

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2013SYE104</b>
<b>DA Number</b>	<b>DA-509/2013</b>
<b>Local Government Area</b>	<b>City of Canterbury</b>
<b>Proposed Development</b>	<b>Demolition of existing site structures and construction of a mixed use development comprising ground floor commercial/retail units, 254 residential units and associated basement car parking</b>
<b>Street Address</b>	<b>548-568 Canterbury Road, Campsie (Lot 106 DP 624546)</b>
<b>Applicant / Owner</b>	<b>Statewide Planning Pty Ltd / Harrisons Timber Pty Ltd</b>
<b>Number of Submissions</b>	<b>Submissions objecting to the proposal from 2 neighbouring residents</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Hassan Morad Senior Planner</b>

**Assessment Report and Recommendation**

**EXECUTIVE SUMMARY**

- Council has received Development Application (DA-509/2013) for the demolition of the existing site structures and construction of a mixed use development comprising 16 ground floor commercial units, 254 residential 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 site is known as 548-568 Canterbury Road and is zoned B5 Business Development under Canterbury Local Environmental Plan 2012. 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 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 2 submissions objecting to the proposal from 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 is known as No. 548-568 Canterbury Road, Campsie and is identified as Lot 106 DP 624546. The site is irregular in shape and has frontage to Canterbury Road of 117.95 metres to the north and a frontage to Elizabeth Street of 27.7 metres to the east and a total site area of 8275 square metres. The site backs onto the adjoining allotments at 538-546 Canterbury Road and 570-572 Canterbury Road to the east and west respectively. The site has a slight cross fall from the north-west to the south-east of the allotment.

The existing development on the site consists of a two storey bulky goods retail outlet currently used by Harrisons Timber and Hardware, associated storage areas and car parking. Access to the site is via Canterbury Road and Elizabeth Street.

The site is located in a transitional zone, with institutional uses to the north-east (Canterbury Hospital), mixed commercial/office uses to the east (clothing manufacturers, office, medical centre), light industrial uses to the rear/south, commercial/bulky goods retailing to the west and a car sales lot and low rise residential uses to the north. The outer lying areas are predominantly medium density residential development.

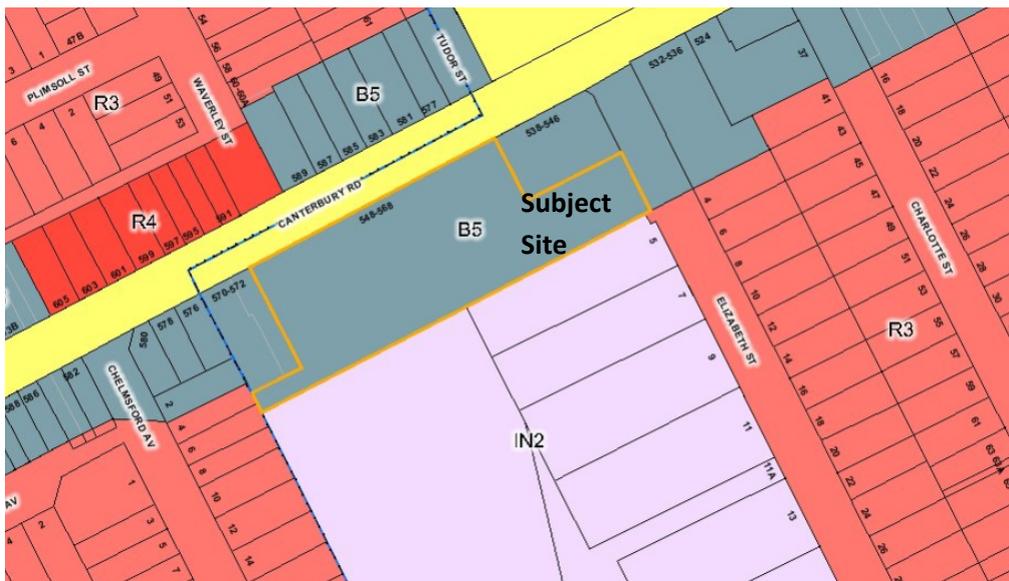


Figure 1. Subject Site



**Image 1.** Aerial and surrounding development



**Image 2.** View of site along Canterbury Road – looking west



**Image 3.** Canterbury Road Frontage



**Image 4.** Existing customer car park and vehicle access from Canterbury Road



**Image 5.** View of site from Elizabeth St and service access

## PROPOSAL

The proposed development involves the demolition of the existing site structures and construction of a mixed use development comprising 16 ground floor commercial units, 254 residential units and associated basement car parking. In detail, the proposal involves the following:

- Demolition of the existing site structures and excavation for basement car parking;
- Construction of three (3) levels of basement parking with four ingress/egress points via a new rear laneway to be constructed along the southern boundary of the site. 402 off-street car parking spaces are proposed comprising 322 residential spaces, 26 retail/commercial spaces, 54 visitor spaces and 53 bicycle spaces;
- Basement level parking lots are to be accessed via individual points off a new laneway to be constructed along the southern boundary of the site;
- A loading bay which can accommodate a variety of commercial vehicles up to and including 9.8 metre long rigid vehicles. A reversing bay at the western end of the future rear laneway is also proposed;
- At ground floor level in Buildings A, B, C and D, sixteen (16) non-residential commercial units are proposed along the Canterbury Road frontage;
- The remainder of the development comprises a mix of residential units (92 x 1 bedroom units, 140 x 2 bedroom units and 22 x 3 bedroom units);
- A garbage storage area and collection area is provided within the ground level of each building;
- Deep soil area and landscaping are provided within the central courtyard between Buildings A, B, C and D and around the periphery of Building E; and
- Roof terraces totalling 845 square metres also enhance common open space provision. Ground level communal open space is proposed at 661 square metres resulting in a total of 18% of the site area allocated for common open space use.

## 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; and
- Canterbury Development Contributions Plan 2013.

## 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 61% 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 73% 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 good areas of communal open space in excess of the minimum requirements of our Development Control Plan 2012 and is

consistent with the relevant 'Rule of Thumb' contained in Residential Flat Design Code. Landscape treatments for the site will add to the general amenity offered to future residents and satisfy the requirements of 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 Statement of Environmental Effects submitted with the Development Application states that *"the site is considered to have a low likelihood of contamination being*

*present on the site based on the current condition of the site and as a result of current and historical land use activities".* Although this may be the case given the low intensity of the existing use on the site, 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 20 June 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 site is zoned B5 Business Development under Canterbury Local Environmental Plan 2012. This 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 with upper floor residential units, and as such the mixed use development is permissible 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	The proposed development is permissible with our development consent	Yes
Floor Space Ratio (FSR)	No FSR applies	No FSR controls apply to the B5 zone under CLEP 2012	N/A
Building Height	18m in Zone B5	Max 22.4m in Zone B5	No – Refer to comments below

The proposal seeks a variation to Clause 4.3(2) of CLEP 2012 relating to the height of buildings. The applicant has submitted a statement in accordance with 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 subject site has a northern orientation to Canterbury Road and provides a mix of setbacks and articulation throughout. The layout of the proposed development achieves a suitable level of solar access to the common spaces throughout the development as well as the private terraces/balcony areas and living rooms of the residential dwellings. The proposed development satisfies SEPP 65 and the Residential Flat Development Code (RFDC) providing more than 70% of dwellings achieving a minimum of 2 hours solar access.*
- *The proposal provides a setback of 6m along the rear of the site. This design results in overshadowing of the rear lane and some overshadowing to the south, however there is opportunity for solar access to these adjoining properties as demonstrated in the submitted shadow diagrams.*
- *The adjoining properties to the south are zoned IN2 Light Industrial pursuant to CLEP 2012 and comprise a mix of multi storey light industrial and warehouse buildings. These properties are not adversely impacted with regard to solar access given their light industrial uses.*
- *The proposed mixed use development demonstrates a design which is responsive to the existing character of the Canterbury Road locality, as well as the desired future character.*
- *The proposal meets the height objectives as the height exceedance is limited to 975mm along some portions of the uppermost storey. The remainder of the encroachment of the height limit is limited to the lift overrun, which is not entirely visible from the street frontage. The lifts*

*will service the roof terraces which provide additional communal open space and added amenity to future occupants of the development.*

- *The proposal does not exceed the maximum number of storeys and the bulk and scale of the proposal is appropriate for the locality.*
- *The site can accommodate the additional height without unreasonable impacts on adjoining land. There will be no privacy impacts related to the variation to the height limit.*

- (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 development is within the 25m building height control as endorsed by Council at its meeting of 31 October 2013 and as approved by Gateway.*
- *The proposed bulk and scale is compatible with the future desired character of neighbouring sites along Canterbury Road and supports the mixed use pedestrian oriented centre along this transport corridor.*
- *The proposed development is compatible with the light industrial land uses to the rear and provides an appropriate height and land use transition, with the introduction of the rear laneway providing a suitable transition between these zones.*
- *The departure from the maximum building height will not result in any unacceptable adverse amenity impacts such as overshadowing, privacy impacts or any significant view loss to the public domain or surrounding properties above that which is otherwise permissible under the existing controls.*

- (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 zone.

- (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 standard to permit the proposed development.

**Clause 5.10 of CLEP 2012**

The subject site is within the vicinity of Canterbury Hospital which is listed as a Heritage item under Schedule 5 and identified as I46 on the Heritage Map (Canterbury LEP 2012). Clause 5.10 of CLEP 2012 requires consideration and assessment of the extent to which the proposed development may affect the heritage significance of the subject heritage item. In this regard, the development is contained wholly within the site and will not have a material impact on the adjacent Heritage item. The proposal is consistent with the objectives of Clause 5.10 of CLEP 2012 in that the heritage significance of the item is conserved as is the environmental heritage of Canterbury.

- Canterbury Development Control Plan 2012**  
 An assessment of the proposal against the requirements of Part 3 Business Centres of Canterbury Development Control Plan 2012 (CDCP) is detailed below.

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
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	18 metres (shown on CLEP 2012 Map)	22.4 metres	No – refer to comments under CLEP 2012
	Floor to ceiling height in commercial min. 3.3m	3.3 metres	Yes
	Floor to ceiling height in residential min. 2.7m	2.7 metres	Yes
	Floor to ceiling height in car parking min. 2.8m	2.8 metres	Yes
Building Depth	Commercial component 10-24 metres	10 metres	Yes
	In general, an apartment building depth of 10-18 metre is appropriate	All apartments have a depth of less than 18 metres	Yes
Building Setbacks	1-4 storeys Minimum setback of 3 metres from front street boundary <ul style="list-style-type: none"> <li>No controls for secondary frontages</li> </ul>	1-4 storey setback 3 metres from Canterbury Road boundary <ul style="list-style-type: none"> <li>Ground floor commercial units along Canterbury Road frontage are adequately setback 3 metres</li> </ul>	Yes

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	5 <sup>th</sup> storey – an additional 5m setback is required <ul style="list-style-type: none"> <li>No controls for secondary frontages</li> </ul>	Fifth storey proposes a setback of 5.8 - 8 metres from Canterbury Road boundary <ul style="list-style-type: none"> <li>The fifth storey along Elizabeth Street frontage is adequately setback 1.6- 4 metres from the street boundary</li> </ul>	No – see comment below
Building Separation (as per SEPP 65)	6m up to 3 storeys 12m 4 <sup>th</sup> storey 18m 5 <sup>th</sup> storey	Some variations are proposed along the eastern and northern side boundary that adjoins 538-546 Canterbury Road on the fourth, fifth and sixth floors, and internal between the proposed buildings on the fourth, fifth and sixth floors	No – see comments below
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	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 frontage providing a suitable and active streetscape appearance which will promote security and safety in and around the development	Yes
Cantilevered Awning along Canterbury Road frontage	Height of between 3.2m and 4.2m from natural ground/footpath	3.5 metres	Yes
	Width of 3 metres	3metres. To be imposed as a condition of consent, should the application be approved.	Yes
Articulation	Buildings should generally have a base and upper elements	Building has base and upper levels	Yes
	The design of the facade, including the quality and durability of its materials, should be emphasised.	The façade is of a high architectural standard. Materials used are of a high quality and are durable.	Yes

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	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 vertical battens	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
	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

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	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
<b>Performance Controls</b>			
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 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
	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 <sup>3</sup> per one bedroom dwelling 8m <sup>3</sup> per two bedroom dwelling 10m <sup>3</sup> per three bedroom dwelling	To be imposed as a condition of consent.	Yes

Standard	Requirement	Proposed	Complies
	Communal Area: Min. 10% of site area as communal open space (Required 827.5sqm)	1506sqm (18% 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	No - See comments below

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

#### Building Separation

Clause 3.1.9 of CDCP 2012 requires a building separation, between habitable rooms and balconies, of 12 metres be provided for the fourth storey and a building separation of 18 metres be provided for the 5-8 storeys. As outlined above, the proposal generally fulfils the building separation distances as outlined in CDCP 2012 with the exception of the following:

#### Fourth Level

The proposed building separation at level 4 between Building D and Building E and the adjoining site to the east does not provide its equitable share of 6 metres to the boundaries as required under Clause 3.1.9 of CDCP 2012. A building separation of 4.8 metres is provided to the boundary.

It is noted that a Development Application (DA-255/2014) is currently under assessment for the adjoining site for a mixed use development. The submitted plans show an increased setback to the western side boundary at the fourth level in order to comply with the 12 metre building separation. Further the balcony locations have been offset from opposing balconies as well as the windows from the opposing windows to minimise direct line of sight into the units.

#### Fifth to Eighth Level

The building separation between Buildings A, B, C and D satisfy the 18m building separation requirement, however the fifth and sixth floor on the eastern side provide a 7.8m setback from the side boundary. Similar measures adopted for Level 4 have been used for these levels to mitigate potential privacy impacts and maintain the amenity of future occupants to these units. The areas where numerical compliance has not been achieved, the applicant has provided a satisfactory level of screening and adjustable louvres to the balconies as well as offsetting windows while preserving a reasonable level of sunlight to the units.

The objectives of this control are to provide visual and acoustic privacy for existing and new residents, to preserve a reasonable level of sunlight and general amenity for residents of existing dwellings.

Although the proposal does not strictly comply with the building separation requirements of CDCP 2012, it fulfils the objectives. The development has been designed in a manner so that the building separation distances create no unreasonable shadows for adjoining properties while preserving sunlight to the residential units. The proposal will also create no loss of privacy, overlooking or any acoustic impacts for future occupants. Further the proposal provides reasonable sized open spaces at the podium and along the eastern sides of the site that will accommodate recreational activities and is considered to provide a pleasant outlook that is in scale with the desired character of the locality. On this basis, the proposed building separation distances are reasonable and the proposal is supported in this regard.

#### 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.

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:

#### Front Setback

Part 3.1.8 of CDCP 2012 requires an additional 5 metre setback for the upper levels above four storeys. The proposal provides a building setback of 8m, however the balconies encroach on this setback by 2.2m. Although, this does not strictly comply with the numerical requirements, the upper levels recede in setback from the street and from each tower due to the U-shape design which has been adopted. As the encroachments are only limited to the balconies, this does not add to the significantly to the bulk of the development given the adequate separation each tower provides. Further the objectives of this control are satisfied as there are no amenity impacts on adjoining properties as a result of this non-compliance or a reduced street edge definition as a result of this non-compliance.

### **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

##### *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 73% of dwellings receiving 2 hours of sunlight access between 9am and 3pm in mid-winter.

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, 61% of the proposed dwellings have natural cross ventilation, and all kitchens have natural ventilation.

### 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 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.

#### Part 6.8 Vehicle Access and Parking

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

<b>Standard</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
Residential Units	92 x 1 bedroom (1 each) 140 x 2 bedroom (1.2 each, with 0.2 common) 22 x 3 bedroom (2 each) = 276, plus 28 common spaces = 304 spaces	322 spaces	Yes
	Visitor – 51 spaces (based one 1 space per 5 units)	54 spaces	Yes
	One car wash bay	One car wash bay	Yes
	Resident bicycle spaces – 51 spaces	51 spaces	Yes
	Visitor bicycle spaces – 25 spaces	2 spaces – to be condition to comply	Yes - see comment below
Commercial Units	Commercial units along Canterbury Road, rate is 1 space per 40sqm → Total 25 spaces	26 spaces provided	Yes
	<b>Total 33 spaces</b>		
	One courier parking/loading area space	1 space	Yes
	Bicycle parking 3 spaces for commercial use 2 spaces for visitors Total 5 spaces	Nil spaces provided, to be conditioned to provide 5 spaces	Yes – see comment below

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 bicycle spaces are correctly allocated to the dwellings within the residential component of the development, and to the commercial uses on the ground level.

#### Bicycle Storage

The proposal falls short of providing the minimum bicycle storage spaces in accordance with Part 6.8 of CDCP 2012. A minimum of 25 spaces and 5 spaces are required for the residential and commercial components respectively. The plans are deficient 23 residential visitor bicycles spaces and 5 commercial bicycles spaces. Accordingly, the applicant has been advised that a condition of consent will be imposed requiring the provision of the minimum number of bicycle spaces to achieve compliance with this numerical control.

### 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. 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.

- **Canterbury Development Contributions Plan 2013**

The proposed development which involves 92 x 1 bedroom dwellings, 140 x 2 bedroom dwellings and 22 x 3 bedroom dwellings to the site which attracts a contribution of \$3,067,128.82. 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 20 June 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 538-546 Canterbury Road, 5 Elizabeth Street, 570-572 Canterbury Road and 11 Harp Street, Campsie 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 advertised in the local newspaper and notified to adjoining and nearby property owners between 18 December 2013 and 5 February 2014 in accordance with Part 7 – Notification of Development Applications of Canterbury Development Control Plan 2012. Upon receiving amended plans, Council re-notified the proposal from 8 July 2014 until 6 August 2014. We received submissions objecting to the proposal from 2 neighbouring residents. The submissions raised the following issues of concern, which are discussed below:

- **Concern is raised that the development is excessive in height with its proposed seven storeys and would tower over neighbouring buildings**

### Comment

The proposed development involves variations to the building height development standard under Clause 4.3(2) of CLEP 2012. In this regard, the applicant has submitted a statement in accordance with Clause 4.6 of CLEP 2012 which has been considered to be acceptable and worthy of support. The details of the Clause 4.6 statement are provided in the body of this report under CLEP 2012.

- **Concern that the proposed development will lead to increased traffic movement, traffic congestion; demand on on-street parking beyond what is capable of being accommodated for in the local area. No traffic impact assessment has been provided by the applicant**

### Comment

As discussed previously under Part 6.8 Vehicle Access and Parking, the proposal provides sufficient car parking to meet the relevant parking requirements and on this basis is considered acceptable.

In regard to traffic generation, it is acknowledged that a development of this scale will result in increased traffic movements in the immediate locality, however, the increase is not considered to be beyond what is capable of being accommodated in the local road network.

The development application, which was supported by a Traffic and Parking Assessment (prepared by Varga Traffic Planning Pty Ltd), was reviewed by our Team Leader Traffic and was also referred to the Roads and Maritime Services, who among other matters consider driveway locations, road traffic noise, traffic generation and car parking. The proposed development was considered satisfactory, subject to relevant conditions of consent being imposed should approval be issued.

- **Canterbury Road is not a suitable place for residential apartments – it is more suitable to moderate commercial development**

#### Comment

The site is zoned B5 Business Development under Canterbury Local Environmental Plan 2012. This 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 with upper floor residential units, and as such the mixed use development is permissible in the subject zone.

- **The similar development proposed for 538-546 Canterbury Road would make the situation doubly worse for the same reasons**

#### Comment

The proposed development is a permissible type of development on the subject site. Development on the adjoining site at 538-546 Canterbury Road will be subject to its own assessment to ensure that it is consistent and compliant with all the relevant objectives and requirements of the applicable codes and policies.

- **Concern that the building setbacks and separation provided in the proposed development will compromise future development on the adjoining site at 538-546 Canterbury Road (DA-255/2014 which is currently under assessment).**

#### Comment

A detailed discussion of building separation is provided in the body of this report under the Part 3 Table of CDCP 2012. In regard to the separation distance adjoining the site at 538-546 Canterbury Road (currently subject to DA-255/2014), the applicant has provided amended plans showing an increased setback to the western side boundary at the fourth level in order to comply with 12 metre building separation which ensures equitable distribution of the separation distance between the two adjoining development sites. Further the balcony locations have been offset from opposing balconies as well as the windows from the opposing windows to minimise direct line of sight into the units.

It is noted that discussions have been held between the applicants/landowners of the subject site and adjoining site at 538-546 Canterbury Road, and it is considered that the proposed design with its setbacks and separation is equitable and satisfactory and does not disadvantage any of the two parties.

In regard to front setback proposed for the proposed development, Part 3.1.8 of CDCP 2012 requires an additional 5 metre setback for the upper levels above four storeys. The proposal provides a building setback of 8m, however the balconies encroach on this setback by 2.2m. Although, this does not strictly comply with the numerical requirements, the upper levels recede in setback from the street and from each tower due to the U-shape design which has been adopted. As the encroachments are only limited to the balconies, this does not add to the significantly to the bulk of the development given the adequate separation each tower provides. Further the objectives of this control are satisfied as there are no amenity impacts on adjoining properties as a result of this non-compliance or a reduced street edge definition as a result of this non-compliance.

## **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-509/2013 for the demolition of the existing structures and construction of a mixed use development comprising ground floor commercial units, 254 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 including method of shoring during excavation
- Protection from termites
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Section 73 Compliance Certificate
- Soil and Waste Management Plan
- Mechanical Ventilation of Basement Carpark
- BASIX Certification
- Compliance with Disability (Access to Premises – Buildings) Standards 2010.
- Evidence of compliance with Condition No's. 5.1, 5.2, 5.3, 14, 41, 42, 44, 60 and 61 of this consent.

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	\$3,231.00
Section 94 Contributions	\$3,067,128.82
Certificate Registration Fee	\$36.00
Long Service Levy	\$183,837.30
Long Service Leave Levy Fee	\$19.80

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

Construction Certificate Application Fee	\$106,330.00
Inspection Fee	\$29,222.00
Occupation Certificate Fee	\$10,678.00

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.

#### DEMOLITION

4. Demolition must be carried out in accordance with the following:
  - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
  - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
  - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
  - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
  - (e) Demolition of buildings is only permitted during the following hours:
    - 7.00 a.m. – 5.00 p.m. Mondays to Fridays
    - 7.00 a.m. – 12.00 noon Saturdays
 No demolition is to be carried out on Sundays or Public Holidays.
  - (f) Burning of demolished building materials is prohibited.
  - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
  - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
  - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
  - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.

- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at [www.lead.org.au](http://www.lead.org.au).
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

#### GENERAL

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

<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared by</b>	<b>Received by Council on</b>
DA01 Issue A	May 2014	PBD Architects	3 June 2014
DA02 Issue A	May 2014	PBD Architects	3 June 2014
DA03 Issue A	May 2014	PBD Architects	3 June 2014
DA04 Issue A	May 2014	PBD Architects	3 June 2014
DA05 Issue A	May 2014	PBD Architects	3 June 2014
DA06 Issue A	May 2014	PBD Architects	3 June 2014
DA07 Issue A	May 2014	PBD Architects	3 June 2014
DA08 Issue A	May 2014	PBD Architects	3 June 2014
DA09 Issue A	May 2014	PBD Architects	3 June 2014
DA10 Issue A	May 2014	PBD Architects	3 June 2014
DA21 Issue A	May 2014	PBD Architects	3 June 2014
DA22 Issue A	May 2014	PBD Architects	3 June 2014
DA23 Issue A	May 2014	PBD Architects	3 June 2014
DA24 Issue A	May 2014	PBD Architects	3 June 2014
L/01 – L/03	19 June 2014	ATC Landscape Architects & Swimming Pool Designers	30 May 2014

- 5.1. 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.

- 5.2. The Cantilevered Awning along the Canterbury Road frontage is to have a width of 3 metres.
- 5.3. Each of the 254 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.
6. 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 3 June 2014. The approved design (including an element or detail of that design) or materials finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
7. The specific fit-out of the commercial units, including any associated signage, being the subject of a separate approval.
8. All car parking associated with the development must be accommodated on site.
9. 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.
10. Four hundred and two (402) off street car parking spaces being provided in accordance with approved DA plans. Car parking within the development shall be allocated as follows:
  - 10.1 Three hundred and twenty-two (322) residential spaces, twenty-eight (28) of which retained as common property.
  - 10.2 Fifty-four (54) residential visitor spaces
  - 10.3 Twenty-six (26) commercial spaces
  - 10.4 One (1) car wash bay
  - 10.5 One (1) courier spaceIf the development is to be strata subdivided, the car park layout must respect the above allocation.
11. 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.
12. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
13. All bicycle spaces are to be provided in accordance with AS2890.3.
14. Parking facilities/storage for 76 bicycles is to be provided on-site for the residential component and 5 spaces for the commercial component of the development. These details must be shown on amended plans and submitted to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.
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 Development Contributions Plan 2013, 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 \$3,067,128.82 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
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<input type="checkbox"/> Open Space and Recreation	\$2711662.55
<input type="checkbox"/> Community Facilities	\$277424.62
<input type="checkbox"/> Plan Administration	\$78041.65

**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](http://www.canterbury.nsw.gov.au). A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

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 538-546 Canterbury Road, 5 Elizabeth Street, 570-572 Canterbury Road and 11 Harp Street, Campsie 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 538-546 Canterbury Road, 5 Elizabeth Street, 570-572 Canterbury Road and 11 Harp Street, Campsie 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 A Total Concept Landscape Architects and Swimming Pool Designers, Project No PBD L01-L03 Rev B and submitted to council on 30<sup>th</sup> May 2014) is a satisfactory landscape proposal for this development.
44. Prior to the issue of the Construction Certificate, the following must be updated/provided:
  - 44.1. Planting along the 3m setback within the boundary along Canterbury Road. This may in the form of garden beds or low level plantings in line with those proposed within the development.
  - 44.2. A landscape technical specification must be included in the landscape plan.
  - 44.3. The landscape plan must also be accompanied by a maintenance schedule for 52 weeks post practical completion which includes the following:
    - a. replacement strategy for failures in plant materials and built works,
    - b. maintenance schedule for watering, weeding and fertilizing during the establishment period

#### STORMWATER ENGINEERING

45. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 19<sup>th</sup> November, drawing numbers SW00 B, SW02 B, SW03 B, SW04 B, SW05 B ; prepared by SGC and as amended by the following condition.
46. 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.
47. 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.
48. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's DCP 2012, Part 6.4.
49. 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.
50. 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 1<sup>st</sup> 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.

51. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5 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".
52. 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.
53. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car parks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
54. 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.
55. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

#### PUBLIC IMPROVEMENTS

56. 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".
57. The reconstruction of the kerb and gutter along all areas of the site fronting Canterbury Road and Elizabeth 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".
58. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road and Elizabeth 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".
59. 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

60. 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

61. Prior to the issue of the Construction Certificate, the following details must be submitted to Council for approval:
  - 61.1. The waste bin storage rooms appear to be too small to accommodate the amount of bins which will be allocated to the property. The applicant will need to show all bins that will be onsite and how they are to be stored in each

waste bin storage room. The applicant should note that the waste bin storage rooms must accommodate all bins on site and that the rooms need to be designed in accordance with *Clause 6.9.4.1* and *6.9.4.2* of CDCP 2012. The applicant should particularly note that bins must not be “double stacked” and the groups of bins should be separated by at least 1.2m.

- 61.2. The development must provide a bulky waste storage area that is at least 4m<sup>2</sup>.
- 61.3. The applicant will need to provide the estimated waste generation rates for the commercial section of the property. Additional bins that are required to for any excess waste generated by the commercial tenancies which cannot be accommodated by Council bins (16x 240L rubbish and 16x 240L recycling) are to be provided by private contractors. The commercial waste bin storage room will need to be designed to accommodate any additional bins and/or future changes in use.

#### CRIME PREVENTION & COMMUNITY SAFETY

- 62. 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.
- 63. 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.
- 64. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
- 65. 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.
- 66. 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.
- 67. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
- 68. 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.
- 69. 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.
- 70. 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.
- 71. Signage is to be installed at all driveways, entry and access points.

#### DISABILITY ACCESS

- 72. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.
- 73. To fulfil the requirements of the Disability (Access to Premises – Buildings) Standard and AS1735, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100mm x 550mm must be provided. Details shall be provided with the application for the Construction Certificate.
- 74. To comply with the requirements of Part 7.5.1 of AS1428.1, all glazed doors and panels on a continuous accessible path of travel are to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings when viewed from

either the inside or outside of the door. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.

75. The development must wholly comply with all requirements of the Disability Discrimination Act 1992, Disability (Access to Premises – Buildings) Standard (2010), National Construction Code, AS1735.12: Lifts, Escalators and moving walks and Part 12: Facilities for persons with disabilities, at all times.

#### ACOUSTICS

76. Prior to the occupation of the development an acoustic assessment shall be undertaken to ensure that the recommended treatments and controls contained in the Acoustic Assessment Report prepared by Acoustic Logic dated 20 June 2013, submitted with DA-509/2013, have been incorporated in the final design of the building.
77. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

#### ROADS & MARITIME SERVICES

78. All works associated with the proposed development shall be at no cost to the RMS.
79. 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.
80. 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).
81. The developer is to submit detailed design plans and hydraulic calculations of any changes to the stormwater drainage system and are to be submitted to the RMS for approval, prior to the commencement of works.
82. 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.
83. All road works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services.

#### SYDNEY WATER REQUIREMENTS

84. 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](http://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

85. 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

- 85.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 85.2. prior to covering any stormwater drainage connections, and
- 85.3. 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

- 85.4. prior to covering any stormwater drainage connections, and
- 85.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

**ADDITIONAL INSPECTIONS**

- 86. 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**

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

**WE ALSO ADVISE:**

- 88. This application has been assessed in accordance with the National Construction Code.
- 89. 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.
- 90. 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
- 91. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- 92. 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.
- 93. 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.
- 94. 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.
- 95. 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.
- 96. 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.

97. 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.
98. If you are not satisfied with this determination, you may:
  - 98.1. 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
  - 98.2. 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.