

<b>JRPP Ref. No.</b>	2012SYE058
<b>D/A No.</b>	DA-164/2011
<b>Property</b>	1A, 1, 2, 3 Charles Street and 12 Robert Street, Canterbury (Lot A, B, C DP 318049 and 1 and 2 DP 580058)
<b>Proposal</b>	Construction of a mixed retail/residential development containing 115 dwellings, two commercial/retail tenancies and a two level basement car park
<b>Zoning</b>	General Business 3(a) under Canterbury Local Environmental Plan No. 138: Canterbury Precinct
<b>Applicant</b>	Omada Property Group Pty Ltd
<b>Owner</b>	Mr Christos Konstantinou and Mrs Christina Konstantinou, Bluetrail Holdings and Mr Mathew H Pak
<b>Report By</b>	Hassan Morad – Development Assessment Officer

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## EXECUTIVE SUMMARY

- Council has received a development application for the construction of a mixed commercial and residential development containing 115 dwellings, two commercial/retail tenancies and associated basement car park. The development is to be in the form of three buildings. Building A is eight storeys in height and orientated toward Charles Street and the proposed “Market Lane”. Building B is six storeys in height and orientated toward Charles Street and Robert Street and Building C is three storeys in height and is orientated toward Cooks River, Robert Street and the proposed “Market Lane”.
- The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the *Environmental Planning and Assessment Act 1979*, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- The subject site is zoned General Business 3(a) under Canterbury Local Environmental Plan No. 138: Canterbury Precinct (CLEP 138). The proposed development is defined as ‘multiple unit housing and office premises/shops’ under Clause 5 of the CLEP138, which is a permissible use in the General Business 3(a) zone subject to consent.
- The development application has been assessed against the relevant State and Local Instruments and Planning Policies. The proposed development does not comply with the site dedication requirements relating to the ‘Market Lane’, building separation, building configuration, building articulation requirements, use and configuration of ground floor apartments and solar access requirements of

Development Control Plan 55 – Canterbury Town Centre and Riverfront Precinct (DCP 55). The proposal is also inconsistent with the requirements of State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65).

- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Council's Development Control Plan No. 32 – Notification Policy. The application was notified between 25 May 2012 and 20 June 2012. One submission was received in objection to the proposed development. The submission raised concerns with the non-compliance regarding the dedication of the 'Market Lane', setbacks and the design requirements of SEPP 65.
- The applicant was advised in writing regarding the issues pertaining to the proposal and we also recommended that the application be withdrawn given that the issues raised would require a significant redesign of the development. In response, the applicant has submitted amended plans and documentation. The amendments were received on 18 September 2012 and due to time constraints have not been re-notified to adjoining land owners.
- The development application is recommended for refusal.

## **SITE DETAILS**

The subject site consists of five lots identified as Lot A DP 318049, Lot B DP 318049 and Lot C DP 318049 known as 1, 2 and 3 Charles Street, Canterbury respectively. Lot 1 DP 580058 and Lot 2 DP 580058 are known as 1A Charles Street and 12 Robert Street, Canterbury respectively (refer to Figure 1). The site is also known as 1A, 1, 2 and 3 Charles Street which is located on the western side of Charles Street and 12 Robert Street is located on the southern side of Robert Street.

The five allotments have a combined site area of 3529.7 square metres and a frontage of 60.99 metres to Charles Street and 58.31 metres to Robert Street. The subject site contains three brick and fibro dwellings and two industrial warehouses.

The site adjoins the Cooks River to the south-west. To the south-east is an adjoining 1 and 2 storey brick building which has frontage to Canterbury Road and Charles Street. To the north-west of the site is an existing industrial building which is separated from the site by Robert Street.

Surrounding development in the immediate vicinity of the site is predominantly industrial. However, this precinct has been re-zoned under Canterbury Local Environmental Plan No.138 – Canterbury Precinct (Amendment 9) to residential and commercial zonings. A Development Application is currently under assessment by Council for the site directly to the north-west at 4 Charles Street, Canterbury. The Joint Regional Planning Panel recently approved DA-592/2011 for the construction of a residential flat building containing 254 dwellings with three levels of basement car parking at 15-15A and 18 Charles Street, Canterbury.



in the form of a landscaped courtyard at ground level and a rooftop terrace at the north-western corner of Building C.

A total of 115 dwellings are to be provided, consisting of one studio dwelling, 44 one bedroom dwellings, 69 two bedroom dwellings and 1 three bedroom dwelling. Three of these residential dwellings at the ground level have been designed for dual residential/commercial use to facilitate a potential change of use in the future. The two ground floor commercial/retail tenancies will be accessible via the Charles Street frontage.

## **INTERNAL REFERRALS**

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

- **Fire Safety and Building Related Comments**

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

## **EXTERNAL REFERRALS**

The development application was referred to Sydney Water, the NSW Office of Water and the Roads and Maritime Services. The Office of Water has provided their General Terms of Approval (GTA) regarding the proposed development and Sydney Water has raised no objection to the proposed development subject to the consideration of their comments.

The Roads and Maritime Services has raised concerns with the subject development in regards to the traffic generation and recommended that no further development proceed beyond the 20% development threshold. This is until such time that the traffic signals and associated civil works at the intersection of Canterbury Road, Charles Street and Close Street are constructed and operational.

## **STATUTORY CONSIDERATIONS**

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

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- Water Management Act 2000
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy 2004 – BASIX
- Canterbury Local Environmental Plan No. 138 – Canterbury Precinct
- Draft Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan No. 20 – Car Parking
- Canterbury Development Control Plan No. 28 – Flood Management
- Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design
- Canterbury Development Control Plan No. 37 – Energy Smart Homes
- Canterbury Development Control Plan No. 45 – Landscaping
- Canterbury Development Control Plan No. 48 – Waste Management
- Canterbury Development Control Plan No. 55 – Canterbury Town Centre and Riverfront Precinct
- Stormwater Management Manual – Specification 9 ‘A Guide to Stormwater Drainage Design’
- Canterbury Town Centre Development Contributions Plan.

## **ASSESSMENT**

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

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

An environmental site assessment has been carried out by Environmental Investigation Services, identifying that the subject site as having a history of being used for commercial/industrial at the south and south west sections of the site. The three residential dwellings along Charles Street have remained primarily of a residential nature. The report concludes that the site can be made suitable for the proposed development provided that the following recommendations are implemented:

- An intrusive/Stage 2 investigation should be undertaken to assess the soil and groundwater contamination conditions; and
- Prior to demolition of the buildings a Hazardous Building Material Assessment (HAZMAT) is undertaken; and
- A Waste classification assessment of the soils in accordance with NSW DECC Waste Classification Guidelines – Part 1: Classifying Waste (2009) be undertaken for offsite disposal purposes.

Having regard to the above, Council is satisfied that the land by way of appropriate conditions, can be made suitable for the proposed mixed use development to satisfy the requirements of the SEPP.

- **Water Management Act 2000**

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

On 17 September 2012, we received concurrence from the Office of Water, subject to the development being carried out in accordance with General Terms of Approval (GTA), which includes obtaining a controlled activity approval.

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

The proposed development falls within the definition of a residential flat building under SEPP 65. The policy aims to improve the design quality of residential flat buildings in NSW by addressing the following design principles:

Context

The mixed use development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential development is consistent with the type of development envisaged for the Canterbury Town Centre and Riverfront precinct.

Scale

Although the proposed development complies with the maximum building height, it is inconsistent with the building envelope requirements of DCP 55. This non-compliance along with insufficient building separation between the subject site and the adjoining south-eastern site will result in increased overshadowing, privacy and amenity impacts for the adjoining site which has the potential to be developed in a similar manner to the subject development. Further, given the scale of the development, the proposal in its current form does not make provision for the dedication of a portion along the eastern side of the site for the creation of the Market Lane as required by Canterbury Town Centre and Riverfront Development Control Plan (DCP 55) and the Public Domain Strategy. This non-compliance will jeopardise the future creation of the Market Lane which is envisaged to provide a new link between the railway station and the riverfront. This is not considered to be acceptable as it will be a significant impediment in achieving Council's vision for the Canterbury Town Centre and Riverfront Precinct.

Built Form

The proposal fails to achieve the built form in terms of building alignment and proportion. The proposed facade presents to Charles Street as a continuous line that has minimal setbacks from the front boundary. The design does not provide for a continuous step-back from the street façade to the middle of the building and further to the top section of the building as required under Clause 4.3 of DCP 55.

The ground floor apartments on the western elevation (i.e. Robert Street side) and northern elevation (i.e. Charles Street side) do not provide separate entries to activate the street edge and reinforce a rhythm along the street in accordance with DCP 55. The adjoining proposal at 4 Charles Street has made provision for this which will have a positive contribution to the streetscape and building façade design.

The proposal does not provide the required commercial space at street level along the Market Lane and the Cooks River frontage. This will impose limitations on the success of the commercial streetscape and is inconsistent with the private domain controls of DCP 55. The proposed built form does not allow for the future creation of the Market Lane which is inconsistent with the objectives of creating a viable and lively market lane to support pedestrian amenity and commercial activity. Further this will result in a development that will not connect with the Town Centre, transit node and the Riverwalk.

The proposal does not achieve the built form objectives as it will not contribute positively to the streetscape or provide a high amenity for residents and the public.

#### Density

Although the proposal complies with the floor space ratio control and building heights set out under DCP 55, the building configuration fails to provide the appropriate use of a commercial/business section of the ground floor of the development. This does not meet the objective of providing a flexible built form that is able to meet current and future requirements.

#### Resource, Energy and Water Efficiency

The applicant has submitted a BASIX Certificate for the proposal. However, an amended BASIX Certificate to reflect the amendments received by Council on 18 September 2012 has not been submitted to Council.

#### Landscape

A landscape plan has been provided for landscaping for the communal open space areas and around the perimeter of the site, which has been reviewed by our Landscape Architect. The proposal has been assessed against the provisions of Development Control Plan 45 – Landscape (DCP 45) and Canterbury Town Centre's Public Domain Strategy (PDS). Additional details need to be provided which demonstrate compliance with DCP 45 and the PDS.

#### Amenity

The proposal achieves a satisfactory residential amenity with regard to the provision of reasonable room sizes and dimensions, along with access to natural light and ventilation for future occupants of the development. The close proximity of the development to the adjoining property to the south-east due to non-compliance with the building separation requirements compromises the level of amenity for future occupants of the adjoining site.

In regards to the provision of adequate open space, the proposal does not provide future residents with a reasonable level of active recreational space. The addition of a rooftop terrace for communal use assists in increasing the level of

amenity for residents, however the access and size of the rooftop terrace is unlikely to be sufficient to cater for the whole development. The proposed communal area at ground level is not deemed usable for its intended purpose. The location and design of the communal open space area results in this area being used as a main walkway for residents to their respective buildings as well as being in shadow for the majority of the day.

#### Safety and Security

Lobbies will only be accessible via security coded keying. Vehicular entry to the car parking levels will be secured with roller shutter garage doors and an intercom system for the purposes of safety and security.

However, concern is raised with the location of the lift for the building on the western side of the site (Building B) as it does not provide clear sight lines between one circulation space to the next.

#### Social Dimensions and Housing Affordability

The proposed mixed use development seeks to provide a total of 115 dwellings, comprising 1 studio unit, 44 x 1 bedroom units, 69 x 2 bedroom units and 1 x 3 bedroom units, including 12 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 in terms of building envelope and building lines is inconsistent with the objectives of DCP 55.

The applicant has submitted a statement from the project architect, Architects<sup>+</sup> Partners, which attempts to detail the development's compliance with the design principles of the SEPP. A review of the statement together with an assessment of the proposal has resulted in Council taking the position that this proposal, in its current form will not contribute positively to the Canterbury Town Centre and Riverfront Precinct. In particular the scale, density and built form of the development are inappropriate which will have a negative long term impact on the Town Centre and Riverfront Precinct.

Furthermore, the proposal is not consistent with all the design principles of Residential Flat Design Code prepared by the Department of Planning and hence the proposal cannot be supported.

- **State Environmental Planning Policy 2004 – BASIX (SEPP BASIX)**  
A BASIX Certificate accompanies this application. The BASIX Certificate does not reflect the development as amended. As such the proposal fails to satisfy the provisions of SEPP BASIX.
- **Canterbury Local Environmental Plan No. 138: Canterbury Precinct**  
The subject site is zoned General Business 3(a) under Canterbury Local Environmental Plan 138: Canterbury Precinct (CLEP 138). An extract of the zoning plan is provided below.



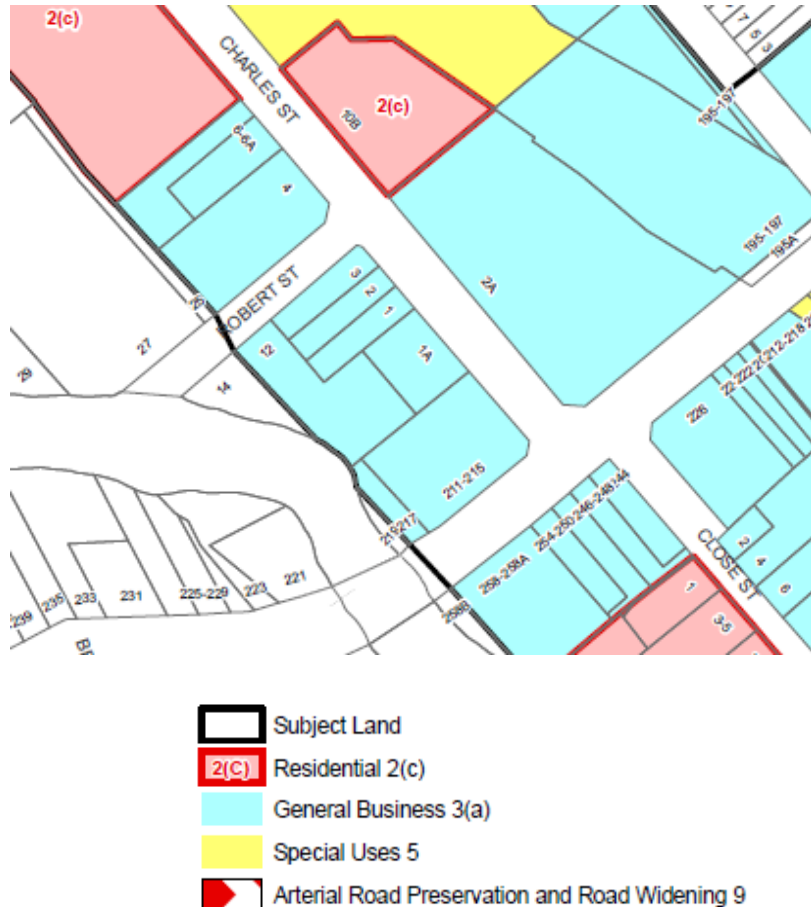


Figure 2. Extract of Zoning Plan from CLEP 138

In accordance with Clause 5 of CLEP 138, the proposed development is defined as 'multiple unit housing and office premises/shops'.

Multiple unit housing is defined as:

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

Office premises is defined as:

"a building or place used for the purpose of administration, or for a clerical, technical or professional purpose or the like, but does not include development elsewhere defined in this clause"

Shop is defined as:

"a building or place used for the purpose of selling goods or materials, whether by retail or auction, or of hiring or displaying for the purpose of selling or hiring of goods or materials"

'Multiple unit housing and office premises/shops' are permissible uses in a General Business 3(a) zone under the provisions of CLEP 138 with consent.

The objective of this zone is to "achieve a hierarchy of shopping centres containing a range of retail, office and related uses, which contribute to employment and economic growth of the area."

The proposed development does not satisfactorily meet this objective given the small proportion of commercial/retail space that has been allocated on the ground floor of the development. DCP 55 requires the entire length of the Market Lane and Riverfront frontage to be allocated for commercial/retail purposes. The two retail shops proposed will not be sufficient to encourage and sustain a variety of commercial and retail uses on the site. This will impact on the economic growth and employment opportunities that will be made available in the Canterbury Town Centre. Whilst it is recognised that whilst the precinct is in transition, there are challenges in promoting the commercial/retail use of this site, the design limits the realization of this vision in the long term.

#### Clause 32 – Height of Buildings

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

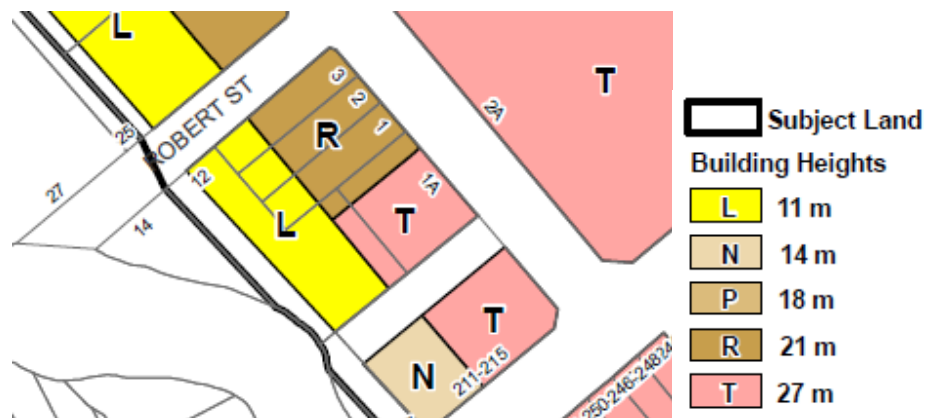


Figure 3. Extract of Height Maps from CLEP 138

The proposal conforms with the height requirements of CLEP 138.

#### Clause 33 – Floor Space Ratios

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

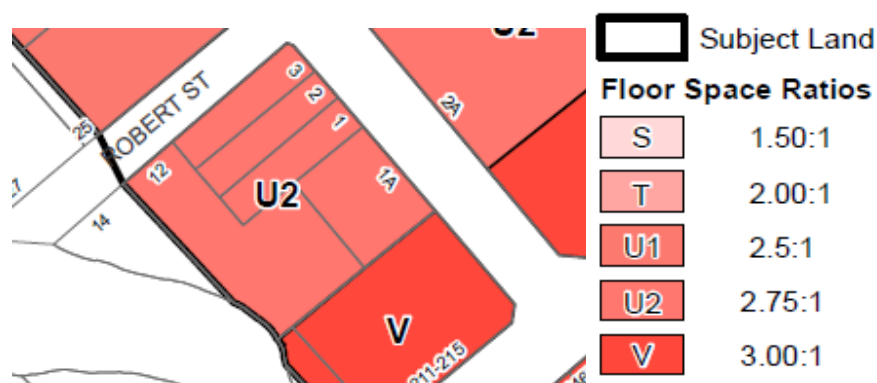


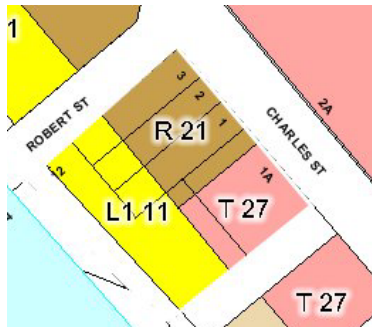
Figure 4. Extract of Floor Space ratio Maps from CLEP 138

As identified on the Floor Space ratio Map, the site known as 1A, 1, 2, 3 Charles Street and 12 Robert Street has a floor space ratio of 2.75:1. The proposal complies with the maximum floor space ratio prescribed for the site.

- Draft Canterbury Local Environmental Plan 2012**

On 26 July 2012, Draft Canterbury Local Environmental Plan 2012 was adopted by Council and is an instrument for consideration under Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*. The broad controls applicable to this application are as follows:

Standard	Requirement	Proposal	Complies
Zoning	B2 – Local Centre	Multiple Unit Housing with Office/Shops are	Yes

		permissible in this zone	
Height		Varies across site, generally as per height maps	Yes
FSR	1A, 1, 2, 3 Charles St and 12 Robert Street = 2.75:1	2.75:1	Yes

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

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

Table 3(a) of DCP 20 states that parking be provided at the following rates:

Standard	Requirement	Proposal	Complies
Multiple Unit Development	1 space per studio dwelling (1)	1 space	Yes
	1 space per 1 bed dwelling (44 proposed) = 44 spaces	44 spaces	Yes
	1.2 space per 2 bed dwelling (69 proposed) = 83	83 spaces	Yes
	2 space per 3 bed dwelling (1 proposed) = 2	2 spaces	Yes
	Total = 130	130 spaces	
Visitor Parking	1 space per 5 dwellings = 23 spaces	23 spaces	Yes
Car Wash Bay	1 space	1 space	Yes
Bicycle Spaces	<u>Commercial</u> 1 bicycle space per 300sqm = 1 space	1 space	Yes
	<u>Residential</u> 1 bicycle space per 5 units for residents = 23 spaces	23 spaces	Yes
	1 bicycle space per 10 units for		

	visitors = 12	12 spaces	Yes
Commercial	1 space per 40sqm = 3 spaces	4 spaces	Yes
Service/Delivery Bay	Loading Dock	Loading dock for small rigid vehicles can be provided off Robert Street	No – see comment below

The proposed development complies with all the numerical controls of DCP 20. The applicant has proposed to provide 4 car spaces for the commercial/retail component of the development. This is a surplus of one car space for the commercial/retail component. However, the proposal in its current form does not provide a service/delivery bay. Given the need to provide an on-site delivery bay, the surplus car space allocated for the commercial tenancies can be reallocated as a delivery bay. The dimensions of the service bay can be modified to comply with AS 2890.2 for small rigid vehicles. This arrangement is considered suitable as it will not displace any required car parking for residents or commercial uses on the site.

- Canterbury Development Control Plan No. 28 – Flood Management**  
 The proposal has been assessed against our DCP 28 as the site is flood affected. The development has been designed to ensure that all habitable rooms are more than 0.5m above the standard flood level. Our City Works section has reviewed the proposal and advised that the proposed floor levels and access levels to the basement level comply with the freeboard requirements and the 100year Flood Level of RL.4.9m AHD.  
 The subject development can be supported on flood management grounds, as the proposal is consistent with the provisions of DCP 28
- Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design (CPTED)**  
 The proposed development has also been assessed against the relevant provisions of Council's Development Control Plan No. 29 – Crime Prevention Through Environmental Design (DCP 29), which aims to promote design as a genuine crime prevention strategy through three main principles, namely natural surveillance, access control and ownership.

Standard	Requirement	Proposed	Complies
Site & Building Layout	Address the street, or both streets and corners	The building and dwellings are orientated toward all areas of public domain, including Charles Street, Robert Street, the proposed 'Market Lane' and the Cooks River Walk which achieves natural surveillance.	Yes
	Habitable rooms with windows at front of dwellings	Dwellings have been orientated to ensure windows front to all areas of public domain, including Charles Street, Robert Street, the proposed 'Market Lane' and the Cooks River Walk.	Yes

Standard	Requirement	Proposed	Complies
Access Control	Access to the individual units be clearly marked and apparent to visitors	Each individual entry is to be clearly numbered with the dwellings accessible through that entry. Condition of consent to be recommended, should the application be approved.	Yes
	Install intercom, code or card locks or similar to main entries to buildings, including car parks	Intercoms and controlled access measures to be installed at building entry points, including basement car park. This can be addressed by way of condition should the application be approved.	Yes
	Main entry door to be self closing	The main entry doors to each building are to be self closing.	Yes
Ownership	Dwellings and communal areas to provide sense of ownership	Sense of ownership achieved through the use of design features, including landscaping, building materials and site layout.	Yes
Natural surveillance	Avoid blind corners in pathways, stairwells, hallways and car parks.	The building layout generally avoids blind corners with the exception of the access/entry points and the lift location for Building B.	Yes – see comment below
Minimise concealment points	That concealment points be eliminated.	The proposal eliminates concealment points by controlling access to the site.	Yes

It is considered that the above measures would significantly improve access control and surveillance of the site. The proposed development generally satisfies the CPTED requirements of DCP 29 with the exception of providing clear sight lines for the residents and visitors to Building B. The path of travel from the front entry of the development to the lift for the building does not provide clear sight lines between one circulation space to the next. In response to our request to address this matter, the applicant has provided “a sketch which identifies the entry to the building by an awning, providing a clear sight line of sight and visibility for both residents and visitors”. The awning will assist in the visibility of Building B, however, this does not address our initial concerns which show that the lift remains concealed from view at the entry of Building B.

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

Solar Access Requirement	Proposed	Complies
2 hours solar access to 50% or 35m <sup>2</sup> (Whichever is the lesser) of adjoining ground floor private open space between 9.00am and 3.00pm on June 21.	The adjoining site to the south-east currently comprises an industrial building and does not provide residential accommodation.	Yes
One living room window (of the adjoining property) is to receive 2 hours sunlight between 9am and 3pm on June 21.	The adjoining site to the south-east currently comprises an industrial building and does not provide residential accommodation.	Yes

As demonstrated in the table above, the proposal complies with the solar access requirements of DCP 37 in relation to the shadow impact on the adjoining property.

- **Canterbury Development Control Plan No. 45 – Landscaping**  
The proposed development has been assessed against the provisions of Canterbury Development Control Plan No. 45 – Landscaping and the Canterbury Town Centre Public Domain Strategy (PDS). Although the PDS is yet to be adopted by Council, DCP 55 requires that this is to be considered during the assessment of such proposals. Council's Landscape Architect has raised a number of issues that would need to be addressed prior to supporting the landscape proposal for the development.
- **Canterbury Development Control Plan No. 48 – Waste Management**  
The proposed development has been assessed against the provisions of Canterbury Development Control Plan No. 48 – Waste Management (DCP 48). The DCP requires consideration of the design and location of waste management facilities on site.

The development application and associated documentation, including Waste Management Plan were referred to Council's Waste Service Contracts Coordinator for comment. Concerns were initially raised with the size of the bin holding room which is not sufficient to hold the required number of bins. Further, access to the bin presentation area via the driveway was also of concern. These matters were raised with the applicant.

Given the time constraints due to the delayed submission of the amended plans, comments from Council's Waste Services Contracts Coordinator have not been received at the time of finalising this report. However, amendments have been made to the bin presentation area and the accessways as required by DCP 48.

- **Canterbury Development Control Plan No. 55 – Canterbury Town Centre & Riverfront Precinct (DCP 55)**  
The purpose of this Development Control Plan is to provide clear objectives, controls and guidelines for future development within the Town Centre through;
  - Providing a clear vision and objectives for Canterbury Town Centre;
  - Identifying opportunities and constraints so as to maximise potential benefits within the Town Centre;
  - Establish principles to guide the design of the urban structure of the Town Centre; and
  - Establish objectives, controls, and guidelines that guide and manage future development within the Town Centre.

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

The condition of allowing any new development to be built to the maximum envelope is that all the requirements as set out in this DCP regarding improvements to the Public Domain through the implementation of the Public

Domain Strategy (PDS) are fulfilled. It is acknowledged that the PDS is yet to be adopted by Council, however the public domain controls set out in DCP 55 are derived from the main elements contained in the PDS.

The proposed development has been assessed in accordance with both the public domain controls and private domain controls of DCP 55 and compares with the criteria of the Code, as outlined in the table below:

Standard	Requirement	Proposed	Complies
Public Domain Controls			
<u>Access and Movement</u>			
Street Network	Locate new and enhanced streets as shown in Figure 3.1.1-A and detailed on the PDS.	The proposal does not dedicate a portion of the eastern side of the subject site for the Market Lane.	No – see comment below
Street Typologies	B. Market Lane – Provide a new link between the railway station and riverfront.	The proposal does not dedicate the required portion of the eastern side of the subject site for the Market Lane.	No – see comment below
	Provide a pedestrian environment with some sections operating as a shared zone to provide access and servicing to site.	Proposed design does not provide this link to allow a shared zone for pedestrians and vehicles that need to service and access the subject site and the adjoining site.	No – see comment below
	C. Charles Street – Charles Street to be re-profiled to create two wide travel lanes, indented parking bay with trees every 3-4 parking spaces, 3m minimum wide footpaths and build outs at corners/pedestrian crossings.	These details can be imposed at the construction certificate stage of the development.	Yes
Parking	Provide on-street parking as shown in Figure 3.1.3-D.	The proposal can adequately accommodate on-street parking as shown in Figure 3.1.3-D.	Yes
Pedestrian and Cycle System	Provide unrestricted and direct pedestrian links between activities and implement links as indicated in Figure 3.1.5-B	The proposal does not provide a pedestrian link given no dedication of the lower Market Lane has been provided.	No – see comment below



<u>Open Space</u>			
Open Space	Provide parks as shown in Figure 3.2-B and set out in PDS with pedestrian links to, the Town Centre, strengthened with direct, accessible and legible pathways.	There are no parks on the subject site as indicated in Figure 3.2-B. However, the public open space that is required is associated with the Market Lane which has not been dedicated as part of this proposal.	No –see comment below
Special Places and Spaces	The walk – provide a minimum width of 5 metres to step up from the river's edge to higher floor free plaza levels associated with the new development	The proposal does not provide the minimum width of 5 metres along the entire river frontage of the site.	No – see comment below
	Footbridge Place – New footbridge which connects the park across the river.	The treatment of the corner of Robert Street and the walk has been designed to facilitate a new footbridge connection to the park.	Yes
	Market Square – provide a multi level plaza to provide for flood free commercial development	The proposal has been designed to ensure that the commercial/residential development is above the minimum floor level, however the site dedication requirements do not comply with this control.	No – see comment below
	Lower Market Lane – To be in the form of either a pedestrian walk, a shareway or low trafficked street to provide access to on-site parking and servicing for buildings fronting Canterbury Road.	The proposal does not comply with the site dedication requirements relating to the Market Lane.	No – see comment below
<u>Urban Elements</u>			
Planting	Implement planting policy as set out in the PDS.	The proposal does not comply with the PDS in regards to landscape requirements.	No – see comment below
<u>Private Domain Controls</u>			
Orientation	Position and orientate buildings to maximise north facing walls	Buildings are positioned and orientated to maximise north facing walls.	Yes

	Provide adequate building separation within the development and to adjacent buildings	Adequate building separation is provided within the development. However, the proposal does not provide sufficient building separation to the adjoining site to the south-east.	No – see comment below
	Align buildings to the street on the east west frontages	Building aligned on east and west frontages	Yes
	Use courtyards, L Shaped configurations and increased setbacks to northern boundaries on north-south streets.	Courtyards provided on ground level to maximise solar access	Yes
	Optimise solar access to living spaces by orientating them to the north where possible	Where possible, living areas are orientated to the north.	Yes
Building Entry & Pedestrian Access	Locating entries so they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network.	Accesses are designed to relate to the pedestrian access network from Charles Street and Cooks River Walkway.	Yes
	Designing the entry as a clearly identifiable element of the building in the street.	Main entrances are clearly identifiable elements of the development	Yes
	Designing multiple entries that include main common entry plus separate private ground floor apartment entries where it is desirable to activate the street edge or reinforce a rhythm along the street.	Multiple entries provided with a main entrance being provided along Charles Street.	Yes
	Ensure equal access for all.	Ground floor apartments along Robert Street and Charles Street do not provide separate entrances	No – see comment below
		Development to comply with the Premises Standard. Ramp provided at main entrance point and circulation is maintained throughout the site.	Yes
	Provide safe and secure access that includes clear sight lines between one circulation space to the next and adequate well lit and highly visible spaces to enter the building, meet and collect mail.	All access points are safe and secure, providing adequate sight distances/visibility with the exception of the location of the lift within Building B which is concealed from view at the entry of the building.	Yes – see comment below
	Separate the entry points for pedestrians and vehicles. Within mixed-use developments it may be desirable to separate the entry points between residential and commercial/retail uses.	Main pedestrian entrance points are from Charles Street and Cooks River Walkway. Vehicular entrance to the basement is from “Robert St”. Resident parking is separated from the commercial use via a security gate.	Yes
	Integrate vehicular ramps where necessary into the overall landscape and building design to the rear or side streets where possible.	Ramp to basement is provided from “Robert Street” which is a side street.	Yes

	Design entries and associated spaces appropriately for the transporting of furniture.	A condition can be imposed to ensure that sufficient space is provided for the transporting of furniture. Loading bay to be provided on site.	Yes
	Provide and design for discretely located mailboxes that do not cause a visual blight when viewed from outside.	Mailboxes are appropriately screened from public domain areas.	Yes
	Design ground floor apartments to be accessible from the street and to have clearly articulated private open spaces associated with these apartments.	Ground floor apartments have private open spaces. Individual entrances to ground floor apartments have not been provided. Access is gained from the lobby areas of each respective building.	No – see comment below
	Provide boundary definition by construction of an open fence or hedge to the street boundary	Boundary definition provided through landscaping and courtyard elements.	Yes
	Provide quality accessible routes to public and semi public areas including entries, lobbies, communal open space, site facilities, - carparks, etc.	Accessible pedestrian routes throughout development are provided, including direct access to Cooks River Walkway.	Yes
Vehicle Access	Ensure that pedestrian safety is maintained by minimising the potential for vehicular and pedestrian conflict.	Vehicular entrance and pedestrian paths are separated where possible.	Yes
	Ensure adequate separation between vehicle entries and street intersections.	Adequate separation is provided between the vehicular entry to the basement and Charles Street.	Yes
	Optimise opportunities for active street frontages and streetscape design	Contributes to desired streetscape, as “Robert Street” presents as public space.	Yes
	Improve the appearance of car parking and service entries	Entrance to basement is not visible to Charles Street or Cooks River Walkway	Yes
Parking & Servicing	Parking entrance off “Robert Street”.	Entrance to basement off “Robert Street”.	Yes
	Limit the number of visitor parking spaces on-site, particularly in small developments where the impact on landscape and open space is significant.	All car parking provided within basement.	Yes
	Provide underground parking where possible.	Basement provided	Yes
	A basement podium should not protrude more than 1.5m above existing ground level or natural terrain except where it forms a barrier to 1:100 year flood events (in which case it may protrude to the 1:100 year flood level +0.5m).	Basement podium height is established in accordance with flood levels	Yes
	Ensure resident/visitor parking has safe and efficient lift access.	Lift access provided to all levels of basement parking	Yes

	Provide secure bicycle parking which is easily accessible from ground level, from apartments and other uses.	Bicycle parking is accessible from both the ground level and within basement	Yes
Deep Soil Zones	A minimum of 15 percent of the communal open space area of a site, with minimum dimension of 3m, is to be a deep soil zone.	21.7% of communal open space area to be deep soil zone.	Yes
	Optimise the provision of consolidated deep soil zones within Urban Residential by the design of basement and sub-basement car parking within the building footprint and the use of setbacks where possible.	Proposal optimises the deep soil zones. Basement is generally within the building footprint.	Yes
	Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties where possible.	Deep soil zone adjoins the Cooks River Walkway.	Yes
	Promote landscape health by supporting a rich variety of vegetation type and size. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	Landscaping provides variety in terms of vegetation type.  Paving is limited where possible.	Yes  Yes
Planting on Structures	Design planters to support the appropriate soil depth and plant selection	Proposed landscaping/plantings is suitable to soil depths.	Yes
Stormwater Management	Reduce the impact of stormwater volumes on existing infrastructure by providing on-site detention and retention where possible.	On-site detention provided where possible.	Yes
	Protect stormwater quality	Stormwater quality is protected.	Yes
Communal Open Space	In the case of sole residential usage, provide communal open space at a minimum of 25 percent of the site area. If this cannot be achieved, demonstrate that residential amenity is improved in the form of increased private open space.	27.9% of site area (986.52 square metres) provided as communal open space	Yes
	Facilitate the use of communal open space for the desired range of activities	Communal open space has not been designed to be functional or provide for passive recreation.	No – see comment below
Private Open Space	Provide a minimum area of 25m <sup>2</sup> private open space for each apartment at ground or podium level; the minimum dimension in any one direction is 4 metres.	Ground floor units generally achieve total area of 25m <sup>2</sup> . Minimum dimension of 4 metres not achieved	No – see comment below

	Provide private open space for each apartment capable of enhancing residential amenity, in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace.	Areas of private open space enhance the amenity of each dwelling	Yes
	Provide private open space in a form of balcony terrace or similar with a minimum of 8m <sup>2</sup> or 10m <sup>2</sup> (depends on dwelling size) with a minimum dimension of 2m.	Minimum private open space area and dimensions achieved.	Yes
Landscape Design	Improve the amenity of open space with landscape design	High amenity of landscaped open space provided, including connection with Cooks River Walkway.	Yes
	Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.	Landscaping contributes to the energy efficiency of the overall development and allows maximum solar access to private open space areas and dwellings.	Yes
	Design landscape which contributes to the site's particular and positive characteristics.	Landscaping is designed to reflect the sites location to Cooks River, including the provision of a wetland	Yes
	Contribute to water and storm water efficiency by integrating landscape design with water and stormwater management.	Landscaping includes stormwater management controls	Yes
	Provide a sufficient depth of soil above paving slabs to enable growth of mature trees.	Landscaping is appropriate to soil depths.	Yes
	Minimise maintenance by using robust landscape elements.	Landscaping designed to minimise maintenance	Yes
Fences & Walls	Respond to the identified architectural character for the street and/or the area.	Walls provide clear definition of private verse public areas. Provision has been made for articulation within the walls/fencing to achieve desired streetscape while maintaining privacy to ground level private open space areas. Proposal seeks to increase fence height to 1.8m which is higher than 1.2m requirement in Clause 4.1.11.	No – see comment below
	Clearly delineate the private and public domain without compromising safety and security	Walls provide clear definition of private verse public areas. Proposal complies with CPTED principles.	Yes
	Contribute to the amenity, beauty and useability of private and communal open spaces	Proposal contributes to the amenity and beauty of open space areas through the use of decks, terraces, furniture and lawn.	Yes

	Retain and enhance the amenity of the public domain	The amenity of the public domain is enhanced through the upgrading of Cooks River Walkway and provision of a link between Charles Street and Cooks River.	Yes
Visual Privacy	Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings	Proposal does not comply with the building envelope and building separation requirements of DCP 55.	No – see comment below
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments	Building layout maximises privacy to areas of private open space within the development.	Yes
	Use detailed site and building design elements to increase privacy without compromising access to light and air.	Privacy is achieved through building layout and orientation, as established by DCP 55.	Yes
Safety	Reinforce the development boundary to strengthen the distinction between private and communal space. This can be actual or symbolic.	Proposal clearly defines boundaries between public and private domain areas. This is achieved through level changes, materials and controlled access	Yes
	Optimise the visibility, functionality and safety of building entrances	Building entrances to be visible and functional	Yes
	Improve the opportunities for casual surveillance	Proposal encourages the use of the centrally located communal open space area, which increases casual surveillance within the development. Dwellings facing Cooks River, Robert and Charles Street have balconies orientated toward the public domain areas.	Yes
	Minimise opportunities for concealment	Proposal is designed with minimal concealment points.	Yes
Building Envelope	Control access to the development	Access to the development is to be controlled via security access system.	Yes
	Designed with frontage to Charles Street, Robert Street, Cooks River Walk and Lower Market Lane. Communal area to be provided centrally	Although the proposal addresses each street frontage, it is not consistent with the building envelope plan as per DCP 55.	No – see comment below
Building Height	Mixture of 8 storeys, 6 storeys and 3 storey component along Cooks River	3 storeys along Cooks River	Yes
		The proposal complies with the 6 and 8 storey height limits in locations identified for 6 and 8 storeys.	Yes

Building Depth	Max. 18 metres for residential Max. 24 metres for commercial	Residential dwellings have a building depth less than 18metres. Commercial tenancies have a building depth less than 24 metres	Yes
Building Separation	Up to 4 storeys = 12m min  Over 5 storeys = 18m	Zero (between Market Lane and adjoining site)  Zero (between Market Lane and adjoining site)	No – see coment below No – see comment below
Street Setback	3-5 metres around entire site	Minimum 3m setback provided	Yes
Floor Space Ratio	2.75:1	2.75:1	Yes
Building Configuration	Mixed Use: Commercial/retail uses to be in accordance with Figure 4.3.1-C.  Provide a variety of apartment types including studio, one, two, three and three plus-bedroom apartments.  Locate a mix of accessible one-, two- and three-bedroom apartments on the ground level for people with disabilities, elderly people and families with children. 10% of residential units in each building with more than 30 units should be accessible and adaptable apartments.	Proposal does not comply the land use plan in Figure 4.3.1-C.  Proposal includes a range of apartment types, including studio, one bedroom, two bedroom and three bedroom units. Accessible dwellings located on the ground floor and on the upper floors with lift access.  12 units are adaptable.	No – see comment below  Yes Yes  No
Façade Treatment	Compose facades with an appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character Design facades to reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	Façade does not provide an appropriate scale.  Facades reflect orientation of building. Proposal maximises solar aspect and access to vistas.	No – see comment below  Yes
	Express important corners by giving visual prominence to parts of the façade. Co-ordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	Important corners are prominent (corner of Robert Street and River Walk). Building service coordinated into façade.	Yes Yes

	Co-ordinate security grills/screens, ventilation louvres and carpark entry doors with the overall façade design.	Security grills/screens and carpark entry doors are designed so as to maintain the façade design. Louvres are incorporated on upper levels as a design feature.	Yes
	Integrate the design of garage entries with the building façade design, locating them on secondary streets where possible.	Basement entrance is located off "Robert Street".	Yes
Articulation	Buildings should generally have a street facade: base, middle and top.	Buildings do not comply with the required street façade. The proposal does not comply with the step-back from the street façade to the middle of the building.	No – see comment below
	The design of the street facade, including the quality and durability of its materials, should be emphasised.	Materials of a high quality and are durable	Yes
	The street facade will in all cases have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Frontage types and other ground floor treatments are dealt with subsequently. Modulation above the ground floor, however, may take the form of party walls, small bays, as well as variations in materials and colours.	Vertical emphasis has not been adequately addressed in the design.	No – see comment below
	The street facade modules should have some variation in height and not be read as a continuous line on any one street. They will vary between 2-4 storeys, step-back to the 'middle' component and again at the 'top'.	Street façade reads as a continuous line. Minimal setbacks have been provided to the upper floors (see Figure 4.3.3-A).	No – see comment below
	A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable.	The design of the building complies with this requirement.	Yes
	Above the ground floor, on public realm frontages, balconies and voids should not dominate facades. This is to be controlled by a void to solid ratio requirement in the vicinity of 50% with each facade measured independently.	A high ratio of balconies are orientated toward public realm frontages, however this achieves casual surveillance requirements. The use of a variety of patterns, materials and architectural elements modulate the façade, creating interest and reducing the visual dominance of balconies	Yes
	No blank walls to the public realm.	No blank walls to the public realm	Yes



	<p>Balconies should generally be used in moderation and shall be integrated into the overall composition of the facade. They should not be implemented in a monotonous or repetitive configuration. This pertains to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail.</p> <p>The majority of windows shall be rectangular. Square, circle and semi-circle windows are permitted but should be used in moderation.</p>	<p>Balconies are proposed to take advantage of the site location and are required to satisfy the private open space requirements of DCP 55. The design of the balconies and materials reduces the monotonous configuration. Proposal involves a mixture of glass and masonry balustrades to emphasise building elements.</p> <p>Majority of windows are to be vertically rectangular.</p>	<p>Yes</p> <p>Yes</p>
Garden Setback Frontage – Charles Street and Robert Street	The majority of the building is setback 3-5m from the front property boundary creating a garden area/terrace for ground floor residential or live/work apartments. The front boundary is suitably defined.	The development is setback 3 metres to Charles Street and Robert Street on the ground floor.	Yes
Foreground Treatment	Foreground treatments to internal landmark buildings, can be corner features, wrap around balconies, vertical elements, changes in materials / colours and the like	Foreground treatment provided to building in the south-western corner.	Yes
Roof & terraces	Relate roof design to the desired built form and or context.	Roof design is consistent with the desired built form and context of the area	Yes
	<p>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.</p> <p>Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.</p> <p>Integrate service elements into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes and signage</p> <p>Facilitate the use or future use of the roof for sustainable functions</p>	<p>Roof design and parapet relates to size and scale of the buildings</p> <p>Roof responds to orientation of the site, assists in achieving solar access requirements.</p> <p>Service elements are integrated into the roof design and are located so as not to create any impacts on adjoining properties with minimal vision from public domain areas</p> <p>Roof is capable of supporting future sustainable energy options such as solar panels</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Balconies & Private Courtyards	Larger apartments (2 bedroom or larger) should provide primary and secondary private open space. The combined area of private open space should be a minimum of 10% of the dwelling floor space.	Where possible, larger apartments provide primary and secondary private open space areas. The total area of each private open space is at a minimum 10% of unit floor area.	Yes
	Primary balconies for one-bedroom apartments are to have a minimum area of 8 m <sup>2</sup> . Primary balconies for two and three bedroom apartments are to have a minimum area of 10m <sup>2</sup> .	One bedroom = 8m <sup>2</sup> minimum Two and three bedroom = 10m <sup>2</sup> minimum	Yes Yes
	Primary balconies are to be located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space and proportioned to be functional and promote indoor/outdoor living. A dining table and two to four chairs should fit on the majority of balconies in any development. A minimum depth of 2m is required.	Primary balconies are accessible from living areas, with minimum dimension of 2 metres.	Yes
	Design and detail balconies in response to the local climate and context.	Balconies are designed to suit local climate and site orientation.	Yes
Colonnade	Setback of 3m minimum required for a public colonnade	Colonnade provide along the south-east elevation.	Yes
		Continuation of the colonnade along the riverfront frontage has not been provided.	No – see comment below
	Colonnade height is to range 3.2 - 4.2 metres.	Colonnade height between 3.2m – 4.2m.	Yes
Ground Floor Apartments	Design front gardens or terraces to contribute to the spatial and visual structure of the street while maintaining privacy for apartment occupants.	Ground floor apartments provided along Charles Street and Robert Street.	Yes
	Promote housing choice	Variation in apartment sizing provided	Yes
	Increase opportunities for solar access in ground floor units, particularly in denser areas	Solar access to ground floor apartments is maximised.	Yes
	Encourage ground floor units with direct access from semiprivate/communal courts to engender passive surveillance and communal interaction.	Access to ground floor apartments encourages passive surveillance due to communal interaction	Yes

Visual Privacy and Acoustic Separation	<p>All new developments must comply with Railcorp Guidelines - "A Guide to Working in and Around Rail Corridor" and requirements of the Rail Infrastructure Corporation and State Rail Authority "Interim Guidelines for Applicants - Consideration of Rail Noise and Vibration in the Planning Process".</p> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air.</p>	<p>Proposal does not require the concurrence of Railcorp.</p> <p>Building orientation has been established to increase privacy to individual apartments within the development.</p>	<p>n/a</p> <p>Yes</p>
Daylight Access	<p>For 3 or more storey developments, provide at least 75% of residential apartments with at least 2 hours of sunlight to living room and private open spaces between 9.00 am and 3.00 pm in mid-winter.</p> <p>Ground level open spaces to receive at least 2 hours of sunlight between 9.00 am and 3.00 pm in mid-winter.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed.</p> <p>Design for shading and glare control, particularly in summer</p>	<p>The proposal does not adequately demonstrate compliance with this control.</p> <p>The central courtyard at ground level is shown as being in shadow for the majority of the day.</p> <p>Single aspects apartments with a southerly aspect have been limited.</p> <p>Proposal allows for shading and screening from elements.</p>	<p>No – see comment below</p> <p>No – see comment below</p> <p>Yes</p> <p>Yes</p>
Natural Ventilation	<p>Plan the site to promote and guide natural breezes</p> <p>Limit residential building depth to 18 metres glass line to glass line to support natural ventilation.</p>	<p>Proposal achieves the cross ventilation requirements of SEPP 65.</p> <p>Building depth is less than 18m glass line to glass line.</p>	<p>Yes</p> <p>Yes</p>
	<p>Utilise the building layout and section to increase potential for natural ventilation</p> <p>Design the internal apartment layout to promote natural ventilation</p> <p>A minimum of 60% of residential apartments are to be naturally ventilated by utilising cross ventilation.</p> <p>A minimum of 25% of kitchens within a development are to be naturally ventilated</p>	<p>Building layout provides breezeways to allow for ventilation throughout the site. Apartments are generally open plan living areas with access to private open space areas to promote natural ventilation</p> <p>61% of apartments to be cross ventilated.</p> <p>In excess of 25% of kitchens are to be naturally ventilated due to open plan living</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout.	Sliding doors and operable windows to allow natural and cross flow ventilation.	Yes
Energy Efficiency	All heating/cooling devices used are to comply with BASIX.	BASIX Certificate does not reflect the development as amended.	No – see comment below
	Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer	Proposal includes passive solar design techniques including limiting southerly aspect units.	Yes
	Improve the control of space heating and cooling	Shading devices including screens and louvers incorporated into design.	Yes
	Provide or plan for future installation of solar collectors and photovoltaic panels.	Solar energy systems may be provided on roof tops in the future without impacting on the amenity of adjoining properties.	Yes
	Reduce reliance on artificial lighting	Proposal provides apartments with satisfactory access to natural lighting.	Yes
Maintenance	Design windows to enable cleaning from inside the building, where possible.	Windows to be accessible to occupants of each individual apartment for cleaning.	Yes
	Select manually operated systems, such as blinds, sunshades, pergolas and curtains in preference to mechanical systems.	Screening devices such as louvers and sun shades are to be manually operated by future occupants.	Yes
	Incorporate and integrate building maintenance systems into the design of the building form, roof and façade.	Building maintenance systems incorporated into the design without impacting on the façade.	Yes
	Select durable materials, which are easily cleaned and are graffiti resistant.	Proposed materials are durable and consistent with residential development.	Yes
	Select appropriate landscape elements and vegetation and provide appropriate irrigation systems	Landscaping is appropriate to site and desired character. Irrigation can be provided.	Yes
	For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.	Space for garden maintenance and storage available within basement.	Yes

As demonstrated in the table above, there are a number of non-compliances with the public and private domain controls of DCP 55. These are discussed in more detail below:

#### Access and Movement

Clause 3.1 of DCP 55 requires the creation of a new street (i.e. Market Lane) along the eastern side of the subject site. This is to be created through the

dedication of a portion of the subject site and a portion of the adjoining site to the south-east. The Market Lane is envisaged to provide a new link between the railway station and the riverfront. The section of the laneway pertaining to this site is the Lower Market Lane as shown in Figure 3-A Public Domain Strategy Plan and Figure 3.1.1-A New streets plan of DCP 55.

The site dedication required for the creation of the Market Lane is crucial to the function of the street layout pattern depicted in DCP 55. The proposal is inconsistent with the objectives set out under Clause 3.1 as accessibility and circulation cannot be achieved along this section of the Town Centre. The objective to create a viable and lively market lane to support pedestrian amenity and commercial activity cannot be achieved if the proposal in its current form is supported.

The laneway as shown in the Public Domain Strategy (PDS) is approximately 12 metres in width. Should the required 6 metres not be provided from the subject site, this will severely compromise the future creation of the laneway. The applicant's view that the laneway is not within their property boundaries and is located within the adjoining property is not supported by the PDS.

The proposal to exclude the site dedication requirements regarding the Market Lane will have a detrimental impact on the future vision of the Canterbury Town Centre and Riverfront Precinct. It will limit the commercial uses and the access opportunities that can no longer be made available in this precinct. It is recommended that this variation to DCP 55 not be supported given the negative consequences this will have on the future development and success of this precinct as a commercial and residential centre.

#### Open Space

Clause 3.2 of DCP 55 sets out in detail the public open space requirements for the precinct. Figure 3.2-B Open space types/hierarchy of the DCP shows the area dedicated as Market Lane as being pivotal in providing connections between public open spaces. As discussed above, the proposal fails to provide the required site dedication for the Market Lane. This non-compliance compounds the negative impacts the proposal will have as it will remove the pedestrian walk or possible shareway and the vehicular access to on-site parking and servicing for buildings fronting Canterbury Road.

#### Urban Elements

The proposed development has been assessed against the provisions of the Canterbury Town Centre Public Domain Strategy (PDS). Although the PDS is yet to be adopted by Council, DCP 55 requires that this is to be considered during the assessment of such proposals. The details submitted with the Development Application do not provide sufficient details to undertake a comprehensive assessment against the Public Domain Strategy. Council's Landscape Architect and City Works have reviewed the proposal and advised that additional details would need to be submitted along with amendments to the location of street planting to ensure that the landscape design is in accordance with the PDS. Also, the proposed development does not provide for public domain elements along the Cooks River foreshore and the proposed Market Lane in accordance with the Canterbury Town Centre redevelopment strategy.

### Orientation

The proposal complies with the controls stipulated under Clause 4.1.2 of DCP 55 with the exception of the building separation from the adjoining site to the south-east. The proposal requires to be setback a minimum of 12 metres up to the fourth floor and 18 metres from the fifth and eighth floors and the adjoining site to the south-east. The proposal has minimal setbacks at these levels with balconies proposed to the property boundaries on the upper floors fronting the Market Lane side of the development.

### Building Entry and Pedestrian Access

The ground floor apartments on the western elevation (i.e. Robert Street side) and northern elevation (i.e. Charles Street side) are not accessible from their respective street frontages. The applicant was advised of this non-compliance however, has not amended their design to achieve compliance. It is noted that a proposal for 4 Charles Street, Canterbury currently under consideration provides ground floor dwellings that have individual access points from Robert Street. The ground floor design along both frontages will restrict visitor orientation and accessibility to the respective dwellings.

The proposal also does not provide clear sight lines for the residents and visitors to Building B. The path of travel from the front entry of the development to the lift for the building does not provide clear sight lines between one circulation space to the next. In response to our request to address this matter, the applicant has provided "a sketch which identifies the entry to the building by an awning, providing a clear sight line of sight and visibility for both residents and visitors". The awning will assist in the visibility of Building B, however, this does not address our initial concerns which show that the lift remains concealed from view at the entry of Building B.

### Communal Open Space

In regards to the provision of adequate open space, the proposal does not provide future residents with a reasonable level of active recreational space. The addition of a rooftop terrace for communal use assists in increasing the level of amenity for residents, however the access and size of the rooftop terrace is unlikely to be sufficient to cater for the whole development. The proposed communal area at ground level is not deemed usable for its intended purpose.

The applicant has included the pathway (ramp) leading to the building entry points in their open space calculations.

The location and design of the communal open space area results in this area being used as a main walkway for residents to their respective buildings as well as being in shadow for the majority of the day. This does not meet the objectives of this clause which is to provide residents with passive and active recreational opportunities and therefore is not supported.

### Private Open Space

DCP 55 requires that all ground floor apartments have 25 square metres private open space with minimum dimension of 4 metres, measured in any direction. The proposal is seeking a variation to this requirement in that three ground floor

apartments have an area less than 25 square metres of private open space ranging.

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

The proposal does not comply with this requirement or achieve the objectives of this clause. If the ground floor communal area were of dimensions and size that would render it usable, it could be argued that the variation to these controls may be justified given direct access can be gained to the communal open space. However, in this instance the proposal is an overdevelopment of the site and hence the non-compliances that the applicant cannot address. On this basis, the variation is not supported.

#### Fences and Walls

The applicant seeks to increase the fence height from 1.2m to 1.8m for the ground floor apartments along the Robert Street and Charles Street frontages. The fencing detail provided will consist of 800mm high masonry with a 1 metre fixed timber privacy screen to provide a total fence height of 1.8metres. This arrangement is considered appropriate as it will provide residents with adequate visual privacy and security while maintaining natural surveillance to the street. The distance between each timber screen slat can be imposed as a condition to ensure that view to the street is not totally obstructed for the occupants of the dwellings.

#### Building Envelope

The proposal is not consistent with Clause 4.2 of DCP 55 regarding the building envelope requirements for the site. The building envelope sets an appropriate scale in terms of bulk and height in relation to the street layout. Figure 4.2-C in DCP 55 shows a U-shaped arrangement around a central courtyard. The proposed design shows the courtyard enclosed on all side by the buildings. This has resulted in significant overshadowing cast on the communal courtyard.

Although, the proposal complies with the building height requirements, it does not comply with the building separation requirements as set out in Figure 4.2.3-A of DCP 55. The proposal provides between a zero to 1 metre setback from the allotment boundary at the upper levels to the adjoining property to the south-east. This cannot be supported given the significant visual and acoustic privacy this will have on the future development of the adjoining property. Further the nominal setbacks proposed will have significant impacts on the level of overshadowing of the adjoining property.

The applicant was advised that the 12 metre and 18 metre building separation requirement is to be shared between both properties which would result in a setback of 6 metres and 9 metres for the four storey and five to eight storey component respectively. Further the dedication of the lane would provide the required 6 metres building separation between the two sites up to the fourth storey. The amended plans received still do not address our concerns and therefore the proposal cannot be supported given the major non-compliances with the numerical controls of DCP 55 as well as the failure to address the objectives of this clause relating to building separation.

#### Building configuration

The proposal does not meet the controls outlined under Clause 4.1.1 Land Use of DCP 55. The proposal provides insufficient commercial/retail space at the street level. The land use plan shows commercial/retail space is to be provided along the Market Lane and Riverfront frontage. This issue was raised with the applicant, however the amended proposal received shows two commercial/retail spaces at the north-eastern corner of Charles Street. This non-compliance cannot be supported as it will further diminish the opportunities to creating viable and diverse commercial/retail uses within the Town Centre. This

The small proportion of commercial/retail space that has been allocated on the ground floor of the development also does not satisfactorily meet the objectives of the General Business 3(a) zone. The two retail shops proposed will not be sufficient to encourage and sustain a variety of commercial and retail uses on the site. This will impact on the economic growth and employment opportunities that will be made available in the Canterbury Town Centre.

In regards to the façade treatment, the proposal fails to provide a defined base, middle and top relating to the overall proportion of the building. The scale of the development due to the non-compliance with the building separation requirements results in a bulky development that presents as a continuous form along the street frontage.

The buildings have not been articulated in accordance with the controls set out under Clause 4.3.3 of DCP 55. The design does not provide for a continuous step-back from the street façade to the middle of the building and further to the top section of the building. Figure 4.3.3-A requires that the middle of the development provide a minimum step-back of 4-6m and the topmost floor setback back a minimum of 6 metres. The proposal to Charles Street and Robert Street does not comply with these requirements and cannot be supported as currently proposed.

#### Colonnade

Clause 4.3.4 of DCP 55 requires the provision of a colonnade in accordance with Figure 4.3.4-A. The colonnade must be provided along the Market Lane frontage and continuing along the Riverfront frontage. The plans show a colonnade only along the Market Lane frontage with the Riverfront side being provided with residential private open space areas in the form of balconies. The intention of the colonnade treatment is to maximise the level of activity at the public/private interface. This variation cannot be supported as it seeks a piecemeal approach to achieve compliance at one side of the development and non-compliance at another side.

#### Daylight access

The shadow diagrams do not clearly demonstrate compliance with Clause 4.4.2 of DCP 55 which requires that 2 hours of sunlight is achieved to the living room and private open spaces for each apartment. Also the central courtyard at ground level is shown as being in shadow for the majority of the day.

#### Energy Efficiency



The applicant has submitted a BASIX Certificate for the proposal. However, an amended BASIX Certificate to reflect the amendments received by Council on 18 September 2012 has not been submitted. This will involve only minor changes to the original BASIX Certificate.

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

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

- **Canterbury Town Centre Development Contributions Plan**

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

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

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

The proposed development has a gross floor area of 9695 square metres, which requires a contribution of \$1,450,275.05.

## **LIKELY IMPACTS ON THE ENVIRONMENT**

In support of the proposal, the applicant has submitted the following documentation for our assessment. These are discussed under the following headings below:

- **Excavation Works**

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

Given the proximity of the excavation works to adjoining properties, it has been recommended that an additional condition be imposed if the development is approved regarding the submission of a Dilapidation report of the adjoining property to the south-east prior to the issue of the Construction Certificate.

- **Traffic and Car Parking Implications**

The development application has been accompanied by Traffic Impact Assessment prepared by Colston Budd Hunt & Kafes Pty Ltd which addressed

the traffic and parking conditions of the locality and the proposed development. The report indicates that the expected number of vehicle movements generated by the development will not cause any significant interruptions and can be adequately catered for by the existing road network.

- **Acoustic Considerations**

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

## **NOTIFICATION**

The development application was publicly exhibited and all adjoining owners and occupiers were notified of the proposed development in accordance with the provisions of Council's Development Control Plan No. 32 - Notification Policy between 25 May 2012 and 20 June 2012.

During the notification period, one submission was received from an adjoining property owner. The following issues were raised in response to the development:

- Non-compliance with the dedication of the "Market Lane", building setbacks along the Market Lane and design requirements of SEPP 65.

The proposal does not comply with Clause 3.1 of DCP 55 requiring the creation of the new street (i.e. Market Lane) along the eastern side of the subject site. This has been addressed under the public domain control section of this report. This non-compliance is a key reason for the refusal of the application.

In regards to building setbacks, the proposal does not comply with the building separation requirements along the Market Lane and with the building articulation requirements as stipulated in DCP 55. This non-compliance is also a reason for the refusal of the application as the proposal will have significant amenity impacts on the adjoining site.

## **PUBLIC INTEREST**

The proposed development does not satisfactorily comply with the relevant requirements contained within the Canterbury Local Environmental Plan 138: Canterbury Precinct, and is not consistent with Development Control Plan 55 – Canterbury Town Centre and Riverfront Precinct as discussed in earlier sections of this report. The proposed development is not considered to be the most appropriate, orderly and economic use of the land and is expected to have an unreasonable impacts on adjoining properties and the Canterbury Town Centre and Riverfront. Refusal 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. It is recommended that the application be refused.

The proposed development on the subject site is considered to be unsuitable due to a number of non-compliances with the public and private domain controls of DCP 55. This includes the site dedication requirements relating to the 'Market Lane', building separation, building configuration, building articulation requirements, use and configuration of ground floor apartments, location of the colonnade and solar access requirements of Development Control Plan 55 – Canterbury Town Centre and Riverfront Precinct (DCP 55). The proposal will have significant amenity impacts and will create an obstruction to achieving the vision of the Canterbury Town Centre vision of “creating a new mixed-use centre based on Transit Oriented Development” between the rail and Cooks River with good access to public transport and enhance the existing traditional Town Centre. The objectives of the public domain controls in DCP 55 are clear and precise in the outcomes that the Town Centre is seeking to accomplish. In addition, the private domain controls seek amongst other things to ensure that development is undertaken in an orderly manner that contributes to the desired streetscape which will form a viable and lively Town Centre and Riverfront Precinct.

The proposed design does not contribute positively to the overall vision of the Canterbury Town Centre or assist in the constructive development of the site at the private or public realm. It is acknowledged that the proposal complies with the floor space ratio and building height controls, however this must not be used as the sole determinant in the granting favourable support of the application. As outlined in the body of this report, this proposal is an overdevelopment of the site in its built form and scale and will set an undesirable precedence under DCP 55 and for the Canterbury Town Centre.

Such an outcome would have a negative impact on surrounding properties and the locality in general. The proposal is recommended for refusal.

### **RECOMMENDATION:**

THAT the Joint Regional Planning Panel refuse Development Application 164/2012 for the construction of a mixed use development containing 115 dwellings, two commercial tenancies and basement level car parking, in the following manner:

1. The proposed development, pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the provision of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 with respect to BASIX Certificate number 421496M\_02 not being amended to reflect the amended design received by Council on 18 September 2012.
2. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the specific objectives contained in the Canterbury Local Environmental Plan 138 including:
  - a. Clause 11(3): Zone No. 3(a) (General Business Zone)  
The objective of this zone is to achieve a hierarchy of shopping centres containing a range of retail, office and related uses, which contribute to employment and economic growth of the area.
3. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979,

as it does not comply with the objectives of the Canterbury Development Control Plan 55 – Canterbury Town Centre & Riverfront Precinct, including:

- a. Part 2, Clause 2.3:
  - i. Redevelop the Riverfront district into an attractive vital & vibrant mixed use environment via a rich network of publicly accessible spaces & places.
  - ii. Provide open space to serve the local community and facilitate connections to regional open space.
  - iii. Strengthen and activate the pedestrian connections between the railway station and new development.
- b. Part 2, Clause 2.4.1 The Town Centre Structure Plan:
  - i. The development is inconsistent with the structure plan illustrated in Figure 2.4.1-B-Structure Plan. The inconsistencies relate to Market lane, the street view to the Cooks River and the location of active frontages.
- c. Part 3, Clause 3.1.1 Street Network:
  - i. To improve the accessibility, circulation and access throughout the centre for pedestrians, cycles and motor vehicles with particular consideration of road connectivity, pedestrian activity, amenity and safety.
  - ii. To establish streets and lanes as shared places, providing for the needs of pedestrians, cyclists and vehicles;
  - iii. To ensure that the form of streets and lanes is expressive of their function and role in the Town Centre; and
  - iv. To provide access routes which are designed with consideration of road hierarchy, pedestrian activity/safety and high level of public amenity.
- d. Part 3, Clause 3.1.2 (B) Street Typologies:
  - i. To create a viable and lively market lane to support pedestrian amenity and commercial activity;
- e. Part 3, Clause 3.1.5 Pedestrian and Cycle System:
  - i. Improve the pedestrian network through the Town Centre to ensure direct, legible linkages for pedestrians to central areas and key locations;
  - ii. Provide safe, secure and comfortable and highly accessible pedestrian environments for all users;
- f. Part 3, Clause 3.2 Open Space:
  - i. Provide residents with enhanced passive and active recreational opportunities;
  - ii. Establish accessible parks and squares as safe and secure foci for activity within the Town Centre; and
  - iii. Promote the development of parks and squares (sometimes on privately owned land) improving the quality and usability of spaces.
- g. Part 4, Clause 4.1.9 Open Space:
  - i. To provide residents with passive and active recreational opportunities.
  - ii. To provide an area onsite that enables soft landscaping within residential development.

- iii. To ensure that communal open space is consolidated, configured and designed to be usable and attractive.
  - h. Part 4. Clause 4.1.12 Visual Privacy:
    - i. To provide reasonable levels of visual privacy during the day and at night.
    - ii. To maximise outlook and views from principal rooms and private open space without compromising visual privacy.
  - i. Part 4. Clause 4.2 Building Envelope:
    - i. To create a consistent streetscape while promoting diversity to the overall urban form.
    - ii. To accommodate feasible density in appropriate building type and scale.
  - j. Part 4. Clause 4.2.3 Building Separation:
    - i. To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.
    - ii. To provide visual and acoustic privacy for existing and new residents.
    - iii. To control overshadowing of adjacent properties and private or shared open space.
    - iv. To allow for the provision of open space and with appropriate size and proportion for recreational activities for building occupants.
  - k. Part 4. Clause 4.3.1 Building Configuration:
    - i. To provide a diversity of uses/activities to be accommodated within a flexible built form that is able to meet current and future requirements.
  - l. Part 4. Clause 4.3.2 Façade Treatment
    - i. To ensure that new developments have facades which define and enhance the public domain and desired street character.
  - m. Part 4. Clause 4.3.3 Articulation
    - i. To identify element in terms of vertical and horizontal continuity, for buildings of different type, styles and heights to 'tie together', enhancing the visual appearance and the pedestrian experience.
  - n. Part 4. Clause 4.3.4 Frontage Types
    - i. To set out the different frontage treatments necessary to maximise activity at the public/private interface for subsequent application within the various character areas.
  - o. Part 4. Clause 4.4.2 Daylight Access
    - i. To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of multi-storied development.
- 4. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Canterbury Development Control Plan 55 – Canterbury Town Centre & Riverfront Precinct ,including:
  - a. Part 3, Clause 3.1.1 Street Network:
    - i. The proposal is inconsistent with Figure 3.1.1-A-New Streets Plan.
  - b. Part 3, Clause 3.1.2 (B2) Street Typologies:
    - i. The proposed development is inconsistent with the Lower Market Lane configuration illustrated in Figure 3.1.2-E Lower Market Lane.

- c. Part 3, Clause 3.1.5 Pedestrian and Cycle System:
  - i. The proposed development is inconsistent with the pedestrian links illustrated in Figure 3.1.5-B-Main pedestrian and cycle network.
- d. Part 3, Clause 3.2 Open Space:
  - i. The proposed development is inconsistent with Clause 3.2 and Figure 3.2-B- Open space types /hierarchy as the proposal does not provide the identified public open spaces areas.
- e. Part 3, Clause 3.2 .1 Park and Squares:
  - i. The proposed development is inconsistent with Clause 3.2.1 and Figure 3.2-B- Open space types /hierarchy.
- f. Part 3, Clause 3.2 .2.1-1 The Walk:
  - i. The proposed development does not comply with the linear park requirements.
- g. Part 3, Clause 3.2 .2.1-4 Market Square:
  - i. The proposed development does not accommodate Market Square as illustrated in Figure 3.2.2 K – Market Square, on elevated riverfront plaza.
- h. Part 3, Clause 3.2 .2.2 Lower Lane:
  - i. The proposed development does not accommodate Market Square as illustrated in Figure 3.2.2 K.
- i. Part 3, Clause 3.3.1 Planting:
  - i. The proposed development does not incorporate the planting Policy as outlined in the Public Domain Strategy.
- j. Part 4, Clause 4.1.2 Orientation:
  - i. The proposed development does not provide adequate building separation to the adjoining site to the south east.
- k. Part 4, Clause 4.1.3 Building Entry and Pedestrian Access:
  - i. The proposed development does not provide separate private ground floor entries along Robert Street and Charles Street.
- l. Part 4, Clause 4.1.9 Open Space:
  - i. Communal open space is not functional in dimension and will not receive adequate solar access.
  - ii. Private open space at the ground level less than the minimum area of 25 square metres.
- m. Part 4, Clause 4.1.12 Visual Privacy:
  - i. The proposed development does not maximise visual privacy between buildings on site and adjacent buildings.
- n. Part 4, Clause 4.2 Building Envelope:
  - i. The proposed building is not sited within the envelope shown in Figure 4.2.C – Building Envelope Plan.
- o. Part 4, Clause 4.2.3 Building Separation:
  - i. The proposed building does not comply with the numerical requirements for buildings up to four storeys and five to eight storeys.
- p. Part 4, Clause 4.3.1 Building Configuration:
  - i. The proposed development is inconsistent with Figure 4.3.1-C Ground Floor Land Use Plan.
- q. Part 4, Clause 4.3.2 Façade Treatment
  - i. The proposal does not have a defining base, middle and top related to the overall proportion of the building.

- r. Part 4. Clause 4.3.2 Articulation
    - i. The proposal does not have a street façade, base, middle and top.
    - ii. The step-back from the street façade to the middle building component should be 4-6 metres.
  - s. Part 4. Clause 4.3.4 Frontage Types
    - i. The proposed colonnade is not in accordance with Figure 4.3.4-A Frontage types location.
  - o. Part 4. Clause 4.4.2 Daylight Access
    - i. The proposal does not clearly demonstrate compliance in providing to at least 75% of residential apartments with at least 2 hours of sunlight to the living room and private open spaces between 9am and 3.00pm in midwinter.
- 5. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, providing an undesirable and unacceptable impact on the streetscape and adverse impact on the surrounding built environment.
- 6. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in terms of bulk, scale, and the ground floor uses and would adversely impact upon the amenity of the locality.
- 7. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in terms of its standard of design and would adversely impact upon the existing and likely future amenity of the locality.
- 8. Having regard to the advice received from the NSW Roads & Maritime Services pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, the development application cannot be supported given that the traffic generated from subject development will exceed the 20% development threshold (yield). No further development can occur until such time that traffic signals and associated civil works at the intersection of Canterbury Road, Charles Street and Close Street is constructed and operational.
- 9. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.