

DEVELOPMENT APPLICATION FOR DEMOLITION OF BUILDINGS ON NO.242, 246-248 CANTERBURY ROAD, CANTERBURY AND SUBDIVISION OF LAND TO DEDICATE PORTION OF LAND TO COUNCIL AND THE DEMOLITION OF REMAINING STRUCTURES AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDINGS AND SHOP TOP HOUSING ABOVE COMMERCIAL PREMISES OVER TWO BASEMENT LEVELS.

JRPP Ref. No.	2013SYE106
D/A No.	DA-503/2013
Property	Nos. 242, 246– 248, 250-252, 254-256 and 258 Canterbury Road, Canterbury and Nos. 1, 3-5, 7-9 and 11-13 Close Street, Canterbury.
Proposal	Demolition of existing structures at No.242-248 Canterbury Road Canterbury and dedication of land to Council followed by demolition of remaining structures and construction of residential flat buildings and a shop top housing over two basement levels.
Zoning	Part B2 – Local Centre and Part R4 – High Density Residential under the provisions of the Canterbury Local Environmental Plan 2012
Applicant	Realize Architects
Report By:	Mine Kocak – Planner

EXECUTIVE SUMMARY

- Council has received a development application for the demolition of existing structures at 242, 246-248 Canterbury Road, dedication of land for road widening; and demolition of the remainder of structures and construction of a nine storey building containing commercial premises with shop top housing, residential flat buildings and two basement level car parking areas and central open space area linking into the Cooks River front. The development comprises a total of 528sqm of retail area and 397 residential units within four main building components.
- The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the *Environmental Planning and Assessment Act 1979*, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- The subject site is zoned Part B2 - Local Centre and Part R4 – High Density Residential under Canterbury Local Environmental 2012. The proposed development is defined as 'shop top housing', and 'residential flat building' which are permissible uses under the respective zones subject to consent.
- The development application has been assessed against the relevant State and Local Instruments and Planning Policies and is generally compliant with these requirements. Issues of non-compliance are discussed in the body of the report.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the requirements of Canterbury Development Control Plan 2012. No submissions were received.
- The development application is recommended for approval subject to conditions.

SITE DETAILS

The subject site is located on the southern corner of Canterbury Road and Close Street at Canterbury. The site is known as Lot 1, of DP 963920, Lots 101 and 102 in DP 1023117, Lot 1 of DP 963864, Lot C of DP 110214, Lot B of DP 159980, Lots X and Y of DP 160390, Lots 101 and 102 of DP 791054 and Lot 21 of DP 595332. The site has a frontage of 74.83m to Canterbury Road and 120.4metres to Close Street and a total site area of 7838.5 square metres.



Figure No. 1 – Aerial photograph showing the development site and surrounds

The subject site comprises 11 separate lots with varying topographies which have been altered over time to accommodate a variety of development. The development site generally slopes from north-eastern side (along Close Street) to the south-western side (toward Cooks River). The fall is approximately 3.5m over a distance of 75 metres which represents a fall of 1 in 21. The subject site is located at the southern edge of the Canterbury Town Centre.

The existing development on the sites includes a variety of industrial and warehouse buildings including the Metro Storage building on the western corner of the site facing Canterbury Road with four single storey buildings also along the Canterbury Road frontage of the site. The lots facing Close Street comprise two and three storey industrial buildings with associated car parking and loading/unloading areas.

Immediately to the east of the subject site is a 4 storey brick residential flat building on the opposite corner of Canterbury Road and Close Street, an electricity substation building, two industrial buildings and a vacant bowling green site are also located to the east on the opposite side of Close Street.

To the immediate south and south-west of the site is the Cooks River and foreshore areas with bike track.

To the immediate north and north-west is the remainder of the Canterbury Town Centre on the opposite side of Canterbury Road earmarked for commercial and residential development, currently containing mainly industrial and warehouse type uses.

PROPOSAL

Council has received a development application for:

- The demolition of existing structures at 242, 246-248 Canterbury Road, dedication of land for road widening; and
- Demolition of the remainder of structures and construction of a nine storey building containing commercial premises with shop top housing, residential flat building, two basement level car parking areas and a central open space area linking into the Cooks River front. The development comprises a total of 528sqm of retail area and 397 residential units over four main components of building.

The first stage of the development will facilitate the reconfiguration of the intersection of Canterbury Road and Close Street to satisfy the requirements of the Roads and Maritime Services for this development.

The proposed building will comprise four main components above two basement car parking levels, consisting of the following:

Basement 2

Basement level 2 includes 233 residential car parking spaces and six motorcycle spaces. The residential car spaces include 30 'small car spaces' and 20 'adaptable car spaces'.

Basement 1

The upper basement level comprises 141 residential car spaces, 23 x residential visitor car spaces, 3 x commercial visitor spaces (long stay), and 13 motorcycle spaces. This equates to a total of 167 car spaces and 13 motorcycle spaces.

Building A – Shop Top Housing:

Building A is a nine storey building proposed on the B2 – Local Centre zoned portion of the land at the north western side of the site. The ground floor includes a 420sqm retail tenancy, access, utility and car parking areas. Levels one to eight include 87 residential units comprising: 21 x studios, 36 x 1 bedroom units, and 30 x 2 bedroom units.

Building B – Shop top Housing

Building A is a nine storey building proposed on the B2 – Local Centre zoned portion of the land at the western corner side of the site. The ground floor includes a retail tenancy of 108sqm, access, utility and car parking areas. Levels one through to eight include 100 residential units comprising: 34 x studios, 28 x one bedroom, 36 x two bedroom units, and 2 x three bedroom units.

Building C – Residential Flat Building

Building C is a nine storey building located on land zoned R4 – High Density Residential toward the centre of the site with a frontage to Close Street. Main pedestrian access to the building will be from the 'precinct square'; which is a central communal open space area to the south-west of the building that opens up to the Cooks River foreshore. This component of the building comprises of 104 residential units made up of 20 x studios, 52 x one bedroom, 32 x two bedroom residential units.

Building D – Residential Flat Building

Building D is a nine storey residential flat building located at the eastern end of the site facing Close Street, and with main pedestrian access from the precinct square to the western corner of the building. This portion of the development will comprise: 106 units made up of 20 x studios, 45 x 1 bedroom units, 38 x two bedroom units, and 3 x three bedroom units.

The development application has a capital investment value in excess of \$20 million and in accordance with Clause 13B(1) of State Environmental Planning Policy (Major

Development) 2005, the application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

STATUTORY CONSIDERATIONS

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

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

- (a) State Environmental Planning Policy (Infrastructure) 2007
- (b) State Environmental Planning Policy No. 55 – Remediation of Land
- (c) State Environmental Planning Policy (BASIX) 2004
- (d) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- (e) Canterbury Local Environmental Plan 2012
- (f) Canterbury Development Control Plan 2012

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:

(a) State Environmental Planning Policy (Infrastructure) 2007

The application was referred to the Roads and Maritime Services (RMS) for their consideration as required under Schedule 3 of the Infrastructure SEPP. The RMS' Sydney Regional Development Advisory Committee (SRDAC) reviewed the proposal and provided conditions which are to be imposed and made part of the consent, including the incorporation of design features to mitigate traffic noise from Canterbury Road as per Clause 102 of the SEPP.

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

State Environmental Planning Policy No. 55 – Remediation of Land aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment.

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

A Preliminary Environmental Site Assessment has been prepared by Clearsafe Environmental Solutions

The report states that only a walk over inspection has been conducted and that the site has history of significant change from residential to commercial and industrial land uses. Building materials have been identified within fill soils across the site which indicate that the site has a history of near surface soil disturbance.

The land is also affected by the Acid Sulphate Soils Assessment Guidelines as adopted by the Dept. of Planning and Dept. of Environment and Conservation.

Accordingly the Preliminary report recommends that a detailed Site Assessment Site Assessment along with an Acid Sulphate Soil Assessment be conducted. The applicant has submitted that a detailed contamination assessment is difficult to carry out at this stage due to the existing buildings on the site and a cleared site after demolition works are completed would provide better access to carry out and prepare for the requirements of the detailed site assessment report. As such, a condition of consent has been included requiring a detailed site contamination assessment to be carried out prior to the commencement of any excavation and or building work.

Further to this, all recommendations with reference to remedial works in the detailed assessment report would need to be satisfactorily carried out and a validation certificate be submitted together with an Site Audit Statement prior to the issue of any Construction Certificate.

Having regard to the above, Council is satisfied that the land can be made suitable for proposed end use. Suitable conditions will be applied on any development consent issued to address any contamination findings during excavation and construction works.

(c) State Environmental Planning Policy 2004 (BASIX)

A BASIX Certificate accompanied the original development application and lists a variety of commitments that are to be incorporated into the overall design of the project. The plans have been amended during the course of this assessment and therefore an amended BASIX Certificate is required to correspond with the amended plans. "Efficiency Assessments" have provided a letter drafted by an ABSA & BDAV Accredited Assessor outlining that a compliant BASIX certificate can be issued for the subject design. Given time constraints the amended BASIX Certificate will be provided by the date of the JRPP meeting.

The BASIX Certificate will be accompanied by a certificate from an accredited assessor stating that all DA related BASIX Commitments have been shown on plan.

(d) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The proposed development falls within the definition of a residential flat building under SEPP 65 and therefore requires assessment under the provisions of the SEPP. The policy aims to improve the design quality of new residential flat buildings in New South Wales by addressing specific design criteria.

The development application has been accompanied by a detailed Design Verification Statement prepared by the registered architect for the project which addresses the proposal against the ten design principals and an assessment of the proposal against those matters contained within the 'Better Design Practice' provisions and suggested 'Rules of Thumb'. The following provides a discussion of the proposal against the SEPP 65 Principles together with commentary on those matters where strict compliance with the 'Rules of Thumb' is not achieved.

SEPP 65 Principles

Context

The site is located at the southern edge of the Canterbury Town Centre. The locality is undergoing major change with increased residential densities and commercial development extending the existing town centre toward the southern side of the railway line. The proposed development design is in keeping with the approved developments in the town centre, some of which are currently under construction. The development site comprises all of the developable sites on the southern side of Close Street and provides a link from the emerging town centre to the river foreshore. As such, the proposed development is expected to complement and positively contribute with existing and likely future development in the locality.

Scale

The development encompasses all of the developable sites on the southern side of Close Street, taking up that entire block. The built form on this portion of the town centre is therefore determined by this development alone where the bulk of the buildings have been concentrated along the north-east and north-western boundaries of the site (Canterbury Road and Close Street frontages) leaving the central area and Cooks River frontage open enabling visual permeability from the Cooks River foreshore. When viewed from Canterbury Road to the west and from Mary MacKillop Park the building steps and includes a curved element providing visual relief and transition to the higher forms beyond.



Figure No. 2 – Development as viewed from west in Mary MacKillop Park



Figure No.3 – Aerial view from the north down Charles Street showing approved built forms and scale.

As can be seen in Figure 3, the development is generally in keeping with the scale of developments along the Cooks River within the Canterbury Town Centre Precinct.

Built Form

The proposed development includes built forms that are concentrated along the street frontages of the site while leaving usable open space areas at the southern side to connect to the Cooks River Foreshore. The development will provide a corner architectural element to mark the entry to this portion of the town centre as encouraged by the relevant DCP control, with the height of the building being decreased at the Cooks River end to control the apparent bulk from the river walkways.

Density

The proposed development has been designed to achieve the aims and objectives of the built form controls of CLEP 2012 and CDCP 2012 and therefore represents an appropriate density for the site.

Resource, Energy and Water Efficiency

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

Landscape

The proposed development provides a usable area of communal open space which links into the Cooks River forshore. The rule of thumb in regards to the provision of open space is for developments to provide 25-30 per cent of the area of the site as open space. The open space provided on site is approximately 26%. Ground floor units in Blocks C and D also enjoy private courtyard areas.

Deep soil planting areas are limited to only 849sqm which does not meet the rule of thumb of 25% of the open space of the site as a result of the basement level car parking area. Given that the site is otherwise surrounded by deep soil

public open space areas, and links into such areas successfully with its communal open space, the landscape requirements of the SEPP are considered to be satisfactorily met.

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

A Crime Prevention through Environmental Design Assessment Report was prepared by TCG Planning consultants which analyses the proposed development and has recommendations for the detailed design stage to incorporate access control, natural surveillance, and crime prevention measures. The report was reviewed and the recommendations have been included as a condition of consent should the application be approved.

The proposal has also been assessed by our Crime Prevention Officer against the requirements of Council's Development Control Plan No. 29 - Crime Prevention Through Environmental Design where the proposal, subject to a number of conditions, is consistent with the objectives of the DCP.

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. Affordability has been one of the key issues in the design of the proposal with the housing mix providing a high number of studios, one and two bedroom apartments which is a direct response to the underlying existing demand in the locality and anticipated housing demands into the future.

Aesthetics

The application is accompanied by a Design Verification Statement confirming that the proposed development will satisfy the general design principles contained in the SEPP. The proposed development is clearly different in composition (including form, material and colour) to development in the locality, but is expected to positively contribute to the desired future character of the locality.

(e) Canterbury Local Environmental Plan No. 2012

The site is zoned B2 – Local Centre under CLEP 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Comments
Zoning	B2 – Local Centre	The proposed development on this portion of the land is defined as 'shop top housing' and 'commercial premises' under the LEP 2012.	The proposed development is permissible with consent under the LEP 2012 in the B2 zone.
	R4 – High	The proposed development on this	The proposed development is permissible with consent under the LEP 2012 in the R4 zone.

	Density Residential	portion of the site is defined as 'residential flat building' under LEP 2012	
FSR	3:1 and 2.75:1	3.4:1 2.8:1 Overall 3.08:1	The proposed development does not comply with the FSR controls contained with LEP 2012
Building Height	Combination of 11m, 14, 21m and 27m	The subject development has a maximum height of 31 metres (to lift overrun).	The proposed development does not comply with the height controls contained with LEP 2012

Height

The Building Height Map associated with Canterbury LEP 2012 nominates a series of different height controls affecting this site as follows:

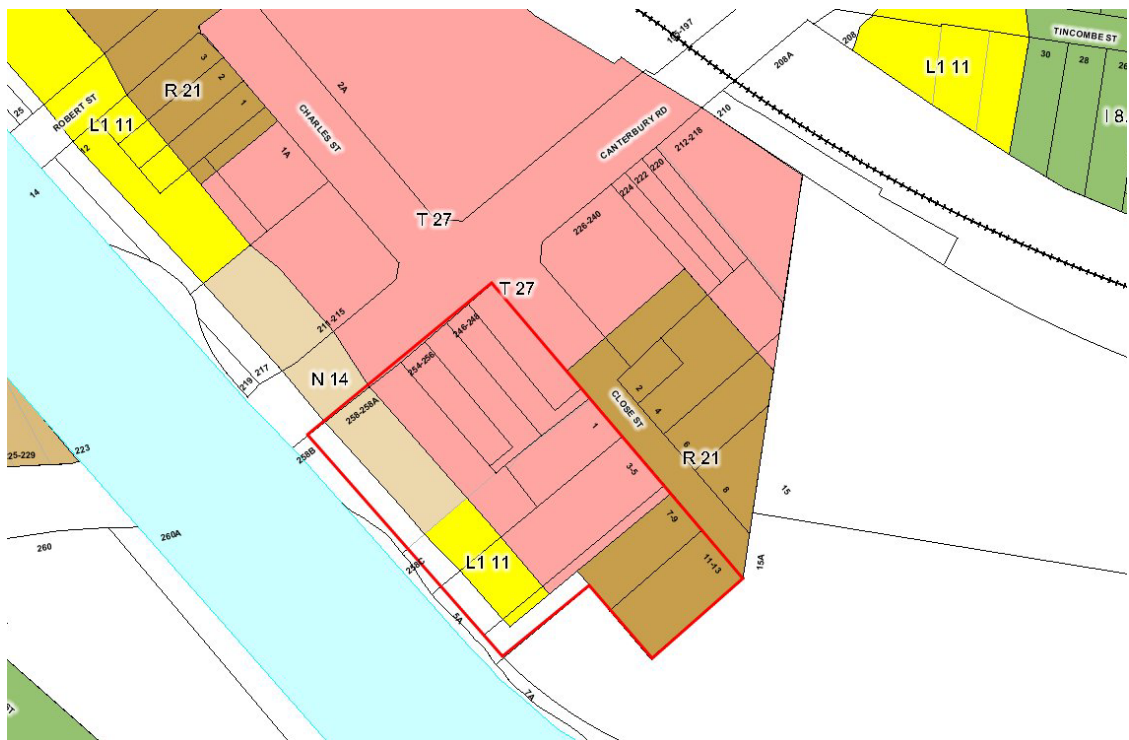


Figure No. 4 – Extract of Building Height Map under Canterbury Local Environmental Plan 2012

The development seeks a variation to Clause 4.3(2) of CLEP 2012 relating to the height of buildings. The applicant has submitted a justification in accordance with Clause 4.6 of CLEP 2012 regarding the non-compliance of the development standard as summarised below.

(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, and*
 “Compliance with the applicable height limits are considered to be unreasonable and unnecessary in the circumstances of the case as the consolidation of all allotments on the site provide the opportunity for an

alternative (and superior) site planning and built form outcome to that anticipated by the formal planning controls.”

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

“As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to the environmental planning grounds...Further to environmental Planning grounds: CDCP 2012 Part 3.2.6 (Corners, gateway sites and foreground treatments) which contains the following controls:

Emphasise important corners and gateways to centres with foreground treatments that are visually prominent against the background built form, in order to improve understanding of each centre - use stronger foreground treatments for gateway buildings.

Use corner features, wrap around balconies, vertical elements, changes in materials or colours and the like to emphasise corner buildings – vertical corner features do not exceed 1.5m above the maximum height of the building, or 2m for gateway sites.

Variation to the front setback requirements may be considered to emphasise a corner or gateway building.

The corner of this gateway site has been emphasized and exceeds the allowable height as per the DCP guidelines.

The increased building height does not create any additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy or any other impacts than if the maximum allowable building heights were met.”

- (4) *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 subclause (3), and*

The applicants written statement adequately covers the matters required by subclause (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, and*

The height controls under CLEP 2012 aim to transition the visible bulk of the building from 14m and 11m along the river front to 27m and 21m toward the north-eastern side of the site. The proposed development has been amended to present 15.5m high structure to the northern portion of the Cooks River Foreshore where the maximum height limit is at 14m while the remainder of the foreshore area is kept as open space.

The proposed built forms along the Canterbury Road and Close Street frontages of the site exceed the maximum allowable heights under CLEP however allow for the development to successfully integrate into the Cooks River foreshore with open space areas, while adequately reflecting the LEP's objective to present a lower built form to the Cooks River foreshore by transferring built forms from the river foreshore areas to the street frontages of the site. A variation to the height controls is supported in this instance and the proposal is considered to be in keeping with the objectives of the zone and the height controls of CLEP.

(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.

Floor Space Ratio (FSR)

The subject site is made up of two separate zones that are subject to differing FSR controls. The B2 zoned land facing Canterbury Road has a maximum FSR of 3:1 while the R4 zoned area at the rear has a maximum FSR of 2.75:1. The B2 zoned land is proposed to have an FSR of 3.4:1 whilst the FSR on the R2 zone is proposed at 2.8:1. The proposed development has a combined overall FSR of 3.08:1.

The maximum floor area allowable across the entire site is approximately 22,400sqm. This figure increases to a maximum allowable 23,579sqm when the bonus densities allowable under DCP 2012 are included (for major development sites under CI 3.1.3). The proposal involves a floor area of 24,143qm, equating to additional floor areas of 564sqm (above bonus density allowable). This represents a variation of 2.4%.

As such, the development seeks a variation to Clause 4.4(2) of CLEP 2012 relating to the floor space ratio for the subject site. The applicant has submitted a justification in accordance with Clause 4.6 of CLEP 2012 regarding the non-compliance of the development standard as summarised below.

(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, and

"Compliance with the applicable FSRs are considered to be unreasonable and unnecessary in the circumstances of the case as the consolidation of all allotments on the site provide the opportunity for an alternative (and superior) site planning and built form outcome to that anticipated by the formal planning controls."

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

"As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to the environmental planning grounds...The increased FSR does not create any additional impacts on

adjoining sites in terms of visual impact, disruption of views , loss of privacy or any other impacts than if the maximum allowable FSR was met”

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

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

(ii) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

The applicants written statement adequately covers the matters required by subclause (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, and*

The proposed development is considered to meet the objectives of both of the zones and the applicable FSR controls with built forms which respond to the characteristics and environment of the subject site. The development will successfully integrate with the Cooks River foreshore while linking back into the remainder of the Canterbury Town Centre, while also providing a transition between the town centre environment into the residential and open space areas to the south-east.

The bonus densities allowable under DCP 2012 have been concentrated onto the B2 zoned area increasing the dominance of the building on the corner of Canterbury Road and Close Street adding to the corner feature elements of the building.

The development involves the amalgamation of all developable allotments within this block minimising any impacts of additional densities on adjoining neighbours, and being able to provide adequate amenity within the site.

The floor space variation has been considered and is satisfactory and appropriate in terms of the objectives of the floor space ratio standards contained in Clause 4.4(1) of CLEP 2012. In this instance, compliance with the floor space ratio standard is deemed to be unreasonable and unnecessary.

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

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

(f) Canterbury Development Control Plan 2012

Part 3 – Business Centres

The current application compares against Part 3 of the Canterbury Development Control Plan 2012 as follows:

Standard	Requirement	Proposed	Complies
Envelope Controls			
Diagrams for Canterbury Town Centre:	Height: Combination of 8, 6, 4 and 3 storeys	5 and 9 storeys	No – refer to comments under CLEP 2012
Site Amalgamation:-	4, 6, 8 Close St and 212-218, 220, 222242-258 Canterbury Rd to be amalgamated + 3-13 Close St to be amalgamated	All properties amalgamated.	Yes
Min Lot Size:	1500sqm Avoid isolation of undeveloped sites	7838.5sqm No isolation	Yes Yes
Major developments Sites	-Min 2000sqm site area -Not applicable to master planned sites -Any increase in height must not exceed one storey and 15% of site area (approx.1175sqm) - Any additional storey not at front of site – can be used to accentuate a corner. -Design measures to minimize height and bulk	-7838.5sqm Not master planned -Exceeds one storey and 15% (22% proposed) -Additional storeys accentuate corner element -Adequate design measures responding to attributes of site	Yes Yes No – refer to comments under CLEP 2012 Yes Yes
Height:-	27m – 8 storey 21m – 6 storey 14m – 4 Storey 11m – 3 storey	31m – 9 storey 28m – 9 storey 15.5m–5 Storey+ 27.5m – 9 Storey Open space	No – see comments under CLEP 2012 Yes

	Floor to ceiling heights:- Min 3.3m ground floor Min 2.7m residential floors Min 2.8m car park Depth/footprint - Residential Max 18m glass to glass Depth/footprint – Commercial Max 24m depth Min 10m depth Max wall length 50m (commercial)	Commercial tenancies 3.4m +3.5m 2.95m 2.8m Generally under 18m – corner units over 18m only by way of corridor extension at entry. . Between 10m and 24m Maximum 40m	Yes Yes Yes Yes Yes Yes
	Building separation Up to 3 storeys = 6m min Fourth storey = 12m min Fifth to Eighth storey = 18m	26m 26m 26m	Yes Yes Yes
Setbacks	Front setback – 3m required along Canterbury Rd	6m setback to colonnade on ground floor remainder of building to boundary.	Yes
Building separation	Up to 3 storeys = 6m min Fourth storey = 12m min Fifth to Eighth storey = 18m	26m 26m 26m	Yes Yes Yes
Parking	Shop Top Housing: Studio: 0.25spaces/dwelling 1B: 0.8 Spaces/dwelling 2B+: 1 space/dwelling 55 x 0.25 = 13.75 spaces 64 x 0.8 = 51.2 spaces <u>66 x 1 = 66 paces</u> Total: 130.95 spaces Bicycle: 1/5dwellings + 1/10 for visitors 37 + 18.5 = 55.5 spaces Min 1 car wash bay for 10+ dwellings	131 spaces 1 Car wash bay	Yes Yes

	Retail 1 space/ 33sq, (120-1000sqm) Total: 16 spaces Bicycle: 1/200sqm (3 spaces) Service Vehicle space	32 spaces at ground level Adequate space available 1 x service space	Yes Yes Yes
	Basement Parking Provide: - Secure bicycle parking accessible from ground floor, apartments and other uses - Shared multi-use parking and shared access driveways. Limit visitor parking if impacts on open space - Separate long term (resident + employee) parking from short-term (shopper + visitor) parking, separate parking for residential and non-residential and provide safe access to long term parking. - Safe and efficient lift access to building	- Bicycle parking provided at ground and basement levels. - Multi-use parking areas provided - Residential and commercial parking adequately separated. - Access to building from multiple points.	Yes Yes Yes Yes
Design Controls			
Street Address	- Entries to relate to existing street - provide awning over entry - Provide accessible entries for furniture transportation etc. - Provide access to upper levels of business centre from street façade. - Face habitable rooms windows toward public areas	Street address is acceptable in that the development will provide access from public areas to the various components of the building and will present habitable rooms to all public areas.	Yes
Façade Design and Articulation	-Avoid long spans of blank wall along street frontage and address both streets on corner sites. -Incorporate contrasting elements in the façade and express building layout in façade. - Façade to reflect orientation of building (sun shades etc) - Modulate wall alignment with 1m step in.	Façade design appropriate on all elevations of the building. The Cooks river interface incorporates a large span of blank wall to limit interface with transmission tower but provides an art feature on that wall to break up the visual bulk.	Yes
Façade Details	-Solid to void ratio of 50% (not including shopfronts) - Use balconies at rear and minimise on front façade	There is an equal ratio of solid to void within the façade of the primary street frontage.	Yes

Shopfronts	<ul style="list-style-type: none"> -Transparent windows on façade; - No external roller shutters 	Windows on the street are transparent. This will be reinforced via the provision of a condition requiring the shopfront glazing facing public areas to remain transparent. No external solid roller shutters or brick walls proposed on shopfront	Yes
Corners, gateway sites and foreground treatments	<p>Emphasise important corners and gateways</p> <p>Variation to front setback requirements can be considered for to emphasise corner</p>	Corner emphasised adequately	Yes
Frontage types	<ul style="list-style-type: none"> --Colonnade— -Façade built to boundary with 3m setback at ground level for public colonnade -Min 3.2 -4.2m height for colonnade. 	Façade built to boundary with >3m setback at ground level for public colonnade. Colonnade height 3.2m-4.2m	Yes
Roof Design	<ul style="list-style-type: none"> - 10° or less - Emphasise building articulation with shape and alignment - Relate to size and scale of building. 	<ul style="list-style-type: none"> -Flat roof proposed -Building articulation emphasised by the shape and alignment of the roof -Roof design adequately related to the size and scale of the building, the building elevations and three-dimensional building form. 	Yes
Performance Controls			
Visual Privacy	<ul style="list-style-type: none"> -Maximise visual privacy between buildings on and adjacent to the site -Separate communal open space, common areas and access routes from windows of rooms. 	<ul style="list-style-type: none"> -Visual privacy between unit balconies and windows maintained - Much of the areas surrounding ground floor units allocated as courtyard to avoid interface with public access routes. 	Yes
Acoustic Privacy	Address all requirements of 'Development Near Rail Corridors and Busy Roads (Interim Guideline) by NSW Department of Planning.	Acoustic report by Acoustic Logic. Recommendations to be implemented as condition of consent.	Yes

Open Space	<p>All residents to have access to private open space All residents to have access to communal open space Balconies and private courtyards: - 2 or more bedrooms: 10% of floor area as balcony - 8sqm primary balcony for 1 bedroom - 12sqm primary balcony for 2b+ Minimum 2m depth/balcony</p> <p>Communal Open Space -6m minimum dimension for each communal open space - min 10% of site area (783.9sqm) as communal open space on sites >500sqm</p>	<p>All residents have access to communal open space</p> <p>- All units with 2 or more bedrooms: 10% of floor area as balcony - 8sqm per 1 bedroom -12 sqm per 2 bedroom</p> <p>>10% of site area(1870sqm total) of open space partially dedicated to Council</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Internal Dwelling Design	<p>Each living area and principal bedroom has a minimum width of 3.5m</p> <p>Storage Min 6m³ /1B unit Min 8m³ / 2B unit Min 10m³ / 3B+</p>	<p>Each living area has a minimum width in excess of 3.5m. A minimum width of 3m is provided for the developments principal bedrooms. Adequate storage provided has been provided for each unit. To be imposed as a condition of consent.</p>	<p>Yes</p> <p>Yes</p>

Part 2– Residential Neighbourhoods

The current application (portion within the R4 zone) compares against Part 2 of the Canterbury Development Control Plan 2012 as follows:

Standard	Requirement	Proposal	Complies
Isolation of Sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed	No isolation of neighbouring properties	Yes
Minimum Frontage	4-6 storey Residential Flat building = 30m minimum	75m	Yes
Height	<p>-Roof top terraces not permitted in residential zones.</p> <p>-Basement permissible for single dwellings in all zones, multiple unit and residential flat building in R4 zone only. No other residential is permitted basement.</p> <p>- Max. Height under Canterbury Town Centre structure plans is 8 storey + 6 storey</p>	<p>-Not proposed</p> <p>-Basement proposed – permitted for RFB</p> <p>9 storey</p>	<p>Yes</p> <p>No - see comments under CLEP 2012</p>
Depth/Footprint	<p>25m max</p> <p>Can be increased to 35m if deep soil planting is incorporated as per CI 2.1.6</p>	<25m	Yes
Setbacks	Front: 6m minimum	Front: 3m - 6m	No

	Rear: 6m minimum Side: 4m minimum 5 th to 8 th storey additional 3m setback from podium Deep soil: min 2m wide along side boundaries, & min 5m along front and rear boundaries.	0m – 46m. South-east side: 2.98m 3m additional setback provided partially. 2.98m along south-east boundary (side) 0m – 20m along rear boundary	No No No Yes No
Parking	S +1b = 1 space (137 spaces) 2b = 1.2spaces (84 spaces) 3b+ = 2 spaces (6 spaces) 227 spaces required 10dwellings+ = 1 car wash bay 1 car wash bay required Visitor: 1 space/5 dwellings 42 visitors spaces required Bike spaces: 1/5dwellings (resident) 1/10 dwellings (visitor) Basement access under terrace/verandah or setback 1m from façade.	227 spaces 1 carwash (shared across entire devt.) 42 spaces Not visible	Yes Yes Yes Yes
Design Controls			
Street Address	-Clearly identifiable entries. -Provide main common entry and separate private ground floor apartment entries where appropriate - At least one habitable room window to face street - At least one habitable - room window to face internal communal areas. -No obstruction to views from street to development and vice versa. -Ground floor dwellings in multiple unit developments with private entrances must have 2m setback with landscaping from street boundary to courtyard and private open space is clearly articulated.	- Clear entries -Main common and informal alternate entries to ground floor units Windows to rear communal area Windows to central area No obstruction 3m	Yes Yes Yes Yes Yes Yes
Façade Design and Articulation	-Avoid long flat walls - step of at least 1m for RFB's. -Address both street frontages - Use non reflective materials, treat publicly accessible areas with anti-graffiti coating.	- Long flat wall treated with artwork and landscaping - Steps of 1m+ - Addresses both street frontages - Not known	Yes Yes Yes Condition
Roof Design	-No steep pitched roofs – use 10% pitch or less -Emphasise building articulation	Flat roof Roof design acceptable	Yes Yes

	<p>with shape and alignment of roof</p> <ul style="list-style-type: none"> -Emphasise corner apartments or prominent balcony structures with raised roof elements -Relate roof design to building and respond to orientation of site. -Integrate service elements into design of roof. 	<p>Corner apartments emphasised with elements enclosing balconies on mid floors</p> <ul style="list-style-type: none"> -roof design acceptable 	Yes
Service and Utility Areas	<ul style="list-style-type: none"> - Integrated into the design of development and are not visually obtrusive. - Unscreened appliances not to be visible from the street, communal area or driveway on the site (air con. Units behind balustrades, screened recesses for water heaters, meters in service cabinets) - Communal rooftop antenna to be provided. -Screen clothes drying areas from public view, storage space screened and integrated into design. - Discretely located mailbox in front of property - 	<p>Integrated into design adequately.</p> <p>Not visible from street – adequately integrated into design</p> <p>-Condition</p> <p>-Mailboxes at discreetly located at main entry points</p>	<p>Yes</p> <p>Yes</p> <p>Condition</p> <p>Yes</p>
Performance Controls			
Visual Privacy	<p>Locate and orientate new developments to maximise visual privacy between buildings – if preferred orientations are not achievable use high sill windows or <600mm wide.</p>	<p>Adequate visual privacy provided between units with screening.</p>	Yes
Open Space	<p>1 bedroom = 9sqm 2bedroom = 12sqm 3+ bedroom = 16sqm</p> <p>Communal Area= Minimum 15% of the open space created by setbacks and building separations</p>	<p>Generally compliant - condition</p>	Condition
Open Space Design	<p>Private open space, communal open space, garden courtyard or terrace, and balconies to be designed as per Cl. 2.3.3</p>	<p>Adequate communal open space provided</p>	Yes
Internal Dwelling Space and Design	<ul style="list-style-type: none"> -Dimensions and design of interiors to accommodate furniture typical for purpose of room. - Living room and main bedroom min 3.5m dimension - Secondary bedrooms to have minimum 3m width -Storage: Minimum 6m³ /1bedroom, 8m³ /two bedroom, 10m³/3+ bedroom dwelling. - Communal stairwells to 	<ul style="list-style-type: none"> - Typical furniture layout on plans demonstrate spaces can be adequately utilised - Dwellings provided with sufficient dimensions in living and main bedroom. Storage provided per dwelling – condition relating to 1 bedroom + study units providing minimum 8m³ Primarily lift access to units – 	<p>Yes</p> <p>Yes</p> <p>Condition</p> <p>Yes</p>

	receive natural daylight and ventilation.	stairs also used in case of fire so not suitable for window openings in this design.	
Housing Choice	10% of dwellings to be provided as accessible or adaptable units to suit residents with special needs	40 adaptable apartments proposed (10%)	Yes

Setbacks

The proposed multiple unit buildings at the rear of the subject development do not comply with the applicable setback controls particularly across the rear south-eastern portion of the site for Building D. The setbacks from the street are limited to 3m with some visual relief by way of balcony openings which extend the setback to 6m. An additional 3m setback is provided to a portion of Building D at the fifth floor. The eastern corner of the building provides an additional setback at the seventh floor which wraps around to the rear (southern) elevation of the building. The proposed setbacks are considered to provide adequate visual relief from Close Street as the Street bends and expands in width at this end of the site.

The rear and side setbacks adequately respond to the characteristics of the site while not having any impacts on neighbouring developments.

The proposed setbacks are considered to be acceptable given the attributes of this site.

Part 6.2 Climate, and energy and resource efficiency

Standard	Requirement	Proposal	Complies
Daylight and Sun access (proposed developmen)	At least 70% of the proposed apartments living area windows and private open space (balconies) receive at least two hours sunlight between 9am and 3pm in mid-winter	70% of units will receive at least two hours sunlight between 9am and 3pm in mid-winter	Yes
	At least 50% of communal open space receives two hours sunlight between 9am and 3pm in mid-winter	Communal open space will not receive direct solar access in mid-winter	No
Ventilation	Provide natural cross ventilation to at least 60% of dwellings, and natural ventilation to 25% of kitchens in a multiple unit development	60% of the units naturally cross ventilated >25% kitchens enjoy natural ventilation	Yes Yes
	Use the entranceway as a ventilation pathway to individual units	Entranceway used as ventilation pathway to individual units	Yes
	Limit residential building depth to 18m glass line to glass line to support natural ventilation	Units do not exceed 18m in depth – only corner units marginally over due to entry corridor.	Yes

Accordingly, the proposed development is consistent with the requirements of Part 6.2 in our DCP with the exception of Daylight Access to the communal Open space area in mid-winter. This non-compliance is brought about by the orientation of the communal open space which is fundamentally designed to link into the surrounding public open space areas. Given that the communal open space will link directly into public open space areas which will receive sufficient solar access during mid winter, the proposal is considered to be acceptable.

Part 6.3 Crime Prevention

The application was referred to the Team Leader Youth and Safety who found the application to be satisfactory subject to conditions being imposed and made part of any consent issued.

Part 6.4 Development Engineering Flood and Stormwater

The stormwater plan submitted with the application has been assessed by our Development Engineer and no objection was raised subject to conditions being attached to any consent granted.

Part 6.6 Landscaping

The application has been reviewed by our Landscape Architect and was found to satisfy the requirements of Part 6.6 of the CDCP 2012. Conditions relating to landscaping have been recommended.

Part 6.8 Vehicle access and parking

In accordance with the car parking provisions of Part 6.8 – Vehicle Access and Parking, the proposed development provides adequate car parking required for the development and hence complies with the car parking provisions of CDCP 2012. The proposed development includes 46 small car spaces to enable a green star rating. The proposed small car spaces should be allocated to studios and 1 bedroom units only.

Conditions of consent have also be imposed requiring compliance with relevant Australian Standards.

Part 6.9 Waste Management

The application has been reviewed by our Waste Services Coordinator. In order to satisfy the requirements of Part 6.9 of the CDCP 2012, amendments must be made to the waste arrangements which can be imposed as conditions of consent and must be satisfied prior to the issue of the Construction Certificate. Conditions relating to the developments waste storage area have been provided and are to be attached to any consent issued.

(h) Section 94 Contributions Plan 2005

The provisions contained within Council's Section 94 Contributions Plan 2005 apply to development involving the construction of additional residential development that create further demands to improve and upgrade existing facilities, amenities or services.

Having regard to the provisions of the Plan and the apartment mix proposed by this development (taking into account the previous discussions about the apartment layouts and the capability of certain areas to be used as additional bedrooms) a Section 94 contribution is required to be paid prior to the issue of a Construction Certificate. A condition should to be included in any development consent issued.

NOTIFICATION

The development application was placed on notification in accordance with the requirements of Part 7 – Notification of Development Applications of CDCP 2012. No submissions were received during this period.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are considered to be satisfactory. The proposal is not expected to have any detrimental impacts in terms of

the natural or built environments, and the social and economic aspects, as discussed in the body of this assessment report.

SUITABILITY OF THE SITE

These matters have been considered in the assessment of the development application. The proposed redevelopment of the site is permissible and not expected to have any detrimental impacts on the amenity of the locality. The proposed development is considered to be a suitable development in the context of the locality and the future character of the area.

PUBLIC INTEREST

The proposed development satisfies the relevant requirements contained with various State Environmental Planning Policies, Council's planning instruments and development control plans. The proposal is generally consistent with the requirements of these policies as documented throughout this report. The proposal promotes the coordinated, orderly and economic use of the land and is not expected to have any significant adverse impacts on adjoining development. The development will provide an important landmark building at the southern entrance to the Canterbury Town Centre and will provide an important gateway and interface to the Cooks Riverfront, consistent with the future character envisaged by the planning controls for the locality. Approval of the applicant is therefore considered to be in the greater public interest.

CONCLUSION

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

The proposed development is permissible in the zone subject to consent under the provisions of Canterbury Local Environmental Plan 2012 (CLEP2012). As demonstrated, the proposed development is generally consistent with the provisions of the relevant State Environmental Planning Policies and Councils development control plans with the exception of the matters discussed in this report.

As outlined throughout this report, the site is capable of accommodating the proposed shop top housing development and is not expected to have any detrimental impacts on the amenity of the locality. In this regard the proposal is considered to be a suitable development for the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve DA-503/2013 for the demolition of existing structures at 242, 246-248 Canterbury Road, dedication of land for road widening; and demolition of the remainder of structures and construction of a nine storey building containing commercial premises with shop top housing, residential flat buildings, two basement level car parking areas and central open space area, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

- Sydney Water Notice of Requirements
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement in accordance with AS 1668.2

1.2. Evidence of compliance with Condition No's. 6, 7, 8, 34, 38, 39, 46, 47, 56, 57, 67, 69, 88, 90, 91, 95, 100, 104, 105, 107, and 108 of this consent.

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

1.4. Payment to Council of:

Kerb and Gutter Damage Deposit	\$34,820.50
Section 94 Contributions	\$3,820,939.84
Certificate Registration Fee	\$36.00
Long Service Levy	\$248,644.90

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

Construction Certificate Application Fee	\$143,352.00
Inspection Fee	\$37,560.00
Occupation Certificate Fee	\$14,045.00

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

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

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

Note 4: All 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.

Note 5: Section 94 Contribution payments are payable by cash, bank cheque or EFTPOS.

BEFORE COMMENCING THE DEVELOPMENT

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

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

SITE SIGNAGE

3. A sign shall be erected at all times on your building site in a prominent position stating the following:

- 3.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
- 3.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
- 3.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

4. Demolition must be carried out in accordance with the following:

- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.

- (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- (c) Demolition being carried out in accordance with the requirements of the 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 NCC.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details as outlined in the table below except where amended by the

conditions of this consent:

Prepared By	Drawing Reference	Issue	Date Prepared	Date received by Council
Realize Architecture	DA. 100	C	2/4/2014	10/4/2014
Realize Architecture	DA. 101	C	2/4/2014	10/4/2014
Realize Architecture	DA. 102	D	2/4/2014	19/5/2014 (e-mail)
Realize Architecture	DA. 103	B	2/4/2014	10/4/2014
Realize Architecture	DA. 104	B	2/4/2014	10/4/2014
Realize Architecture	DA. 105	B	2/4/2014	10/4/2014
Realize Architecture	DA. 106	C	2/4/2014	10/4/2014
Realize Architecture	DA. 107	C	2/4/2014	10/4/2014
Realize Architecture	DA. 108	B	2/4/2014	10/4/2014
Realize Architecture	DA. 109	B	2/4/2014	10/4/2014
Realize Architecture	DA. 110	B	2/4/2014	10/4/2014
Realize Architecture	DA. 111	B	2/4/2014	10/4/2014
Realize Architecture	DA. 112	B	2/4/2014	10/4/2014
Realize Architecture	DA. 200	B	2/4/2014	10/4/2014
Realize Architecture	DA. 201	B	2/4/2014	10/4/2014
Realize Architecture	DA. 300	B	2/4/2014	10/4/2014
Realize Architecture	DA. 301	B	2/4/2014	10/4/2014
Realize Architecture	DA. 302	B	2/4/2014	10/4/2014

6. All residential units in Buildings A and B must provide a minimum private open space area (in the form of a courtyard or balcony) of 8m² per one bedroom unit, and 12m² per two or more bedroom units.
7. All residential units in Buildings C and D must provide a minimum private open space area (in the form of a courtyard or balcony) of 9m² per one bedroom unit, and 12m² per two bedroom unit, and 16m² per three bedroom unit.
8. All residential units must be allocated a minimum storage area of 6m³ per one bedroom unit, 8m³ per two bedroom unit, and 10m³ per three bedroom unit.
9. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the photomontage and Schedule of Finishes prepared by Realize Architecture as received by Council on 21 November 2013. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
10. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Canterbury Town Centre Development Contributions Plan, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$3,820,939.84. Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.
11. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
12. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or

suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.

13. 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.
14. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
15. All development, including walls must be located within the property boundaries of the subject site.
16. A security system/swipe card system is to be installed within the lifts which allows operation of the lift only to authorized levels within the building.
17. All access points to the residential component of the building (including lifts and stairwells) must be restricted to residents only through a security system. Visitor's to the residential complexes must be provided with access via the intercom.
18. Signage throughout the site is to be used to direct people to where they are meant to be. This will reduce excuse making and loitering opportunities for potential offenders.
19. The future use of each commercial/retail shop and office premise be dealt with under a separate application and subject to Council approval unless deemed exempt or complying development.
20. The site 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.
21. 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.
22. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
23. 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.
24. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
25. 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.
26. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
27. Drains, gutters, roadways and access ways 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. The site must be provided with a vehicle wash down 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.
29. 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.
30. All building construction work must comply with the National Construction Code.

31. 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.
32. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at each floor slab level 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.
33. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
34. Submission of a Soil and Water Management Plan, to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The Soil and Water Management Plan must include details of:
 - (a) property details (location, applicant, drawn by, date, scale)
 - (b) accurate property description (property boundary)
 - (c) contours
 - (d) access point and access control measures
 - (e) location and type of all sediment control measures
 - (f) location of existing vegetation to be retained and undisturbed ground
 - (g) any existing watercourse or drainage
 - (h) material stockpile areas and storage and control methods
 - (i) location of new drainage features (stormwater inlet pits)
 - (j) revegetation proposals, including specifications on materials used and methods of application(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)
35. Where excavation is proposed adjacent to existing dwellings or a vacant property, the works shall be carried out in accordance with Part 3.1.1- Earthworks NCC and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
36. Where erection or demolition of a building involves the closure of a public place, or where pedestrian or vehicular access is to be obstructed or rendered inconvenient, the premises is to be provided with a hoarding and or sufficient awning to be erected to prevent any substance from, or in connection with the work falling onto the public place.
37. The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.
38. A geotechnical engineering report assessing the impact and safety of the proposed works is to be prepared by a suitably qualified and experienced geo practitioner and **provided to the Principal Certifying Authority prior to the issue of a Construction Certificate**. The report must include the results of subsurface investigations, involving either test pits to rock, or preferably the drilling of cored boreholes (to one metre below the proposed final excavation level). The report shall describe:
 - An indication and nature and depth of any uncontrolled fill at the site.
 - An indication of the nature and condition of the material to be excavated.
 - Indications of groundwater or seepages.
 - Required temporary measures for support of excavations deeper than one metre adjacent to property boundaries.
 - Statement of required excavation methods in rock and measures required to restrict ground vibrations.

- Other geo-technical information or issues considered relevant to design and construction monitoring.
- All findings and recommendations of the Report are to be followed and adhered to throughout the construction process.
39. The design and location of letterboxes being in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published in February 1997, and being shown on the Landscape Plan at Construction Certificate stage.
 40. A letterbox being provided for the Owners' Corporation.
 41. A master antenna connected to the all dwellings on the site is to be provided.
 42. All bathroom, en-suite and laundry windows contain translucent glazing.
 43. 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."
 44. All goods and materials being stored wholly within the building.
 45. No goods being stored or displayed on Council's footpath without the written consent of Council.

ENVIRONMENTAL HEALTH

46. A detailed site contamination investigation shall be submitted to Council in accordance with the requirements of the relevant NSW EPA Guidelines prior to the issue of a Construction Certificate. Subject to the investigation findings, satisfactory remediation, validation and issuing of a Site Audit Statement may be necessary, in accordance with Council's Contaminated Land Policy.
47. After completion of the remedial works, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. The construction certificate shall not be issued until the Principal Certifying Authority approves this Validation Report. This report shall be prepared with reference to the Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:
 - (a) Describe and document all works performed.
 - (b) Include results of validation testing and monitoring.
 - (c) Include validation results of any fill imported on to the site.
 - (d) Show how all agreed clean-up criteria and relevant regulations have been complied with.
 - (e) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
48. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works are to be carried out in accordance with this plan. This plan shall include:
 - (a) hazard identification and control
 - (b) site security
 - (c) personal protective equipment
 - (d) work zones and decontamination procedures

- (e) contingency plans and incident reporting
 - (f) environmental monitoring
49. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.
50. The applicant is to engage a suitably qualified consultant to prepare a Preliminary Assessment in relation to acid sulphate soils in accordance with the Acid Sulphate Soils Assessment Guidelines. (NSW Acid Sulphate Soils Management Advisory Committee August 1998). The Preliminary Assessment is to:
- (a) verify the existence and extent of acid sulphate soils on the site; and
 - (b) provide an assessment of the components of the proposal on acid sulphate soils.
- A copy of the Preliminary Assessment being provided to Council. If the action criteria in the Acid Sulphate Soils Assessment Guidelines are triggered, an Acid Sulphate Soils Management Plan be produced in accordance with the Acid Sulphate Soils Assessment Guidelines and being to the satisfaction of Council's Director City Planning, outlining mitigation strategies.

ACOUSTICS

51. 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 (Project No. 20130055.1, Dated: 6 November 2013), submitted with DA503/2013, have been incorporated in the final design of the building.

CAR PARKING

52. A total of four hundred and thirty two (432) off-street parking spaces being provided, comprising of:
- One (1) car wash bay being allocated as common property;
 - One accessible car space being allocated to each accessible dwelling;
 - One car space being allocated to all 2 and 3 bedroom dwellings in Buildings A and B;
 - One car space being allocated for each studio, 1 bedroom and 2 bedroom unit in Buildings B and C
 - Two car spaces being allocated for each 3 bedroom unit in Buildings C and D.
 - Sixteen (16) car spaces being allocated for the commercial component of the development.
- The car spaces must be allocated and marked according to this requirement. If the development is strata subdivided, the car park layout must respect the above allocation. All 'small car spaces' must be allocated to studio and/or 1 bedroom apartments.
53. The accessible parking spaces must comply with the dimensions of AS 2890.1 and have a firm, level surface with minimal crossfall. These spaces must be marked with the international symbol of disability.
54. All car parking spaces must be sealed, line marked and made freely available at all times during business hours for staff and customers.
55. Signage shall be erected to notify and allow people to use the designated spaces.
56. Parking facilities/storage for 63 bicycles is to be provided on-site for 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.

CRIME PREVENTION MEASURES

57. All recommendations contained within the Crime Prevention Through Environmental Design Report prepared by TCG dated 13 November 2013, as submitted with the subject application shall be implemented as part of the construction and on-going operations of the development. Where required, details shall be provided with the application for the Construction Certificate.
58. The basement car park be painted the colour 'white'. This measure will increase lux levels and light reflection.
59. Internal car park structures such as concrete columns, solid internal walls, and service rooms contain portholes (cut outs). This measure will open sightlines, increase natural surveillance and assist with light distribution.
60. The site must 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.
61. All access points to the building (this would include lifts and stairwells) must be restricted to residents only through a security system. Visitors to the residential complex must be provided with access via the intercom.
62. It is recommended that 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.
63. Residential parking must be separate to commercial and visitor parking with either a bollard gate or roller door. This will increase security and reduce unauthorised persons accessing restricted areas of the building.
64. In addition to existing lighting, sensor spot lights must be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
65. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
66. Residents must be made aware of our Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.

DISABILITY ACCESS

67. All measures identified in the Access for People with Disabilities Report prepared by Accessible Building Solutions submitted as part of the application shall be implemented and where required, details shall be provided with the application for the Construction Certificate.
68. 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.

WASTE MANAGEMENT

69. Prior to the issue of the Construction Certificate, the following details must be submitted to Council for approval:
 - 69.1 The residential section of the development will be allocated 52x 240L rubbish bins (allocated amount of 205 halved due to use of compactor and halved again for twice weekly pickup) and 69x 240L recycling bins (amount halved for twice weekly pickup).
 - 69.2 The applicant has proposed the use of 10x 240L garden vegetation bins. These bins are to be stored in the waste bin storage rooms however they are to be presented on the nature strip for collection where they will be collected and returned to the area designated in the amended plans.

- 69.3 Recycling bins are to be stored on each level of the building as per the approved plans.
- 69.4 The bins will be serviced twice weekly (for example, rubbish on Mondays and Thursdays and recycling on Tuesdays and Fridays) from the collection point in Close Street.
- 69.5 The bin hoist will need to have an operating capacity of at least 2000kg.
- 69.6 Unrestricted and unobstructed access to the collection areas must be provided on collection days from 5.00am.

ENGINEERING

- 70. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 12th December 2013, drawing numbers, HDA01/P1, HDA02/P1, HDA03/P2, HDA04/P2 & HDA05/P1 ; prepared by Whipps Wood Consulting and as amended by the following condition
- 71. 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.
- 72. 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.
- 73. 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.
- 74. A full width **heavy** duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 6 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 75. 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.
- 76. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
- 77. 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.
- 78. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".

Public Improvements

- 79. 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".
- 80. The reconstruction of the kerb and gutter along all areas of the site fronting

Close Street and Canterbury Road is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

81. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Close Street and Canterbury Road is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
82. 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.

SUBDIVISION

83. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
84. The submission of one final plan of subdivision and five copies.

TRAFFIC & CITY WORKS

85. The development must comply with the Public domain requirements set out in the Canterbury Town Centre Public Domain Strategy or subsequent City of Canterbury advice.
86. The development must comply with the land dedication as prescribed by City of Canterbury to facilitate the installation of the traffic signs at the intersection of Close Street and Canterbury Road, Canterbury.
87. The development must coordinate with City of Canterbury in regard to relocation of existing services in Canterbury Road to within the land to be dedicated as road reserve.
88. The parcel of land to be dedicated to Council along the Cooks River (south western section of the site) must be clear of any structures below or above ground with the exception of public domain elements and the proposed playground that are to be shown on a detailed plan that must be submitted to Council's City Works Division for approval prior to the issue of a Construction Certificate.
89. All works within the area to be dedicated along the Cooks River foreshore (south-western portion of the site) to be completed at the applicants cost, and the dedication to take place prior to the issue of an Occupation Certificate.
90. A public right of way is to be registered over the site linking the Cooks River foreshore through to the intersection of Close Street and Canterbury Road. A detailed plan showing the right of way must be approved by Council prior to the issue of a Construction Certificate.

ROADS AND MARITIME SERVICES

91. To facilitate the proposed future construction of traffic signals and associated civil works on Canterbury Road at Charles and Close Streets, the developer shall dedicate sufficient land as public road at the corner of Close Street and Canterbury Road. The extent of this land dedication as public road shall be in accordance with the attached concept road design plan undertaken by Mott MacDonald (MMD-286061-DR-SK-0016). This land dedication as public road shall be executed, prior to the release of any Construction Certificate for the proposed development and shall be at no cost to RMS or Council.
92. In accordance with Council's Section 94 Developer Contribution Plan, the developer shall make an appropriate monetary contribution towards the proposed traffic signals and associated civil works on Canterbury Road at Close and Charles Streets.
93. The post-development storm water discharge from the subject site into the RMS

drainage system does not exceed the pre-development discharge. Should there be changes to the RMS's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

94. The proposed development must be designed such that road traffic noise from Canterbury Road is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
95. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment (prior to the approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- The impact of excavation/rock anchors on the stability of the Canterbury Road and detailing how the carriageway would be monitored for settlement.
 - The impact of the excavation on the structural stability of the Canterbury Road.
 - Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph: 8837 0246 or Graham Yip on Ph: 8837 0245) for details.
96. The layout of the proposed off-street car parking and loading areas associated with the subject development shall be designed and constructed in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002..
 97. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

LANDSCAPING

98. The landscaping of the site being undertaken in accordance with landscape plan marked Drawing no 1417-LC01 to 1417-LC05, Drawn by Ochre Landscape Architects and submitted to council on 18th April 2014 except where amended by the conditions of this consent.
99. The existing property vegetation is to be retained or removed as follows:

Tree No. (As listed in the submitted Arboricultural Assessment report)	Botanical Name	Common Name	Action	Details/ Tree Protection Zone (TPZ)
T1	<i>Casuarina galuca</i>	Swamp She Oak	Remove	Replacement planting as per proposed

				tree plants shown on Landscape Plan
T2	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Remove	Replacement planting as per proposed tree plants shown on Landscape Plan
T3	<i>Erythrina cristagalli</i>	Cocks Comb	Remove	NA

100. The existing neighboring property trees, tabled as Tree 4 to Tree 12 in the submitted Arboricultural Development Assessment Report (written by Moore Trees Arboricultural Services and submitted to council on 10th April 2014) are to be retained and protected during construction as per Section 5 of the submitted report and the Tree Protection Plan (Appendix 1 of the report). A Level 5 Consulting arborist must be engaged as a project arborist. Contact details of this project arborist are to be forwarded to council and the consenting authority prior to the issue of Construction Certificate.
101. The Tree protection measures are to be installed prior to the start of any site works and are to be established/supervised and maintained by the Project Arborist.
102. Post construction, the project arborist is to inspect the health and condition of the trees marked to be retained and issue a certificate of compliance which is to be forwarded to council for our records.
103. Plant Quality and Sizes: All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
104. Plant Pre-order: All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation.
105. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.
106. Upon completion of the 52 week maintenance period as detailed in the submitted Landscape Management and Maintenance Plan, a report should be submitted to council by Ochre Landscape Architects or landscape contractor on behalf of their client, detailing the success of the landscape plan and any changes which have been made from original constructed landscape in accordance with changed site conditions, plant failures/replacements etc.
107. Prior to the issue of the Construction Certificate, the following must be updated/provided:
 - A *detailed* landscape maintenance schedule is to be provided for the development for a period of 52 weeks.
 - The Landscape Construction Drawings for the public domain areas must be submitted to and approved by the City Works department at City of Canterbury. These drawings must be drawn in accordance with the current available Canterbury Town Centre Public Domain Strategy and associated drawings. These areas including:

- Footpath pavement and street tree planting on Close Street;
- Footpath pavement on Canterbury Road and along the Cooks River;

SYDNEY WATER REQUIREMENTS

108. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application, a “Notice of Requirements” will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.
A copy of Sydney Water’s Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
109. To cater for the ultimate re-development within the Canterbury Precinct area, amplifications of the existing water mains are required to comply with the Water Supply Code of Australia.
110. Preliminary investigations have identified that approximately 115 metres of 150mm main may need to be amplified to 200mm along Close Street in accordance with the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition – 2012).
111. The development site is traversed by 1500mm and 225mm wastewater mains. Sydney Water has carried out preliminary investigations and identified that the existing wastewater system will require amplification to service the ultimate development. The extent of the amplification is subject to the timing of the proposed development and other development and other development within the precinct.
112. Where proposed works are in close proximity to a Sydney Water asset, the proponent may be required to carry out additional works to facilitate their development and protect the wastewater main. Refer to a Water Servicing Coordinator for details of requirements.
113. If direct connection to Sydney Water stormwater system is required, the connection must comply with Connection and Discharge Stormwater Quality Targets.

CRITICAL INSPECTIONS

114. Class 2, 3 or 4 Buildings

- 114.1. at the commencement of the building work, and
- 114.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 114.3. prior to covering any stormwater drainage connections, and
- 114.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 114.5. at the commencement of the building work, and
- 114.6. prior to covering any stormwater drainage connections, and
- 114.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

115. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.

To arrange an inspection by Council please phone 9789-9300 during normal office

hours.

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE

117. This application has been assessed in accordance with the National Construction Code which took effect on 1 May 2011.
118. 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
 - Final Fire Safety Certificate
 - Glazing
 - BASIX completion
 - Premises Standard
 - Waterproofing
119. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
120. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.
121. 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.
122. 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.
123. 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.
124. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
125. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
126. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

If you require any further information, please do not hesitate to contact Mine Kocak in City Planning on 9789 9357, Monday to Friday.