” Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council, within 12 months, sufficient to satisfy the conditions listed below before the consent can operate. The deferred commencement condition is:
 - 1.1. The Applicant shall prepare and provide to RailCorp for approval/certification the following items:
 - A final Geotechnical and Structural report that meets RailCorp’s requirements as detailed in RailCorp’s “Standard Brief”.
 - Construction methodology with details pertaining to structural support during excavation.

- Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor
2. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
- 1.1. Details of:
- Protection from termites
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Mechanical ventilation
- 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.3. Payment to Council of:
- | | |
|--------------------------------|----------------|
| Kerb and Gutter Damage Deposit | \$2,516.00 |
| Section 94 Contributions | \$3,020,670.80 |
| Certificate Registration Fee | \$36.00 |
| Long Service Levy | \$212,118.20 |
- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|--------------|
| Construction Certificate Application Fee | \$116,326.40 |
| Inspection Fee | \$31,295.00 |
| Occupation Certificate Fee | \$11,665.00 |

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in the fee quote attachment do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and

- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions specified in this Notice:

| Plan Number | Dated | Prepared by | Received by Council on |
|-------------|-----------|----------------------------------|------------------------|
| A1.01 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A2.00 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A2.01 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A2.02 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A2.03 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A2.04 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A4.02 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A8.03 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A8.04 | 31/3/2011 | Architects ⁺ Partners | 5 July 2012 |
| A2.05 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A2.06 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A2.07 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A2.07-1 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A2.07-2 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A2.08 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A2.09 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A3.01 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |

| | | | |
|-------|-----------|----------------------------------|-----------------|
| A3.02 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A3.03 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A4.04 | 31/3/2011 | Architects ⁺ Partners | 28 March 2012 |
| A5.01 | 31/3/2011 | Architects ⁺ Partners | 6 December 2011 |
| LP01 | 27/6/2012 | Site design studios | 5 July 2012 |

6. A portion of 15-15A Charles Street in the south western corner of the site is to be dedicated to Council to ensure the Cooks River Walkway achieves a width of 6 metres, as prescribed in the Public Domain Strategy and indicated on Drawing Plan No.A8.04.
7. The bin presentation area on the ground floor is to be relocated to the south western corner of the site and the landscaping be provided in the location where the bin presentation area is currently shown on the approved plans.
8. A right of carriageway, as shown on Drawing Plan No.A8.03, except where amended by Condition 7 is to be created under Schedule 4A of the Conveyancing Act in favour of Council to allow public access over the site. The terms of the right of carriageway are to include that the maintenance and liability over the area is to be borne by the owner. The right of carriageway is to be registered prior to the issue of an Occupation Certificate.
9. The proposed pavements, materials and finishes of the right of carriageway are to be certified/approved by Council to ensure they are consistent with the Public Domain Strategy. At a minimum, they are to be capable of accommodating vehicles up to a rigid vehicle up to 25 tonnes.
10. The treatment of the interface/podium walls between the public domain and the perimeter of the site, including type of finish, materials and colours are to be provided to Council for concurrence prior to the issue of a Construction Certificate.
11. Subsurface investigation and soil sampling is to be undertaken across the site. The samples are to be analysed for potential contamination and acid sulphate soils, with all recommendations of this analysis being complied with prior to the issuing of a Construction Certificate. The analysis is to take into consideration the groundwater conditions.
12. 338 off-street car spaces being provided in accordance with the submitted plans. This shall comprise:
 - One space for each one/two bedroom dwelling
 - Two spaces for each three bedroom dwelling
 - 28 resident common spaces
 - 51 visitor common spaces
 - 1 car wash bay

The car spaces being allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
13. Signage being erected for visitor/common car spaces to notify and allow people to use the designated spaces.
14. Seventy one (71) bicycle parking spaces are to be provided on site.
15. Directional signage, including apartment numbers to be accessed through each entrance is to be provided.
16. An intercom is to be provided at the basement entrance to allow access to the residential visitor parking spaces located behind the roller shutter.
17. Controlled access measures are to be provided at the entrances to the building, by way of security coded doors/gates or a swipe card system.
18. The doors at the main entry to the site and foyers are to be self closing.
19. The lot owner is to indemnify Council and its waste collectors against causing any damage to the property.

20. Rubbish and recycling bins are to be transported to the ground floor presentation area for collection on the evening prior to collection and returned to the basement waste management areas on the day of having been collected.
21. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Canterbury Town Centre Development Contributions Plan, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$3,020,670.80. Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.
22. The development is to be in accordance with the recommendations of the Geotechnical Report prepared by Jeffery and Katauskas Pty Ltd.
23. A Dilapidation Report/photographic survey prepared by an appropriately qualified engineer is to be undertaken of the adjoining property being 6-6A Charles Street, Canterbury, detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to occupation of the building, a certificate by an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
24. All glazing on the Charles Street façade be a minimum of 12.38mm thick single laminated, and that all glazing on the Cooks River frontage be a minimum of 8.38mm thick single laminated, as recommended by the Acoustical Assessment Report prepared by Wood & Grieve Engineers.
25. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
26. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
27. All building construction work must comply with the National Construction Code.
28. The Voluntary Planning Agreement pursuant to Section 93F of the Environmental Planning and Assessment Act relating to the transfer of land known as 18 Charles Street, Canterbury to Council for the provision of a dedicated public car park is to be executed prior to the issue of an Occupation Certificate.
29. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:

- i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
30. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

ENGINEERING

- 31. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 25th January 2012; drawing numbers 23103-BRI-C-DA , Fig 1 Rev B, Fig 2 Rev A & Fig 3 Rev B prepared by Wood and Grieve Engineers and as amended by the following condition.
- 32. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
- 33. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with clause 3.3.2 of Councils stormwater management manual ~ specification 9. Sump depth is to be a minimum of 300mm deep.
- 34. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
- 35. Stormwater being disposed of into the Cooks River, subject to the Office of Water's approval. The Office of Water's written approval shall be submitted with the Construction Certificate.
- 36. A detailed groundwater management plan is to be submitted prior to issuance of a Construction Certificate. This should include proposals on how to deal with groundwater during and after construction. If groundwater is encountered within the depth of excavation the basement walls will need to be tanked or suitably sealed. No groundwater or seepage water is to be discharged from the site. All earth retaining structures are to be designed to withstand hydrostatic loading generated by subterranean water and the basement walls are to be adequately tanked and waterproofed.
- 37. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 7 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 38. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
- 39. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs

of the internal pavements, car-parks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.

40. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Sub-base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Micro-surfacing.
41. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 – Car-parking Facilities".
42. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
43. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

SYDNEY WATER REQUIREMENTS

44. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
45. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business, then Building & Developing, then Building & Renovating, or telephone 13 20 92.

RAILCORP

46. The Applicant shall provide an accurate survey locating the development with respect to the rail boundary. RailCorp easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
47. Prior to the construction of the carpark at 18 Charles Street, the Applicant shall mark out the legal property boundary to ensure there is no encroachment on to RailCorp land.
48. Prior to the issue of Construction Certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the Applicant must discuss with RailCorp as

to whether these services are to be relocated or incorporated within the development site.

49. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
50. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "*Development Near Rail Corridors and Busy Roads- Interim Guidelines*".
51. Prior to the issue of Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
52. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.
53. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
54. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
55. Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
56. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
57. Drainage from the development at 18 Charles Street must be adequately disposed of/managed and not allowed to be discharged into RailCorp's land unless prior approval has been obtained from RailCorp.
58. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp, if required by RailCorp.
59. Landscaping along the rail corridor shall meet RailCorp's satisfaction. The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp that this requirements has been met.

60. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorized access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's Satisfaction prior to the fencing work being undertaken. The RailCorp may provide supervision, at the developer's cost, fro the erection of the new fencing.
61. No scaffolding is to be used within 6 horizontal metres for the rail corridor unless prior written approval has been obtained from the RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.
62. If deemed necessary by RailCorp the following items are to be provided to RailCorp for endorsement prior to the issuing of a Construction Certificate
- Any monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.
 - A rail safety plan.
 - Any other matter in order to protect the rail corridor.
- The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been complied with or is not required.

OFFICE OF WATER (General Terms of Approval)

63. The Construction is not to be issued over any part of the site requiring a Controlled Activity Approval (CAA) until a copy of the CAA has been provided to Council.
64. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2011/592 and provided by Council:
- (i) Site plan, map and/or surveys
- Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
65. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act form the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 meters of the top of the bank of shore of the river identified.
66. The consent holder must prepare or commission the preparation of:
- (i) Erosion and Sediment Control Plan
 - (ii) Soil and Water Management Plan
67. The Consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and /or implement any controlled activity by or under the direct supervision of suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
68. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
69. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
70. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

71. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
72. The consent holder must establish drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
73. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilized.
74. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
75. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
76. Pumped water (tailwater) shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
77. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorized by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention form pollution or contamination of the groundwater.
78. If a work is abandoned at any time the licensee shall notify the NSW Office or Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.
79. Suitable documents are to be supplied to the NSW Office of Water of the following:
 - 79.1. A report of prediction of the impacts of pumping on any licensed groundwater users or be allowed and the project will need to be modified.
 - 79.2. A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - 79.3. Descriptions of the methods used and actual volume of groundwater to be pumped (Kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
 - 79.4. Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
 - 79.5. Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
80. The design and construction of the structure must preclude the need for permanent dewatering.

81. The design and construction of the structure that may be impacted by any water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
82. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
83. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
84. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
85. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
86. Discharge of nay contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Aft 1997*.The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - 86.1. The treatment to be applied to the pumped water (tailwater) to remove any contamination.
 - 86.2. The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - 86.3. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of groundwater system will not be allowed and the project will need to be modified.
87. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - 87.1. Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastruaction as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.

- 87.2. Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
- 87.3. Locations of settlement monitoring points, and schedules of measurement.
- 88. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- 89. Upon receipt of a Development Consent from Canterbury Council, a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the *Water Act, 1912*.
- 90. A Licence application under Part 5 of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

CRITICAL INSPECTIONS

91. Class 2, 3 or 4 Buildings

The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

- 91.1. at the commencement of the building work, and
- 91.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 91.3. prior to covering any stormwater drainage connections, and
- 91.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 91.5. at the commencement of the building work, and
- 91.6. prior to covering any stormwater drainage connections, and
- 91.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

- 92. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

- 93. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE

- 94. This application has been assessed in accordance with the National Construction Code.
- 95. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.

96. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Air handling systems
 - Protection from termites
 - Smoke alarms
 - BASIX completion
97. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
98. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
99. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
100. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
101. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
102. If you are not satisfied with this determination, you may:
- 102.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination; or
 - 102.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

If you should require any further information, please do not hesitate to contact Bernard Sutton in City Planning on 9789 9461 Monday to Friday.