

JRPP Ref. No.	2012SYE026
D/A No.	DA-47/2012
Property	Lot 1, DP 1164121, No. 1-9 Broadway, Punchbowl
Proposal	Construction of a six and seven storey mixed use development comprising two levels of basement parking, retail and commercial tenancies, including a supermarket and 148 residential apartments across seven buildings
Zoning	General Business 3(a1) under Canterbury Planning Scheme Ordinance
Applicant/Owner	Broadway Plaza Investments Pty Limited
Report By	Zena Ayache, Development Assessment Officer

EXECUTIVE SUMMARY

- Council has received a development application for the construction of a six and seven storey mixed use development comprising two levels of basement parking, retail and commercial tenancies, including a supermarket and 148 residential apartments across seven buildings.
- The development application has a capital investment value in excess of \$20 million and in accordance with Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
The subject site is zoned General Business 3(a1) under the Canterbury Planning Scheme Ordinance (CPSO). The proposed development is defined as 'multi-unit housing', 'commercial premises' and 'shop' and is permissible within the zone subject to approval of the Joint Regional Planning Panel (JRPP).
- The development application has been assessed against the relevant statutory provisions and is found to generally comply with the aims, objectives and requirements of these environmental planning instruments, development control plans and policies.
- The development application was publicly exhibited and adjoining and surrounding land owners notified in accordance with the provisions of Council's Development Control Plan No. 32 – Notification Policy. Six written submissions were received raising concerns in relation to building height and density, loss of street car parking, traffic congestion, loss of property values, noise, pedestrian safety, removal of existing island located along The Broadway and its replacement with a roundabout, the car park entry/exit being located on The Broadway, desire to retain and maintain existing garden plots located within the centre of The Broadway and War Memorial and condition of road surface. These concerns are discussed in greater detail below, in the body of this report.
- The development application is recommended for approval subject to conditions.

BACKGROUND

On 12 October 2011, Council approved Development Consent No. 204/2011 for the demolition and excavation of the site at this address, formally the Punchbowl Returned and Ex-Servicemen's Club.

SITE DETAILS

The subject site is identified as being Lot 1, D.P. 1164121, No. 1-9 Broadway,

Punchbowl. It is an irregular shaped allotment with an overall street frontage of 42.39 metres to The Boulevarde, 115.975 metres to The Broadway, 76.2 metres to Matthews Street and provides a total site area of 9345m². The site has been excavated and is currently vacant.

The existing development surrounding the subject site is a mix of commercial and residential development. To the north of the site is The Boulevarde, railway line and Punchbowl Station, which forms the north edge of the Punchbowl Town Centre. To the east, beyond Broadway, is commercial development fronting The Boulevarde, beyond which is residential development comprising of three storey walk up residential flat buildings. To the south of the site, along the Broadway frontage is a church and child care centre.

The adjoining development along the southern boundary and facing Matthews Street is a three storey residential flat building. The western boundary of the site adjoins Matthews Street, which at The Boulevarde end of the street is a commercial zone with two storey retail development, and then becomes a residential street with a mix of medium density and residential flat building developments.

The adjoining development near the north-west sector of the site comprises two detached dwelling houses on separate lots which are located on the southern side of Van Dyke Place while a 3 storey brick residential flat building stands on the northern side of Van Dyke Place and adjoins the subject site. Also, in the north-western corner of the site is 2 and 3 storey commercial development fronting The Boulevarde which is comprised of a mix of commercial and retail uses.

The Punchbowl Town Centre is located along The Boulevarde and along Punchbowl Road to the west. The northern part of the subject site forms the eastern extent of the town centre. As a result, the subject site forms a gateway to the Punchbowl Town Centre given its location at the eastern entrance to the Punchbowl Town Centre on the corner of The Boulevarde and Broadway.

The majority of shops within the town centre are small in scale and comprise of local food shops, chemists, real estate agents and the like. A small IGA supermarket exists on the corner of Punchbowl Road and The Boulevarde while the only other larger shops are the bottle shop, medical centre and hotel, all located along Punchbowl Road.



Figure 1: Aerial View of Subject Site

PROPOSAL

The subject application seeks approval for the construction of a mixed use retail, commercial and residential development comprising the following:

Carparking

A total of 563 car parking spaces are to be provided and accommodated within two basement levels. A total of 334 off-street car parking spaces are proposed for the retail/commercial component, to be accessed via the main entry/exit driveway proposed along The Broadway. A total of 228 car parking spaces are proposed for the residential component, comprising of 198 parking spaces for residents, 30 residential visitor parking spaces and 1 car wash bay which are to be accessed via the residential access driveway proposed in Matthews Street.

Retail and Commercial

The retail component of the site is spread over two levels.

A “lower retail level” is accessed (for pedestrians) from The Boulevard. It contains eighteen shops ranging in size from 40m² to 4010m². Woolworth Supermarket has two shops being a supermarket and a liquor outlet (Shops 6 and 7). Access from the car park to this level is available via lifts and escalators. This level is located at footpath level (with the aid of installing ramps within the building entrance) to The Boulevard. However, this level will sit between 2m and 4m below footpath level on Broadway and Matthews Street and will not have pedestrian access or shop front presentation except through the main entrance on The Boulevard. Shop 1 will enjoy access directly from The Boulevard and not via the main building. This level will also accommodate a service corridor for shops 10, 11, 12, 13, 14 and 15 and a parents’ room together with amenities.

A “retail podium level” is accessed (for pedestrians) from Broadway. It will accommodate a further twelve shops (in addition to the eighteen shops on the lower

level). Five of these shops are indicated for commercial use, six for cafes or restaurants and one shop is to be designated for medical consulting rooms. Centre management as well as public amenities are to also be available on this level.

The retail level also includes servicing and loading facilities for the retail space as well as garbage rooms for the retail/commercial premises and residential units. Access to the loading facilities is from a dedicated service road which is entered from Matthews Street and exited onto Broadway. This effectively becomes a service laneway for the development. The developments associated plant rooms, service rooms and residential and retail waste and recycling areas are also located along the service road, isolating them from the street frontages and the retail and residential uses provided on-site.

The retail podium level also accommodates a total of 12 residential units. The residential podium level is located on the western side of the site, elevated from the retail forecourt plaza with pedestrian access from Matthews Street. It also provides a central landscaped open space for the adjacent residential apartment buildings.

First Use

It is proposed that Shop 6 will be used as a Woolworths Supermarket and Shop 7 will be used as a Woolworths Liquor Store. These premises will operate between 6am to 12 midnight, 7 days a week. The use will involve a maximum of 22 full-time staff, 25 casual staff and 115 part-time staff. It is proposed that there will be approximately 10-12 deliveries daily which are to take effect via small to medium rigid trucks, 19 metre semi-trucks and 12.5 metre rigid trucks. A maximum of 5 semi or rigid trucks are to deliver goods to the site on a daily basis. All generated waste and recyclable materials will be stored within the allocated waste storage area provided within the service road. A private waste disposal company will be appointed to remove all waste from the site on a daily basis.

Residential

The residential component of this development is spread over seven detached buildings.

Buildings A, B, C and D share their lower level with the “retail podium level”. Building’s E, F and G sit above this level.

These seven towers comprise:

- Building A consists of a six storey tower accommodating 16 units (1 x 1 bedroom unit and 15 x 2 bedroom units).
- Building B consists of a six storey tower accommodating 27 units (2 x 1 bedroom units and 25 x 2 bedroom units).
- Building C consists of a six storey tower accommodating 28 units (1 x 1 bedroom unit and 27 x 2 bedroom units).
- Building D consists of a six storey tower accommodating 16 units (5 x 2 bedroom units and 11 x 3 bedroom units)
- Building E consists of a five storey tower accommodating 16 units (2 x 1 bedroom units, 12 x 2 bedroom units and 2 x 3 bedroom units).
- Building F consists of a five storey tower accommodating 22 units (1 x 1 bedroom unit, 17 x 2 bedroom units and 4x 3 bedroom units).
- Building G consists of a five storey tower accommodating 23 units (13 x 2 bedroom units and 10 x 3 bedroom units).

Note: the reference to a storey in the above dot points refers specifically to the number of levels in each residential tower. Each tower sits above the two storey retail podium

resulting in seven storey buildings, with the exception of Building G, located on the corner of The Boulevard and The Broadway.

It is not proposed to access the site by Van Dyke Place. Instead vehicular access to the proposed development will be directly available off Broadway for retail visitors leading to basement carparking. Residents and visitors of the proposed development will access their parking through a separate driveway running off Matthews Street. The residential driveway leads directly to the upper basement carpark level and is for exclusive residential use. A third service road, also accessed off Matthews Street is provided and designed for loading/unloading and waste collection.

The proposal also seeks strata subdivision of each residential unit.

STATUTORY CONSIDERATIONS

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

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 65 – Residential Flat Design Code
- State Environmental Planning Policy 2007 – Infrastructure
- State Environmental Planning Policy 2004 – BASIX
- Canterbury Planning Scheme Ordinance
- Draft Canterbury Local Environmental Plan 2012
- Development Control Plan 20 – Car Parking
- Development Control Plan 29 – Crime Prevention Through Environmental Design
- Development Control Plan 32 – Notification Policy
- Development Control Plan 45 – Landscape
- Development Control Plan 48 – Waste Management
- Development Control Plan 51 – Access and Mobility
- Development Control Plan 54 – Town Centres Code
- Stormwater Management Manual Specification 9 – “A Guide to Stormwater Drainage Design”
- Canterbury Section 94 Contributions Plan 2005

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.

The subject site was previously occupied by a multi storey development known

as the Punchbowl Ex-Servicemen's Club and two dwellings fronting Matthews Street. The site is currently vacant and cleared and there is no known history of previous use of the land for industrial activities. A Geotechnical Investigation Assessment Report, prepared by Jeffery and Katauskas Pty Limited, Consulting Geotechnical and Environmental Engineers, was carried out and assessed under Development Application No. 204/2011 which related to the demolition and excavation of the site. The investigations found that the subject site has low contamination risk.

Having regard to the above, the land is suitable for the proposed end use. Suitable conditions will be recommended on any development consent issued to address any contamination finds during construction works at the subject site.

- **State Environmental Planning Policy No. 65 – Residential Flat Design Code**
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 way of addressing the following design principles:

Context

The mixed-use nature of the proposed development is consistent with the existing and future character of the Punchbowl Town Centre and is permissible within the zone. Higher density development within the town centre has been established in DCP 54.

Scale

The proposed development exceeds the maximum building height and building footprint requirements of DCP 54. However, given that the subject property is a 'Gateway Site' and the increase in building height and floor area is to be provided for Tower G, being the gateway building located along the corner of The Boulevard and Broadway, the increase in bulk and scale is considered to be suitable as it will positively emphasize and visually enhance the gateway nature of the development. Furthermore, the increase in bulk and scale will not create any unreasonable overshadowing, privacy or amenity impacts for occupants of the surrounding locality. On this basis, the proposal is considered to be acceptable and is consistent with Council's vision for Punchbowl Town Centre.

Built Form

The proposal achieves a built form which is consistent with the gateway/corner site controls and objectives listed in Clause 3.3.6 of DCP 54. The retail podium presents a strong vertical theme and reinforces the commercial streetscape of both The Boulevard and Broadway by activating the street edge with medical consulting rooms, shops and restaurants/cafés uses. The street awning reinforces the link to the existing streetscape and enhances the quality of the pedestrian environment.

The development presents to Matthews Street as a large multi-unit development, albeit with a clear entry point for loading. Suitable courtyards and landscaping have been incorporated within the design to front Matthews Street and enhance the visual appearance of the streetscape, and better responds to surrounding developments.

The proposal achieves the built form objectives as it contributes positively to the streetscape and provides a high amenity for residents and tenants.

Density

The proposed development has been designed in accordance with the built form controls of DCP 54 and represents an appropriate density for the site.

Resource, Energy and Water Efficiency

The applicant has submitted two BASIX Certificates, demonstrating that the proposal achieves the relevant energy efficiency standards as specified by the SEPP.

Landscape

Landscape details have been provided for landscaping to courtyards and communal open space areas, which have been reviewed by our Landscape Architect. The proposal satisfies the requirements of our Development Control Plan 45 – Landscape.

Amenity

The proposal will achieve 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 the proposal is consistent with these principles.

Social Dimensions and Housing Affordability

The proposed mixed use development seeks to provide a total of 148 units, comprising of 7 x 1 bedroom units, 114 x 2 bedroom units and 27 x 3 bedroom units, including 16 adaptable units. This proposed housing mix 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 and the incorporated building elements contribute to the desired future character of the area.

The applicant has submitted a statement, prepared by Steven Layman Consulting Pty Limited, which details the proposed development's compliance with the design principles of the SEPP. In particular the scale, density, and built form of the development are appropriate for the development's position within the Punchbowl Town Centre. The ground floor commercial/retail tenancies complement the local commercial/retail precinct and promote an active street frontage. The residential component of the development comprises an adequate dwelling mix, which will diversify housing choice within the Punchbowl Town Centre. The individual apartments provide a high level of amenity for occupants through the provision of spacious bedrooms, common living areas and deep balconies.

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

- **State Environmental Planning Policy 2007 – Infrastructure**

As the subject site is located adjacent to a rail corridor, in accordance with Clause 85 and 86 of State Environmental Planning Policy 2007 – Infrastructure (Infrastructure SEPP), a copy of the proposal was referred to Railcorp. Railcorp reviewed the application and advised that they raise no objections to the

proposal subject to particular conditions relating to noise, vibration, safety, lights, reflective materials, excavation, construction, crane and other aerial operations be provided and made part of the consent should the application be approved.

Clause 87 of the Infrastructure SEPP also states that the “consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be undertaken to ensure the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) -40 dB(A) at any time”.

An Acoustic Assessment Report prepared by Koikas Acoustics Pty Limited, Dated: 8 February 2012, accompanies the application. Part 6 of this report provides acoustic data and assessments demonstrating compliance with the requirements of Clause 87 of the Infrastructure SEPP and the NSW Government Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008.

Furthermore, the application was referred to the Roads and Maritime Services (RMS) for their consideration as required under Schedule 3 of the Infrastructure SEPP. The RMS’ Sydney Regional Development Advisory Committee (SRDAC) reviewed the proposal and provided conditions which are to be imposed and made part of the consent, should the application be approved, and raised concern and sought further information regarding the following matters:

- a) Vehicle manoeuvring for service vehicles into and out of the proposed loading dock. In addressing this matter, the RMS requested a plan with relevant swept paths showing that all movements into and out of the site can be undertaken wholly from within the site;
- b) Submission of an Operational Traffic Management Plan (OTMP) addressing traffic management measures to be undertaken during construction of the subject development;
- c) Submission of a safe Pedestrian Management Plan;
- d) Submission of a Service Vehicle Management Plan restricting deliveries to outside of trading hours due to the potential conflicts between cars and service vehicles; and
- e) Submission of amended plans providing pedestrian linkage.

Following receipt of the amended plans and documentation, the application was referred to the RMS for their review who advised that they raise no objections to the proposal subject to the imposition of specific conditions. As such, all recommendations provided by the RMS will be included as conditions if the application is supported.

- **State Environmental Planning Policy 2004 – BASIX**
Two BASIX Certificates (Certificate No.413784M_02 and 414058M_03) accompany this application. Each certificate lists a number of commitments, which have been shown on the DA plans and the proposal meets the energy targets of the SEPP.
- **Canterbury Planning Scheme Ordinance**
The subject site is zoned General Business 3(a1) under the Canterbury

Planning Scheme Ordinance (CPSO). The proposed development is defined as 'multi-unit housing', 'commercial premises' and 'shop' under the provisions of the Canterbury Planning Scheme Ordinance (CPSO). The proposed development is permissible in the zone with consent.

Clause 32(a) of the CPSO requires consideration be made regarding the visual impact of the proposed development as viewed from the adjoining railway corridor. The external appearance and overall design of the proposed development will enhance the visual appearance of the existing streetscape and will not create any adverse impacts when viewed from the adjoining railway corridor. It is also noted, and as mentioned above, that in accordance with Provision 85 and 86 of the Infrastructure SEPP, a copy of the proposal was referred to Railcorp Property who reviewed the application and raise no objections to the proposal subject to conditions.

Clause 38A(2) of the CPSO requires that we consider the impact the proposed development may have on any heritage items. The proposed development is situated adjacent to a heritage item listed as 'Broadway and War Memorial'.

The application was referred to our Heritage Advisor who reviewed the application and advised that the existing War Memorial for WWI will not be removed or altered in any way as a result of the proposed development. Given that the proposal will not have any detrimental impact upon The Broadway streetscape or existing heritage item, Council's Heritage Advisor is satisfied with the application and raises no objections to the proposal.

Clause 44 of the CPSO provides for a Floor Space Ratio (FSR) for this development. The maximum permissible Floor Space Ratio for this site is 2:1. Based on a total site area of 9345m², a total gross floor area of 18690m² is permitted. In accordance with Clause 44(a)(i) and (ii) of the CPSO, half of the total permissible floor area of 18690m², up to 9345m², can be used for non-residential purposes. The proposed development fails to comply with this control as the proposal provides a total floor FSR of 2.94:1, comprising a total residential floor space of 16,928.25m² and a total non-residential floor space of 10,613m². An FSR of 2.94:1 is a significant departure from the 2.1 control in the CPSO. However, Council has adopted Development Control Plan 54: Town Centres (DCP 54) which allows for a more generally intense development that is in line with the objectives, density and building envelope controls of DCP 54.

A SEPP 1 Objection to this FSR control has been included as part of this application and is discussed in greater detail below, in the body of this report.

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

The applicant has submitted an objection to Clause 44 of the Canterbury Planning Scheme Ordinance under State Environmental Planning Policy No. 1 – Development Standards (SEPP1).

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 (4 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 CPSO) and in particular, does compliance with the 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 44 of the CPSO – Floor Space Ratio) is a development standard.
2. The CPSO has no objectives relating to the Ordinance as a whole or specifically relating to the issue of floor space.
3. The CPSO does not contain any aims or objectives. However, 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; and
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.

Despite the numerical non-compliance, the proposal is considered acceptable having regard to Section 5(a)(i) and (ii) of the EPAA as the development provides adequate on-site car parking spaces, as detailed in the submitted Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Limited, that will fulfil the car parking demands to be generated from the development, will not create any unreasonable impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy and loss of solar access. The proposal is also generally consistent with the building envelope requirements as outlined in DCP 54 – Town Centres. Thus, the proposal fulfils the objectives of Section 5(a)(i) and (ii) of the EPAA.

4. In considering whether compliance with the maximum floor space ratio 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 a great majority of the floor space in excess of the development standard is substantially below the natural ground level (the two basement car parking levels and part of the commercial podium level) and the proposal is generally consistent with the building envelope requirements of DCP 54 – Town Centres and solar access requirements of DCP 37 – Energy Smart Homes, the increase in floor space will not create any negative impacts to adjoining properties or precinct. On this basis, compliance with this standard is considered unnecessary.

5. Given that the proposed variation to the floor space ratio standard of the Canterbury CPSO does not create any negative impacts on the surrounding locality. It is in line with Council's more recent decision to adopt DCP 54 which sets out the desired future character of the area. This site has been highlighted as one that could support a higher density development. Taking the above into account, the variation is well founded and is supported under

the circumstances.

- **Draft Canterbury Local Environmental Plan 2012**

On 26 July 2012, Draft LEP 2012 was adopted by Council and is an instrument to consider under Section 79C (1)(a)(ii) of the Environmental Planning and Assessment Act. The broad controls applicable to this application are:

Standard	Requirement	Proposal	Comments
Zoning	B2 – Local Centre	The proposed development is defined as ‘residential accommodation’, ‘health services facility’ and ‘commercial premises’ under the Draft LEP 2012.	The proposed development is permissible with consent under Draft LEP 2012.
FSR	No FSR applies	No FSR controls apply to within the B2 zone under the Draft LEP 2012.	N/A
Building height	The subject site is identified as being within an area where a height limit of 18 metres applies.	The subject development has a maximum height of 24.86 metres.	The proposed development does not strictly comply with the height controls contained within Draft LEP 2012. The non-compliance with the height control is primarily caused by additional building height permitted under DCP 54 for major development sites in the town centre areas.

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 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 mixed use development.

The proposal compares to DCP 20 as outlined in the table below:

Standard	Requirement	Proposal	Complies
Residential Car Parking	1 space per 1 bedroom dwelling (7 units) = 7 spaces 1.2 spaces per 2 bedroom dwelling (114 units) = 137 spaces 2 spaces per 3 bedroom dwelling (27 units) = 54 spaces Total = 198	198 spaces	Yes
Residential Visitor Parking	30 spaces (1 space per 5 dwellings)	30 visitor car parking spaces	Yes
Car Wash Bay	1 space	1 car wash bay	Yes
Bicycles	30 resident bicycle spaces 15 visitor bicycle spaces	33 residential bicycle spaces 15 visitor bicycle spaces	Yes
Commercial parking	6 spaces (1 space per 60m ²), based on 340m ² of commercial floor area, being Shops 22, 23, 24, 25 and Centre Management	6 spaces provided	Yes
Office (Shop 26)	7 spaces (1 space per 60m ²). Minimum 2 bicycle spaces for staff and 1 bicycle space for visitors	7 spaces provided 3 bicycle spaces	Yes
Restaurant/Café Shops 21, 28, 29, 30, 31 and 32	33 spaces (1 space per 30m ² as 982.7m ² is proposed) 9 bicycle spaces (staff) 2 bicycle spaces min. (patrons)	33 spaces provided 9 bicycle spaces 2 bicycle spaces	Yes
Retail Shops 1-18 & 27	304 spaces required (1 space per 22m ² as 6248m ² is proposed) 22 bicycle spaces (staff) 13 bicycle spaces (patrons)	288 spaces provided 15 bicycle spaces for staff and patrons	No (Refer to Comment Below)

As demonstrated in the above table, the proposed development complies with all numerical controls of Development Control Plan 20 – Car Parking (DCP 20) with the exception of the car parking required for the retail component of the development. DCP 20 requires 1 space per 22m² of floor area be provided on-site for the retail shops to be provided within the retail and lower podium level of the proposal. Given that a total floor area of 6678m² is to be provided on-site for the retail component of the development, a total of 304 car spaces are required to be provided on-site.

DCP 20 also requires 1 bicycle space per 300m² of retail floor space be provided for staff and 1 bicycle space per 500m² of retail floor space be provided on-site for patrons. For an office, DCP 20 requires 1 bicycle space per 200m² be provided for staff and 1 bicycle space per 750m² be provided for visitors. To fulfil

these requirements, a total of 22 bicycle spaces must be provided for staff and 13 bicycle spaces must be provided on-site for patrons.

The retail component of the development fails to comply with the car parking and bicycle requirements of DCP 20 as a total of 288 car parking spaces, including 15 bicycle spaces are proposed. This results in a shortfall of 16 car parking spaces and 20 bicycle spaces for the retail component of the development.

A Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Limited (Reference No. 10088, Dated: 24 February 2012), accompanies the application and concludes that during the day time restaurants, cafes and kiosks (33 spaces) are expected to operate in an ancillary manner to the retail facilities, catering primarily for the needs of retail customers who will not require a second parking space due to the multi-purpose nature of their visit to the site. The report also states that the cumulative parking requirements of the proposal will be further reduced due to the following:

- a) The site is readily accessible by public transport, being located directly opposite Punchbowl Railway Station. It is therefore likely that a substantial proportion of customers will be drawn from public transport users who may “drop-in” to the shops on their way home from the railway station, and will therefore not require a parking space; and
- b) There will be some degree of complementary usage of parking spaces whereby customers will visit more than one facility on the site, but will require only one car parking space.

Considering the above and the findings of the Traffic and Car Parking Assessment conducted for the subject site and its surrounding locality, the submitted Traffic and Car Parking Assessment Report concludes that the proposed provision of on-site car parking is sufficient and will accommodate the parking and traffic demands of the proposal.

The subject application provides a shortfall of 16 retail car parking spaces and seeks to off-set the parking shortfall under our Section 94 Contributions Plan 2005. As the subject property is located within Punchbowl Town Centre, this arrangement is permitted in accordance with Clause 4 of Council’s Section 94 Contributions Plan. Should the application be approved, suitable conditions have been recommended levying Section 94 contributions for 16 parking spaces.

In relation to the bicycle spaces, the applicant is seeking a variation of 20 bicycle spaces. Given that the site is located within close proximity to Punchbowl Railway Station and bus stops, it is expected that most employees and consumers of the retail/commercial centre will be attending the site via public transport or walking, as the proposal is expected to predominantly serve the needs of residents within the immediate surrounding locality. Furthermore, a significant number of bicycle spaces will be provided, 52 including 8 residential bicycle spaces that are available and accessible for the use of employees and patrons of the retail/commercial component of the use. This variation is unlikely to create any impacts upon future consumers of the centre and is considered acceptable.

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

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

The development application has been accompanied by a detailed Crime Prevention Through Environmental Design Assessment report which details specific features and elements incorporated in the design of the proposal to improve safety and security of the proposed facility, including the provision of CCTV throughout the car parking area and building, improved vehicular access to the site, the location of outdoor dining and café areas on ground level, the location and design of the main entrance to the mall to allow for proper visual surveillance, together with appropriate landscape treatments.

The application was referred to Council's Crime Prevention Officer, who in association with the NSW Police has advised that no objections are raised to the proposed development from a crime prevention perspective subject to conditions being imposed on the consent should the application be approved. The proposal therefore meets the aims and objectives and design criteria of the DCP.

- **Canterbury Development Control Plan No. 32 – Notification Policy**

The development application was publicly exhibited and all adjoining owners were notified of the proposed development in accordance with the provisions of Council's Development Control Plan No. 32 - Notification Policy. During this time, a total of six written submissions were received. The following objections were raised to the development:

Excessive Building Height and Density

Concerns have been raised regarding the building height and density of the development and that it is an overdevelopment which is not in scale or context with surrounding development.

Comment

The proposed development is generally consistent with the provisions of our Town Centres Code (DCP 54) and all other relevant Codes and Policies, as outlined in this report. It is acknowledged that the site adjoins residential dwellings and that the existing commercial/retail premises located immediately adjacent to the site are not built to the same height as is being proposed through this application. However, the proposed development is permissible within the General Business 3(a1) zone, subject to approval, the adjoining properties have the potential to be further developed to a similar extent as the subject site.

The proposed development is consistent with the desired future character of the area.

Loss of Street Parking

Concerns have been raised that the proposed development will create a loss of street parking for the locality and, more specifically, for the adjoining United Church (located at 11-15 The Broadway, Punchbowl) who require the use of street parking for funeral and wedding functions.

Comment

The proposed development provides two basement car park levels accommodating a total of 562 car parking spaces, comprising 334 retail/commercial spaces and 228 residential parking spaces, for the use of residents, visitors, employees and patrons of the proposed mixed use development. The subject site also contains a significant street frontage facing The Boulevard, Broadway and Matthews Street which will also accommodate for the on-street parking of several vehicles. There is no evidence to suggest that the proposed development will create a loss of street parking or hinder operation of the adjoining United Church.

Furthermore, a Traffic and Parking Assessment conducted by Varga Traffic Planning Pty Limited concludes that sufficient on-site car parking is provided to accommodate the future car parking demand of the development and surrounding locality. It is unlikely that the proposal will create or adversely affect the availability of street parking for the immediate and surrounding locality.

Traffic Congestion

Concern has been raised that the traffic and parking within the area is already congested and the proposed development will intensify this issue.

Comment

As previously mentioned, a Traffic and Parking Assessment Report has been submitted in relation to the proposed development. The report concludes that there are no traffic engineering reasons as to why the proposed development cannot be supported.

Our Traffic Section and the Roads and Maritime Services (RMS) reviewed the application and raise no concerns in relation to traffic generation from the proposed development subject to the adoption and implementation of particular traffic control, pedestrian linkage and safety measures which are to be imposed as conditions of consent should the application be supported.

Loss of Property Values

Concern has been raised that the proposed development will create loss of property values for adjoining and surrounding properties.

Comments

There is no evidence to suggest that a loss of property value would be experienced for adjoining and surrounding properties as a result of the proposed development being approved. As such this does not warrant a reason for refusal.

Potential littering

Concern is raised that the proposed development will result in an increase of littering for the locality.

Comment

The issue of litter is unlikely to be an issue as suitable waste disposal and waste storage areas for both the commercial/retail and residential components of the development are to be provided in accordance with the requirements of Development Control Plan 48 – Waste Management. In addition to this, cleaners will be employed, on a daily basis, and regulated by Centre Management to ensure that the commercial/retail component of the development is attended to

and remains in a clean and tidy state at all times. Thus, the issue of litter is unlikely to be an issue for the subject site or occupants of the surrounding locality.

Noise

Concerns have been raised that the proposed development will increase noise levels and affect the amenity of surrounding residential occupants.

Comment

The subject site is zoned General Business 3(a1) under the Canterbury Planning Scheme Ordinance and the proposal is permissible within the zone subject to approval. The development has been designed so that the proposed residential buildings are positioned adjacent to other existing residential dwellings and all car parking, including the 'lower retail level', is below ground level. Thus, reducing any likely adverse noise impacts.

It is also noted that the Acoustic Assessment Report, prepared by Koikas Acoustics Pty Limited, accompanying the application has also recommended that a 2.5 metre high solid noise barrier along the southern boundary of the site be provided to alleviate any potential noise impacts to be experienced from the service road and entry/exit driveway to be provided along Broadway. Should the application be supported, this requirement is to be included as a condition of consent.

Given the abovementioned considerations, the proposal is not envisaged to create any adverse noise impacts or affect the amenity of surrounding residential occupants.

Proposed Roundabout in The Broadway & Pedestrian Safety

Concerns have been raised regarding removal of one of the median strips along The Broadway and its replacement with a roundabout.

Comment

The proposed development seeks to remove part of the existing landscaped median strip provided along Broadway and replace it with a roundabout. Given that the roundabout is to be used as the main entry/exit point for customers and employees and a service road exit for trucks of the commercial/retail component of the development, concerns have been raised that the concentration of all retail vehicles and service trucks, at a single point, entering and leaving at the proposed roundabout will make this a very busy intersection and be a hazardous crossing for pedestrians. One objector also stated that the existing islands are "part of identifying features of Broadway" and that these features should be preserved.

As detailed above, a Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Limited has been submitted with the application and concludes that there are no traffic engineering reasons as to why the proposed development cannot be supported.

Our Traffic Section and the Roads and Maritime Services (RMS) reviewed the application and raise no objections in relation to the proposal subject to the adoption and implementation of particular traffic control, pedestrian linkage and safety measures which are to be imposed as conditions of consent should the application be supported.

Existing Garden Plots and Memorial for WWI

Concerns have been received where surrounding occupants have emphasised that the existing garden plots in the centre of The Boulevard and War Memorial for WWI should be retained as they are a fundamental characteristic of the street and enhance the visual character of the streetscape.

Comment

The existing War Memorial for WWI will not be removed or altered in any way as a result of the proposed development. Given that two of the existing landscaped median strips are to be extended, the proposed alterations to the existing streetscape are not considered to be significant and will not be visually detrimental to the locality.

As previously mentioned, the War Memorial for WWI is a listed heritage item. Our Heritage Advisor reviewed the application and raises no objections as the proposal will have no adverse impact upon the War Memorial for WWI or any other surrounding heritage items.

Road Surface

Concerns have been received that the increase of vehicles and service trucks to be used for construction and operation of the proposed development will destroy the existing road surface.

Comment

The application was reviewed by our Design and Traffic Section who advised that *“the proposal will significantly increase heavy vehicle movements on Matthews Street and Broadway which are local streets. The structure of the road pavements in Matthews Street and Broadway is for a local road and is not considered suitable for the passage of heavy goods vehicles on a regular basis”*. Should the application be supported, our Design and Traffic Section have recommended conditions be imposed and made part of the consent requiring reconstruction of those portions of Matthews Street and Broadway which are indicated to be the heavy vehicle access route for the development.

Therefore, construction and operation of the proposed development will not destroy the existing road surface of the surrounding locality if appropriate conditions are imposed and complied with.

- **Development Control Plan 37 – Energy Smart Homes Code**

The proposal compares to DCP 37 in the following manner:

Solar Access Requirements	Proposed	Complies
To at least 50% of 35m ² (which includes a minimum dimension of 2.5m) of the adjoining property's principal area of ground level open space.	The development allows more than 50% of the principal private open space of the adjoining properties.	Yes
One living room window (of the adjoining property) is to receive 2 hours sunlight between 9am and 3pm on June 21.	Living room of adjoining dwellings will receive a minimum of two hours of sunlight on June 21.	Yes
Outdoor clothes drying area of the adjoining property is to receive 2 hours sunlight between 9am and 3pm on 21 June.	The outdoor clothes drying areas of the adjoining properties will receive 2 hours of sunlight on June 21.	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 also been assessed against the provisions of Canterbury Development Control Plan No. 45 – Landscaping.

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

- **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, including details of the levels of waste likely to be generated by the construction phase and on-going use of the development.

A private waste disposal company/contractor is to be appointed and made responsible for the removal of all waste and recyclable materials generated from the commercial, retail and office component of the development, while all waste and recyclable materials generated from the residential component of the development is to be removed by Council's Waste Collection Contractor.

The development application and associated documentation, including Waste Management Plan, were referred to Council's Waste Services Contracts Coordinator who reviewed the application and advised that the waste management requirements of DCP 48 have been fulfilled.

However, as the proposal requires Council's waste collection contractor travel more than 15 metres from the sites boundaries and access residential waste bins for servicing via the proposal's service road which is adjacent to the bin room, our Waste Section have advised that Council's waste collection contractor must be indemnified against any damage caused as a result of entering the premises for the purpose of waste collection from the residential component of the development. Furthermore, access to the site's waste bins must be provided from 5am on collection day and a height clearance of 4.5 metres must be provided for the entry of waste collection vehicles collecting residential waste bins. Should the application be supported, it is recommended these requirements be imposed as conditions of consent.

- **Canterbury Development Control Plan No. 51 – Access and Mobility**

The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 51 – Access and Mobility. Council's Disability Access Committee reviewed the application and the accompanying Access for People with Disabilities Report, prepared by Morris Goding Accessibility Consulting, which assesses the proposal against the requirements of the National Construction Code, Disability (Access to Premises - Buildings) Standard 2010, AS1428.1 (Access to Premises Standard) and The Disability Discrimination Act 1992. The Disability Access Committee raises no objections to the proposal subject to the following issues:

a) The proposal provides a total of 16 Adaptable Units, all of which contain

two bedrooms. Part D3, Table 3.1 of the Access to Premises Standard states that “Where more than two accessible sole-occupancy units are required, they must be representative of the range rooms available”.

Therefore, the development is required to provide a range of one and three bedroom adaptable units.

In addressing this issue and ensuring the proposal fulfils the requirements of Part D, Table 3.1 of the Access to Premises Standard, it is recommended Units C45 (1 bedroom unit) and D76 (3 bedroom unit) be converted and provided as Adaptable Units and that Units B24 and C48 be converted to Non-Adaptable Units. Should the application be supported, this is to be imposed as a condition of consent.

- b) The Disability (Access to Premises – Buildings) Standard requires a fully accessible lift that complies with AS1735.12 be provided. If the lift travels more than 12 metres, it is to have minimum floor dimensions of 1400mm x 1600mm. However, as the subject proposal is a residential development, with 14 Adaptable Units to be provided on the upper floors, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100mm x 550mm must be provided for the benefit of any resident who may have to be evacuated in a horizontal position. Should the application be approved, this is to be imposed as a condition of consent.
- c) For the benefit of people with a vision impairment, Part 7.5.1 of AS1428.1 requires all glazed doors and panels on a continuous accessible path of travel are required to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door. Compliance with this requirement has not been demonstrated. To satisfactorily address this issue, should the application be supported, a condition of consent is to be provided requiring provision of a contrast strip in accordance with the requirements of AS1428.1.
- d) The submitted drawings indicate that the terrace levels are 100-160mm below floor levels of the units. This is not acceptable as all unit terraces must be accessible in the post adaptation stage. As such, a threshold ramp of maximum length 280mm, maximum height 35mm and a maximum gradient 1:8 in accordance with Clause 10.5 of AS1428.1 (2009) must be provided. Otherwise, the level of the terrace must be the same level as the floor level of the unit, with the tracks of the sliding doors to be recessed level with Unit floor to avoid a trip. Should the application be supported, this is to be imposed as a condition of consent.

As illustrated above, the proposal will comply with all provisions and requirements of the National Construction Code, Disability (Access to Premises - Buildings) Standard 2010, AS1428.1 (Access to Premises Standard) and The Disability Discrimination Act 1992 if all conditions of consent are complied with.

- **Development Control Plan 54 – Town Centres Code**

The proposed development compares to the requirements of the DCP as shown in the table below:

Standard	Requirement	Proposed	Complies
Orientation	Position and orientate buildings to maximise north facing walls	Development has been designed to maximise exposure for solar access	Yes

Standard	Requirement	Proposed	Complies
	Align buildings to the street on east-west streets	Building is aligned to the street. Building has a north-east orientation.	Yes
	Optimise solar access to living spaces and associated public, communal and private open spaces by orientating to the north where possible	Solar access is optimised by predominantly orientating balconies, living areas and open spaces to the north.	Yes
Building Entry and Pedestrian Access	Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network	The entrances to the development are directly off Broadway, The Boulevard and Matthews Street.	Yes
	Design the entry as a clearly identifiable element of the building in the street	The entrances to the building are centrally located in the design and are readily identifiable	Yes
	Designing multiple entries that include main common entry	A common entry point via the Forecourt Plaza is provided for the residential and retail/commercial component. Independent access to the residential component is also available directly from Matthews Street.	Yes
	Provide safe and secure access that includes clear sight lines.	Access is safe and secure with no obstructions to sight lines.	Yes
	Entries to upper levels should be provided from front façade.	Access to all dwellings is via the common entrance fronting The Broadway and Matthews Street.	Yes
	Separate the entry points for pedestrians and vehicles. Within mixed developments it is necessary to separate the entry for residential and commercial entrances.	Basement entrance and pedestrian access is separate. Residential entry is provided via Matthews Street while the entry to retail/commercial is provided via Broadway and The Boulevard.	Yes
	Design entrances and associated spaces for the transportation of furniture	Entrance provides circulation space of 1.9 metres minimum width and has access to a lift to all levels.	Yes
	Ground floor apartments to be accessible from the street and have clearly articulated private open space areas.	Twelve ground floor apartments are proposed with internal access from Matthews Street and The Broadway. Each apartment has a private open space area.	Yes
	Boundary definition to residential uses	Boundary of residential uses is distinguishable.	Yes
	Provide well designed accessible routes to public and semi public areas, including entries, lobbies, communal open space, site facilities and car parks	All public and semi public areas are accessible, four lifts and lobby areas, located on the ground level, are provided to the communal areas.	Yes

Standard	Requirement	Proposed	Complies
Vehicle Access	To be located to have minimal impact on pedestrians and be harmoniously integrated into design of building	Residential basement and retail service road entrance to be located on western side of development is via Matthews Street. Common entry/exit to retail/commercial basement car park and exit for service vehicles/trucks located along northern side of development is via The Broadway. The location of vehicle access ways have been harmoniously integrated into the design of the development.	Yes
	Pedestrian safety to be maintained by minimising vehicular access points and ensuring clear sight lines	The three vehicular entrances to the site maintain sight lines	Yes
	Adequate separation must be provided between vehicle entrance and street intersections	Vehicle entrance along Broadway is located more than 99 metres from the nearest intersection, residential entrance along Matthews Street is located 27 metres from the nearest intersection while the retail services lane entrance is located more than 80 metres from the nearest intersection. Thus, adequate separation between vehicle entrances and street intersections provided.	Yes
	Vehicle entry to be maximum 6 metres wide	Vehicle entry provided is 7 metres wide	No (Refer to comments below)
	Locate car park entry from secondary streets	Vehicle entrance located along northern and southern side of the site, accessible via Matthews Street and Broadway.	Yes
	Minimise the number of vehicular accesses	Three vehicular access points provided for the subject development which contains three street frontages.	Yes
Parking	The provision of non-residential visitor parking is encouraged via Section 94/Developer Contributions where possible	Applicant has agreed to pay Section 94 Contributions for required non-residential (commercial and retail) car parking.	Yes
On Site Parking Placement, Design & Servicing (Basement)	Retain and optimise deep soil zones where possible	Basement required to occupy entire site to provide sufficient car parking spaces	No (Refer to comments below)
	Provide ventilation to the basement level	Ventilation to be provided to basement	Yes

Standard	Requirement	Proposed	Complies
	Integrate ventilation grills or screening devices of car park openings into the façade design and landscape design	Car parking within basement is to be screened	Yes
	Provide safe and secure access to all users	For the residential component of the development, access to the basement level is to be secured via intercom operated roller door. For the commercial/retail component of the development, the retail/commercial car park is to be closed and non-accessible outside operating hours of the Plaza.	Yes
	Secure bicycle parking to be provided	Bicycle parking to be provided within bicycle storage rooms, located on the two basement levels	Yes
Communal Open Space	Communal open space may be provided on podiums or terraces	2825m ² of communal open space is provided on the lower and upper podium level	Yes
	Locating it in relation to buildings to optimise solar access to apartments	The central courtyard area within the site has been provided to optimise solar access to apartments	Yes
	Consolidating open space on the site into recognizable areas with reasonable space, facilities and landscape	The courtyard areas provide a reasonable level of amenity, facilities and landscaping.	Yes
	Designing size and dimensions to allow for the uses it will contain	The courtyards are functional for their intended purpose as passive recreation areas.	Yes
	On redevelopment sites larger than 500m ² a minimum of 10% (934.5m ²) of the site area must be provided as communal open space, with a minimum dimension of 6m	The development provides 30.2% of the site area as communal open space. These areas have a minimum dimension of 6 metres.	Yes
	Provision of child play areas is encouraged.	Portion of the courtyard areas may be utilised as a children's play area.	Yes
Visual Privacy	Utilise the site layout to increase building separation.	The commercial and retail component of the development been designed to utilise the lower podium and ground floor level while the dwellings have been oriented to the upper levels, thereby increasing the separation distance between the residential and non-residential uses.	Yes

Standard	Requirement	Proposed	Complies
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments.	Direct overlooking is avoided by way of balcony design, screening, setbacks and building orientation.	Yes
	Use detailed site and building design elements to increase privacy without compromising access to light and air	Balconies have been recessed and planter boxes around communal courtyard are to be used to increase privacy without impacting on solar access.	Yes
Cross Ventilation	60% of residential units should be naturally cross ventilated	72% of dwellings are cross ventilated	Yes
	25% of kitchens should have access to natural ventilation	More than. 25% of kitchens will have access to natural ventilation	Yes
Building Height	Total Height 5 storeys & 18 metres	7 storeys & 24.86 metres	No (Refer to comments below)
	Main Building (Base) up to 3 storeys (11 metres)	2 storeys – 9.56m (Northern Elevation) 1 storey – 4.86m (Eastern Elevation)	Yes
	Floor to ceiling height in commercial 3.3m min	4.7m	Yes
	Floor to ceiling height in residential 2.7m min	Min. 2.7 metres	Yes
	2.5m min height from underside of awning to footpath	Min. 3 metres	Yes
	2m min. depth of balcony	Min. 2m	Yes
Building Depth	Commercial component 10-24 metres	Between 10m-24m for street frontage shops. All shops comply with National Construction Code (NCC) requirements.	Yes
	In general, an apartment building depth of 10-18 metres is appropriate. The 18 metre guideline generally applies to street wall buildings, buildings with dual and opposite aspect and buildings with minimal side setbacks. Freestanding buildings may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation	The maximum depth of any apartment within the development is 18 metres.	Yes
Building Setbacks	Ground and first floor may be built to street alignment	Ground and First Floor built to street alignment along Broadway and The Boulevard.	Yes

Standard	Requirement	Proposed	Complies																											
	Floors 3, 4 and 5 to be setback 5 metres from front boundary	The upper levels of the development are setback between 1.9 metres to 7.4 metres from the street alignment	No (Refer to comments below)																											
	Setback from southern boundary: 1.5m from residential zone 2 storey height limit 45° building plane at 6m in height	Min. 4-21m southern boundary 2 storey 45° building plane at 6m in height	Yes																											
Building Separation	12m up to 4 storeys 18m storeys 5 to 7	<table><tr><td><u>Tower</u></td><td><u>Levels 1-4</u></td><td><u>Level 5-7</u></td></tr><tr><td>A-B</td><td>7.79m</td><td>15.87</td></tr><tr><td>A-C</td><td>9m</td><td>17m</td></tr><tr><td>B-D</td><td>10.68m</td><td>16.15m</td></tr><tr><td>C-D</td><td>16m</td><td>18m</td></tr><tr><td>C-E</td><td>7.6m</td><td>18.5m</td></tr><tr><td>D-F</td><td>13.77m</td><td>20.577m</td></tr><tr><td>E-F</td><td>15.2m</td><td>19.7m</td></tr><tr><td>F-G</td><td>12.1m</td><td>19.5-20.249m</td></tr></table>	<u>Tower</u>	<u>Levels 1-4</u>	<u>Level 5-7</u>	A-B	7.79m	15.87	A-C	9m	17m	B-D	10.68m	16.15m	C-D	16m	18m	C-E	7.6m	18.5m	D-F	13.77m	20.577m	E-F	15.2m	19.7m	F-G	12.1m	19.5-20.249m	No (Refer to comments below)
<u>Tower</u>	<u>Levels 1-4</u>	<u>Level 5-7</u>																												
A-B	7.79m	15.87																												
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F-G	12.1m	19.5-20.249m																												
Building Configuration	At ground floor level viable shop fronts for business activities are to be created on the street frontages.	Viable commercial and retail tenancies are provided with direct frontage/exposure to The Boulevard and Broadway.	Yes																											
Facades – New 4-5 storey buildings	To be in accordance with the building setbacks	Proposal is in accordance with the building setbacks	Yes																											
	Use of traditional external finishes for walls such as exposed dark brickwork or render, or painted concrete	Traditional external finishes to be used. External of finishes to comply with the Infrastructure SEPP and Rail Corridor Guidelines	Yes																											
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath	Min. 3.26 metres. Nevertheless, should the application be supported, this is to be imposed as a condition of consent.	Yes																											
	Width of 3 metres	3metres. To be imposed as a condition of consent, should the application be approved.	Yes																											
Articulation	Buildings should generally have a base and upper elements.	Building has clear/defined base and upper levels	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 and horizontal elements with particular emphasis on depth. Materials of a high quality and durability are proposed.	Yes																											

Standard	Requirement	Proposed	Complies
	The 'street facade' should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours.	Vertical and horizontal emphasis is provided with appropriate modulation through the use of varying materials, external finishes, building articulation and solid walls and voids.	Yes
	A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable.	Shadow lines to be created through the use of building design elements	Yes
	No blank walls are to face the public realm	No blank walls will face the public realm	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the facade. They should not be implemented in a monotonous or repetitive configuration. This applies 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 integrated into the overall design of the façade. There is adequate variety in the balconies configuration between the lower and upper levels of the development. Balustrading is to be a combination of smooth concrete with paint finish and metal balustrades.	Yes
	The majority of windows shall be vertically rectangular	Visible windows in predominant building elements are rectangular.	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
	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 is of an appropriate design for the desired scale of the development.	Yes
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access.	Roof structure takes advantage of the northerly aspect to the rear of the site to provide maximum solar access.	Yes
Private Open Space, Balconies, terraces &	Combined private open space area should be a minimum of 10% of dwelling floor space	Combined private open space area of each dwelling is minimum 10% of the dwelling floor space	Yes

Standard	Requirement	Proposed	Complies
Courtyards	Primary balconies for 1 bedroom dwelling is to be 8m ²	Minimum of 8m ²	Yes
	Primary balconies for 2 & 3 bedroom dwellings are to be 10m ²	Minimum of 10m ²	Yes
	Primary balconies to be located adjacent to main living areas.	Primary balconies are located adjacent to main living areas	Yes
	Primary balconies to have minimum depth of 2 metres and be functional in dimensions	Primary balconies have a minimum depth of 2 metres and functional in design.	Yes
	Design and detail balconies in response to local climate	Balconies have been designed where achievable to have a northern orientation so as to maximise solar access	Yes
Storage (may be provided in lockable spaces in garage)	6m ³ per one bedroom dwelling	6m ³ minimum	Yes
	8m ³ per two bedroom dwelling	8m ³ minimum	Yes
	10m ³ per three bedroom dwelling	10m ³ minimum	Yes
Streetscape Improvement Works	Where an existing centre and development site is programmed to be upgraded as part of the streetscape improvement program a development contribution will be levied to fund the future costs of these works where an applicable Section 94 Contribution Plan is in place. Alternatively the developer will be required to upgrade the development site street frontage in accordance with Council's specification	A condition has been recommended that the reconstruction of footpath paving and associated works along areas of the site fronting Broadway, The Boulevard and Matthews Street is required. The footpath paving shall be constructed in accordance with Council's Specification for 'Segmental Paving Works – Campsie Shopping Centre'. Works are to be carried out by Council or an approved contractor and all associated costs for the work shall be borne by the applicant.	Yes

The proposed development complies with the design and numerical requirements of DCP 54, with the exception of the following issues which are discussed in greater detail below:

Vehicle Access

Clause 3.1.6(vi)(a) of DCP 54 requires the proposed development provide vehicle access entries that are a maximum of 6 metres wide to optimise opportunities for active street frontages and streetscape design. The proposed development is seeking a variation to this requirement as a 7 metre wide service road is proposed to be provided along Matthews Street.

The objective of this control is "to integrate adequate car parking and servicing access without compromising the street character, landscape or pedestrian amenity and safety" and "to encourage the active use of street frontages".

Although the proposal does not strictly comply with the requirement, it achieves the objectives. The Matthews Street frontage has an overall length of 45.72 metres and the proposed 7 metre wide service road driveway seeks to occupy an additional 1.009 metres of the DCP requirement. Given that the proposed service vehicle entry will not compromise the visual appearance of the existing streetscape, its landscape or adversely affect pedestrian amenity and safety, the proposed service vehicle entry is considered to be suitable.

Deep Soil Planting

DCP 54 requires that deep soil planting areas be retained and optimised. However, in order to accommodate the number of car parking spaces required by our Car Parking Code (DCP 20), two basement level car park levels are proposed to be provided which will occupy the whole development. Therefore, there is no scope for deep soil planting areas throughout the site. Although this is not the desired outcome, on balance, due to the competing interests and the need to provide car parking on site for the residential units and commercial/retail component of the development, the proposal is supported in this regard.

Building Height

Clause 4.9.3 of DCP 54 indicates that a maximum of five storeys (18 metres) is permitted on the subject site. The site is deemed a "Major Development Site" under Clause 3.1.2. The major development provisions permit an additional storey above the height control, subject to this increase being limited to a maximum of one third of the building footprint, therefore, a maximum of 6 storeys (21 metres) is permitted.

Each individual tower, Towers A, B, C, D, E and F, complies with the maximum 21 metre building height control, as stipulated within Clause 3.2.2 of DCP 54. Each individual building also has a top floor that does not exceed more than one third of the building footprint. However, the proposal is seeking a variation to the building height controls of proposed Tower G.

Tower G comprises five residential storeys and is to be constructed wholly above the retail and upper retail podium level. As such, Tower G is seven storeys and provides an overall building height of 24.86 metres. The top level of Tower G exceeds one third of the Tower G footprint by 17m² but has been designed so that it is restricted to the top corner and not the whole of Tower G.

The subject site is identified as being a 'Gateway Site' Clause 4.9 of DCP 54. Although the proposal exceeds the maximum building height and building footprint requirements of DCP 54, the increase in bulk and scale will positively emphasize and visually enhance the gateway nature of the development. Given that Tower G is to be sited wholly within the corner of The Boulevard and Broadway, the proposal will not create any privacy or amenity impacts or cast any unreasonable shadows upon adjoining and surrounding properties. Therefore, the proposal is generally consistent with the Council's vision for the precinct.

On this basis, the proposed building height and increase of building footprint is reasonable and the proposal is supported in this regard.

Building Setbacks

Clause 3.2.2 of DCP 54 requires floors 3, 4 and 5 of the proposed development be setback 5 metres from the street alignment. The proposed development does not wholly comply with this requirement as the upper levels of Building G are

setback between 1.9 metres to 7.4 metres from the Matthew Street alignment.

The objective of this control is to “ensure future development responds to the desired scale and proposed future character of the street and local area and to allow reasonable daylight access to all developments and the public domain”.

Although the proposal does not strictly comply with this requirement, it achieves the objectives. As previously mentioned, given that the subject site is identified as being a ‘Gateway Site’ and the proposal responds to the desired future scale and character of the Punchbowl Town Centre Precinct, the varied setbacks provided for the upper floor levels are considered acceptable. This is further emphasized by the fact that the setbacks of the upper levels will not hinder access to reasonable daylight, create loss of amenity or loss of privacy for neighbouring occupants of the subject site. DCP 54 permits the lower levels of the development be built to the boundary line. However, the proposal has been designed so that the lower levels (of buildings A, B, E and F) are setback minimum 1.945 metres from the site boundaries and the upper levels are further setback to create a varied setback pattern. On balance, this is considered to be suitable as the proposed setbacks complement the existing streetscape and are cognisant of the amenity of surrounding residences. In this regard, the building setbacks provided are reasonable and supported in this instance.

Building Separation

Clause 3.2.5 of DCP 54 requires a building separation, between habitable rooms and balconies, of 12 metres be provided for the first four storeys and a building separation of 18 metres be provided for the 5-7 storeys. As outlined above, the proposal fulfils the building separation distances as outlined in DCP 54 with the exception of the following:

Tower Relationship	Levels 1-4 Separation	Level 5 – 7 Separation	Comments
A to B	7.79m	15.870m	At levels 1 to 4 there is no line of sight between balconies. There is one in the southern wall of Tower B (a kitchen window). The kitchen window had a 1.6m high sill to avoid overlooking or be overlooked. Windows of primary living areas and bedrooms in Tower B are directed east and west, away from Tower A.
A to C	9m	17m min.	There are no habitable room windows facing one another at any level.
B to D	10.68m	16.15m min.	There are no habitable room windows facing one another at any level.
C to E	7.6m	18.5 min.	Levels 1 to 4 each have no openings in their opposing walls. Top levels compliant and orientated away from one another.

The objectives of this control is to provide visual and acoustic privacy for existing and new residents, to control overshadowing of adjacent properties and private or shared open space, to allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants and to ensure that new development is scaled to support the desired area character

with appropriate massing and spaces between buildings.

Although the proposal does not strictly comply with the building separation requirements of DCP 54, it fulfils the objectives. The development has been designed in a manner so that the building separation distances create no unreasonable shadows for adjoining properties and shared open space areas. The proposal will also create no loss of privacy, overlooking or any acoustic impacts for future occupants. It provides reasonable sized open spaces that accommodate recreational activities and is considered to provide a pleasant outlook that is in scale with the desired character of the locality.

On this basis, the proposed building separation distances are reasonable and the proposal is supported in this regard.

- **Stormwater Management Manual Specification 9 – “A Guide to Stormwater Drainage Design”**

The proposal has been reviewed by our Development Engineer who has found it to be satisfactory subject to appropriate conditions being included on any consent issued.

- **Section 94 Contributions Plan**

The provisions of our Section 94 Contribution Plan apply to the proposed development in that it will provide residential dwellings on the subject site and a Contribution is to be paid in lieu of providing 16 car parking spaces for the commercial and retail component of the development. Based on the provision of 7 x small, 114 x medium and 27x large dwellings, the proposed development attracts a contribution of \$1,712,197.28 for open space, recreation facilities, community facilities environmental amenity improvements, traffic control and management, monitoring research and administration. The contributions to be paid in lieu of providing 16 car parking spaces are \$106,967.11. Therefore, the proposed development attracts a total Section 94 Contributions amount of \$1,819,164.39.

INTERNAL REFERRALS

The development application was referred to a number of internal sections of Council for comment and the advice received is summarised below:

- **Fire Safety and Building Related Comments**

The development application has been accompanied by a National Construction Code (NCC) Compliance Report prepared by SEMF Pty Limited. The report concludes that the proposed development is capable of complying with the deemed to satisfy provisions of the National Construction Code subject to the certain aspects being complied with at Construction Certificate stage. The development application and accompanying NCC report were referred to Council's Fire Safety Officer for comment who has raised no objections to the proposal subject to certain conditions being included as part of any development consent issued.

- **Environmental Health and Compliance Comments**

The development application was referred to Council's Environmental Health and Compliance Section for comment. Specific advice was sought in relation to food surveillance issues associated with the proposed Woolworths Supermarket and Liquor Store and the acoustical impacts of the proposed development. It is

noted that the development application was accompanied by an Acoustic Assessment Report prepared by Koikas Acoustics Pty Limited. No objections are raised to the proposed development subject to a number of conditions which are to be included as conditions of consent should the application be approved.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development is 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.

- **Privacy Considerations**

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

- **Lot Isolation**

The proposed redevelopment only relates to the site at 1-9 Broadway, Punchbowl and in this regard is inconsistent with the consolidation pattern detailed in Part 4 of DCP 52. Details of negotiations between the owners of the subject property and the owners of 10 and 14 Matthews Street were submitted as part of the application. Based on the information provided, it is apparent that the owners of 10 and 14 Matthews Street are at this stage unwilling to amalgamate and redevelop their properties in accordance with DCP 52.

Consideration was also given to the planning principle relating to consolidation negotiations, as outlined in Commissioner Tuor's judgement of *Karavellas v Sutherland Shire Council* [2004] NSWLEC251. The two questions to be considered are:

- Firstly, is amalgamation of the site feasible?
- Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

In light of the negotiations undertaken with the adjoining property owners at 10 and 14 Matthews Street, it would appear that amalgamation of the site with adjoining properties to the east is not feasible.

Furthermore, it is considered that development and economic use of the subject site and adjoining properties can be achieved without site amalgamation. It is firstly noted that the controls of DCP 52 do not specify a minimum site area for redevelopment. 10 and 14 Matthews Street provide a combined frontage to Matthews Street of 27 metres (10 metres at the rear/eastern boundary) and have a total combined site area of 891.6m². The applicant has indicated that based on the FSR and envelope controls for the site, it would be feasible to construct a mixed-use development with a generous commercial area and approximately twenty dwellings.

Given the information submitted in relation to this matter, it is considered that reasonable attempts have been made by the owners to acquire the properties at 10 and 14 Matthews Street, Punchbowl, and that the adjoining property owners have conveyed an unwillingness to sell. Furthermore, based on the information provided it is considered that the failure to amalgamate the subject site with the properties at 10 and 14 Matthews Street, will not create isolated allotments nor will it hinder the development and economic use of these properties. In light of

this, it is considered that the variation to the amalgamation requirements contained in DCP 52 is acceptable.

- **Deliveries**

The proposed Woolworth Supermarket seeks to operate from 6am to 12 midnight, 7 days a week and all deliveries are proposed to take effect between the following times:

Monday to Friday: 6.00am to 8.00am
 9.30am to 2.30pm
 4.00pm to 10.00pm
Saturday: 6.00am to 10.00pm
Sunday: 8.00am to 10.00pm

Given that the subject site is surrounded by residential dwellings along Matthews Street and Broadway and a Muslim School and Mosque has been approved and is currently under construction at 25-33 Matthews Street, the proposed delivery times are considered to be excessive. As delivery vehicles and trucks are to enter the service lane via Matthews Street and exit via Broadway, the 6am delivery start up until 10pm is likely to create unreasonable noise impacts that will adversely affect the amenity of surrounding residential occupants, particularly when large rigid and semi trucks are required to attend to the site. To minimise the likelihood of these impacts, it is recommended that deliveries be restricted to commence at 7am and terminate at 9pm daily.

In this regard, should the application be supported, it is recommended that a condition be imposed on the consent restricting delivery times to take effect between the following hours:

Monday to Friday: 7.00am to 8.00am
 9.30am to 2.30pm
 4.00pm to 9.00pm
Saturday: 7.00am to 9.00pm
Sunday: 7.00am to 9.00pm

- **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 in the context of the locality.

- **Public Interest**

The proposed development satisfies the relevant requirements contained within the Canterbury Planning Scheme Ordinance and 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 residential development. 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 within the zone subject to consent under the provisions of the Canterbury Planning Scheme Ordinance. As demonstrated, the proposed development is generally consistent with the provisions of the relevant State Environmental Planning Policies and Council's Development Control Plans.

As outlined in the body of this report, the site is capable of accommodating the proposed mixed-use 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 of the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve DA-47/2012 for the Construction of a six and seven storey mixed use development comprising two levels of basement parking, retail and commercial tenancies, including a supermarket and 148 residential apartments across seven buildings, subject to the following conditions:

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:
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Sydney Water Notice of Requirements
 - Fire Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Mechanical Ventilation
 - 1.2. Evidence of compliance with Condition No's. 81, 82, 86, 87, 88, 89, 90, 91, 92, 94, 114, 116, 124, 156, 161, 162, 163, 164, 165, 166 and 170 of this consent.
 - 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.4. Payment to Council of:

Kerb and Gutter Damage Deposit	\$3,075.00
Certificate Registration Fee	\$30.00
Long Service Levy	\$191,520.00
 - 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$105,143.00
Inspection Fee	\$28,277.00
Occupation Certificate Fee	\$10,525.00

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: All 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.

Note 5: Section 94 Contribution payments are payable by cash, bank cheque or EFTPOS.

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).

SITE SIGNAGE

3. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 3.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 3.2. 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
 - 3.3. That unauthorised entry to the work site is prohibited.

GENERAL

4. The development being carried out in accordance with the plans, specifications and details as outlined in the table below:

Prepared By	Drawing Reference	Issue	Date Prepared	Date received by Council
Building Architecture and Pty Limited	DA-00	J	15/2/2012	29/6/2012
Building Architecture and Pty Limited	DA-01	F	28/6/2012	29/6/2012
Building Architecture and Pty Limited	DA-02	04	29/6/2012	4/6/2012
Building Architecture and Pty Limited	DA-03	14	28/6/2012	29/6/12
Building Architecture and Pty Limited	DA-04	13	28/6/2012	29/6/2012
Building Architecture and Pty Limited	DA-05	21	28/6/2012	29/6/2012
Building Architecture and Pty Limited	DA-06	H	1/8/2012	2/8/2012
Building Architecture and Pty Limited	DA-07	F	28/6/2012	29/6/2012

Building Architecture Limited	and Pty	DA-08	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-09	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-10	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-11	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-12	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-13	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-14	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-15	F	28/6/2012	29/6/2012
Building Architecture Limited	and Pty	DA-16	F	28/6/2012	29/6/2012
Isthmus Design	Landscape	IS0107DAI	B	June 2012	29/6/2012
Isthmus Design	Landscape	IS0107DAI	B	June 2012	29/6/2012
Isthmus Design	Landscape	IS0107DA2	B	June 2012	29/6/2012
Isthmus Design	Landscape	IS0107DA3	B	June 2012	29/6/2012
Isthmus Design	Landscape	IS0107DA3A	B	June 2012	29/6/2012
Isthmus Design	Landscape	IS0107DA4	B	June 2012	29/6/2012
Isthmus Design	Landscape	IS0107DA5	B	June 2012	29/6/2012
Building Architecture Limited	and Pty	DA-18	F	28/6/2012	31/7/2012
Building Architecture Limited	and Pty	DA-19	F	28/6/2012	31/7/2012
Building Architecture Limited	and Pty	DA-20	F	28/6/2012	31/7/2012
Building Architecture Limited	and Pty	DA-21	F	28/6/2012	31/7/2012
Building Architecture Limited	and Pty	DA-22	F	28/6/2012	31/7/2012
Building Architecture	and Pty	DA-23	F	28/6/2012	31/7/2012

Limited				
CBD Surveying Services Pty Limited	33541	1	22/9/2009	13/3/2012
Neil Lowry & Associates Pty Ltd	SC01	B	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC02	D	14/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC03	C	14/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC04	B	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC05	B	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC06	B	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC07	A	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC08	A	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC09	A	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC10	A	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC11	A	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC12	A	8/2/2012	13/3/2012
Neil Lowry & Associates Pty Ltd	SC13	B	8/2/2012	13/3/2012
Strata Subdivision Plans prepared by John Walton Surveyor	1 of 19 to 19 of 19	-	-	29/6/2012

5. Finishes and materials including the treatment of external walls, roofing , balcony balustrades, fences, windows and doors being in accordance with the photomontage and Schedule of Finishes prepared by Architecture and Building Works, Sheet No's. 47/2012-1/4 to Sheet No. 47/2012 – 4/4, received by Council on 29 June 2012. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
6. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
7. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
8. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.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.

10. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
11. All development, including walls must be located within the property boundaries of the subject site.
12. A security system/swipe card system is to be installed within the lifts which allows operation of the lift only to authorized levels within the building.
13. All access points to the residential component of the building (including lifts and stairwells) must be restricted to residents only through a security system. Visitor's to the residential complexes must be provided with access via the intercom.
14. Signage throughout the site is to be used to direct people to where they are meant to be. This will reduce excuse making and loitering opportunities for potential offenders.
15. The future use of each commercial/retail shop and office premise (with the exception of the Woolworth Supermarket and Liquor Store – Shops 6 and 7) be dealt with under a separate application and subject to Council approval.
16. The site be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
17. 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.
18. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
19. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
20. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
21. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
23. Drains, gutters, roadways and access ways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
24. The site must be provided with a vehicle wash down area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
25. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
26. All building construction work must comply with the National Construction Code.
27. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to

indicate the exact location of all external walls in relation to allotment boundaries.

28. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at each floor slab level indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.

29. 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 Section 94 Contributions Plan 2005, 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 \$1,819,164.39. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
<input type="checkbox"/> Open Space Acquisition	\$ 825,041.14	711
<input type="checkbox"/> Recreation Facilities	\$138,462.17	712
<input type="checkbox"/> Community Services	\$ 439,025.15	713
<input type="checkbox"/> Environmental Amenity Improvements	\$170,987.68	714
<input type="checkbox"/> Traffic Control and Management	\$29,126.11	715
<input type="checkbox"/> Car Parking	\$106,967.11	
<input type="checkbox"/> Monitoring, research and administration	\$109,555.03	717

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.

30. 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."

WOOLWORTHS SUPERMARKET AND LIQUOR STORE (TENANCY 6 AND 7)

31. The hours of operation for the Woolworths supermarket and liquor store being confined between 6am and 12 midnight, 7 days a week.
32. Truck deliveries being restricted to take effect between the following hours at all times:

Monday to Friday: 7.00am to 8.00am

9.30am to 2.30pm

4.00pm to 9.00pm

Saturday: 7.00am to 9.00pm

Sunday: 7.00am to 9.00pm

33. All truck movements associated with the Woolworths supermarket and liquor store, including all deliveries to and from the site being restricted to the approved hours of operation, so as to minimise amenity impacts on nearby residences.
34. All goods and materials being stored wholly within the building.
35. No goods being stored or displayed on Council's footpath without the written consent of Council.
36. Centre Management is to ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. Management shall be responsible for the control of noise and litter generated by patrons of the premises.
37. Vehicles making deliveries to the premises being limited to 19 metre semi-rigid trucks.
38. The number of deliveries being restricted to no more than twelve (12) deliveries on a daily basis.
39. A maximum of three (3) delivery trucks shall be permitted to attend the sites service lane service at any one time.

FOOD PREMISES

40. Provide a rigid smooth faced impervious ceiling over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
41. The drop-in ceiling panels being eliminated and replaced with a ceiling constructed of set plaster or other approved rigid smooth faced material.
42. The light fittings being installed flush with the ceiling, or alternatively, provided with approved diffuser covers, and constructed and installed so as to be easily cleaned.
43. Coving to a radius of not less than 25mm is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
44. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.
45. The floor of food preparation areas being finished with an approved rigid impervious material, graded and drained to a floor trapped waste outlet, and coved to a minimum radius of 25mm at the intersection with the walls.
46. The walls at the rear and sides of the wash hand basin being finished with glazed ceramic tiles or other material, in accordance with the Australian New Zealand Food Standards Code, evenly laid from the floor to a height of at least 450mm above the fitting.
47. All goods in the bulk storage area being supported at least 150mm clear of the floor on an open metal frame rack constructed to the approval of the Manager of Compliance.
48. All refrigeration motors being supported on an open frame supported by metal legs at least 150mm in height, such frame to be designed to allow dust and refuse to fall through to the floor for easy removal.
49. The hand basin shall be freestanding, serviced with hot and cold water, at a minimum temperature of 40°C, through a single outlet.
50. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.

51. A wash hand basin is to be provided in an approved position in the 'WC' area for connected to both hot and cold water as required by the Australian New Zealand Food Standards Code (Standard 3.2.3). Provide/maintain dispensable soap and single use towels or other suitable hand drying facilities near the wash hand basin.
52. Approved washing facilities in the form of sinks and tubs with an adequate supply of hot and cold water (the hot water to be at a temperature of not less than 45°C) are to be provided for the purpose of cleaning all receptacles, implements, articles, utensils, tools of trade, benches, fittings, machinery and appliances.
53. All equipment (sandwich bars, delicatessen display cabinets, cold food display units etc.) used for the display or storage of cold food shall be capable of maintaining the food temperature in the food storage area at a temperature of not more than 5°C.
54. The thermometer shall be able to be easily read from outside the appliance.
55. The coolroom shall be constructed with a concrete floor finished to a smooth even surface and graded to drain to the door. A sanitary floor waste shall be located outside the coolroom.
56. All internal intersections and external intersections of the floor with walls of the coolroom shall be coved to a minimum radius of 25mm.
57. The coolroom shall be fitted with an alarm device located outside the coolroom but controllable only from within the chamber.
58. The inaccessible cavities formed between the external walls of the coolroom and the area in which it is being constructed being made proof against the access and harbourage of vermin.
59. The door of the coolroom(s) being openable at all times from the inside without the use of a key.
60. All electrical leads or conduits being fixed on the external wall or top surface of the coolroom(s).
61. The wall to wall intersections of the coolroom being coved and the floor to wall intersections being coved to a minimum radius of 25mm and the floor being graded to the door.
62. Provision being made for the conveying of all refrigeration condensates to approved drainage fittings and all refrigeration, water and other service conduits being concealed in floors, walls or plinths.
63. The coolroom being capable of operating so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5°C and the coolroom being provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the outside.
64. Storage racks of the coolroom shall be constructed of galvanised steel or other approved material all of which shall be treated to prevent corrosion. Racks may be fixed or free standing, the lowest shelf shall be at least 300mm clear of the floor.
65. Adequate storage racks, brackets, shelves, are to be provided in an approved position within the premises for the storage of returnable pie and cake trays and the like.
66. All shelving being fixed 25mm clear of the walls on approved solid metal brackets.
67. The premises being made proof against the access of rats and vermin.
68. All putrescible waste must be stored in approved, lidded, fly proof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.

69. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.
70. In the event of Council receiving complaints resulting from the mechanical exhaust system, the owner shall at his own cost provide a report from a Pollution Control Consultant specifying the proposed methods for the control of odour and other air impurity discharging from the premises.
71. A copy of the Permission to Discharge Trade Wastewater must be obtained from Sydney Water and a copy provided to the Principal Certifying Authority with the application for the Construction Certificate. The Wastewater Source Control office is on Level 2, 432 Victoria Avenue, Chatswood 2067, telephone 131110. A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.
72. The premises are to be constructed and fitted out strictly in accordance with by the Australian New Zealand Food Standards Code, Council's Code for Construction of Food Premises and the conditions of any Council consent.
73. Construction/outfitting of the premises in accordance with the Australian New Zealand Food Standards Code and Council's Food Premises Code wherever any articles of food or drink are to be sold. A Construction Certificate is required for this work prior to construction.

ACOUSTICS

74. The development shall be carried out in accordance with the recommended treatments and controls contained in the Acoustic Assessment Report prepared by Koikas Acoustics Pty Limited (Project No. 2129, Dated: 8 February 2012), submitted with DA47/2012.
75. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

CAR PARKING

76. A total of five hundred and sixty-three (563) off-street parking spaces being provided, comprising of:
 - One hundred and ninety-eight (198) residential car parking spaces;
 - Thirty (30) residential visitor spaces;
 - One (1) car wash bay;
 - Six (6) commercial car parking spaces;
 - Seven (7) office premise car parking spaces;
 - Thirty-three (33) restaurant/café shop car parking spaces; and
 - Two hundred and eighty-eight (288) retail shop car parking spaces.The car spaces must be allocated and marked according to this requirement. If the development is strata subdivided, the car park layout must respect the above allocation.
77. Of the five hundred and sixty-three (563) off-street car parking spaces provided, twenty-two (22) spaces are to be accessible parking spaces suitable for use by people with disabilities in accordance with the approved plans. The accessible parking spaces must comply with the dimensions of AS 2890.1 and

- have a firm, level surface with minimal crossfall. These spaces must be marked with the international symbol of disability.
78. All car parking spaces must be sealed, line marked and made freely available at all times during business hours for staff and customers.
 79. Signage shall be erected for the visitor and resident common property car spaces to notify and allow people to use the designated spaces.
 80. Parking facilities/storage for 62 bicycles is to be provided on-site, as indicated on the approved plan.

CRIME PREVENTION MEASURES

81. All recommendations contained within the Crime Prevention Through Environmental Design Report prepared by Hely Horne Medcalf Architects (Document No. HH-1055-RPT-01) and submitted with the subject application shall be implemented as part of the construction and on-going operations of the development. Where required, details shall be provided with the application for the Construction Certificate.
82. Proactive security measures, including CCTV cameras must be installed at the toilet entry/exit to ensure community safety is monitored at all times. Details shall be provided with the application for the Construction Certificate.
83. The storage units located in the vicinity of the car parking spaces must be fully enclosed and non-visible to deter potential offenders from breaking in as they are unable to see what contents are stored within each storage unit.
84. Residential car parking must be provided so that it is separate from commercial and visitor parking. These areas must be separated by either a bollard gate or roller door to increase security and limit unauthorised persons from accessing restricted areas of the building.
85. The basement car park must be painted the colour 'white' to increase lux levels and light reflection.
86. Internal car park structures such as concrete columns, solid internal walls and service rooms must contain portholes (cut outs) to open sightlines, increase natural surveillance and assist with light distribution. Details shall be provided with the application for the Construction Certificate.
87. The building and surrounding structures shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. Details shall be provided with the application for the Construction Certificate.

DISABILITY ACCESS

88. All measures identified in the Access for People with Disabilities Report prepared by Morris-Goding Accessibility Consulting submitted as part of the application shall be implemented and where required, details shall be provided with the application for the Construction Certificate.
89. Units C45 (1 bedroom unit) and D76 (3 bedroom unit), as shown on the approved plans, must be converted and provided as adaptable units and units B24 and C48 must be converted to non-adaptable units. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.
90. To fulfil the requirements of the Disability (Access to Premises – Buildings) Standard and AS1735, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100mm x 550mm must be provided. Details shall be provided with the application for the Construction Certificate.
91. To comply with the requirements of Part 7.5.1 of AS1428.1, all glazed doors and panels on a continuous accessible path of travel are to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings when viewed from either the inside or outside of the door. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.

92. All units must be accessible in the post adaptation stage. In this regard, a threshold ramp of maximum length 280mm, maximum height 35mm and a maximum gradient of 1:8 must be provided to comply with Clause 10.5 of AS1428.1 (2009). Alternatively, the level of all terraces must be the same level as the floor level of each unit, with tracks of the sliding doors being of recessed level with unit floor to avoid trip. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.
93. The development must wholly comply with all requirements of the Disability Discrimination Act 1992, Disability (Access to Premises – Buildings) Standard (2010), National Construction Code, AS1735.12: Lifts, Escalators and moving walks and Part 12: Facilities for persons with disabilities, at all times.

WASTE MANAGEMENT

94. Council's waste collection contractor is to be indemnified against any damage caused as a result of entering the premises for the purpose of waste collection from the residential component of the development. As such, a Letter of Indemnity must be submitted to the satisfaction of Council prior to the issue of a Construction Certificate.
95. Access to the residential bins must be provided from 5.00am on service day.
96. A height clearance of 4.5 metres is to be provided for the entry of waste collection vehicles collecting residential waste bins.
97. The garbage rooms/areas must be constructed and arranged in accordance with the specifications outlined in Appendix 4 of DCP 48 – Waste Management.
98. Payment of an additional garbage levy for each new dwelling upon completion of work.
99. A sufficient number of approved garbage and waste receptacles must be provided, in accordance with the approved plans and DCP 48 – Waste Management, must be provided on the premises for the storage of garbage associated with the residential and retail/commercial uses at the site. Such receptacles are to be fitted with close fitting and flyproof lids.

ENGINEERING

100. The stormwater system shall be constructed in accordance with the plans, specifications and details prepared by Neil Lowry and Associates Pty Limited, received by Council on 13 March 2012 and referenced as follows:

Project Number	Drawing Number	Revision Number	Date
0599	SC01	B	8/2/12
0599	SC02	D	14/2/2012
0599	SC03	C	14/2/2012
0599	SC04	B	8/2/12
0599	SC05	B	8/2/2012
0599	SC06	B	8/2/2012
0599	SC07	A	8/2/2012
0599	SC08	A	8/2/2012
0599	SC09	A	8/2/2012
0599	SC10	A	8/2/2012
0599	SC11	A	8/2/2012
0599	SC12	A	8/2/2012
0599	SC13	B	20/2/2012

101. Certification from a suitably accredited engineer must be provided to certify that all works have been carried out in accordance with the approved plan(s), relevant codes and standards.
102. 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".

103. 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 Council's stormwater management manual ~ specification 9. Sump depth is to be a minimum of 300mm deep.
104. Stormwater being disposed to Council's drainage system is to be constructed in accordance with Clause 4.8 of Council's Stormwater Management Manual - Specification 9, "A Guide for Stormwater Drainage Design".
105. 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".
106. An on-site stormwater detention system OSD must be provided if the post-development impervious area is greater than or equal to 70% of the total site area.
107. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.
108. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council's Stormwater Management Manual – Specification 9.

PUBLIC IMPROVEMENTS

109. 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".

SUBDIVISION

110. 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.
111. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
112. The submission of one final plan of subdivision and five copies.
113. The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

TRAFFIC & CITY WORKS

114. The roundabout at the intersection of The Boulevard and Matthews Street shall be redesigned to enable a clear swept path for a 19 metre articulated vehicle without encroaching any blister or median islands whilst maintaining the existing pedestrian facilities and speed deflection requirements. The island shall comply with the Roads and Maritime Services (RMS) and Austroads Guidelines. The redesign shall be forwarded to Council for submission to Council's Traffic Committee for approval prior to the issue of a Construction Certificate.
115. The reconstruction of the roundabout in accordance with the Traffic Committee's approved plan shall be at the Developer's cost and no cost to Council.
116. The proposed roundabout at Broadway and the access to the retail car park service vehicle must be designed and constructed in accordance with the RMS and Austroads Guidelines. Pedestrian crossings (using the splitter islands) must be designed and constructed as per the RMS Technical Direction TDT 2011/01a for pedestrian refuges at all legs of the intersection. The plan must be submitted to Council's Local Traffic Committee for approval prior to the issue of a Construction Certificate.
117. The applicant must liaise with Punchbowl Bus Company to provide Bus Stop/Bus Zones and Bus Shelters on each side of The Boulevard between Broadway and Matthews Street.
118. A full width heavy duty vehicular crossing shall be provided at the vehicular entrances to the site, with a maximum width of 10 metres at the boundary line on The Boulevard, 9 metres at the boundary line on Matthews Street & 26 metres at the boundary line on The Broadway. 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". The driveway is to be fitted with tactiles in accordance with Australian Standard AS1428.1-2009: General Requirements for Access New Building Work.
119. The service road ingress and the retail carpark ingress/egress and service road egress shall be provided as intersection style access. The accesses shall be designed and constructed in accordance with Australian Standard AS2890.1-2004 and AS2890.2-2002. Full details of the proposed accesses are to be submitted to Council's Director City Works for approval prior to the issue of the Construction Certificate. The works are to be completed prior to the issue of the construction certificate. 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".
120. The reconstruction of the kerb and gutter along all areas of the site fronting Matthews Street, Broadway and The Boulevard is required. 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".
121. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Matthews Street is required. Work being 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".

122. The construction of segmental concrete footpath paving and associated works in accordance with the Punchbowl Town Centre paving specification along all areas of the site fronting Broadway and The Boulevarde is required. Work being 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".
123. The construction of segmental concrete footpath paving and associated works in accordance with the Punchbowl Town Centre paving specification along the northern side of The Boulevarde from the intersection of Matthews Street to the intersection of Broadway is required. Work being 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".
124. The reconstruction of the western side of Broadway from The Boulevarde to the southern site boundary is required. Full details of the design are to be submitted to Council's Director of City Works for approval prior to the issue of a Construction Certificate. The design is to be in accordance with Austroads and RMS Design Guides. The works are to be constructed in accordance with relevant Australian Standards and Natspec Specifications. Work to be carried out at the applicant's cost. The work is to be completed to the satisfaction of Council's Director City Works prior to the issue of an Occupation Certificate.
125. The reconstruction of the eastern side of Matthews Street from The Boulevarde to the southern site boundary is required. Full details of the design are to be submitted to Council's Director of City Works for approval prior to the issue of a Construction Certificate. The design is to be in accordance with Austroads and RMS Design Guides. The works are to be constructed in accordance with relevant Australian Standards and Natspec Specifications. Work to be carried out at the applicant's cost. The work is to be completed to the satisfaction of Council's Director City Works prior to the issue of an Occupation Certificate.
126. The construction of a median island in Broadway from the northern side of the existing War Memorial to the intersection of The Boulevarde is required. The median island is to be landscaped to match the existing planted median islands in Broadway. Full details of the design are to be submitted to Council's Director of City Works for approval prior to the issue of a Construction Certificate. The design is to be in accordance with Austroads and RMS Design Guides. The works are to be constructed in accordance with relevant Australian Standards and Natspec Specifications. Work to be carried out at the applicant's cost. The work is to be completed to the satisfaction of Council's Director City Works prior to the issue of an Occupation Certificate.
127. A driveway longsection scaled at 1:25 (both vertical & horizontal) is to be submitted indicating the appropriate grades, lengths, transitions and height clearances above the residential vehicular access on Matthews Street and the retail carpark access on Broadway. The existing street levels are to be included in the design of the driveway (The existing street levels include kerb & gutter, footpath and boundary line levels which cannot be altered). The driveway widths, grades, lengths and transitions shall be in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".
128. The vehicular accesses to the site on Matthews Street and Broadway are to be provided with a splay corners adjacent to the outbound traffic lane to ensure adequate site distance to pedestrians using the footpath on Matthews Street.

The splay is to be provided in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities"

129. 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.
130. 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.
131. 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.
132. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

ROADS AND MARITIME SERVICES

133. Traffic signals are deemed an appropriate solution for placement at the intersection of Boulevard and Broadway. These signals, although they are supported in principle, the proponent needs to demonstrate that the warrants are met and also they are viable.
134. Concrete median and pedestrian fencing must be provided on Broadway from the intersection of The Boulevard and Broadway to the existing first concrete median to match the existing median width.
135. A Pedestrian Management Plan must be submitted to Council for approval defining movement needs and relevant infrastructure to the satisfaction of Council.
136. A raised Pedestrian Crossing should be installed on Mathew Street at the intersection of Mathew Street and The Boulevard.
137. Council previously approved a school and a mosque in Mathews Street. As part of this development installation of a wombat crossing was approved. The position of this facility is in conflict with the proposed access to the loading dock for the subject development. The developer shall ensure that he resolves the matter to permit the safe co-existence of both the wombat crossing and the loading dock to the satisfaction of Council.
138. The developer should demonstrate to the Council that the 19m articulated truck turning from The Boulevard into Mathews Street (existing roundabout) could be performed safely. Potential civil works and modifications may be required to permit the turning movement of trucks.
139. Operational Traffic Management Plan (OTMP) during construction should be submitted to Council for approval.
140. The proposed development should be designed such that road and traffic noise from The Boulevard is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on no-road development) of State Environmental Planning Policy (Infrastructure) 2007.
141. A service vehicle management plan needs to be prepared and submitted to the Council for approval restricting deliveries outside of trading hours due to the potential conflicts between cars and service vehicles.
142. The developer is to submit detailed drawings and geotechnical reports relating to the excavation of the site and support structures to Council for assessment (prior to the approval of an Construction Certificate). The developer is to meet

the full cost of the assessment by Council. This report would need to address the following key issues:

- 142.1. The impact of excavation/rock anchors on the stability of The Broadway and detailing how the carriageway would be monitored for settlement.
- 142.2. The impact of the excavation on the structural stability on The Broadway.
143. All traffic facilities signs and pavement markings are to be installed at no expense to the RMS.
144. Following installation of all signs and pavement markings the Developer must arrange an inspection with the RMS for formal handover of the assets to the RMS. The installation date information must also be provided to the RMS at the same time. Note: Until assets are formally handed-over and accepted by the RMS, the RMS takes no responsibility of the assets (eg: traffic signals).
145. The layout of the proposed parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) shall be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
146. Sight distance to pedestrians to Council's satisfaction.
147. Council to ensure bicycle parking facilities are provided within the site.
148. Council is to ensure pedestrian linkages established and maintained.
149. The provision of off-street car parking, bicycle storage and loading facility shall be provided to the satisfaction of Council.
150. The car parking areas and entry/exit need to be carefully delineated through the line marking and signage to ensure smooth safe traffic flow.
151. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.
152. All vehicles must enter and exit the subject site in a forward direction.
153. All construction vehicles must be accommodated on site.
154. All works associated with the proposed development shall be at no cost to the RMS.

RAILCORP

155. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - Geotechnical Investigation Report prepared by Jeffery and Katauskas Pty Ltd dated 11 March 2011 (Ref 24689LBrpt))
 - Structural Design Check and Certification by Australian Consulting Engineers dated 30 May 2012 (Ref 11AH009.SDC1A)
 - Bulk Excavation Plan prepared by Australian Consulting Engineers - Drawing No. 100 Issue E dated 30/04/2012.
 - Pile Capping Beam Plan prepared by Australian Consulting Engineers - Drawing No. 170 Issue C dated 09/02/2012.
 - Pile Capping Beam Elevations 1 prepared by Australian Consulting Engineers - Drawing No. 171 Issue B dated 09/02/2012.
 - Pile Capping Beam Elevations 2 prepared by Australian Consulting Engineers - Drawing No. 172 Issue B dated 09/02/2012.
 - General Notes prepared by Australian Consulting Engineers - Drawing No. S0000 Revision H dated 20/01/2012.
 - Shoring Plan and Details prepared by Australian Consulting Engineers - Drawing No. S0100 Revision U dated 29/03/2012.
 - Shoring Details prepared by Australian Consulting Engineers - Drawing No. S0101 Revision P dated 02/04/2012.
 - Shoring Elevations and Details Sheet 1 prepared by Australian Consulting Engineers - Drawing No. S0102 Revision X dated

11/05/2012.

- Shoring Elevations and Details Sheet 2 prepared by Australian Consulting Engineers - Drawing No. S0103 Revision T dated 11/05/2012.
- Shoring Elevations and Details Sheet 3 prepared by Australian Consulting Engineers - Drawing No. S0104 Revision X dated 17/05/2012.
- Shoring Sections prepared by Australian Consulting Engineers - Drawing No. S0105 Revision G dated 07/02/2012.
- Shoring Sections Typical Column Details prepared by Australian Consulting Engineers - Drawing No. S0106 Revision E dated 11/05/2012.
- Shoring Sections and Pile Details prepared by Australian Consulting Engineers - Drawing No. S0107 Revision E dated 11/05/2012.
- Footing Plan and Details prepared by Australian Consulting Engineers - Drawing No. S0200 Revision N dated 11/05/2012.

156. The following items are to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate:

- (a) A monitoring plan detailing the proposed method of track monitoring (and monitoring of vibration and deformation) during excavation and construction phases.

The Principle Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from RailCorp that this condition has been complied with.

157. All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

158. No rock anchors/bolts are to be installed into RailCorp's property.

159. No modifications may be made to that approved design without the consent of RailCorp.

160. 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 (especially the retaining wall and rail track formation) 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.

161. Prior to the issue of a Construction Certificate the Applicant must ensure that the recommendations provided in the Acoustic Report prepared Koikas Acoustics dated 8/2/2012 are incorporated into the construction drawings and specifications.

The Principal Certifying Authority shall not issue a Construction Certificate until it has verified that the recommendations contained in the acoustic report have been incorporated in the construction specifications and drawings.

162. Prior to the issue of a 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.

163. 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.

The Principle Certifying Authority is not to issue the Construction Certificate

until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

164. 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 is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
165. 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 is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
166. If required by RailCorp, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

LANDSCAPING

167. Landscaping of the site being carried out in accordance with the approved Landscape Plan prepared by Isthmus Pty Ltd (Drawing No. ISO107DA1-5, Revision B, Dated: June 2012, and received by Council on 29th June 2012) and with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees, except where varied by the conditions of this development consent, except where varied by conditions of this development consent.
168. The Landscape Construction Drawings for the public domain areas must be submitted to and approved by Canterbury Council's City Works Section, prior to the issue of Construction Certificate. These areas include:
 - (b) Footpath pavement and street tree planning on The Broadway;
 - (c) Footpath pavement and street tree planning on The Boulevarde;
 - (d) Footpath pavement and street tree planning on Matthews Street; and
 - (e) Planting works in the landscape median extension on The Broadway.
169. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for 45litre and 200litre trees are as below table:

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
45 litre	1.9 – 2.3 metres	30 – 35mm	1.2 metres
200 litre	3.6 metres	60mm	1.5 metres

170. The following plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation:

Botanical Name	Common Name	Container Size	Amount	Notes (eg locations)
<i>Liquidambar styraciflua</i>	Sweet Gum	200L	7	Street planting on The Broadway

<i>Robinia Pseudoacacia</i>	Black Locust	200L	4	Street planting on The Boulevarde
<i>Tristaniopsis Laurina</i>	Water Gum	200L	4	Street planting on Matthews Street

Written confirmation of the order shall be provided to Council's Landscape Architect (contact no: 9789 9438), prior to the issue of Construction Certificate. In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and supply date.

171. Tree Root barriers shall be installed along all trees planted adjacent or within hard paved areas, both on site and in public areas to reduce the likelihood of pavements lifting or buckling, in accordance with Council's requirements.
172. The maintenance period for all the approved landscape works in public land must be set for min. 52 weeks and min. 36 weeks for the landscape works in private areas. The Maintenance Schedules (for 36 and 52 weeks) must be provided prior to the issue of Construction Certificate, including, but not limited to:
 - a) Replacement strategy for failures in plant materials and built works,
 - b) Maintenance schedule for watering, weeding and fertilizing during the establishment period.
173. The landscaping is to be maintained at all times to the Council's satisfaction.

SYDNEY WATER REQUIREMENTS

174. 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.

CRITICAL INSPECTIONS

175. Class 2, 3 or 4 Buildings

- 175.1. at the commencement of the building work, and
- 175.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 175.3. prior to covering any stormwater drainage connections, and
- 175.4. 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

- 175.5. at the commencement of the building work, and
- 175.6. prior to covering any stormwater drainage connections, and
- 175.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
176. 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

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

WE ALSO ADVISE

178. This application has been assessed in accordance with the National Construction Code which took effect on 1 May 2011.
179. 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
 - Final Fire Safety Certificate
 - Glazing
 - BASIX completion
 - Premises Standard
 - Waterproofing
180. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
181. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.
182. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
183. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
184. That the applicant be advised that any works to be carried out by Council at the applicant's cost need to be applied for in advance.
185. 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.
186. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
187. 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.
188. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

If you require any further information, please do not hesitate to contact Ms Zena Ayache in City Planning on 9789 9663, Monday to Friday.