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| JRPP Ref. No. | 2014SYE063 |
| D/A No. | DA-142/2014 |
| Property | Proposed Lot 42, 60 Charlotte Street, Campsie (Stage 3) |
| Proposal | Development application for the construction of a mixed use development comprising a retail component, mini-major tenancy, supermarket with 290 residential apartments, community centre with associated basement car parking and strata and stratum subdivision. |
| Zoning | B1 – Neighbourhood Business under the provisions of Canterbury Local Environmental Plan 2012 |
| Applicant | Mr. Richard McLachlan (Australand) on behalf of Clemton Park Developments No. 1 and No. 2 |
| Report By: | Hassan Morad – Senior Planner |

EXECUTIVE SUMMARY

- Council has received a development application for Stage 3 of the approved Concept Plan development on the former Sunbeam Factory site, known as Clemton Park Village. Specifically the development application relates to Lot 42 within the Concept Plan approval and seeks consent for the construction of a mixed use development comprising a retail component, mini-major tenancy, and supermarket with 290 residential apartments, community centre with associated basement car parking and strata and stratum subdivision.
- The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the Environmental Planning and Assessment Act, 1979, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- On 4 February 2010, Major Project Concept Plan MP No. 07_0106, and Project Application MP No. 08_0087, prepared under Part 3A of the Environmental Planning and Assessment Act, 1979 (EP&A Act) was approved by the then Minister for Planning under Section 75O of the EP&A Act for a mixed use redevelopment of the former Sunbeam Factory site to include multiple unit residential development, seniors living development, commercial offices, specialty retail, convenience retail, supermarket, medical centre and child care centre.
- An application to modify the Concept Approval (Modification 6) was approved by the Department of Planning and Environment pursuant to Section 75(W) of the Environmental Planning and Assessment Act on 5 September 2014. The modification involved the transfer of the residual GFA from the modified building envelopes in Lot 31 (proposed as part of Modification 5) to Lot 42, the relocation of GFA required the addition of a further storey on two of the approved building envelopes within Lot 42 and approval was granted for a minor reallocation of retail and community GFA to residential on Lot 42.
- The subject site is zoned B1 – Neighbourhood Business under the provisions of Canterbury Local Environmental Plan 2012. By virtue of

Schedule 1 under CLEP 2012, residential flat buildings, commercial premises and community facilities are listed as permissible land uses on land known as 60 Charlotte Street, Campsie and identified as 'B' on the Key Sites Map with development consent.

- The development application has been assessed against the provisions contained within the relevant State Environmental Planning Policies, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan (CDCP) 2012. The proposed development is generally compliant with the requirements of these environmental planning instruments, development control plan and policies. Issues of non-compliance have been addressed in the body of this report.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of CDCP 2012. No submissions were received during this period.
- The development application is recommended for approval subject to conditions.

BACKGROUND

On 4 February 2010, Major Project Concept Plan MP No. 07_0106, and Project Application MP No. 08_0087, prepared under Part 3A of the Environmental Planning and Assessment Act, 1979 (EP&A Act) was approved by the then Minister for Planning under Section 75O of the EP&A Act for a mixed use redevelopment of the former Sunbeam Factory site to include multiple unit residential development, seniors living development, commercial offices, specialty retail, convenience retail, supermarket, medical centre and child care centre.

The approval also included a minimum area of public open space, indicative building envelopes, site demolitions and remediation, subdivision, road construction and landscaping. The application was approved subject to various 'Terms of Approval', 'Further Assessment Requirements' and a number of 'Statement of Commitments'.

This Concept Plan since has been modified six times, pursuant to Section 75W of the EP&A Act, as follows:

1. Modification No. 1 was approved on 15 December 2011 for amendments to the Concept Plan Approval, including the addition of residential display suites as a permissible use on the land.
2. Modification No. 2 was approved on 1 June 2012 for a change to the number of buildings contained within Lot 21 (Stage 2) from 6 buildings to 3 buildings.
3. Modification No. 3 was approved on 29 January 2013 which amended the maximum permissible height to between five and seven storeys on Proposed Lot 41 and updated the 'Further Assessment Requirements' and 'Statement of Commitments'.
4. Modification No. 4 was approved on 18 December 2013 for the revision of the building envelopes for the retail, residential and community uses on proposed Lot 42.
5. Modification No. 5 was approved on 11 June 2014 for the replacement of two building envelopes on proposed Lot 31 with one building envelope and

the reduction of the building height on proposed Lot 31 from four – six storeys to three storeys.

6. Modification No. 6 was approved on 5 September 2014 for the transfer of the residual GFA from the modified building envelopes in Lot 31 (proposed as part of Modification 5) to Lot 42, relocation of GFA required the addition of a further storey on two of the approved building envelopes within Lot 42 and approval was granted for a minor reallocation of retail and community GFA to residential on Lot 42.

RELATIONSHIP OF PART 3A APPROVAL AND THE SUBJECT PART 3 APPLICATION

The approval issued by the then Minister for Planning under Section 75O of the Environmental Planning and Assessment Act, 1979 was for a mixed use redevelopment of the former Sunbeam Factory site to include multiple unit residential development, seniors living development, commercial offices, specialty retail, convenience retail, supermarket, medical centre and child care centre. The approval also included a minimum area of public open space, indicative building envelopes, site demolitions and remediation, subdivision, road construction and landscaping. As noted previously, subsequent approvals issued under Section 75W of the Environmental Planning and Assessment Act, 1979 made amendments to certain components of the concept approval, including the range of permissible land uses.

As noted above, the decision of 4 February 2010 included consent for the concept of the redevelopment of the entire site and the third stage approval for Lot 42 which includes a mixed use development incorporating retail, residential and community uses. The Joint Regional Planning Panel is the consent authority for subsequent stage of the development.

SUBJECT SITE

The subject site occupies Lot 42 of the Clemton Park Village, known as, Part 60 Charlotte Street, Campsie. The site is approximately 1.402ha and is rectangular in shape. The land to which the Stage 3 DA relates is identified within the context of the broader Clemton Park Village site as shown in Figure 1 below. An aerial is shown in Figure 2.

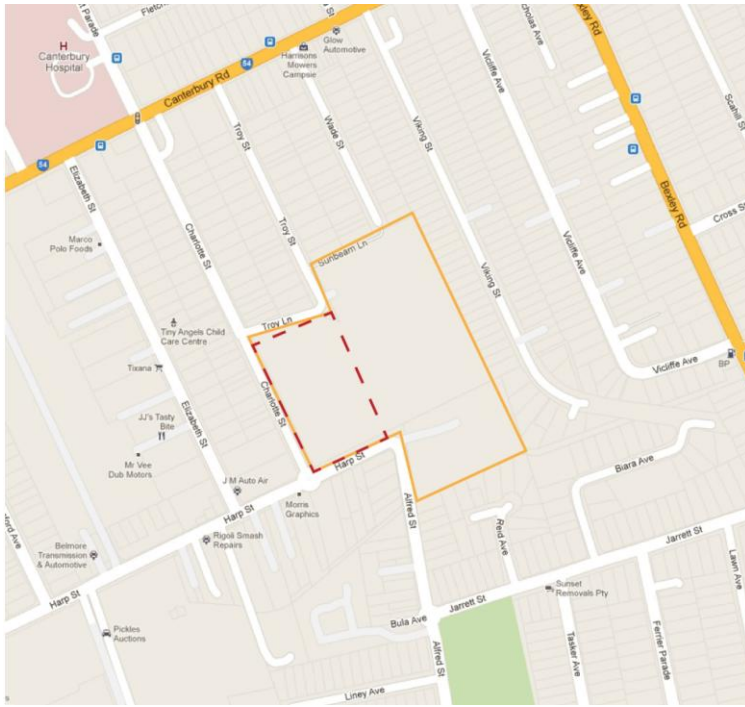


Figure 1. Clemton Park Village Location Plan, Source: *Stage 3 – Clemton Park Village – Statement of Environmental Effects*, p.6.



Figure 2. Stage 3 Source: *Stage 3 – Clemton Park Village – Statement of Environmental Effects*, p.7.

The Stage 3 site is largely cleared, following the demolition and site establishment works completed under the approved Stage 1 Project Application.

To the north of the subject site, on Proposed Lot 11, is a four storey residential development and child care centre approved under the original Concept Plan approval by the then Minister for Planning. This development has been completed. To the east, on Proposed Lot 21, is a site that has been approved

for three, three storey residential flats building containing a total of 78 apartments. The development has been completed and is now occupied.

To the south, on Proposed Lot 31, is the future location of a senior's living and aged persons development also approved under the original Concept Plan. Development approval was granted on 30 July 2014 for the seniors' living development.

Proposed Lot 42, the subject of this development application is located on the opposite side of proposed Mackinder Street, is the Town Centre Precinct that will contain a mixed use development incorporating retail, residential and community uses, again approved under the original Concept Plan.



Figure 3. Clemton Park Village Master Plan. Source: *Stage 3 – Clemton Park Village – Statement of Environmental Effects*, p. 10

PROPOSAL SUMMARY

Council has received a development application for the construction of a mixed use development comprising the following:

- Construction and use (including hours of operation) of a retail podium comprising of a supermarket, mini major and specialty and convenience retail space;
- Construction and use of 290 apartments sleaved around the exterior of the podium spread across five (5) residential flat buildings above the retail podium;
- Construction of a publically accessible plaza, community garden and community centre;
- Excavation and construction of a two storey basement comprising of 277 retail and 395 residential spaces; and
- Staged Strata Title subdivision of the residential development and Stratum subdivision into two (2) lots.

Details of the proposal are shown in the tables below:

Table 1 – Key development information

| Component | Proposal |
|--|----------------------|
| Site area | 14,020m ² |
| GFA | 29,863m ² |
| ▪ Retail | 6,905m ² |
| ▪ Residential | 22,722m ² |
| ▪ Community Facility | 236m ² |
| Maximum Height | 7 Storeys |
| Apartments | 290 |
| Apartment Mix | |
| ▪ 1 bedroom | 26% (75) |
| ▪ 2 bedroom | 73% (212) |
| ▪ 3 bedroom | 1% (3) |
| Car spaces | 675 |
| ▪ Retail | 280 |
| ▪ Residential | 395 |
| Plaza Area | 1,350m ² |
| Total Landscape Area | 5,443m ² |
| – Total Podium Planting Area | 1,730m ² |
| – Total Podium Paved Area – including Private Courtyards | 3,713m ² |

Source: Stage 3 – Clemton Park Village – Statement of Environmental Effects, p. 14.

Retail Podium

The application seeks consent for the construction of 6,996sqm of retail floorspace comprising of the following:

- Supermarket: 3,623sqm;
- Mini-major: 1,052sqm;
- Specialty tenancies: 2, 022sqm (16 in total); and
- Associated amenities and retail storage rooms: 299sqm.

The retail component of the proposal is set around a new publically accessible plaza and joining link creating a podium for the development with residential apartment buildings and landscaping atop.

Access to the retail precinct is provided at ground level off Mackinder Street and from Charlotte Street via central pedestrian streets between Buildings 2 and 3.

The application also seeks consent for the following hours of operation for the retail component of the development:

- Retail Centre Hours (including Supermarket): 6am to midnight, 7 nights a week;
- Loading Dock Hours: 7am to 10pm, 7 days a week.

Residential Apartment Buildings

The residential component comprises five (5) buildings above the retail podium. The residential flat buildings are designed in accordance with the envelopes in the Concept Plan (as modified).

In addition to residential buildings set above the podium, a number of two (2) storey loft style apartments are located around the edge of the podium to activate street frontages. Table 2 provides a summary of key numeric detail for each proposed building.

Table 2. Unit and Bedroom Mix

| UNIT MIX | | | | | | | | | | | | | | | |
|------------------|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|
| Building | Building 1 | | | Building 2 | | | Building 3 | | | Building 4 | | | Building 5 | | |
| | 1B | 2B | 3B | 1B | 2B | 3B | 1B | 2B | 3B | 1B | 2B | 3B | 1B | 2B | 3B |
| B2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| B1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| G | 0 | 7 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 11 | 0 |
| M | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 3 | 0 |
| P | 2 | 7 | 0 | 5 | 5 | 0 | 4 | 4 | 1 | 5 | 7 | 1 | 1 | 15 | 1 |
| L1 | 3 | 9 | 0 | 2 | 8 | 0 | 5 | 5 | 0 | 5 | 8 | 0 | 1 | 16 | 0 |
| L2 | 3 | 9 | 0 | 2 | 8 | 0 | 5 | 5 | 0 | 5 | 8 | 0 | 1 | 16 | 0 |
| L3 | 0 | 0 | 0 | 2 | 8 | 0 | 5 | 5 | 0 | 5 | 8 | 0 | 0 | 11 | 0 |
| L4 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 5 | 8 | 0 | 0 | 11 | 0 |
| SUB TOTAL | 8 | 32 | 0 | 11 | 34 | 0 | 24 | 24 | 1 | 27 | 39 | 1 | 5 | 83 | 1 |

In total, the development will provide two hundred and ninety (290) apartments consisting of seventy-five (75) one bedroom, two hundred and twelve (212) two bedroom and three (3) three bedroom apartments, including twenty-nine (29) adaptable apartments.

Consent is also sought for the first stage of the strata subdivision of Stage 3. The subdivision will comprise 90 lots, 89 lots within Building 5 and a residue lot for the remaining stages.

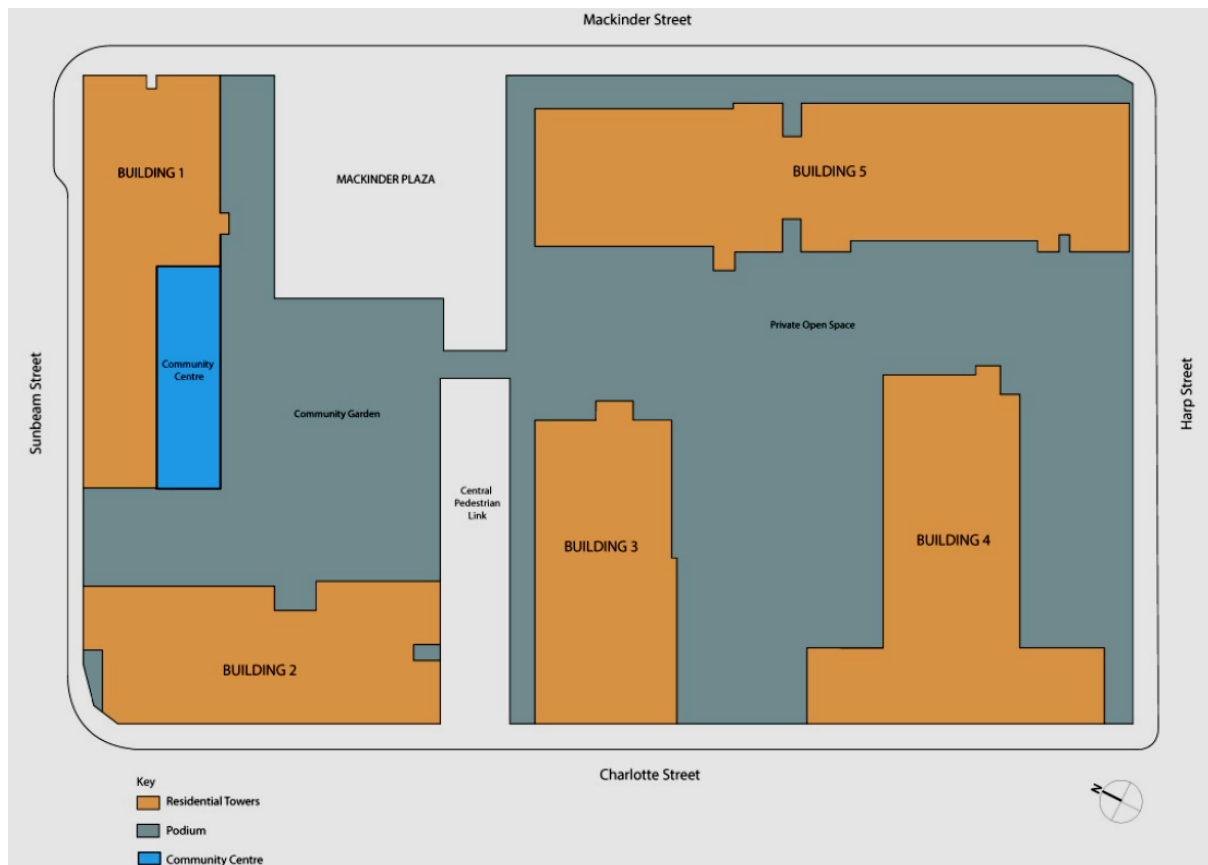


Figure 5. Proposed Site Layout Plan. Source: *Stage 3 – Clemton Park Village – Statement of Environmental Effects*, p. 15.

Public Plaza, Garden and Community Centre

The proposed development will also provide a range of community facilities including:

- 1,350sqm public plaza facing Mackinder Street;
- 236sqm community centre; and
- A community garden on the podium level with raised beds for communal gardening, a sensory garden and a suspended platform from the podium level over the plaza with timber seating.

It is intended that access to these areas will be by way of Right of Ways and Easements on title.

Pedestrian Access

Retail Access

Pedestrian access to the retail component of the development will be provided at ground level from Mackinder Street, in addition to access from Charlotte Street via the central pedestrian link.

Primary access to the plaza is to be provided via stair and ramp access off Mackinder Street.

As noted previously, Major Project Concept Plan MP No. 07_0106, prepared under Part 3A of the EP&A Act was approved on 4 February 2010 for a mixed use redevelopment of the former Sunbeam Factory site to include multiple unit residential development, seniors living development, commercial offices, specialty retail, convenience retail, supermarket, medical centre and child care

centre. The subject development application represents Stage 3 of the Concept Plan Approval.

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

INTERNAL REFERRALS

The development application was referred to a number of internal sections of Council for comment and the advice received is summarised below:

- **Fire Safety and Building Related Comments**

The development application was accompanied by a Preliminary Building Assessment Report prepared by Brentnall Technical Solutions. The report concludes that there are a number of aspects that do not comply with the 'deemed to satisfy' provisions of the National Construction Code. However, these matters may be addressed by an alternative solution without need to modify the design of the building. The development application and accompanying report were referred to Council's Fire Safety Officer for comment who has raised no objections to the proposal subject to certain conditions being included as part of any consent issued.

- **Environmental Health and Compliance Comments**

The development application was referred to Council's Regulatory Services section for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

- **Waste Management Comments**

The development application was referred to Council's Waste Services Section for comments. Concerns were raised regarding the proposed compaction rates for general waste material and waste that will be generated in the demolition and construction phase of the development. These concerns have been included and imposed as conditions of consent, ensuring that the on-going and operational waste management procedures of the development is satisfactory and is in accordance with Part 6.9 of CDCP 2012.

- **Landscape Architect Comments**

The development application was referred to Council's Landscape Architect for comments who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

- **Development Engineer Comments**

The development application was referred to Council's Development Engineer for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

- **Disability Access Comments**

The development application was referred to Council's Disability Access Committee for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

- **Crime Prevention Comments**

The development application was referred to Council's Youth and Safety Team Leader for comment who, in consultation with a representative of the NSW Police Local Area Command, advises that no objections are raised to the proposed development subject to the inclusion of a number of conditions.

EXTERNAL REFERRAL ADVICE

Roads and Maritime Services

The development application has also been referred to Roads and Maritime Services in accordance with the requirements of Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The Roads and Maritime Services has advised that it raises no objection to the proposed development subject to conditions being imposed on any development consent issued.

STATUTORY CONSIDERATIONS

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

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

- (a) Section 75O of the Environmental Planning and Assessment Act, 1979
- (b) State Environmental Planning Policy (Infrastructure) 2007
- (c) State Environmental Planning Policy No. 55 – Remediation of Land
- (d) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- (e) State Environmental Planning Policy (BASIX) 2004
- (f) Canterbury Local Environmental Plan 2012
- (g) Canterbury Development Control Plan 2012
- (h) 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:

Section 75O of the Environmental Planning and Assessment Act, 1979

The Concept Approval Plan referred to previously was issued under the provisions of Section 75O of the Environmental Planning and Assessment Act, 1979. The approval included various terms of approval (similar to conditions of consent), further assessment requirements and a series of statement of

commitments. The proposed development has been lodged having regard to this concept approval and Concept Plan Modification 6 and satisfies the requirements of that approval. The following discussion deals with some of the more relevant aspects of these terms of the concept approval (as modified).

i. Gross Floor Area

Condition A3 of the Concept Plan Approval noted that the maximum gross floor space permitted for the development on Lot 42 is 29,863 square metres. Plans submitted with the development application indicate that the total gross floor area of the proposed development is 29,863 square metres to comply with the relevant condition of the Concept Plan Approval.

ii. Building Height

Conditions A4 and A6 of the Concept Plan Approval noted that the maximum height of the proposed building for development on Lot 42 shall be a maximum of eight storeys. The proposed development is consistent with the building heights contained on the drawings provided with the Section 75W application approved by the Department of Planning and Environment on 5 September 2014 and on this basis are acceptable.

iii. Car Parking

Conditions A5 of the Concept Plan Approval states that the maximum number of spaces to be provided for residential and commercial component of the development shall not exceed the following:

| | | |
|---------------|---|--|
| Residential | - | 1 space per 1 bedroom unit 1.2 spaces per 2 bedroom unit 2 spaces for 3 bedroom unit |
| Visitor | - | 1 space per 5 units for visitors |
| Commercial | - | 1 space per 40 square metres |
| Retails | - | 1 space per 25 square metres |
| Car Wash Bay- | | 1 space per development |

Based on the following rates, the proposed development is required to provide 336 spaces for the residential component, 58 visitor spaces, a car wash bay and 277 retail spaces, or a total of 672 off-street car parking spaces. Plans forwarded with the development application show provision for 672 off-street car parking spaces within two levels of basement to comply with the above requirement of the Concept Plan Approval.

iv. Building Form Controls

Item 3 within Schedule 2 of the Concept Plan Approval states that connections between tower elements and above podium elements are not permitted over public streets, pedestrian links or plaza areas, with the exception of the following:

- (a) A bridge link between the landscaped podiums on Lot 42 generally in the location shown on Plan S75W 2.06 Issue H dated 03.10.13, subject to the bridge being open to the sky (not enclosed) and slender in design. The proposal is consistent with Condition A6(3). The

proposed pedestrian bridge link is generally in the location shown on the plans and is open to the sky and slender in design.

v. Building Separation

Item 1 within Schedule 3 (Further Assessment Requirements) of the Concept Approval states that future residential development shall be provided with adequate building separation in order to maintain privacy and provide an acceptable built form for the site. Future proposals are also required to demonstrate compliance with the building separation controls contained within the Residential Flat Design Code. Further, development that proposes less than the recommended building separation distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.

The proposed development complies with the building separation distances of the Residential Flat Design Code. Further, an assessment of the individual merits of the proposal has been undertaken against the daylight access, urban form and visual and acoustic privacy measures required by the Item 1 within Schedule 3 (Further Assessment Requirements) of the Concept Plan Approval. These matters will be discussed in a later section of this report under the 'State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development' heading.

vi. Housing for Seniors or People with a Disability

Item 1 within Schedule 3 (Further Assessment Requirements) of the Concept Approval requires details to be provided with any future development on Lot 42 demonstrating that a minimum of 10% of apartments are designed as adaptable apartments.

The plans accompanying the development application provide 29 apartments in the Stage 3 Lot 42 development to be adaptable and suitable for seniors or people with a disability. This is 10% of total apartments.

vii. Building Articulation

Item 5 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that future residential development shall demonstrate sufficient building modulation/articulation to provide an acceptable built form outcome for the site.

The proposal has been designed to foster the identity of the Clemton Park Village neighbourhood and provide the utmost quality of design and amenity for residents. The modulation of the development accounts for individual land uses, access and orientation conditions within Proposed Lot 42. Buildings are articulated with a variety of materials and openings to differentiate facades of the residential towers and the podium, and create a visually appealing development that integrates positively with the urban form of the surrounding neighbourhood.

The podium and residential towers are designed to be evenly spread across the Proposed Lot 42. The modulation and articulation of the building design is in accordance with the Further Assessment Requirement No. 5.

viii. Public Transport

Item 8 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that adequate negotiations have been undertaken with Transport for NSW and private bus companies servicing the area regarding the alteration of existing bus routes to provide services along Charlotte Street, and Harp Street.

The Proponent shall liaise with Transport for NSW as the number, location, and timing of the provision of the bus stops, which will also be subject to approval by Canterbury Council's Local Traffic Committee. The Proponent shall provide new bus stops and associated bus stop infrastructure on Harp Street and Charlotte Street, as required by Transport for NSW, to relevant standards and at no cost to Canterbury Council. Evidence of relevant communications with Transport for NSW shall be submitted with the Development Application for each stage of the development.

A copy of correspondence from Transport for NSW has been submitted and states that Transport for NSW can reroute Route 490 buses via Harp and Charlotte Streets, towards the end of 2014. The letter also states that Transport for NSW would not support the circulation of STA bus services through Clemton Park's internal street network. Further Assessment Requirement Item 8 is considered to be satisfied in this instance.

ix. Car Share

Item 9 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that adequate car share arrangements for residents will be provided. Australand has been in contact with Go Get who advise no services are provided to Campsie or Clemton Park and it is unlikely to be a high usage area, pre and post Clemton Park Village development. Go Get are unwilling to provide car share facilities for the development without contributions from the developer. Consequently, it is considered that the provision of car parking spaces negates requirements for car share provisions.

Discussions between Canterbury City Council and Australand were undertaken and both parties resolved that not providing car share spaces in Proposed Lot 42 is a reasonable outcome based on the above.

x. Water Sensitive Urban Design

Item 11 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that Water Sensitive Urban Design practices be maximised by:

- a) Treating stormwater to achieve stormwater reduction targets recommended for urban development targets recommended for urban development set out in the Botany Bay and Catchment Water Quality Improvement Plan 2011, as follows:
 - 85% reduction in Total Suspended Solids;
 - 60% reduction in Total Phosphorus;
 - 45% reduction in total Nitrogen
- b) Maximizing stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.

- c) Preparing a Water Management Plan for the site to ensure efficient and minimised use of potable water and positive impacts for improved water quality for water leaving the site.

The proposed development has been designed to meet water quality objectives as required by the Botany Bay and Catchment Water Quality Improvement Plan 2011 as detailed in the Stormwater Drainage Concept Plan.

xi. Open Space

Item 13(a) and (b) in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that any future application for development on Proposed Lot 42 shall demonstrate that open space areas are clearly accessible and correspond to the surrounding public domain. Further, details are to be provided with future applications demonstrating that open space areas will be publically accessibly by way of right of Ways and Easements.

An Accessibility Statement prepared by Accessibility Solutions demonstrates that all proposed open space areas are accessible and correspond (in grade) to the surrounding public domain. Necessary Right of Way and Easements for access will be created on the Final Plan of Subdivision for all open space areas to ensure compliance with Further Assessment Requirement No. 13(b).

xii. Landscaping

Item 14 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that detailed landscape plans be submitted with future applications demonstrating that sufficient deep soil will be provided for landscaping, and that all ground covers and shrubs proposed for street planting adjacent carriageways and vehicular accesses will have a maximum expected height of 600mm.

Group GSA has prepared detailed landscape plans submitted with the SEE which demonstrate sufficient deep soil planting is provided. The plans also demonstrate that all ground covers and shrubs proposed for street planting adjacent to carriageways and vehicular accesses will have a maximum expected height of 600mm. Further Assessment Requirement Item 14 is considered to be satisfied.

xiii. Flooding

Item 15 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires the following:

- (a) Future applications for development shall demonstrate that habitable floor levels are a minimum of 0.5m above the 100year ARI flood level;
- (b) An amended Flood Emergency and Evacuation Plan be prepared based on the final configuration of the proposed construction at the site.

Further Assessment Requirements Item 15(a) and 15(c) do not apply to Proposed Lot 42. Further Assessment Requirement Item 15(b) is satisfied by the Stormwater Drainage Concept Plan prepared by Craig and Rhodes which demonstrates that the proposed developments habitable floor levels are above the minimum 0.5m above the 100 year ARI Flood Level.

xiv. Gross Floor Area Calculations

Item 16 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that a Surveyor endorsed A3 set of drawings with each future application provide the following detailed information:

- (a) Show and number the included and excluded floor area for each level;
- (b) Show the breakdown and cumulative total for each level of gross floor areas;
- (c) Demonstrate the project is contained within the approved building envelopes; and
- (d) Demonstrate that the design does not exceed the maximum permitted GFA for each development parcel.

GFA Certification provided by Dunlop Thorpe & Co verifies the floor space proposed by the DA has been calculated in accordance with the Canterbury Local Environmental Plan 2012 as referred to in Condition A2(d) of the Concept Plan Approval. Further Assessment Requirement Item 16 has been satisfied in this instance.

xv. Supermarket

Item 18 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires the following:

- (a) Any elevation of the supermarket that fronts a street will be adequately treated to relate to the streetscape; and
- (b) The design of the supermarket provides adequate links to Charlotte Street and the pedestrian link/plaza.

The supermarket is designed to front the plaza which is set back from the street. The supermarket exterior walls are treated with painted masonry, timber composite paneling and environmental graphic designs, which soften the appearance of the blank walls and creates visual interest along the streetscape. Window elements along Charlotte Street break up the bulk of the podium and respond the surrounding streetscape.

The supermarket is linked with Charlotte Street both through the plaza linkages with Lot 41 and the pedestrian central pedestrian link through to Charlotte Street. The cross site linkage provides convenient pedestrian access to the supermarket from the surrounding neighbourhood and Clemton Park Site.

xvi. Access

Item 20 in Schedule 3 (Further Assessment Requirements) requires that future applications shall demonstrate that accesses to basement parking and loading and unloading areas achieve compliance with applicable requirements of AS2890.1 and AS2890.2 and Council, as relevant.

The Traffic Impact Assessment prepared by Traffix confirms the proposed access arrangements to and from the basement car parking and (un)loading areas satisfies AS2890.1 and AS2890.2 as relevant to the proposal. Further Assessment Requirement Item 20 has been satisfied.

xvii. Retail Car Parking on Lot 42

Item 21 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires future applications for development on Proposed Lot 42 demonstrate the following:

- (a) There is adequate car parking spaces for the retail GFA of 7,655sqm and that compliance is achieved with the maximum rate of 1 car space per 25sqm;
- (b) There is appropriate signage in the retail car park for drivers to use the correct exit for their destination;
- (c) Any stacked car parking space is allocated to the same tenancy staff (if retained in the design). No stacked parking should be provided in the public parking area.

The Traffic Impact Assessment demonstrates that the proposed car parking spaces are sufficient for the retail GFA and complies with the Concept Plan's parking rates. Additional, signage and stacked parking have been provided for in accordance with the Concept Plan.

xviii. Unit Amenity (Lot 42)

Item 22 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires that future applications for development on Proposed Lot 42 are to demonstrate that appropriate privacy and acoustic attenuation measures are provided to units addressing Sunbeam Street, Mackinder Street, Harp Street and Charlotte Street to ensure that their internal amenity is not compromised.

An Acoustic Report is to be submitted with future applications demonstrating that appropriate attenuation measures have been incorporated into the building design to minimise the noise impacts generated by the use of the loading docks and car park entries/exits, amenities, building plan and service/garbage areas.

Principal treatments are detailed in the Noise Impact Assessment prepared by Acoustic Logic outlines appropriate attenuation measures have been incorporated into the proposed development.

xix. Loading Docks (Lot 42)

Item 23 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires the following:

- (a) Loading docks on Sunbeam Street and Harp Street are internalized to minimise the acoustic and visual impacts on the surrounding residential uses;
- (b) Where it is demonstrated that the internalization of the loading docks are not possible, as required by 23(a) above, appropriate landscaping and architectural treatments are to be provided at ground floor to reduce the visual impact of the entry-exit points;
- (c) Appropriate swept path plans are to be provided at critical locations for all loading dock driveways.

The Traffic Impact Assessment demonstrates the internal design of loading docks, complies with the requirements of AS2890.1(2004), AS2890.2 (2002) and all critical vehicle movements have been assessed using swept path analysis and demonstrate satisfactory operation.

xx. Building 4 (Lot 42)

Item 24 in Schedule 3 (Further Assessment Requirements) of the Concept Approval requires the following design requirements be incorporated:

- (a) The podium level of Building 2 fronting Charlotte Street accommodate 2 storey residential development i.e. loft terraces. The design is to generally be in accordance with Drawings SK111 Rev. C and SK 113 Rev. C prepared by Group GSA dated 24/9/2013;
- (b) The built form above the podium level fronting Charlotte Street is to be articulated including the use of architecture, materials and finishes, to break up the visual mass.

The podium level is generally consistent with the approved Concept Plan Approval. Loft Terraces have been provided along Mackinder Street as required by Further Assessment Item No. 24(a). Additionally, the built form on Charlotte Street incorporates layering, variation in building material and careful design of balconies and building façade to break up the visual mass of Buildings 2, 3 and 4 fronting Charlotte Street.

xxi. Pedestrian Links

Item 25 in Schedule 3 (Further Assessment Requirements) of the Concept Approval require that pedestrian links between Proposed Lot 42 and adjoining blocks are to be resolved to minimise the potential for pedestrian and vehicular conflict. In particular, the potential conflict between the proposed residential driveway on Mackinder Street and the nearby raised pedestrian threshold should be resolved.

The location of pedestrian and vehicular entry and exit points have been placed to reduce potential for conflict through provision of main entry points being separated and proposer signage and traffic attenuation measures.

Schedule 4 – Statement of Commitments

The project will be carried out generally in accordance with the requirements as identified in Schedule 4 – Statement of Commitments as detailed in Appendix P – Consistency with the Concept Plan of the submission.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 aims to facilitate the effective delivery of infrastructure, including by providing appropriate consultation with relevant public authorities about certain development during the assessment process.

The subject site is located approximately 300 metres south of Canterbury Road which is a classified road for the purposes of the SEPP. In accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007, the proposed development falls under the requirements of Schedule 3 of the SEPP and requires referred to Roads and Maritime Services.

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

Given the prior history of the site and its use for industrial purposes, the issue of contamination of the site was considered as part of the assessment of the Part 3A Concept Approval. A Remediation Action Plan was prepared which identified the appropriate methods for the clean up of the land. Following this process, a site audit report was prepared which confirmed that the site was suitable for the proposed end use of the site for a variety of activities. The proposal therefore satisfies the requirements of the SEPP.

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

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

The development application has been accompanied by a detailed Design Verification Statement prepared by the registered architect for the project which addresses the proposal against the ten design principals and an assessment of the proposal against those matters contained within the 'Residential Flat Design Code' and suggested 'Rules of Thumb'.

Scale

The scale of the proposed development complies with the envelope controls in the approved concept plan (as modified). As such, it is considered that the proposal is consistent with the scale of development envisaged by these controls. Further, the massing and scale of Stage 3 adopts a similar approach to the neighbouring site approved under Stage 4 and provides adequate distance to the adjoining residential units.

Context

The mixed-use development is consistent with the approved concept plan (as modified) for the site. Stage 3 of the development provides residential flat buildings, commercial premises, community facility and public plaza. The proposal is considered to make a positive contribution to the quality and amenity of the area as is reflective of the approved concept plan.

Built Form

The proposal achieves the built form objectives as it contributes positively to the streetscape from Charlotte Street, Mackinder Street, Harp Street and Sunbeam Street to provide a high level of amenity for residents and tenants. The mixed use nature of the proposal is appropriate in context of the previously approved stages of the development. The development provides architectural treatments

such as timber composite panels, mixture of face brick, masonry and glass which results in a well-considered distinctive architectural design.

Density

The proposed development has been designed with regard to the existing and future densities established across Clemton Park Village and represents an appropriate density for the site.

Resource, Energy and Water Efficiency

The applicant has submitted a BASIX Certificate, demonstrating that the proposal achieves the relevant energy efficiency standards as specified by the SEPP. The proposal is consistent in the application of cross-flow ventilation and solar access to each individual unit. The design of the units contributes to the solar passive design and energy efficiency of the development.

Landscape

The development provides good amenity for future occupants with each apartment being provided with generous balcony/terrace spaces that are useable. The development will provide common open space areas with sufficient depth to support deep soil planting.

Amenity

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

Safety and Security

Satisfactory provision for security to lift lobby for access to dwellings and upper levels is provided. The design has entry points that are easily distinguishable and not concealed by structures and landscaping. The proposal has been reviewed in accordance with our Crime Prevention Through Environmental Design requirements and the proposal is consistent with these principles.

Social Dimensions and Housing Affordability

The mixed use development will add to the range of dwelling size options and optimise the provision of housing to suit social mix. This aims to address the issue of affordability and is expected to meet existing and anticipated housing demand into the future.

Aesthetics

The development application has been accompanied by a Design Verification Statement and confirms that the development satisfies the general design principles contained within the SEPP. The proposed development is different in terms of form, material and colours to existing development within the locality but, as outlined previously, is expected to positively contribute to the desired future character of the locality.

Having regard to the previous comments, the proposal is considered to meet the objectives of the SEPP by providing a positive contribution to the locality in

terms of design quality and amenity for future occupants without creating significant adverse impacts on adjoining residential development.

The applicant has submitted a statement, prepared by Lisa-Maree Carrigan on behalf of GroupGSA, which details the proposed development's compliance with the design principles of the SEPP.

The development comprises an adequate dwelling mix, which will diversify housing choice within Clemton Park. The individual apartments provide a high level of amenity for occupants through the provision of spacious bedrooms, common living areas and deep balconies.

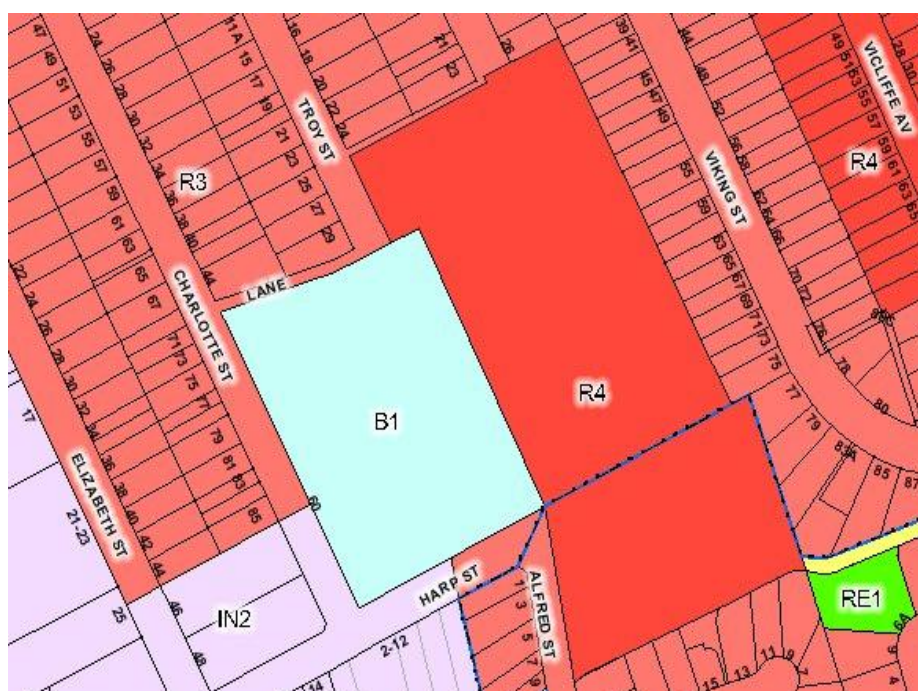
The proposal is consistent with the Residential Flat Design Code prepared by the Department of Planning.

State Environmental Planning Policy 2004 (BASIX)

Four BASIX Certificates (Certificate Nos. 520065M, 521745M and 521748M) have accompanied 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 therefore satisfy the requirements of the SEPP.

Canterbury Local Environmental Plan 2012

The subject site is zoned B1 – Neighbourhood Centre under Canterbury Local Environmental Plan 2012 which was gazetted on 21 December 2012 and became effective from 1 January 2013. The controls applicable to this application are:



| Standard | Requirement | Proposal | Comments |
|----------|-------------|--------------|--------------|
| Zoning | B1 – | The proposed | The proposed |

| | | | |
|-----------------|---|--|--|
| | Neighbourhood Business | development is defined as a 'residential flat building, commercial premises and community facility' under Canterbury LEP 2012. | development is permissible with consent by virtue of Schedule 1 under Canterbury LEP 2012. The proposed uses are approved under the Concept Plan. The proposed uses are listed as permissible land uses on land known as 60 Charlotte Street, Campsie and identified as 'B' on the Key Sites Map with development consent. |
| Building Height | The subject site is identified as being within an area where a height limit of 10 metres applies. | The subject development has a height of between five (5) and seven (7) storeys. | At the time of lodgment the proposed development did not comply with the height controls contained within LEP 2012, nor the Concept Plan Approval. The applicant lodged an application pursuant to Section 75(W) of the Environmental Planning and Assessment Act to modify the Concept Plan Approval. This application was approved by the Department of Planning and Environment on 5 September 2014. The height of the development is now in line with the Part 3A Approval as amended. |

The proposed development satisfies the relevant provisions of the Canterbury LEP 2012.

Canterbury Development Control Plan 2012 (CDCP 2012)

The proposal compares to CDCP 2012 as follows:

| 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 |

| Standard | Requirement | Proposed | Complies |
|--------------------------------------|--|--|--|
| Building Height | Building height limit of 10 metres applies. | The proposed development does not comply with the height controls contained within LEP 2012, nor the Concept Plan Approval. The applicant has lodged an application pursuant to Section 75(W) of the Environmental Planning and Assessment Act to modify the Concept Plan Approval. This application was approved by the Department of Planning and Environment on 5 September 2014. | No – Refer to above comments under CLEP 2012 |
| | Floor to ceiling height in commercial min. 3.3m | 4.6m - 6.2m | Yes |
| | Floor to ceiling height in residential min. 2.7m | 2.7m | Yes |
| | Floor to ceiling height in car parking min. 2.8m | 3m | Yes |
| Building Depth | Commercial component 10-24 metres | Commercial tenancies have a minimum depth of 14.5m | Yes |
| | In general, an apartment building depth of 10-18 metres 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. | Nil setbacks to primary frontage for the ground, first and second floors. | Yes |
| | Upper Level - Greater than four storeys, a 5m setback is required. | Third and fourth floors propose a 5 metre setback to the primary frontage. | Yes |
| Building Separation (as per SEPP 65) | 6m up to 3 storeys 12m for 4 th floor 18m storeys 5 to 8 storeys | The site generally complies with the numerical requirements for building separation. The objective of this control has also been satisfactorily achieved. | 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 |

| Standard | Requirement | Proposed | Complies |
|-----------------|--|--|----------|
| Car Parking | <u>Residential</u> 1 space per 1 bedroom unit, 1.2 spaces per 2 bedroom unit, 2 spaces per 3 unit | 336 residential spaces provided | Yes |
| | <u>Visitor</u> 1 space per 5 units for visitor | 58 visitor spaces provided | |
| | <u>Retail</u> 1 space per 25 square metres | 277 retail/commercial spaces provided | |
| | <u>Car Wash Bay</u> 1 space per development | 1 car wash bay provided Total spaces: 672 spaces provided The number of car spaces in the proposed development is consistent with that of the approved Concept Plan. | |
| | <u>Bicycle Parking</u> <u>Residential</u> 1 space per 5 dwellings (residents) – 58 required 1 space per 10 dwellings (visitor) – 29 spaces required | 58 spaces provided for residents 29 spaces provided for visitors | Yes |
| | <u>Bicycle Parking</u> <u>Commercial</u> 1 space per 300sqm (staff) 1 space per 500sqm (patrons) 38 spaces required | 38 spaces provided. | Yes |
| | 1 x carwash bay | 1 x carwash bay | Yes |
| | 1 x loading bay | 1 x loading bay | Yes |
| Design Controls | Clearly identifiable entries, Provide main common entry. | Clear entries provided as main common entries | 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 buildings and no obstruction to views from the street | Yes |

| Standard | Requirement | Proposed | Complies |
|--------------------------------|--|---|-----------------|
| Façade design and articulation | To be in accordance with articulation controls of this DCP | Façade is in accordance with the articulation requirements, as outlined in this table. The buildings are of an appropriate scale and mass to provide the required densities under the Concept Plan whilst not detracting from the interest or diversity of the building design when viewed from the street. | Yes |
| | The design of the façade, including the quality and durability of its materials, should be emphasised. | The façade of the buildings are layered and have contrasting elements as to avoid excessive bulk and incorporate balconies and staggered alignments to prevent a bland building street frontage. | Yes |
| | A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable. | Shadow lines to be created through the use of building design elements | Yes |
| | No blank walls are to face the public realm | No blank walls facing the public realm | Yes |
| | Balconies should be used in moderation and be integrated into the overall composition of the façade. They should not be implemented in a monotonous or repetitive configuration. This applies to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail. | Balconies are integrated into the overall design of the façade. There is adequate variety in the balconies configuration between the lower and upper levels of the development. Balustrading is to be a combination of smooth concrete with paint finish and glass balustrades. | Yes |
| | The majority of windows shall be vertically rectangular | Majority of windows are to be vertically rectangular | Yes |
| Roof Design | Relate roof design to the desired built form and or context | Roof design is consistent with the desired built form and context of the area | Yes |

| Standard | Requirement | Proposed | Complies |
|--|--|---|----------|
| | Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access. | Roof structure takes advantage of the northerly aspect to the front of the site to provide maximum solar access | 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 |
| | 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 are located discretely at the front entry points for each of the buildings | Yes |
| Performance Controls | | | |
| Visual Privacy | Locate and orientate new developments to maximise visual privacy between buildings | Design has adequately addressed visual privacy issue through window placements and sufficient setbacks with the adjoining buildings | Yes |
| Private Open Space, Balconies, terraces & Courtyards | Primary 8sqm balconies for 1 bedroom dwellings and 12sqm for 2 & 3 bedroom dwellings | <p>Balconies provide the minimum private open space requirements.</p> <p>Further, the Concept Plan Approval provides building envelopes defining the building footprint and areas of non-built upon space. As noted, a central area of private communal open space is provided on the podium level of the building for future occupants of the development which meets the requirements of the Concept Plan Approval.</p> | Yes |

| Standard | Requirement | Proposed | Complies |
|------------------------------------|---|---|----------|
| | Full length balconies without articulation are not permitted | Articulation and building design elements incorporated to provide relief to balconies | Yes |
| | Primary balconies to be located adjacent to main living areas. | All primary balconies are accessible directly off living room | Yes |
| | Primary balconies to have minimum depth of 2 metres and be functional in dimensions | Minimum depth of 2 metres and functional in design | Yes |
| | Design and detail balconies in response to local climate | Balconies have been designed where achievable to have northern orientation to maximise solar access | Yes |
| | 6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling 10m ³ per three bedroom dwelling | Each dwelling satisfies the minimum storage facilities | Yes |
| Internal Dwelling Space and Design | Dimensions and design of interiors to accommodate furniture typical for purpose of room | Typical furniture layout on plans. The internal design meets the principles of SEPP 65 as outlined in the Design Verification Statement | Yes |
| Crime Prevention | | | |
| Site and Building Layout | Address the street, or both streets and corners | The building and dwellings are orientated towards each street and address the open areas of the development | Yes |
| | Habitable rooms with windows at front of dwellings | Dwellings have been orientated to ensure windows front the communal areas of the development | Yes |
| | Avoid blind corners in pathways, stairwells, hallways and car parks. | The building layout avoids blind corners | Yes |
| Access Control | Access to the individual units be clearly marked and apparent to visitors | The entries are to be clearly numbered with the dwellings accessible through that entry | Yes |
| | Install intercom, code or card locks or similar to main entries to buildings, including car parks. | Intercoms and controlled access measures to be installed at building entry points, including basement car park. | Yes |

| Standard | Requirement | Proposed | Complies |
|--------------------------------------|--|--|----------|
| | That concealment points be eliminated | The proposal eliminates concealment points by controlling access to the site | Yes |
| Ownership | Dwellings and communal areas to provide sense of ownership | Sense of ownership achieved through the use of design features, including landscaping, building materials and site layout. | Yes |
| Climate and Energy | | | |
| Site layout and building orientation | Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load. | Solar access maximised | Yes |
| | Where the shape of a lot permits face the long side of the building to the north to allow winter sun in, and then block it out during summer with shading devices and landscaping. | North facing wall elongated | Yes |
| | Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor space and solar cells on the site and on adjoining land (see solar access below). | Building has been designed to minimise shadow impact on adjoining properties | Yes |
| | Coordinate design for natural ventilation with passive solar design techniques | Design allows for natural ventilation and incorporates passive solar design techniques | Yes |
| | Provide adequate external clothes drying areas for all residents in the building | Adequate clothes drying facilities provided | Yes |
| Internal layout | Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building. | Building configured to maximise solar access | Yes |

| Standard | Requirement | Proposed | Complies |
|-----------------------------|--|--|-----------------|
| Windows and glazing | Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer. | Placement of windows on the northern side has been incorporated into the design | Yes |
| Insulation and thermal mass | Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows: <input type="checkbox"/> Roof: minimum 2.0 R-value <input type="checkbox"/> Wall: minimum 1.0 R-value <input type="checkbox"/> Floor: minimum 1.0 R-value | This has been addressed in the BASIX Certificate | Yes |
| Daylight and sun access | At least 70% of proposed apartments to living room areas and private open space to receive 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter | 78.6% of apartments (228 apartments) receive 2 hours sunlight between 9am and 3pm in mid-winter | Yes |
| | Living room windows and principal ground level open space of adjoining dwellings receive at least 2 hours sunlight | Proposal complies with this requirement | Yes |
| Ventilation | Provide natural cross ventilation to at least 60% of dwellings and natural ventilation to 25% of kitchens | Cross ventilation is provided to 60% (174 apartments) of dwellings and natural ventilation to all of the kitchens within the dwellings | Yes |

The proposed development generally complies with the design and numerical requirements of Canterbury Development Control Plan 2012

Part 7 – Notification

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Canterbury Development Control Plan 2012. No submissions were received during this period.

Part 6.6 – Landscaping

The proposed development has also been assessed against the provisions of Part 6.6 of Canterbury Development Control Plan 2012. The development application was referred to Council's Landscape Architect for comment who has advised that who raised no objections to the proposed development subject to the imposition of a number of related conditions, and the proposal complies with the requirements of the DCP.

Part 6.9 – Waste Management

Part 6.6 of DCP 2012 requires consideration of the design and location of waste management facilities on site, details being provided of the levels of waste likely to be generated by demolition and construction phases of development and the on-going use of the development. Amended details have been provided by the applicant to confirm the layout and the number of waste and recycling waste bins capable of being provided within the waste storage facility contained in Building C is adequate and satisfies the requirements of the DCP.

The amended arrangements also include a temporary bin presentation area located along the Victa Street frontage to service the early stages of the development pending the construction of the final waste storage areas in Building C. The proposed temporary structure is of sufficient dimension to service the first stages of the development. A condition shall be included on any development consent issued requiring the use of the temporary bin presentation area until the Occupation Certificate for Building C is issued.

Part 6.1 – Access and Mobility

Part 6.1 of DCP 2012 requires that access be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 and 2. The DCP also states that in a car parking area containing more than ten spaces, one space designed in accordance with AS2890.1 is to be provided for every thirty-three spaces or part thereof.

The application was referred to Council's Disability Access Worker who has considered the proposal and raised generally no objections subject to the inclusion of a number of conditions of consent on any consent issued. In any event, the application must comply with the Disability (Access to Premises – Buildings) Standards 2010, and an appropriate condition is included in the recommendation below.

Part 6.4 development Engineering Flood and Stormwater

Part 6.4 of the DCP is designed to assist applicants provide adequate and appropriate stormwater drainage as part of their development and to assist in compliance with conditions of development consent. The development application and accompanying hydraulic documents were referred to Council's Development Engineer for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

Canterbury Development Contributions Plan 2013

The provisions contained within Council's Development Contributions Plan 2013 apply to development involving the construction of additional residential development that create further demands to improve and upgrade existing facilities, amenities or services.

The applicant is currently negotiating with Council regarding the implementation of a Voluntary Planning Agreement for the entire development site, although this process remains on-going and has not yet been finalised. As a result, we have no option, in the absence of an adopted Voluntary Planning Agreement, but to impose a Section 94 Contribution in accordance with the requirements of our Section 94 Contributions Plan.

The proposed development contains a total of 290 apartments and based on bedroom configurations of the development, the proposal provides a total of 75 x 1 bedroom apartments, 212 x 2 bedroom apartments and 3 x 3 bedroom apartments in accordance with the requirements of the Council's Development Contributions Plan 2013 which is reflected in Condition No. 14 below.

Having regard to the negotiations between the applicant and Council on the implementation of a Voluntary Planning Agreement for the entire development site, it is acceptable that the condition requiring payment of the Section 94 Contribution for this stage of the development be paid prior to the issue of an Occupation Certificate (rather than the release of a Construction Certificate) to allow the opportunity for this process to be finalised. Should this process not be completed, the contribution will need to be paid prior to the occupation of the building. This is also reflected in Condition No. 14 below.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are considered to be satisfactory. The proposal is not expected to have any detrimental impacts in terms of the natural or built environments, and the social and economic aspects, as discussed in the body of this assessment report.

SUITABILITY OF THE SITE

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

PUBLIC INTEREST

The proposed development satisfies the relevant requirements contained with various State Environmental Planning Policies, Council's planning instruments and development control plans. The proposal is generally consistent with the requirements of these policies as documented throughout this report. The proposal promotes the coordinated, orderly and economic use of the land and is not expected to have any significant adverse impacts on adjoining development. Approval of the applicant is therefore considered to be in the greater public interest.

CONCLUSION

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

This application represents Stage three of a five stage development concept for the redevelopment of the previous Sunbeam factory site approved by the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act.

The subject development is permissible with our development consent having regard to the Concept Plan Approval and the accompanying Order made under Section 75R(3A) of the Environmental Planning and Assessment Act which amended the Canterbury Planning Scheme Ordinance to enable the approved mixed use development to be constructed over the entire development site.

The application has been assessed against the provisions contained in Canterbury Local Environmental Plan 2012, various state government and Council policies and Canterbury Development Control Plan 2012. The proposed development generally complies with the requirements of these policies. Where the proposal fails to comply with specific requirements of Council's policies and controls, the proposal does meet the various terms of approval, assessment requirements and the statement of commitments contained in the overall Concept Plan Approval, which essentially carries most weight in the overall assessment of the subject development application.

The development application is recommended for approval subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve DA-142/2014 for the construction of a mixed use development comprising a retail component, mini-major tenancy, supermarket with 290 residential apartments, community centre with associated basement car parking and strata and stratum subdivision, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - a) Details of:
 - Structural Engineering Plan including method of shoring during excavation
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Ventilation of basement area in accordance with Australian Standard 1668.2

- Compliance with the Disability (Access to Premises – Buildings) Standard 2010
 - Compliance with Conditions 8, 30, 56, 61 and 64
- b) Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- c) Payment to Council of:
- | | |
|--------------------------------|--------------|
| Kerb and Gutter Damage Deposit | \$3,231.00 |
| Certificate Registration Fee | \$36.00 |
| Long Service Levy | \$348,468.55 |
| Long Service Leave Levy | \$19.80 |
- d) If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|--------------|
| Construction Certificate Application Fee | \$200,406.00 |
| Inspection Fee | \$54,555.00 |
| Occupation Certificate Fee | \$20,078.00 |
- Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.
- Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.
- Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.
- Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- a) detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - b) 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
 - c) you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

SITE SIGNAGE

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

DEMOLITION

4. Demolition must be carried out in accordance with the following:
- a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The

Demolition of Structures and the Construction Safety Act Regulations.

- b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
- d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
- f) Burning of demolished building materials is prohibited.
- g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the NCC.
- n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.

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

GENERAL

5. The development being carried out in accordance with the plans, specifications and details for Clemton Park Village, Stage 3, Lot 42, Project No. 12024, as set out in the table below except where amended by the conditions specified in this Notice:

| Drawing No. | Dated | Prepared By | Issue | Received by Council |
|-------------------------------------|--------------|-------------------------------|-------|---------------------|
| 1100 | 9 April 2014 | Group GSA | D | 8 July 2014 |
| 2000 | 9 April 2014 | Group GSA | K | 8 July 2014 |
| 2001 | 9 April 2014 | Group GSA | L | 8 July 2014 |
| 2002 | 9 April 2014 | Group GSA | L | 8 July 2014 |
| 2003 | 9 April 2014 | Group GSA | K | 8 July 2014 |
| 2004 | 9 April 2014 | Group GSA | L | 8 July 2014 |
| 2005 | 9 April 2014 | Group GSA | M | 8 July 2014 |
| 2006 | 9 April 2014 | Group GSA | J | 8 July 2014 |
| 2007 | 9 April 2014 | Group GSA | K | 8 July 2014 |
| 2008 | 9 April 2014 | Group GSA | J | 8 July 2014 |
| 2009 | 9 April 2014 | Group GSA | H | 8 July 2014 |
| 2500 | 9 April 2014 | Group GSA | F | 8 July 2014 |
| 2501 | 9 April 2014 | Group GSA | D | 8 July 2014 |
| 3000 | 9 April 2014 | Group GSA | M | 8 July 2014 |
| 3001 | 9 April 2014 | Group GSA | M | 8 July 2014 |
| 3100 | 9 April 2014 | Group GSA | D | 8 July 2014 |
| 3101 | 9 April 2014 | Group GSA | D | 8 July 2014 |
| SK158 | 9 April 2014 | Group GSA | B | 8 July 2014 |
| Sheet 1-11 Draft Strata Plan | 3 April 2014 | Dunlop Thorpe & Co Pty Ltd | - | 17 April 2014 |
| Sheet 1-7 Stratum Subdivision | 2 April 2014 | Dunlop Thorpe & Co Pty Ltd | - | 17 April 2014 |

6. In addition to Condition 5 above, the development shall be carried out generally in accordance with the Concept Plan Approval (No. MP07_0106) as modified and all relevant terms of approval.
7. Finishes and materials, including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the details accompanying DA-142/2014 dated 17 April 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.

8. Full details of the proposed boundary and courtyard fencing being submitted to Council for approval prior to the issue of a Construction Certificate. All fencing shall be erected in materials which are compatible with the construction materials and colour scheme to be used in the development.
9. The fit-out of the commercial tenancies shall be the subject of a separate application for Council's assessment.
10. The retail centre hours (including supermarket) being limited to 6am to midnight, Monday to Sunday and loading dock operating hours being limited to 7am to 10pm Monday to Sunday.
11. Six hundred and seventy-two (672) off street car parking spaces being provided in accordance with approved DA plans. Car parking within the development shall be allocated in accordance with Condition A5 of the Concept Plan Approval. This shall comprise the following:
 - 1 space per one bedroom apartment (64 spaces)
 - 1.2 spaces per two bedroom apartment (254 spaces)
 - 2 spaces per three bedroom apartment (6 spaces)
 - 1 visitor space per 5 apartments (58 spaces)
 - 277 commercial spaces
 - 1 car wash space
12. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
13. Thirty-six (36) of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. The car spaces being allocated and marked in accordance with the Disability (Access to Premises – Buildings) Standards 2010.
14. 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 amount of the contribution (as at the date of this consent) has been assessed as \$3,534,714.49 The amount payable is based on the following components:

| Contribution Element | Contribution |
|-----------------------------|----------------|
| • Open Space and Recreation | \$3,125,028.95 |
| • Community Facilities | \$319,720.49 |
| • Plan Administration | \$89,965.05 |

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Occupation Certificate in accordance with the requirements of the Contributions Plan unless a Voluntary Planning Agreement has been entered into for the Clemton Park Village development which supersedes and takes into account these contributions.

15. The applicant shall prepare and submit, as part of the documentation for a Construction Certificate, a Construction Management Plan. This plan shall include the following:
 - 15.1. details of proposed hours of work and contact details of the site manager;
 - 15.2. proposed method of access to and egress from the site for construction vehicles;

- 15.3. proposed method of loading and unloading of excavation and construction machinery and building materials;
- 15.4. proposed areas within the site to be used for the storage of excavated materials, construction materials, waste storage containers and construction vehicles during the construction period;
- 15.5. proposed traffic management measures to ensure safe ingress and egress from the site;
- 15.6. proposed method of support to any excavation adjacent to adjoining properties or the road reserve;
- 15.7. proposed methods to remove loose material from all vehicles and machinery before entering the road reserve and any run-off from the washing of vehicles and associated sediment control measures.
16. Erection of a 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. Full details must be submitted to the Principal Certifying Authority with the Construction Certificate application.
17. All materials must be stored wholly within the Clemton Park Village development site boundaries and must not be placed on the footway or roadway.
18. 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.
19. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
20. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
21. 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.
22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
23. 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.
24. 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.
25. An 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.
26. 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.
27. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at basement/ground/first/second/third/fourth and fifth floor slab level indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 28. All building construction work must comply with the National Construction Code.
 29. 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.

ROADS AND MARITIME SERVICES

30. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a Construction Certificate.
31. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirement, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002.

DILAPIDATION AND EXCAVATION

32. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
33. Construction of the development, including excavation, foundations and retaining wall construction being carried out in accordance with the recommendations contained within the Geotechnical Investigation Report created by Coffey Geotechnics, submitted with DA-142/2014.
34. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

DISABILITY ACCESS

35. If a PA system is to be installed in the Community Hall, a hearing loop should also be installed as per AS1428.
36. The Plan for the Community Garden should include raised beds and footpath material and width that is suitable for wheelchairs. Advice from an accredited access consultant should be received in planning both the Community Garden and the Sensory Garden so it is fully accessible to people with a disability.

CRIME PREVENTION MEASURES

37. Individual apartments should be clearly numbered and appropriate security for individual tenancies and communal areas. Access to the basement car parking area shall be limited to tenants and residents only with visitors to the property gaining access to the car parking area via an intercom system. Details shall be provided with the application for the Construction Certificate.
38. Adequate lighting being provided and maintained within both levels of the basement car parking area. In this regard, the car parking area shall be treated to ensure that the lux levels within the basement levels comply with the relevant Australian Standard.
39. All storage rooms within the basement level car parking area shall be fully enclosed and locked at all times to deter potential criminal activity.
40. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.

ENGINEERING

41. That the stormwater system be constructed generally in accordance with the plans, specifications and details received by Council on 17 April 2014 and prepared by Craig & Rhodes and as amended by the following condition.
42. 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 Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
43. 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 Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
44. An on-site stormwater detention system OSD must be provided if the post-development impervious area is greater than or equal to 70% of the total site area.
45. 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 Stormwater Management Manual – Specification 9.
46. 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 associated 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 appendix 7.5 of Council's Stormwater Management Manual – Specification 9.

47. 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.
48. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car parking areas, 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.
49. 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.
50. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
51. 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".

SUBDIVISION

52. The submission of a final plan of subdivision and associated documentation is required with each stage of the development.
53. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
54. 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.
55. Any necessary easements or restrictions are to be created and documents relative to such easements or restrictions are to be lodged with Land and Property Information NSW prior to the lodgement of the application for the Occupation Certificate

WASTE MANAGEMENT

56. A Waste Management Statement regarding the waste generated in the demolition and construction phase of the development is to be submitted prior to a Construction Certificate issued by the City of Canterbury Council or Private Certifying Authority. The Statement is to detail how the generation of waste will be minimised and how recycling and re-use of those wastes will be maximised and how waste materials and quantities will be separated and stored on site and nominate a place of disposal.

57. Prior to the issue of a Construction Certificate, a Waste Management Plan being submitted demonstrating compliance with the following:
- The residential development will be allocated 37 x 240L rubbish bins (amount halved due to compaction and halved again for twice weekly pick up) and 49 x 240L recycling bin (amount halved for twice weekly pick up). Rubbish bins must not be compacted any greater than a 2:1 ratio. Recycling bins must not be compacted.
 - The above bins will need to be rotated between the Basement 1 chute rooms and collection point (for rubbish bins) and the chute rooms on each floor and the collection point (for recycling bins).
 - The property will also be eligible to receive up to 58 x 240L garden vegetation binds. The applicant should provide estimated garden vegetation waste generation rates for the property and from those rates, conclude how many garden vegetation binds will be required. Any bins required will need to be stored in a separate waste bin storage room and presented to the footpath for collection. These bins are to then be returned to the property and an area inside the property boundary needs to be provided for this purpose.
 - The collection point currently accommodates 77 x 240L bins. The area needs to be able to accommodate all rubbish and recycling bins on site. Accordingly, a space for an additional 9 x 240L bins is to be provided
 - The collection vehicle needs to enter and exit the site in a forward direction. The applicant will need to provide a swept path analysis for the collection vehicle in accordance with Part 6.9.4.3 of the Canterbury Development Control Plan 2012 prior to the issue of the Construction Certificate.
58. Unobstructed and unrestricted access must be provided to the collection area on collection days from 5.00am.
59. Any privately contracted bins provided for the retail and supermarket sections of the development are to be collected wholly within the property. The bins must not be presented or collected on the road/footpath.

LANDSCAPING

60. Prior to the issue of a Construction Certificate the submitted Landscape Plan, drawn by Group GSA, Drawing Numbers DA-7000 to DA-7504, and submitted to Council on 17 April 2014 must be amended to address the following items:
- 60.1. Any play equipment or fitness equipment must be installed and certified to be installed in accordance with the required and relevant Australian Standard.
- 60.2. The maintenance period for the approved landscape works in public land must be set for a minimum of 52 weeks and minimum of 36 weeks for the landscape works in private areas. The Maintenance Schedules for 36 and 52 weeks must be provided prior to the issue of Construction Certificate but not be limited to:
- 60.2.1. Replacement strategy for failures in plant materials and built works;
- 60.2.2. Maintenance schedule for watering, weeding and fertilizing during the establishment period.
- 60.3. Removal of the 5 x existing *Lophostemon confertus* (common name Brushbox) street trees is conditional on their replacement

with 5 x *Lophostemon confertus* (common name Brushbox) to be located at an appropriate position as shown on the submitted landscape plan in a minimum 150L container size.

61. The landscaping is to be maintained at all times to the Council's satisfaction.

ENVIRONMENTAL HEALTH REQUIREMENTS

62. The recommendations in the Noise Assessment Report prepared by Acoustic Logic in Appendix N of the statement of Environmental Effects dated April 2014 shall be incorporated into the development.

63. The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an Acoustic Engineer). The report must include the measurements and calculations and certify that the method of treating all mechanical equipment and all activity associated with the operation of the premise so as to ensure no offensive noise and vibration is emitted from the activities and operation of the business as detailed in the DECC "Industrial Noise Policy". The person in control of the premise must obtain from the Principal Certifying Authority concurrence for the recommendations of the Consultant and implement those recommendations so as to reduce the noise levels to the ambient noise level.

When engaging an Acoustical Consultant, Council's prerequisite is that the consultant holds a recognized tertiary qualification pertinent to acoustics which would allow for the attainment of membership with the Association of Australian Acoustic Consultants (AAAC).

SYDNEY WATER REQUIREMENTS

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

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

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

CRITICAL INSPECTIONS

65. Class 2, 3 or 4 Buildings

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

- Class 5, 6, 7, 8 or 9 Buildings

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

66. 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

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

WE ALSO ADVISE:

- A. This application has been assessed in accordance with the National Construction Code which took effect in New South Wales on 1 May 2011.
- B. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural Engineering work
 - Final Fire Safety Certificate
 - Waterproofing
 - Glazing
 - Section J of the Building Code of Australia
 - Mechanical Ventilation
- C. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- D. 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.
- E. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without further approval.
- F. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
- G. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.