

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2013SYE088
DA Number	DA-405/2013
Local Government Area	City of Canterbury
Proposed Development	Construction of a mixed use development comprising ground floor commercial units, 126 residential units, eight multi dwelling housing units and associated basement car parking
Street Address	308-310 Canterbury Road, 312-320 Canterbury Road & 6-8 Canton Street, Canterbury (Cnr Lot 20 & Lots 20-21 DP 594240, Lot 19 & Lot 23 DP 80980, Lot 26 DP 511847, Lot 18 DP 78490 and Lot 1 DP 85519)
Applicant / Owner	Lumex Property Group / Canterbury Road Pty Ltd
Number of Submissions	Submissions objecting to the proposal from 16 neighbouring residents
Recommendation	Approval with Conditions
Report by	Rita Nakhle Senior Planner

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received Development Application (DA-405/2013) for the construction of a mixed use development comprising ground floor commercial units, 126 residential units, eight multi dwelling housing units and associated basement car parking.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.
- The part of the site known as 308-310 & 312-320 Canterbury Road is zoned B5 Business Development under Canterbury Local Environmental Plan 2012. This part of the site is identified as 'A' on the Key Sites Map, and as such development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development. The proposal involves ground floor commercial uses and as such is defined as a mixed use development and is permissible in the subject zone.
- The part of the site known as 6 & 8 Canton Street is zoned R4 High Density Residential under Canterbury Local Environmental Plan 2012. A 'multi dwelling

housing' development is proposed on this part of the site, which is a permissible development in the subject zone.

- The development application has been assessed against the provisions contained in State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposal is found to generally be in compliance with the requirements of these policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012. We received submissions objecting to the proposal from 16 neighbouring residents. The issues raised in the submissions and our responses to those issues are provided in the body of this report.
- The development application is recommended for approval subject to conditions.

SITE DETAILS

The subject site incorporates No.'s 308-310 Canterbury Road, 312-320 Canterbury Road and 6 and 8 Canton Street in Canterbury. The Canterbury Road frontage extends 61 metres in length, the Canton Street frontage extends 91 metres and the Dibbs Street frontage extends 15 metres. The total site area is 5906m². The site has a significant easterly slope with the highest point along the western Canton Street boundary and the lowest point along the eastern Dibbs Street boundary. The fall across the site is 6.3 metres from west to east. There are a number of existing trees throughout the site.

The eastern part of the site is largely occupied by a two storey building used by Bowermans Office Furniture, and the western part of the site is largely occupied by a two to three storey building used by Ausland Furniture, with large surface carpark at the rear. The two sites along Canton Street are currently each occupied by a single storey residential dwelling.

Existing development within the locality is varied. Canterbury Road is characterised by a mix of residential and commercial buildings. To the immediate south (east) of the subject site is residentially zoned land along Dibbs Street and Canton Street which contain a mix of single and multi dwellings and residential flat buildings. Adjacent to the eastern side of the site at 300-306 Canterbury Road is a four storey residential flat building, and the west of the site across Canton Street is a BP Service Station. To the north of the site across Canterbury Road are two churches, Uniting Church Fiji and the Uniting Methodist Church.



Subject Site



Bowermans Office Furniture on the eastern front part of the site



Ausland Furniture of the western front part of the site



Dibbs Street Frontage



Part of the Canton Street Frontage

PROPOSAL

The proposed development involves the construction of a mixed use development comprising ground floor commercial units, 126 residential units, eight multi dwelling housing and associated basement car parking. In detail, the proposal involves:

- The construction of a five storey mixed use development on the majority of the land zoned B5 Business Development comprising a total of 122 units;

- The construction of a three storey residential flat building on the part of the land zoned B5 Business Development facing Dibbs Street comprising a total of 4 units;
- The construction of a two storey multi dwelling housing development on the part of the land zoned R4 High Density Residential adjacent to Canton Street comprising a total of 8 multi dwelling housing units;
- Ground floor commercial units with total floor area of 996.48sqm;
- Car parking for 206 vehicles in a basement car park accessible via a vehicle entry point from Dibbs Street. The basement car park includes parking for a loading zone, a car wash bay, plant services, residential storage areas and bicycle storage; and
- Communal recreation areas including a courtyard located internally within the mixed use building.

STATUTORY CONSIDERATIONS

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Section 94 Contributions Plan

ASSESSMENT

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

- **State Environmental Planning Policy No.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 lodgment 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 Canterbury Road which is expected to undergo change into the future having regard to the new planning controls that now apply and properties on Canterbury Road more generally. As such, the proposed development, while contemporary in design, is expected to complement and positively contribute with existing and likely future development in the locality.

Scale

The scale of the proposed development is determined by the height controls contained within the Canterbury Local Environmental Plan and the building envelope controls contained within our Development Control Plan 2012.

The proposal for the most part satisfies the height controls and building setbacks and separation controls applying to the land. The development is consistent with the scale of development identified for the future character of the locality.

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

As noted above, the scale of the proposed development is clearly determined by the height controls contained within the Canterbury Local Environmental Plan and the building envelope controls contained within our Development Control Plan 2012. The proposed development for the most part complies with those various requirements. No specific floor space ratio or density controls apply to the subject development. The form and scale of the proposed development is consistent with the type of development contemplated by the DCP controls in a locality that is expected to undergo transition into the future.

Resource, Energy and Water Efficiency

The proposal has been assessed against BASIX and adequately meets all required categories of water, thermal comfort and energy.

The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 62% of the dwellings will be cross ventilated. In addition, the RFDC requires that 70% of units receive direct solar access to their living spaces during winter. The proposal allows for 72% of the dwellings to receive a minimum of 2 hours solar access to their living spaces and balconies between 8am and 4pm in mid winter.

Landscape

The proposed development provides a good area of communal open space in excess of the minimum requirements of our Development Control Plan 2012

and consistent with the relevant 'Rule of Thumb' contained in Residential Flat Design Code. While limited deep soil planting (3% of the B5 site, and 7.2% of total developed site) is provided as a result of the basement level car parking area which occupies most of the site, landscape treatments for the site will add to the general amenity offered to future residents and satisfy the requirements of in Part 6.6 of our Development Control Plan 2012. It is also noted that the development provides good amenity for future occupants with each unit being provided with adequate balcony/terrace spaces that are useable.

Amenity

The proposed development will provide good levels of amenity for future occupants of the development, with good solar access, natural ventilation and privacy. In this regard, the proposal is generally consistent with the requirements of the Residential Flat Design Code. The proposed apartments contain reasonable living spaces with direct access to areas of private open space in the form of courtyards or balconies.

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 proposal will provide a variety of apartment layouts and an appropriate housing mix to complement the housing available within the locality and meet the anticipated future demands.

Aesthetics

The application is accompanied by a Design Verification Statement confirming that the proposed development achieves the design quality principles contained in the SEPP. The overall aesthetic of the building is suitably designed and is expected to positively contribute to the desired future character of the locality.

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.

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

A BASIX Certificate accompanies the development application and lists a variety of commitments that are to be incorporated into the overall design of the project. The necessary commitments have been included on the architectural drawings where required, meet the water, energy and thermal comfort targets and satisfy the requirements of the SEPP.

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

Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, we must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, we must be satisfied that the land will be remediated before the land is used for that purpose.

The applicant has submitted a “Stage 1 Environmental Site Assessment” prepared by Environmental Investigations (dated 12th August 2013, with an Addendum dated 7th February 2014). This report states that only a walk over inspection has been conducted and that the site may have had a number of commercial uses which may have caused land contamination. There are also a number of potential areas of concerns that were subject to potential soil contamination

The report further states that there are areas of environmental concern that were subject to potential land contamination. Amongst several of them that have been noted, the one that stands out would be the migration of contamination from offsite sources relating to the service station to the west of the site.

The report indicates that due to the presence of structures and parked cars covering the majority of the site as well as tenants occupying the site, it was recommended that such an assessment be conducted after demolition of all structures and prior to any excavation or construction works and is to include laboratory analysis of site fill soils and natural soils for the identified chemicals of concern. The results should be interpreted in relation to the soil criteria appropriate for the intended land use.

It is also stated in the report that given that no evident sources of mobile contamination were visually evident on site, it is considered that contaminants associated with past land uses, even if present, would be confined to the upper surficial material and the associated impact would be minimal. It states that there would be no major difficulties in remediating the site suitable for the proposed mixed commercial and residential development under Clause 7 of SEPP 55, should it be required.

In this regard, it is recommended that a condition be imposed requiring the applicant to submit a Detailed Preliminary Environmental Site Assessment after demolition of all structures and prior to any excavation or construction works, to the Principal Certifying Authority, in accordance with Clause 7 of SEPP 55 – Remediation of Land.

- **State Environmental Planning Policy (Infrastructure) 2007**
State Environmental Planning Policy (Infrastructure) 2007 aims to facilitate the effective delivery of infrastructure, including providing appropriate consultation

with relevant public authorities about certain development during the assessment process.

The subject site is located on Canterbury Road which is a classified road for the purposes of the SEPP. In accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007, the proposed development falls under the requirements of Schedule 3 of the SEPP and requires referral to Roads and Maritime Services (RMS).

The development application was referred to the RMS, in accordance with Clause 104 of the SEPP, who raised no objections to the proposed development subject to conditions being imposed on any development consent issued.

Clause 102 of the SEPP states that a consent authority must consider likely impacts from road noise and vibration for development adjacent to certain road corridors. In particular, the SEPP requires for the purposes of a residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application has been accompanied by an Acoustic Assessment prepared by Acoustic Logic dated 6 September 2013 which details various measures that are to be incorporated in the construction of the building to ensure compliance with the above requirements and safeguard the amenity of future occupants of the development. An appropriate condition is included in the recommendation requiring the development to be constructed in accordance with this report.

The proposed development therefore meets the requirements of State Environmental Planning Policy (Infrastructure) 2007. Where required, relevant conditions will need to be imposed on any development consent issued.

- **Canterbury Local Environmental Plan 2012**

The part of the site known as 308-310 & 312-320 Canterbury Road is zoned B5 Business Development under Canterbury Local Environmental Plan 2012. This part of the site is identified as 'A' on the Key Sites Map, and as such development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development. The proposal on this part of the site involves ground floor commercial uses with upper floor residential units, and as such the mixed use development is permissible in the subject zone.

The part of the site known as 6 & 8 Canton Street is zoned R4 High Density Residential under Canterbury Local Environmental Plan 2012. A 'multi

dwelling housing' development is proposed on this part of the site, which is a permissible development in the subject zone.

The proposal compares to the further relevant provisions within CLEP 2012 as follows:

Standard	Requirement	Proposal	Complies
Zoning	B5 Business Development & R4 Medium Density Residential	The proposed development is permissible with our development consent	Yes
Floor Space Ratio (for development on Zone R4 land)	0.75:1	0.5:1	Yes
Building Height	18m in Zone B5 8.5m in Zone R4	Max 19.5m in Zone B5 Max 8.7m in Zone R4	No No Refer to comments below

The proposal involves slight variations to the maximum height controls on the Zone B5 and Zone R4 parts of the land. As such, the applicant has lodged a statement under Clause 4.6 of CLEP 2012.

Clause 4.6 of the LEP applies to this development as follows.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The applicant states that the standard is unnecessary in this instance as:

- *The site's topography contains a steep slope, falling 6.3 metres from west to east. Both the mixed use and R4 apartments respond to the topography as they are stepped across the site and along the street. Due to the provision of disabled access to all apartment entries, it is not feasible to introduce more stepping into the built form, as it would result in stepping of the circulation areas.*
- *The proposal meets the height objectives as the height exceedance only occurs over a very small area of the rooftop, mechanical plants.*
- *The mixed use development provides a 5 metre setback on the top level, therefore decreasing the visual impact of the height*

exceedance and the perceived visual bulk of the building from the street. The R4 apartments are not visible from the street except Canton Street elevation which provides a number of large trees concealing the apartments.

- *The proposal does not exceed the maximum permitted FSR for the site and the bulk and scale of the building is appropriate for the locality.*
- *The proposal does not exceed the maximum number of storeys.*
- *The site can accommodate the minor additional height without unreasonable impacts on adjoining land. There will be no privacy or overshadowing issues related to the small exceedance in height.*

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard

The applicant provides the following as environmental planning grounds to justify contravening the development standard:

- *The minor exceedance of height will not result in adverse impacts. The proposal substantially complies with the height requirements except for a small portion of the building for mechanical equipment and lift overrun in the mixed use development, and a minor area of the R4 apartments due to the slope of the site.*

- (3) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*

- i. *The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3).*

The applicant's written statement adequately covers matters required by sub-clause 3.

- ii. *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

It is considered that the proposed development is in the public interest and is in keeping with the objectives of 'Clause 4.3 Height of Buildings' of CLEP 2012 as the bulk of the development and its relationship with neighbouring properties and the streetscape is acceptable. The proposed development is also in keeping with the objectives of the relevant zones.

- (b) *The concurrence of the Director-General has been obtained.*

The concurrence of the Director General is assumed having regard to previous advice received from the Department of Planning and Infrastructure in Circular PS-08-003.

Having regard to the above commentary, it is considered appropriate in this instance to support the submission under Clause 4.6 of CLEP 2012 and vary the height standards to permit the proposed development.

- **Canterbury Development Control Plan 2012**

An assessment of the proposal against the requirements of Part 2 Residential Neighbourhoods (for the proposed development on land zoned R4) and Part 3 Business Centres (for the proposed development on land zoned B5) of Canterbury Development Control Plan 2012 (CDCP) is detailed below.

PART 2 – RESIDENTIAL NEIGHBOURHOODS

Standards	Requirements	Proposal	Complies
Site and Envelope Controls			
Minimum Frontage	Min 20m for Multi Dwelling Housing	30m	Yes
Building Height	Max 1 storey (3.8m wall height) where building is located more than 20m from front boundary (in addition to front setback) Maximum 2 storeys (7m wall height)	2 storeys and external wall height above 7m in height	No – see comments below
Depth/Footprint	Max 25m	33.5m	No – see comments below
Front Boundary Setback	Min 6m, average 7m	Minimum 5.75m, average approximately 6m	No – see comments below
Rear Boundary Setback	Min 6m, average 7m	Min 7.8m, average of approximately 8.3m	Yes
Side Setback	Min 3.5m, average 4m for 1-3 storey	Min 4m, average of approximately 5 metres from the southern side boundary adjacent to No. 10 Canton Street	Yes
Building Separation	Min 6m between buildings that are on one site	At least 10 metre separation from the proposed mixed use development	Yes
Design Controls			
Context	Features of existing buildings that influence	Proposed development is in keeping with the	Yes

	streetscape and local character are either maintained or reflected in adjacent and nearby new buildings	desired future character of the local area	
Street Address	Facilitate positive interaction between the private and public domain. Promote casual surveillance.	Unit C001 at the front part of the site (adjacent to Canton St) is designed so that its front door, living area's sliding door and first floor bedroom window face Canton Street to promote casual surveillance	Yes
Façade Design & Articulation & Roof Design	Effective modulation and variation of building design. All elements of the façade and roof are integrated into the architectural form and detail of the building, and present an appealing streetscape appearance. Roof design is compatible with the building style and use	The proposed development proposes an articulated roof form of stepped skillion roofs of varying pitch. A satisfactory roof design is provided that relates to the size and scale of the subject development and zone.	Yes
Fences	Provide boundary definition by construction of an open fence or hedge to the street boundary - no higher than 1.2 metres, although screens with 50% transparency may be up to 1.8 metres high	Open fencing provided along Canton Street frontage where the two storey multi dwelling housing units are proposed	Yes
Service and Utility Areas	Reduce impact of services and utilities through their integration with the design of landscaped areas and buildings	Service and utility areas are integrated in the design of the development – facilities are not visually obstructive	Yes
Performance Controls			
Visual Privacy	Reasonable levels of visual privacy available for residents Visual privacy is not compromised	The proposed development is designed so that it does not compromise visual privacy enjoyed by future occupants and neighbouring residents.	Yes
Acoustic Privacy	Reasonable levels of	The proposed	Yes

	acoustic privacy are available for residents	development provides for a reasonable level of acoustic privacy.	
Open Space	Min area 50m ² provided for each dwelling	Each unit is provided with a ground floor courtyard area (provided in two parts at the front and rear) that is approximately 40sqm in total area	No – see comments below
	Private Open Space (POS) directly accessible from a living room, dining room or a family room with	Private open space is directly accessible from the living areas of all dwellings	Yes
	POS minimum dimensions of 2.5 metres	POS provided with minimum dimensions of 2.5 metres	Yes
	Communal areas of at least 15% (217sqm) of the open space on a site that is created by the required setbacks and building separations	An area of 408.2sqm (or 28%) of communal landscaped open space is provided at ground level across the rear part of the site	Yes
Internal Dwelling Space and Design	Living area - min width 3.5m	Living room >3.5m wide	Yes
	Main bedroom min width 3.5m	Main bedrooms <3.5m width	No – see comments below
	Secondary bedrooms min width 3m	Secondary bedrooms at least 3m width	Yes
	Min. storage area of 8m ³ provided for each 2 bedroom dwelling	Each unit is provided with storage area that is consistent with the relevant area requirements	Yes

As noted in the above table, the proposed development does not comply with the requirements relating to building height, building depth/footprint, front boundary setbacks, private open space and main bedroom dimensions in our CDCP 2012. These matters require further discussion as below:

Building Height

Part 2.1.5 of CDCP 2012 requires that multi dwelling houses located more than

20 metres (in addition to the required front setback) from the front boundary to be maximum one storey in height with a maximum external wall height of 3.8 metres. A maximum two storey height limit with a 7 metre wall height applies to the front part of the site.

The proposal involves eight, two storey multi dwelling housing units that extend 33.5 metres from the front boundary, which is an additional 13.5 metres to the maximum 20 metre requirement. This for the most part results in Units C007 and C008 being two storeys in height. The side and rear setback provided around Units C007 and C008 are generous in distance, with their second storey component comprising of bedrooms and bathrooms which do not have adverse privacy impact on neighbouring properties. This part of the site is adjoined to the south and east by two storey medium density development not unlike the proposed units.

The eight multi dwelling housing units have an external wall height in some parts that exceeds the maximum requirement of 7 metres by up to 1.3 metres. The units adopt a skillion roof design that accentuates the distance of the wall height as measured from the natural ground level. The non-compliance is considered acceptable given that there are no privacy impacts from the bedroom and bathroom windows on the first floor as they face adjoining properties and given that the overall building height is generally within the maximum 8.5 metre height limit as also required by CLEP 2012.

Further, the variation in height for the proposed units is considered acceptable given its unique context being part of a large development site (with the adjoining B5 site) and is of a design that complements the proposed adjoining mixed use development whilst being of a similar bulk and scale to existing adjoining medium density developments.

Building Depth/Footprint

Part 2.1.6 of CDCP 2012 requires that multi unit housing in the R4 zone have a maximum building depth/footprint of 25 metres. The proposed units provide a depth of 33.5 metres.

The objective of this requirement is to allow for natural daylight to be available in all parts of a dwelling so that artificial light is not necessary during daylight hours.

The applicant states that the units ‘...are dual aspect and only 11.25m-13.25m deep which achieves the objective...to provide areas of larger setbacks to achieve good levels of natural daylight...the setbacks are 6 metres at ground and 4 metres at first floor along the east boundary to allow 8 major canopy trees to be planted in deep soil areas. To the west is a 13.25 metre boundary setback, far exceeding the minimum 6 metres’.

The design of the proposed units ensure that maximum natural daylight is received throughout the internal living areas minimising the use of artificial light, thus achieving the objective of the depth/footprint requirement. This variation is accepted and should therefore be supported.

Front Boundary Setback

Part 2.1.7 of CDCP 2012 requires that multi dwelling housing in the R4 zone have a minimum setback of 6 metres, with an average of 7 metres from the front boundary.

The proposed units are setback a minimum 5.75 metres and an average of approximately 6 metres from the front boundary. Whilst not strictly complying with the numerical requirements, it is considered that the setback provided is sufficient and provides for adequate separation from the front boundary and is acceptable particularly as it is in line with the adjoining residential flat building at 10 Canton Street.

Private Open Space

Part 2.3.3 of CDCP 2012 requires that a private open space area of at least 50sqm is to be provided for each dwelling in a multi dwelling housing. Each of the proposed eight multi dwelling housing units is provided with a private open space area of approximately 40sqm.

The private open space areas provided for each unit are considered to be adequate in size and dimensions to be used for outdoor living by future occupants.

The shortfall in the size of the private open space areas is offset by the provision of a large communal open space area of 408sqm (191sqm above the required area) located at the rear part of the units for the access and enjoyment of all the multi dwelling housing residents. In this regard, the variation sought in regard to the private open space requirement is considered acceptable and worthy of support.

Room Dimensions

Part 2.3.4(ii) of CDCP 2012 requires that the main bedroom in a dwelling/unit have a minimum width of 3.5 metres. The proposed development involves main bedrooms of width of at least 3 metres, therefore not complying with this requirement. However, the provided dimensions have been shown to be able to accommodate typical main bedroom furniture in a room that allows for appropriate light and ventilation. In this regard, the variation to the main bedroom dimensions is considered acceptable and is worthy of support.

PART 3 – BUSINESS CENTRES

Standard	Requirement	Proposed	Complies
Isolation of sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed	No isolation of neighbouring properties	Yes
Building Height	Max 5 storeys (for 18 metres shown on CLEP Map)	3 and 5 storeys	Yes
	Floor to ceiling height in commercial min. 3.3m	3.6-4.2 metres	Yes

Standard	Requirement	Proposed	Complies
	Floor to ceiling height in residential min. 2.7m	3-3.1 metres	Yes
	Floor to ceiling height in car parking min. 2.8m	3-3.7 metres	Yes
Building Depth	Commercial component 10-24 metres	One of the three commercial tenancies has a depth of 7.1 metres	No - see comments below
	In general, an apartment building depth of 10-18 metre is appropriate	Parts in proposed building have building depth greater than 18 metres	No – see comments below
Building Setbacks	1-4 storeys Minimum setback of 3 metres from front street boundary <ul style="list-style-type: none"> No controls for secondary frontages 	1-4 storey setback 3 metres from Canterbury Road boundary <ul style="list-style-type: none"> The 3 storey RFB facing Dibbs Street is setback 3 metres generally in line with adjoining properties Ground floor commercial unit along Canton Street frontage is adequately setback 2-3 metres, with 2-4 storey component having zero setback 	Yes
	5 th storey – an additional 5m setback is required <ul style="list-style-type: none"> No controls for secondary frontages 	Fifth storey proposes a setback of 8 metres from Canterbury Road boundary <ul style="list-style-type: none"> The fifth storey along Canton Street frontage is adequately setback 2.4-3.6 metres from the street boundary 	Yes
	Side Setback - side setback on boundary with Residential zone (adjacent to No.3 Dibbs Street) - establish 45 degree height plane projected 1.5 metre above the residential zone boundary and two storey height limit applies	The 3 storey RFB proposed along Dibbs Street is contained within this envelope	Yes
	Rear Setback – rear setback on boundary with Residential zone (adjacent to the subject site's 6-8 Canton Street development) - establish 45 degree height plane projected 6 metre from the residential zone boundary and two storey height limit applies	Setback distance of building is within the projected envelope control from the proposed development on land zoned R4 on the subject site (measured from the proposed building not zoning boundary)	Yes
Building Separation (as per SEPP 65)	6m up to 3 storeys 12m 4 th storey 18m 5 th storey	Some variations proposed along front eastern boundary that adjoins 300-306 Canterbury Road, and internally between the two main proposed buildings	No – see comments below

Standard	Requirement	Proposed	Complies
Building Configuration	At ground floor level viable shop fronts for business activities are to be created	Viable commercial tenancies have been provided at the ground floor level	Yes
Design Controls	Clearly identifiable entries, Provide main common entry.	Clear entry provided as main common entry	Yes
	Habitable room window to face communal areas	Habitable windows facing communal areas and perimeter of the development	Yes
	No obstruction to views from street to development and vice versa	No street frontage – sufficient natural surveillance to areas surrounding building	Yes
Facades – New 3-5 storey buildings	To be in accordance with articulation controls of this DCP	Façade is in accordance with the articulation requirements, as outlined in this table.	Yes
Shopfront	Shop premises to present a suitable streetscape appearance and allowing adequate security	Commercial premises proposed along the ground floor of the Canterbury Road and Canton Street frontages providing a suitable and active streetscape appearance which will promote security and safety in and around the development	Yes
Corner developments – treatments	Building emphasis at particular points strengthens the legibility of the urban structure	The building form returns along Canton Street from Canterbury Road to define the corner. Corner balconies with slight projection are used which are different to the other balcony treatments	Yes
Cantilevered Awning along Canterbury Road frontage	Height of between 3.2m and 4.2m from natural ground/footpath	3.2-4.2 metres	Yes
	Width of 3 metres	3metres. To be imposed as a condition of consent, should the application be approved.	Yes
Colonnade frontage along Canton Street frontage	Height of between 3.2m and 4.2m from natural ground/footpath with width of 3 metres	Height of 3.2-4.2 metres, with width of 2-3 metres given that this area extends for a length of 44 metres	Yes
Articulation	Buildings should generally have a base and upper elements	Building has base and upper levels	Yes

Standard	Requirement	Proposed	Complies
	The design of the facade, including the quality and durability of its materials, should be emphasised.	The façade is emphasised by contrasting the continuous horizontal expression of the white concrete slabs with the colourful vertical panels of the external walls that span between them. Materials used are of a high quality and are durable.	Yes
	The 'facade' should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours.	Vertical emphasis is provided with appropriate modulation through the use of varying materials and external finishes and colourful vertical panels	Yes
	A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable.	Shadow lines to be created through the use of building design elements. Recessed balconies create shadow and visual depth	Yes
	No blank walls are to face the public realm	No blank walls face Canterbury Road	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the facade. They should not be implemented in a monotonous or repetitive configuration. This applies to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail.	Balconies are integrated into the overall design of the façade. There is adequate variety in the balconies configuration between the lower and upper levels of the development. Balustrading is to be a combination of smooth concrete with paint finish and glass balustrades.	Yes
	The majority of windows shall be vertically rectangular	Majority of windows are vertically rectangular	Yes
Roof Design	Relate roof design to the desired built form and or context	Roof design is consistent with the desired built form and context of the area	Yes

Standard	Requirement	Proposed	Complies
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access.	Roof structure takes advantage of the northerly aspect to the front of the site to provide maximum solar access with eaves provided at appropriate locations for shading purposes	Yes
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive	Service and utility areas integrated into the design adequately	Yes
	Unscreened appliances not to be visible from the street, communal area of driveway on the site. Air con units behind balustrades, screened recesses for water heaters, meters in service cabinets.	Appliances not visible from public areas	Yes
	Communal rooftop antenna to be provided	Antenna can be conditioned	Yes
	Screen clothes drying areas from public view, storage space screened and integrated into design	Adequately screened	Yes
	Discretely locate mailboxes in front of property	Mailboxes to be provided along Canterbury Road frontage	Yes
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings	Design has adequately addressed visual privacy issue through window placements and sufficient setbacks with the adjoining property	Yes
Private Open Space, Balconies, terraces & Courtyards	Combined private open space area should be a minimum of 10% of dwelling floor space	Combined private open space area exceeds the minimum 10% of dwelling floor space	Yes
	Primary 8sqm balconies for 1 bedroom dwellings and 12sqm for 2 & 3 bedroom dwellings with minimum depth of 2 metres	Balconies of 116 of the 126 units provide the minimum private open space requirements with adequate depth. Condition to be imposed requiring all units to comply with this requirement.	Yes
	Full length balconies without articulation are not permitted	Articulation and building design elements incorporated to provide relief to balconies	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room	Yes
	Primary balconies to have minimum depth of 2 metres and be functional in dimensions	Minimum depth of 2 metres and functional in design	Yes

Standard	Requirement	Proposed	Complies
	Design and detail balconies in response to local climate	Balconies have been designed where achievable to have northern orientation to maximise solar access	Yes
	6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling 10m ³ per three bedroom dwelling	To be imposed as a condition of consent.	Yes
	Communal Area: Min. 10% of site area as communal open space (Required 445.9sqm)	1096sqm (24.5% of site area)	Yes
Internal Dwelling Space and Design	Dimensions and design of interiors to accommodate furniture typical for purpose of room	Typical furniture layout on plans	Yes
	Living room min 3.5m dimension	Minimum 3.5m	Yes
	Main bedrooms min 3.5m dimension, secondary bedrooms to have minimum 3m width	Minor non-compliances	See comments below

As noted in the above table, the proposed development does not comply with the requirements relating to building depth/footprint, building separation and room dimensions. These matters require further discussion as below:

Building Depth/Footprint

Commercial Units

Part 3.1.7(v) of CDCP 2012 states that for commercial and retail units, the minimum depth must be at least 10 metres. One of the three commercial units proposed has a depth of 7.1 metres. This depth is considered acceptable for the subject unit given that it spans approximately 44 metres in length along its Canton Street frontage, providing for an adequate and functional future commercial area that is capable to accommodating a viable commercial use.

Residential Units

Part 3.1.7(i) of CDCP 2012 states that for residential units, the maximum depth from glass line to glass line should be a maximum of 18 metres. The average overall building depth of the proposed development varies between 15.5-22.5 metres. The applicant addresses this variation as follows:

‘...the average depth exceeds the 18 metre control by 1 metre due to the site orientation, which requires maximising the number of apartments with a northern orientation to achieve solar access to living areas, but results in narrower but deeper apartment plans. It is noted that the habitable areas of the apartments are within 8 – 8.5 metres of the glass line, which complies with the RFDC...’.

It is considered that the depth proposed is satisfactory given the design has been specifically adopted to maximise the number of units benefiting from the northern orientation, and given that the habitable areas of the apartments are within the acceptable depth of 8-8.5 metres.

Building Separation

Part 3.1.9 of CDCP 2012 states that building separation between buildings on adjoining sites, or on the same site should be as follows (from a habitable room/balcony to a habitable room/balcony, which applies in the subject case):

- Up to 3 storeys → 6 metres
- Fourth storey → 12 metres
- Fifth to eighth storey → 18 metres

With regard to the front north-eastern part of the proposed development that adjoins 300-306 Canterbury Road, the ground floor is a proposed commercial use that adjoins a ground floor commercial use and has zero side setback. Part 3.1.9(vi) states that '*zero building separation can be used in appropriate contexts, such as in a main street...*'. It is thus considered acceptable that this development along Canterbury Road has a zero side boundary setback for its ground floor commercial units.

The second, third and fourth storeys of this part of the proposed development is setback 3 metres from the side boundary adjoining the four storey residential flat building at 300-306 Canterbury Road (noting that there is no fifth floor on this adjoining RFB).

With the 3 metre setback proposed for this part of the building, the second and third storeys have a total separation distance of 6 metres from the adjoining property as it is setback from the boundary by 3 metres, thus complying with the relevant control. However, the total separation distance of the fourth storey between both developments will be 6 metres where the requirement is to be a minimum 12 metres. This variation affects one residential unit in the adjoining development, and two residential units in the proposed development. All three units affected by this reduced separation distance have balconies facing away from each other, with no direct adverse impact on sunlight access, privacy or general amenity for existing and future residents.

With regard to the separation distance between the two main buildings of the proposed development, compliance is achieved across all storeys except for the fifth storey which is required to have a separation distance of 18 metres, but a distance of generally 13-14 metres has been proposed.

In light of the fact that sunlight access to the proposed residential units is in accordance with the RFDC's guidelines, and the applicant has stated that full height sliding privacy screens have been added to the northwest elevation of Building B units along the fifth storey, it is considered that the variation proposed does not compromise the intent and objective of building separation which is to achieve reasonable sunlight and privacy to residents in new buildings.

Room Dimensions

Part 3.3.4(ii) & (iii) of CDCP 2012 requires that the main bedroom in a dwelling/unit have a minimum width of 3.5 metres and the secondary bedrooms have a minimum width of 3 metres. The proposed development involves main bedrooms and secondary bedrooms with widths slightly less than what is required in this control. However, the provided dimensions have been shown to be able to accommodate typical main and secondary bedroom furniture in rooms that allow for appropriate light and ventilation. In this regard, the variation to the bedroom dimensions is considered acceptable and is worthy of support.

PART 6 – GENERAL CONTROLS

The proposed development compares to Part 6 of CDCP 2012 as follows:

Part 6.1 Access and Mobility

The Disability Access Committee has provided its comments in relation to the development. The Committee raised no objection to the development proceeding subject to the imposition of conditions of consent, and requirement that the development must be designed and constructed to comply with the Disability Discrimination Act, 1992, Disability (Access to Premises – Buildings) Standard 2010, and National Construction Code.

Part 6.2 Climate and Resource Efficiency

Multi Unit Housing

Part 6.2.6(i) of CDCP states that for new residential building that are 1-2 storeys in height, that the living room windows and principal ground level open space receive at least 2 hours sunlight between 9am and 3pm in mid winter. Details submitted by the applicant indicate that six of the eight multi dwelling housing units will receive at least 2 hours sunlight between 9am and 3pm in mid winter, with the remaining two units receiving 2 hours of sunlight between 8am and 4pm in mid winter. Whilst not strictly complying with the relevant requirement, all eight units will be provided with reasonable access to sun access.

Mixed Use Development

Part 6.2.6(ii) of CDCP states that for new residential buildings that are of 3 or more storeys in height, that at least 75% of the residential dwellings' living room and private open space receive at least 2 hours of sunlight between 9am and 3pm in mid-winter. The proposed development has 72% of dwellings receiving 2 hours of sunlight access between 8am and 4pm in mid-winter. In this regard, the applicant states that *'...the NE/NW site orientation eliminates 2 frontages from being able to achieve solar access mid winter, which makes 70% difficult to achieve mid winter due to the narrow sun angles. Nonetheless, 72% of units achieve 2 hours solar access mid winter 8am-4pm, with the extension of one hour in the morning and afternoon, and 60% achieve this between 9am-3pm'*.

Whilst strictly non-compliant with the CDCP requirement, it is noted that sunlight access is generally consistent with the SEPP 65 Residential Flat Design Code 'rule of thumb' that *'...living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three*

hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable'. As such, it is considered acceptable in this case to support the variation.

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings, and natural ventilation to 25% of kitchens in multi unit developments. Accordingly, 62% of the proposed dwellings have natural cross ventilation, and all kitchens have natural ventilation.

In regard to the development's impact on sunlight access to its adjoining neighbours, namely the affected properties at 10 Canton Street and 3 Dibbs Street, at least 2 hours of sunlight access is still received into the living room windows and/or private open space areas of these properties between 9am and 3pm in mid winter, which is generally the accepted period and time used for assessment purposes.

Part 6.3 Crime Prevention Through Environmental Design

The proposed development will not contribute to creating opportunities for additional criminal activity and is consistent with the objectives and principles in Part 6.3 of CDCP 2012 relating to natural surveillance, access control and ownership. The applicant outlines the following features in the design of the proposed development that address the CPTED principles:

Residential Development

- The upper units in the proposed mixed use development contain residential units that address the street
- The lobby and main entrance in the mixed use development is visible from Canterbury Road
- The parking area does not dominate the development as it is provided at basement level
- The proposal provides clearly delineated access points
- Secure basement access and access to the dwellings is proposed
- Each communal open space provides different features in terms of use and landscaping to give a sense of ownership
- The access arrangement is appropriate to service the number of units within each block

Commercial Development

- Commercial entries are visible from Canterbury Road
- Security lighting will be provided after business hours
- Materials and finishes proposed will reduce opportunity for vandalism and intruder access

Further, the proposal has been assessed by our Community Safety Committee who has advised that no objection is raised to the proposed development provided relevant conditions are imposed on any consent issued relating to crime prevention and community safety matters.

Part 6.4 Development Engineering, Flood and Stormwater

The stormwater proposal submitted with the application has been assessed by our Development Engineer and is in accordance with our stormwater disposal requirements. No objection is raised subject to conditions of consent being attached to any consent granted.

Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation

The landscaping proposal for the subject development has been reviewed by our Landscape Architect who has advised that no objection is raised from a landscaping perspective, subject to appropriate conditions, being imposed on any consent issued.

The conditions provided include the retention and protection of a Scribbly Gum tree located along the Canton Street frontage, and a Brushbox tree located along the Dibbs Street frontage. Given the design proposed, and the location of these trees being in prominent locations, their retention and protection with sufficient tree protection zones, would significantly hinder and adversely impact on the design quality of the proposed development and the visual interface it has with its respective street frontages. In this regard, the two trees are conditioned to be removed and replaced with suitable tree species.

Part 6.8 Vehicle Access and Parking

The development application has been reviewed and assessed by our Team Leader – Traffic who has raised no objection to the proposal subject to appropriate conditions being imposed on any consent.

The proposal compares to the relevant requirements of Part 6.8 of CDGP 2012 as follows:

Standard	Requirement	Proposal	Complies
Residential Units	66 x 1 bedroom (1 each) 65 x 2 bedroom (1.2 each, with 0.2 common) 3 x 2 bedroom (2 each) = 137, plus 13 common spaces = 150 spaces	150 spaces	Yes
	Visitor – 27 spaces (based on 1 space per 5 units)	27 spaces	Yes
	One car wash bay	One car wash bay	Yes
	Resident bicycle spaces – 27 spaces	27 spaces	Yes
	Visitor bicycle spaces – 13 spaces	13 spaces	Yes
Commercial Units	Commercial unit along Canton Street to be used for 'office' purposes, rate is 1 space per 40sqm (313sqm) → Total 7.825 spaces	29 spaces provided	Yes
	Commercial Unit on Lower Ground Floor along Canterbury Road to be used partly as a restaurant		

	(120 sqm at a rate of 1 space per 40sqm → 3 spaces, and partly for retail 263sqm at a rate 1 space per 30sqm → 8.77. Total 11.77 spaces.		
	Commercial Unit on Upper Ground Floor along Canterbury Road to be used partly as a restaurant (120 sqm at a rate of 1 space per 40sqm → 3 spaces, and partly for retail 180sqm at a rate 1 space per 30sqm → 6 spaces. Total 9 spaces		
	Total 28.6 → 29 spaces		
	One courier parking/loading area space	1 space	Yes
	Bicycle parking 2 spaces for office use 2 spaces for retail use 5 spaces for restaurant Total 9 spaces	7 spaces indicated on plan – to be conditioned to 9 spaces	Yes

The proposed development is consistent with the relevant car parking and requirements in CDCP 2012 .

It is considered appropriate that a condition be imposed requiring the developer/applicant to prepare a revised car parking and bicycle spaces allocation plan for the development, and submit it to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The allocation plan must ensure car parking and bicycle spaces are correctly allocated to the dwellings within the residential component of the development, and to the commercial uses on the lower and upper ground levels.

Part 6.9 Waste Management

The development application was referred to our Waste Services Coordinator who was satisfied with the Waste Management Statement and Waste Management Plan submitted by the applicant. However, concerns were raised in regard to the size and design of the residential and commercial waste bin holding areas, and operational matters regarding the specific garbage chute to be used by the residents of the multi dwelling housing units. These concerns have been included and imposed as conditions of consent, ensuring that the on-going and operational waste management procedures of the development is satisfactory and is in accordance with Part 6.9 of CDCP 2012.

- **Section 94 Contributions Plan**

The proposed development which involves 3x large, 72 x medium and 59 x small dwellings to the site attracts a contribution of \$1,281,360.86. A credit of 2

x large dwellings has been applied for the existing 2 residential dwellings on 6 and 8 Canton Street. This contribution is subject to indexing.

ADDITIONAL CONSIDERATIONS

- **Acoustics**

Given the location of the site located along a busy road, the application has been accompanied by an Acoustic Assessment prepared by Acoustic Logic dated 6 September 2013 which details various measures that are to be incorporated in the construction of the building to ensure compliance with the above requirements and safeguard the amenity of future occupants of the development. An appropriate condition is included in the recommendation requiring the development to be constructed in accordance with this report.

- **National Construction Code**

The development application has been reviewed and assessed by our Building Officer who has raised no objection to the proposal subject to appropriate conditions being imposed, including that full compliance with the National Construction Code is to be achieved.

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties at 3 Dibbs Street, 5-7 Dibbs Street and 10 Canton Street, Canterbury to withstand the excavation works proposed.

Further an additional condition requiring the applicant to provide a dilapidation report for the adjoining properties, prior to the issue of the Construction Certificate is also recommended. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant will be required to rectify all damages.

- **Sediment and Erosion Control**

Standard conditions are included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

The development will involve excavation of part of the site to accommodate the development. Any excavated material not utilised elsewhere on the property, will require proper disposal and transport in accordance with the *Waste Avoidance and Recovery Act, and the Protection of the Environment Operations Act*. A condition will be imposed in this regard.

EXTERNAL REFERRALS

Roads & Maritime Services

As stated previously in the report, as per the provisions of SEPP 2007, the application was referred to the Roads and Maritime Services (RMS). The RMS has

advised that it raises no objection to the proposed development subject to conditions being imposed on any development consent issued.

NOTIFICATION

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012. We received submissions objecting to the proposal from 16 neighbouring residents. The submissions raised the following issues of concern, which are discussed below:

- **Concern that the proposed development will generate additional traffic in Dibbs Street and cause major delays for residents and customers of businesses in Dibbs Street turning into Canterbury Road and a likely increase in accidents in vehicles turning into Canterbury Road. Because of constant streams of traffic turning into Canterbury Road in peak hours it is virtually impossible to turn right into Canterbury Road in peak hours and even left hand turns are difficult. Concern is also raised in regard to pedestrian safety given the volume of traffic making difficult turns in a street with a large number of children**

Comment

The proposed development is supported by a Traffic, Transport & Pedestrian Impact Assessment prepared by McLaren Traffic Engineering and dated 19 September 2013 detailing the traffic and parking implications of the proposal. It concludes that based on the existing traffic and parking conditions in the locality and expected traffic generation and impact, the proposed retail and residential units can be accommodated by the surrounding road and land use environments with minimal impact when due regard given to residential amenity, road safety and traffic flow efficiency on the main road of Canterbury Road.

The proposal and the traffic report were reviewed by the Roads and Maritime Services and Council's Team Leader of Traffic who raised no objection to the proposed development from a traffic and parking assessment based on the imposition of conditions, including a condition requiring that a concrete median is to be constructed on Canterbury Road at the intersection of Canterbury Road and Dibbs Street to stop illegal right turn movements from and to Canterbury Road, and in turn addressing resident concerns regarding driver and pedestrian safety.

- **Concern that the proposed development is likely to restrict available parking in Dibbs Street which will take parking overflow from this development**

The proposal will provide a total of 206 off-street car parking spaces located within two levels of the basement accessed off Dibbs Street. As discussed previously under Part 6.8 *Vehicle Access and Parking*, the proposal will provide sufficient car parking to meet the relevant parking requirements and on this basis is considered acceptable. The proposal provides sufficient car parking to meet the anticipated traffic and car parking demands of the proposed development.

- **Concern that there is only one entry and exit point which is in Dibbs Street with approximately 200 parking spaces. Canton Street would be a more appropriate access point as it is a through road with connections to Fore Street**

Comment

This part of the proposal has been reviewed by the Roads and Maritime Services and Council's Team Leader of Traffic who raised no objection to the proposed entry and exit point in Dibbs Street.

- **Concern is raised in regard to the overshadowing impact of the proposed development**

Comment

As stated previously in this report, at least 2 hours of sunlight access is still received into the living room windows and/or private open space areas of adjoining affected properties between 9am and 3pm in mid winter, which is generally the accepted period and time used for assessment purposes.

- **Concern is raised in regard to the privacy impact of the proposed development**

Comment

The visual and acoustic privacy of residents in the immediate locality are maintained by virtue of ample boundary setbacks together with proposed landscaping within setback areas. It is also noted that the most living rooms and balconies of the dwellings within the main buildings of the proposal overlook internally within each other.

In addressing this concern further, it is recommended that a condition be imposed requiring all balconies adjacent to the neighbouring property at 300-306 Canterbury Road be installed with fixed side privacy screens to a total height of 1800mm, and all balconies along the southern elevation of Building B be installed with privacy screens to a total height of 1800mm using a combination of fixed and moveable and covering a minimum of two thirds of the length of the balconies.

- **Concern regarding the method of bin storage and waste collection for the proposed development**

Comment

The bins associated with the proposed development will be stored for collection in an enclosed bin presentation area (adjacent to the Dibbs Street driveway). The bins will be collected from this area and returned to this area on collection day/night by the waste services contractor. No bins will be stored along the Dibbs Street frontage.

- **Concern regarding the proposed development's non-compliances with the building height and setback requirements**

Comment

The proposed development involves slight variations in parts regarding building height and setbacks. The variations have been accepted based on their location on the developed site and their likely negligible impacts on any adjoining residents. A detailed assessment of the proposed development against the relevant requirement of Council's Development Control Plan 2012 is provided above in this report.

- **The applicant/developer should submit a dilapidation report to address any potential damage of neighboring properties**

Comment

Should approval be issued, a condition is to be imposed requiring the applicant to provide a dilapidation report for the adjoining properties, prior to the issue of the Construction Certificate. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant will be required to rectify all damages.

- **The overall size of the development is out of character with the surrounding area**

Comment

It is clear that the proposed development, in terms of bulk and scale, is different to existing development in the locality. Nevertheless, Council has recently adopted new planning controls and this proposal represents the form and scale of development envisaged by these new controls that apply throughout the City of Canterbury including along Canterbury Road. The proposed development in fact represents the future character contemplated by these controls and on this basis, the proposal is a suitable development for the site.

- **Garden beds of 300-306 Canterbury Road that border the proposed development need to be protected from damage**

Comment

Should approval be issued, a condition of consent is to be imposed ensuring that the garden beds of 300-306 Canterbury Road that border the subject development site need to be protected from damage.

- **Concern in regard to the noise impacts from the mechanical exhaust system (which would definitely be located 6 metres from a residential boundary) and generally from vehicles entering and exiting the car park particularly any large vehicles entering and exiting the loading dock. Further, it is requested that the developer fund and execute the installation of a) the maximum height fence or gate possible to minimise noise and glare across the frontage of both 2 and 2A Dibbs Street, and b) double glazing and sound proofing of these dwellings**

Comment

It is recommended that a condition be imposed requiring the applicant/developer to engage an acoustic consultant to investigate the noise and vibration impacts of the Dibbs Street driveway onto the likely affected properties of 2, 2A, 3 and 4 Dibbs Street, and if necessary develop appropriate mitigation measures to address and minimise the likely effects. This investigation report is to be prepared and provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

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 and has been found to be satisfactory and worthy of support. The proposed development is well designed in providing good amenity for future occupants of the subject dwellings, and minimising impacts onto neighbouring residents. The design of the proposed development is compatible with the future and desired local character of the area and represents a quality development that will positively contribute to the Canterbury Road corridor and indeed the local built environment. As such, it is recommended that the development application be approved subject to conditions.

RECOMMENDATION

THAT the Joint Regional Planning Panel approve Development Application DA-405/2013 for the construction of a mixed use development comprising ground floor commercial units, 126 residential units, eight multi dwelling housing units and associated basement car parking, 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 the relevant Construction Certificate:

1.1. Details of:

- Structural Engineering Plan
- Protection from termites
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Section 73 Compliance Certificate
- Soil and Waste Management Plan
- Consolidation of All Lots into One Lot
- Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
- BASIX Certification
- Compliance with Disability (Access to Premises – Buildings) Standards 2010.
- Compliance with Conditions regarding Waste Management

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	\$12,662.00
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Section 94 Contributions	\$1281360.86
Certificate Registration Fee	\$36.00
Long Service Levy	\$105,219.80

- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$61,394.00
Inspection Fee	\$16,527.00
Occupation Certificate Fee	\$6,091.00

Note 1: 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 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 4: 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 the relevant Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

SITE SIGNAGE

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

GENERAL

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

Drawing No.	Drawing Title	Prepared by	Received by Council on
110-007 Rev.M	Basement 01	Turner Studio	2 January 2014
110-008 Rev.K	Lower Ground Level	Turner Studio	2 January 2014

Drawing No.	Drawing Title	Prepared by	Received by Council on
110-009 Rev.K	Upper Ground Level	Turner Studio	2 January 2014
110-010 Rev.K	Level 1	Turner Studio	2 January 2014
110-020 Rev.J	Level 2	Turner Studio	2 January 2014
110-030 Rev.J	Level 3	Turner Studio	2 January 2014
110-040 Rev.J	Level 4	Turner Studio	2 January 2014
110-050 Rev.H	Roof Level	Turner Studio	2 January 2014
210-001 Rev.H	Canterbury Rd Elevation	Turner Studio	2 January 2014
210-002 Rev.H	Canton St Elevation	Turner Studio	2 January 2014
210-003 Rev.E	Dibbs St Elevation	Turner Studio	2 January 2014
210-004 Rev.E	Elevations R4	Turner Studio	2 January 2014
310-001 Rev.H	Section A	Turner Studio	2 January 2014
310-002 Rev.H	Section B	Turner Studio	2 January 2014
310-003 Rev.G	Section C	Turner Studio	2 January 2014
310-004 Rev.G	Section D	Turner Studio	2 January 2014
310-005 Rev.F	Section E	Turner Studio	2 January 2014
310-006 Rev.F	Section F	Turner Studio	2 January 2014
310-007 Rev.F	Section G	Turner Studio	2 January 2014
310-008 Rev.E	Section H	Turner Studio	2 January 2014
310-009 Rev.E	Section J	Turner Studio	2 January 2014

- 4.1. The developer/applicant is to prepare a revised car parking and bicycle spaces allocation plan for the development, and submit it to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The allocation plan must ensure car parking and bicycle spaces are correctly allocated to the dwellings within the residential component of the development, and to the commercial uses on the lower and upper ground levels.
- 4.2. The Cantilevered Awning along the Canterbury Road frontage is to have a width of 3 metres.
- 4.3. The primary balconies provided for each of the 126 residential units in the mixed use development must comply with the minimum area and dimensions controls in Part 3.3.3(ii), (iii) and (iv) of CDCP 2012.

- 4.4. Each of the 126 residential units in the mixed use development must comply with the minimum amount of storage as required in Part 3.3.4(v) of CDCP 2012.
- 4.5. All balconies adjacent to the neighbouring property at 300-306 Canterbury Road be installed with fixed side privacy screens to a total height of 1800mm, and all balconies along the southern elevation of Building B be installed with privacy screens to a total height of 1800mm using a combination of fixed and moveable and covering a minimum of two thirds of the length of the balconies. Details shall be provided with the application for the Construction Certificate.
5. Finishes and materials including the treatment of external walls, windows, doors and balustrades being in accordance with the 'External Colours and Finishes Schedule' received by Council on 26 September 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.
6. The specific fit-out and use of the three commercial units, including any associated signage, being the subject of a separate approval.
7. The commercial unit along Canton Street (312.77 sqm in area) to be used for 'office' purposes only.
8. The commercial unit on the Lower Ground Floor along Canterbury Road (383.49 sqm in area) to be used partly as a restaurant (120 sqm) and partly for 'retail' purposes (263sqm).
9. The commercial unit on the Upper Ground Floor along Canterbury Road (300.22 sqm in area) to be used partly as a restaurant (120 sqm) and partly for retail purposes (180 sqm).
10. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
11. Two hundred and six (206) off street car parking spaces being provided in accordance with approved DA plans. Car parking within the development shall be allocated as follows:
 - One hundred and fifty (150) residential spaces, with thirteen (13) of which retained as common property.
 - Twenty-seven (27) residential visitor spaces
 - Twenty-nine (29) commercial spaces
 - One (1) car wash bay
 - One (1) courier space

If the development is to be strata subdivided, the carpark layout must respect the above allocation.
12. All disabled parking space dimensions, cross-falls, vertical clearances for access paths and above spaces are to be in accordance with the requirements of AS2890.6.
13. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
14. All bicycle spaces are to be provided in accordance with AS2890.3.
15. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
16. The bathroom and ensuite window(s) being translucent glass.

17. 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 monetary contribution of \$1281360.86 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$617437.79	711
• Recreation Facilities	\$103621.31	712
• Community Services	\$328553.96	713
• Environmental Amenity Improvements	\$127962.22	714
• Traffic Control and Management	\$21797.07	715
• Monitoring, research and administration	\$81988.51	717

Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined.

Council's Section 94 Contributions Plan 2005 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

18. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
19. 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.
20. 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.
21. All building construction work must comply with the National Construction Code.
22. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor 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.
23. 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.
24. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
25. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
26. 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.

27. 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.
28. 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.
29. 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.
30. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
31. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
32. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
33. 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.
34. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
35. 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.
36. Payment of an additional garbage levy for each new dwelling upon completion of work.
37. 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.
38. 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).
39. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. 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.

40. 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."

DILAPIDATION & EXCAVATION

41. A photographic survey of the adjoining properties at 3 Dibbs Street, 5-7 Dibbs Street and 10 Canton Street, Canterbury detailing the physical condition of those 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 and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the 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 and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.

42. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 3 Dibbs Street, 5-7 Dibbs Street and 10 Canton Street, Canterbury and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

LANDSCAPING

43. The Landscape Plan (drawn by Carmichael Studios, drawing no SK01-SK04 and submitted to council on 26th September 2013) and landscape architecture development application report must be supplemented with the following items:

- 43.1. Construction Details including:
 - a. Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls)
 - b. Detailing and location of edge treatments (e.g. Concrete, brick, timber). This is particularly important with carpark areas adjacent to landscape areas. Location and material of Wheel stops must be shown where appropriate.

- 43.2. Detailed Maintenance Schedule including:
- c. replacement strategy for failures in plant materials and built works,
 - d. maintenance schedule for watering, weeding and fertilizing during the establishment period

This amendment must be submitted to Council or certifier prior to the issue of the Construction Certificate.

44. The existing tree *Melaleuca linarifolia* (common name Snow in Summer) is located on an adjacent property and therefore consent is required by Council's Tree Preservation Officer as well as the owner prior to its removal. Any pruning or removal which has to be completed by the applicant would require a separate application to be made to the Council's Tree Preservation Officer regarding the pruning of overhanging branches onto the development site. Work may only be undertaken if written approval has been granted. Written approval for any pruning must also be gained from the owners of the neighboring property on which the tree is located on.
45. The existing street trees, 6 x *Callistemon sp.* (common name Bottlebrush and numbered Tree 1,2,5,6,7,9 on the submitted arborist report written by Arboreport Vegetation Management Consultants) and 1 x *Melaleuca decora* (common name White Feather Honey Myrtle and numbered on the submitted Arborist report as Tree 8) are to be retained and protected during construction. A tree protection zone (TPZ) of 2m must be observed for each tree. A tree protection barrier is to be erected around the perimeter of the required TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
46. The existing street tree, *Callistemon sp.* (common name Bottlebrush) growing along Dibbs Street, is to be retained and protected during construction. A tree protection zone (TPZ) of 2m must be observed for each tree. A tree protection barrier is to be erected around the perimeter of the required TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
47. The garden beds of 300-306 Canterbury Road that border the subject development site need to be protected from damage.
48. The existing property vegetation is to be retained or removed as follows:

Tree No.	Botanical Name	Common Name	Action	Details/ Tree Protection Zone (TPZ)
T3	<i>Eucalyptus</i>	Scribbly	Ok to remove	See below for

	<i>racemosa</i>	Gum	and replace	replacement tree details
T4	<i>Eucalyptus racemosa</i>	Scribbly Gum	Remove and replace	See below for replacement tree details
T10	<i>Eucalyptus robusta</i>	Swamp Mohogany	Ok to remove and replace	See below for replacement tree details
T11	<i>Melaleuca linarifolia</i>	Snow in Summer	Ok to remove and replace	See below for replacement tree details
T12	<i>Melaleuca linarifolia</i>	Snow in Summer	Ok to remove and replace	See below for replacement tree details
T13	<i>Melaleuca linarifolia</i>	Snow in Summer	Ok to remove and replace	See below for replacement tree details
T14	<i>Grevillea robusta</i>	Silky Oak	Remove	Tree is dead
T15	<i>Melaleuca linarifolia</i>	Snow in Summer	Ok to remove and replace	See below for replacement tree details
T16	<i>Melaleuca linarifolia</i>	Snow in Summer	Ok to remove and replace	See below for replacement tree details
T17	<i>Melaleuca linarifolia</i>	Snow in Summer	Ok to remove and replace	See below for replacement tree details
T18	<i>Cinnamomum camphora</i>	Camphor tree	Ok to remove	Weed species
T19	<i>Grevillea robusta</i>	Silky Oak	Ok to remove and replace	See below for replacement tree details
T20	<i>Corymbia citriodora</i>	Lemon scented Gum	Ok to remove and replace	See below for replacement tree details
T22	<i>Grevillea robusta</i>	Silky Oak	Ok to remove and replace	See below for replacement tree details
T23	<i>Grevillea robusta</i>	Silky Oak	Ok to remove and replace	See below for replacement tree details
T24	<i>Lophostemon confertus</i>	Brushbox	Remove and Replace	See below for replacement tree details
T25	<i>Grevillea robusta</i>	Silky Oak	Ok to remove and replace	See below for replacement tree details

48.1. The trees noted to be removed and replaced are to be min 75ltr container size trees as proposed on the submitted landscape plan (drawn by

Carmichael Studios, drawing no SK01-SK04 and submitted to Council on 26th September 2013).

STORMWATER ENGINEERING

49. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 26th September 2013; drawing numbers SW, 000, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, Revisions D, prepared by Insync Services and as amended by the following conditions.
50. 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.
51. 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 DCP 2012, Part 6.4.
52. 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 DCP 2012, Part 6.4.
53. 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 Councils DCP 2012, Part 6.4.
54. 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.
55. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 6 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".
56. 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.

57. 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.
58. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
59. A driveway longsection scaled at 1:25 (both vertical & horizontal) is to be submitted indicating the appropriate grades, lengths, transitions and height clearances above the driveway. The existing street levels are to be included in the design of the driveway (The existing street levels include kerb & gutter, footpath and boundary line levels which cannot be altered). The driveway widths, grades, lengths and transitions shall be in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".

PUBLIC IMPROVEMENTS

60. 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".
61. The reconstruction of the kerb and gutter along all areas of the site fronting Canterbury Road, Dibbs Street and Canton Street 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".
62. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road, Dibbs Street and Canton Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
63. 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.

CONTAMINATION & REMEDIATION

64. The applicant/developer is to submit a Detailed Preliminary Environmental Site Assessment after demolition of all structures and prior to any excavation or construction works, to the Principal Certifying Authority, in accordance with Clause 7 of SEPP 55 – Remediation of Land.

WASTE MANAGEMENT

65. The residential waste bin holding area is to be re-designed to be able to accommodate all bins for collection. As per Part 6.9.4 *Design and Access Waste and Recycling Store* of Canterbury Development Control Plan 2012, bins must not be placed in front of each other and it must be ensured that they are easily accessible for movement by collectors.
66. The access door to both the commercial and residential waste bin holding area must be at least 1.2 metres in width.
67. Residents of the multi dwelling housing units (Units C001, C002, C003, C004, C005, C006, C007 & C008) must use the garbage chute located at grid BC/9 (on

Drawing No.110-007), adjacent to where they will be placing their recyclable materials.

- 68. The garbage rooms must include water supply and drain (that is connected to the sewer system).
- 69. The owner of the development must indemnify Council's waste collection contractor against damage that may result from their entry onto the property to collect waste bins. Council's standard indemnity form shall be completed and returned to Council prior to the site being occupied.

CRIME PREVENTION & COMMUNITY SAFETY

- 70. All access points to the building (this would include lifts and stairwells) are to be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
- 71. The storage units located in the vicinity of the car spaces 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.
- 72. The basement carpark is to be painted the colour 'white' to increase lux levels and light reflection.
- 73. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
- 74. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
- 75. 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.
- 76. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
- 77. The installation of CCTV cameras at the street frontages of the building and at access to the basement carpark. This measure will ensure that the site is monitored at all times.
- 78. Residents are to be made aware of our Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.
- 79. The site is to 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.
- 80. Signage is to be installed at all driveways, entry and access points.

DISABILITY ACCESS

- 81. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.
- 82. A continuous accessible path of travel is to be provided from the street alignment to the building entries, and from the underground carpark, to and within each of the adaptable units, and to and within all common areas of the buildings, including landscaped areas and the residential garbage room. It must not contain a step or other impediment, and must have an unobstructed width of at least 1000mm, and vertical clearance of 2000mm. Vegetation in landscaped areas should not overhang an accessible path of travel.
- 83. The Disability (Access to Premises – Buildings) Standards require a fully accessible lift (AS1735.12). If the lift travels more than 12 metres it is to have

minimum floor dimensions of 1400mm X 1600mm. However, as this is a residential development, with the accessible units on the upper floors, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100 mm X 550 mm, should be provided for the benefit of every resident who may have to be evacuated in a horizontal position. Circulation space in front of lift doors is to be at least 1550 mm.

84. The Business Plan for the building is to detail measures to be taken for the evacuation of residents from the adaptable units in the event that the lifts are out of service.
85. Access to the Mail Room is to be re-designed so that the landing at the door has a maximum gradient of 1:40; and the latch-side clearance on the inside and outside of the door complies with AS1428.1 (2009). The doorway is to provide a minimum clear opening of 850 mm, when the door is fully open. Letter boxes for adaptable units are to be located between 900 mm and 1100 mm above the finished floor level.
86. The operative part of the intercom is to be located at a height between 900 mm and 1100 mm above the surface.
87. The minimum vertical clearance in the accessible parking spaces and adjacent shared areas is to be 2500mm, and the path of travel from the building entry to accessible parking spaces is to have a minimum vertical clearance of 2200mm.
88. The main entries to the building are to be at-grade, with the entry paths to have maximum crossfalls of 1:40.
89. Paving in the entry foyers and the common areas is to be non-slip in wet and dry conditions.
90. All glazed doors and side panels on a continuous accessible path of travel are required to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to be at least 75 mm wide for the full width of the door or side panel and provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door. Entry doorways are to provide a minimum clear width of 850 mm, when the door, or a single leaf, is fully open.
91. Steps are to have equal height risers and are to comply with AS1428.1 (2009). Handrails are required on both sides of the steps. Tactile Ground Surface Indicators (TGSI's) are required at the top and base of these steps, to comply with AS1428.4.1.
92. Ramps are to comply with AS1428.1 (2009), with a maximum gradient of 1:14. Ramps with gradients between 1: 20 and 1:14 are to have compliant handrails on each side, and TGSI's at the top and base to comply with AS1428.4.1.
93. Adaptable Units
 - 93.1. All glazed doors and panels within adaptable units are required to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door.
 - 93.2. Entry doorways to the Units are to provide a minimum clear width of 850 mm, when the door is fully open. Internal and external latch-side clearances for all doors are to comply with AS1428.1 (2009).
 - 93.3. The terrace or balcony levels are to be the same as the internal floor levels of the adaptable units in the post-adaptation stage, with the tracks of the sliding doors to be recessed level with the unit floor, to avoid a trip

hazard. Alternately, a threshold ramp may be installed, with a maximum length of 280 mm, a maximum height of 35 mm, and a maximum gradient of 1:8.

- 93.4. Wet areas in the bathroom, kitchen and balcony/terrace are to have surfaces that are non-slip, in wet and dry conditions.
- 94. Corridors are to have a minimum width of 1000 mm, but must be wider at the entrances to adaptable units, to comply with AS1428.1 (2009).

ACOUSTICS

- 95. Carry out all recommendations in Part 5.3 of the 'DA Acoustic Assessment' as prepared by Acoustic Logic (dated 6 September 2013).
- 96. An acoustic consultant is to be engaged to investigate the noise and vibration impacts of the Dibbs Street driveway onto 2, 2A, 3 and Dibbs Street, and if necessary develop appropriate mitigation measures to address and minimise the likely effects. This investigation report is to be prepared and provided to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

ROADS & MARITIME SERVICES

- 97. A concrete median is to be constructed on Canterbury Road at the intersection of Canterbury Road and Dibbs Street to stop illegal right turn movements from and to Canterbury Road.
 - 97.1. The design and construction of the concrete median on Canterbury Road shall be in accordance with the Australian Standards and RMS's requirements. Details of further requirements can be obtained from the RMS's Project Services Manager, Traffic Projects Section, Parramatta (Ph 02 8849 2144).
 - 97.2. A certified copy of the design plans shall be submitted to the RMS for consideration and approval prior to the release of a Construction Certificate by Council and commencement of road works.
 - 97.3. The RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the road works.
 - 97.4. All works associated with the proposed development shall be at no cost to the RMS.
- 98. The proposed development should be designed such that road traffic noise from Canterbury Road is mitigated by durable materials in order to satisfy the requirements for habitable room under Clause 102 – (Impact of Road Noise or Vibration on Non-Road Development) of State Environmental Planning Policy (Infrastructure) 2007.
- 99. 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).
- 100. Stormwater discharge from the subject site into the Roads and Maritime Services system must not exceed pre-development discharge. In this regard, detailed plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime Services prior to the commencement of any works. Details shall be forwarded to: Sydney Asset Management, PO Box 973, PARRAMATTA CBD NSW 2124. A plan checking fee may be payable and a performance bond may be required before the Roads and Maritime Services approval is issued. With regard to civil works, please contact

Roads and Maritime Services Project Engineer, External Works on (02) 8849 2114.

101. The layout of the car parking areas and access driveways associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1- 2004.

102. All road works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services.

CONSOLIDATION OF LOTS

103. The site being consolidated into one allotment. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the release of the Occupation Certificate or occupation of the building.

SYDNEY WATER REQUIREMENTS

104. 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.

CRITICAL INSPECTIONS

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

Class 2, 3 or 4 Buildings

105.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and

105.2. prior to covering any stormwater drainage connections, and

105.3. 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

105.4. prior to covering any stormwater drainage connections, and

105.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

ADDITIONAL INSPECTIONS

106. 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

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

WE ALSO ADVISE:

108. This application has been assessed in accordance with the National Construction Code.
109. 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.
110. 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
 - Glazing
 - BASIX completion
 - Water Proofing
111. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
112. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
113. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
114. 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.
115. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act" and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
116. 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.
117. 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.
118. If you are not satisfied with this determination, you may:
 - 118.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of receipt of this Notice of Determination; or
 - 118.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

