



DEVELOPMENT APPLICATION ASSESSMENT REPORT

CANTERBURY CITY COUNCIL

JRPP Ref. No.	2014SYE012
D/A No.	DA-579/2013
Property	Lot 22 DP 876254, 2A Charles Street, Canterbury
Proposal	Demolition of existing structures and construction of a mixed retail/residential development containing 202 units, a supermarket and liquor store, commercial/retail tenancies, basement car parking and stratum subdivision into three (3) lots
Zoning	Local Centre B2 - Canterbury Local Environmental Plan 2012
Applicant	Deicorp Constructions Pty Ltd
Owner	Mr A Chehab & Mr M Chehab
Report By	Hassan Morad – Senior Planner

EXECUTIVE SUMMARY

- Council has received a development application for the demolition of existing structures and construction of a mixed commercial and residential development containing 202 units, a supermarket, commercial / retail tenancies and associated basement car parking. The development is to be in the form of two buildings. Building A,B and C which takes a U-shape form and is separated from Building D by the proposed Market Lane forecourt which extends from the north-eastern boundary to the Charles Street boundary to provide connectivity through the site and the Riverfront Precinct area from Canterbury Railway station. Both buildings will have an overall height of nine storeys located above the supermarket at the ground floor level.
- 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 Local Centre B2 under Canterbury Local Environmental 2012. The proposed development is defined as 'shop top housing', which is a permissible use in the Local Centre B2 zone 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. The application was notified between 15 January 2014 and 6 February 2014. No submissions were received.
- The development application is recommended for approval subject to conditions.

BACKGROUND

On 25 March 2011, Development Application DA-137/2011 was lodged seeking consent for the demolition of existing structures and construction of a mixed use development including basement car parking, a supermarket, retail tenancies, a piazza and 171 residential units over two towers. On 15 July 2011, the applicant withdrew the Development Application given that a substantial redesign would be required to address the issues of non-compliance.

On 21 December 2012, Development Application DA-534/2012 was lodged seeking consent for the demolition of existing structures and the construction of a mixed use development comprising 207 residential apartments above a ground floor supermarket, retail tenancies and basement car park. This application was also withdrawn on 15 August 2013 given the non-compliances of the development and that a substantial redesign would be required to achieve general compliance.

SITE DETAILS

The subject site is identified as Lot 22 DP 876254, and is commonly known as No. 2A Charles Street, Canterbury. The site is located on the north eastern corner of Canterbury Road & Charles Street (refer to Figure 1).



Figure 1 Aerial photograph showing the existing development site and surrounds

The site is irregular in shape and has a 98.095m frontage to Charles Street, a 81.205m splayed frontage to Canterbury Road, a rear boundary of 109.385m and a depth of 49.965m (along the sites north western boundary). The site has a total area of 6430m². A RailCorp easement with a variable width of 6.225m – 13.67m runs adjacent to the railway line along the northern side of the site and a gas pipeline owned by Qenos with a variable width of 1m & 4.9m wide also transects the site. The site falls towards Charles Street (maximum 5.94m). The site is presently occupied by a number of brick and weatherboard buildings, and fencing.

Surrounding development includes Canterbury Railway Station, to the north east of the site, residential, retail and warehousing uses to the south, and industrial and some residential uses in Charles Street. Furthermore, the Shell pipeline runs through Charles Street adjacent to the site. This precinct has recently been rezoned under Canterbury Local Environmental Plan 2012 to residential and commercial zonings. To-date consent has been granted for the construction of mixed use developments at 4 Charles Street, Canterbury (52 residential apartments, 5 commercial space & basement parking) and 1A, 1, 2, 3 Charles Street and 12 Robert Street, Canterbury (108 apartments, 5 commercial tenancies and basement parking) and a residential flat building containing 254 dwellings with three levels of basement car parking at 15-15A and 18 Charles Street, Canterbury.

PROPOSAL

Council has received a development application for the demolition of existing structures and the construction of a mixed use commercial / residential development, supermarket and liquor store and commercial/retail tenancies constructed over three levels of basement car parking and a ground level loading dock accessible from Charles Street.

The proposal involves the construction of two buildings, Building A, B and C being a U-shaped tower and Building D which are both nine storeys in height. A total of 202 residential apartments are proposed comprising 31 x 1 bedroom, 156 x 2 bedroom and 15 x 3 bedroom units. Of the total 202 units, 21 units are proposed to be of an 'adaptable design' and 13 residential units are proposed alongside the upper retail podium level.

The residential podium level is located at the northern section of the site and is separated from the retail forecourt commercial space. Pedestrian access is provided from Charles Street or via lift access from the car park. A central landscaped open space area is provided for the adjacent residential apartments with additional open space along the eastern side of the site.

The upper retail podium level will accommodate eight (8) commercial/retail tenancies with a gross floor area of 813sqm. The development provides a 'lower retail level' accessed (for pedestrians) from Charles Street. This level will accommodate a supermarket and liquor store with a gross floor area of 3236sqm. Access from the car park to this level is available via a lift and escalators. This level is located at footpath level from Charles Street, however this level will sit below the existing ground level along the Canterbury Road frontage and is masked from view from the public domain.

The lower retail level also includes servicing and loading facilities for the retail space as well as garbage rooms for the retail/commercial premises and residential units. Access to the loading facilities is from Charles Street.

The two buildings will be separated at the podium level by the retail/commercial forecourt space which extends from the north eastern boundary to the Charles street boundary to provide connectivity through the site and the Riverfront Precinct area from Canterbury Railway station.

A three level basement car park for 202 residential spaces (including 21 accessible spaces) and 153 commercial spaces (including 11 accessible spaces) are provided. Access to the basement car park and ground level loading dock are provided via the main entry/exit driveways proposed along Charles Street.

The proposal also seeks the stratum subdivision of the development into three (3) lots for the supermarket at the ground level, the retail/commercial component at the first floor level and the residential units.

The proposed development also involves the construction of a driveway on the easement enjoyed by Railcorp over the property to be used for railway related maintenance services by Railcorp and the relocation of the Qenos high pressure gas pipeline & associated easement which currently transect the site. In addition to this, the development requires the dedication of land to accommodate a new Canterbury Road & Charles Street intersection and the widening of Canterbury Road.

STATUTORY CONSIDERATIONS

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

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

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

- (b) State Environmental Planning Policy No. 55 – Remediation of Land
- (c) State Environmental Planning Policy (Building Sustainability Index: 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
- (g) Canterbury Town Centre Development Contributions Plan.

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

ASSESSMENT

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

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

As the subject site is located adjacent to a rail corridor, in accordance with Clause 85 and 86 of State Environmental Planning Policy 2007 – Infrastructure (Infrastructure SEPP), a copy of the proposal was referred to Railcorp. Railcorp reviewed the application and advised that they raise no objections to the proposal subject to particular conditions relating to noise, vibration, safety, lights, reflective materials, excavation, construction, crane and other aerial operations be provided and made part of the consent should the application be approved.

Clause 87 of the Infrastructure SEPP also states that the “consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be undertaken to ensure the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) -40 dB(A) at any time”.

An Acoustic Assessment Report prepared by Koikas Acoustics Pty Limited, Dated: 17 December 2013, accompanies the application. Part 8 and 9 of this report provides acoustic data and assessments demonstrating compliance with the requirements of Clause 87 and 102 of the Infrastructure SEPP and the NSW Government Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008. Part 10 of the report provides recommendations on the selection of building materials and noise attenuation measures for the proposed development.

Furthermore, 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 has reviewed the proposal and provided conditions which are to be imposed and made part of the consent, should the application be approved.

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

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

An environmental site assessment has been carried out by Environmental Investigation Services and identifies the site as having a history of being used for railway uses and more recently for the storage and wholesale of timber and building supplies. The report concludes that the site can be made suitable for the proposed development provided that the following recommendations are implemented:

- A field-based investigation be conducted aimed at identifying Areas of Environmental Concern and evaluate the potential for acid sulfate soils to be present on site.
- Prior to demolition of the buildings a Hazardous Building Material Assessment (HAZMAT) is undertaken; and
- A Waste classification assessment of the soils in accordance with NSW DECC Waste Classification Guidelines – Part 1: Classifying Waste (2009) be undertaken for offsite disposal purposes.

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

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**
The application satisfies the commitments made in BASIX Certificate 517444M_02 dated 19 December 2013. In this regard, it is considered that the proposed development satisfies the targets contained in SEPP BASIX 2004.
- **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
This policy applies to residential flat buildings of three or more storeys and is required to be considered when assessing this application. SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing “good design”. Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted.

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

Context

The mixed-use nature of the proposed development is consistent with the future character and desired built form of the Canterbury Town Centre and is permissible in the zone. High density residential development will be a characteristic of the area within and adjacent to the business centre.

Scale

The scale and built form of the proposed development is consistent with the scale of development which is encouraged for this area. The development is generally consistent with the height, bulk and urban design context in this locality despite seeking a variation to the floor space ratio and building height. The height variation of 300mm is nominal and only relates to a section of the development, while the floor space variation is not considered to have any material effect on the perceived bulk and scale of the overall development. The lower retail level which accommodates the future supermarket is largely located below existing ground levels and masked from view from the public domain. Furthermore, these variations will not create any unreasonable overshadowing, privacy or amenity impacts for occupants of the surrounding locality. On this basis, the proposal is considered to be acceptable and is consistent with Council's vision for the Canterbury Town Centre.

Built Form

The proposal achieves a built form which is generally consistent with the site controls and objectives listed under Clause 3.1 of Canterbury Development Control Plan (CDCP) 2012. The ground level retail and upper level podium present a strong vertical theme that reinforces the commercial streetscape of both Charles Street and Canterbury Road by activating the street edge with shops and cafés/commercial uses and a large supermarket. The street awning reinforces the link to the existing streetscape and enhances the quality of the pedestrian environment.

The development also presents to Charles Street as a large multi-unit development, albeit with a clear entry point for vehicular and unloading access. Suitable courtyards and landscaping have been incorporated within the design at the podium level and around the perimeter of the northern and eastern sections of the site to enhance the visual appearance of the streetscape, and complement future development.

The proposal achieves the built form objectives as it contributes positively to the streetscape and provides a high level of amenity for residents and tenants.

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.

The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 68% (137 units) of the dwellings will be cross ventilated. In addition, the RFDC requires that 70% of units receive direct solar access to their living spaces. The proposal allows for 70% (142 units) of the dwellings to receive solar access to their living spaces and balconies.

Landscape

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

Amenity

The proposal achieves satisfactory residential amenity by supplying reasonable room sizes and shapes. As a “rule of thumb”, buildings should not exceed 18m in depth in order to allow sunlight to penetrate the building into each unit and provide adequate cross ventilation. The residential units do not exceed the maximum depth of 18 metres. 100% of the developments kitchens in the development are naturally ventilated.

Safety and Security

Satisfactory provision for security is provided with enclosed entry areas to lobby for access to the dwellings and the upper levels. The proposal has been reviewed in accordance with Part 6.3 of CDCP 2012 relating to Crime Prevention through Environmental Design controls and is considered to be generally consistent with these principles.

Social Dimensions and Housing Affordability

The mixed use development will add to the range of dwelling size options within the Canterbury LGA and will optimise the provision of housing to suit the social mix. The development also provides 21 adaptable dwellings in the development.

Aesthetics

The design of the proposal and the incorporated building elements contribute to the desired future character of the area and is consistent with the objectives of CDCP 2012.

The applicant has submitted a statement, prepared by Theodore Loucas from Architecture and Building Works Pty Ltd, which details the proposed development's compliance with the design principles of the SEPP. In particular the scale, density, and built form of the development are appropriate for the development's position within the Canterbury Town Centre. The supermarket on the ground floor complements the local commercial/retail precinct and promotes an active street frontage. The residential component of the development comprises an adequate dwelling mix, which will diversify housing choice within the Canterbury Town Centre. The individual apartments provide a high level of amenity for occupants through the provision of spacious bedrooms, common living areas and deep balconies.

The proposal is consistent with the Residential Flat Design Code prepared by the

Department of Planning.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

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

Standard	Requirement	Proposal	Complies
Zoning	B2 – Local Centre	The proposed development is defined as ‘shop top housing’ which is permissible with development consent	Yes
Height	27 metres	27.3 metres	No – see comment below
FSR	2.75:1 & 3:1	3.108:1	No – see comment below

Height

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.

The variation to the height control is limited to a maximum of 300m at its highest point (exclusive of the roof features) along the Charles Street elevation. The variation to the height has arisen from the site’s topography which has a fall of 3.8m and 5.94m from its north-eastern common boundary with the railway line to its Charles Street boundary. The constraints of the railway easement are such that the proposal is required to be constructed closer to Charles Street in the lower sections of the site, than otherwise would be the case. Further, the requirements for basement car parking and the required floor to ceiling heights result in a minor non-compliance to the overall building height. The proposal largely complies with the maximum height limit along the remainder of the building’s elevations.

The proposed development will not result in any significant adverse impacts as the variation above the maximum height does not negatively impact on the street, maintains visual privacy and solar access to surrounding development.

In considering the reasonableness of varying our standard, consideration must be given to the topography and location of the site within context to its surroundings. The site adjoins a railway corridor to the rear and to the southern (side) boundary is Canterbury Road. To the north-west is a part one/part two storey industrial unit complex accommodating a number of businesses. The minor height non-compliance does not represent a wholesale departure by reading as an extra storey or significant built form when viewed from outside the site. In this regard, this departure under Clause 4.6 of the LEP to our building height standard can be supported.

It is noted that necessary documentation in accordance with Clause 4.6 of CLEP 2012, justifying the proposed variation, has been submitted and is supported.

In relation to the architectural roof features, consent is required as stipulated under Clause 5.6 of CLEP 2012 for such roof elements that exceed the building height standards contained in Clause 4.3 of CLEP 2012. In this regard, the considerations contained under Clause 5.6(3) have been assessed with respect to the proposed roof features and satisfy each consideration. The applicant's argument that 'the roof elements will mask the view of the sections of the buildings that vary from the height standard and the variations to the height standard will be imperceptible when viewed from the public domain in Charles Street and Canterbury Road' is supported given the architectural interest the roof elements provide to the overall design of the development.

Floor Space Ratio

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.

As shown in the table above, the site comprises two floor space ratio zones. The proposed gross floor area exceeds the maximum floor space ratio standard by 10.8% or 1994sqm. Approximately 970sqm of the proposed gross floor area accommodates part of the supermarket which is located below existing ground levels and masked from view from the public domain. This section of the ground floor level does not add to the perceived bulk of the development while simultaneously facilitating an economic use of this space. Should this area be excluded from the gross floor area calculations this would result in a variation to the floor space ratio standard of 5.6%. Although this numerical variation exceeds the maximum floor space, it is worthy of support given the significant size of the site and the respective design that is proposed which will result in a good urban design outcome.

The proposal meets the intent of the objectives of the floor space ratio standard in that the variation will have no adverse environmental or amenity impacts as a result of the height, bulk and scale of the proposed development and will be consistent with the desired future character of the area as sought by CDCP 2012. The proposed design will enhance the streetscape quality and public domain in this area as a result of the removal of the existing industrial uses and facilities. The floor space variation is also unlikely to have any unexpected or undue impact on the amenity enjoyed by residents of surrounding properties in terms of its height, bulk, scale, overshadowing, privacy impacts, view loss or visual impact.

The applicant's justification states that *'the extent of development proposed will provide the critical mass of development required to support the establishment of a viable supermarket and other new and enhanced services and facilities designed to serve the local community and will revitalise this area and provide a catalyst for further redevelopment in the Town Centre'*. It is noted that the supermarket will be an important contributor to the future of the Town Centre and the commercial uses within this precinct.

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.

Further, it is noted that necessary documentation in accordance with Clause 4.6 of CLEP 2012, justifying the proposed variation, has been submitted and is supported.

Clause 5.10 of CLEP 2012

The subject site is within the vicinity of the Canterbury Railway Station building which is listed as a State Heritage item and identified as I67 on the Heritage Map (Canterbury LEP 2012). Clause 5.10 of CLEP 2012 requires consideration and assessment of the extent to which the proposed development may affect the heritage significance of the subject heritage item. In this regard, the development is contained wholly within the site and will not have a material impact on the adjacent Heritage item. The proposal is consistent with the objectives of Clause 5.10 of the LEP in that the heritage significance of the item is conserved as is the environmental heritage of Canterbury.

- **Canterbury Development Control Plan 2012 (CDCP2012)**

Part 3: Business Zones

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

Standard	Requirement	Proposal	Complies
Height	27m	27.3	No – refer to comments under CLEP 2012.
	Floor to ceiling: 3.3m min ground floor	3.8m (ground floor commercial)	Yes
	2.7m min residential	2.7m	Yes
	2.8m min car park	Min 2.8	Yes
Depth/ Footprint	Residential: 18m max glass line to glass line	Max depth of 17.4m	Yes
	Retail/Commercial: 10m minimum, 24m maximum	Retail/Commercial units -8m Supermarket – 53.2m	No –see comment below
	Max 50m wall length (may be longer with 9m x 9m indent deep soil area)	16m	Yes
Setbacks	Built to site boundary	Built to boundary along Charles Street with a upper level setback of 3.15m. Canterbury Road setback is consistent with RMS requirements for road dedication area.	Yes
Building Separation	Up to 3 storeys = 6m min Fourth storey = 12m min	8.1m to 20m 10.5m to 20m	Yes No – see comment below. No – see comment below
	Fifth to Eighth storey = 18m	10.5m to 20m	

Standard	Requirement	Proposal	Complies
Car Parking (Rate for Large Centre in B2 zone)	<u>Residential</u> 0.8 spaces per 1 bedroom dwelling 31 x 1 bed units = 24.8 1 space per 2 or 3 bedroom dwelling 156 x 2 bed units = 156 15 x 3 bed units = 15 Visitor parking = 0 spaces Total = 195.8 (196)	31 spaces (1 space/1 bedroom unit) 171 spaces (1 space/2 or 3 bedroom unit) 202 spaces (incl. 21 accessible spaces)	Yes
	<u>Commercial</u> 1 space per 27sqm (4049sqm/27sqm) = 150 spaces)	153 spaces (includes 11 accessible spaces)	Yes
	<u>Bicycle Parking Residential</u> 1 space per 5 dwellings (residents) – 40 spaces required 1 space per 10 dwellings (visitor) – 20 spaces required Total = 60 spaces	53 spaces provided	No – see comment below
	<u>Bicycle Parking Commercial</u> 1 space per 300sqm (staff) 1 space per 500sqm (patrons) 22 spaces required	0 spaces provided	No – see comment below
	Car wash bay = 1 space	1 space provided	Yes
	Loading Bay = 1 space	1 loading bay provided	Yes
	Car parking, ramps, driveways and entries to be integrated into design.	Car parking, ramps, driveways and entries integrated into the design of the current proposal	Yes
	Basement restricted to footprint of the building	Basement restricted to footprint of building	Yes
	Maximum 6m width for access driveways	Access driveway 8m to basement car park	No – see comment below
	Minimise impacts from vehicles on neighbouring residential	The impacts from vehicles on neighbouring properties have been minimized with adequate separation proposed.	Yes
	Locate parking and loading bays in basement.	Parking and loading bay arrangements in basement and ground floor level is satisfactory.	Yes

Standard	Requirement	Proposal	Complies
	Provide secure bicycle parking	Secure bicycle parking provided	Yes
	Limit visitor parking spaces on small developments where there is impact on landscape/deep soil areas	No visitor parking provided	Yes
	Provide safe access to carpark	Safe access via lifts to car park	Yes
	Recess car park entries from main building façade	Carpark entry recessed from main façade	Yes
	Avoid black holes in façade with security doors and decorative grills	Appropriate security measures provided to avoid black holes in façade	Yes
Street address	Locate entries so they relate to the existing street, subdivision pattern, street tree planting and pedestrian access network – for example ensure entries are not obscured by street trees or landscaping.	Entries relate to the existing street subdivision pattern	Yes
	Provide an awning over the entry to contribute to the legibility of the development and the public domain	Awning provided	Yes
	Provide accessible entries for all potential use such as the transporting of furniture	Accessible entries provided	Yes
	Provide entries to upper levels in business centres, from the street front facade to encourage activities on the ground floor and service activities to rear of the buildings.	Entries to upper levels from the street frontage	Yes
	Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to promote positive social interaction and community safety.	Habitable rooms facing primary street and communal open space.	Yes
Façade design and articulation	Avoid long spans of blank walls along street frontages and address both street frontages with façade treatment, and articulation of elevations on corner sites.	Façade provides an appropriate scale and contributes to the desired character. Proposal achieves this through use of articulation and variation in materials	Yes

Standard	Requirement	Proposal	Complies
	Incorporate contrasting elements in the façade - use a harmonious range of high quality materials	Contrasting elements incorporated into street frontages and a harmonious range of high quality materials used	Yes
	Express building layout or structure in the façade - architectural features such as columns, beams, floor slabs, balconies, wall opening and fenestration, doors, balustrades, roof forms and parapets are elements that can be revealed or concealed and organised into simple or complex patterns.	Building layout adequately expressed through use columns, beams, floor slabs and balconies.	Yes
	Design facades to reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	Façade design reflects the orientation of the site by using sun shading devices	Yes
	Modulate the wall alignment with a step in of at least 1m	Wall alignment adequately modulated	Yes
Façade details	Do not allow balconies and voids to dominate publicly visible facades (excluding glass shop fronts and colonnades in business centres)	Balconies and voids do not dominate publically visible facades	Yes
	Use a solid to void ratio in the vicinity of 50%, with each facade measured independently.	There is an equal ratio of solid to void within the façade of the primary street frontage.	Yes
	Use balconies in moderation and integrate them into the overall composition of the façade - do not use a monotonous or repetitive configuration of balconies	Balconies used in moderation and adequately integrated into the overall composition of public facades. The configuration of balconies is not monotonous or repetitive.	Yes
Shopfront	Windows on the street frontage are transparent (not mirrored) to provide visibility between interior and exterior spaces, allow for surveillance of the street and provide interest for pedestrians.	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.	Yes
	Do not place external solid roller shutters or brick walls on shopfronts	No external solid roller shutters or brick walls proposed on shopfront	Yes
	Security grilles are discreet, have minimal visual impact, and do not dominate the shopfront.	Security grilles are not proposed as part of this application	Yes

Standard	Requirement	Proposal	Complies
Frontage types	Provide the frontage type identified on the relevant public structure diagrams	Awning frontage type proposed	Yes
Roof design	Do not use steeply pitched roofs that accentuate the bulk of a building – use roof pitch of 10% or less	Flat roof proposed	Yes
	Emphasise building articulation with the shape and alignment of the roof	Building articulation emphasised by the shape and alignment of the roof	Yes
	Relate roof design to the size and scale of the building, the building elevations and three-dimensional building form.	Roof design adequately related to the size and scale of the building, the building elevations and three-dimensional building form.	Yes
Mailboxes	Design and provide discretely located mailboxes at the front of the property in accordance with Australia Post standards	Discretely located mailboxes adjacent to the main lobby entrance, in accordance with Australia Post standards	Yes
Visual privacy	Locate and orient new development to maximise visual privacy between buildings on and adjacent to the site, and to minimise direct overlooking of rooms and private open space.	Visual privacy between buildings maximised by way of unit configuration, with most private open spaces areas facing the street or setback a reasonable distance other habitable rooms and private open space areas.	Yes
	Orient windows of new living areas, and balconies or terraces, towards the street and rear of the lot, particularly on narrow sites, to use the street width and rear garden, or podium depth, to increase the separation distance, and avoid directly overlooking neighbouring residential properties.	Windows of new living areas, and balconies or terraces are orientated towards the street frontage and communal open space and rear of the site.	Yes
	Use detailed site and building design elements to increase privacy without compromising access to light and air.	Detailed site and building design elements used to increase privacy to individual apartments. Recessed balconies, screening panels and suitable planting are all incorporated into the design.	Yes

Standard	Requirement	Proposal	Complies
Acoustic Privacy	<p>Locate the position of windows facing the noise source and ensure that total unprotected window area is minimal (and following Building Code) so as to limit the amount of airborne noise entering the built fabric.</p> <p>Ensure that the detailing of the window types addressing the corridors are designed and constructed to attenuate excessive noise - (double and triple glazing and insulated to manufacturers standards).</p> <p>Ensure that balcony parapet walls are constructed of solid masonry or materials of similar sound attenuating qualities</p>	Proposal has been reviewed by Railcorp, who have granted their concurrence to the proposal subject to conditions.	Yes
Open Space	All residents to have access to private open space	All residents have access to adequate private open space	Yes
	All residents to have access to communal open space	All residents have access to communal open space	Yes
	<p>Balconies and private courtyards:</p> <ul style="list-style-type: none"> – 2 or more bedrooms: 10% of floor area as balcony – 8m² primary balcony for 1 bedroom – 12m² primary balcony for 2b+ – Provide minimum depth of 2m for primary balcony 	<ul style="list-style-type: none"> – All units with 2 or more bedrooms: 10% of floor area as balcony – 8sqm min private open space for 1 bedroom units – 10sqm min private open space for 2+ bedroom units – A minimum depth of 2m is provided 	<p>Yes</p> <p>Yes</p> <p>No – see comment below</p> <p>Yes</p>
	Communal open space may be provided on podiums or terraces, and in any deep-soil setback or separation between buildings in shop top housing.	Communal open space provided on a podium level and along the rear of the site	Yes

Standard	Requirement	Proposal	Complies
	Consolidate communal open space into recognisable areas with reasonable area, facilities and landscape for the uses it will accommodate and design to generate a variety of visible pedestrian activity Minimum of 10% of site area as communal open space on redevelopment sites larger than 500sqm.	37.8% of the site is available for communal open space. Provided at podium level with landscaped elements and along the eastern side of the site.	Yes
	Screen walls surrounding any communal area are no higher than 1.2m, although screens with 50% transparency may be up to 1.8m high.	Screen walls not higher than 1.2m. Appropriate landscaping provided within and around communal area.	Yes
Internal dwelling design	Each living area and principal bedroom has a minimum width of 3.5m	Each living area has a minimum width in excess of 3.5m. A minimum width of 3m is provided for the developments principal bedrooms.	Yes
	Provide general storage in addition to bedroom wardrobes and kitchen cupboards is provided in each dwelling and/or as lockable spaces within parking areas	Adequate storage provided has been provided for each unit. To be imposed as a condition of consent.	Yes
	The minimum amount of storage required is 6m ³ for one bedroom dwellings 8m ³ for two bedroom dwellings, or 10m ³ for dwellings with three or more bedrooms.	Adequate storage provided	Yes

As demonstrated in the above table, the proposal complies with the requirements of CDCP 2012 with the exception of the following:

Building Depth

The proposed commercial/retail tenancies on the podium level range in area from 52sqm to 197sqm and a building depth of 8m to 13.79m. The purpose of this numerical requirement is to ensure that an appropriate level of depth is available to create a viable building space for retail and commercial uses. The proposed sizes of each commercial space can comfortably accommodate a range of professional office uses and commercial/retail uses and hence compliance with this numerical requirement is not considered necessary. Further, the forecourt space provides a thoroughfare between the site and through to the Riverfront area from Canterbury Railway Station which will assist in promoting pedestrian traffic and exposure of these commercial spaces to ensure their long term viability.

In regards to the building depth of the supermarket, Clause 3.1.7(vi) of CDCP 2012 allows consideration to be given to greater building depths for supermarkets provided that this space has an active retail/frontage at street level or public domain frontage. In this instance, the commercial/retail uses are permissible on the site and this has been considered in the design with the Charles Street frontage having an appropriate interface between the supermarket and public space. Customer access to the supermarket is located at the south-eastern corner of the development providing a convenient and easily accessible entry point.

In this instance, the variations sought to the minimum depth at the ground and podium level are worthy of support.

Building Separation

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

Fourth Level

The building separation at level 4 between Building A and C is 10.5m at the eastern section of the building. The northern wall to Unit A.407 does not contain any windows that are in direct line of sight with the balconies to Units C.401 and C.402. The windows of the bedroom and living areas to Unit A.407 are directed to the east and west, away from Units C.401 and C.402 which restricts overlooking between the respective units. The separation between the units along the northern and southern elevations of Building A-C comply with the minimum building separation requirements. Decorative screening is proposed and windows have been offset from opposing windows to minimise direct line of sight into the units.

Fifth to Eight Level

The building separation between Building A and C and Building C and D varies between 10.5m and 20m over levels five to eight. Similar measures adopted for Level 4 have been used for these levels to mitigate potential privacy impacts and maintain the amenity of future occupants to these units. The areas where numerical compliance has not been achieved, the applicant has provided a satisfactory level of screening and adjustable louvres to the balconies as well as offsetting windows while preserving a reasonable level of sunlight to the units.

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

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

On this basis, the proposed building separation distances are reasonable and the proposal is supported in this regard.

Bicycle Storage

The proposal falls short of providing the minimum bicycle storage spaces in accordance with Part 6.8 of CDCP 2012. A minimum of 60 spaces and 22 spaces are required for the residential and commercial components respectively. The plans show 53 spaces provided for the residential units and zero spaces for the commercial component. Accordingly, the applicant has been advised that a condition of consent will be imposed requiring the provision of the minimum number of bicycle spaces to achieve compliance with this numerical control.

Vehicle Access

Clause 3.1.12(xi)(a) of CDCP 2012 requires that the proposed development provide vehicle access entries that are a maximum of 6 metres wide to optimise opportunities for active street frontages and streetscape design. The proposed development is seeking a variation to this requirement as an 8 metre wide access driveway is proposed to be provided at the north-western end of the site on the Charles Street frontage.

The intent of this control is to integrate adequate car parking and servicing access without compromising the street character, landscape or pedestrian amenity and safety and to encourage the active use of street frontages.

Although the proposal does not strictly comply with the numerical requirement, it achieves the intent of this control. The Charles Street frontage has an overall length of 98.095 metres and the proposed 8 metre wide service driveway seeks to occupy an additional 2 metres of the DCP requirement. Given that the proposed vehicle entry will not compromise the visual appearance of the existing streetscape, its landscape or adversely affect pedestrian amenity and safety, the proposed vehicle entry is considered to be suitable.

Private Open Space

Clause 3.3.3(iii) of CDCP 2012 requires the provision of at 12sqm of private open space for each apartment with two or more bedrooms. The proposal provides balcony sizes ranging between 10sqm to 65sqm. A shortfall of 2sqm for some of the upper level apartments is considered minor given that the balconies provide a satisfactory design providing one area of at least 2.5m by 2.5m and a minimum depth of 2m. Further, the development provides a generous area of communal open space. CDCP 2012 requires that a minimum of 10% of the site be provided as communal open space. The proposal provides a combined communal open space area of 37.8% of the site which will provide a higher level of amenity for future occupants of the development and is deemed to meet the objectives of this clause.

Part 6.1: Access and Mobility

The application was referred to our Disability Access Committee who found the application to be satisfactory. Conditions have been recommended should the application be supported.

Part 6.2 Climate, and energy and resource efficiency

Standard	Requirement	Proposal	Complies
Daylight and Sun access (proposed development)	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	At least 50% of the communal open space receives 2 hours sunlight between 9am and 3pm in mid-winter	Yes
Daylight and Sun access (Existing dwellings)	Living room and principle area of private open space receive at least two hours sunlight daily between 9.00am and 3.00pm in mid-winter	All property adjoining the subject site receives in excess of two hours sunlight daily between 9.00am and 3.00pm in mid-winter (note: adjoining property to north comprises existing industrial units).	Yes
Ventilation	Provide natural cross ventilation to at least 60% of dwellings, and natural ventilation to 25% of kitchens in a multiple unit development	68% of the units naturally cross ventilated	Yes
		All kitchens enjoy natural ventilation	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	Yes

Accordingly, the proposed development is consistent with the requirements of Part 6.2 in our DCP.

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 in excess of the car parking required for

the development and hence complies with the car parking provisions of CDCP 2012. Conditions of consent will 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.

- **Development Contributions Plan – Canterbury Town Centre and Riverfront Precinct**

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

Residential flat developments are identified as increasing demand for local infrastructure and are therefore subject to a contribution. The Plan requires a contribution of \$149.59 per square metre of gross floor area.

The proposed development has a gross floor area of 20379 square metres, which requires a contribution of \$3,225,185.06. On this basis, a condition has been included within the recommendation requiring the applicant to pay a contribution of \$3,225,185.06.

LIKELY IMPACTS ON THE ENVIRONMENT

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

- **Privacy Considerations**

Privacy impacts have been adequately mitigated by off-setting windows, screening and through the design and orientation of buildings. It is considered that the measures proposed are acceptable.

- **Supermarket and Liquor Store**

A condition of consent will be imposed requiring a new Development Application be lodged for the first use of the supermarket and liquor store on the ground floor of the development.

- **Qenos Easement**

The applicant has provided documentary evidence to confirm that Qenos has agreed to the relocation of the pipeline which traverses the subject site. The applicant has advised that a diversion design will be prepared that will accommodate both parties. Council is satisfied with this arrangement.

- **Pedestrian Bridge**

The proposed development has dedicated the required pedestrian bridge along the northern side boundary of the site. An easement/restriction will be required on title to

make provision for the future bridge. This will be imposed as a condition of consent.

- **Suitability of the Site**

The site is located within the Canterbury Town Centre, adjacent to Canterbury Railway Station. Thus, the location contributes to the presentation of the whole area and achieves an appropriate character setting and amenity for the residential and commercial use. The proposed development is permissible in the subject site's current zoning. The proposal has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and, as demonstrated throughout the body of this report, the proposal generally complies with the provisions of all relevant state environmental planning policies, development control plans, codes and policies with the exception of the matters raised in this report.

- **Public Interest**

The proposed development satisfies the relevant requirements contained within the Canterbury Local Environmental Plan 2012 and relevant Development Control Plans applicable to the proposal as discussed in earlier sections of this report. The proposed development promotes the coordinated, orderly and economic use of the land and is not expected to have any unreasonable impacts on adjoining development. Approval of the application is therefore considered to be in the public interest.

- **Sediment and Erosion Control**

The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

- **Health, Safety and Amenity during Construction Phase**

During the construction of the development, the health and amenity of workers, the public and adjoining properties alike need consideration under Section 79C of the EPAA. Accordingly, all works associated with the development will be restricted to daytime hours to ensure the works will not be a nuisance to adjoining occupiers and property owners (by way of standard condition).

- **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.

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-579/2013 for the demolition of existing structures and the construction of a mixed use commercial / residential development, supermarket and liquor store and commercial/retail tenancies constructed over three levels of basement car parking with associated three lot stratum subdivision, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

- 1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Sydney Water Notice of Requirements
- Firewall Separation
- 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. 32, 36, 37, 51, 60, 62, 64 (64.1 – 64.8), 110 and 113 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	\$3,165.50
Section 94 contributions	\$3,225,185.06
Certificate Registration Fee	\$36.00
Long Service Levy	\$167,035.20
Long Service Leave Levy Fee	\$19.80

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

Construction Certificate Application Fee	\$96,728.00
Inspection Fee	\$25,248.00
Occupation Certificate Fee	\$9,389.00

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

GENERAL

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

Prepared By	Drawing Reference	Issue	Date Prepared	Date received by Council
Building and Architecture Works Pty Limited	A-007	C	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-008	C	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-009_C	G	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-0010_C	G	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-0011_C	C	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-012	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-013	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-014	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-015	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-016	B	24/3/2014	27/3/2014

Building and Architecture Works Pty Limited	A-017	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-018	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-019	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-020	C	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-021	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-022	B	24/3/2014	27/3/2014
Building and Architecture Works Pty Limited	A-045	A	13/12/2013	20/12/2013
Building and Architecture Works Pty Limited	A-045	B	25/3/2014	26/3/2014
Isthmus Landscape Design	IS0142DA1	B	March 2014	27/3/2014
Isthmus Landscape Design	IS0142DA2	B	March 2014	27/3/2014
Isthmus Landscape Design	IS0142DA3	B	March 2014	27/3/2014
Isthmus Landscape Design	IS0142DA4	B	March 2014	27/3/2014
Isthmus Landscape Design	IS0142DA5	B	March 2014	27/3/2014
Isthmus Landscape Design	IS0142DA6	B	March 2014	27/4/2014
Isthmus Landscape Design	IS0142DA7	B	March 2014	27/3/2014
Isthmus Landscape Design	IS0142DA8	B	March 2014	27/3/2014
Strata Subdivision Plans prepared by John Walton Surveyor	1 of 6 to 6 of 6	-	-	20/12/2013

6. 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 Architecture and Building Works Pty Ltd as received by Council on 20 December 2013. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's 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 \$3,225,185.06. Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

8. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
10. 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.
11. 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.
12. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
13. All development, including walls must be located within the property boundaries of the subject site.
14. 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.
15. 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.
16. 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.
17. The future use of each commercial/retail shop and office premise (including the Supermarket and Liquor Store) be dealt with under a separate application and subject to Council approval.
18. 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.
19. 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.
20. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
21. 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.
22. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
23. 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.
24. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.

25. 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.
26. 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.
27. 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.
28. All building construction work must comply with the National Construction Code.
29. 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.
30. 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.
31. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
32. 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.)
33. Where excavation is proposed adjacent to existing dwellings or a vacant property, the works shall be carried out in accordance with Part 3.1.1-Earthworks BCA and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
34. 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.
35. 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.
36. A photographic survey/dilapidation report of the adjoining properties at 10B Charles Street, Canterbury detailing the physical condition of the properties, both internally

and externally, including such items as walls, ceilings, roof, structural members and other similar items, **shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.** On completion of the excavation and building works and prior to occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

37. 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.

38. 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.
39. A letterbox being provided for the Owners' Corporation.
40. A master antenna connected to the all dwellings on the site is to be provided.
41. All bathroom, en-suite and laundry windows contain translucent glazing.
42. 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."

43. All goods and materials being stored wholly within the building.
44. No goods being stored or displayed on Council's footpath without the written consent of Council.

ACOUSTICS

45. The development shall be carried out in accordance with the recommended treatments and controls contained in the Acoustic Assessment Report prepared by Koikas Acoustics Pty Limited (Project No. 2464, Dated: 17 December 2013), submitted with DA579/2013.
46. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

CAR PARKING

47. A total of three hundred and fifty-five (355) 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 1, 2 and 3 bedroom dwellings;
 - One hundred and fifty-three (153) car spaces being allocated for the commercial component of the development (includes 11 accessible spaces)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.
48. 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.
49. All car parking spaces must be sealed, line marked and made freely available at all times during business hours for staff and customers.
50. Signage shall be erected to notify and allow people to use the designated spaces.
51. Parking facilities/storage for 60 bicycles is to be provided on-site for the residential component and 22 spaces for the commercial component of the development. These details must be shown on amended plans and submitted to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.

CRIME PREVENTION MEASURES

52. All recommendations contained within the Crime Prevention Through Environmental Design Report prepared by Barker Ryan Stewart (Reference No. 20130327) and 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.
53. Proactive security measures, including CCTV cameras must be installed at the toilet entry/exit to ensure community safety is monitored at all times. Details shall be provided with the application for the Construction Certificate.
54. The storage units located in the vicinity of the car parking spaces must be fully enclosed and non-visible to deter potential offenders from breaking in as they are unable to see what contents are stored within each storage unit.
55. Residential car parking must be provided so that it is separate from commercial and visitor parking. These areas must be separated by either a bollard gate or roller door to increase security and limit unauthorised persons from accessing restricted areas of the building.
56. The basement car park must be painted the colour 'white' to increase lux levels and light reflection.
57. Internal car park structures such as concrete columns, solid internal walls and service rooms must contain portholes (cut outs) to open sightlines, increase natural

surveillance and assist with light distribution. Details shall be provided with the application for the Construction Certificate.

58. The building and surrounding structures shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. Details shall be provided with the application for the Construction Certificate.

DISABILITY ACCESS

59. All measures identified in the Access for People with Disabilities Report prepared by Morris-Goding Accessibility Consulting submitted as part of the application shall be implemented and where required, details shall be provided with the application for the Construction Certificate.
60. Twenty-one accessible units must be provided within the development. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.
61. To fulfil the requirements of the Disability (Access to Premises – Buildings) Standard and AS1735, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100mm x 550mm must be provided. Details shall be provided with the application for the Construction Certificate.
62. To comply with the requirements of Part 7.5.1 of AS1428.1, all glazed doors and panels on a continuous accessible path of travel are to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings when viewed from either the inside or outside of the door. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.
63. 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

64. Prior to the issue of the Construction Certificate, the following details must be submitted to Council for approval:
 - 64.1. The plans must show the correct bin sizes in the waste storage rooms. All residential bins on site will be 240L in capacity and must be shown on the plans as per the dimensions in CDCP 2012.
 - 64.2. The waste bin presentation area must meet the requirements of CDCP 2012. The use of a turntable for the waste collection trucks is not suitable. The waste collection truck needs to be able to drive in and out of the property in a forward direction without the use of a turntable. Furthermore, the use of the hoist to collect the bins is not appropriate. The bins need to be able to be wheeled from the presentation area to the truck, emptied and wheeled back to the presentation area without the use of a hoist. The use of the loading dock area for the collection of bins may also conflict with other delivery and service vehicles. Reference must be made to *Clause 6.9.4.3 of CDCP 2012* in satisfying this condition.
 - 64.3. The bin presentation room must meet the access and design requirements as outlined in CDCP 2012. The bins within the bays must meet the specifications as outlined in CDCP 2012 and corridors (minimum width of 1.2m) must be provided between rows to facilitate collection by Council's contractor.
 - 64.4. The development must provide garden vegetation waste generation rates for the property and nominate a storage area within 15m of the kerb where the bins will be returned (this area being a minimum of 3m²). These details must be provided to Council for assessment.
 - 64.5. A bulky waste storage area that is at least 4m² must be provided onsite.
 - 64.6. The waste management plan proposes that empty recycling bins are

provided to each floor of each building near the garbage chute. However, there does not appear to be sufficient room for this purpose nor are they shown on the plans. A suitable area must be provided for the storage of two recycling bins on each floor of each building near the garbage chute and these bins must be shown on the plans.

- 64.7. The commercial garbage room does not meet the access and design requirements as outlined in CDCP 2012 for the bin storage room. This room must be able to accommodate the Council allocated 9x 240L rubbish bins, 9x 240L recycling bins and any additional bins required to manage excess waste as outlined in their waste management plan. Additional bins must be serviced by private contractors. The room should be flexible in size and layout to accommodate for any future changes in use.
- 64.8. The supermarket must have its own waste/recycling area designed in a manner that demonstrates that it is capable of managing the volume of waste generated by the business as outlined in the CDCP 2012.

ENGINEERING

- 65. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 20th December, drawing numbers, SC01 – SC07 Rev A; prepared by Neil Lowry & Associates and as amended by the following condition.
- 66. 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.
- 67. 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.
- 68. 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.
- 69. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
- 70. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
- 71. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 14 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”.

72. 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.
73. 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.
74. 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.
75. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".

Public Improvements

76. 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”.
77. The reconstruction of the kerb and gutter along all areas of the site fronting Charles 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”.
78. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Charles 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”.
79. 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

80. 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.
81. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
82. The submission of one final plan of subdivision and five copies.
83. The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

TRAFFIC & CITY WORKS

84. 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.
85. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car parks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is

required at least 14 days prior to the levels being required.

86. 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 Sub-base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Micro-surfacing.
87. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
88. 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.
89. 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 Charles Street and Canterbury Road, Canterbury.
90. 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.
91. The proposed development must dedicate the required pedestrian bridge along the northern side boundary of the site as shown on the plans submitted. An easement/restriction will be required to be imposed on title of the land to make provision for the future bridge.

ROADS AND MARITIME SERVICES

92. A Pedestrian Management Plan must be submitted to Council for approval defining movement needs and relevant infrastructure to the satisfaction of Council.
93. Operational Traffic Management Plan (OTMP) during construction should be submitted to Council for approval.
94. The proposed development should be designed such that road and 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 no-road development) of State Environmental Planning Policy (Infrastructure) 2007.
95. A service vehicle management plan needs to be prepared and submitted to the Council for approval restricting deliveries outside of trading hours due to the potential conflicts between cars and service vehicles.
96. All traffic facilities signs and pavement markings are to be installed at no expense to the RMS.
97. The 'No Right Turn' out of Charles Street in the interim arrangement should be implemented, prior to the release of the Occupation Certificate for the proposed development.
98. The layout of the proposed parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) shall be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
99. Sight distance to pedestrians to Council's satisfaction.
100. Council to ensure bicycle parking facilities are provided within the site.
101. Council is to ensure pedestrian linkages established and maintained.
102. The provision of off-street car parking, bicycle storage and loading facility shall be provided to the satisfaction of Council.
103. The car parking areas and entry/exit need to be carefully delineated through the line marking and signage to ensure smooth safe traffic flow.
104. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.
105. All vehicles must enter and exit the subject site in a forward direction.
106. All construction vehicles must be accommodated on site.
107. All works associated with the proposed development shall be at no cost to the RMS.

QENOS REQUIREMENTS

108. Prior to the issue of the Construction Certificate, the applicant is to obtain written consent from Qenos regarding the relocation of the Ethylene pipeline.

LANDSCAPING

109. The submitted landscape plan (Drawn by Isthmus Landscape Design, Drawing number ISO142DA1-8 Issue B and dated March 2014) has been prepared according to the Canterbury Development Control Plan 2012.
110. Prior to the issue of the Construction Certificate, the following must be updated/provided:
- 110.1. A *detailed* landscape maintenance schedule is to be provided for the development for a period of 52 weeks.
 - 110.2. 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 include:
 - Footpath pavement and street tree planning on Charles Street;
 - Footpath pavement on Canterbury Road;
 - Landscape within the RailCorp easement.
111. 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).
112. 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.
113. 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.
114. 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 Isthmus Landscape Design 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.
115. The landscaping is to be maintained at all times to the Council's satisfaction.

RAILCORP

116. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
117. Unless amendments are required by RailCorp as part of the review and approval/certification of the documentation listed in Condition A2 all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- Geotechnical Investigation Report prepared by SMEC Testing Services Pty Ltd (Ref:13/2140A) dated March 2014
 - Geotechnical Assessment prepared by SMEC Testing Services (Ref:14/0534) dated 17 March 2014.
 - Geotechnical Investigation prepared by SMEC Testing Services Pty Ltd (Ref:14/0572) dated 24 March 2014.
 - Shoring Plan Drawing No. S0010 Revision P4 dated 24/03/14 prepared by Bonacci Group (NSW) Pty Ltd.

- Shoring Elevation Sheet 1 Drawing No. S0011 Revision P3 dated 24/03/14 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Elevation Sheet 2 Drawing No. S0012 Revision P2 dated 24/12/13 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Elevation Sheet 3 Drawing No. S0013 Revision P2 dated 24/12/13 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Sections and Details Sheet 1 Drawing No. S0014 Revision P4 dated 24/03/14 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Sections and Details Sheet 2 Drawing No. S0015 Revision P2 dated 24/12/13 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Sections and Details Sheet 3 No. S0016 Revision P3 dated 24/03/14 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Sections and Details Sheet 4 Drawing No. S0017 Revision P3 dated 24/03/14 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Notes and Typical Details Sheet 1 Drawing No. S0018 Revision P2 dated 24/12/13 prepared by Bonacci Group (NSW) Pty Ltd.
- Shoring Notes and Typical Details Sheet 2 Drawing No. S0019 Revision P2 dated 24/12/13 prepared by Bonacci Group (NSW) Pty Ltd.
- Survey Drawing prepared by Daw & Walton Consulting Surveyors dated 10 March 2014 (Job No. 2051-13).
- Structural Report prepared by Bonacci Group (NSW) Pty Ltd dated 19 December 2013

Subject to the following amendments:

- The location of the gas pipeline traversing the site shall be in accordance with Shoring Plan Drawing No. S0010 Revision P1 dated 4/12/13 prepared by Bonacci Group (NSW) Pty Ltd.

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that the documentation listed in this condition have not be superseded with the approval/certification of documentation in Condition A2. Should RailCorp advise that any of the documentation listed in this condition have not been superseded, then the measures detailed in those specific documents are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

118. Unless otherwise advised by RailCorp, the Applicant shall prepare and provide to RailCorp for approval/certification the following items:

- Machinery to be used during demolition, excavation and construction. It should be noted that excavations undertaken in rock are to maintain and limit vibration levels to levels that will not adversely impact Railcorp assets.
- Vibration monitoring report.
- A finite element analysis that meets RailCorp's requirements.
- Report that assesses the effect of construction induced settlement due to groundwater drawdown. Lowering of the

groundwater table leading to settlement of rail asset is to be avoided at all times. The proposed temporary support system should take this into consideration.

- Pad footing details.
- For shoring along the railway boundary (type SW2), drawings detailing the temporary safe batter angle.
- Construction sequence for SW1.
- Details regarding whether the end bearing is allowable or ultimate.
- Due to weak material (presence of loose/soft to firm) and shallow groundwater, drawing notes are to be provided for the contingency for casing for side support during construction of the soldier piles.

Any conditions issued as part of RailCorp's approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition A1. The measures detailed in the documents approved/certified by RailCorp under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

119. All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. All footings are to be inspected by the geotechnical engineer to confirm design assumptions.
120. For shoring wall SW1, structural drawings indicate unsupported vertical cuts below the soldier piles in competent rock. During bulk excavation within the vertical cut face, the excavation shall be undertaken in 1m lifts. The face shall then be inspected by a qualified geotechnical engineer to identify the presence of any potential adversely jointed defects prior to proceeding with the next 1m lift. This requirement is to be detailed on the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.
121. No rock anchors/bolts are to be installed into RailCorp's property.
122. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by RailCorp.
123. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
124. No works are to be undertaken within RailCorp's easement without RailCorp's prior written approval. Any works authorised by RailCorp within the easement area are to comply with RailCorp standards and directions.
125. No ground levels adjoining or near RailCorp infrastructure are to be altered without RailCorp's prior written approval.
126. The ability to undertake any works, maintenance and emergency activities by

RailCorp, Transport for NSW (TfNSW), or any entity authorised by RailCorp or TfNSW, shall not be hindered through the easement area at any time. The storage of any plant, equipment and construction material shall not occur within the RailCorp easement unless RailCorp's prior written approval is obtained.

127. Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land and RailCorp's registered easement burdening the subject land. This work is to be undertaken by a registered surveyor.
128. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
129. An acoustic assessment is to be submitted to Council and RailCorp prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
130. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
131. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
132. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
133. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principle Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the Applicant on the level of insurance required.
134. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
135. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition

has been satisfied.

136. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.
137. Prior to the issue of a Construction Certificate the Applicant is to submit to RailCorp the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
138. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
139. Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations (eg concrete pumps) for the development and must comply with all RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
140. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupation Certificate. The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.
141. The Applicant is to obtain RailCorp's endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
142. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.
143. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to RailCorp for review.
144. Prior to the issuing of an Occupation Certificate the Applicant shall provide RailCorp and Council as-built drawings and survey locating the development with respect to any rail boundary, RailCorp easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. The as-built survey is to confirm that there has been no encroachment into any RailCorp land or easement area.
145. Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority is not to issue a Construction Certificate or Occupation Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

SYDNEY WATER REQUIREMENTS

146. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time

consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

CRITICAL INSPECTIONS

147. Class 2, 3 or 4 Buildings

- 147.1. at the commencement of the building work, and
- 147.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 147.3. prior to covering any stormwater drainage connections, and
- 147.4. 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

- 147.5. at the commencement of the building work, and
 - 147.6. prior to covering any stormwater drainage connections, and
 - 147.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
148. 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

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

WE ALSO ADVISE

150. This application has been assessed in accordance with the National Construction Code which took effect on 1 May 2011.
151. 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
152. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
153. 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.
154. 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.
155. 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.
156. That the applicant be advised that any works to be carried out by Council at the applicant's cost need to be applied for in advance.

157. 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.
158. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
159. 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.
160. 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 Hassan Morad in City Planning on 9789 9482, Monday to Friday.