

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2014SYE025
DA Number	DA-24/2014
Local Government Area	City of Canterbury
Proposed Development	Construction of a staged mixed use development involving the demolition (in part) of existing structures and the construction of three (3) buildings comprising of four (4) retail/commercial units, 89 residential units, including infill affordable housing (Buildings A & B) with two levels of basement parking, landscaping works and associated stratum subdivision
Street Address	195 Lakemba Street and 3-5 Hampden Road, Lakemba Lot 1 DP 597005 & Lots 11A and 11B DP 6712
Applicant / Owner	Benson McCormack Pty Ltd / George Aroney Family Co Pty Ltd, George Aroney, A & E Farhat
Number of Submissions	Submissions objecting to the proposal from four neighbouring residents
Recommendation	Approval with Conditions
Report by	Rita Nakhle Senior Planner

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received Development Application (DA-24/2014) for the construction of a staged mixed use development involving the demolition (in part) of existing structures and the construction of three (3) buildings comprising of four (4) retail/commercial units, 89 residential units, including infill affordable housing (Buildings A & B) with two levels of basement parking, landscaping works and associated stratum subdivision.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.
- The front part of the site known as 195 Lakemba Street is zoned B2 Local Centre under Canterbury Local Environmental Plan 2012. A 'shop top housing' development is proposed on this part of the site, which is a permissible development in the subject zone.

- The rear part of the site known as 195 Lakemba Street, and the part of the site known as 3-5 Hampden Road are zoned R4 High Density Residential under Canterbury Local Environmental Plan. It is proposed to construct 'residential flat building' on these two parts of the site, being a permissible type of development in the subject zone.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy 65– Design Quality of Residential Flat Development, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and Canterbury Development Contributions Plan 2013. The proposal is found to generally be in compliance with the requirements of these policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Development Control Plan 2012 on two separate occasions due to changes in the proposed development design throughout the assessment process. We received four submissions objecting to the proposal in response to the first notification period of the original design, and no submissions were received in response to the second notification period of the amended design. Issues raised in the submissions and our responses are provided in the body of this report.
- The development application is recommended for approval subject to conditions.

SITE DETAILS

The subject sites are known as 195 Lakemba Street (Lot 1 DP 597005) and 3-5 Hampden Road (Lots 11A & 11B DP 6712) and are located on the northern side of Lakemba Street between Hampden Road and Wangee Road, Lakemba.

The site has a frontage of 21.03m to Lakemba Street, and a frontage of 28.905m to Hampden Road. The total combined area of the sites is 4529.7m². The site has a depth of 90.525m along the north western boundary and combined depth of 89.11m along the south eastern boundary. The site has a fall from the south east corner to the north west of the site of 8.32m with an average gradient approximately 1:20. The fall along the Lakemba Street frontage is 1m and 0.75m for the Hampden Road frontage.

A three storey brick and concrete floor building with a metal roof is located at the Lakemba Street frontage of the site, and has previously been operating as the 'Lakemba Squash Tennis Centre'. This building is proposed to be demolished. There is a ground level carparking area with access from a combined entry/exit driveway off Lakemba Street. There exists a Right of Way providing pedestrian access from street level to the occupants of 197-199 Lakemba Street. This access arrangement is proposed to be maintained under the subject proposal.

At the rear part of the Lakemba Street site (towards the centre of the whole site) is a four storey building which is proposed to be retained and refurbished as part of the proposed development.

The two sites fronting Hampden Road are currently each occupied by single residential dwellings which are proposed to be demolished as part of this proposal.

Surrounding the sites are commercial uses in Lakemba Street adjacent the site and residential uses (mixture of single storey and two storey houses and multiple unit developments) in the immediate area, with a school directly to the north.



Subject Site



The existing building located at the front part of 195 Lakemba Street, Lakemba



The existing dwellings located at 3-5 Hampden Road, Lakemba

PROPOSAL

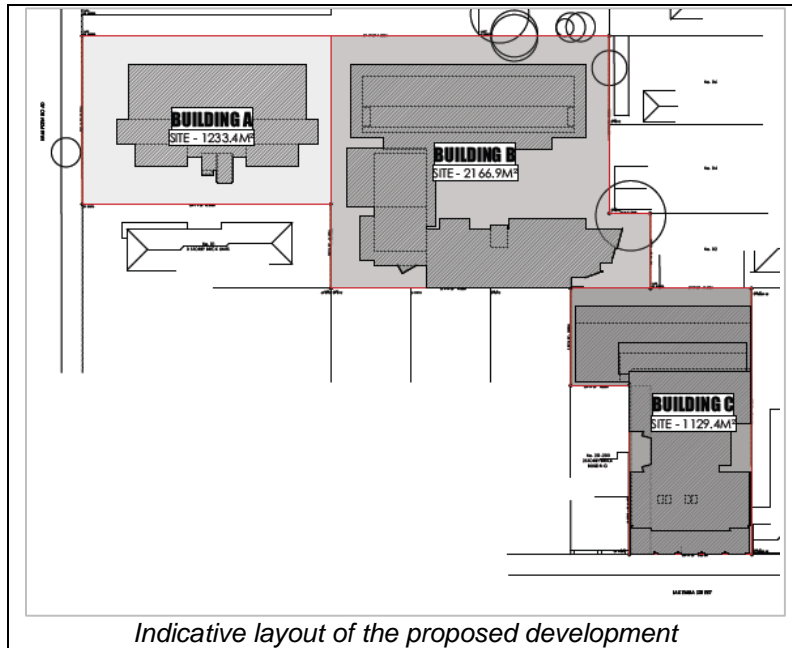
The proposed development involves the construction of a staged mixed use development involving the demolition (in part) of existing structures and the construction of three (3) buildings comprising of four (4) retail/commercial units, 89 residential units, including infill affordable housing (Buildings A & B) with two levels of basement parking, landscaping works and associated stratum subdivision. In detail, the proposal involves:

- **Stage 1:** Full and partial demolition of existing structures on the site.
- **Stage 2:** Excavation below all buildings for construction of all basement parking areas; construction of Building C which comprises four ground floor business tenancies and 29 shop top dwellings above.
- **Stage 3:** Construction of Building B comprising 40 apartments (including adaptive re-use of existing building on site).
- **Stage 4:** Construction of Building A comprising 20 apartments.

The residential unit mix provided by the development, over all four stages is as follows:

- 3 x studios
- 23 x 1 bedroom units
- 56 x 2 bedroom units
- 7 x 3 bedroom units

The affordable housing component of the proposed development applies to the rear (middle) part of the subject site where Building B is to be located, covering a land area of 2166.9m².



The Lakemba Street elevation of proposed Building C



The Hampden Road elevation of proposed Building A

STATUTORY CONSIDERATIONS

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy 65– Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy No.55 – Remediation of Land

- State Environmental Planning Policy (Infrastructure) 2007
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Canterbury Development Contributions Plan 2013

ASSESSMENT

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

- **State Environmental Planning Policy (State and Regional Development) 2011**

Part 4 (Clauses 20 and 21) of State Environmental Planning Policy (State and Regional Development) 2011 applies to development in Schedule 4A to the EP&A Act to be determined by a regional panel. The proposal is for development with a CIV of more than \$20 million and is therefore referred to the Sydney East Joint Regional Planning Panel ('JRPP') for determination.

- **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The application is for an in-fill affordable housing development lodged pursuant to the provisions of ARH SEPP. The ARH SEPP aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, the policy provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and minimum development standards. The proposed development compares to the relevant provisions of the ARH SEPP as follows:

Part 2 Division 1 In-Fill Affordable Housing

Clause 10 of the ARH SEPP states that this Division applies if the development concerned is permitted with consent under another environmental planning instrument. The proposed development is permitted with consent under Canterbury Local Environmental Plan 2012.

Clause 13(2)(a)(i) of the ARH SEPP states that the maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus (if the existing maximum floor space ratio is 2.5:1 or less) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50% or higher.

The total gross floor area of Building B is proposed to be 3043.1m², with a gross floor area of 1592.2m² proposed to be allocated for affordable housing which is at least 50% of the total gross floor area.

In this regard, the proposed development benefits from the bonus floor space ratio of 0.5:1, which is added to the base permitted floor space ratio of 0.9:1, totalling to a maximum floor space ratio of 1.4:1 for the development. The proposal involves a floor space ratio of 1.4:1:1 on this part of the site, which complies with this part of the ARH SEPP.

The applicant provides the following additional information in regard to the allocation of the affordable housing floor area in Building A:

‘Given the site has two floor space ratio controls and given there is greater flexibility to provide additional floor for Building B, an additional 0.5:1 of floor area is being provided to Building B as a bonus, therefore allowing for a floor space ratio of 0.4:1 on this site.

The bonus floor space ratio means that of the 3,043.1m² of floor area provided, 50% needs to be allocated as affordable housing, which equates to 1521.55m² of floor area.

Given Building A forms part of the overall development and given that it is the smaller of the two buildings and contains 1,672.3m², it seems logical that all apartments in this building (except for Unit A6.02) be allocated as the affordable units. This results in a total of 19 dwellings allocated as affordable rental housing.

This allows for better management of the building operationally and also allows a social provider to manage the building rather than some units within a building’.

This arrangement is considered acceptable given that the required gross floor area to be allocated for affordable housing is being correctly distributed on the subject site, thus meeting the aims and objectives of the ARH SEPP.

Clause 14 prescribes minimum standards which cannot be used to refuse consent. The following table is an assessment of the proposal against the ARH SEPP standards:

Control	Requirement	Proposal	Complies
Site Area	Min. 450 square metres	3043.1 square metres	Yes
Landscaped Area	Min 30% of the site area	Approximately 1,085.3sqm, which is 35.7% of site area provided as landscaped area	Yes
Deep Soil Zone	15% of the site area. Deep soil zone has a minimum dimension of 3 metres. If practical, at least two-thirds of the deep soil zone is to be located at the rear of the site	15.4% of the site area provided as deep soil area, with dimensions of 3 metres or more, and deep soil zone mainly provided at the rear of the site.	Yes
Solar Access	Living rooms and private open space areas for a minimum of 70% of the dwellings are to receive a minimum of three hours sunlight between 9.00am and 3.00pm at the Winter Solstice	Building A – 65% Building B – 75% Combined average → 70%	Yes

Control	Requirement	Proposal	Complies
Car Parking	At least 0.5 space are to be provided for each of the 1 bedroom dwelling, 1 space per each of 2 bedroom dwelling and 1.5 spaces per each of the 3 or more bedroom dwelling	4 x 3 bedroom units → 4 x 1.5 = 6 spaces 42 x 2 bedroom units → 42 x 1 = 42 spaces 14 x 1 bedroom units → 14 x 0.5 = 7 spaces Total Required → 55 Total Provided → 63 (plus a loading bay and a car wash bay)	Yes
Dwelling Size	Gross Floor Area: Studio – 35m ² 1 bedroom – 50m ² 2 bedrooms – 70m ² 3+ bedrooms – 95m ²	All dwellings are sized according to the minimum required areas	Yes

As the table above demonstrates, the proposed development is consistent with the Clause 14 provisions.

Clause 16 of the ARH SEPP states that nothing in ARH SEPP affects the application of State Environmental Planning Policy 65—Design Quality of Residential Flat Development (SEPP 65) to any development to which this Division applies. Accordingly, SEPP 65 is addressed later in this report.

Clause 16A of the ARH SEPP states that a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

In addressing this Clause, the applicant has provided the following comments in the Statement of Environmental Effects:

- *The desired future character of the area is high density development which is reinforced by the zoning of the land and surrounding area under the Canterbury LEP;*
- *The built form of the development will be consistent with the desired future character for the area, which does allow up to 4 and 6 storeys. The proposal generally complies with the building height and FSR controls, therefore the bulk and scale proposed is considered suitable for the area;*
- *The site is well serviced by public transport...;*
- *It is considered that the proposed building is in keeping with the character with the established streetscape contained along this part of Lakemba Town Centre; and*
- *The proposed building will be provided with good setbacks, allowing deep soil planting along the boundaries. The topography of the site will not substantially change.*

The points made above by the applicant's planner represent a reasonable argument that the proposed development is compatible with the character of the local area.

The design of the proposed development positively contributes to the streetscape and the local built environment, and will activate a large area that is currently underutilised and somewhat neglected. The development has been designed to optimise internal amenity and minimise impacts to neighbours.

Having regard to the existing and evolving built form of the locality, the location of the site being in close proximity to Lakemba town centre, with nearby properties permitted to develop between 14 and 18 metres in height, and the quality design of the development which has adequately addressed the relevant design requirements of SEPP 65, the proposed development is compatible with the existing and future character of the local area.

Clause 17 of the ARH SEPP states the affordable housing dwellings within the development will be used for affordable housing for a period of ten years, managed by a registered community housing provider. Relevant conditions can be imposed to ensure that the proposed development satisfies this clause.

Clause 18 of the ARH SEPP states that such development may be subdivided with development consent. The subject application does not seek to subdivide the development under strata title.

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

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

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

Context

The proposed development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential and mixed use development will be a characteristic of the area in and adjacent to the Lakemba town centre. The design of the proposed buildings includes a mix of building materials and finishes which breaks up the bulk of the building and presents an acceptable design.

Scale

The scale and built form of the proposed development is consistent with the scale of developments which we are encouraging in this area.

Building A is consistent with the relevant CLEP 2012 standards as it is within the maximum allowable floor space ratio of 1.4:1, and Building B is within the maximum allowable floor space ratio of 1.4:1 (0.9:1 under CLEP 2012, plus 0.5:1) as the provisions of ARH SEPP apply to this part of the proposal. There are no floor space ratio standards applicable to Building C as it is located within Zone B2 Local Centre.

In regard to building height, the proposed buildings are generally consistent with the height standards applicable across the three parts of the subject site, with the exception to lift overruns which are slightly higher and have been addressed below under Clause 4.6 of CLEP 2012.

Built Form

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

Density

The densities proposed for Building A and Building B are consistent with the density provisions that apply to the site under State Environmental Planning Policy (Affordable Rental Housing) 2009 and CLEP 2012.

Resource, Energy and Water Efficiency

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

The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 83% of the dwellings will be cross ventilated. In addition, the RFDC requires that 70% of units receive direct solar access to their living spaces during winter. The proposal allows for 73% of the dwellings to receive the required solar access into the living spaces of the units.

Landscape

The proposed development complies with the minimum required landscaped open space areas and deep soil zones as required under State Environmental Planning Policy (Affordable Rental Housing) 2009. Further, the landscape plan has been reviewed by our Landscape Architect and is acceptable subject to conditions of consent.

Amenity

The proposed development will provide good levels of amenity for future occupants of the development, with good solar access, natural ventilation and privacy. In this regard, the proposal is generally consistent with the requirements of the Residential Flat Design Code.

The proposed apartments contain reasonable living spaces with direct access to areas of private open space in the form of courtyards or balconies.

Safety and Security

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

Social Dimensions and Housing Affordability

The proposed development is located in close proximity to public transport and retail precincts. The residential development will add to the range of dwelling size options within the City of Canterbury and will optimise the provision of housing to suit the social mix. The proposed development will also add to the affordable housing stock in the area.

Aesthetics

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

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

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

A BASIX Certificate 526241M_02 dated 4 August 2004 accompanies the development application and lists a variety of commitments that are to be incorporated into the overall design of the project. The necessary commitments have been included on the architectural drawings where required, meet the water, energy and thermal comfort targets and satisfy the requirements of the SEPP.

- **State Environmental Planning Policy No.55 – Remediation of Land**
Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land.

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

The applicant has submitted a "Phase 1 Preliminary Site Investigation" prepared by ADE Consulting Group (dated 10th January 2014). This report states that the presence of tennis courts and various other buildings along the

surrounding topography suggest the presence of imported fill of which the nature is uncertain, and as such there is potential for contaminated fill materials on site, and potential for contaminated groundwater beneath the site given its proximity to a petrol station. The report recommends that a Phase 2 Detailed Site Contamination Investigation should be undertaken to determine whether potential contamination on site within the soil and groundwater on site.

In response to this recommendation, the applicant stated there is difficulty to access the tennis courts within the centre of the site, to gain access to buildings to be demolished to allow rigs and equipment to allow for drillings. The testing required is to explore what foreign fill has been brought to the site to construct the filled platform for the tennis courts, which may be contaminated. Given the fill will be removed as part of this development application, the applicant states that investigations can be done as part of site works to ensure it is removed in accordance with the relevant Australian Standards.

In this regard, it is recommended that a condition be imposed requiring the applicant to submit a Phase 2 Detailed Site Contamination Investigation prior to the issuing of a Construction Certificate, in accordance with Clause 7 of SEPP 55 – Remediation of Land to confirm that the site that the subject site is suitable for the proposed development.

- **State Environmental Planning Policy (Infrastructure) 2007**
Clause 102 of the SEPP states that a consent authority must consider likely impacts from road noise and vibration for development adjacent to certain road corridors. In particular, the SEPP requires for the purposes of a residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application has been accompanied by a Preliminary DA Acoustic Report – Traffic Noise prepared by Acoustic Solutions P/L 12 December 2013 which details various measures that are to be incorporated in the construction of the building to ensure compliance with the above requirements and safeguard the amenity of future occupants of the development. An appropriate condition is included in the recommendation requiring the development to be constructed in accordance with this report.

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

- **Canterbury Local Environmental Plan 2012**

The front part of the site known as 195 Lakemba Street is zoned B2 Local Centre under Canterbury Local Environmental Plan 2012. A 'shop top housing' development is proposed on this part of the site, which is a permissible development in the subject zone.

The rear part of the site known as 195 Lakemba Street, and the part of the site known as 3-5 Hampden Road are zoned R4 High Density Residential under Canterbury Local Environmental Plan. It is proposed to construct 'residential flat building' on these two parts of the site, being a permissible type of development in the subject zone.

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

Standard	Requirement	Proposal	Complies
Floor Space Ratio	Part of the site currently known as 3-5 Hampden Road 1.4:1 (proposed Building A)	1.36:1	Yes
	The rear part of the site currently known as 195 Lakemba Street 0.9:1, plus the additional 0.5:1 bonus under ARH SEPP → 1.4:1 (proposed Building B)	1.4:1	Yes
	The rear part of the site currently known as 195 Lakemba Street (proposed Building C)	No FSR applicable for B2 zone	N/A
Building Height	Part of the site currently known as 3-5 Hampden Road 14m (proposed Building A)	12.77m to underside of ceiling, 14.38 to lift overrun – variation of 0.38m	No
	The rear part of the site currently known as 195 Lakemba Street 11.5 metres 11.5m (proposed Building B)	10.7m to underside of ceiling, 13.3m to lift overrun – variation of 1.8m	No
	The rear part of the site currently known as 195 Lakemba Street 18m (proposed Building C)	18.2m to underside of ceiling, 21.15m to lift overrun – variation of 3.15m	No

The proposal involves variations to the maximum height controls across the three distinct parts of the development site. As such, the applicant has lodged a statement under Clause 4.6 of CLEP 2012.

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

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard*

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

- *To comply with this standard would not allow for the orderly and economic development of the site, given the site's orientation and various height limits applicable to the site. Given these constraints, it is considered that the site is well suited for the proposed development, given its proximity to local infrastructure and amenities.*
- *The development is generally in keeping with the floor space ratio and envelope controls, provides good separation distances, and has been well articulated, minimising any perceived bulk and scale.*
- *There are no significant views available from the property that would be obstructed by the proposed development.*
- *Each of the proposed buildings generally comply with the maximum height limit to the underside of the ceiling of the topmost floor, noting that the breach to the building height is created by either the lift overrun or roof element, being an architectural roof feature.*
- *The proposed development is generally compliant with Council's height control to the underside of the ceiling to the topmost level. The area of noticeable variation occurs mainly due to the lift overruns as roof elements rather than seeking an additional level. The lift overruns have been integrated into the design of the building. The breaches also occur due to the fall of the land as in most instance not the entire floor breaches the control. There is no material impacts created due to these breaches and the objective of the standard is maintained.*
- *Good levels of solar access will be achieved by the proposed development, with the living areas achieving more than the minimum 2 hours of sunlight including neighbouring properties.*
- *The development is in keeping with the form and scale of buildings envisaged by this precinct noting that land along Lakemba Street between Hampden Road and Wangee Road has a height limit of 18m. Therefore Building B and the buildings fronting Hampden Road will be read out of context.*

- *It is considered that this submission provides sufficient planning grounds to justify varying the development standard as the objectives of the standard have been met.*

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

(a) the consent authority is satisfied that:

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

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

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

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

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

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

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

- **Canterbury Development Control Plan 2012**
An assessment of the proposal against the requirements of Part 2 Residential Neighbourhoods (for the proposed development on land zoned R4) and Part 3 Business Centres (for the proposed development on land zoned B2) of Canterbury Development Control Plan 2012 (CDCP) is detailed below.

PART 2 – RESIDENTIAL NEIGHBOURHOODS *(Building A & Building B)*

Standards	Requirements	Proposal	Complies
Site and Envelope Controls			
Minimum Frontage	Min 30m for 4-6 storey Residential Flat Building	28.905m	No – see comments below

Standards	Requirements	Proposal	Complies
Building Height	<p><u>Building A</u> Max 4 storey, with 3 storey podium, where the height of buildings is 14m on the Map</p> <p><u>Building B</u> Max 3 storey, with 2 storey podium, where the height of buildings is 11.5m on the Map</p>	Building A & Building B are both 4 storeys with no podium element	No – see comments below
Depth/ Footprint	Max 25m – may be increased to 35m for facades that incorporate deep soil courtyards with each having a min 6m x 6m and accommodate one major canopy tree	Approximately 34m for Building A & approximately 40 for Building B - with deep soil areas and plantings provided along both side boundaries	No – see comments below
Front Boundary Setback	Min 6m, average 7m for 1-3 storey, and min 9 average 10m for 4 storeys and above	<p><u>Building A</u> 1-3 storeys: The front boundary setback ranges between 5.84-8.75m to the main building line, with balcony setback 6.8m</p> <p>4 storeys and above: The front boundary setback ranges between 5.85-9m to the main building line.</p>	No – see comments below
Rear Boundary Setback	Min 6m, average 7m for 1-3 storey, and min average 10m for 4 storeys and above	No clear rear boundary – northern and eastern boundary adjacent to Building B considered as ‘side’ boundaries.	N/A
Side Setback	Min 3.5m, average 4m for 1-3 storey, and 6.5-7m for 4 storeys and above	<p><u>Building A</u> Northern side, setback 4m for 1-3 storey and 6.89m for 4th storey with balcony encroachment</p> <p>Southern side, setback generally 6.465 to main building line and 4.5m to balconies across 1-4 storey</p>	No – see comments below
		<p><u>Building B</u> Eastern side, setback 4m for 1-3 storey and 6.5-7.3m for</p>	No – see comments below

Standards	Requirements	Proposal	Complies
		<p>4th storey (balcony for Unit B6.03 on the upper level wraps around to the side elevation and encroaches on setback requirements)</p> <p>Northern side, setback between 5.93-7.3m to the main building line, with balcony setback 4m. The 4th storey is setback 8.29m to the main building line with balcony setback 5.3m</p>	
Building Separation	<p>Less than 5 storeys – at least 12m between windows and/or balconies (i.e. 6m for this site to provide and 6m for adjoining site/s to provide in future development)</p> <p>Five or more storeys – at least 18m between windows and/or balconies (i.e. 9m for this site to provide and 9m for adjoining site/s to provide in future development)</p>	Minor encroachments proposed	No – see comments below
Basement Parking	Provide basement parking for 3 or more storey residential flat building that maximises the amount of deep soil for canopy planting, give ground floor dwellings access to ground level courtyards and allow ground floor dwellings to address the street	Basement parking maximises the amount of deep soil areas and provides ground floor terraces for ground floor dwellings.	Yes
Design Controls			
Context	Features of existing buildings that influence streetscape and local character are either maintained or reflected in adjacent and nearby new buildings	Proposed developments is in keeping with the desired future character of the local area	Yes
Street Address	Facilitate positive interaction between the private and public domain. Promote casual surveillance.	The design achieves positive interaction between the private and public sector. The proposed development promotes casual surveillance with windows and balconies facing Hampden Road, and internally throughout the common areas of the site	Yes

Standards	Requirements	Proposal	Complies
Façade Design & Articulation & Roof Design	Effective modulation and variation of building design. All elements of the façade and roof are integrated into the architectural form and detail of the building, and present an appealing streetscape appearance. Roof design is compatible with the building style and use	The design of the proposed development uses effective modulation and variation of roof and elevations that reduce visual bulk and provides design interest. A satisfactory roof design is provided that relates to the size and scale of the subject development and zone.	Yes
Fences	Fences along street boundaries or around courtyards are no higher than 1.2m, although screens with 50% transparency may be up to 1.8 metres high – do not plant a solid hedge that might conceal intruders	No front courtyards proposed	N/A
Service and Utility Areas	Reduce impact of services and utilities through their integration with the design of landscaped areas and buildings	Service and utility areas are integrated in the design of the development – facilities are not visually obstructive	Yes
Performance Controls			
Visual Privacy	Reasonable levels of visual privacy available for residents Visual privacy is not compromised	The proposal involves balconies across all levels along the north elevations of Building B which adjoins a school site – it is considered appropriate to impose a condition requiring screening to be installed on the 2 nd , 3 rd and 4 th levels balconies along the northern elevation to limit overlooking opportunities. The design of the development and setbacks provided for the remainder of residential development is considered satisfactory in maintaining visual privacy and residential amenity.	Yes
Acoustic Privacy	Reasonable levels of acoustic privacy are available for residents	The proposed development provides for a reasonable level of acoustic privacy.	Yes

Standards	Requirements	Proposal	Complies
Open Space	Min area of 9m ² provided for each 1 bedroom dwelling, 12m ² provided for each 2 bedroom dwelling and 16m ² provided for each 3 bedroom dwelling.	Each unit is provided with a courtyard/ balcony area that is consistent with the relevant area requirements, with the exception of Units B4.08 & B7.01 which both require at least 12m ² but have been provided with 11.5m ² of balcony area. A condition of consent is to be imposed to ensure the minimum required area is provided	Yes
	Private Open Space (POS) directly accessible from a living room, dining room or a family room	Private open space is directly accessible from the living areas of all dwellings	Yes
	POS minimum dimensions of 2.5 meters	POS provided with minimum dimensions of 2 metres	No
	Communal areas of at least 15% of the open space (510sqm) on a site that is created by the required setbacks and building separations	Communal landscaped open space is provided at ground level across the site with approximately 20% (680sqm) of the setbacks and building separation proposed as communal open space	Yes
Internal Dwelling Space and Design	Living area - min width 3.5m	Living room >3.5m wide	Yes
	Main bedroom min width 3.5m	Main bedrooms <3.5m width in some units	No – see comments below
	Secondary bedrooms min width 3m	Secondary bedrooms <3m in some units	No – see comments below
	Min. storage area of 6m ³ provided for each 1 bedroom dwelling, 8m ³ provided for each 2 bedroom dwelling and 10m ³ provided for each 3 bedroom dwelling	A condition of consent to be imposed requiring all units to be provided with the required storage area	Yes

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

Minimum Frontage

Part 2.1.3 of CDCP 2012 requires that the minimum frontage for a 4-6 storey residential flat building to be a minimum of 30 metres. The Hampden Road frontage of the site is 28.905 metre – 1.095m less than the required width which represents a variation of 3.65%. This part of the site has no capacity to gain width from either adjoining neighbours, given that to the south is a strata subdivided residential flat building site, and to the north is an access handle

associated with the adjoining school. Given the minor nature of the breach and the site circumstances, it is considered acceptable to support this non-compliance.

Building Height

Part 2.1.5 of CDCP 2012 requires the maximum height of buildings that are indicated on CLEP 2012 map as being of maximum height of 14 metres, to be four storeys with a three storey podium. Building A is proposed to be 4 storeys with no podium element.

Further, Part 2.1.5 of CDCP 2012 requires the maximum height of buildings that are indicated on CLEP 2012 map as being of maximum height of 11.5 metres, to be three storeys with a two storey podium. Building B is proposed to be 4 storeys with no podium element.

It is noted that since the lodgement of this application, this control has been modified to not refer to the number of storeys for podium and overall height.

Buildings A & B are both proposed to be 4 storeys in height, and despite the different height limit requirements (14m & 11.5m) they are both 4 storeys due to the topography of the subject site. Whilst this presents a non-compliance with the number of storeys stipulated in CDCP 2012, it is considered acceptable given that the applicant has generally maintained the maximum building height (with the exception of part of the roof elements and lift overruns) across the development site which is consistent with the height requirements under CLEP 2012.

Building Depth / Footprint

Part 2.1.6 of CDCP 2012 states that the building depth/footprint of residential flat buildings in the R4 zone to be maximum 25 metres, with an exception to be increased to 35 metres for façades that incorporate deep soil courtyards, and if parallel to side boundaries, provided that the façades will incorporate deep soil courtyards that each have a minimum area six metres by six metres and will each accommodate at least one major canopy tree.

As proposed, the proposed Building A & Building B have a depth of approximately 34 metres and 40 metres respectively, with extensive deep soil and landscaped areas around the perimeter of their part of the site.

In justifying this non-compliance, the applicant has provided the following information demonstrating that the intent of this requirement is still achieved through the design of the development:

- *A comprehensive landscape strategy has been developed for the site, which includes deep soil planting adjacent to the footprints of these two buildings (Buildings A & B). The articulation to the façades of these two buildings, together with the landscaping as depicted on the submitted plans will break the visual bulk of the development.*
- *The length of the building particularly Building B is not read from the street and therefore the additional metres has no material impacts to*

- *either the street or to the neighbours.*
- *The design of the development is such that short façade ends face the street, with heavy articulation of the facades in plan and elevation and dense landscaping around the edges of the subject site soften the visual impact of the development, particularly the long facades.*
- *The building is well articulated both vertically and logistically by finishes, modulated and stepping elements.*

The objective of this Part 2.1.6 is that 'natural daylight is available in all parts of a dwelling so that artificial light is not necessary during daylight hours'. Of the total 40 units in this building, 30 unit (75%) receive a minimum of two hours solar access to their living spaces and balconies, in compliance with the 'rule of thumb' in the RFDC.

As such, the non-compliance to the building depth/footprint is considered acceptable based on the details outlined above, and based on the design of the proposed development that involves building elements and landscape treatments that result in a satisfactory outcome in the consideration of the amenity of existing neighbouring residents and future occupants of the development.

Front, and Side Boundary Setbacks

The specific non-compliances of the proposed development, in respect to the front, rear and side setback requirements as per Part 2.1.7 of CDCP 2012:

Front Setback:

- In regard to the one to three storey component, the front setbacks are required to be a minimum of 6m and an average of 7m.
- The proposal is generally compliant, with setbacks ranging between 5.84-8.75 metres to the main building line and 6.8m to balconies.
- In regard to the 4th storeys, it is required that the minimum setback be 9 metres, with an average of 10 metres. The building is setback between 5.85-9m.
- The applicant states that '*...the length of the wall closer than 6m of the frontage to Hampden Road is only 4.3m long with the rest of the western façade resulting having an average front setback far exceeding the minimum requirements. Heavy articulation of the front façade also reduces the bulk and scale of the proposed built form.*
- The setbacks provided along the upper storey of the front elevation, whilst numerically non-compliant, is considered acceptable given the design of the elevation and the unlikely impact on amenity and/or streetscape such variation would result in.

Side Setbacks:

- In regard to the one to three storey component, the side setbacks are required to be a minimum of 3.5m and an average of 4m. For the 4th storey, it is required that the minimum setback is 6.5m and an average of 7m.

Building A (Northern Side):

- The proposal is generally compliant, with setbacks ranging between 5.93-7.3m to the main building line and 4m to balconies for the 1-3 storey component.
- The proposal is non-compliant, with a setback of 6.89m to the main building line and 4m to the balconies at the 4th storey.
- This variation is considered acceptable as this elevation is adjacent to a 3.5m access handle associated with the adjoining school site, which provides additional distance and buffer zone to the next adjoining residential property. In any case, it would still be appropriate to recommend that a condition be imposed to reduce the depth of the 4th storey balconies along this elevation to a maximum depth of 2m (this relates to the balconies of Unit A6.02 and A6.03, which would increase the separation distance and provide an approximate 5m setback to the boundary. It is noted that the size of the balconies would remain large enough to comply with the relevant requirements.

Building A (Southern Side):

- The proposal is generally compliant, with setbacks ranging between 3.5-8.1m to the main building line and 4.5m to balconies for the 1-3 storey component.
- A setback of 6.4-10.2m is provided to the main building line at the 4th storey, with balconies encroaching to setback of 4.5m.
- This part of the development site adjoins a 3 storey residential flat building which has living areas and balconies facing north into the proposed Building A. Further, this adjoining property will be affected by overshadowing from the proposed development.
- To reduce the amenity impacts onto this adjoining property, it is appropriate to impose a condition to delete the proposed balconies of Unit A6.01 and A6.04, and have the 'B2' rooms in these units become balconies, which then makes these two units 'one bedroom' units. The balconies would be required to be installed with appropriate privacy screening.
- It is noted that compliance with the requirements relating to units sizes, balcony sizes and ARH SEPP gross floor area would still be achieved.

Building B (Eastern Side)

- The eastern side of Building B is compliant for the 1-3 storey component as it is setback at 4 metres. Along the 4th storey, a compliant setback of between 6.5-7.3 metres is provided to the main building line, however, a wrap-around balcony encroaches on this setback at 5.4 metres. It is appropriate to recommend that a condition be imposed delete this eastern part of the balcony for Unit B6.03.

Building B (Northern Side)

- The northern side of Building B is compliant for the 1-3 storey component as it is setback at least 4 metres. Along the 4th storey, a setback of 8.29m is provided to the main building line, however, the balconies associated with the three units Units B6.01, B6.02 and B6.03 are setback only 5.2m.
- Whilst these balconies are located on the northern side of the site

which adjoins a school site, and a condition has been recommended to impose appropriate privacy screens, it is still considered necessary to increase the setback provided. In this regard, it is recommended that a condition be imposed requiring these balconies be reduced to a maximum depth of 2m (this relates to the balconies of Unit B6.01, B6.02 and b6.03) which would increase the separation distance and provide an approximate 6.2m setback to the boundary. It is noted that the size of the balconies would remain large enough to comply with the relevant requirements.

Whilst conditions have been recommended to be imposed requiring the increase of setback distances throughout various parts of the proposed development, there remains some minor non-compliances when applying the specific minimum and average requirements across all four elevations. It is considered that the impact of the non-compliances is somewhat minimised by the greater setbacks and breaks provided across parts of the development which help to limit the impacts of the non-compliances.

It is noted that since the lodgement of this application, these controls have been modified to enable consideration of variations to these setbacks where architectural interest and articulation, warrant variation.

Building Separation

Part 2.1.9 of CDCP 2012 states that for residential flat buildings that are less than five storeys, at least 12 metres of separation (to be shared in half – 6m) is to be provided between windows and/or balconies, and for five and above storeys, at least 18 metres of separation (to be shared in half – 9m) is to be provided.

In regard to the northern side of Building A, the separation provided of 4 metres for the 1-3 storey and 5.2m for the 4th storey (based on recommended setback condition discussed above) is considered adequate given that this part of the site adjoins a 3.5m access handle associated with the adjoining school site, which provides additional distance and buffer zone to the next adjoining residential property.

In regard to the southern side of Building A, as stated above, this part of the development site adjoins a 3 storey residential flat building which has living areas and balconies facing north into the proposed Building A. Further, this adjoining property will be affected by overshadowing from the proposed development. To reduce the amenity impacts onto this adjoining property, it is crucial that this part of the development is fully compliant with the separation requirements. In this regard, it is appropriate to impose a condition to delete the proposed balconies of Unit A4.01, A4.05, A5.01 and A5.05 and have the 'B2' rooms in these units become balconies, which then makes these two units 'one bedroom' units. The balconies would be required to be installed with appropriate privacy screening. It is noted that compliance with the requirements relating to units sizes, balcony sizes and ARH SEPP gross floor area would still be achieved.

In regard to the northern side of Building B, the compliant setbacks provided of 4-5.9m for 1-3 storey component, and the proposed condition to increase the 4th storey setback to 6.2m, together with the proposed installation of privacy screening along the balconies, are considered adequate reasons to support the variation, particularly as it is unlikely that the adjoining school site will be redeveloped for residential purposes.

For the eastern side of Building B, the 1-3 storey component is non-compliant as it involves a separation of 4.025m to the side boundary (the 4th storey is setback 6.56 with as recommended condition to delete the encroaching balcony). There are minimal openings along this elevation which in any case will be conditioned to be either of translucent glazing in the case of bathrooms/ensuites, and be high sill windows in the case of bedroom windows.

There are other minor separation non-compliances within the development site between different parts of Building B, and between Building A and B. In this regard, the applicant provides the following details:

- *...the separation distance provided between all levels ranges between 5.8m to 8.7m between Building A and B.*
- *A minimum 6m separation is provided between Buildings A and B for the most part. This is reduced to 5.8m, given it looks at a blank wall.*
- *Within Building B, a separation distance of 13.3m is provided between the northern and southern wings, being the edge of the balcony to the external walls. Although the distance between the passageway/lobby corridors is 11.2m, it is not private space, noting it is rather common space forming access to the units.*
- *The separation areas between Buildings A and B, and within Building B itself are provided with landscaped open space areas which complement the development.*

Having regard to the above, including the proposed conditions imposed to increase the separation along the southern side of Building A, and to ensure the windows along the eastern side of Building B are either glazed or high sill, it is considered that the issue of building separation is adequately addressed in the proposed development. It is demonstrated that the proposal meets the intent and objective of this part of the DCP which is to achieve reasonable sunlight and privacy to residents in new buildings and residents in existing buildings.

Private Open Space Dimensions

Part 2.3.3(xii) of CDCP 2012 requires that one area of at least 2.5m by 2.5m be provided that is suitable for outdoor dining area and can accommodate a dining table and two to four chairs. The proposed development is non-compliant with this requirement as it provides balconies of width of at least 2 metres. This is considered acceptable in this instance given the proposal is being considered under SEPP 65 which considers a 'rule of thumb' of 2m deep balcony as sufficient and able to accommodate a table and two chairs.

Main Bedroom Dimensions

Part 2.3.4(ii) of CDCP 2012 requires that the main bedroom in a dwelling/unit have a minimum width of 3.5 metres, and 3 metres for secondary bedrooms. The proposed development involves main bedrooms and secondary bedrooms of width of at least 3.4 and 2.9 metres respectively, and therefore not complying with this requirement. It is noted that 'Objective 1' of Clause 2.3.4 'Internal dwelling spaces and design' requires that high standards of amenity be achieved by appropriate dimensions and configurations for habitable rooms. The dimensions provided for the rooms are considered to adequately accommodate a typical bedroom furniture layout. The variation to the bedroom dimensions is therefore considered acceptable and is worthy of support in this instance.

PART 3 – BUSINESS CENTRES

(Building C)

Standard	Requirement	Proposed	Complies
Isolation of sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed	No isolation of neighbouring properties	Yes
Building Height	18m height in LEP - 5 storeys	6 storeys	No – see comments below
	Floor to ceiling height in commercial min. 3.3m	3.3 metres	Yes
	Floor to ceiling height in residential min. 2.7m	2.95 metres	Yes
	Floor to ceiling height in car parking min. 2.8m	2.8 and 3 metres	Yes
Building Depth	Commercial component 10-24 metres	Each unit is at least 10 metres in one direction	Yes
	In general, an apartment building depth of less than 18 metre is appropriate	All apartments have a depth of less than 18m	Yes
Building Setbacks	Ground, first and second floor may be built to street alignment.	Ground, first and second floor are built to street alignment	Yes
	Upper Level - Greater than four storeys, a 5m setback is required.	4 th , 5 th and 6 th storey setback at 5m (specifically 4.990m) with balconies/terraces partly provided in front setback area (considered acceptable based on Part 3.1.10 <i>Exceptions to Setbacks</i>)	Yes

Standard	Requirement	Proposed	Complies
	Establish 45 degree height plane from projected 1.5 metre above the residential zone boundary and two storey height limit applies	Minor encroachment of the building height plane at the 3 rd , 4 th , 5 th and 6 th floor level. A condition to be imposed requiring the balconies of Units C7.01, C7.02 and C7.03 to be reduced in depth to only 2 metres to increase setback at the 3 rd storey.	No - See comments below
Building Separation (as per SEPP 65)	6m up to 3 storeys → 3m 12m at 4 storeys → 6m 18m at 5 & 6 storeys → 9m (half to be shared on the subject site)	6m up to 3 storeys Min 6m at 4 storeys Min 11m at 5 storeys Min 13m at 6 storeys	Yes
Building Configuration	At ground floor level viable shop fronts for business activities are to be created	Viable commercial and retail tenancies have been provided at the ground floor level	Yes
Car Parking (Rate for Large Centres in B2 zone)	Refer to discussion under Part 6.8 of CDCP 2012		
Design Controls	Clearly identifiable entries, Provide main common entry.	Clear entry provided as main common entry	Yes
	Habitable room window to face communal areas	Habitable windows facing communal areas and perimeter of the development	Yes
	No obstruction to views from street to development and vice versa	Sufficient natural surveillance to areas surrounding building	Yes
Facades – New 3-5 storey buildings	To be in accordance with articulation controls of this DCP	Façade is in accordance with the articulation requirements as outlined in this table	Yes
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath	3.3 metres along Lakemba Street frontage	Yes
	Width of 3 metres	3 metres - to be imposed as a condition of consent	Yes
Articulation	Buildings should generally have a base and upper elements	Building has base and upper levels	Yes
	The design of the facade, including the quality and durability of its materials, should be emphasised.	The façade is emphasised through vertical elements along the three lower levels, and more horizontal elements along the three upper storeys. Materials of a high quality and are durable.	Yes

Standard	Requirement	Proposed	Complies
	The 'facade' should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours. A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable.	Vertical emphasis is provided along parts of the facade, with appropriate modulation through the use of varying materials and external finishes	Yes
	No blank walls are to face the public realm	No blank walls face Lakemba Street	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the facade. They should not be implemented in a monotonous or repetitive configuration. This applies to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail.	Glazing and mix of horizontal and vertical proportions, and screens assist in breaking up the façade. The composition of balconies allows for their integration to the building façade, avoiding a monotonous configuration. The balustrading to the balconies will be a mixture of solid elements and glazing, with light weight screens also provided.	Yes
	The majority of windows shall be vertically rectangular	Majority of windows are to be vertically rectangular	Yes
Roof Design	Relate roof design to the desired built form and or context. Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access.	Roof design is consistent with the desired built form and context of the area. The design of the roof responds to the constraints of the site and where practical responds to sun access for the development, including screening	Yes
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive	Service and utility areas integrated into the design adequately	Yes
	Unscreened appliances not to be visible from the street, communal area of driveway on the site. Air con units behind balustrades, screened recesses for water heaters, meters in service cabinets.	Appliances not visible from public areas	Yes
	Communal rooftop antenna to be provided	Antenna can be conditioned	Yes

Standard	Requirement	Proposed	Complies
	Screen clothes drying areas from public view, storage space screened and integrated into design	Adequately screened	Yes
	Discretely locate mailboxes in front of property	Mailboxes to be provided at the front of the building, at the entrance to the residential lobby	Yes
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings	Design has adequately addressed visual privacy issue through window placements and sufficient setbacks	Yes
Private Open Space, Balconies, terraces & Courtyards	Combined private open space area should be a minimum of 10% of dwelling floor space	Combined private open space area exceeds the minimum 10% of dwelling floor space	Yes
	Primary 8sqm balconies for 1 bedroom dwellings and 12sqm for 2 & 3 bedroom dwellings	Balconies provide the minimum private open space requirements	Yes
	Full length balconies without articulation are not permitted	Articulation and building design elements incorporated to provide relief to balconies	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room	Yes
	Primary balconies to have minimum depth of 2 metres and be functional in dimensions	Minimum depth of 2 metres and functional in design	Yes
	Design and detail balconies in response to local climate	Balconies have been designed where achievable to have northern orientation to maximise solar access	Yes
	Communal Area: Min. 10% of site area as communal open space - Required 113sqm)	120qm	Yes
Internal Dwelling Space and Design	Dimensions and design of interiors to accommodate furniture typical for purpose of room	Typical furniture layout on plans	Yes
	Living room and main bedroom min 3.5m dimension, Secondary bedrooms to have minimum 3m width	Living rooms and secondary bedrooms provided with adequate dimensions. The dimensions in main bedrooms are less than 3.5 metres in some of the units	No – see comments below

Standard	Requirement	Proposed	Complies
	6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling 10m ³ per three bedroom dwelling	A condition of consent to be imposed requiring all units to be provided with the required storage area	Yes

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

Building Height

Part 3.1.6 of CDCP 2012 requires the maximum height of buildings that are indicated on CLEP 2012 map as being of maximum height of 18 metres, to be five.

It is noted that since the lodgement of this application, this control has been modified to not refer to the number of storeys for podium and overall height.

The proposed development involves a six storey building. Whilst this is non-compliant with the number of storeys stipulated in CDCP 2012, it is considered acceptable given that the applicant has generally maintained a maximum building height of 18 metres (with the exception of part of the roof elements and lift overruns) across the development site which is consistent with the height requirements under CLEP 2012.

Building Height Plane

There are minor encroachments at the 3rd, 4th, 5th and 6th levels of the building height plane along the rear northern elevation of the development (Building C), resulting small areas of encroachment generally on the top corner of each level extending approximately 1.5 - 2 metres in depth due to balcony coverings. The applicant states that the *'...the breach is not a result of habitable floor space and therefore it is considered acceptable and worthy of supports as it adds articulation to the building, together with weather protection'*. The variation to the building height plane relates to balcony coverings – this element of the proposal does not result in added amenity impacts such as overshadowing or overlooking, and as such is considered acceptable and worthy of support.

In regard to rear setback, a condition is to be imposed requiring the rear balconies of Units C7.01, C7.02 and C7.03 to be reduced in depth to only 2 metres to increase the setback provided at the 3rd storey and to maintain a predominantly two storey limit at the minimum 6 metre setback requirement.

Room Dimensions

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

bedroom dimensions is considered acceptable and is worthy of support.

PART 6 – GENERAL CONTROLS

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

Part 6.1 Access and Mobility

A 'Statement of Compliance – Access for People with a Disability' prepared by Accessible Building Solutions dated 16 January 2014 was submitted with the development application which provides an assessment of the proposed development against the relevant access criteria.

Should this application be approved, then a condition is to be imposed requiring that the development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010, and National Construction Code.

Part 6.2 Climate and Resource Efficiency

New Residential Buildings (Buildings A & B)

Part 6.2.6(ii) of CDCP states that for new residential buildings that are 3 or more storeys, that at least 75% of the residential dwellings' living room and private open space receive at least 2 hours of sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 70% of the units in Building A & Building B receive at least 2 hours of sunlight access.

Whilst strictly non-compliant with the DCP requirement, it is noted that sunlight access is generally consistent with the SEPP 65 Residential Flat Design Code 'rule of thumb' that '*...living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable*'. As such, it is considered acceptable in this case to support the variation.

Mixed Use Development (Building C)

Part 6.2.6(iv) of CDCP states that for new buildings, that at least 70% of the residential dwellings' living room and private open space receive at least 2 hours of sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 75.9% of the units in Building C thus complying with this requirement.

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings, and natural ventilation to 25% of kitchens in multi unit developments. Accordingly, 83% of the proposed dwellings have natural cross ventilation, and 25% of kitchens have natural ventilation.

In regard to the development's impact on sunlight access to its adjoining neighbours, namely the affected residential flat building at 1 Hampden Road, shadow diagrams have been provided which show the effects of shadowing along the northern elevation of the building at 1 Hampden Road throughout the

day on June 21. The proposed 'Building A' will shadow the windows and balconies of this 3 storey neighbouring building during the winter solstice.

The applicant has also submitted shadow diagrams for March 21, showing that there generally is no additional shadowing from the proposed development onto the northern elevation of this building throughout most of the day, until approximately 3pm.

The applicant states that *'the plans show that the proposed development will cast the most shadow in June onto the adjoining three storey residential flat building development adjoining the site located at No.1 Hampden Road which is unavoidable due to the orientation of the site. It is important to note our development has provided half the required separation distance setback to this common boundary with No.1 Hampden Road and that for the March Equinox, the additional overshadowing resultant from our development is reduces and only affects the northern elevation from 3pm'*.

Given the orientation of the site, and that the design of the proposed development is generally compliant with the building height along this part of the proposal, it is reasonable to accept this unavoidable shadowing impact in what is a dense suburban environment. However, conditions have been recommended to be imposed (as discussed under Part 2 of CDCP 2012) to increase the distance of building setbacks/separation along the southern part of Building A, which should improve sunlight access to this neighbouring building.

Part 6.3 Crime Prevention Through Environmental Design

The proposed development will not contribute to creating opportunities for additional criminal activity and is consistent with the objectives and principles in Part 6.3 of CDCP 2012 relating to natural surveillance, access control and ownership.

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

Part 6.4 Development Engineering, Flood and Stormwater

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

Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation

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

Part 6.8 Vehicle Access and Parking

The development application has been reviewed and assessed by our Team

Leader – Traffic who has raised no objection to the proposal subject to appropriate conditions being imposed on any consent.

Buildings A & B

The minimum requirements for car parking spaces contained in Clause 14(2)(a)(ii) of the ARH SEPP override our controls for the residential flat buildings 'Buildings A & B' component of the development.

Under the ARH SEPP, the development is required to provide a minimum of 0.5 spaces per studio and one bedroom dwelling, one space per two bedroom dwelling and 1.5 spaces per three bedroom dwelling, requiring a total of 55 spaces. A total of 63 spaces, plus an additional loading space and a car wash bay are provided in the proposed basement car parking area for Buildings A & B.

In addition, our requirements apply in relation to ensuring that a car wash bay is provided for a residential flat building containing 10 or more dwellings. Accordingly, a car wash bay is proposed to be provided in the basement car park located in a convenient location for use by residents of both Building A and Building B.

Further, based on the total number of 60 dwellings across both buildings, it is required that the development provides 12 resident bicycle spaces and 6 visitor bicycle spaces. A bicycle parking area is designated in the basement car park under Building A showing to accommodate the parking of 12 bicycles. It is recommended that a condition be imposed requiring an additional designated bicycle parking area to be provided in the basement car park under Building B to accommodate for the parking of at least 6 bicycles to ensure that full compliance is achieved.

Buildings C

The rates applicable to Building C, being a 'shop top housing' development is as follows:

- 5.5 spaces for Retail Units C5.01 and C5.02 based on a total area of 183sqm, at a rate of 1 space per 33sqm
- 4.1 spaces for Commercial Units C5.03 and C5.04 based on a total area of 244.8sqm, at a rate of 1 space per 60sqm
- 25 residential car spaces based on 3 studios, 9 x 1 bedroom dwellings, 14 x 2 bedroom dwellings and 3 x 3 bedroom dwellings
- One car wash bay
- 6 resident bicycle spaces, plus 3 visitor bicycle spaces (for dwellings)
- One courier parking space (for commercial units)
- 2 bicycle spaces for the retail/commercial units

The basement car park under Building C provides 11 car parking spaces for the retail and commercial uses, and a total of 34 spaces and a car wash bay for the residential component, which is in excess to the required number of spaces.

A total of 11 bicycle spaces are required to be provided, 9 of which for the residential component and two of which for the retail and commercial component. A bicycle parking area is designated in the basement car park showing to accommodate the parking of eight bicycles. It is recommended that a condition be imposed requiring this area to be enlarged to accommodate for the total parking of 11 bicycles.

It is further recommended that one of the car parking spaces allocated for the commercial use, to be replaced with a 'courier parking space' as required under this part of the DCP.

It is therefore considered that with the recommended changes, the proposed development is consistent with the relevant car parking and access requirements in CDCP 2012.

Part 6.9 Waste Management

The development application was referred to our Waste Services Coordinator who was satisfied that the Waste Management Statement, Waste Management Plan and on-going and operational waste management procedures of the development is in accordance with Part 6.9 of CDCP 2012.

- **Canterbury Development Contributions Plan 2013**

The proposed development which involves 26 x studio and one bedroom units, 56 x 2 bedroom units and 7 x 3 bedroom units, attracts a total contribution of \$1,064,273.09. A credit of 2 x large dwellings has been applied for the existing 2 residential dwellings on 3 and 5 Hampden Road. This contribution is subject to indexing. It is noted that given the staging nature of the proposed development, the total contribution fee is broken down and outlined separately in the conditions for Stage 2 (Building C - 29 units), Stage 3 (Building B - 40 units) and Stage 4 (Building A - 20 units).

ADDITIONAL CONSIDERATIONS

- **National Construction Code**

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

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties at 185 Lakemba Street, 197-199 Lakemba Street, 2 Wangee Road, 4 Wangee Road, 6 Wangee Road, all units in the building located at 1 Hampden Road, 9 Hampden Road and the school buildings located in the southern part of the school site at 39-79 Hampden Road, Lakemba to withstand the excavation works proposed.

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

- **Sediment and Erosion Control**

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

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

NOTIFICATION

The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Development Control Plan 2012 on two separate occasions due to changes in the proposed development design throughout the assessment process. We received four submissions objecting to the proposal in response to the first notification period of the original design, and no submissions were received in response to the second notification period of the amended design. The submissions raised the following issues of concern, which are discussed below:

- **Concern that the existing right of way between the subject site (at 195 Lakemba Street) and the adjoining site at 197-199 Haldon Street will be affected, preventing access to the property at 197-199 Haldon Street**

The Land Title search for Lot 1 DP 597005 (being 195 Lakemba Street which forms part of the subject site) identifies a 'right of footway' in the south western portion of the site, off Lakemba Street, rather than a right of way.

The grant of the 'right of footway' is defined as *"full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass on foot at all times and for all purposes without animals or vehicles over the land indicated herein as the servient tenement"*.

There appears to be no height limit noted for this 'right of footway' and the applicant's solicitor is of the view that the proposed development with a height clearance of 3 metres above this 'right of footway' is acceptable.

In any case, should approval be issued, a condition of consent should be imposed to ensure this 'right of footway' is maintained as per the existing conditions and reservations of the Land Title search for Lot 1 DP 597005.

- **Concern is raised in regard to the privacy impact of the proposed development (specifically in relation to the impacts of the balconies along the rear elevation of Building C)**

Concerns have been raised that the proposed development will create adverse visual impacts on adjoining residential development. It is noted that proposed development is of a scale and height that is different to existing development in the locality and will be a dominant feature when viewed from residential properties to the east (along Wangee Road). However, the form of development proposed in this instance is of a scale envisaged by the new planning controls which now apply throughout the City of Canterbury. Measures have been included in the design of the proposal (specifically the north eastern elevation) to ensure that such impacts on neighbouring development are kept to a minimum, including reducing the size of balconies from what was originally proposed, and increasing the setbacks along the rear elevation of Building C. Further, it is recommended that a condition be imposed requiring all balconies along the rear (north) elevation on the 4th, 5th, and 6th storeys of Building C, be installed with privacy screens to a total height of 1800mm using a combination of fixed and moveable panels and covering a minimum of two thirds of the length of the balconies.

- **Concern that the proposed development will generate additional traffic in the local area and additional demand for on street parking**

Comment

As previously stated in this report, the proposed development is fully compliant with the car parking requirements in Clause 14(2)(a)(ii) of the ARH SEPP (in the case for Buildings A & B), and Part 6.8 of CDCP 2012 (in the case for Building C).

In regard to traffic generation, it is acknowledged that a development of this scale will result in increased traffic movements in and around Lakemba Street and Hampden Road. However, the increase is not considered to be beyond what is capable of being accommodated in the local road network.

The proposed development was reviewed by our Team Leader Traffic who among other matters considers driveway locations, road traffic noise, traffic generation and car parking. The proposed development was considered satisfactory by our Team Leader Traffic who stated that the traffic generated by the development will have minimal impact on the adjoining intersections.

- **Concern that the proposed development is likely to increase noise and air pollution**

In regard to noise pollution, should this application be approved, then the following conditions should be imposed to address this concern:

- No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes

when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

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

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

In regard to air pollution, standard conditions are included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

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

Comment

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

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

Comment

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

- **Concern is raised to current security and trespassing issues affecting an adjoining property which should be addressed in the design of the proposed development**

Comment

It is noted that the proposed development is of a design that is unlikely to contribute to creating opportunities for additional criminal activity and is found to be consistent with the objectives and principles in Part 6.3 of CDCP 2012 relating to natural surveillance, access control and ownership.

CONCLUSION

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

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

RECOMMENDATION

THAT the Joint Regional Planning Panel approve Development Application DA-24/2014 for the construction of a staged mixed use development involving the demolition (in part) of existing structures and the construction of three (3) buildings comprising of four (4) retail/commercial units, 89 residential units, including infill affordable housing (Buildings A & B) with two levels of basement parking, landscaping works and associated stratum subdivision, subject to the following conditions:

APPROVED PLANS

General

- i. The development being carried out in accordance with plans referenced Project No. 1342A, Drawing No's A-0101-A0134, No's A-0201-A-0204 and A-0221-A-0229 (Issue C) August 2014, and drawn by Benson McCormack except where amended by the conditions of consent.
- ii. Finishes and materials including the treatment of external walls, windows, doors and balustrades being in accordance with the 'Finishes' received by Council on 30 May 2014. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
- iii. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 14th February 2014, drawing numbers 1463, S1-S9 Rev C prepared by John Romanous and Associates and as amended by the following condition.
- iv. The submitted landscape plan (Drawn by Zenith Landscape Designs, drawing no 13-2762 L01-L07, and submitted to council on 20th June 2014) must be amended to address the following items:
 - A detailed Maintenance Schedule is to be included:
 - replacement strategy for failures in plant materials and built works,
 - maintenance schedule for watering, weeding and fertilizing during the establishment period
 - The maintenance period for the landscaping must be set for 12 months post practical completion.

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

STAGE 1 – FULL AND PARTIAL DEMOLITION OF EXISTING STRUCTURES

Matters to be Completed Prior to the Issue of a Construction Certificate

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of the relevant Construction Certificate:
Details of:
 - Structural Engineering Plan including method of shoring during excavation
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - Section 73 Compliance Certificate
 - Soil and Waste Management Plan
 - Consolidation of All Lots into One Lot
 - Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
 - BASIX Certification
 - Compliance with Disability (Access to Premises – Buildings) Standards 2010.
- 1.1. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.2. Payment to Council of:

Kerb and Gutter Damage Deposit	\$9693.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$70,735.00

Note 1: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 2: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

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

SITE SIGNAGE

3. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 3.1. The name, address and telephone number(s) of the principal certifying authority for the work, and

- 3.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
- 3.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

4. Demolition must be carried out in accordance with the following:
- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
 - (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
 - (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
 - (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact

the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.

- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

CONTAMINATION & REMEDIATION

5. The applicant/developer is to submit a Phase 2 Detailed Site Contamination Investigation prior to the issuing of a Construction Certificate, in accordance with Clause 7 of SEPP 55 – Remediation of Land to confirm that the site is suitable for the proposed development.

GENERAL

6. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
7. 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.
8. 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.
9. All building construction work must comply with the National Construction Code.
10. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
11. 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.
12. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
13. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
14. 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.
15. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
16. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.

17. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
18. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
19. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
20. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
21. 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.
22. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).

STAGE 2 – EXCAVATION BELOW ALL BUILDINGS FOR CONSTRUCTION OF ALL BASEMENT PARKING AREAS, CONSTRUCTION OF 'BUILDING C' WHICH COMPRISES FOUR GROUND FLOOR BUSINESS TENANCIES AND 29 SHOP TOP DWELLINGS ABOVE

DILAPIDATION & EXCAVATION

23. A photographic survey of the adjoining properties at 185 Lakemba Street, 197-199 Lakemba Street, 2 Wangee Road, 4 Wangee Road, 6 Wangee Road, all units in the building located at 1 Hampden Road, 9 Hampden Road and the school buildings located in the southern part of the school site at 39-79 Hampden Road, Lakemba detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
24. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 185 Lakemba Street, 197-199 Lakemba Street, 2 Wangee Road, 4 Wangee Road, 6 Wangee Road, all units in the building located at 1 Hampden Road, 9 Hampden Road and the school buildings located in the southern part of the school site at 39-79 Hampden Road, Lakemba and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur

during the course of the works, shall be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

‘BUILDING C’ CONDITIONS

25. The existing ‘right of footway’ is to be maintained as per the existing conditions and reservations of the Land Title search for Lot 1 DP 597005.
26. The specific fit-out and use of the retail/commercial units, including any associated signage, being the subject of a separate approval.
27. The Cantilevered Awning along the Lakemba Street frontage is to have a width of 3 metres.
28. The rear balconies of Units C7.01, C7.02 and C7.03 to be reduced in depth to only 2 metres to increase the setback provided at the 3rd storey and to maintain a predominantly two storey limit at the minimum 6 metre setback requirement.
29. All balconies along the rear (north) elevation on the 4th, 5th, and 6th storeys of Building C, be installed with privacy screens to a total height of 1800mm using a combination of fixed and moveable panels and covering a minimum of two thirds of the length of the balconies.
30. The bicycle parking area in the basement under Building C is to be enlarged in area to accommodate for the total parking of 11 bicycles.
31. One of the car parking spaces allocated for the commercial use, is to be replaced with a ‘courier parking space’ as required under Part 6.8 of CDCP 2012.

GENERAL DESIGN

32. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
33. All disabled parking space dimensions, cross-falls, vertical clearances for access paths and above spaces are to be in accordance with the requirements of AS2890.6.
34. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
35. All bicycle spaces are to be provided in accordance with AS2890.3.
36. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
37. The bathroom and ensuite window(s) being translucent glass.
38. Storage area of at least 6m³ is to be provided for each studio/one bedroom unit, 8m³ per two bedroom dwelling and 10m³ per three bedroom dwelling.
39. The proposal to provide a mirror at both ends of the single lane ramp in the basement car park.
40. Provide a communal antenna on the rooftops of Building A, Building B and Building C.
41. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
42. 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.
43. 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.

44. All building construction work must comply with the National Construction Code.
45. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
46. 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.
47. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
48. 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.
49. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
50. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
51. 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.
52. 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.
53. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
54. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
55. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
56. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
57. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
58. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
59. 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.
60. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).

61. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

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

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

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

62. 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."

CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013

63. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The monetary contribution of \$345,449.93 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$31246.13
• Open Space & Recreation	\$305415.07
• Plan Administration	\$8788.73

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

STORMWATER ENGINEERING

64. 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.

65. 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.
66. 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.
67. 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.
68. 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.
69. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 4 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".
70. 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.
71. 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.
72. 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.
73. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

PUBLIC IMPROVEMENTS

74. 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".
75. The reconstruction of the kerb and gutter along all areas of the site fronting Hampden Road and Lakemba Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
76. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Hampden Road and Lakemba Street. 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".
77. 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.

CRIME PREVENTION & COMMUNITY SAFETY

78. All access points to the building (this would include lifts and stairwells) are to be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
79. The storage units located in the vicinity of the car spaces be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
80. The basement carpark is to be painted the colour 'white' to increase lux levels and light reflection.
81. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
82. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
83. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
84. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
85. The installation of CCTV cameras at the street frontages of the buildings and at access to the basement carpark. This measure will ensure that the site is monitored at all times.
86. Residents are to be made aware of Council's Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.
87. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.

88. Signage is to be installed at all driveways, entry and access points.

DISABILITY ACCESS

89. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.

ACOUSTICS

90. Carry out all recommendations in Part 6 of the Preliminary DA Acoustic Report – Traffic Noise prepared by Acoustic Solutions P/L 12 December 2013.

SYDNEY WATER REQUIREMENTS

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

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

Class 2, 3 or 4 Buildings

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

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

ADDITIONAL INSPECTIONS

93. 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

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

STAGE 3 – CONSTRUCTION OF ‘BUILDING B’ COMPRISING 40 APARTMENTS
(INCLUDING ADAPTIVE RE-USE OF EXISTING BUILDING ON SITE)

‘BUILDING B’ CONDITIONS

95. All balconies along the north elevations of Building B on the 2nd, 3rd and 4th levels be installed with privacy screens to a total height of 1800mm using a combination

of fixed and moveable panels and covering a minimum of two thirds of the length of the balconies.

96. The balconies associated with Unit B6.01, B6.02 and B6.03 be reduced to a maximum depth of 2m to increase the separation distance and provide an approximate 6.2m setback to the boundary.
97. The balcony area of Units B4.08 and Unit B7.01 must each be at least 12m².
98. The eastern part of the balcony for Unit B6.03 at the upper level (adjacent to Bedroom 2 and 3) is to be deleted as it encroaches on the setback requirements and causes privacy impacts.
99. All windows along the eastern side of Building B are to be either of translucent glazing in the case of bathrooms/ensuites, and be high sill in the case of bedroom windows.
100. A designated bicycle parking area is to be provided in the basement car park under Building B to accommodate for the parking of at least 6 bicycles to ensure that full compliance is achieved with Part 6.8 of CDCP 2012.

GENERAL DESIGN

101. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
102. All disabled parking space dimensions, cross-falls, vertical clearances for access paths and above spaces are to be in accordance with the requirements of AS2890.6.
103. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
104. All bicycle spaces are to be provided in accordance with AS2890.3.
105. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
106. The bathroom and ensuite window(s) being translucent glass.
107. Storage area of at least 6m³ is to be provided for each studio/one bedroom unit, 8m³ per two bedroom dwelling and 10m³ per three bedroom dwelling.
108. The proposal to provide a mirror at both ends of the single lane ramp in the basement car park.
109. Provide a communal antenna on the rooftops of Building A, Building B and Building C.
110. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
111. 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.
112. 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.
113. All building construction work must comply with the National Construction Code.
114. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.

115. 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.
116. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
117. 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.
118. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
119. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
120. 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.
121. 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.
122. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
123. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
124. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
125. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
126. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
127. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
128. 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.
129. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
130. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior

approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

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

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

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

131. 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."

CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013

132. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The monetary contribution of \$487,590.86 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$44103.22
• Open Space & Recreation	\$431079.08
• Plan Administration	\$12408.56

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

STORMWATER ENGINEERING

133. 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.

134. 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.
135. 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.
136. 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.
137. 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.
138. 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.
139. 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.
140. 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.
141. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
142. 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.

CRIME PREVENTION & COMMUNITY SAFETY

143. All access points to the building (this would include lifts and stairwells) are to be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
144. The storage units located in the vicinity of the car spaces be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
145. The basement carpark is to be painted the colour 'white' to increase lux levels and light reflection.
146. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
147. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
148. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
149. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
150. The installation of CCTV cameras at the street frontages of the buildings and at access to the basement carpark. This measure will ensure that the site is monitored at all times.
151. Residents are to be made aware of Council's Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.
152. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
153. Signage is to be installed at all driveways, entry and access points.

DISABILITY ACCESS

154. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.

ACOUSTICS

155. Carry out all recommendations in Part 6 of the Preliminary DA Acoustic Report – Traffic Noise prepared by Acoustic Solutions P/L 12 December 2013.

SYDNEY WATER REQUIREMENTS

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

CRITICAL INSPECTIONS

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

Class 2, 3 or 4 Buildings

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

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

ADDITIONAL INSPECTIONS

158. 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

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

STAGE 4 - CONSTRUCTION OF 'BUILDING A' COMPRISING 20 APARTMENTS

'BUILDING A' CONDITIONS

The balconies of Units A4.01, A4.05, A5.01, A5.05, A6.01 and A6.04 are to be deleted. The 'B2' rooms in each of these two units are to become balconies. Units A4.01, A4.05, A5.01, A5.05, A6.01 and A6.04 A6.01 and A6.04 will become 'one bedroom' units.

160. All balconies for Units A4.01, A4.05, A5.01, A5.05, A6.01 and A6.04 are to be installed with privacy screens to a total height of 1800mm using a combination of fixed and moveable panels and covering a minimum of two thirds of the length of the balconies.
161. The balconies of Unit A6.02 and A6.03 (on the fourth storey) must be reduced in depth so that they have a maximum depth of 2 metres (this relates to the balconies of Unit A6.02 and A6.03).

GENERAL DESIGN

162. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
163. All disabled parking space dimensions, cross-falls, vertical clearances for access paths and above spaces are to be in accordance with the requirements of AS2890.6.
164. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
165. All bicycle spaces are to be provided in accordance with AS2890.3.

166. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
167. The bathroom and ensuite window(s) being translucent glass.
168. Storage area of at least 6m³ is to be provided for each studio/one bedroom unit, 8m³ per two bedroom dwelling and 10m³ per three bedroom dwelling.
169. The proposal to provide a mirror at both ends of the single lane ramp in the basement car park.
170. Provide a communal antenna on the rooftops of Building A, Building B and Building C.
171. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
172. 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.
173. 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.
174. All building construction work must comply with the National Construction Code.
175. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
176. 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.
177. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
178. 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.
179. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
180. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
181. 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.
182. 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.
183. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.

184. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
185. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
186. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
187. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
188. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
189. 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.
190. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
191. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

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

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

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

192. 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."

CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013

193. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The monetary contribution of \$231,232.29 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$20915.52
• Open Space & Recreation	\$204429.82
• Plan Administration	\$5886.95

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

STORMWATER ENGINEERING

194. 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.
195. 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.
196. 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.
197. 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.
198. 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.

199. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 4 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".
200. 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.
201. 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.
202. 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.
203. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

PUBLIC IMPROVEMENTS

204. 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".
205. The reconstruction of the kerb and gutter along all areas of the site fronting Hampden Road and Lakemba Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
206. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Hampden Road and Lakemba Street. 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".
207. 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.

CRIME PREVENTION & COMMUNITY SAFETY

208. All access points to the building (this would include lifts and stairwells) are to be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.

209. The storage units located in the vicinity of the car spaces be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
210. The basement carpark is to be painted the colour 'white' to increase lux levels and light reflection.
211. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
212. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
213. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
214. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
215. The installation of CCTV cameras at the street frontages of the buildings and at access to the basement carpark. This measure will ensure that the site is monitored at all times.
216. Residents are to be made aware of Council's Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.
217. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
218. Signage is to be installed at all driveways, entry and access points.

DISABILITY ACCESS

219. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.

ACOUSTICS

220. Carry out all recommendations in Part 6 of the Preliminary DA Acoustic Report – Traffic Noise prepared by Acoustic Solutions P/L 12 December 2013.

CONSOLIDATION OF LOTS

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

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

222. For 10 years from the date of the issue of the Occupation Certificate:
 - All dwellings within Building A, except for Unit A6.02 (being Units A3.01, A3.02, A3.03, A3.04, A3.05, A3.06, A4.01, A4.02, A4.03, A4.04, A4.05, A5.01, A5.02, A5.03, A5.04, A5.05, A6.01, A6.03 & A6.04) proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and will be managed by a registered community housing provider.
223. A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the above requirements are met.

SYDNEY WATER REQUIREMENTS

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

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

Class 2, 3 or 4 Buildings

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

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

ADDITIONAL INSPECTIONS

226. 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

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

WE ALSO ADVISE:

- i. This application has been assessed in accordance with the National Construction Code.
- ii. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development
- iii. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air Handling Systems
 - Final Fire Safety Certificate
 - Glazing
 - BASIX completion
 - Water Proofing

- iv. This application has been assessed in accordance with the National Construction Code.
- v. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act" and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
- x. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
- xi. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
- xii. If you are not satisfied with this determination, you may:
 - Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of receipt of this Notice of Determination; or
 - Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.