

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2014SYE072
DA Number	DA-183/2014
Local Government Area	City of Canterbury
Proposed Development	Demolition of the existing structures and the construction of a mixed use development containing 82 residential apartments, supermarket tenancy, three retail tenancies and basement car parking over three levels for 251 vehicles
Street Address	Nos. 2-26 Haldon Street and 174-176 Lakemba Street, Lakemba (Cnr Lot 1 DP 791007)
Applicant / Owner	DesignInc Sydney Pty Ltd / Tony Jabbour
Number of Submissions	Submissions objecting to the proposal from two neighbouring residents
Recommendation	Approval with Conditions
Report by	Rita Nakhle Senior Planner

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received Development Application (DA-183/2014) for the demolition of the existing structures and the construction of a mixed use development containing 82 residential apartments, supermarket tenancy, three retail tenancies and basement car parking over three levels for 251 vehicles.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.
- The subject site is zoned B2 – Local Centre under Canterbury Local Environmental Plan (CLEP) 2012 and the proposed development defined as ‘shop top housing’ and ‘commercial premises’ is permissible with our consent. The proposal involves a breach to the building height development standard under Clause 4.3 of CLEP 2012 which is supported by the provision of a Clause 4.6 submission by the applicant.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy 65– Design Quality of Residential Flat Development, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy

(Infrastructure) 2007, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and Canterbury Development Contributions Plan 2013. The proposal is found to generally be in compliance with the requirements of these policies.

- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Development Control Plan 2012 on two separate occasions due to changes in the proposed development design throughout the assessment process. We received two submissions objecting to the proposal in response to the first notification period of the original design, and no submissions were received in response to the second notification period of the amended design. Issues raised in the submissions and our responses are provided in the body of this report.
- The development application is recommended for approval subject to conditions.

BACKGROUND

On 13 August 2009, Development Application DA- 546/2008 was approved by Council's City Development Committee for 'demolition, construction of a six storey mixed commercial/residential development with basement carparking' on the subject site, which involved a total of 42 residential units above supermarket and other retail uses. Two subsequent modification applications have been approved which amended the layout and design of the approved mixed use development.

SITE DETAILS

The subject site is located on the south-western corner of Haldon Street and Lakemba Street at Lakemba. The site is generally rectangular in shape with a frontage of 81.87 metres to Haldon Street, a frontage of 40.5 metres to Lakemba Street and a total site area of 3648 square metres. The site has a fall of approximately four metres along Haldon Street and a further fall of two metres along the Lakemba Street frontage. The site is currently vacant containing the remains of the Lakemba Palms Shopping Centre which was destroyed by fire in 2007.

The immediate locality is characterised by one and two storey buildings along the Haldon Street frontage with ground floor retail uses and first floor residences, while along Lakemba Street is a mix of commercial and residential developments up to three stories in height.



Aerial photograph showing the development site and surrounds



Extract of zoning plan under Canterbury Local Environmental Plan 2012



The subject site as viewed from Lakemba Street



Part of the existing Haldon Street frontage of the subject site



Part of the existing Haldon Street frontage of the subject site

PROPOSAL

The proposed development involves the demolition of the existing structures and the construction of a mixed use development containing 82 residential apartments, supermarket tenancy, three retail tenancies and basement car parking over three levels for 251 vehicles. In detail, the proposal involves the following:

- Provision of three basement car park levels with 251 car spaces (83 residential, 168 supermarket/retail) and storage areas. Vehicular access into the basement car park provided off Lakemba Street;
- Lower ground and mezzanine supermarket (3256sqm in total area);
- Upper ground/first floor three retail units (622sqm in total area), 8 residential apartments (2 x 1 bed & 6 x 2 bed), landscaped courtyard and loading area with access provided off Haldon Street;
- Second floor – 16 residential apartments (16 x 2 bed)
- Third floor – 16 residential apartments (16 x 2 bed)
- Fourth floor - 16 residential apartments (16 x 2 bed)
- Fifth floor - 14 residential apartments (16 x 2 bed)
- Sixth floor - 8 residential apartments (1 x 1 bed & 7 x 2 bed)
- Seventh floor - 4 residential apartments (1 bed & 3 x 2 bed)

The following photomontaged are provided by the applicant to show the proposed street elevations of the development.

NORTH-EAST VIEW FROM LAKEMBA STREET



SOUTH-EAST VIEW FROM HALDON STREET



VIEW FROM CORNER OF LAKEMBA STREET & HALDON STREET



STATUTORY CONSIDERATIONS

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 65– Design Quality of Residential Flat Development
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Canterbury Development Contributions Plan 2013

ASSESSMENT

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

- **State Environmental Planning Policy (State and Regional Development) 2011**
Part 4 (Clauses 20 and 21) of State Environmental Planning Policy (State and Regional Development) 2011 applies to development in Schedule 4A to the EP&A Act to be determined by a regional panel. The proposal is for development with a CIV of more than \$20 million and is therefore referred to the Sydney East Joint Regional Planning Panel ('JRPP') for determination.
- **State Environmental Planning Policy (Building Sustainability Index) BASIX 2004**
A BASIX Certificate 545134M_02 dated 4 September 2014 accompanies the development application and lists a variety of commitments that are to be incorporated into the overall design of the project. The necessary commitments have been included on the architectural drawings where required, meet the water, energy and thermal comfort targets and satisfy the requirements of the SEPP.
- **State Environmental Planning Policy (Infrastructure) 2007**
The proposed development falls within the provisions of Clause 104 *Traffic generating development*, being a development that involves a parking area for more than 200 vehicles, on a site that has direct vehicular and pedestrian access to a road. As such, a copy of the application was referred to the Roads and Maritime Services (RMS) with a request to provide comments within 21 days. There has been no submission received from the RMS in response, and as such it is assumed that no objection is raised to the proposed development.

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

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

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

Context

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

Scale

The scale of the proposed development is determined by the building height standards contained within the Canterbury Local Environmental Plan and the building envelope controls contained within our Development Control Plan 2012.

With the exception of the added height proposed to reinforce the corner of Haldon and Lakemba Streets, the proposal for the most part satisfies the height controls and building setbacks and separation controls applying to the land.

Built Form

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

Density

No specific floor space ratio or density controls apply to the subject development. The form and scale of the proposed development is consistent with the type of development contemplated by the DCP controls in a locality that is expected to undergo transition into the future.

Resource, Energy and Water Efficiency

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

The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 62% of the dwellings will be cross ventilated. In addition, the RFDC requires that at least 70% of the residential dwellings' living room and private open space receive sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 68% of the units receive 3 hours of sunlight between 9am and 3pm, which is considered acceptable given that only 2 hours is required in dense urban areas.

Landscape

The landscape plan has been reviewed by our Landscape Architect and is acceptable subject to conditions of consent.

Amenity

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

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

Safety and Security

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

Social Dimensions and Housing Affordability

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

Aesthetics

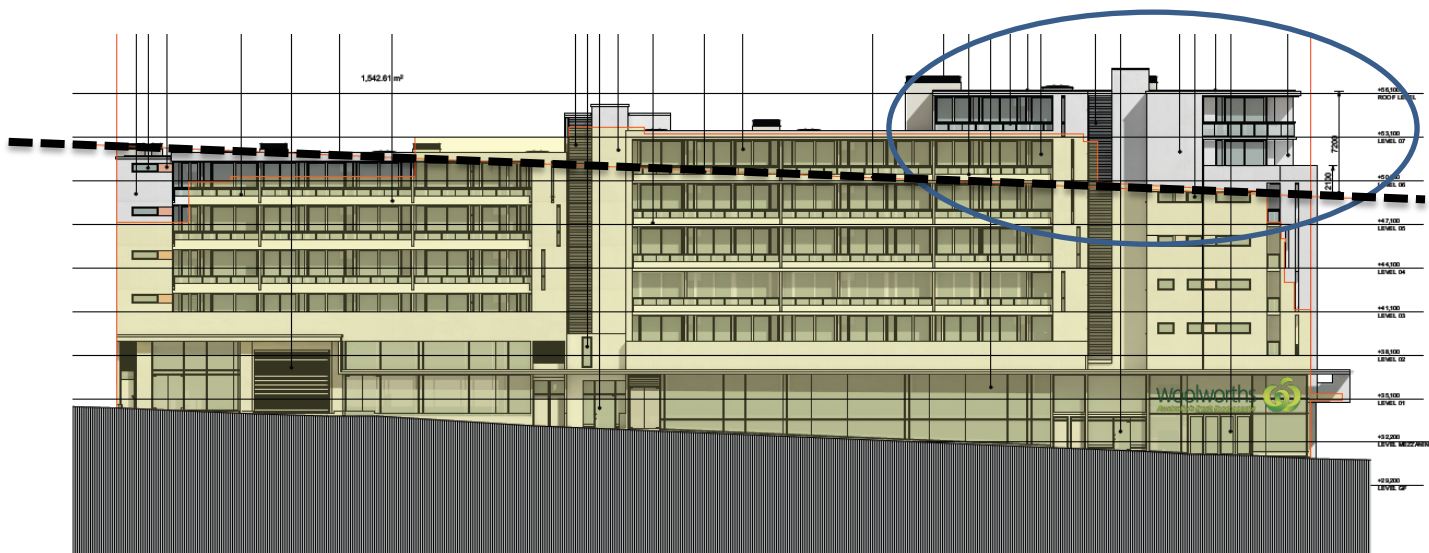
The application is accompanied by a Design Verification Statement confirming that the proposed development achieves the design quality principles contained in the SEPP. The overall aesthetic of the building is suitably designed and is expected to positively contribute to the desired future character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

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

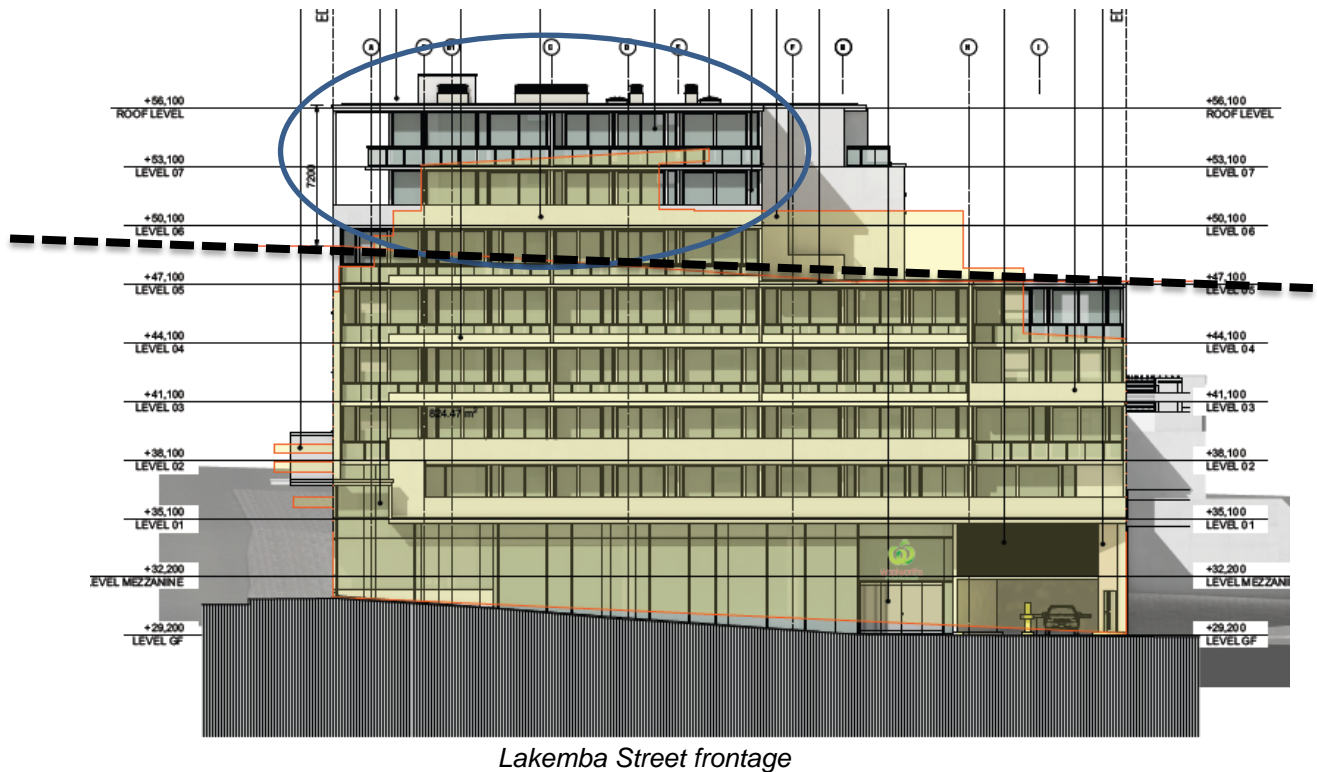
- Canterbury Local Environmental Plan 2012**
 The subject site is zoned B2 – Local Centre under Canterbury Local Environmental Plan 2012. The controls applicable to this development application are as follows:

Standard	Requirement	Proposal	Comments
Zoning	B2 – Local Centre	The proposed development is defined as 'shop top housing' and 'commercial premises' under CLEP 2012	The proposed development is permissible with consent under the Canterbury LEP 2012
FSR	No FSR applies	No FSR controls apply to the B2 zone under CLEP 2012	N/A
Building Height	The subject site is identified as being within an area where a height limit of 18 metres applies	The development has a maximum height of 25.2 metres at the highest point	No – refer to comments below

The proposal involves a variation to the maximum height controls for the subject site. The diagram below illustrates that part of the proposed building which exceeds the 18 metre building height limit (18m shown in black dashed line). Also shown in the shadowed forefront, is the building approved under Development Consent 546/2008 (as modified) on the subject site to give a comparison of what is approved and what is proposed on the site. Of most significance, is the added height proposed for the corner component which at its highest point is 25.2 metres in building height.



Haldon Street frontage



As such, the applicant has lodged a statement under Clause 4.6 of CLEP 2012.

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

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Comment

The applicant states that the standard is unnecessary and unreasonable in this instance for the following reasons:

Clause 4.3(1)(a) to (d) of the CLEP 2012, set out the objectives for building height as;

- (1) *(a) to establish and maintain the desirable attributes and character of the area,*
- (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,*
- (c) to support building design that contributes positively to the streetscape and visual amenity of an area,*
- (d) to reinforce important road frontages in specific localities.*

The proposed design meets these objectives for the following reasons:

The proposed building represents a key gateway development on a major development site in the Lakemba Town Centre, one of the key areas medium density zones in the Canterbury Council area within close proximity of public transport.

In reinforcing the importance of the corner gateway location and important road frontage, the proposed building form and resultant height of the gateway corner of the site, establishes Council's proposed future character for the area.

Due to the nature and location of the proposed height variations the potential impacts are minimal. It is noted that an analysis of the key potential impact of overshadowing has been assessed indicating that the adjoining buildings will received in excess of 3 hours sunlight in mid-winter.

The proposed building represents design excellence in terms of its design, materials and the amenity it provides to the streetscape and the future residents of the building. It is proposed that the building quality will set the standard for future development in the Town Centre.

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

Comment

The applicant provides the following information in addressing this point:

The primary environmental planning grounds that relate to the variation of the building height standard in the proposed development are firstly, the aims and objectives of use and height in the Canterbury LEP 2012 (discussed above), and secondly, the assessment of the proposed development in relation to potential environmental impacts and compliance with the built form requirements of the CDCP 2012 and SEPP 65.

The Height objectives contained in the CLEP 2012 have been addressed in the section above. In relation to use, the site is zoned under the CLEP 2012 under the B2 Local Centre Zone. The objectives of zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To facilitate and support investment, economic growth and development for active, diverse and well designed centres.*

The proposed development provides a range of compatible uses, including residential, supermarket and retail use. The site is ideally located close to existing Town Centre uses and public transport, maximising opportunities for the use of public transport, walking and cycling to access all required services. The proposed mix of apartments provides a range of apartment types

including smaller style one bedroom apartments that will provide entry level housing.

The proposed development has been assessed in relation to the Canterbury DCP 2012 and SEPP 65 and is considered to generally comply with the controls contained in both documents. In addition, the primary potential impact of non-compliance with height is increased overshadowing. The shadow analysis indicates that the modelling of the building form of the major development gateway site will reduce the shadow impacts to a level accepted by the RFDC.

Based on the comments above it is considered that there are sufficient environmental planning grounds to justify contravening the height development standard.

- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - i. the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3).

Comment

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

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

Comment

The location of the site provides a design opportunity to reinforce the corner of Haldon and Lakemba Streets with additional height, from an urban design perspective. It is accepted that the site is capable of accommodating the proposed additional height in accordance with the intention of Part 3.1.3 *Major Development Sites* in Canterbury Development Control Plan 2012 (discussed later in this report), particularly to provide an enhanced corner element.

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

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

Comment

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

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

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

PART 3 – BUSINESS CENTRES

Standard	Requirement	Proposed	Complies
Minimum frontage	18m preferred where comprehensive redevelopment is proposed	81.87m to Haldon Street and 40.5m to Lakemba Street	Yes
Major Development Sites	>2000sqm in site area may be able to accommodate increased heights of an additional one storey, and must not exceed a maximum 15% of the overall site area (being 547.2sqm)	Site area is 3648sqm with the proposed development having additional 1, 2 and 3 storeys in various parts involving a floor area of approximately 1500sqm	No –refer to comments below
Building Height	Floor to ceiling height in commercial min. 3.3m	>3.3 metres	Yes
	Floor to ceiling height in residential min. 2.7m	3 metres	Yes
	Floor to ceiling height in car parking min. 2.8m	3-3.1 metres	Yes
Building Depth	Commercial component 10-24 metres	Supermarket depth of up to 49m, and two of the retail units have a depth of 5-6 metres	No – refer to comments below
	In general, an apartment building depth of less than 18 metre is appropriate	All apartments have a depth of less than 18m	Yes
Building Setbacks	Ground, first and second floor may be built to street alignment	<p>Haldon Street – For the most part, the ground floor is built to street alignment, first and second floor setback at 5m with the exception of the north eastern part of the building which is built to street alignment across three levels</p> <p>Lakemba Street - Ground, first and second floor are built to street alignment</p>	No – refer to comments below

Standard	Requirement	Proposed	Complies
	Upper Level – 4 storeys and over are to setback at 5m	<p>Haldon Street – setback at 5m with the exception of the north eastern part of the building which is built to street alignment 4th, 5th and 6th, with 7th storey setback at approximately 1.8m</p> <p>Lakemba Street – 4th storey built to street alignment, 5th storey mostly built to street alignment with a small part on the north western corner setback at 3.3m, 6th and 7th storey built to street alignment and 8th storey component setback at 1.2m</p>	No – refer to comments below
	Rear Setback - Establish 45 degree height plane projected at 6m from the residential boundary with a two storey limit on the boundary with residential zone	The south western part of the site adjoins residentially zoned land (being 2 and 4 Croydon Street North) – development is contained within the building height plane. A condition is to be imposed requiring that all parts of the building is to be setback at least 6 metres from the residential zone boundary.	Yes
Building Separation (as per SEPP 65)	6m up to 3 storeys → 3m 12m at 4 storeys → 6m 18m at 5-8 storeys → 9m (half to be shared on the subject site)	Adequate building separation provided. It is noted that a nil side setback is provided adjoining B2 zoned sites along Haldon Street and Lakemba Street in accordance with Part 3.1.8(vi) which states that the desired character is for a continuous street frontage.	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 (Rate for Large Centres in B2 zone)	Refer to discussion under Part 6.8 of CDCP 2012	Refer to discussion under Part 6.8 of CDCP 2012	Yes
Design Controls	Clearly identifiable entries, Provide main common entry.	Clear entry provided as main common entry	Yes
	Habitable room window to face communal areas	Living areas and associated balconies facing communal areas	Yes
	No obstruction to views from street to development and vice versa	Sufficient natural surveillance to areas surrounding building	Yes
Facades Design & Articulation	To be in accordance with articulation controls of this DCP	Effective modulation and variation of building design. All elements of the façade and roof are integrated into the architectural form and detail of the building. The development has an appealing streetscape appearance	Yes
Corners, gateway sites and foreground treatments	Use stronger foreground treatments for gateway building. Use corner features, wrap around balconies, vertical elements, changes in materials and colours. Variation to front setback requirements may be considered to emphasise corner or gateway buildings	The design of the building uses effective treatment to emphasis the corner/gateway location of the site. Variations to setbacks are proposed and are considered in the relevant part in this table.	Yes
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath	Height of awning up to 6m in some parts	No – refer to comments below
	Width of 3 metres	3 metres - to be imposed as a condition of consent	Yes
Articulation	The design of the facade, including the quality and durability of its materials, should be emphasised.	The façade is emphasised through contrasting elements using a harmonious range of high quality and durable materials	Yes

Standard	Requirement	Proposed	Complies
	The 'facade' should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours. A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable.	Vertical emphasis is provided along parts of the facade, with appropriate modulation through the use of varying materials and external finishes. To maximise the amenity of the apartments, balconies are a significant façade element on the building consisting of part solid and part glazed balustrading	Yes
	No blank walls are to face the public realm	No blank walls facing the public realm. Blank wall adjacent to 180 Lakemba Street is conditioned to be modulated and architecturally detailed.	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the facade. They should not be implemented in a monotonous or repetitive configuration. This applies to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail.	Glazing and mix of horizontal and vertical proportions, and screens assist in breaking up the façade.. The balustrading to the balconies will be a mixture of solid elements and glazing.	Yes
	The majority of windows shall be vertically rectangular	Majority of openings are to be vertically rectangular	Yes
Roof Design	Relate roof design to the desired built form and or context. Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access.	Roof design is consistent with the desired built form and context of the area. The design of the roof responds to the constraints of the site and where practical responds to sun access for the development. The roof is utilised to express the gateway corner importance of the building	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

Standard	Requirement	Proposed	Complies
	Unscreened appliances not to be visible from the street, communal area of driveway on the site. Air con units behind balustrades, screened recesses for water heaters, meters in service cabinets.	Appliances not visible from public areas	Yes
	Communal rooftop antenna to be provided	Imposed as a condition	Yes
	Screen clothes drying areas from public view, storage space screened and integrated into design	Adequately screened	Yes
	Discretely locate mailboxes in front of property	Mailboxes to be provided at the front of the building, at the entrance to the residential lobby – to be conditioned	Yes
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings	Design has adequately addressed visual privacy issue through window placements and sufficient setbacks	Yes
Private Open Space, Balconies, terraces & Courtyards	Combined private open space area should be a minimum of 10% of dwelling floor space	Combined private open space area exceeds the minimum 10% of dwelling floor space	Yes
	Primary 8sqm balconies for 1 bedroom dwellings and 12sqm for 2 bedroom dwellings	Balconies provide the minimum private open space requirements	Yes
	Full length balconies without articulation are not permitted	Articulation and building design elements incorporated to provide relief to balconies	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room	Yes
	Primary balconies to have minimum depth of 2 metres and be functional in dimensions	Minimum depth of 2 metres and functional in design	Yes
	Design and detail balconies in response to local climate	Balconies have been designed where achievable to have northern orientation to maximise solar access	Yes
	Communal Area: Min. 10% of site area as communal open space - Required 365sqm	758qm	Yes

Standard	Requirement	Proposed	Complies
Internal Dwelling Space and Design	Dimensions and design of interiors to accommodate furniture typical for purpose of room	Typical furniture layout on plans	Yes
	Living room and main bedroom min 3.5m dimension, Secondary bedrooms to have minimum 3m width	Living rooms and secondary bedrooms provided with adequate dimensions. The dimensions in main bedrooms are less than 3.5 metres in some of the units	No – see comments below
	6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling 10m ³ per three bedroom dwelling	A condition of consent to be imposed requiring all units to be provided with the required storage area	Yes

As noted in the above table, the proposed development does not comply with the requirements relating to major development sites, building depth for the commercial component, building setbacks, and main bedroom dimensions. These matters require further discussion as below:

Major Development Sites

Part 3.1.3 of CDCP 2012 identifies sites that are larger than 2000sqm in neighbourhood and town centres as major development sites, where because of their size and location, may be able to accommodate increased height over that specified in the CLEP 2012 and the CDCP 2012. It is further specified that any increase in height beyond that specified must not exceed one storey, must not exceed a maximum 15% of the overall site area (being 547.2sqm), and where additional floor space to accentuate a corner may be acceptable.

The subject site is identified as a gateway site (Figure 3.1.6 of CDCP 2012), is located in the Lakemba town centre and is 3648sqm in area. The proposed development involves additional one, two and three storeys mostly in the corner part of the development. The floor area in the additional storeys is approximately 1500sqm.

The variation to the building height standard is discussed in detail above under Clause 4.6 of CLEP 2012. It is considered that the additional height and floor area proposed in the development, whilst not strictly consistent with the relevant considerations under Part 3.1.3, does present an effective built form outcome for the subject gateway site, that utilises the opportunities offered by such a large corner site and can comfortably support the additional height without impacting on the surrounding development and is therefore supported.

Building Depth - Commercial Component

Part 3.1.7 of CDCP states commercial and retail units must have a minimum depth of 10m and a maximum depth of 24m. The proposed development involves a supermarket that has a depth of up to 49m, and two retail units that

have depth of 5-6 metres.

The supermarket depth of 49m is considered acceptable given that the proposed area and dimensions is consistent with the typical size of supermarkets that do require ample internal areas. The two retail units with depth of 5-6 metres are considered acceptable given they area of adequate size to accommodate for a small retail use such as a bakery and/or butcher to complement the main supermarket use on the ground floor.

Building Setbacks

Part 3.1.8(i) of CDCP 2012 requires that in regard to development in the B2 zone, the ground, first and second floors may be built to street alignment, and the upper levels (4 storeys and above) to be setback at 5 metres.

Ground, First & Second Storey

In regard to the Haldon Street frontage, the ground floor is built to street alignment, however, the first and second floors are setback at 5 metres with the exception of the north eastern part of the building which is built to street alignment across three levels. In regard to the Lakemba Street frontage, the ground, first and second floors are built to the street alignment.

The first and second floors are setback at 5 metres to present a consistent façade (with the upper levels) to predominantly acts as the 'middle' element of the building. This design is considered acceptable given the prominent 'base' elements of the ground and mezzanine levels, and given the façade is highly articulated to provide architectural interest.

Upper Levels – 4 storeys and over

In regard to the Haldon Street frontage, the building is setback at 5 metres with the exception of the north eastern part of the building which is built to street alignment on the 4th, 5th and 6th, with the 7th storey setback at approximately 1.8m. In regard to the Lakemba Street frontage, the 4th storey is built to street alignment, 5th storey mostly built to street alignment with a small part on the north western corner setback at 3.3m, the 6th and 7th storeys are built to street alignment and 8th storey component is setback at 1.2m.

The reduced setbacks on the upper levels of both the Haldon and Lakemba Street elevations have been used to deliver an effective built form for this gateway site and take advantage of the corner position. It is noted that Part 3.2.6(iv) of CDCP 2012 allows for the consideration of variations to front setback requirements to emphasise a corner building, which is the case in this proposal. The reduce setbacks result in a well designed corner element to this large development, that will have quality visual dominance and aesthetic appeal in the Lakemba town centre.

Whilst numerically non-compliant, the front setbacks provided are considered acceptable given the corner location of the site, the proposed articulation of the subject façade and the expected limited impacts of the non-compliances.

Cantilevered Awning

Part 3.2.7 (viii) of CDCP 2012 requires that the awning height is to be in the range of 3.2-4.2 metres from the natural ground level. The proposal involves awnings within the compliant height range for the most part along Haldon Street but increases to up to 6 metres as the land falls towards and around the Lakemba Street frontage. This variation to awning height is considered acceptable given the fall of the land, and the proposed design of the development where the awning acts as a design feature to emphasise the base of the building.

Room Dimensions

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

PART 6 – GENERAL CONTROLS

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

Part 6.1 Access and Mobility

An 'Access Report' prepared by Accessibility Solutions (NSW) Pty Ltd dated 12 May 2014 was submitted with the development application which provides an assessment of the proposed development against the relevant access criteria.

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

Part 6.2 Climate and Resource Efficiency

Part 6.2.6(iv) of CDCP states that for new buildings, that at least 70% of the residential dwellings' living room and private open space receive at least 2 hours of sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 68% of the units receive 3 hours of sunlight between 9am and 3pm, which is considered acceptable given that only 2 hours is required in dense urban areas.

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings, and natural ventilation to 25% of kitchens in multi unit developments. Accordingly, 62% of the proposed dwellings have natural cross ventilation, and more than 25% of kitchens have natural ventilation.

In regard to the development's impact on sunlight access to its adjoining neighbours, Part 6.2.6(vi) states that living room and principal area of private open space of adjoining properties must receive at least 2 hours of sunlight daily between 9am and 3pm on June 21. The applicant has provided shadow diagrams as part of their DA submission which show the effect of

overshadowing created by this proposal on June 21. The diagrams demonstrate that the proposal will cast shadow over residential properties to the west of the site in the morning from 9am until approximately 12noon. The adjoining property at 180 Lakemba Street is the most affected being overshadowed until approximately 1.30pm.

Given the orientation of the site, and that the design of the proposed development is generally compliant with the building height limit along this north western part of the site, it is reasonable to accept this unavoidable shadowing impact in what is a dense suburban environment. Further, it is noted that the affected properties to the west of the site (being mainly 180 & 182 Lakemba Street) are currently undeveloped with potential in the future to develop into a mixed use development with a building height of up to 18 metres.

Part 6.3 Crime Prevention Through Environmental Design

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

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

Part 6.4 Development Engineering, Flood and Stormwater

Conditions relating to development engineering have been recommended to be imposed should approval be issued. The recommended conditions ensure that the proposed stormwater system is designed and constructed in accordance with all the relevant requirements in Part 6.4 of CDCP 2012.

Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation

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

Part 6.8 Vehicle Access and Parking

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

Standard	Requirement	Proposal	Complies
Residential Units	4 x 1 bedroom (0.8 space each) 78 x 2 bedroom (1 space each) = 81.2 spaces	83 spaces	Yes
	Visitor – no spaces required	N/A	N/A
	One car wash bay	One car wash bay is to be provided in one of the	Yes

		excess car parking spaces – to be conditioned	
	Resident bicycle spaces – 1 space per 5 dwellings → 16.4	A total of 25 bike spaces provided	Yes
	Visitor bicycle spaces – 1 space per 10 dwellings → 8.2		
Commercial Units	Supermarket (3256sqm) + 3 Retail Units (622sqm) 1 space per 27sqm → 144 spaces	168 spaces	Yes
	Loading area space and car park to include storage of shopping trolleys	Adequate loading/unloading area accessed off Haldon Street. Trolley collection bays provided in car park	Yes
	Bicycle parking 13 spaces for staff 6 spaces for patrons Total 19 spaces	To be conditioned to be provided in Basement 01 and/or Basement 02	Yes

The proposed development is consistent with the relevant car parking and requirements in CDCP 2012 .

In regard to service/loading vehicles, the applicant has demonstrated that the proposal accommodates for a 12.5 metre Heavy Rigid Vehicle to turn left in and left out from the access point off Haldon Street, without encroaching on the traffic lanes on the opposite side of the road.

The development application has been reviewed and assessed by our Team Leader – Traffic who has raised no objection to the proposal subject to appropriate conditions being imposed on any consent.

It is therefore considered that the proposed development is consistent with the relevant car parking and access requirements in Part 6.8 of CDCP 2012.

Part 6.9 Waste Management

The proposed development in its current design, does not meet all the relevant waste management requirements stipulated in Part 6.9 of CDCP 2012. In this regard, conditions of consent are to be imposed outlining the detailed waste management requirements to be incorporated in the design of the development, as to be constructed.

- **Canterbury Development Contributions Plan 2013**

The provisions of our Section 94 Contribution Plan apply to the proposed development in that it will provide residential dwellings on the subject site. The proposed development attracts a contribution of \$1,077,985.56 for community facilities, open space and recreation, and plan administration.

Having regard to the provisions of the Plan, this is required to be paid prior to the issue of a Construction Certificate. A condition is to be included in any development consent issued.

ADDITIONAL CONSIDERATIONS

- **National Construction Code**

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

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties at 180 Lakemba Street, 28-30 Haldon Street, 2 Croydon Street, 4 Croydon Street and 6 Croydon Street, Lakemba to withstand the excavation works proposed.

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

- **Sediment and Erosion Control**

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

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

NOTIFICATION

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

- **Concern is raised in regard to potential dust and noise pollution from the construction of the development**

Comment

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

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

Construction periods of 4 weeks and under:

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

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

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

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

- **Concern that the proposed development involves an excessive number of units, and is a significant increase on the previous DA**

Comment

The proposed development does involve a large number of units and more than what has previously been approved on the site. Nevertheless, Council has recently adopted new planning controls and this proposal represents the form and scale of development envisaged by these new controls that apply throughout the City of Canterbury including in and adjacent to the Lakemba town centre. The proposed development represents the future character contemplated by these controls and on this basis, the proposal is a suitable development for the site.

- **Concern is raised in regard to the overshadowing impact of the proposed development**

Comment

The overshadowing issue is discussed in detail under Part 6.2 of CDCP 2012.

- **The proposed development does not comply with Council's building height standards**

Comment

The proposed development involves a variation to the building height standards within CLEP 2012. The applicant has provided a Clause 4.6 submission to address this variation which is discussed in detail in this report under CLEP 2012.

- **Concern is raised in regard to the privacy impact of the proposed development**

Comment

The development has been designed to prevent impacts on the privacy of adjoining residential land uses. Residential dwellings at the rear of the site have generous rear boundary setbacks and the majority of living areas and balconies have been orientated to prevent overlooking.

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

Comment

As previously stated in this report, the proposed development is fully compliant with the car parking requirements in 6.8 of CDCP 2012.

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

- **The proposed development with its many residents will lead to increased noise disturbances**

Comment

In regard to acoustic impacts, once the development is constructed and operational, noise generated by the proposed development is likely to be limited to that of a domestic scale which is not anticipated to have significant impacts on adjoining residential development.

CONCLUSION

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

The proposed development is considered to be an appropriate active use of the prominent corner site at the northern gateway to the Lakemba Town Centre. The development will provide a substantial contribution to the viability of the Lakemba Town Centre by extending the active street frontage, providing retail floor space, and

supplying a diversity of housing choice. It will also provide a supermarket for Lakemba, which is an essential element for a viable town centre of this size.

As such, it is recommended that the development application be approved subject to conditions.

RECOMMENDATION

THAT the Joint Regional Planning Panel approve Development Application DA-183/2014 for the demolition of the existing structures and the construction of a mixed use development containing 82 residential apartments, supermarket tenancy, three retail tenancies and basement car parking over three levels for 251 vehicles, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Protection from termites
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Section 73 Compliance Certificate
- Soil and Waste Management Plan
- Consolidation of All Lots into One Lot
- Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
- BASIX Certification
- Compliance with Disability (Access to Premises – Buildings) Standards 2010.
- Submission of landscape construction drawings for proposed landscaping works within the public domain areas. Prior to the preparation of such drawings, the applicant shall liaise with Council's City Works Division to obtain relevant details and specifications for works within the public domain.

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

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$3231.00
Section 94 Contributions	\$1,077,985.56
Certificate Registration Fee	\$36.00
Long Service Levy	\$77,490.00

Note 1: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 4: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

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

SITE SIGNAGE

3. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 3.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 3.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 3.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

4. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.

- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. Ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

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

Drawing No.	Drawing Title	Prepared by	Dated
DA2 – Rev 4	Basement 03 Plan	DesignInc	1 September 2014
DA3 – Rev 4	Basement 02 Plan	DesignInc	1 September 2014
DA4 – Rev 4	Basement 01 Plan	DesignInc	1 September 2014
DA5 – Rev 4	Lower Ground Floor Plan	DesignInc	1 September 2014

Drawing No.	Drawing Title	Prepared by	Dated
DA6 – Rev 4	Mezzanine Level	DesignInc	1 September 2014
DA7 – Rev 4	Upper Ground / First Floor Plan	DesignInc	1 September 2014
DA8 – Rev 4	2 nd Floor Plan	DesignInc	1 September 2014
DA9 – Rev 4	3 rd Floor Plan	DesignInc	1 September 2014
DA10 – Rev 4	4 th Floor Plan	DesignInc	1 September 2014
DA11 – Rev 4	5 th Floor Plan	DesignInc	1 September 2014
DA12 – Rev 4	6 th Floor Plan	DesignInc	1 September 2014
DA13 – Rev 4	7 th Floor Plan	DesignInc	1 September 2014
DA14 – Rev 4	Roof Plan	DesignInc	1 September 2014
DA15 – Rev 4	S/01 Section 01	DesignInc	1 September 2014
DA16 – Rev 4	S/02 Section 02	DesignInc	1 September 2014
DA17 – Rev 4	S/03 Section 03	DesignInc	1 September 2014
DA18 – Rev 4	S/04 Section 04	DesignInc	1 September 2014
DA19 – Rev 4	North-East Elevation	DesignInc	1 September 2014
DA20 – Rev 4	North-West Elevation	DesignInc	1 September 2014

- 5.1. Modulate and architecturally detail, including selected external materials and finishes, to ensure a good presentation of the blank wall area of the western façade (adjoining 180 Lakemba Street) where it is exposed to view from the public domain.
- 5.2. One car space in 'Basement 03' is to be designated as a 'car wash bay' for the residents of the development. The minimum dimensions for this car wash bay is to be 3.5 metres by 5.4 metres.
- 5.3. The retain tenancies are to have an accessible corridor.
- 5.4. The shared area adjacent to any disabled car parking space needs to be 2.4 metres in width, to comply with AS 2890.6.
- 5.5. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
- 5.6. The loading dock access arrangements are to comply with AS 2890.2 (2002).
- 5.7. A total of 19 bicycle spaces are to be provided in Basement 01 and/or Basement 02 for the proposed 'supermarket' and 'retail' uses. All bicycle spaces are to be provided in accordance with AS2890.3.
- 5.8. All parts of the building is to be setback at least 6 metres from the residential zone boundary.
- 5.9. Storage area of at least 6m³ is to be provided for each one bedroom unit, and 8m³ per two bedroom unit.
- 5.10. The bathroom and ensuite window(s) being translucent glass.
- 5.11. Communal rooftop antenna to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
- 5.12. Mailboxes are to be provided at the front of the building along Haldon Street where the entrance to the residential lobby is located.
- 5.13. Cantilevered awnings must overhang the footpath by 3 metres.
6. The existing kiosk substation along the Lakemba Street frontage needs to be decommissioned and removed to facilitate the subject development (this works has been confirmed in letter dated 29th August 2014 from UEA Electrical on behalf of Ausgrid).

7. The applicant/operator of the use shall prepare a Plan of Management for the use of the common area. The Plan of Management shall specify how the area is to be operated, and shall address issues including, but not restricted to, the following:

- resident behaviour;
- noise;
- the holding of parties;
- the consumption of alcohol;
- the use of stereos and like equipment;
- the registering of complaints;
- dealing with complaints;
- cleaning of area;
- disposal of waste.

The Plan of Management shall be submitted to the Principle Certifying Authority, and shall be operated in accordance with the approved Plan of Management at all times.

8. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
9. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 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 \$1077985.56. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$97,506.78
• Open Space and Recreation	\$953,031.47
• Plan Administration	\$27,447.31

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

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

10. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
11. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
12. 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.
13. All building construction work must comply with the National Construction Code.

14. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
15. 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.
16. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
17. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
18. 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.
19. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
20. 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.
21. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
22. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
23. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
24. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
25. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
26. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
27. Payment of an additional garbage levy for each new dwelling upon completion of work.
28. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
29. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
30. Stormwater from roof areas must be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area.

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

Construction periods of 4 weeks and under:

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

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

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

32. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

DILAPIDATION & EXCAVATION

33. A photographic survey of the adjoining properties at 180 Lakemba Street, 28-30 Haldon Street, 2 Croydon Street, 4 Croydon Street and 6 Croydon Street, Lakemba detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
34. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 180 Lakemba Street, 28-30 Haldon Street, 2 Croydon Street, 4 Croydon Street and 6 Croydon Street, Lakemba and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the

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

LANDSCAPING

35. The landscape plan (drawn by Mathew Higginson Landscape Architect, submitted to council on 22nd May 2014 drawing number LP01-LP04 Rev A) should be amended to include the following:

- 35.1. Maintenance Schedule: The landscape plan should also be accompanied by a maintenance schedule for 52 weeks post practical completion which includes the following:
 - a. replacement strategy for failures in plant materials and built works,
 - b. maintenance schedule for watering, weeding and fertilizing during the establishment period
- 35.2. Construction details: Standard constructions and details drawings (e.g. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls, planter boxes etc).
- 35.3. Street Trees: Should be proposed in suitable areas along Lakemba and Haldon Street public domain areas.

STORMWATER ENGINEERING

36. The stormwater system be designed and constructed in general, in accordance with the plans, specifications and details in Drawing No.'s 1496 – S1/14. Revision B, prepared by John Romanouse & Associates dated 9 May 2014, and in accordance with all the relevant requirements in Part 6.4 *Development Engineering Floor & Stormwater* of Canterbury Development Control Plan 2012, and as amended by the following conditions.
37. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
38. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly indicate all the street drainage system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010.
39. Full width vehicular crossings shall be provided at the vehicular entrances to the site. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

40. 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.
41. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
42. A qualified practicing Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with 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.
43. A driveway longsection scaled at 1:25 (both vertical & horizontal) is to be submitted indicating the appropriate grades, transitions, lengths and height clearances above the internal driveways and ramps. The existing street levels are to be included in the design of the driveway (The existing street levels include kerb & gutter, footpath and boundary line levels which cannot be altered). The driveway widths and grades shall be in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".
44. The existing easement for stormwater drainage being relocated over a new inter allotment pipe line. Documents relative to the creation of the easement to be lodged with the Land and Property Information NSW prior to lodgement of the Construction Certificate, with Registration being effected prior to issue of the Occupation Certificate. All costs associated with piping, relocation and creation of easements being borne by the applicant. A sample document is included in Part 6.4 *Development Engineering Floor & Stormwater* of Canterbury Development Control Plan 2012.
45. A Registered Surveyor shall certify that the relocated drainage line is constructed wholly within the new easement location.

PUBLIC IMPROVEMENTS

46. 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".
47. The reconstruction of the kerb and gutter along all areas of the site fronting Haldon Street and Lakemba Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
48. The reconstruction of concrete footpath paving and associated works along areas of the site fronting Haldon Street and Lakemba Street is required. The paving material, pattern and construction specification is to be in accordance with the

requirements adopted by Council for the Lakemba town centre and is to be carried out to the satisfaction of Council's Director of City Works. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

WASTE MANAGEMENT

49. The waste bin storage areas are to be designed and constructed in accordance with Parts 6.9.4.1 and 6.9.4.2 of Canterbury Development Control Plan 2012. The commercial bins for the three retail uses, are to be stored in a waste bin storage room that is separate from the residential bins.
50. A further separate waste storage area for the supermarket is to be provided which can accommodate the required amount of bins estimated to be required by the supermarket use.
51. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am.
52. Compliance is to be achieved with Part 6.9.4.3 of Canterbury Development Control Plan 2012 regarding the issue of onsite access for collection vehicles. In specific, the work zones adjacent to the collection vehicle need to be at least 2m in width, plus the width of the bin.

CRIME PREVENTION & COMMUNITY SAFETY

53. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
54. All access points to the building (this would include lifts and stairwells) should be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
55. The storage units located in the vicinity of the car spaces be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
56. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
57. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.

DISABILITY ACCESS

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

ENVIRONMENTAL HEALTH (SUPERMARKET)

59. Provide a rigid smooth faced impervious ceiling over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
60. The floor of the supermarket and bakery areas being finished with an approved rigid impervious material coved to a minimum radius of 25mm at the intersection with the walls.
61. The light fittings being installed flush with the ceiling, or alternatively, provided with approved diffuser covers, and constructed and installed so as to be easily cleaned.

62. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.
63. Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:
64. Wheels or casters which allow the fully loaded fitting to be easily moved
65. Plinths or solid impervious material a minimum 75mm high, with 25mm radius coving between the junction of the plinth and the floor.
66. Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
67. The butting together of fittings such as refrigerator cabinets, counters, sinks, stoves, where inaccessible crevices are created is not permitted. Such crevices including those between fittings and walls are to be provided with a cover flashing, or sealed with a non-setting caulking compound. Where a space is provided between fittings, such space must be at least 75mm for fittings up to 750mm in width and at least 150mm for fittings wider than 750mm.
68. The display shelving being supported on approved metal legs 150mm in height.
69. All goods in the bulk storage area being supported at least 150mm clear of the floor on an open metal frame rack constructed to the approval of the Manager of Compliance.
70. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.
71. A wash hand basin is to be provided in an approved position in each food preparation area and the 'supermarket back of house' and w/c areas connected to both hot and cold water as required by the Australian New Zealand Food Standards Code (Standard 3.2.3). Provide/maintain dispensable soap and single use towels or other suitable hand drying facilities near the wash hand basin.
72. Approved washing facilities in the form of sinks and tubs with an adequate supply of hot and cold water (the hot water to be at a temperature of not less than 45°C) are to be provided in the back of house area for the purpose of cleaning all receptacles, implements, articles, utensils, tools of trade, benches, fittings, machinery and appliances.
73. An appliance used for the storage of hot or cold food, which is being stored for sale, shall be provided with numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius, the sensing element of which is located:
 - (a) in the case of an appliance used for the storage of hot food - so as to measure the air temperature in the coolest part of the appliance; or
 - (b) in the case of an appliance used for the storage of cold food - so as to measure the temperature in the warmest part of the appliance, and so as to be able to read easily from outside the appliance.
74. Approved flyproof screens or systems being fitted to the shop front and rear door of shop.
75. Adequate storage space must be provided on the premises either by the provision of storerooms or cupboards for the proper storage of all foodstuffs and other goods used in connection with the business and details of these must be submitted to the Principal Certifying Authority with the application for a Construction Certificate.
76. All shelving being fixed 25mm clear of the walls on approved solid metal brackets.

77. The shelving being finished with approved impervious material such as glass, sealed solid core timber, metal laminated sheeting on all exposed surface.
78. The premises being made proof against the access of rats and vermin.
79. All external door openings being made fly and vermin proof.
80. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
81. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.
82. A copy of the Permission to Discharge Trade Wastewater must be obtained from Sydney Water and a copy provided to the Principal Certifying Authority with the application for the Construction Certificate. The Wastewater Source Control office is on Level 2, 432 Victoria Avenue, Chatswood 2067, telephone 131110. A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.
83. The premises are to be constructed and fitted out strictly in accordance with by the Australian New Zealand Food Standards Code, Australian Standard AS 4674-2004 and the conditions of any Council consent.
84. Construction/outfitting of the premises in accordance with the Australian New Zealand Food Standards Code and Australian Standard AS 4674-2004 wherever any articles of food or drink are to be sold. A Construction Certificate is required for this work prior to construction.
85. The coolrooms and freezers shall be constructed with a concrete floor finished to a smooth even surface and graded to drain to the door. A sanitary floor waste shall be located outside the coolroom.
86. All internal intersections and external intersections of the floor with walls of the coolroom shall be coved to a minimum radius of 25mm.
87. The coolroom and freezers shall be fitted with an alarm device located outside the coolroom but controllable only from within the chamber.
88. The inaccessible cavities formed between the external walls of the coolroom and freezers and the area in which it is being constructed being made proof against the access and harbourage of vermin.
89. The door of the coolroom(s) and freezers being openable at all times from the inside without the use of a key.
90. All electrical leads or conduits being fixed on the external wall or top surface of the coolroom(s) and freezers.
91. The wall to wall intersections of the coolroom and freezers being coved and the floor to wall intersections being coved to a minimum radius of 25mm and the floor being graded to the door.
92. The coolroom being capable of operating so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5°C and the coolroom being provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the outside.
93. Storage racks of the coolroom s and freezers hall be constructed of galvanised steel or other approved material all of which shall be treated to prevent corrosion.

Racks may be fixed or free standing, the lowest shelf shall be at least 300mm clear of the floor.

SYDNEY WATER REQUIREMENTS

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

CRITICAL INSPECTIONS

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

Class 2, 3 or 4 Buildings

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

Class 5, 6, 7, 8 or 9 Buildings

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

ADDITIONAL INSPECTIONS

96. 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

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

WE ALSO ADVISE:

98. **Landscaping:** The applicant is to further explore the opportunities for landscaping and the benefits that landscaping can provide to this development. This would ensure that the proposed landscaping will:
- Further enhance the development,
 - Reduce the visual impact of the building mass. This is particularly important in developments within Town Centres,

These aims can be achieved by exploring the designing of planter boxes on building levels above ground such as the residential balconies. These planter boxes should be appropriately sized to fit the area they are being placed within

and planted with appropriate species to achieve a higher level of aesthetic quality as well as perform the functions such as softening the building mass and providing additional privacy to residents.

99. The use of proactive security such as CCTV cameras is encouraged. This measure will ensure that the site is monitored at all times.
100. Residents should be made aware of Council's Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.
101. Consideration is given to have more retail accessible car parking spaces in the basement.
102. A separate Development Application or Complying Development Certificate to be lodged for the use of the three retail occupancies if required under the terms of Council's Planning Controls or the SEPP 2008 Commercial and Industrial Codes as amended.
103. This application has been assessed in accordance with the National Construction Code.
104. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
105. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air Handling Systems
 - Smoke alarms
 - Final Fire Safety Certificate
 - Glazing
 - BASIX completion
 - Water Proofing
 - Section J of the NCC
106. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
107. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
108. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
109. 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.
110. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act" and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
111. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.

112. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
113. If you are not satisfied with this determination, you may:
 - 113.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of receipt of this Notice of Determination; or
 - 113.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.