

<b>JRPP No</b>	2012SYE041
<b>DA Number</b>	141/2012
<b>Local Government Area</b>	Canterbury
<b>Proposed Development</b>	Construction of two residential flat buildings comprising 192 units, basement carparking and associated landscaping. This application will be the subject of a Voluntary Planning Agreement
<b>Street Address</b>	60 Kentucky Road and 4 Vermont Crescent Riverwood
<b>Applicant/Owner</b>	Payce Communities Pty Ltd/Land and Housing Corporation
<b>Number of Submissions</b>	nil
<b>Recommendation</b>	Approval subject to conditions and Voluntary Planning Agreement coming in to effect
<b>Report by</b>	Andrew Hargreaves

## Summary

- Council has received a Development Application to construct two multi unit developments over basement parking on the subject site. This application has been lodged as a result of Planning Assessment Commission concept approval for the renewal of the existing social housing dwellings at Riverwood North.
- This concept approval was issued under the provisions of, the now repealed, Part 3A of the Environmental Planning and Assessment Act 1979 and effectively overrides Council's planning controls.
- The proposal seeks a small departure from the floor space ratio permitted by the concept approval as well as departing from some key Council controls including density and height. Despite this, the proposal provide good amenity for future residents and strict compliance with the concept approval floor space ratio would not improve the built form or increase user amenity. The numerical departures are supported.
- The Development Application was lodged on 30 April 2012 and advertised from 11 May to 12 June 2012. No submissions were received by Council.
- The proposal, despite the departures from some planning controls is consistent with the Planning Assessment Commission's concept approval and is recommended for approval subject to the adoption of the Voluntary Planning Agreement between the applicant and Council being signed.

## Report:

### Background

This Development Application (DA) forms part of a larger redevelopment of the Riverwood North Estate. This redevelopment represents a Major Project under State Environmental Planning Policy (Major Projects) 2005 [Clause 13 Schedule 1].

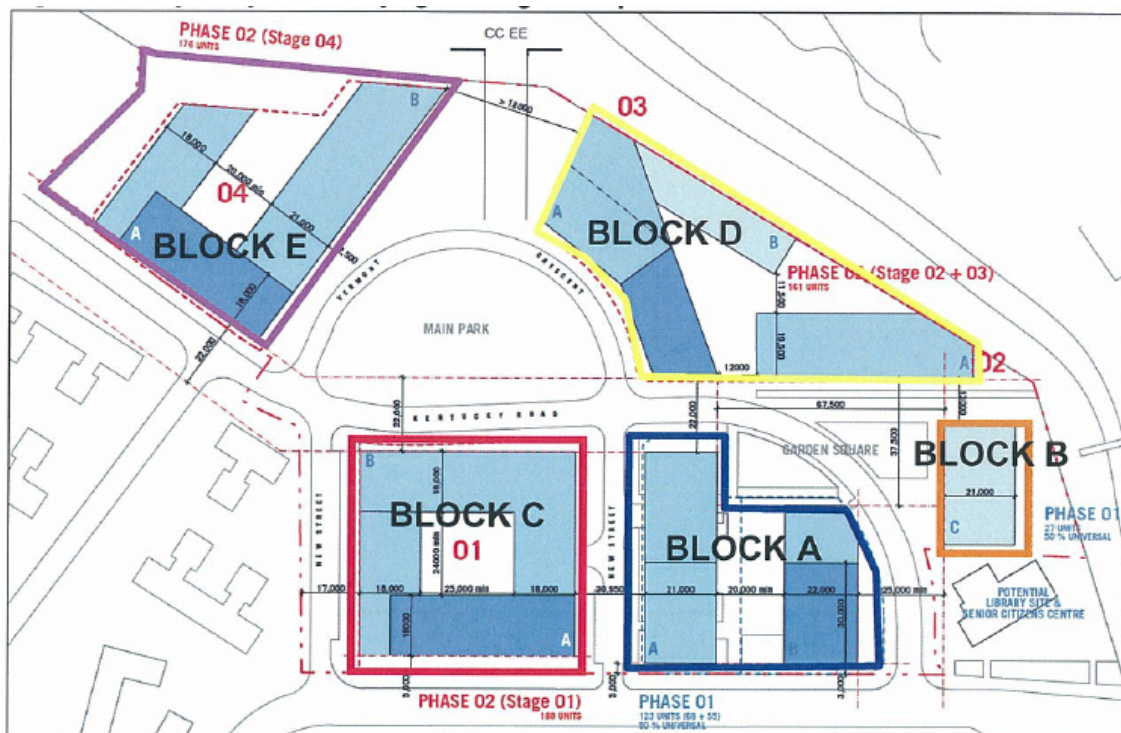
On 4 July 2011 the Director General of the Department of Planning and Infrastructure issued an Environmental Assessment Report under Section 75I of the Environmental Planning and Assessment Act 1979 concerning the redevelopment of Riverwood North.

This redevelopment of Riverwood North will accommodate a total of 650 new units, of which 150 units will be social housing units. All units proposed in this application are private dwellings. The 150 social housing units are found in Blocks A and B in the diagram below.

The Concept Approval for the Environmental Assessment Report was issued by the Planning Assessment Commission (PAC) on 15 July 2011 (PAC Ref: MP 10\_0167). This consent was modified on 29 September 2011 to increase the height limits permitted for this renewal project.

The redevelopment is split into two phases. Phase 01 covers Blocks A and B, whereas Phase 02 covers Blocks C, D and E.

The subject of this DA is Phase 02 Stage 04 of the renewal project of Riverwood North and relates to Block E in the following diagram.



## Site Analysis

The proposed development will be located over two part lots being Part Lots 445 and 449 in DP24367.

The vacant site is located at the corner of Kentucky Road and Vermont Crescent. Vehicular access to the site is gained from Vermont Crescent. The site enjoys frontage and pedestrian access to both Kentucky Road and Vermont Crescent.

It is proposed to resubdivide this site as future Lot 5 Kentucky Road. However this subdivision does not part of this DA. Subject to this resubdivision, the site will be 6151sqm in area.

While the subject site is now vacant it did accommodate older style multiple unit developments (containing 33x2 bedroom and 3x3 bedroom units) which is indicative of the Riverwood North character.

All site structures have been demolished.

## Proposal

The proposal seeks consent to construct two multiple unit developments containing 192 units over a shared landscaped podium and three levels of basement carparking. This application does not seek approval to strata subdivide the development. This development will comprise the following:

Basement Level 03: 47 residential parking spaces.

Basement Level 02: 131 carparking spaces, including eight access spaces and 35 bike racks, as well as stormwater infrastructure and meter rooms.

Basement Level 01: Basement levels are accessible from Vermont Crescent. Basement Level 01 will accommodate 63 residential parking spaces (including eleven access spaces), one carwash bay, 38 visitor parking spaces and 21 bike racks. A waste management room is found on this level to facilitate waste collection directly from Vermont Crescent. Stormwater infrastructure, pump and meter rooms and also found on this level.

Ground Floor: is a podium level accommodating a shared landscaped area for residents with two residential towers (Building A and Building B). The podium is elevated above street level and is accessible from three stairways, two extending from Kentucky Road and one stairway extending from Vermont Crescent, the single set of stairs from Vermont Crescent does not have a ramp.

Building A: is the larger eight storey “L” shaped building in this development. This building has direct pedestrian access from Kentucky Road and addresses this street as well as also having a direct western orientation. Building A accommodates thirty x one bedroom units, 91 x two bedroom units (including fifteen adaptable units) and twelve x three bedroom units. Each floor is separated into three components each being serviced by its own stairs and lift.

Building B: is the smaller “I” shaped building addressing Vermont Crescent. Building B accommodates eleven x one bedroom units, 42 x two bedroom units (including six

adaptable units) and six x three bedroom units. Each floor is separated into two components each being serviced by its own stairs and lift.

## **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:

- (a) State Environmental Planning Policy (Major Development) 2005
- (b) State Environmental Planning Policy (Building Sustainability Index) 2004
- (c) State Environmental Planning Policy (Infrastructure) 2007
- (d) State Environmental Planning Policy 55 – Remediation of Land
- (e) State Environmental Planning Policy 65 – Design Quality for Residential Flat Buildings
- (f) Sydney Regional Environmental Plan 2 – Georges River Catchment
- (g) Canterbury Planning Scheme Ordinance
- (h) Draft Canterbury Local Environmental Plan 2012
- (i) Development Control Plan 13 – Multiple Unit Development
- (j) Development Control Plan 20 – Carparking
- (k) Development Control Plan 29 – Crime Prevention Through Environmental Design
- (l) Development Control Plan 32 – Notification Policy
- (m) Development Control Plan 37 – Energy Smart Homes Code
- (n) Development Control Plan 45 – Landscape
- (o) Development Control Plan 48 – Waste Management
- (p) Development Control Plan 51 – Access and Mobility
- (q) Stormwater Management Manual – Specification 9
- (r) 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:

### ***1. Statutory Position - Permissibility***

The site is zoned Residential 2(c4) under the Canterbury Planning Scheme Ordinance (CPSO). The development is defined as a multiple unit development and is permissible with consent in this zone.

As the DA has a Capital Investment Value (CIV) greater than \$20m and in accordance with Schedule 4A of the Environmental Planning and Assessment Act 1979 this application is referred to the Joint Regional Planning Panel (JRPP) for determination. The proposal has a CIV of \$49.2m.

Beyond permissibility, there are two controls in the CPSO which are applicable to this DA, namely Floor Space Ratio (FSR) and building height. However, the PAC concept approval and its status as a Part 3A approval effectively overrides the development standards in the CPSO.

The PAC Concept Approval permitted a Floor Space Ratio (FSR) of 2.7:1. The proposal seeks an FSR of 2.85:1. The applicant has provided the following response to this departure:

- The proposed floor area is 17,523sqm with an FSR of 2.85:1 which is marginally different to the floor area of 16,912sqm and FSR of 2.7:1 permitted by the PAC. This difference equates to a marginal difference of 3.6% or 611sqm and is considered to be generally consistent with the PAC approval.
- The PAC approval provides flexibility in the future design of buildings. As part of the design process for this site the DA provides an improved building envelope and footprint entailing a more regular treatment at this northern end. This design also provides the opportunity to respond to SEPP 65 objectives of achieving residential development with high level amenity to both site users and adjoining neighbours.
- The minor variation to the FSR is supported given that the DA meets the principles of SEPP 65. The scale of the development is consistent with the other buildings that form part of this renewal project and is compatible with the site's local building context. Generous separation between buildings and setbacks from boundaries ensures that the site is able to accommodate open space in excess of SEPP 65 requirements, whilst providing satisfactory levels of sunlight to neighbours.

In light of this, strict compliance with the PAC FSR of 2.7:1 is not warranted and no objection is raised to the proposed FSR of 2.85:1.

PAC approval (via MP 10\_0167 MOD 1 date 29 September 2011) permits a maximum RL of 41.8 for the eight storey building fronting Kentucky Rd and a maximum RL of 35.7 for the seven storey building fronting Vermont Crescent. These two building components have a maximum RL of 41.1 and 34.9 respectively and comply with the PAC approval.

## 2. *Consideration of Other EPIs/ DCPs/ Codes applying to development*

- **Draft 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	Complies
Zoning	R4 - High Density Residential	Proposal permissible with consent	Yes
FSR	0.9:1	2.85:1	No
Building Height	11.5m	N/A	No

However, the draft LEP has not yet been gazetted and no determinative weighting can be afforded to its provisions in respect to this application. In addition, as discussed above, the PAC Concept Approval effectively overrides these draft controls.

- **SEPP (Major Development) 2005**

As outlined above, this DA is associated with a PAC concept approval issued under the now repealed provisions of Part 3A of the EPAA. The redevelopment of Riverwood North is development identified as being a major project under Clause 13 in Schedule 1 of SEPP 2005.

The Director General's Environmental Assessment report, which was used for the PAC to issue their concept approval, discusses the proposal in light of Council's own planning controls, including FSR and height.

Part 3A of the EPAA allowed discretion when considering a proposal's compliance with Council's controls. An FSR of 2.7:1 was considered acceptable due to the following factors:

- The FSR was considered acceptable as the increased density would not result in any adverse amenity impacts and there are appropriate supporting services (eg: close to public transport and major roads);
- The "uplift" given to private dwellings within the overall redevelopment of Riverwood North would enable Housing NSW to redevelop their own housing and provide opportunity for increased diversity in housing stock;
- The increased density allowance is consistent with the need to develop 7100 more dwellings in the Canterbury LGA as required by the Draft Subregional Strategy for South Subregion; and
- A greater density is appropriate given the site's location near rail and road infrastructure, its contribution to urban renewal and would promote greater social and housing mixtures by the use of one, two and three bedroom units.

Similarly, the proposed height was deemed appropriate as it represents a reasonable building envelope to accommodate the approved FSR and necessary density intensification required of this renewal project.

In addition to considering FSR and building height, other issues require consideration as part of SEPP 2005. These issues include layout, amenity, solar access, noise, landscaping, traffic and carparking.

#### Layout

The site is located on Kentucky Road being a major road and traffic thoroughfare within Riverwood. While the area being renewed is typical of older style social housing estates (no-through roads and crescents) this development will address Kentucky Road and poses no problems typically associated with no-through roads such as anti-social behaviour, difficulty in on street parking and turning circles.

#### Amenity

The proposed building is subject to the design and amenity controls in SEPP 65 – Design Quality for Residential Flat Buildings. A Design Statement accompanies this application which confirms that this proposed development will meet the design requirements found in SEPP 65.

#### Solar Access

The proposal consists of a large "L" shaped building (addressing Kentucky Road) and a smaller "T" shaped building (addressing Vermont Crescent). This is a suitable layout that will allow for solar access to units within the development. However, it is noted that some units, largely those that address Kentucky Rd will receive less sunlight than those facing north, however most units within the development will receive suitable solar access.

#### Noise

While this site does not adjoin a busy road, as defined by Clause 102 of SEPP (Infrastructure) 2007, an acoustic report has been provided as part of this DA due to its proximity to the M5 Motorway and Belmore Road. An assessment of this report found it to be reasonable and no objection is raised to the proposal regarding noise and acoustic impacts.

#### Landscaping

The proposal includes a large central landscaped space for site users as well as private open space/balconies for individual units. There is an appropriate landscaped design response for this development.

#### Traffic

Traffic generation associated with this proposed development will have no adverse impacts on the level of service along Belmore Road. Council did request that the applicant consider installing traffic signals along Belmore Road. However, the Roads and Maritime Service (RMS) advised that this intersection does not meet their guidelines for installing traffic signals. Council's Traffic and Transport Team Leader has raised no objection to this DA and traffic lights will not be pursued as part of this DA though is likely to be an issue for Council in the longer term

#### Carparking

Adequate off street parking and bicycle storage facilities are provided for residents and visitors.

The redevelopment of Riverwood North has been deemed a major project under SEPP 2005. The concept approval issued for this redevelopment by the PAC under Part 3A of the EPAA is not required to have consideration to Council's local planning controls. This, in conjunction with the development goals for the Canterbury LGA found in the Draft Subregional Strategy for South Subregion, has been used to justify the substantial departures from the local planning controls.

The PAC approval can override local planning controls. However, it is understood that the PAC approval has a long term goal of renewing Riverwood North and this objective is supported.

- **SEPP (BASIX) 2004**  
BASIX Certificate No.41443M dated 26 April 2012 accompanies this application. The commitments include providing water saving devices such as low water using taps, showerhead, plants use of rainwater tank as well as suitable energy uses such as gas cooktops and electric ovens, kitchen, bathroom, laundry and lift and basement ventilation devices. A condition of consent will apply that the development be fitted out to meet these nominated BASIX commitments.
- **SEPP (Infrastructure) 2007**  
The basement carpark accommodates more than 200 vehicles the application is required to be referred to the RMS under Clause 104 and Schedule 3 of SEPP 2007 as the development is identified as being traffic generating development. The RMS reviewed the application and did not raise any objection.
- **SEPP 55 – Remediation of Land**

A Remediation Action Plan (RAP) was prepared prior the lodgment of this DA. The RAP found evidence of contamination and required that Riverwood North be remediated prior to construction being carried out. The remediation, which does not form part of this DA, commenced in February 2012. A condition of consent will apply to the site be remediated to residential standard before the issue of an Construction Certificate.

- **SEPP 65 - Design Quality of Residential Flat Buildings.**

The applicant has provided design verification as required by Part 4 in SEPP 65 that the proposed development is consistent with the design principles found in SEPP 65.

Here is a summary of the design verification:

Design Principle	Comments	Complies
Context	The proposal is set amongst other substantial RFB's. The proposal contains open landscaping to enhance the adjoining Salt Pan Creek Reserve and the wider renewal project.	Yes
Scale	The proposal is in transition between existing open space and smaller RFB's with the larger RFB's in the centre of the renewal project area. A suitable design response provides articulation without repetition.	Yes
Built Form	Each RFB is adequately separated from the others and from the surrounding proposed RFB's. RFB's have a suitable depth for light to enter dwellings. Building setbacks reinforce the built form along the two street frontages.	No, see comments
Landscape	The landscaping provides for private areas and communal open space. Landscaping defines private and communal open space. Communal open space and Building B balconies depart from standards.	Yes  No
Amenity	The proposal has a good mix of 1, 2 & 3 bedroom units. 67% of units have cross ventilation. Adaptable units and accessible parking is provided for 20 units. Internal storage provided for most units with remainder in basement.	Yes
Safety & Security	Clear vehicular and pedestrian access provided. Passive surveillance provided by balconies overlooking communal open space. Access control is provided by swipe card and intercom access into and around buildings.	Yes
Social Dimension	A broad range of 1, 2 & 3 bedroom units and 10% adaptation units.	Yes
Aesthetics	Each RFB has various external colours and finishes relating to its ground, mid-height or upper-height nature. Colour highlights and forms and used to "break up" massing. Balconies are used to reduce "block" appearance and provide building articulation.	Yes



As outlined above the proposal is consistent with the design quality requirements of SEPP 65 and the Residential Flat Design Code (RFDC). However, some departures are sought and are discussed below.

#### Building Depth

The RFDC requires that the building depths be no more than 18m and any that are greater demonstrate that the units will receive adequate light.

Both buildings are wider than 18m. Building A is 20.5m wide and Building B is 18.7m wide. The greater building depth is caused by the central access core for these buildings and their generous access corridor. Units within both buildings receive adequate solar access (70%) and cross ventilation (67%). The RFDC requires that 70% of units receive solar access and that 60% be cross ventilated. Further, the RFDC requires that 25% kitchens receive natural ventilation which is achieved. The proposal meets these requirements and is considered to provide for the reasonable amenity for site residents.

#### Landscaping and Open Space

SEPP 65 has a Rule of Thumb that between 25% and 30% of the site be available for open space. Based on a future site area of 6151sqm, the proposed area of open space at 2750sqm (including 1120sqm of deep soil planting) is 44% and provides a suitable quantity of open space of future residents.

All ground floor units, except unit AG 14, have suitably dimensioned and proportioned open space. This unit is a one-bedroom unit located on the ground floor. This “one off” departure is unlikely to detrimentally impact the amenity of any future occupant.

The proposal is generally consistent with the design requirements found in the RFDC. While some departures are sought these are generally minor in nature and do not pose any unreasonable amenity impacts on future residents.

- **Sydney REP 2 – Georges River Catchment**

SREP 2 (now a deemed SEPP) requires consideration be given to the following potential impacts of this DA onto the George River catchment:

#### Acid Sulfate Soils

Riverwood North has a Class 5 level of acid sulfate soil. This is a low classification which does not represent an impact on the proposed development or the catchment.

#### Flooding and Urban Stormwater Runoff

The proposed development, and the larger Riverwood North area, is not subject to any recognised local flooding. An adequate stormwater disposal system is proposed as part of the DA.

#### Land Degradation

Conditions of consent will apply that during the works period adequate soil and sediment erosion controls are in place to minimise any runoff or local degradation.

#### Urban Development Areas

The proposed DA, and the renewal of Riverwood North, is consistent with the State Government's Metropolitan Plan for Sydney and the specific goal is increasing residential housing stock in the Canterbury LGA by 7100 dwellings.

This DA does not represent any significant impact on the Georges River catchment and can be supported in light of SREP 2.

- **DCP 13 - Multiple Unit Development**

As previously outlined this DA is the subject of a PAC concept approval issued under Part 3A of the EPAA. As such, the local planning controls, unless specifically stated as being applicable in the PAC approval are effectively overridden. However, it is worth considering how the proposal would meet the local planning controls, as outlined the following table.

Standard	Requirement	Proposal	Complies
Site Width	20m	76.19m	Yes
Density	90sqm x 1 bedroom 110sqm x 2 bedroom 150sqm x 3 bedroom Site Area = 21 020sqm	Site Area = 6151sqm	No
Open Space	50sqm x 1 bedroom 55sqm x 2 bedroom 70sqm x 3 bedroom Open Space = 10625sqm	Open Space = 2750sqm	Yes
Balconies	5sqm min 2m min dimension Located off living room	8sqm min 4m min dimension Located off living room	Yes Yes Yes
Front Setback (southern boundary)	8.5m Courtyard occupy <50% of site width	1m-1.5m Courtyard occupy <50% of site width	No Yes
Side and Rear Setbacks	East and West – 7.6m  North – 8.4m	East – 1.2m West – 7.2m North - nil	No No No
Height	Max 9m	Max 24.8m	No
Landscape	Landscape plan Children playground	Landscape plan No playground	Yes No
Privacy	Balconies be 12m apart Balconies not overlook	Balconies >12m Minimal overlooking	Yes Yes
Bldg Design	Varied unit layout Sunlight orientated	Varied unit size and layout Orientated to capture sunlight	Yes Yes
Noise	Isolate noisy areas	Separation of uses (including waste room) is adequate	Yes
Clothes drying	Provide clothes dryers or clothes lines	Clothes driers provide to each unit	Yes
Letter boxes	Letter boxes meet Australia Post standards	Letter boxes to meeting Australia Post requirements	Yes
TV Antenna	A master antenna be provide to each building	A master antenna will be provided to each building	Yes
Storage	5 cubic metres per unit	SEPP 65 provisions apply	No

As shown in the above table, the proposed development represents a substantial departure for the controls in DCP 13. However, as this DA is the direct result of a

PAC concept approval which effectively overrides the local planning controls no objection can be raised to the proposed due to these non-compliances. The PAC concept approval has effectively provided the planning for, and approval of, a new neighbourhood. Despite technically being applicable the current DCP controls are not designed to control and guide this scale and significance of development.

Despite the non-compliances with the building envelope controls in DCP 13, it recommended that conditions of consent apply that certain amenity issues raised in DCP 13 be addressed, including that the letter box banks be fitted out to meet Australia Post design standards and that each building be restricted to one master TV antenna. In this regard this condition will act to prevent supplementary antennas, including other telecommunication infrastructure from being erected on the roof of either building.

It is also noted that DCP 13 requires that a 5 cubic metre storage facility be provided for each unit. SEPP 65 has a similar requirement based on the size of each unit (ie: the larger the unit the more storage it gets). Due to the overriding nature of SEPP 65 to DCP 13, the storage facilities for each unit will adopt the SEPP 65 approach of providing storage facilities within each unit. Some units will have storage facilities located in the basement parking areas.

- **DCP 20 – Car Parking**

Condition 5 of the PAC concept approval requires that off street parking be provided at the rate of one space per 5 public housing units and private parking be provided as required by DCP 20. This DA does not propose any public housing as such the DA must be assessed against the requirements found in DCP 20 as shown in the table below.

Standard	Required	Proposed	Complies
Total	1 bed x 1spaces = 41 2 bed x 1.2 spaces = 160 3 bed x 2 spaces = 36 TOTAL = 237 spaces	245 (incl. 21 access spaces)	Yes
Visitor	1 space per 5 dwellings = 38 spaces	38 spaces	Yes
Carwash bay	1 spaces	1 space	Yes
Bicycle	57 spaces	64 spaces	Yes

#### Resident Parking

The proposal provides adequate off street parking for the proposed 192 residential units and is acceptable. It is noted that this application does not propose strata title subdivision of this development and that each space has not been allocated to any particular unit. A condition of consent will apply that each unit be allocated at least one parking space, with the three bedroom units each receiving two spaces.

#### Visitor Parking

Based on the provision of one visitor parking space for each five dwellings, the proposed 192 unit development would require 38 visitor parking spaces. Thirty eight visitor parking spaces have been indicated in Basement 01. A condition of consent will apply that visitor and resident parking spaces be separately signposted.

### Bicycle Racks

Adequate bike racks are provided for residents and visitors in the two upper basement parking levels.

- **DCP 29 – Crime Prevention Through Environmental Design**

The proposal complies with the crime prevention requirements of DCP 29 as follows:

Control	Requirement	Proposal	Complies
Site & Building layout	Position habitable rooms at front windows.	Ground floor units address the relevant street frontage	Yes
	Each building address the street.	The two buildings address Vermont Crescent and Kentucky Rd with vehicular access off Vermont Crescent	Yes
Property identification	Building entry and units be clearly numbered and identified	Each building has clear pedestrian and vehicular entry points. Unit numbers are to be clearly marked	Yes
Security	Provide security entry point by swipe cards and intercoms	Formal security is provided by swipe access card and basement access controls.	Yes
Landscaping	Landscaping should provide amenity and provide barriers to unauthorised access.	Landscaping provides for clear communal space and entry points. Smaller trees and shrubs reduce concealment points.	Yes
Material	Use high quality finishes and landscaping to deter graffiti.	Appropriate landscaping and high quality finishes reduce “blank canvas” graffiti opportunities and enhance the amenity and “ownership” of the site.	Yes

Beyond compliance with the controls of DCP 29, the proposal has been reviewed by Council’s Crime Prevention Officer who raised no objection to the proposal provided that appropriate finishes and landscaping is used to minimise unauthorised access and graffiti opportunities.

- **DCP 37 – Energy Smart Homes Code**

Due to the substantial height of development, the southern adjoining property at 1-3 Arizona Place (being opposite the subject site) will be overshadowed on the Winter Solstice. DCP 37 requires that two hours solar access is achieved to effected properties. The shadow cast by the proposal will depart the building by 12noon and the existing dwellings at 1-3 Arizona Place will receive adequate solar access. In this regard the proposal is consistent with the solar access provisions in DCP 37.

- **DCP 45 – Landscape**

An assessment of the landscape plans has been carried out. As mentioned above the proposed tree planting is not considered to result in a significant tree canopy due to the restricted “deep soil” areas proposed. However, the quality of landscaping provided is considered to provide amenity to site users. A condition of consent will apply that a detailed landscape plan be provided as part of the Construction Certificate in order to detail planting layouts and treatments.

- **DCP 48 – Waste Management**

The proposal seeks a departure from our standard requirements of DCP 48. In this regard the proposal seeks to install compactors in the Waste Management Room to reduce the reliance on bin storage. No objection is raised to this as the applicant has provided amended plans which adequately show the provision of bins for day-to-day use by residents and for storage by building management awaiting weekly collection. Conditions will apply as to how the bins are to be stored and collected.

- **DCP 51 – Access and Mobility**

DCP 51 does not specifically apply to this application as the development is not a publicly accessible building. However this plan does promote the requirements of the Disability (Access to Premises – Buildings) Standard 2010 or Premises Standard be incorporated into design plans at the DA stage.

The application proposes to accommodate twenty adaptable units in the development (with associated accessible carparking).

Condition No. 1.1 will apply that the development be fitted out to comply with the Premises Standard. Condition No. 64 will apply requiring that the lifts be large enough to accommodate an ambulance stretcher (in case of a medical emergency). Condition No. 61 will apply requiring that the twenty adaptation units be rotated (on every second floor) to be right or left handed adapted.

- **Stormwater Management Manual – Specification 9**

An adequate plan of stormwater disposal has been lodged with this application. It has been assessed and found to satisfactorily dispose of urban runoff and stormwater from this development. Conditions of consent will apply in this regard.

- **Section 94 Contributions Plan 2005**

As part of the Director General’s Environmental Assessment, it was noted that the applicant was to engage with Council to finalise a Voluntary Planning Agreement (VPA) prior to the lodgment of a DA or that DA be subject to Council’s Section 94 Contributions Plan.

As a result of the Environmental Assessment the PAC concept approval was issued subject to Condition 11 which required:

**“The Proponent shall demonstrate that prior to lodgment of any future application for Phase 02 and beyond that a Planning Agreement between the Proponent and Council has been agreed to and that requirements for that stage have been incorporated into the proposed works and the delivery or payment of funds would be completed with the relevant stage. Alternatively, if a Planning Agreement has not been entered into, Council’s Section 94 Contributions Plan will apply.”**

At the time of lodging this DA, a VPA had not been formally entered into between Council and the applicant, however negotiations between Council and the applicant have commenced to enter into a VPA.

While Council cannot recommend refusal of the DA in light of a VPA not being entered into (we support this DA and renewal project generally), the absence of a VPA does not prevent us from recommending approval. While Section 93I(3) of the Environmental Planning and Assessment Act 1979 allows Council to impose conditions requiring a VPA, the absence of any details of the VPA (required as a probity matter for separation of VPA and DA assessment) as well as the public notification requirements surrounding these types of agreements under Clause 25D (1)(a)(i) of the Environmental Planning and Assessment Regulation 2000, prevents such a condition from being imposed here.

It is recommended that the JRPP hold their approval of this DA in abeyance pending the agreement of the VPA between the applicant and Council.

- **DCP 32 – Notification Policy**

The development application was placed on notification from 11 May to 12 June 2012 in accordance with the provisions of this policy. The DA was also advertised in the local newspapers during this time. The DA was notified with advice that it is subject to a Voluntary Planning Agreement and will be referred to the Joint Regional Planning Panel. No submissions were received.

3. ***Likely Impacts on the Environment***

- ***Sediment and Erosion Control***

The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

The development will involve excavation of part of the site to accommodate the development. Any excavated material not utilised elsewhere on the property, will require proper disposal and transport in accordance with the *Waste Avoidance and Recovery Act*, and the *Protection of the Environment Operations Act*. Condition No. 1.1 will apply in this regard.

- ***Health, Safety & Amenity during Construction Phase***

During the construction of the development, the health and amenity of workers, the public and adjoining properties alike needs consideration under Section 79C of the EPAA. Accordingly, all works associated with the development will be restricted to daytime hours to ensure the works will not be a nuisance to adjoining occupiers and property owners, Condition No. 9 will apply in this regard.

4. ***The public interest***

This proposal as the renewal of Riverwood North is in the public interest, despite the departure from the local planning controls. This renewal represents a step towards the residential density increases identified by the State Government for the Canterbury LGA. Further, the mix of public and private housing is considered to benefit the local community by introducing a greater mix of dwelling types (eg:

one, two and three bedroom units) as well and a greater mix of households (eg: singles, couples, families). This DA also accommodates twenty adaptable units to meet access requirements for any occupant with a disability.

**5. *Suitability of site for the development***

The existing nature of Riverwood North is an older style public housing estate in need of renewal. The existing estate already consists of medium density housing (generally three storey multiple unit development) as well as two x eight storey multiple unit developments opposite the subject site. The area is also well serviced by major roads and railway. Additional amenities such as schools and shops are also within walking distance or a short drive away. The site is suitable for renewal. However, as outlined above when discussing DCP 13, the proposal (and Riverwood North generally) exceeds the densities ordinarily required for multiple unit developments under Councils controls.

**6. *Applicant Commitments for Riverwood North***

When considering the renewal of Riverwood North it is worth also being aware of the commitments required of the applicant by the PAC concept approval. These include, the provision of high quality and efficient pedestrian and cycle links to existing routes, the provision of fibre internet connection to each dwelling, the provision of information packs to each dwelling outlining public transport details such as walking, cycling and public transport options and undertake community capacity-building activities such as hosting community events, establishing a social committee, undertaking social research and infrastructure framework and/or promoting other community based activities. While these details do not form part of this DA (as they are requirement directed to the applicant from the PAC and do not reflect the development of the site) the applicant has established a site office for existing (and prospective) residents to obtain information about this renewal.

**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.

This application, for two multiple unit buildings, seeks consent to carry out works conceptually approved by the Planning Assessment Commission on the advice of the Department of Planning and Infrastructure.

The concept approval issued by the Commission relates to the renewal of Riverwood North. The subject application seeks consent to carry out only part of the renewal project. Separate applications will be made to Council for the remaining portions.

The application is generally consistent with the controls required by the Planning Assessment Commissions concept approval. The proposal provides for a high level of user amenity and built form. Despite the FSR departure from the applicable control the DA, subject to the finalisation of the Voluntary Planning Agreement, is considered acceptable and worthy of being approved.

**RECOMMENDATION**

THAT the Joint Regional Planning Panel resolves that it will approve this Development Application, subject to the following conditions, and subject to the Voluntary Planning Agreement referred to in the report coming into effect. On notification to the Panel by

the planning assessment officer that the Voluntary Planning Agreement is agreed, the Panel will communicate by electronic means to determine the application.

#### 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
- Protection from termites
- Fire Safety Schedule (including details of the Clause 4.1 in NCC/BCA Capability Report prepared by Vic Lilli and Partners dated 6 March 2012, Reference No. J110573)
- Fire separation between uses and spaces
- Hydraulic Plan
- Sydney Water Notice of Requirements
- Soil and Waste Management Plan
- BASIX Certification
- Noise & Vibration Separation Between Units (Bathrooms to Habitable Rooms)
- Compliance with Part D2.4 of BCA (Separation of Fire Stair Ascending & Descending Risers)
- Amended Landscape Plan
- Ventilation of basement in accordance with AS1668.2
- Compliance with the Disability (Access to Premises – Buildings) Standard 2010.
- Prior the issue of a Construction Certificate the site be remediated to residential standards. Confirmation of this, being confirmed by a Remediation Action Plan statement being consistent with the Environmental Site Assessment, prepared by JBS Environmental, dated January 201, reference: JBS 41131-16110.
- Confirmation that, as a result of the extensive excavation, the level of acid sulfate in the soil remains at a safe level of residential use and that appropriate action be taken to remedy any change in acid sulfate levels as a result of this work.

1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$6,150.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$172,460.20
Long Service Levy Commission	\$19.80

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

1.4. If you appoint Council as your Principal Certifying Authority fees will be payable to Council for the Construction Certificate, Inspections and Occupation Certificate.

#### BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;



- 2.1. Detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
- 2.2. You must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. You must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. A hoarding or fence be erected between the building and any public place to prevent unauthorized access.
- 2.5. As your work involves residential development, you must inform us in writing before the commencement of work of the following:
  - 2.5.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
  - 2.5.2. The name and permit number of the owner-builder who intends to do the work.

#### 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 set out in the table below except where amended by the conditions specified in this Notice:

Plan Number	Dated	Prepared by	Rec'd by Council
DA-100-002 - 003Rev A	11/4/2012	Turner and Associates	30 April 2012
A-DA-110-B01 Rev C	28/8/2012	Turner and Associates	30 August 2012
110-B02/1	undated	Turner and Associates	18 July 2012
110-B03/1	undated	Turner and Associates	18 July 2012
DA-110-000 – 009 Rev A	11/4/2012	Turner and Associates	30 April 2012
DA-210-001 – 002 Rev A	11/4/2012	Turner and Associates	30 April 2012
DA-310-001 Rev A	11/4/2012	Turner and Associates	30 April 2012
DA-320-001 Rev A	11/4/2012	Turner and Associates	30 April 2012
DA-810-001 Rev A	11/4/2012	Turner and Associates	30 April 2012
RW2 HY DA 11294 001 – 017 Rev P2	8/2/2012	Floth Consultants	30 April 2012
LA-DA-001 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-002 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-100 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-102 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-201 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-202 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-301 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-302 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-401 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-402 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-411 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-421 Rev B	19/4/2012	Turf	30 April 2012
LA-DA-501 Rev B	19/4/2012	Turf	30 April 2012

5. Visitor and resident parking spaces be separately signposted.
6. Each of the letter box banks at the building entrances must be fitted out to meet Australia Post design standards.
7. That each building be restricted to one master television satellite dish or antenna. Additional, separate and/or individual satellite/television dishes/antennas are not permitted without the prior Council consent or unless compliant with “exempt development” provisions listed in an Environmental Planning Instrument.
8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
10. 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.
11. All building construction work must comply with the National Construction Code.
12. All bathroom and ensuite windows must be made of translucent glass.
13. Provide a Surveyor’s Certificate to the Principal Certifying Authority prior to the pouring of concrete at all the floor slab levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and the hydraulic/stormwater plans.
14. 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.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. Drains, gutters, roadways and accessways 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.
17. 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.
18. Materials must not be deposited on Council’s roadways as a result of vehicles leaving the building site.
19. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
20. An application being made to Council’s City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner’s cost.
21. Toilet facilities shall be provided to the work site in accordance with WorkCover’s NSW “CODE OF PRACTICE” for Amenities for construction work and any relevant requirements of the BCA.
22. This condition applies should the applicant not execute a Planning Agreement with the City of Canterbury as detailed in Condition 11 in Schedule 4 of the Planning Assessment Commission’s Concept Approval of 15 July 2011. The following contributions have been calculated on the development in accordance

with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with the City of Canterbury'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 monetary contribution of \$1,651, 470.99 shall be paid to the City of Canterbury before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$795,779.51	711
• Recreation Facilities	\$133,551.40	712
• Community Services	\$423,454.15	713
• Environmental Amenity Improvements	\$164,923.16	714
• Traffic Control and Management	\$28,093.02	715
• Monitoring, research and administration	\$105,669.75	717

The rates applying to each contribution element are subject to quarterly indexing using the Consumer Price Index. If the contribution is not paid within the current quarterly period that the Consent Notice is issued, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan. An alternative sum may be negotiated with the City of Canterbury pursuant to Clause 7.3 of the Section 94 Contributions Plan 2005. Council's Section 94 Contributions Plan 2005 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website [www.canterbury.nsw.gov.au](http://www.canterbury.nsw.gov.au). A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

23. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
24. In order to protect the local amenity and stability of adjoining sites and buildings (including the northern adjoining community garden and retaining walls) that excavation of this site be carried out in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000 and the Geotechnical Investigation prepared by Jeffery and Katauskas Pty Ltd, dated 8 November 2010 (Report Ref: 24375VTrpt).
25. 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 BASIX Certificate No. 414431M, dated 26 April 2012 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."

26. 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.

#### WASTE MANAGEMENT

27. Access to the waste bins for servicing will be required from 5.00am on collection day. This access should be unimpeded and not require the use of keys, access codes, access swipes and the like. For details of waste management and collection please contact Waste Services on 9789 9300.
28. Payment of an additional garbage levy for each new dwelling upon issue of the Interim Occupation Certificate.
29. The Construction Certificate plans must show the Waste Management Room as being fitted out in accordance with the stamped approved plan A-DA-110-B01 Revision C, dated 28 August 2012, as prepared by Turner and Associates. Each group of bins must be separated and signposted in order to facilitate day-to-day management and weekly collection. Inadequate separation and signposting of the bin groups may restrict access to bins for site users and further prevent collection of bins by waste collection contractors.

#### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

30. The storage units located in the parking areas be fully enclosed and be "non-see through". This assist in deterring potential offenders from breaking in as they are unable to see what contents (ie: reward) are inside each storage unit.
31. The external finishes of the development be treated with an anti-graffiti finish/surface to deter graffiti offenders targeting the building and its perimeter. The establishment of landscaping adjoin external walls may assist in this.
32. Access to the development (this would include lifts and stairwells) should be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via an intercom system.
33. That to improve luv levels and light reflection that the internal walls of the basement carpark be painted white, or a light colour. Details to be indicated on the Construction Certificate plans.

#### ENGINEERING

34. 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".
35. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with clause 3.3.2 of Councils stormwater management manual ~ specification 9. Sump depth is to be a minimum of 300mm deep.
36. 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".
37. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
38. 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 (of Lot 5 Kentucky Road).
39. 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.

40. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of six metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
41. 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 (including street sings) being carried out at the applicant's cost. No cost shall be borne by either Council, the Roads and Maritime Service or any other public authority.
42. 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, carparks, 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.
43. 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 Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
44. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

#### LANDSCAPE

45. A detailed landscape plan is to be submitted for approval as part of the Construction Certificate application. The detailed plan is to be prepared in accordance with Development Control Plan 45 – Landscape, the stamped approved development consent plans and relevant Australian Standards. The landscape plan is to include details of:
  - a) Site Analysis Information including:
    - 1) property boundaries and dimensions
    - 2) north point and scale
    - 3) differences in ground levels between the site and adjoining land
    - 4) street frontage features, light poles, street trees, kerbs, footpaths, crossing, street furniture, bus shelters and shops
  - b) Elements of the Natural Environment including:
    - 1) all existing trees to be retained or removed, species name and common name, height and canopy spread
  - c) Site Layout including:
    - 1) details of special treatments,
    - 2) location of utility areas and screening details
    - 3) location and details of lighting and other outdoor fixtures
    - 4) location, material and height of all fencing, including details of front boundary fencing,

- 5) location of stormwater pipes and pits, including on-site detention
  - d) Built Structures including:
    - 1) proposed buildings and other structures,
    - 2) roadways, driveways, carparks, podiums, footpaths crossings and loading bays (including materials and finished levels),
  - e) Plant Selection including:
    - 1) Planting layout showing location of species and size at maturity, including street trees, trees on site, shrubs, ground covers, grasses, turf, etc
    - 2) Planting schedule with botanical and common names, container size, quantities, mature height and staking requirements
  - f) Construction Details including:
    - 1) Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls)
    - 2) Detailing and location of edge treatments (e.g. Concrete, brick, timber).
  - g) Maintenance Schedule including:
    - 1) replacement strategy for failures in plant materials and built works,
    - 2) maintenance schedule for watering, weeding and fertilizing during the establishment period
  - h) Urban Elements
    - 1) Detailed information on the urban elements to be provided as part of this development, such as street furniture, lighting, signage and paving, are to be provided on the detailed landscape plan.
46. The landscape plan mentioned in the above condition must be easily translated into the overall landscaping plans/treatment for the street trees and public land landscaping for the renewal of Riverwood North generally.
47. A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the detailed landscape plan approved as part of the Construction Certificate. The 12 month period begins from the date of issue of the Subdivision Certificate for the strata subdivision of this development.
48. Any proposed landscaping, street tree planting, fencing or signage shall be designed so as not to impede sight lines for pedestrians, cyclists and motorists in and around the site.

#### TRAFFIC AND TRANSPORT

49. The vehicular access way into the site from Vermont Crescent, as well as the layout of the carparking areas, driveways, grades, turn paths, sight distances requirements, aisle widths, aisle lengths and parking bay dimensions must be designed and constructed in accordance with the relevant Australian Standards including AS2890.1 – 2004 and 2890.2002 for service areas. Details must be shown on the Construction Certificate plans.
50. The swept path of the longest vehicle entering and existing the site, as well as manoeuvrability through the site, shall be in accordance with Austroads. A swept path plan shall be lodged with the Construction Certificate for approval prior to its release.
51. Prior to the issue of a Construction Certificate a Traffic Management Plan is required to include the route taken by construction vehicles to access the development. The traffic management plan must identify the impacts of construction works within the road reserve, in particular with respect to

temporary interruptions to vehicular and pedestrian traffic. The Traffic Management Plan must also show construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control. Particular attention is to be given to how vehicles will access this site from Belmore Road North into Washington Ave.

52. Prior to the construction a detailed dilapidation survey of road pavement, kerb and gutters, footpaths, kerb ramps, signs, stormwater structures next to the construction site and this should include public road routes taken by construction vehicles. This can exclude assets that have been earmarked for reconstruction.
53. On completion of construction works a detailed review of the post construction dilapidation survey is required to assess the impact of construction works. The report should detail any damage and rectification works.
54. Due to the narrow width of Vermont Crescent “No Stopping” signs must be erected on both sides of this road in order to facilitate easy vehicular access into and out of this site. These signs must be installed prior to the issue of any Occupation Certificate.

#### SYDNEY WATER REQUIREMENTS

55. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

#### ACCESS AND MOBILITY

56. A continuous accessible path of travel is to be provided from the street alignment to the building entries, and from the underground car park, to and within each of the Adaptable Units, and to and within all common areas of the buildings, including landscaped areas. It shall not contain a step or other impediment, and shall have an unobstructed width of at least 1000mm, and vertical clearance of 2000mm.
57. Vegetation should not encroach upon and/or overhang (by less than 2m above the path) an accessible path of travel. Details showing this (by way of planting selection must be shown on the amended landscape plan required by this consent.
58. Stepping stones are not acceptable as part of an accessible path of travel. Details of the accessible path of travel material must be detailed on the amended landscape plans required by this consent. Stepping stone may be used for alternative paths of travel which not used by disabled residents and visitors.
59. The plans show that the entry doorway to adaptable units provides a clear width of 900mm and that the internal doorways provide a clear width of 820mm. The Disability (Access to Premises - Buildings) Standards 2010 require all doorways to provide a minimum clear width of 850mm, when the door is fully open.
60. Adaptable Apartment drawing, A-DA-810-001, Revision A, does not show floor levels. The balcony level will need to be the same as the internal floor level of the unit in the post-adaptation stage, with the tracks of the sliding doors to be recessed level with the Unit floor, to avoid a trip. Alternatively a ramp, in accordance with Clause 10.5 in AS1428.1 (2009), must be provided.
61. The Construction Certificate plans must include post-adaptation plans for left-to-right transferable dwellings as well as right-to-left transferable dwellings.

62. Wet areas in the bathroom, kitchen and balcony are to have surfaces that are non-slip, in the wet and dry condition.
63. Tactile Ground Surface Indicators are required at the top and base of each set of steps and each ramp, for the full width of the steps or ramp
64. For the benefit of people with a vision impairment, 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.

#### SUBDIVISION

65. This consent does not permit the strata subdivision of this development, or any boundary adjustment to reflect the proposed Lot 5 Kentucky Road. Any subdivision (including strata subdivision) of this development must be the subject of a separate application and Subdivision Certificate.
66. As part of the strata subdivision each unit must be allocated at least one parking space. Any three bedroom unit must be allocated at least two parking spaces for that unit.
67. The granting of any 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 applicant.
68. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.

#### CRITICAL INSPECTIONS

69. The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
  - 69.1. at the commencement of the building work, and
  - 69.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
  - 69.3. prior to covering any stormwater drainage connections, and
  - 69.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
70. 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

71. 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 On Site Detention 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 1 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.
72. Prior the issue of any Occupation Certificate of this development public improvements are required to be carried out. These include the all redundant



vehicular crossings being replaced with kerb and the footpath reserve being made good. As well as the reconstruction of the kerb and gutter and footpaths along all areas of the site fronting Washington Avenue and Kentucky Road and any new streets constructed to service this or any adjoining developments. Separate consent from our City Works division may be required for these public improvements. All such works must be carried out by Council or an approved contractor at your cost and in accordance with “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.

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

#### WE ALSO ADVISE

74. This application has been assessed in accordance with the National Construction Code (Building Code of Australia).
75. Your attention is drawn to the NCC/BCA Capability Report prepared by Vic Lilli and Partners dated 6 March 2012, Reference No. J110573 regarding NCC/BCA compliance. Specifically that the Construction Certificate address the recommendation that an Alternative Solution be found to address the extended travel distances in Clause 5.1 of this report and Fire Safety measures in Clause 4.1.
76. The fitout of the building meet the recommendations made in the Access Review prepared by Morris-Goding Accessibility Consulting, dated 21 February 2012.
77. The Disability (Access to Premises – Buildings) Standards require a fully accessible lift (AS1735.12). If the lift travels more than 12 metres it is to have minimum floor dimensions of 1400mm X 1600mm. However, as this is a residential development, with some Accessible Units on the upper floors, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100 mm X 550 mm, should be provided for the benefit of every resident who may have to be evacuated in a horizontal position, which includes any non-disabled person in a medical emergency.
78. That the layout and selection of trees to be established around the site (and Riverwood North generally), as well a balustrade types is be carried out with regard the comments made in the Pedestrian Wind Environment Statement prepared by Windtech Consultants dated 24 April 2012, Report Ref. No. WA985-11F03 (rev 1) – WS Report.
79. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
80. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
  - Structural engineering work
  - Air handling systems
  - Protection from termites
  - Smoke alarms
  - BASIX completion
81. Any works to be carried out by Council at the applicant’s cost need to be applied for in advance.
82. 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.
83. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
84. Compliance with the National Construction Code (Building Code of Australia) 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.
85. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
86. 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(7) of the Environmental Planning and Assessment Act 1979.

If you should require any further information, please do not hesitate to contact Andrew Hargreaves in City Planning on 9789 9515.

<b>Assessing Officer Name</b>	Andrew Hargreaves
<b>Position</b>	Development Assessment Operations Officer
<b>Date of Report</b>	19 September 2012