

Panel Briefing Meeting Sydney East Region

JRPP Ref. No.	2012SYE114
D/A No.	DA 483/2012
Property	Lot 101 DP 787771, 810 Canterbury Road, Roselands
Proposal	Demolition & construction of a mixed use development involving 117 apartments, commercial area, basement car parking and strata subdivision
Zoning	Specialised Business 3(f) - Canterbury Local Environmental Plan 178: Belmore-Lakemba Precinct Business Development B5 - Canterbury Local Environmental Plan 2012
Applicant	Anthony Vavayis & Associates Pty Ltd
Owner	Trevi Developments Pty Ltd
Report By	Kate Mirow - Senior Development Assessment Officer

EXECUTIVE SUMMARY

- Council has received a development application for the demolition of existing structures and the construction of a five storey mixed use development comprising 613m² of commercial floor space fronting Canterbury Road and 117 apartments across three buildings, car parking at grade and basement level and strata title subdivision.
- The development application has a capital investment value in excess of \$20 million and as such it is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- By virtue of the savings provisions contained in Clause 1.8A of the Canterbury Local Environmental Plan 2012, the subject site is zoned Specialised Business 3(f) under Canterbury Local Environmental Plan 178 – Belmore/Lakemba Precinct (CLEP 178). The proposed development is defined as 'Multiple Unit Housing (with Office Premises or Specialised Business Premises or Shop)' under the provisions of CLEP 178 and is permissible in the zone with consent.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Council's Development Control Plan 32 – Notification Policy, which applied at the time of lodgement. No submissions were received.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 55 Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, Canterbury Local Environmental Plan No. 178 – Belmore-Lakemba Precinct, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012.
- The development application is recommended for approval.

BACKGROUND

The site was previously used as a car sales yard. On 9 October 2003 Council approved Development Application 275/2003 for the demolition of all existing structures at the site and the construction of five bulky goods retail outlets, twelve commercial units, 62 residential units, 148 car parking spaces and strata subdivision. This consent has since lapsed.

SITE DETAILS

The subject site is identified as Lot 101 DP 787771, and is commonly known as No. 810 Canterbury Road, Roselands. The site is located on the southern side of Canterbury Road, immediately to the west of the Canterbury Road and Chapel Street intersection (refer to Figure 1).

The site is irregular in shape and has a 73.76m frontage to Canterbury Road, a depth of 112.47m (along the sites eastern boundary), a depth of 80.37m (along the sites western boundary) and widths of 20.115m and 53.595m along the rear or southern boundary. The site has a total area of 6674m². An easement for drainage 0.915m wide transects the site and runs from the southern property boundary to the northern property boundary. The site falls approximately 4.9m towards the north eastern corner of the site.

The site is generally free of any significant vegetation and is currently occupied by a single storey building, trailers, rainwater tanks and building materials (refer to Figures 2 &3). To the immediate east of the site is a single storey commercial premises that accommodates a McDonalds restaurant, a building supply yard, a single storey brick and fibro dwelling and 2 x 2 storey red brick walk up unit developments. To the immediate west of the site is a five storey mixed use commercial & residential development. A number of single dwellings and two, three & four storey walk up multiple unit developments are located to the south of the site.



Figure 1 Aerial photograph showing the development site and surrounds



Figure 2 Existing Development



Figure 3 Existing development

PROPOSAL

Council has received a development application for the demolition of existing structures, the construction of a five storey mixed use development comprising of three buildings, a basement car park level, a hardstand car parking, loading area, a communal open space area, associated landscaping works and strata subdivision. The development will contain a total of 117 apartments and will include the following:

Building A: A five storey mixed use building comprising a 613sqm ground floor retail tenancy, waste facilities and 20 x 1 bedroom apartments (including 1 adaptable unit), 8 x 2 bedroom apartments and 4 x 3 bedroom apartments. Building A addresses Canterbury Road.

Buildings B: A five storey residential flat building comprising 23 x 1 bedroom apartments (including 3 adaptable units) and 19 x 2 bedroom apartments (including 3 adaptable units).



Building C: A five storey residential flat building comprising 25 x 1 bedroom apartments (including 4 adaptable units) and 17 x 2 bedroom apartments (including 1 adaptable unit).

All vehicular access to and from the site will be via Canterbury Road. The basement car park is accessible from a driveway that extends along the eastern side of the site. The basement car park includes 130 resident car spaces (including 12 accessible car spaces), 22 resident visitor car spaces, 24 resident bicycle spaces, 11 commercial car spaces, a car wash bay and storage facilities. Lift & stairwell facilities extend from Buildings A, B & C to the basement car parking level. The hardstand car parking area at grade will accommodate 2 accessible resident visitor car spaces, 9 commercial car spaces & a loading bay.

The proposed development also involves a drainage easement and associated structures being relocated to the southern and western side of the site so as to permit the redevelopment of the site.

STATUTORY CONSIDERATIONS

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:

- (a) Roads Act 1993
- (b) State Environmental Planning Policy (Infrastructure) 2007
- (c) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (d) State Environmental Planning Policy No. 55 – Remediation of Land
- (e) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- (f) Canterbury Local Environmental Plan No. 178 – Belmore-Lakemba Precinct
- (g) Canterbury Local Environmental Plan 2012
- (h) Canterbury Development Control Plan 2012
- (i) Canterbury Section 94 Contributions Plan
- (j) Development Control Plan 32 – Notification Policy

The provisions of Canterbury Development Control Plan 2012 (CDCP 2012) came into effect on 1 January 2013. On 27 November 2012 at the time of lodgement the following Council development control plans were applicable to the development: DCP 9 – Non Residential Buildings Adjoining Residential Zones; DCP 20 – Car Parking; DCP 26 – Specialised Business Development Code; DCP 29 – Crime Prevention Through Environmental Design; DCP 37 – Energy Smart Homes Policy; DCP 45 – Landscape; DCP 48- Waste Management; and DCP 51- Access and Mobility.

The proposed development has effectively disregarded the controls of DCP 26 and has instead relied on the building envelope provisions of CDCP 2012. Given that the development is permitted in a B5 zone under LEP 2012, and that the controls of CDCP 2012 better reflect the type of development envisaged for this site, consideration has only been given to the applicable controls of CDCP 2012.

The proposed development has been assessed against the relevant environmental planning instruments and development controls plans below.

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:

- **Roads Act 1993**

The application was referred to the Roads and Maritime Services (RMS) for concurrence under Section 138 of the Roads Act. On 16 April 2013 the RMS gave concurrence to the development subject to conditions being imposed.

- **Canterbury Local Environmental Plan 178: Belmore-Lakemba Precinct (CLEP 178)**

The subject site is zoned Specialised Business 3(f) under the provisions of CLEP 178 by virtue of the Savings Provisions contained in Clause 1.8A of the Canterbury Local Environmental Plan 2012.

The proposed development is defined as 'Multiple Unit Housing (with Office Premises or Specialised Business Premises or Shop)' under the provisions of CLEP 178. The proposed development relates to the construction of a mixed use commercial and residential development, and is permissible in the zone with consent.



Figure 4 Extract of zoning plan under Canterbury Local Environmental Plan 178:
Belmore-Lakemba Precinct

- **Canterbury Local Environmental Plan 2012**

This site is zoned Business Development B5 under Canterbury Local Environmental Plan 2012 (CLEP 2012). The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	B5 - Business Development	Residential accommodation as part of a mixed use development is permissible in the zone with consent (refer to Schedule 1(1) of CLEP 2012)	Yes
Building height	18 metres	17.9 metres	Yes

However, the savings controls listed in Clause 1.8A of LEP 2012 prevent any determinative weighting from being afforded to its provisions in respect to this application. These saving provisions relate insofar that this application was lodged in November 2012 and CLEP 2012 did not come into effect until 1 January 2013.



Figure 5 Extract of zoning plan under Canterbury Local Environmental Plan 2012

- **State Environmental Planning Policy (Infrastructure) 2007**

Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007) applies to buildings used for residential purposes *“on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration”*.

The provisions of this SEPP apply to the proposed development as it is a mixed use commercial and residential development located adjacent to Canterbury Road.

An acoustic report prepared by Acoustic Logic (Report No. 20121028.1/2111A/RO/GC, dated 21 November 2012) accompanies this application. The acoustic report includes recommendations to achieve the acoustic levels outlined in Clause 102 of SEPP 2007. Measures recommended relate to glazing of doors and windows, the treatment of the roof/ceiling, internal skin of external walls, windows, external doors in addition to the use of mechanical ventilation.

It is considered that the measures proposed are consistent with Department of Planning and Infrastructure’s guidelines relating to development near busy roads and that they will contribute to achieving reductions to the noise impacts from Canterbury Road on the development. Should the application be supported it is recommended that conditions regarding acoustic attenuation be imposed.

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The application satisfies the commitments made in BASIX Certificate 452881M_02, dated 21 February 2013. In this regard, it is considered that the proposed development satisfies the targets contained in SEPP BASIX 2004.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) 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.

Council records indicate the site has a history of being used as a car yard and for a variety of other commercial activities. A Stage 2 Environmental Site Assessment, prepared by Environmental Investigations, dated 21 June 2013 was submitted with the application. The findings of the investigations concluded that:

*"site soils present a low risk to human health, the environment or the aesthetic enjoyment of the land, and the **site is considered suitable for the proposed mixed commercial and residential apartment development**. However, it is recommended during bulk excavation of the proposed basement soils in the vicinity of... [borehole] 7 should be removed and disposed at an appropriately licenced facility. This work is to be carried out under the supervision of an appropriately qualified environmental consultant."*

In this regard, sufficient evidence has been provided to demonstrate that the site is suitable for the proposed residential flat development. Council's Environmental Health Officer has reviewed the Stage 2 Environmental Site Assessment and has recommended that conditions regarding remediation works and the disposal of soils be imposed should the application be approved.

- **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

This policy applies to residential flat buildings of three or more storeys and is required to be considered when assessing this application. SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing "good design". Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted.

In addition, SEPP 65 requires the assessment of any DA for residential flat development against ten principles contained in Clauses 9-18 and Council is required to consider the matters contained in the RFDC. An assessment of the proposal under the provisions and "Rules of Thumb" in the RFDC indicates that the proposal is consistent with the recommended design standards.

Context



The site is located on the southern side of Canterbury Road, Roselands immediately to the west of the intersection with Chapel Street. The existing context is eclectic in nature and includes a McDonalds restaurant, a site retailing sand, soil and gravel, single storey brick and fibro dwelling and two x two storey red brick walk up apartment blocks along the eastern boundary of the site; two, three and four storey brick walk up apartment blocks along the southern boundary and a five storey mixed use commercial and residential development along the western boundary. The Canterbury Local Environmental Plan 2012 permits mixed use and residential flat developments with a maximum height of 18m for the southern side of Canterbury Road between Chapel Street to the east and Legge Street to the west and along the northern side of Canterbury Road. The proposed development is consistent with the scale of development envisaged along this section of Canterbury Road, and as such is in keeping with the desired future character of the area.

Scale

The scale of the development envisaged for this site is clearly set out in the building envelope controls of Canterbury Development Control Plan 2012 (CDCP 2012). The development does not exceed the maximum height permitted for this site. However it does involve an encroachment into the rear building height plane and some variations to the building separation controls of CDCP 2012. Despite these variations, the development is consistent with the scale of development identified for the future character of this area.

Built Form

The proposal achieves the built form objectives as it contributes positively to the streetscape and generally provides good amenity for residents. All dwellings are reasonable in dimension and have balconies and/or courtyards that provide reasonably good amenity and are accessible from living areas.

Density

The development is generally consistent with the building envelope controls of CDCP 2012 and is capable of accommodating the densities proposed.

Resource, Energy and Water Efficiency

Beyond the energy and resource commitments required from the applications BASIX Certificate, the RFDC requires additional energy efficiency commitments which are mainly focussed on cross-ventilation and solar access.

The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 74.3% of the dwellings will be cross ventilated. In addition, the RFDC requires that 70% of units receive direct solar access to their living spaces. The proposal allows for 70% of the dwellings to receive solar access to their living spaces and balconies.

The RFDC suggests as a “Rule of Thumb” that no more than 10% of dwellings have a single southerly aspect. The development proposes three units (or 2.5% of dwellings) with a single facing southerly aspect. The development achieves reasonable energy efficiency to the majority of residential units and in this regard is considered acceptable.

Landscape

Landscape details have been provided for the communal open space area, for the area between each of the buildings and the areas around the perimeter of the site. The landscape plan has been reviewed by our Landscape Architect and is acceptable subject to some amendments, which can be addressed with conditions of consent.

Amenity

The proposal achieves satisfactory residential amenity by supplying reasonable room sizes and shapes. As a “rule of thumb”, buildings should not exceed 18m in depth in order to allow sunlight to penetrate the building into each unit and provide adequate cross ventilation. The development has a maximum building depth of 15.7 metres. All bedrooms and all but one of the kitchens in the development are naturally ventilated. The development provides a reasonable level of amenity for its future residents.

Safety and Security

Satisfactory provision for security is provided. The proposal has been reviewed in accordance with Council's Crime Prevention through Environmental Design controls outlined in Part 6.3 of CDCP 2012 and the proposal is consistent with these principles.

Social Dimensions and Housing Affordability

The mixed use development will add to the range of dwelling size options within the Canterbury LGA and will optimise the provision of housing to suit the social mix. The development also provides eight x 1 bedroom adaptable dwellings and four x 2 bedroom adaptable dwellings across the three buildings.

Aesthetics

The applicant has submitted a statement from the project architect, Steven Debello (Registration No. 7060), which details the proposed development's compliance with the design principles of SEPP 65. The overall aesthetic of the building is suitably designed and is consistent with the type of development envisaged for this location. The building has a suitable palette of finishes and will relate well to Canterbury Road.

The proposal is generally consistent with the provisions of SEPP 65 and the Residential Flat Design Code prepared by the Department of Planning and Infrastructure.

• **Canterbury Development Control Plan 2012**

The development compares to the provisions of Canterbury Development Control Plan 2012 (CDCP 2012) as follows:

Part 3 Business Centres:

Control	Requirement	Comment	Complies
Part 3.1.6 Height	Overall height of 18m / 5 storeys;	17.49m & 5 storeys	Yes
	Ground level minimum floor to ceiling height of 3.3m;	Ground floor = 3.7m	Yes
	Residential floors to have minimum floor to ceiling height of 2.7m;	Residential floors = 2.7m	Yes
	Basement car park to have minimum floor to ceiling height of 2.8m.	Minimum 2.6m	No - see comment
Part 3.1.7 Depth/footprint	Residential: maximum 18m depth	Residential apartments have a maximum depth	Yes

	Commercial: 10m-24m Maximum 50m for length of any wall.	of 15.6m Commercial tenancy has a varied depth of 6.2m – 15.2m. No walls exceed 50m in length.	No – see comment Yes																				
Part 3.1.8 Setback	Front setback: B5 zone: 1-4 storeys minimum 3m setback from street boundary & fifth storey an additional 5 metres (~ 8m) <i>* Part 3.1.10 - minor encroachments of underground parking, awnings, balconies and bay windows permitted.</i> Do not present as a flat facade along the setback line- provide articulation & variation. Rear setback (on boundary with residential zone): Establish a 45° height plane projected at 6m from the residential boundary Provide a minimum 6m setback to the residential zone boundary. Two storey limit on the boundary with residential zone applies (refer to Figure 3.5).	Levels 1-4 = 3m Level 5= 5.5m to stairwell; 8m to northern wall of dwellings & 5.95m to balconies Whilst the fifth floor balconies in Building A encroach on the minimum 8m front setback, this is acceptable given that the structures are non-obtrusive and have minimal impact on the streetscape. Development provides sufficient articulation & variation in materials. Building C encroaches on the rear building height plane at levels 4 & 5. 6m rear setback proposed 3 storeys proposed in Building C at 6 metres.	Yes Yes No – see comment Yes No – see comment																				
Part 3.1.9 Building Separation	Provide adequate building separation: <table border="1"> <thead> <tr> <th>Storey</th><th>Habitable room /balcony to habitable room/balcony</th><th>Habitable room /balcony to non-habitable room</th><th>Between non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 3</td><td>6</td><td>4</td><td>3</td></tr> <tr> <td>Fourth</td><td>12</td><td>9</td><td>6</td></tr> <tr> <td>Fifth to eighth</td><td>18</td><td>13</td><td>9</td></tr> <tr> <td>Ninth +</td><td>24</td><td>18</td><td>12</td></tr> </tbody> </table>	Storey	Habitable room /balcony to habitable room/balcony	Habitable room /balcony to non-habitable room	Between non-habitable rooms	Up to 3	6	4	3	Fourth	12	9	6	Fifth to eighth	18	13	9	Ninth +	24	18	12	Separation between Buildings A, B & C: Ground: Min. between courtyards = 7.4m Level 1: Min. between habitable room & balconies = 11.79m Level 2: Min. between habitable room & balconies = 11.79m Level 3: Min. between	Yes Yes Yes No – see
Storey	Habitable room /balcony to habitable room/balcony	Habitable room /balcony to non-habitable room	Between non-habitable rooms																				
Up to 3	6	4	3																				
Fourth	12	9	6																				
Fifth to eighth	18	13	9																				
Ninth +	24	18	12																				

		habitable rooms & balconies = 11.79m Level 4: Min. between habitable room & balconies = 14.79m Relationship of proposed development to adjoining development at 818 Canterbury Road: Ground – Level 2 = 7.4m – 12m Level 3= 7.4m – 12m Level 4= 15.6m (non habitable to habitable)	comment No – see comment Yes No– see comment Yes
Part 3.1.12 Car Parking	Design & integrate basement parking so as not to accentuate the scale or bulk of a building or detract from the streetscape. Restrict basement parking to the footprint of the building above to retain and optimise deep soil where possible. Do not allow basement podium to protrude more than 1m above existing ground level or natural terrain. Maintain pedestrian safety by minimising potential for vehicular and pedestrian conflict & limit the number of vehicular access points. Optimise opportunities for deep soil, active street frontages & minimise loss of street parking.	Basement parking integrated into building envelope. Basement parking extending beyond building footprint. Basement podium does not protrude more than 1m above existing ground level. Separate pedestrian and vehicular entries provided to minimise the potential for pedestrian and vehicle conflicts & sightlines are generally acceptable. Concern is raised in relation to the truck turning bay, however it is recommended that this be addressed by way of condition. The development will not affect on street parking availability on Canterbury Road. The proposed mixed use development will result in an activated	Yes No – see comment Yes Yes Yes

	Maximum 6m width for access driveways.	street frontage. The access driveway width exceeds 6m, however this is consistent with the advice received from the RMS dated 14 February 2013.	Yes
	Integrate car parking, vehicle ramps, driveways and entries, ventilation grills and screens into the overall facade & landscape design.	The car park entrance has been well integrated into the design.	Yes
	Locate parking entries on internal driveways where possible.	The entrance to the car park is accessible from the internal driveway that extends along the eastern boundary of the site.	Yes
	Locate & design to minimise noise, exhaust, headlight glare on adjoining residential land.	Location of parking areas designed to minimise impacts on neighbouring properties.	Yes
	Keep loading docks, parking areas and driveways clear of goods & do not use for storage including garbage storage so that free movement is available at all times.	Design of loading docks, parking areas and driveway is acceptable.	Yes
	Provide shared access driveways where possible.	Shared access driveway proposed.	Yes
	Separate parking for residential and non-residential users.	Resident & visitor (commercial & visitor) parking is separated at basement level.	Yes
	Provide secure access to long term parking.	Secure access provided for resident parking area.	Yes
	Ensure safe and efficient lift access from parking areas to the building. Improve appearance of car parking and service entries.	Lift access from basement proposed. Lifts A & C are restricted to resident use only and Lift B will be for residents & visitors to the development.	Yes
	Where above ground parking is required, locate to the rear of buildings where possible.	Parking is located behind the building line along the eastern side of Buildings A, B & C.	Yes

	Screen or enclose with landscaping or other structures / active uses. Avoid car parking areas and access driveways characterised by large expanse of bare concrete. Use combination of materials to delineate pedestrian thoroughfares, vehicular access and parking areas.	Parking area is adequately screened. Hardstand parking areas and driveways minimised as much as possible. Paving is proposed to minimise the visual impact of the driveway. The combination of materials used is acceptable and delineates pedestrian accessways & driveway/car parking areas.	Yes Yes Yes
Part 3.2.2 street address	Locate entries to ensure they relate to the existing street, subdivision pattern, street planning, and pedestrian access network. Provide an awning over the entry to contribute to legibility of the development & public domain. Provide accessible entries that accommodate all potential uses (i.e. transporting furniture). Habitable rooms to face towards street, private open space, communal open space, internal driveways & pedestrian ways to promote positive social interaction and community safety.	The location of the building entrances is acceptable. Awning proposed above the building entrances along the Canterbury Road elevation. Building entrances are acceptable in size. Habitable rooms provide adequate street surveillance as well as surveillance of Private Open space, Communal Open Space, pedestrian and hardstand parking areas.	Yes Yes Yes Yes
Part 3.2.3 Facade design & articulation	Avoid long spans of blank walls along street frontages. Incorporate contrasting elements into the facade & use a range of high quality materials and finishes. Express building layout or structure in facade architectural features Modulate wall alignment with a step in of at least 1m.	The proposed façade treatment and building articulation is acceptable and the development relates well to the streetscape. Materials proposed provide sufficient contrast.	Yes
Part 3.2.4 Facade details	Solid to void ratio to be in the vicinity of 50%.	The solid to void ratio is less than 50%.	No – see comment

	Avoid balconies & voids dominating publicly visible facades.	The majority of balconies in Building A address Canterbury Road.	No – see comment
Part 3.2.5 Shopfront	Windows on street frontage are transparent not mirrored to provide visibility between interior and exterior spaces to allow surveillance of street & provide interest for pedestrians.	Ground floor retail windows are transparent and provide good passive surveillance between the street and retail space.	Yes
Part 3.2.7 Frontage type	Awning is in the range of 3.2m-4.2m from natural ground level. Place awning so that it complements the height, depth and form of the desired character or existing pattern of awnings and provides protection from sun & rain.	Awning = 3m from NGL Awning design is acceptable.	No – see comment Yes
Part 3.2.8 Roof design	Pitch 10° or less. Emphasise building articulation with shape and alignment of roof. Relate roof design to scale of building & respond to site orientation. Integrate service elements into the design. Facilitate use or future use of sustainable functions. Clad roofs in materials that will not produce glare or reflectivity.	Roof pitch is acceptable. Roof design used to provide building articulation. Roof design is acceptable and responds to the orientation of the site. Roof design lends itself to being used for sustainable functions (i.e mounting solar panels) in future. Colorbond steel roof is unlikely to produce significant glare or reflectivity.	Yes Yes Yes Yes
Part 3.2.9 Services & utility areas	Integrate services & utility areas into the design. Mailboxes to be discretely located at the front of the property in accordance with Australia Post standards.	Proposed service areas are visually non-obtrusive and have been well integrated into the development. Mailbox location on the ground floor of Building A is acceptable.	Yes Yes
Part 3.3.1 Visual privacy	Locate & orient new development to maximise visual privacy between	Sufficient measures have been taken to	Yes

	buildings on and adjacent to the site and to minimise direct overlooking of rooms & private open space.	minimise privacy impacts between dwellings.	
3.3.2 Acoustic privacy	Address all requirements in the 'Development Near Rail Corridors & Busy Roads (Interim Guideline) published by the NSW Department of Planning	Acoustic report submitted & attenuation measures proposed are considered acceptable (refer to section of report titled ' <i>State Environmental Planning Policy (Infrastructure) 2007</i> ').	Yes
Part 3.3.3 Open spaces	<u>Private open space (POS)</u> Provide primary & secondary balcony POS with a combined area of at least 10% floor space of dwelling for apartments with two or more bedrooms. Minimum 8sqm POS for 1 bedroom apartment. Minimum 12sqm POS for primary balcony of an apartment with 2 or more bedrooms. POS areas to have a minimum depth of 2m (primary balconies) and to be located adjacent to main living areas. Provide privacy to principal POS area. POS areas well designed to accommodate a variety of uses.	All dwellings with two or more bedrooms have a POS area which represents at least 10% of the floor space of the dwelling. Primary and secondary balconies have been provided on the ground and first floor of Building B and the fourth and fifth floor of Building C. All 1 bedroom dwellings have a POS area of at least 8sqm 24 x 2 bedroom dwellings have a POS area of 8sqm, however the remaining 24 apartments with two or more bedrooms have a POS area of at least 12sqm. All principal POS areas have a minimum depth of 2m and are located adjacent to living areas. Privacy measures proposed will ensure dwellings POS areas are afforded a reasonable level of privacy. The design of the balconies will allow for these spaces to be used	Yes Yes No – see comment Yes Yes Yes

	Design and detail the balcony to take advantage of local climate and context. Design balustrades to allow views & casual surveillance of the street while providing for safety & visual privacy. <u>Communal open space (COS)</u> Consolidate COS into recognisable areas with reasonable area, facilities and landscape. COS may be provided on podiums, terraces & in any deep-soil setback or separation between buildings. Provide in locations that are sunny & visible from the main building lobby. Screen walls no higher than 1.2m, unless 50% transparency then maximum 1.8m. Minimum 10% site area required for COS area (Minimum 6m dimension)	for a variety of activities. Given the orientation of the site, provision has been made to maximise the number of northward facing balconies. Balustrade design is acceptable. The COS area has been consolidated and proposed to the rear of the site. The space is sufficient in size to accommodate a variety of passive and active uses. The COS area is well located and will provide users with a reasonable level of amenity. The COS area is visible from the proposed development and surrounding developments. No screen walls are proposed for this area. COS area is 669.9m² and represents 10% of the site area. The COS area has minimum dimensions in excess of 6 metres.	Yes Yes Yes Yes Yes
Part 3.3.4 Internal dwelling design	Minimum width of 3.5m for living area & principal bedroom. Minimum width of 3m for all secondary bedrooms. Lockable storage space in parking areas to be provided for each dwelling. Minimum storage requirements for dwellings: 1 bedroom = 6m³ 2 bedroom = 8m³ Three or more bedrooms = 10m³	Living areas and bedrooms comply with minimum dimensions. Lockable storage spaces of sufficient size provided for all dwellings at basement level.	Yes Yes
Part 3.3.5 Housing Choice	Includes a mix of unit sizes	Mix of units proposed (1 bed = 58.9%; 2 bed = 37.6%; 3 bed = 3.5%)	Yes

	Provides 10% residential units in each building with more than 30 units as accessible and adaptable apartments	Adaptable units = 10.3% (8 x 1 bedroom & 4 x 2 bedroom)	Yes
	Design flexible configurations that support commercial uses on the ground floor to adapt to potential changes in future.	Design configuration of ground floor dwellings supports future adaptation for commercial uses.	Yes

Comment:

Part 3.1.6 Basement car park:

The developments basement car park is inconsistent with the minimum 2.8m floor to ceiling height outlined in Part 3.1.6 of CDCP 2012. The proposed basement level has a minimum floor to ceiling height of 2.6m which is consistent with AS 2890.1:2004. In this regard, given that clearance height is sufficient to accommodate a B85 & B99 vehicle, it is recommended that the variation be favourably supported.

Part 3.1.7 Building depth/footprint:

The north eastern corner of the ground floor retail tenancy has a maximum depth of 6.2m. The extent of this non-compliance is not significant as it relates to 3.5% of the total retail floor area. Given the minor extent of this non-compliance, it is considered that it will not affect the future viability of the retail tenancy. It is therefore considered that the variation is acceptable.

Part 3.1.8 Setback (Building Envelope):

The Building C encroaches on the rear building height plane at levels 4 and 5. On 3 July 2013 the applicant submitted amended shadow diagrams demonstrating the shadow impact associated with a compliant building form, versus the shadow impact associated by the proposed development. The shadow diagrams clearly demonstrate that the difference between the shadow impact caused by a compliant building form and those associated with the proposed building form are negligible, and that compliance with the building height plane requirements will not substantially improve the level of solar access received to the clothes drying areas of the neighbouring properties to the rear of the site. Given that the proposed building form will not give rise to any additional impacts on neighbouring properties and that the built form is consistent with the setback objectives, it is considered that the proposed variation is acceptable.

Whilst the proposed development involves the first three storeys of Building C having a minimum setback of six metres, it is considered that this element of the development will present as two storeys when viewed from neighbouring properties due to the topography and extent of the excavation works proposed to the rear of the development. It is considered that the additional storey is unlikely to give rise to any additional impacts on the neighbouring residential developments to the rear of the site.

Part 3.1.9 Building Separation:

Despite the non-compliance with the building separation requirements, the applicant has demonstrated that the development can still meet the objectives of this control, as solar access is acceptable, provision has been made for adequate open space areas and privacy

and acoustic impacts between dwellings has been addressed by off-setting windows and using screening.

In relation to the developments relationship with the adjoining property at 818 Canterbury Road, it is considered that the reduced separation distance at the fourth floor is unlikely to give rise to any detrimental impacts given that sufficient measures have been made to ensure that privacy impacts are effectively mitigated.

In this regard, the variations to the building separation requirements are acceptable given that the development will still satisfy the objectives relating to building separation.

Part 3.1.12 Car Parking:

The control seeks to limit the extent of excavations so as to provide opportunities for deep soil planting. It is considered that given the size of the proposed development and the efforts made to provide reasonably substantial landscaped areas elsewhere on the site, namely in the south eastern corner of the site, it is considered that the extension of the proposed basement design beyond the building footprint is reasonable and should be supported.

Part 3.2.4 Façade details:

Whilst the development does not achieve a solid to void ratio of 50%, the façade treatment is considered to be acceptable.

The controls encourage balconies not to be oriented towards the street frontage. In this instance the majority of balconies in Building A front Canterbury Road so as to maximise the sites northerly aspect. It is considered that the balconies have been incorporated reasonably well into the design.

Part 3.2.7 Frontage type:

To ensure that there is sufficient clearance height between the footpath, building entrance and awning it is recommended that a condition be imposed requiring the awning extending along the northern elevation of Building A to have a minimum height of 3.2m above natural ground level in accordance with Part 3.2.7 of CDCP 2012.

Part 3.3.3 Open spaces:

As highlighted in the table above the proposed development involves 24 x 2 bedroom dwellings having a maximum private open space area of 8sqm, which represents 10% of the floor space of each of these dwellings. Whilst the 24 dwellings each have a shortfall of 4sqm in POS area, the remainder of the dwellings POS areas either comply or far exceed the minimum POS requirements outlined in Part 3.3.3 of CDCP 2012. It is considered that the undersized POS areas will still provide a reasonable level of amenity for its residents and as such on balance, the variation is considered to be acceptable.

Part 6.2 Climate and Resource Efficiency

Control	Requirement	Comment	Complies
6.2.1 Site layout and building orientation	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Development has been designed to maximise the sites northerly aspect.	Yes
	Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor	Due to orientation of the site and the scale of the development permitted it is not possible to	No

	space and solar cells on the site and on adjoining land (see solar access below). Locate communal open space to optimise solar access to apartments. Coordinate design for natural ventilation with passive solar design techniques. Site building to take maximum benefit from cross-breezes and prevailing winds.	avoid casting shadows entirely. A reasonable level of sunlight is received by the adjoining properties, however the clothes drying area of the properties adjoining the rear of the site will be affected by the proposed development. COS is well located and will receive adequate solar access. Dwellings receive natural ventilation to all bedrooms, living area and 99% of kitchens. 74.3% of the dwellings are cross ventilated.	Yes Yes
6.2.2 Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building. Provide areas for clothes to be dried through natural ventilation.	Building has been configured to maximise northerly aspect. No provision for clothes drying areas.	Yes No – see comment
6.2.3 Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer. Minimise east-facing and west-facing glazed areas to reduce low summer sun penetration into the building, where this does not compromise the creation of active street frontage and casual surveillance.	Glazed windows & doors oriented to the northern elevations of Buildings A, B & C where possible. East and west facing glazed areas minimised.	Yes Yes
6.2.4 Shading and glare	Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer.	Shading devices proposed are acceptable.	Yes
6.2.5 Insulation and thermal mass	Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating	Insulation proposed. Condition to be imposed to ensure minimum R-values for the	Yes - see comment

	up in summer, and to contain heat and prevent the building from cooling down in winter. Roof: Min. 2.0 R-value Wall: Min. 1.0 R-value Floor: Min. 1.0 R-value	developments roof, wall & floor are achieved.	
6.2.6 Daylight and sun access	At least 75% of residential apartments' living room and private open space receive at least 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter. Limit the number of single-aspect apartments with a southerly aspect (SW–SE) to a maximum of 10 % of the total units proposed.	70% of dwellings receive minimum 2 hours sunlight mid-winter. 2.5% of dwellings with a single aspect southerly aspect.	No – see comment Yes
6.2.7 Ventilation	Incorporate features to facilitate natural ventilation and convective currents – such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents). Limit residential building depth to 18m glass line to glass line to support natural ventilation - the rear of any habitable room should not be further than 8m from a window.	Building depth does not exceed 18m. Habitable rooms receive natural ventilation. 74.3% of the dwellings are cross ventilated.	Yes

Comment:

Part 6.2.6 Daylight and sun access:

Part 6.2.6 of CDCP 2012 stipulates that at least 75% of residential apartments' living room and private open space receive at least 2 hours sunlight between 9.00am and 3.00pm in mid-winter. Whilst the proposed development does not comply with the provisions of CDCP 2012 regarding solar access, the proposal is consistent with the Daylight Access Rules of Thumb outlined in the Residential Flat Design Code. In this regard it is considered that the level of sunlight received by dwellings is acceptable.

Part 6.2.2 Internal layout:

CDCP 2012 encourages the incorporation of clothes lines to reduce energy consumption for clothes drying. A communal clothes drying area is not feasible given the nature of the mixed use design.

Part 6.2.5 Insulation and thermal mass

It is recommended that a condition be imposed to ensure minimum R-values outlined in Part 6.2.5 of CDCP 2012 for the developments roof, wall & floor are achieved.

Part 6.3 Crime Prevention through Environmental Design

The development application has been assessed against the relevant controls outlined in Part 6.3 of CDCP 2012 which relate to Crime Prevention through Environmental Design. The

controls aim to provide practical solutions to minimise crime opportunities by encouraging development which satisfies principles such as natural surveillance, access control and ownership. The application has been assessed against these controls and compares as follows:

Standards	Requirements	Proposal	Complies
Natural Surveillance	Avoid blind corners. Provide natural surveillance for public/ communal areas. Clearly visible entries. Entrances, exits, service areas and car parking should be well lit.	The lobby and main entrances to Buildings A, B & C are clearly visible from Canterbury Road and the dwellings in the development. Provision has been made to ensure that the resident parking area is secured. Concern is raised in relation to the natural surveillance provided to the visitor bicycle storage area & the absence of details regarding lighting in the car park & communal areas.	No – see comment
Access Control	Clear entry points. Landscaping not to obstruct surveillance.	The proposal includes clearly delineated access points. Landscaping will not obstruct surveillance of the site. Concern is however raised in relation to: • The absence of security measures restricting access to the waste collection area. • The absence of access control measures for the stairwells, lifts & lobbies associated with Buildings B & C that restrict visitors from accessing the residential areas of the development. • Absence of security measures for the ground floor doorway on the western elevation of Buildings B & C.	No – see comments
Ownership	Create a 'cared for' image. Use materials which reduce opportunity for vandalism. Express a sense of ownership and reduce illegitimate use/ entry.	Materials and finishes proposed will reduce opportunity for vandalism.	Yes

Comment:

Natural Surveillance:

It is recommended that a condition be included requiring the installation of lighting in the basement along the pathways and in the communal open space areas of the development to improve natural surveillance at the site.

Access Control:

The current design of the visitor parking area at basement level is such that visitors to the residential component and retail tenancy could access both Buildings B and C via the lifts and stairwells. It is recommended that a condition be imposed restricting access to the residential component of Buildings B and C to residents and known visitors. Similarly it is recommended that a condition be imposed requiring the doors located on the western elevation of Buildings B and C be secured.

To improve the security of the waste collection room it is recommended that access to this room be restricted to residents only through the use of a security system, with the exception being on waste collection days when this area must be accessible from 5:00am.

The application was also reviewed by Council's Crime Prevention Committee who raised no objection to the development subject to conditions being imposed.

Part 6.4 Development Engineering

The application was reviewed by Council's Development Engineer who has advised that the developments hydraulic plans are consistent with the controls outlined in Part 6.4 of CDCP 2012. It is recommended that conditions regarding the development stormwater system and other related engineering and public improvement works be imposed should the application be approved.

Part 6.6 Landscaping

The proposed development has been assessed against the relevant landscaping requirements outlined under Part 6.6 of CDCP 2012. Council's Landscape Architect has reviewed the proposal and raises no objection to the proposed landscape design subject to amendments being made prior to the release of the Construction Certificate.

Part 6.8 Vehicular Access & Parking

The proposed development has been assessed against the relevant commercial and residential parking requirements outlined under Part 6.8 of CDCP 2012.

Control	Requirement	Comment	Complies
Parking demand for commercial component	$613m^2/30m^2 = 20$ off-street car spaces	9 spaces at grade & 11 spaces in the basement car park	Yes
	$613m^2/300m^2 = 2$ staff bicycle spaces	3 bicycle spaces proposed on the ground floor of Building B, adjacent to the ground floor commercial tenancy.	Yes
Loading	Provision of a loading bay	Loading bay capable of accommodating a large	Yes

		rigid vehicle provided at ground level.	
Parking demand for residential component of development	<u>Residents:</u> 130 resident car spaces required (8 to remain common property)	130 resident spaces proposed at basement level (12 spaces are accessible). All spaces are secured.	Yes
	117 units /5 = 23.4 resident bicycle spaces	24 spaces proposed at basement level behind the security shutter.	Yes
	1 Car wash bay [(w) 3.5m x (l)5.4m]	1 car wash bay proposed.	Yes
	<u>Visitors:</u> 117 units /5 = 23.4 resident car spaces	24 visitor spaces proposed (22 spaces in basement forward of security shutter & 2 accessible spaces at grade).	Yes
	117 units/10 = 11.7 bicycle spaces	12 bicycle spaces located at basement level.	Yes

As demonstrated above, the proposed development provides sufficient off-street parking to accommodate the proposed mixed use development.

Part 6.9 Waste Management

Commercial waste: A commercial waste area has been provided to the rear of building A. This waste area is considered to be satisfactory in terms of its dimension and location and in this regard is considered acceptable.

Residential waste: The proposed development generates demand for 60 x 240L general rubbish bins, 39 x 240L recycling bins, 6 x 240L garden bins and a bulk waste storage area that is a minimum 4m² in size. In addition, a waste collection area accommodating the required number of bins must be provided within 15 metres of the kerb.

The proposal involves a manual waste compaction unit being located in the bin presentation areas on the ground floor of Buildings A, B and C. Given a rate of 2:1 applies to general waste compaction, the development requires 30 general waste bins.

Whilst the development provides a sufficient number of bins to accommodate the development, the proposed 'Recycling Room' on the ground floor of Building A and the 'Garbage RM C' on the ground floor of Building C are not consistent with the design requirements specified in Part 6.9.4 of CDCP 2012. The most significant non-compliance relates to the Recycling Room in Building A, where 28 recycling bins are stacked up to six bins deep.

The applicant has proposed for the Recycling Room in Building A to be serviced only by a caretaker and that bins would be presented in an open temporary holding area which is located adjacent to the bulk waste area and Garbage Room A. This option is not accepted given that the area is not sufficient in size to accommodate the bins and it does not satisfy the bin presentation area design requirements.

However, there is scope for the south eastern corner of the ground floor commercial tenancy and the adjacent 'Garbage Room A' and 'Retail Garbage RM' to be redesigned to achieve compliance with Part 6.9.4 of CDCP 2012, as such a condition to this effect has been recommended to address this non-compliance.

With regards to the waste area in Building C, minor increases to the aisle width are required in order to achieve compliance with Part 6.9.4 of CDCP 2012. It is similarly considered that this non-compliance can be addressed by way of condition.

Furthermore, the waste presentation area is located more than 15m from the kerb and as such is inconsistent with Part 6.9.4.3 of CDCP 2012. Given the location of the development and the scale of the proposed development, it is considered that the proposed arrangement is considered acceptable provided that Council and its contractor are indemnified against any damage caused to the building, its contents or paved surfaces as a result of vehicles entering the site for the purpose of waste collection. Conditions to this effect have been recommended.

It is acknowledged that the development is seeking to vary a number of controls in CDCP 2012, however despite these variations it is considered that the development will provide good amenity to its residents and will be a positive contributions to the streetscape.

Canterbury Section 94 Contributions Plan 2005

The proposed development involves the construction of 65 x small dwellings, 48 x medium dwellings and 4 x large dwellings at the site which attracts a contribution under the Section 94 Contributions Plan of \$1,110,674.46. This contribution is subject to indexing. A condition of consent will apply that this contribution be paid.

INTERNAL REFERRALS

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

- ***Building Comments***

The development application and accompanying National Construction Code Analysis prepared Anthony Vavayis & Associates was reviewed by Council's Building Officer. No objection is raised to the proposed development subject to certain conditions being included as part of any development consent issued.

- ***Disability Access Committee***

The application was reviewed by Council's Disability Access Committee who raised no objection to the development subject to certain conditions being included as part of any development consent issued.

Notification

The development application was publicly exhibited and adjoining land owners were notified in accordance with the provisions of Council's Development Control Plan No. 32 – Notification Policy. No submissions were received during the notification period.

LIKELY IMPACTS ON THE ENVIRONMENT

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

- **Privacy**

The privacy plan submitted in relation to the proposed development demonstrates that sufficient measures have been proposed so as to mitigate privacy impacts between the developments dwellings and to minimise impacts on neighbouring properties. Privacy impacts have been minimised through the use of landscaping, blade walls, screening and off-setting of windows and balconies.

- **Geotechnical report and dilapidation report**

Given the proximity of works to adjoining properties and the extent of the excavation works proposed, it is recommended that conditions be imposed regarding the submission of a Geotechnical Report and Dilapidation Report for the adjoining properties prior to the issue of the Construction Certificate.

- **Traffic and Car Parking Implications**

The development application was accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (Report 12285, dated 13 February 2013). The report discusses the existing traffic and parking conditions in the locality, describes the proposed development and examines its traffic and parking implications. The report concludes that:

“the proposed development will not have any unacceptable traffic implications in terms of road network capacity”.

The application and traffic report was reviewed by the RMS who raised no objection to the projected traffic demands associated with the proposed development.

- **Strata subdivision**

Given that a draft plan of subdivision has not been submitted there is insufficient information available to approve strata subdivision of the development. In this regard it is recommended that the strata subdivision component of the proposal be removed should the application be approved.

- **Amenity Considerations**

The proposed development will result in shadow being cast on the clothes drying areas of the properties at 5 and 7 Phillip Street, Roselands between 9:00am and 3:00pm mid-winter. Whilst the development encroaches on the building envelope controls to some degree, it has been demonstrated that a compliant built form would have a similar impact on the neighbouring properties clothes drying areas. It should be noted that the clothes drying areas on the southern adjoining properties are located on their rear (ie: northern) boundary and any development of two or more storeys will cast significant shadow onto these clothes drying areas. Given the orientation of the site strict compliance with our building envelope controls applicable to this site would not result in unlimited or even partial blocked sunlight to the neighbours clothes lines. The overshadowing of clothes drying areas in, especially older “walk up” flats is an increasingly common factor for infill development such as this and it is a reflection of the increased residential densities encouraged (and proposed) along major transport corridors such as Canterbury Road.



The privacy plan demonstrates that privacy impacts on neighbouring properties have been effectively mitigated and the development site will contain perimeter planting to further minimise potential privacy impacts while creating improved visual separation.

Therefore on balance it is considered that the proposed development will not give rise to any unreasonable impacts on the amenity of adjoining residential development.

Suitability of the Site

The proposed redevelopment of the site is permissible and not expected to have any detrimental impacts on the amenity of the locality. The proposed development is considered to be a suitable development in the context of the locality.

Public Interest

The proposed development satisfies the relevant requirements contained within the Canterbury Local Environmental Plan 178 – Belmore/Lakemba Precinct and is generally consistent with the type of development envisaged for this site under Canterbury Development Control Plan 2012, as discussed in earlier sections of this report. The proposed development promotes the coordinated, orderly and economic use of the land and is not expected to have any unreasonable impacts on adjoining residential development. Approval of the application is therefore considered to be in the public interest.

CONCLUSION

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

Whilst the proposed development does not achieve full numerical compliance with the controls of Canterbury Development Control Plan 2012, the development is consistent with the relevant objectives of this policy and the desired future character envisaged for this area.

As highlighted throughout this report, the development, notwithstanding its departures from our controls, is unlikely to give rise to any unreasonable impacts on the amenity of surrounding properties. Further, strict compliance with Councils controls will not result in either an improved design response and result in a more attractive building, or result in a development which does not impact (albeit in a perhaps minor way) on the local amenity.

In this regard, it is recommended that the application be approved subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve Development Application 483/2012 for the demolition and construction of a mixed use development involving 117 units, commercial area, basement car parking and strata subdivision, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan

- Hydraulic Plan
 - Soil and Waste Management Plan
 - BASIX Certification
 - Mechanical Ventilation
- 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.3. Payment to Council of:
- | | |
|--------------------------------|----------------|
| Kerb and Gutter Damage Deposit | \$3136.50 |
| Section 94 Contributions | \$1,110,674.46 |
| Certificate Registration Fee | \$36.00 |
| Long Service Levy | \$73,325.00 |
- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|-------------|
| Construction Certificate Application Fee | \$43,168.00 |
| Inspection Fee | \$11,397.00 |
| Occupation Certificate Fee | \$4,151.00 |

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

SITE SIGNAGE

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

DEMOLITION

4. Demolition must be carried out in accordance with the following:
- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be

- obstructed or rendered inconvenient because of the carrying out of the demolition work.
- (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
 - (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
 - (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
 - (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au
 - (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
 - (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details prepared by Anthony Vavayis and Associates and outlined in the table below:

Drawing number	Drawing title	Revision	Date prepared	Date received by Council
DA0100	Site Plan	D	22 April 2013	8 May 2013
DA0200	Site Plan	A	12 February 2013	18 February 2013
DA1001	Basement Plan	D	18 April 2013	8 May 2013
DA1002	Ground Floor Plan	G	4 June 2013	27 June 2013
DA1003	Level 1 Plan	E	4 June 2013	7 June 2013
DA1004	Level 2 Plan	D	18 April 2013	8 May 2013
DA1005	Level 3 Plan	D	18 April 2013	8 May 2013

DA1006	Level 4 Plan	D	18 April 2013	8 May 2013
DA1007	Roof Plan	D	18 April 2013	8 May 2013
DA2001	Elevations 1	D	18 April 2013	8 May 2013
DA2002	Elevations 2	D	18 April 2013	8 May 2013
DA3001	Sections 1	E	1 July 2013	2 July 2013
DA3003	Sections 3	D	18 April 2013	8 May 2013
DA4001	Visual Privacy Plan	D	18 April 2013	8 May 2013

- 5.1. The Construction Certificate Plans must show the awning extending along the northern elevation of Building A, above the entrances to Building A having a minimum height of 3.2 metres above natural ground level in accordance with Part 3.2.7 of Canterbury Development Control Plan 2012.
- 5.2. The Construction Certificate Plans must show the developments roofs having a minimum 2.0 R-value, walls having a minimum 1.0 R-value and floors having a minimum 1.0 R-value, in accordance with Part 6.2.5 of Canterbury Development Control Plan 2012.
6. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the Schedule of Finishes, prepared by Anthony Vavayis and Associates, as received by Council on 18 February 2013. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.
The amount of the contribution (as at the date of this consent) has been assessed as \$1,110,674.46. The amount payable is based on the following components:

Contribution Element	Contribution
• Open Space Acquisition	\$ 535,190.86
• Recreation Facilities	\$ 89,818.26
• Community Services	\$ 284,788.29
• Environmental Amenity Improvements	\$ 110,916.68
• Traffic Control and Management	\$ 18,893.48
• Monitoring, research and administration	\$ 71,066.89

- Note:** The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.
8. Development Consent is not granted for the strata title subdivision of the development. Separate Development Consent must be sought for the Strata title subdivision of the development.
 9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
 10. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).
Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.

11. A photographic survey/dilapidation report of the adjoining properties at 804 Canterbury Road, Roselands; 818-826 Canterbury Road, Roselands; 17 Chapel Street, Roselands; 5 Phillip Street, Roselands; 7 Phillip Street, Roselands; and 13 Phillip Street, Roselands detailing the physical condition of the properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, **shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate**. On completion of the excavation and building works and prior to occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
12. A geotechnical engineering report assessing the impact and safety of the proposed works is to be prepared by a suitably qualified and experienced geo practitioner and **provided to the Principal Certifying Authority prior to the issue of a Construction Certificate**. The report must include the results of subsurface investigations, involving either test pits to rock, or preferably the drilling of cored boreholes (to one metre below the proposed final excavation level). The report shall describe:
 - An indication and nature and depth of any uncontrolled fill at the site.
 - An indication of the nature and condition of the material to be excavated.
 - Indications of groundwater or seepages.
 - Required temporary measures for support of excavations deeper than one metre adjacent to property boundaries.
 - Statement of required excavation methods in rock and measures required to restrict ground vibrations.
 - Other geo-technical information or issues considered relevant to design and construction monitoring.All findings and recommendations of the Report are to be followed and adhered to throughout the construction process.
13. The design and location of letterboxes being in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published in February 1997, and being shown on the Landscape Plan at Construction Certificate stage.
14. A letterbox being provided for the Owners' Corporation.
15. A master antenna connected to the all dwellings on the site is to be provided.
16. All bathroom, en-suite and laundry windows contain translucent glazing.
17. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
18. All building construction work must comply with the National Construction Code.

19. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
20. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
21. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at all floor slab levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
22. Submission of a Soil and Water Management Plan, to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The Soil and Water Management Plan must include details of:
 - (a) property details (location, applicant, drawn by, date, scale)
 - (b) accurate property description (property boundary)
 - (c) contours
 - (d) access point and access control measures
 - (e) location and type of all sediment control measures
 - (f) location of existing vegetation to be retained and undisturbed ground
 - (g) any existing watercourse or drainage
 - (h) material stockpile areas and storage and control methods
 - (i) location of new drainage features (stormwater inlet pits)
 - (j) revegetation proposals, including specifications on materials used and methods of application

(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.
23. The construction site must have soil and water management controls implemented.
24. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
25. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
26. All development, including walls must be located within the property boundaries of the subject site.
27. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
28. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
29. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
30. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
31. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
32. Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
33. Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.

34. A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to the commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
35. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
36. Dust emissions from the stockpiles being suppressed by a permanently installed irrigation system in accordance with details to be submitted to Council's satisfaction before the issue of the Construction Certificate. The irrigation system(s) being installed in accordance with the approved details prior to commencement of the use approved in this consent and being maintained at all times.
37. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.
38. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
39. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
40. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
41. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
42. During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours. A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
43. Any person causing excavation below the level of the base of footings on an adjoining allotment of land must, at their own expense (L.G. Approvals Reg, Clause 34):
 - (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and
 - (c) give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work at least 7 days in advance of the excavation.
44. Where excavation is proposed adjacent to existing dwellings or a vacant property, the works shall be carried out in accordance with Part 3.1.1-Earthworks BCA and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
45. Where erection or demolition of a building involves the closure of a public place, or where pedestrian or vehicular access is to be obstructed or rendered inconvenient, the premises is to be provided with a hoarding and or sufficient awning to be erected to prevent any substance from, or in connection with the work falling onto the public place.
46. The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.
47. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.

CAR PARKING

48. A total of 173 car spaces and 1 car wash bay being provided at the site:

- One car wash bay being allocated as common property;
- One accessible car spaces being allocated to each accessible dwelling;
- One car space being allocated to all 1 bedroom and 2 bedroom dwellings;
- Two car spaces being allocated to all 3 bedroom dwellings;
- Eight resident car spaces being allocated as common property;
- 23 car spaces being allocated for resident visitor car parking; and
- 20 car spaces being allocated to the commercial tenancy on the ground floor of Building A.

The car space(s) being allocated and marked according to this requirement. If the development is strata subdivided, the carpark layout must respect the above allocation.

49. Signage shall be erected for the common property car wash spaces to notify and allow people to use this designated space.
50. Adequate lighting (to AS 1158.3.1:1999 standards) being provided and maintained in the car park.
51. Loading areas being kept clear for that purpose at all times.

WASTE MANAGEMENT

52. A letter indemnifying Council and Council's waste contractor against any damage caused to the building, its contents or paved surfaces as a result of vehicles entering the site for the purpose of waste collection must be submitted to Council's Team Leader Waste Services prior to the first waste collection commencing at the site.
53. Provision be made for 30 x 240L rubbish bins, 39 x 240 L recycling bins, 6 x garden vegetation bins and a bulk waste storage area.
54. The garbage rooms must be constructed and arranged in accordance with the design and construction specifications outlined in Part 6.9.4 of Canterbury Development Control Plan 2012.
 - 54.1. The Construction Certificate Plans must show the 'Recycling Room' located on the ground floor of Building A being reconfigured in accordance with the design requirements outlined in Part 6.9.4 of Canterbury Development Control Plan 2012. The south eastern corner of the ground floor commercial tenancy in Building A and the adjacent ground floor 'Garbage Room A' , 'Retail Garbage Rm' and accessible bathroom facilities will need to be redesigned in order to achieve compliance with Part 6.9.4 of Canterbury Development Control Plan 2012.
 - 54.2. The Construction Certificate Plans must show the two rows of bins in 'Garbage RM C' having a minimum 1.2m separation distance in accordance with Part 6.9.4.1 of Canterbury Development Control Plan 2012.
55. The proposed bin press must be operated only by the building caretaker, and used between 9am and 5pm.
56. Payment of an additional garbage levy for each new dwelling upon completion of work.
57. There are to be no steps or obstructions in the path of travel between the garbage storage area and the collection point.
58. Signs are to be erected within the garbage storage area to indicate where each group of bins (recycling, rubbish and garden vegetation) and the clean-up storage area are to be positioned.
59. Access to the waste storage areas shall be provided for servicing from 5:00am on service day.

DISABILITY ACCESS

60. The development must be constructed in accordance with The Disability (Access to Premises – Buildings) Standards, 2010.
61. Post-adaptation drawings that demonstrate that the adaptable units can be modified at minimum cost to the resident, as required by AS4299 must be provided prior to the issue of the Construction Certificate to the Principal Certifying Authority. The drawings must demonstrate that the balcony or terrace levels are the same as the floor level of the unit, with sliding door tracks recessed into the floor slab to prevent a trip hazard, or that the balconies or terraces can be adjusted in the post-adaptation stage at minimum cost to the resident.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

62. The storage units located in the vicinity of the car spaces shall be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.

63. The basement car park shall be painted the colour 'white'. This measure will increase lux levels and light reflection.
64. The site shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
65. All access points to the residential sections of the buildings (this would include lifts and stairwells) shall be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
66. Security measures are to be installed to ensure that visitors parking in the basement car parking level can still access the developments ground level without compromising the security and safety of residential areas in Buildings B & C.
67. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
68. The proposed pathway and communal open space areas be lit to ensure the safety of pedestrians with consideration being given to adjoining residents. Lighting details are to be in accordance with AS 1158.3.1:1999.
69. Any security lighting to be installed not to affect the amenity of the adjoining residences.
70. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.
71. CCTV being installed in the basement car park and in the lobby areas at basement level to provide surveillance.

ENVIRONMENTAL HEALTH

72. The development must be carried out in accordance with the recommendations of the Preliminary Environmental Site Assessment Report, prepared by Aargus, dated 12 February 2013 and the Stage 2 Environmental Site Assessment, prepared by Environmental Investigations, Report no. E1850.1AA, dated 21 June 2013.
 - 72.1. During bulk investigations of the proposed basement soils in the vicinity of Bore Hole No. 7 (BH 7) should be removed and disposed of at an appropriately licensed facility. This work is to be carried out under the supervision of an appropriately qualified environmental consultant.
 - 72.2. Waste soils are required to be classified and disposed of in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009).
 - 72.3. If soils are to be removed from the development site and that if during any potential site works, significant odours and/or evidence of gross contamination not previously detected are encountered or any other significant unexpected occurrence, site works should cease in that area, at least temporarily and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.
73. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
74. Underground tanks shall be removed in accordance with:
 - (a) Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of underground Petroleum Storage Systems (CP4-1998).
 - (b) WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with any conditions imposed).In the event of conflict between the AIP Code of Practice and WorkCover requirements, the latter shall prevail.
75. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.
76. The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.
77. The proposed use of the premises and/or machinery equipment installed, must not create noise so as to interfere with the amenity of the neighbourhood.
If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Principal Certifying

- Authority concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level.
78. The maximum noise emission levels from any activities, sound producing plant and equipment installed on the premises measured at the boundaries of the nearest premises, are not to exceed the background levels.
 79. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
 80. Submit details with the Construction Certificate Application concerning the acoustic treatments to the buildings of noise impacts from nearby noise sources (primarily traffic noise) on future occupants of the proposed development necessary to achieve the objectives of the SEPP Infrastructure (2007) guidelines, in accordance with section 4.4 of the Environmental Noise Impact Assessment prepared by Acoustic Logic (reference 20121028.1/2111A/R0/GC dated 21 November 2012).
 81. Submit details with the Construction Certificate Application concerning the noise attenuation and suitable acoustic treatment of all external mechanical plant in accordance with the noise emission objectives outlined in table 12 of the Environmental Noise Impact Assessment prepared by Acoustic Logic (reference 20121028.1/2111A/R0/GC dated 21 November 2012).
 82. Prior to the issue of the Construction Certificate details of the airborne noise impacts of the proposed bin presses must be submitted to the Principal Certifying Authority. The development must be carried out in accordance with the recommendations of this report.
 83. The use of the premises shall not give rise to:
 - (a) Transmission of offensive noise to any place of different occupancy.
 - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration. The source noise level shall be assessed in accordance with the NSW Environment Protection Authority Industrial Noise Policy and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
 - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW Environment Protection Authority Environmental Noise Control Manual.

STORMWATER/ENGINEERING MATTERS

84. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 14th February 2013; drawing numbers 12.472 SW1-SW4 Rev B prepared by E2 Civil and Structural Design and as amended by the following condition.
85. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
86. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
87. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
88. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.
89. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A

construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council's Stormwater Management Manual – Specification 9.

90. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 11 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
91. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
92. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
93. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
94. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".Public Improvements
95. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
96. The reconstruction of the kerb and gutter along all areas of the site fronting Canterbury Road is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
97. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
98. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
99. Re-routed / diverted stormwater easements are to be kept clear of permanent structures. This includes concrete planter boxes.

LANDSCAPING

100. The landscaping must be completed according to the submitted landscape plan (Scrivener Landscape Architect, Job reference 1673/DA Issue C and submitted to Council on 14 February 2013) and with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees, except where amended by the conditions of consent. The landscaping is to be maintained at all times to the Council's satisfaction.
 - 100.1. An amended landscape plan is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate addressing the following:

- 100.1.1. The landscape plan is to be updated to reflect the revised ground floor plan as received on 27 June 2013 (Revision G), and the amended Level 3 & Level 4 plans received by Council on 8 May 2013 (Revision D).
- 100.1.2. The landscape plan must specify planting allocated for the planters proposed along the southern elevation of Building B (Level 4) and the planters proposed along the southern elevation of Building C (Level 3). This information is to be shown graphically on the landscape plan as well as in the plant schedule. The plant species for these planters are to be low maintenance plants and information is to be included on how these planter boxes are to be managed and maintained in regards to access taking into consideration the position of the proposed louvers.
- 100.1.3. The landscape plan is to detail the connection of the re-use water scheme back into the stormwater system for overflow. This detail must also be incorporated into the Hydraulic Plans prepared by E2 Civil and Structural Design, drawing numbers 12.472 SW1-SW4 Rev B, as received by Council on 14th February 2013.
- 100.1.4. Additionally all the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.
- 100.1.5. A detailed maintenance schedule is to be included with the detailed landscape plan. At a minimum this should include:
 - replacement strategy for failures in plant materials and built works,
 - maintenance schedule for watering, weeding and fertilizing during the establishment period
 - The maintenance period for the landscaping must be set for 12 months.

ROADS AND MARITIME SERVICES

101. Vehicular access to/from the proposed development on Canterbury Road shall be restricted to left in/left out only on traffic efficiency and road safety grounds.
102. The right turn movements to/from the subject development shall be physically discouraged by channelising the entry and exit driveways and reinforced with a left turn only sign at the exit driveway within the subject site facing motorists exiting the subject site.
103. The design and construction of the gutter crossing on Canterbury Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2496). Detailed design plans of the proposed gutter crossing are to be submitted to the RMS for approval prior to the commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RMS.
104. All road works/regulatory signposting associated with the proposed development shall be at no cost to the RMS.
105. The developer is to arrange with the RMS's Transport Management Centre (TMC) for any required road occupancy License during construction.
106. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisles lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002.
107. The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001).

108. The proposed development should be designed such that road traffic noise from Canterbury Road is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
109. The swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site shall be in accordance with Austroads.
110. Driveway width must conform to Australian Standards.
111. All vehicles are to enter and leave the site in a forward direction.
112. Any traffic control during construction must be carried out by accredited RMS approved traffic controllers.

SYDNEY WATER REQUIREMENTS

113. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application, a “Notice of Requirements” will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.
A copy of Sydney Water’s Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

CRITICAL INSPECTIONS

114. Class 2, 3 or 4 Buildings
 - 114.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 114.2. prior to covering any stormwater drainage connections, and
 - 114.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.Class 5, 6, 7, 8 or 9 Buildings
 - 114.4. prior to covering any stormwater drainage connections, and
 - 114.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
115. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE:

117. This application has been assessed in accordance with the National Construction Code.
118. Development Consent is not granted for the use of the ground floor Retail space in Building A. Development Consent must be sought for the first use of this tenancy.
119. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
120. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems
 - Final fire safety certificate
 - BASIX completion



- Glazing
 - Waterproofing
121. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
122. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
123. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
124. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
125. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
126. If you are not satisfied with this determination, you may:
- 126.1. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.