

JOINT REGIONAL PLANNING PANEL (Sydney East)

JRPP No	2014SYE109
DA Number	DA-363/2014
Local Government Area	City of Canterbury
Proposed Development	Demolition of the existing structures on site and the construction of four (4), 3 storey over basement flat buildings, comprising 67 units and 91 car parking spaces.
Street Address	98 Payten Avenue, Roselands
Applicant/Owner	Applicant – Charles Payten Pty Ltd Owner – As above
Number of Submissions	14 submissions were received including five petitions.
Regional Development Criteria (Schedule 4A of the Act)	The development application has a Capital Investment Value greater than \$20m and in accordance with Schedule 4A (3) and (4) of the Environmental Planning and Assessment Act 1979 is referred to the Joint Regional Planning Panel (JRPP) for determination.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy 2004 BASIX • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • Canterbury Local Environmental Plan 2012 • Canterbury Development Control Plan 2012 • Canterbury Development Contributions Plan 2013
List all documents submitted with this report for the panel's consideration	Architectural Plans
Recommendation	This application has been recommended for approval
Report by	Sean Flahive - Development Assessment Officer

Assessment Report and Recommendation Cover Sheet

EXECUTIVE SUMMARY

- We have received a Development Application (DA) for the demolition of the existing structures on site and the construction of four (4), 3 storey residential flat buildings, with basement parking comprising 67 units and 91 car parking spaces.
- This DA has a Capital Investment Value in excess of \$20 million and is referred to the Joint Regional Planning Panel (JRPP) for determination.
- The subject site is zoned R4 High Density Residential under Canterbury Local Environmental Plan 2012. The proposed development is defined as 'residential flat buildings' and is permissible within the zone subject to approval.
- The development application has been assessed against the relevant statutory provisions and is found to generally comply with the aims, objectives and requirements of our Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012, with the exception of FSR and minimum balcony sizes, which will be discussed in the main body of this report.
- The development application was publicly exhibited and adjoining and surrounding land owners and occupiers notified in accordance with the provisions of Part 7 – Notification in Canterbury Development Control Plan 2012. 14 submissions were received including five petitions.
- The development application is recommended for approval subject to conditions.

SITE DETAILS

The site is legally described as SP 31537. The site's area is 5,504m² and is irregular in shape, with a 45m long, 12m wide access handle from Payten Avenue. The existing industrial Strata Plan will be extinguished as part of the development of the site and a new Strata Plan will be established for the proposed residential development.

The site is currently occupied by six single and two storey brick and metal industrial buildings, with associated outbuildings and sheds. Aerial Photographs of the site indicated that the site was vacant until at least 1951. Following this it was understood to have been developed between 1951 and 1961 for commercial/industrial land uses. The site has been used for various commercial/industrial purposes including manufacturing of small goods, metal fabrication and possibly for printing purposes.

The buildings on the site are currently used as industrial office space and warehouses uses (for the warehousing of garments). On site at grade parking is provided around the buildings. The majority of the site is built upon, with buildings, or covered by concrete/asphalt paving. An electrical substation is also located on the site, at the southern end of the access handle to the site from Payten Avenue.

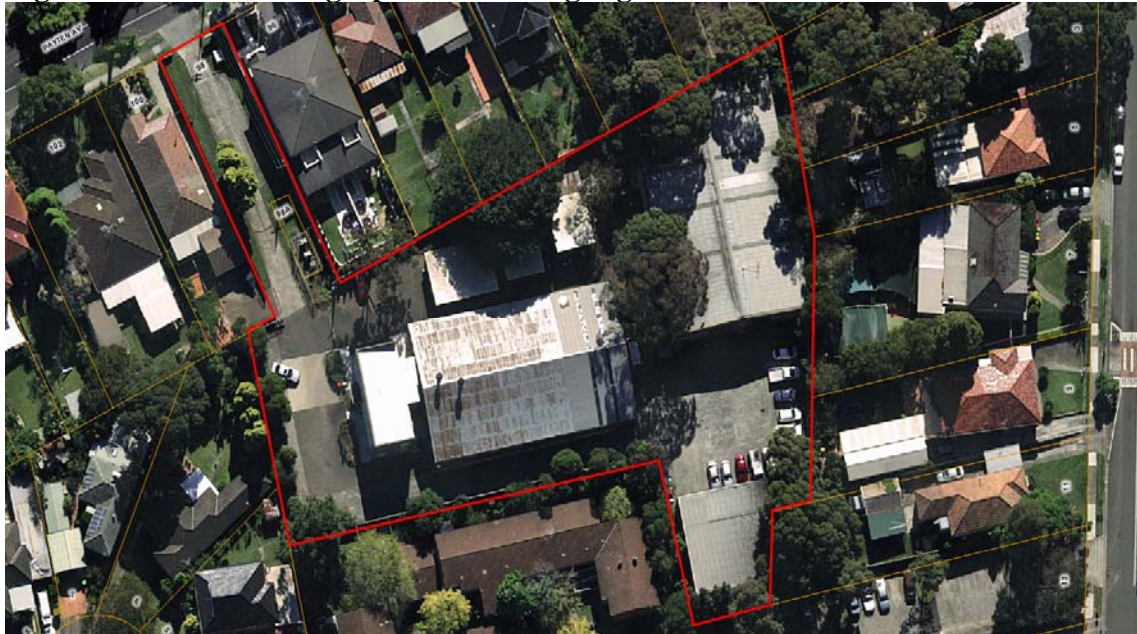
The site is located near the western slope (near the crest) of a hill. The site generally slopes west, with a slight slope south. The site is estimated to have a three degree fall west and approximately 1 degree fall to the south, with a height variation of approximately 8m east to west.

The site is predominantly paved, and occupied by the existing industrial and outbuildings. Vegetation on the site is generally located on the edges, adjacent the boundaries, with the exception of four trees located at the centre of the site, between the two large industrial buildings. Large trees have developed in undisturbed areas of land around the building in the north-eastern corner and a couple in the south-east. A number

of large (and some significant) trees are located adjacent the site on adjoining lots, which overhang the boundary.

The site is accessed by a 45m long, 12m 'handle' access handle into the battle-axe lot. This entry is provided for both vehicle and pedestrian access and is characterised by concrete paving, with a turfed strips on the eastern and western sides.

Figure 1 – Aerial Photograph with site highlighted in Red



PROPOSAL

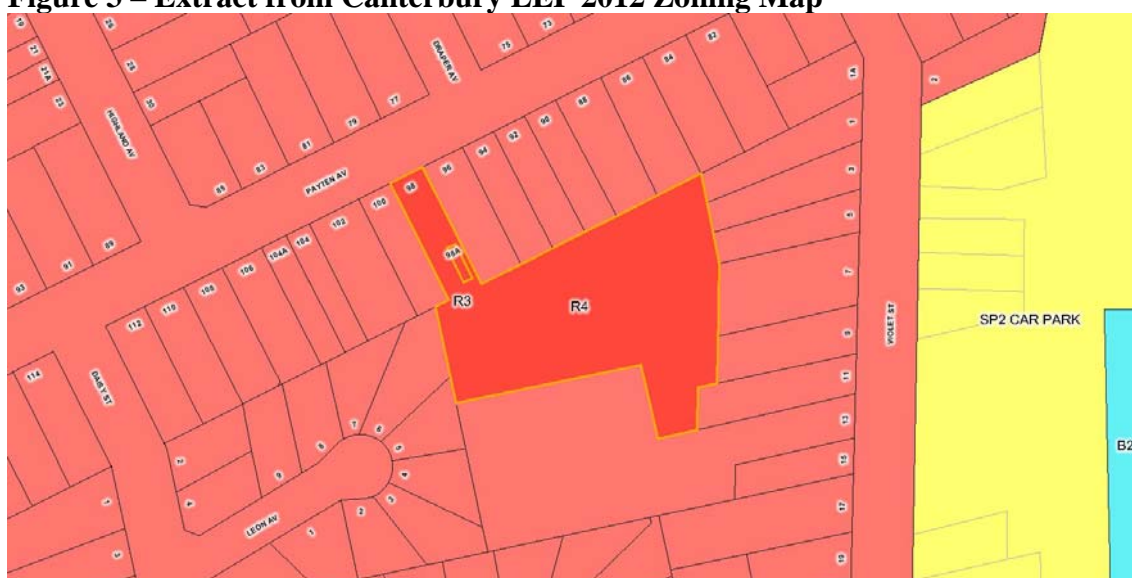
This application seeks approval for the demolition of existing buildings and construction of a residential flat development at 98 Payten Avenue, Roselands. Specifically, approval is sought for the following

- Demolition of existing industrial building, outbuildings, structures;
- Construction of four, three storey residential flat buildings containing a total of 67 apartments consisting of:
 - 25 one bedroom dwellings
 - 39 two bedroom dwelling (including 4 terraces)
 - 3 three bedroom dwellings
- Excavation and construction of a single basement carpark to accommodate
 - 91 car parking spaces (including 8 accessible spaces)
 - waste collection facilities
 - residential storage facilities
 - 21 bicycle parking spaces
- Tree removal and landscaping across the site; and
- Extension and augmentation of the physical infrastructure (as required).

Figure 2 – Photo Montague from access handle off Payten Avenue



Figure 3 – Extract from Canterbury LEP 2012 Zoning Map



INTERNAL REFERRALS

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

- Fire Safety and Building Related Comments**
 The development application has been accompanied by a National Construction Code (NCC) Compliance Report prepared by City Plan Services. The report concludes that the proposed development is capable of complying with the provisions of the Building Code of Australia subject to certain aspects being complied with at Construction Certificate stage. The development application and accompanying BCA report were referred to Council's Fire Safety Officer for comment who has raised no objections to the proposal subject to certain conditions being included as part of any development consent issued.

- **Environmental Health and Compliance Comments**
The development application was reviewed by Council's Environmental Health officer who raised no objections to the proposed development, subject to the imposition of a number of related conditions.
- **Traffic Engineer**
The development application was reviewed by Council's Traffic Engineer, who raised no objections to the proposed development, subject to the imposition of a number of related conditions.
- **Urban Planner**
The development application was reviewed by Council's Urban Planner, who raised concerns with regard to the setbacks proposed. This issue was flagged to the applicant and additional information was submitted on the 28th of November 2014 addressing this issue.

Comments were also received from Council's Landscape Architect, Development Engineer and Waste Coordinator. The advice received from these officers is discussed in the assessment section of this report.

STATUTORY CONSIDERATIONS

The development application has a Capital Investment Value greater than \$20m and in accordance with Schedule 4A (3) and (4) of the Environmental Planning and Assessment Act 1979 is referred to the Joint Regional Planning Panel (JRPP) for determination.

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy 2004 BASIX
- State Environmental Planning Policy No. 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 No. 55 – Remediation of Land (SEPP 55)**

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

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

The Phase I Environmental Site Assessment prepared for the site by Environmental Investigation Services demonstrates the site can be made suitable for the proposed development. This is further substantiated by the Detailed Site Investigation carried out by SMEC Testing Services Pty Ltd. The detailed site investigation concludes that:

- The site appears to have been used for commercial/industrial purposes since at least the 1950s and the use of the site has remained commercial/industrial until the present day. Land use prior to 1950's is unknown as the surrounding land was developed however the site remained vacant.
- The results of the soil sampling program performed for this investigation show that the concentrations of chemical contaminants in the soils across the site are generally low and below criteria that are protective of human-health for a high-density residential land use setting.
- The results of the soil sampling also show that the fill material located within the proposed basement excavation is classed as General Solid Waste for the purposes of landfill disposal. Further, the natural soil that is present beneath the fill on the site will be able to be classed as virgin excavated natural material (VENM), thus enabling the material to be beneficially reused as clean fill on other development sites. However, to achieve a VENM classification for the natural materials the site would need to be inspected by an environmental consultant following the removal of the fill layer.
- Based on the results of this investigation, the site is suitable for a high-density residential land use.
- The asbestos-based material which has been identified onsite should be removed by an appropriately licensed contractor and in accordance with WorkCover NSW regulations at the time of redevelopment.

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

- **State Environmental Planning Policy 2004 BASIX**

BASIX Certificate No. 560195M dated 18 August 2014 accompanies this application. The commitments include providing water saving devices such as low water using taps, showerhead, as well as suitable energy uses such as gas cooktops and electric ovens, kitchen, bathroom, laundry and lift and basement ventilation devices. A condition of consent will apply that the development be fitted out to meet these nominated BASIX commitments.

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

The applicant has provided design verification as required by Part 4 in SEPP 65 that the proposed development is consistent with the design principles found in SEPP 65.

Context

The site is a battle axe allotment. Payten Avenue has a frontage of 12.19m. The site area is a total of 5504m² and has a diagonal fall of approximately 2.3m measured from the north eastern corner to the south western corner of the main site. The site is currently occupied by six single / two storey, brick / metal factory buildings with metal roofs. These factory buildings will be demolished. The location of the site is ideally suited for residential development due to it being surrounded by low density residential. The site is close to parks and recreational facilities including Wiley Park, Scott Reserve, Wise Reserve, Bennett Park, Roselands fitness and squash centre and the Lantern Club. The retail facilities at Centro Roselands are also in close proximity and serve as convenient facilities for the site. Further, public bus services are situated on Payten Avenue. It should also be noted that it takes five minutes of driving distance to either Punchbowl or Wiley Park train station and the central bus hub station. The location is also well serviced by arterial roads such as the M5, King Georges Road and Canterbury Road. Therefore, it is considered that the proposal to develop the site for residential purposes will greatly enhance the quality and amenity and make a positive contribution to the growing community within the emerging neighbourhood.

Scale

The neighbouring buildings that border the site range from one to two storeys in height with street setbacks that are typically ten metres. The height of the proposed building is 11.47m inclusive of the height of the lift overrun. Hence the height of the building remains below the council's height restriction of 11.5m. The scale of the proposed buildings is modest and design has been kept within close guidelines with the land use strategy proposed by City of Canterbury Council DCP. Further careful steps have also been taken in the modelling of the façade to further reduce the visual impact of the proposal. Also planter boxes, blade walls, sun screening, awnings, framing and balcony elements all serve to break down the scale of the building.

Built Form

In achieving appropriate built form, care has been taken with:

- The massing of the building seeks to optimise the environmental opportunities and constraints of the site.
- Setbacks to the building serve to provide a buffer between the public and private realms.
- Cross ventilation is achieved in the units through the linear building arrangement. (Refer to Appendix 01)
- Care has been taken to provide interest to the facades through modelling and material selection.
- Large glazed openings for maximum solar access provide transparency to the built form.
- Materials suggested are in keep with the existing suburban context.

It is considered that the proposed built form is sympathetic to both the human scale and to its broader environmental context.

Density

An appropriate density is proposed for the site, with ample private and public open space provided. The FSR set for the site by the City of Canterbury Council LEP is 0.9:1. The proposed total gross floor area of the development is 5361m². The resultant FSR of 0.97:1 therefore does not comply with Council's requirements for the site.

The private open space offered to each dwelling is generous, varying from 9 to 142m². In addition to this is the communal landscaped open space which is available for the use of the residents. This has ensured the design will have a quality landscaping opportunity for the site.

The proposed unit mix is as follows:

Type	Number of Units
1 Bedroom dwellings	25
2 Bedroom dwellings	39
3 Bedroom dwellings	3

The density achieved is considered to be appropriate within the urban and social context of the site. Its location in close proximity to transport links and numerous retail, commercial, educational and recreational facilities suggests that the proposed density is both sustainable and compatible with the nature of likely future development.

Resource, energy and water efficiency

The building has been designed with due regard to environmentally sustainable design principles and aspects as outlined in the following points:

- The majority of the proposed apartments have their living areas and private open space orientated towards the north to maximise solar access. Cross ventilation limits the degree of artificial cooling required in summer, achieved through the open plan unit layouts and the provision of windows on opposite facades of the building.
- The use of masonry walls and concrete floor construction serves to regulate interior temperature fluctuations. Generous windows minimise reliance on artificial lighting in the interiors.
- Durable, low maintenance materials have been chosen for the development, including rendered masonry, aluminium doors and windows and colorbond metal sheeting.
- An energy efficient assessment of the units has been undertaken under the BASIX Report by Damian O'Toole Town Planning Pty Ltd.

Landscape

The landscaping for the development is extensive and will contribute greatly to the amenity of the residents and to the surrounding public domain. Landscaped components of the development include: common open space on natural ground level of the development, comprising of lawns, bbq area and a shared recreational facilities. The balconies or terrace areas provided for each unit are accessed directly from the principal living areas of each apartment. Proposed planting consists largely of natives to minimise water requirements. The rainwater tanks proposed will provide garden

irrigation. A Landscape Plan has been prepared by Sturt Noble Architects and forms part of this Development Application submission.

Amenity

The proposal offers a high degree of amenity to its residents and employs environmentally sustainable design principles in the unit designs. Room sizes are generous, with all bedrooms of adequate size for a double bed if desired. Ceiling heights are beyond the 2.4m minimum required in the Building Code of Australia, with a floor to floor height of 3.1m. All master bedrooms include an ensuite and built in wardrobe, and many dwellings incorporate a study/communications area in the plan. Planning configurations are flexible and easily adaptable to cater for changing patterns in the built environment. Built in wardrobes in all bedrooms and built in cupboards in the hallways and / or living spaces provide adequate storage for the units, with additional storage available for resident use in the basement carpark for larger items. The floor plans are efficient, with little space required for access corridors. Units enjoy open plans with cross ventilation to limit the degree of artificial cooling required in summer, as well as generous living areas and private outdoor spaces that take advantage of the northern winter sun. Visual privacy is achieved between units through the use of blade walls, fixed louvers and planter boxes. All common walls in units will be built to the standards required for acoustic privacy in the Building Code of Australia. The configuration of units within the building also serves to maximise acoustic privacy between dwellings. Lift access is provided from the basement carpark to all levels of the building, offering equitable access for all ages and degrees of mobility. A total of seven adaptable housing units have been provided within the development. These units are one level in configuration and feature lift access from the carpark. The street entry to the site is ramped to disabled code requirements. Visitor and resident car parking is clearly demarcated.

Safety and Security

The development of the site for residential purposes greatly increases the security of the area through converting the existing industrial area to a residential development. Internal streetscape activity and casual surveillance is also created by the orientation of the units to the communal landscaped area. Adequate lighting will be provided for the site access points, such as carpark ramp and main entry pathways. Security roller door access to the basement carpark, intercom entry to the lobby areas and access to the residential stories via the use of security passes all serve to ensure the internal security of the residents.

Social dimensions and housing

In accordance to future outlook for the Canterbury area and in particular in regards to the site being located near the Roselands Shopping Centre, the mix of different housing types as well as the proposed density cater appropriately for the varying demographics of the neighbourhood. A variety of housing types have been provided within the site, ranging from one to three bedrooms often with additional study spaces. A range of users is thereby catered for to suit the varying demographics of the neighbourhood and the growing population of the area. The site is well located for employment opportunities, being close to the industrial, commercial and retail areas. The increased density afforded by the development will serve to attract more people to the area and increase patronage of the local retail, restaurant, educational and commercial facilities. The development offers a range of housing with a high degree of amenity, catering for a wide section of society appropriate to the demographics of the area.

Aesthetics

The development seeks to make a high quality contribution to the aesthetic amenity of the area with careful detailing and quality finishes.

Materials used include rendered masonry, metal roof sheeting and wall cladding, steel / glass balustrade and timber batten screening and fencing. Contrast and definition to the façade is achieved through the material and finishes schedule.

Due to the number of dwellings on the site and the need to provide individual identities to the units, a palette of colours has been chosen from which varying combinations will be employed. This will result in visual variety whilst maintaining the overall aesthetic harmony of the development.

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

This site is zoned R4 High Density Residential under CLEP 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R4 High Density Residential	Residential flat buildings are permissible with consent	Yes
FSR	0.9:1	0.97:1	No – See comment
Building height	11.5m	11.475m	Yes

The Floor Space Ratio of the proposed development is 0.97:1, while our LEP FSR limit is 0.9:1.

Clause 4.6 of LEP 2012 allows Council to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development. This request to vary a development standard related to floor space ratio (clause 4.4) development standards within LEP 2012.

Clause 4.4(2) states that 'The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map'. The maximum FSR shown on the Floor Space Map for the subject site is 0.9:1.

The proposed development has a site area of 5,504m² and GFA of 5,364m², which equates to an FSR of 0.97:1. The proposed FSR therefore exceeds the maximum FSR development standard by 0.07:1, or 411m².

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; and

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

Comment

The applicant has indicated in the documentation submitted that the objectives of the development standard from Clause 4.4 of the LEP are:

- (a) to provide effective control over the bulk of future development,*
- (b) to protect the environmental amenity and desired future character of an area,*
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain,*
- (d) to optimise development density within easy walk of the railway stations and commercial centres.*

The following sections demonstrate that the proposed variation to the FSR development standard will still result in a development that achieves the objectives of the FSR development standard.

(a) To provide effective control over the bulk of future development

The Canterbury LEP and DCP contain a series of controls, that combined together help establish a building envelope for the site. The FSR, landscaped area, 60% site coverage, height limit and setbacks are the key 'controls' that help establish a desirable envelope for any given site. The proposed residential flat building's compliance with other key development control parameters that combine to create the building envelope demonstrates that the building is of an appropriate density for both the site and locality. As outlined in the SEE prepared for this DA, the proposal complies with all of the standards described above (with the exception of FSR).

In particular, the proposed FSR of the buildings sits entirely within the allowable setbacks (with the exception of the sites north-western corner, where there is only a minor variation caused by the FSR and GFA) and also wholly within the maximum height limit across the extent of the site.

(b) To protect the environmental amenity and desired future character of an area

The proposals compliance with development standards and envelope controls, particularly setbacks, is consistent with this objective. The proposal provides suitable levels of separation between adjoining dwellings. The design of the proposal, particularly the private open space and privacy treatment to the façades, will also contribute to protecting the existing amenity of the area. The proposal is consistent with the applicable zoning and land use.

(c) To minimise adverse environmental impacts on adjoining properties and the public domain

As noted earlier, the proposed development complies with the required building envelope controls, including height, setbacks (with the exception

of a minor variation to the north western corner), site coverage, landscape area, and deep soil planting.

The additional floor space above the control is contained wholly within the compliant envelope. Therefore, the proposed variation in its self does not generate any additional environmental impacts to adjoining properties.

(d) To optimise development density within easy walk of the railway stations and commercial centres

The proposal is located approximately 200m west of Centro Roselands, a regional shopping centre with over 170 specialty stores. Additionally, the Centro Roselands bus terminus where services interchange (Route 411 and 487) with a number of other services including Route 450 and 946 which provide connections to the Lakemba, Hurstville and Strathfield Railway Stations. Wiley Park and Punchbowl Railway Stations are located some 1.2km to the north. The proposal for higher density residential is therefore well located to take advantage of these services.

This submission by the applicant demonstrates that the proposal other than the FSR standard, the proposal complies with the key controls and objectives for built form including setbacks and separation distances to surrounding dwellings. The development also performs well on a range of residential amenity measures (both internally to the site and on adjoining properties) including solar access, privacy, communal open space, unit size, balcony size, traffic generation and the like. As such, it can be said that the proposal can be capably accommodated within the environmental capacity of the site, without adverse impacts. The high level of compliance with a range of other DCP and RFDC controls means that the development cannot be claimed to be an over development of the site.

- (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

It is considered that the proposed development is in the public interest and is in keeping with the objectives of 'Clause 4.4 'Floor Space Ratio' of CLEP 2012 as the bulk and scale of the development and its

relationship with neighbouring properties is acceptable. The proposed development is also in keeping with the objectives of the relevant zone.

(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.

Taking the above into account this variation is considered reasonable under the circumstances.

• **Canterbury Development Control Plan 2012 (CDCP 2012)**

The proposed development has been compared to the requirements of CDCP 2012 as follows:

Part 2 - Residential Neighbourhoods

Standard	Requirement	Proposal	Complies
Isolation of Sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed	No isolation of neighbouring properties so that it is incapable of being reasonably developed	Yes
Minimum Frontage	20m	12.19m to Payten Avenue	No – See comment
Height	Basement projection – 1m maximum (otherwise included as storey)	Basement <1m	Yes
	Basement permissible for single dwellings in all zones, multiple unit and residential flat building in R4 zone only. No other residential is permitted basement	Basement proposed – permitted for RFB in R4 zone	Yes
	Maximum 3 storey and 10m maximum external wall height, where the height of buildings is 11.5m on the LEP Map	3 storey and 11.475m maximum external wall height.	Yes
Depth/ Footprint	25m maximum Can be increased to 35m if deep soil planting is incorporated as per clause 2.1.5(v)	35m with deep soil planting provided as per clause 2.1.5(v)	Yes
Setbacks	Front: 6m min	Front 6m – 18m.	Yes
	Rear: 6m min	Rear: 7m.	Yes
	Side: 4m min	Side: 4m – 6m	Yes – See comment
	Deep soil: minimum 2m wide along the side boundaries, and minimum 5m along front and rear boundaries	Minimum 2m wide alongside boundaries and minimum 5m along the front and rear boundary.	Yes
Building separation	Min 6m between buildings on one lot Less than five storeys – at least 12m between windows and/or balconies as per clause 2.1.9	9m – 12m provided Separation distances ranging from 5.8m to well in excess of 12m	Yes No – see comment

Standard	Requirement	Proposal	Complies
	Setback unscreened windows facing side or rear boundaries, at least half of the separation distance that is specified above.	Any unscreened windows facing side or rear boundaries within 6m of a common boundary shall have screening provided as a condition of consent.	Yes via condition of consent
	Provide deep soil or private open space in the separation area, as well as communal open space on multi dwelling and residential flat building sites.	Deep soil, communal open space and private open space provided in the separation area.	Yes
Car Parking			
Residential Flat Building	<u>Residential car parking</u> 1 bedroom/studio = 1 parking space 25 required 2 bedroom = 1.2 parking spaces 46.8 required 3+ bedroom = 2 parking spaces 6 required <u>Car wash bay</u> 10+ units = 1 car wash bay 1 required <u>Visitor parking</u> 1 space per 5 units 13.4 required <u>Total required:</u> 91.2 (91) car parking spaces and 1 car wash bay	91 car parking spaces and 1 car wash bay provided on site	Yes
	<u>Bicycle Parking</u> Residents: Minimum 1 space per 5 units - 13.4 required Visitors: Minimum 1 space per 10 units – 6.7 required <u>Total required:</u> 20.1 (20) spaces	Adequate space in basement to provide secure parking for 20 bicycles. This will be ensured via condition of consent.	Yes
Basement Car Parking	Basement parking for residential flat buildings, and any other residential: <ul style="list-style-type: none"> - Maximises the amount of deep soil for canopy planting, - Gives ground floor dwellings access to ground level courtyards, - Allows ground floor dwellings to address the street. 	The current proposal: <ul style="list-style-type: none"> - Maximises the amount of deep soil for canopy planting, - Gives ground floor dwellings access to ground level courtyards, - Allows ground floor dwellings to address the street. 	Yes Yes N/A as battle-axe lot
Design Controls			
Street Address	Clearly identifiable entries	Clear entries	Yes
	Provide main common entry and separate private ground floor apartment entries where appropriate	Main common and alternate entries to ground floor where appropriate	Yes
	At least one habitable room window to face street	Windows facing common areas	N/A as battle-axe lot
	At least one habitable room window to face internal communal areas	Windows facing common areas	Yes
Façade	Avoid long flat walls	No long flat walls	Yes

Standard	Requirement	Proposal	Complies
Design and Articulation	Step of at least 1m for RFBs	Steps of 1m+	Yes
	Use non reflective materials, treat publicly accessible areas with anti-graffiti coating	Schedule of finishes provides non-reflective materials	Yes
	Layer and step facades in order to avoid building forms that are bland, bulky or over-scaled by: - Complying with base and upper element setback controls,	The current proposal complies with base and upper element setback controls	Yes
	- Incorporating balconies, staggered alignments for exterior walls, and by contrasting design elements.	The current proposal incorporates balconies, staggered alignments for exterior walls, and by contrasting design elements.	Yes
Roof Design	No steep pitched roofs – use 10% pitch or less. Emphasise building articulation with shape and alignment of roof	Flat roof proposed	Yes
	Relate roof design to building and respond to orientation of site	Roof design relates to building and site orientation	Yes
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive. Unscreened appliances not to be visible from the street, communal area or driveway on the site (air con. units behind balustrades, screened recesses for water heaters, meters in service cabinets).	Service and utility areas integrated into the design of the development (i.e. air con, hot water units adequately screened), garbage bins screened	Yes
	Screen clothes drying areas from public view, storage space screened and integrated into design	Clothes drying and storage facilities screened	Yes
	Discretely located mailbox in front of property	Mailboxes discretely located at the front of the property	Yes
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings – if preferred orientations are not achievable use high sill windows or <600mm wide	Privacy mitigation measures have been incorporated into the design. This will be further reinforced by the inclusion of a condition of consent requiring screening to all balconies overlooking private open space associated with surrounding residential development	Yes
Open Space	1 bedroom = 9sqm 2 bedroom = 12sqm 3+ bedroom = 16sqm	6 of the 67 units proposed do not meet the minimum private open space requirements	No – See comment

Standard	Requirement	Proposal	Complies
	<p>Locate the principal open space adjacent to the main living areas, such as living room, dining room or kitchen, to extend the living space of the dwelling, and provide:</p> <ul style="list-style-type: none"> - Direct access from a living room, dining room or a family room. Indoor areas must not be elevated more than 300mm above the principal open space. - One area at least 2.5m by 2.5m that is suitable for outdoor dining and can accommodate a dining table and two to four chairs - One additional area suitable for clothes drying, concealed by shutters, screens, fences or tall opaque balustrades. 	<p>The current proposal provides principal open space adjacent to the main living areas and provides:</p> <ul style="list-style-type: none"> - Direct access from a living room, dining room or a family room. Indoor areas must not be elevated more than 300mm above the principal open space. - 4 of the 67 units contain primary balconies that are not at least 2.5m by 2.5m that is suitable for outdoor dining and can accommodate a dining table and two to four chairs, - One additional area suitable for clothes drying, concealed by shutters, screens, fences or tall opaque balustrades. 	<p>Yes</p> <p>No – See comment</p> <p>Yes</p>
	Communal Area= Minimum 15% of the open space created by setbacks and building separations	533 square metres (26.5%) of communal open space provided	Yes
Open Space Design	Private open space, communal open space, garden courtyard or terrace, and balconies to be designed as per Clause 2.3.3	Private open space areas comply with design requirements of Clause 2.3.3.	Yes
Internal Dwelling Space and Design	Dimensions and design of interiors to accommodate furniture typical for purpose of room	Typical furniture layout on plans demonstrates compliance by way of minimal use of furniture	Yes
	Living room and main bedroom minimum 3.5m dimension Secondary bedrooms to have minimum 3m width	All units comply with this requirement	Yes
	Storage: Minimum 6m ³ /1 bedroom, 8m ³ /two bedroom, 10m ³ /3+ bedroom dwelling	All units comply	Yes
	Communal stairwells to receive natural daylight and ventilation	Natural day light available	Yes
Housing Choice	10% of dwellings to be provided as accessible or adaptable units to suit residents with special needs	Seven units to be provided as accessible. Impose as a condition of consent.	Yes

As demonstrated in the table above, the proposal complies with the requirements of DCP 2012 with the following exceptions that are discussed below.

Minimum Frontage

Clause 2.1.2 of DCP 2012 requires that residential flat buildings have a minimum 20m width measured across the street boundary on any other road. The subject site is a battle-axe lot, with an access handle of 12.19m, which is more than adequate to serve the proposed development. It is considered that this control is not applicable in this instance and is applicable only to standard development along a street frontage.

One of the objectives of this control is:

“To ensure that sites have sufficient dimensions for adequate garden areas around dwellings and adequate vehicle access and parking.”

The subject site has sufficient dimensions for adequate garden areas around dwellings and adequate vehicle access and parking. On this basis a variation to this control is acceptable in this instance.

Setbacks

Clause 2.1.6 of DCP 2012 requires a front and rear setback of 6m and a side setback of 4m. As the subject site is a battle-axe lot, it is considered that standard setback controls cannot be applied. The applicant has treated the northern and southern elevations of the proposed development as front and rear boundaries and has applied a 6m setback, which is acceptable. However, the applicant has treated the eastern and western elevations of the proposed development as side boundaries. It should however be noted that a 6m setback has been applied to the majority of the eastern elevation, while a 4m setback has been applied to the southern portion of the east elevation and the entire western elevation.

As stated above, the subject site is not a typical block with a street frontage. In this instance it is important to look at the objective of our setback controls, which are:

“O1. Establish the desired spatial proportions of the street and define the street edge.”

It is considered that this objective is not applicable as the proposed development does not interact directly with the streetscape, not have any impact on the street edge.

“O2. Limit the scale and bulk of new building, appropriate to the location and use, by retaining landscaped open space around.”

The bulk and scale of the proposed development is appropriate to an R4 zoning, and complies with the 11.5 metre statutory height limit applying to the site. It should also be noted that the proposed development provides more than adequate landscaped areas surrounding the four residential blocks proposed and is in keeping with the above objective.

“O3. Contribute to the green landscape by retaining adequate space for new trees and conserving any existing trees that are visually prominent.”

The proposed development will contribute to the green landscape by retaining adequate space for new trees and conserving any existing trees that are visually prominent. This

application has been reviewed by Council's Landscape Architect, who has recommend that an approval be issued subject to standard conditions of consent being imposed.

"04. Provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely impacts of new development."

Adequate separation between buildings and adjacent land has been provided as part of this application, in order to limit the visual and environmental impacts of this application.

"05. Minimise stormwater run-off by retaining deep soil that allows rainwater infiltration."

Adequate deep soil has been retained in accordance with the deep soil provisions of our DCP. The proposed development is therefore considered to meet the objectives of the setback controls contained in the DCP and a variation is acceptable on that basis.

Building Separation

Clause 2.1.9 of DCP 2012 required that for Residential Flat Buildings less than five storeys - at least 12m between windows and/or balconies so as to provide a 6m setback from the boundary to the building. The current proposal achieves a building separation of well in excess of 12m for the north, east and south elevations. However a building separation of between 6.2m and 8m is provided between the western elevation of Block A and the rear building line of No. 6 Leon Avenue, which is a single storey dwelling, with these controls being more applicable to adjacent 3 to 5 storey developments.

The objective of this control is to ensure that:

O1. Reasonable sunlight and privacy is available to residents in new buildings and residents in existing buildings.

It has been demonstrated throughout this report that reasonable sunlight and privacy is available to residents in new buildings and residents in existing buildings. The drawings submitted indicate that No. 6 Leon Avenue receives adequate natural sunlight and is not overlooked as all windows on the eastern elevation of Block A are glass block windows. Accordingly, this variation can be supported and will not have a detrimental impact on the future residents of this development or existing residents in adjoining properties.

Open Space

It is noted that five apartments within the development do not meet the minimum open space requirements of our DCP. Clause 2.3.4 of DCP 2012 requires 9sqm of private open space for every 1-bed unit, 12 sqm for every 2-bed unit and 16 sqm for every 3-bed unit. The current proposal has:

- One 1-bed unit with a private open space area of 8 smq, 1 sqm below the 9 sqm required.
- Two 2-bed units with 11 sqm of private open space, 1 sqm below the 12 sqm required.
- Two 3-bed units with 13 sqm of private open space, 3 sqm below the 16 sqm required.

The non-compliance only occurs for five (5) of the sixty-seven (67) units, and the degree of the non-compliance is minor. As well as the small number of non-compliant units, the provisions of the recently exhibited Apartment Design Guide which accompanies the SEPP 65 review should be noted. In this guideline, the relevant acceptable solution is 10m² for a 2 bedroom apartment and 12m² for a 3 bedroom apartments. This guide is pertinent as it is the State Government's latest policy direction with respect to apartment amenity and the sizes included demonstrate that an appropriate and useable balcony space can be provided in an 11m² and 13m² configurations. The design of the private open space for each dwelling is considered acceptable as they are designed to achieve a regular shape and therefore can be highly usable spaces. All primary balconies have a minimum 2m depth, as shown on the amended plans.

The objective of this control is to ensure that all residents have access to private and functional open space on their land, such as private yards, courtyards and balconies or roof top terraces. It is considered that all units proposed have private and functional open space. Accordingly, this variation can be supported and will not have a detrimental impact on the future residents of this development.

Part 6.1: Access and Mobility

The application has been assessed against the Disability Access section of our DCP and was found to be satisfactory.

Part 6.2: Climate, and energy and resource efficiency

Standard	Requirement	Proposal	Complies
Site layout and building orientation	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Building designed and orientated to maximise solar access and natural lighting	Yes
	Where the shape of a lot permits face the long side of the building to the north to allow winter sun in, and then block it out during summer with shading devices and landscaping	Site configuration lends itself to face the long side of the building to the north	Yes
	Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor space and solar cells on the site and on adjoining land (see solar access below)	Building has been designed to minimise shadow impact on adjoining properties	Yes
	Coordinate design for natural ventilation with passive solar design techniques	Design allows for natural ventilation and incorporates passive solar design techniques	Yes
	Provide adequate external clothes drying areas for all residents in the building	Adequate clothes drying facilities provided	Yes
Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building	Building configured to maximize solar access	Yes

Standard	Requirement	Proposal	Complies
Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer	Placement of windows on the northern side has been incorporated into the design	Yes
Insulation and thermal mass	Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows: <ul style="list-style-type: none"> Roof: minimum 2.0 R-value Wall: minimum 1.0 R-value Floor: minimum 1.0 R-value 	This has been addressed in the BASIX Certificate	Yes
Daylight and sun access	At least 2 hours sunlight between 9.00am and 3.00pm on 21 June should be received daily: <ul style="list-style-type: none"> to indoor living areas and principal areas of private open space for at least 75% of the proposed dwellings. for at least 50% of any communal open space. Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. 	53 (79.1%) units receive 3 hours of sunlight to the living area.	Yes
		100% of the communal area receives at least 2 hours sunlight.	Yes
		Number of single aspect apartments limited to 6 (9%) units	Yes
	Siting and form of new developments shall protect existing neighbouring dwellings: <ul style="list-style-type: none"> At least 2 hours sunlight between 9.00am and 3.00pm on 21 June shall be retained for existing indoor living areas and at least 50% of the principal portion of existing private open space 	All properties to the north, east and west of the subject site receive the required 2 hours sunlight between 9.00am and 3.00pm on 21 June. However one unit, out of the nine units bounding the subject site to the south at 13 Violet Street does not receive the required 2 hours sunlight between 9.00am and 3.00pm on 21 June.	No – See comment
Ventilation	Incorporate features to facilitate natural ventilation and convective currents – such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents)	Satisfactory design features have been included to facilitate natural ventilation	Yes

Standard	Requirement	Proposal	Complies
	The rules of thumb as contained in the Residential Flat Design Code require that 60% of units achieve natural cross ventilation.	45 (67%) units achieve natural ventilation.	

As demonstrated in the table above, the proposal complies with the majority of the requirements of Part 6.2 of DCP 2012, with the exception of sunlight access for one of the adjoining properties.

Additional shadow diagrams have been prepared for June 21 (worst case scenario) and July 12 (3 weeks on). These diagrams demonstrate the number of units on the northern elevation which retain 2 hours solar access to 50% of the window opening of the living areas as per the DCP requirements. This analysis refines the diagrams previously submitted and demonstrates:

- 8 out of 9 units achieve 2 hours on June 21;
- All of the 9 units achieve 2 hours sun access on July 12 (3 weeks on from the worst case scenario).

It is considered that this is an appropriate outcome, balancing the range of development controls on the site. Mid-winter solar access increases only one week out from June 21. Whilst on June 21, 1 out of 9 units fall below 2 hours, we note that if for example this was a new RFB development on the adjoining property only 70% of apartments in the overall development would be made to comply (i.e. not all units must achieve solar access).

Further it is important to reiterate that in order to minimise this impact the building is proposed with a 7m setback from the site boundary, this exceeds the minimum requirement. In addition the roof of the building is proposed with a minimum pitch of 5 degrees to minimise the overshadowing.

In terms of increasing the setback from the southern boundary, given the slope between the sites any marginal shift in the building will not improve the solar access figures quoted above. Any further improvement would only be apparent if the setback is increased to beyond 10 metres. This will have a detrimental impact on the scheme by pushing the buildings into the northern parcel of communal open space and would unreasonably adversely impact the yield for marginal increases in solar access performance.

For the above reasons it is considered that the overshadowing proposed is acceptable due to the greater than minimum setback, the design of the proposed roof and given the solar access performance means only 1 out of the 9 units achieves less than 2 hours on June 21 (worst case scenario) and this quickly improves for other times in the winter period.

Part 6.3: Crime prevention

The application was assessed against the crime prevention section of our DCP and found to be satisfactory. Conditions have been recommended should the application be supported.

Part 6.4 Development engineering flood and stormwater

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

Part 6.6 Landscaping

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

Part 6.8 Vehicle access and parking

The quantum of parking on site has been addressed in the Residential Neighbourhoods section of this report and is deemed to be satisfactory. As indicated above this application was also referred to our Traffic Engineer, who found the application to be worthy of support.

Part 6.9 Waste Management

The application has been reviewed by our Waste Services Coordinator and was found to satisfy the requirements of Part 6.9 of the CDCP 2012.

- **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. Based on the provision of 25 x 1 bed units, 39 x 2 bed units and 3 x 3 bed units, the proposed development attracts a contribution of \$796,117.65.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are considered to be satisfactory. It is considered that the proposed development will not have a detrimental impact in terms of the natural or built environments and is in keeping with the scale and density envisaged for a high density residential zone.

- **Suitability of Site for the development**

The site is located within a high density residential zone. The proposed development is permissible in the subject site's current zoning. The proposal has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and, as demonstrated throughout this report, the proposal is generally compliant with the provisions of all relevant development control plans, codes and policies. The application has been assessed by relevant Council officers, with any issues raised being resolved through additional information or conditions recommended for inclusion in any consent issued. On this basis it is considered that the site is suitable for the proposed development.

- **The Public Interest**

The public interest was taken into consideration whilst assessing this development application. It is considered that the current proposal will not have a negative impact on the residential amenity of the neighbourhood and is therefore considered to be acceptable.

Notification

The development application was notified to all adjoining land owners and occupiers in accordance with Part 7 of the Canterbury Development Control Plan (DCP) 2012.

During the notification period, 14 submissions were received including five petitions.

The issues arising from the notification period have been addressed below:

- **Privacy**

Concerns have been raised in relation to potential privacy impacts on adjoining properties.

Comment

With regard to privacy, the proposal complies with all the relevant privacy controls contained within Part 2 of our DCP. As can be seen in the compliance table above, the current proposal complies with all relevant controls in relation to privacy and is therefore deemed to be acceptable. However, in light of the submissions received and in order to ensure that the residential amenity of property in the vicinity is protected a condition requiring the provision of privacy screens will be imposed on any consent issued.

- **Existing Substation**

Concerns have been raised in relation to the existing substation and whether or not changes are proposed as part of this application.

Comment

The existing substation does not form part of this development application. However, the fence surrounding the substation will be replaced as part of this application. It is considered that the replacement of the fence surrounding the existing substation will have no impact on property in the vicinity and will improve its appearance, which will benefit all property in the vicinity.

- **Driveway access from Payten Avenue**

Concern has been raised with regard to the number of vehicles which will be using the access roadway to the subject site and the implication this will have for property in the vicinity with regard to congestion, noise, pollution and pedestrian safety.

Comment

With regard to congestion and pedestrian safety, our traffic engineer has reviewed this application and has indicated that the proposal is satisfactory from a traffic engineering and road safety perspective.

With regard to noise pollution and emissions, our Environmental Health Section have reviewed this application and have indicated that this application is worthy of support subject to conditions. As well as standard noise mitigation conditions, an additional condition will be imposed requiring the implementation of recommendations as provided in the Renzo Tonin & Associates Acoustic Assessment (pages 12-13 _ Doc Ref: TG828-01F02) and provide a further acoustic report prior to the issue of an Occupation Certificate, indicating compliance with the noise mitigation measures to reduce noise (in particular traffic noise) to an acceptable level. It is considered that every measure has been

taken to ensure that the proposed development will not have a detrimental impact on property in the vicinity. Please see conditions 66-69.

- **Single access driveway**

Concern has been raised with regard to the access driveway proposed and it is stated that it is a single access laneway, which will result in traffic queuing etc.

Comment

The access driveway to the proposed development is 5.5m wide and can accommodate two-way traffic, which will not result in traffic queueing and in turn will not exacerbate traffic noise for nearby residents.

- **Garbage Bins**

Concern has been raised with regard to the location of the proposed temporary waste storage area, noise generated during collections and possible odours from the proposed waste storage area.

Comment

This application has been reviewed by our Waste Contracts Co-Ordinator, who has indicated that the waste management processes outlined as part of this application are satisfactory, compliant with our DCP and worthy of support. However, in light of the issues raised in the submissions received, conditions have been recommended which require the following:

- The full enclosure of the temporary waste storage area, in order to reduce any potential odours.
- The integration of the waste storage area with the common boundary with No. 96A Payten Avenue, and the provision of a new boundary treatment which matches the materials/finishes of the temporary waste storage area to the satisfaction of the adjoining residents.
- A limit to the amount of time which the temporary waste storage area can be used for in order to reduce impacts on adjoining properties.

It is considered that the provision of the above conditions will resolve the issues raised in the submissions received and is a reasonable compromise for all parties concerned.

- **Landscaping and Tree Removal**

Concerns have been raised in relation to the landscaping proposed and the removal of mature trees on site.

Comment

This application has been reviewed by Council's Landscape Architect, who indicated that the proposal complies with the landscaping requirements of our DCP and is therefore worthy of support.

It should also be noted that any tree removal proposed as part of this application was supported by a detailed arborist report, which was reviewed by our Landscape Architect, who was satisfied with the amount of trees proposed to be retained as part of this application.

- **Letterboxes**

Concern has been raised in relation to the original drawings submitted and the fact that letterboxes have not been shown.

Comment

Additional information has been submitted indicating the position of letterboxes at the entrance to the subject site, which is satisfactory and complies with the requirements of our DCP.

- **Overhead power lines**

Concern has been raised in relation to how the proposed development will affect the existing power lines running through the site.

Comment

It is considered that this is not a planning matter and that the onus is on the applicant to ensure that any existing or proposed power lines are retained/provided in a safe and efficient manner. It should also be noted that a condition will be imposed on any consent issued requiring 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.

- **Floor space ratio (FSR)**

Concern has been raised in relation to the proposed FSR and how it is over the maximum allowable under the Canterbury LEP 2012.

Comment

This issue has been addressed in the main body of this report.

- **Setbacks**

Concern has been raised in relation to the proposed setbacks on site and how certain setbacks are below Councils minimum requirements.

Comment

This issue has already been addressed in the main body of this report.

- **Height**

Concerns have been raised in relation to the height of the proposed development being excessive.

Comment

The current proposal is fully compliant with our height requirements. Our LEP limits the height to 11.5m and 3 storeys. The current proposal has a maximum height of 11.475m and is 3 storeys in height, therefore fully compliant with Council's height requirements.

- **Use of roof top as terrace**

Concerns have been raised that the roof top area may be used as a roof top terrace, which would have privacy implications for property in the vicinity.

Comment

It should be noted that the current application does not propose any communal roof terraces. In order to ensure that flat roof areas are not used as roof terraces an appropriate condition has been attached.

- **Increased on street parking, traffic generation and street safety**

Concerns have been raised that the proposal will result in increases on street parking, traffic generation and street safety issues in the area.

Comment

The proposed development has been assessed in accordance with Clause 6.8 of our DCP. The current proposal is fully compliant with the parking requirements of our DCP, providing the required number of parking spaces on site. The proposed development provides sufficient off-street car parking to minimise demand for on-street parking and is not likely to result in any significant impacts on the movement of traffic in the local road system.

- **Shopping trolleys**

Concern has been raised in relation to the abandonment of shopping trolleys from the nearby Roselands Shopping Centre by future residents of the proposed units in and around Payten Avenue.

Comment

This is not a planning matter and is a concern for the future strata management of this development and Roselands Shopping Centre.

- **Contamination**

Concern has been raised with regard to possible site contamination and the impacts during excavation.

Comment

This application has been reviewed by our Environmental Health Section, who raised concern in relation to site contamination initially, requesting that a Stage 2 detailed site investigation be carried out with the results submitted to Council for review.

This has been carried out to Council's satisfaction and our Environmental Health Section have recommended that this application is worthy of support, subject to standard contamination conditions being imposed.

- **Excavation**

Concerns have been raised in relation to potential damage to property in the vicinity while excavation on site is being carried out.

Comment

A Condition will be attached to any consent issued requiring that the applicant prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties, detailing the physical condition of the property, both internally and externally, including such items as walls,

ceilings, roof, structural members and other similar items, which shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to 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 practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

It is considered that the inclusion of the above condition will mitigate any potential issues during excavation.

- **Noise and pollution during construction phase**

Concerns have been raised in relation to noise and pollution which will be generated during the construction phase.

Comment

In relation to noise, a standard hours of operation during construction condition will be imposed on any consent ensuring that the residential amenity of property in the vicinity will be safeguarded during the construction phase. The condition will read as follows:

- 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.

With regard to pollution generated during the construction phase, a waste management plan has been submitted that indicated the different types of waste which will be generated during the construction process and how this will be handled.

Should any pollution be generated this would be a matter that can be appropriately acted upon at that time and conditions have been imposed to address this matter.

- **Overdevelopment**

Concerns have been raised stating that the current application is an overdevelopment of the subject site.

Comment

The proposed development is not deemed to be an overdevelopment of the subject site. While a variation to our FSR standard is sought, the applicant is ultimately compliant with the remainder of standards and controls contained within our LEP and DCP. The variation to FSR has been justified in the main body of this report, and the overall compliance of this application can also be seen in assessment section of this report. Accordingly, it is considered that this

application is in keeping with the type of development typically seen in an R4 (high density) zone and is worthy of support.

- **Noise Pollution (mechanical plant equipment)**

Concerns have been raised in relation to noise generated by mechanical plant equipment associated with the proposed development.

Comment

The proposed development has been reviewed by our Environmental Health Section, who have recommended that an approval be issued subject to certain conditions of consent being imposed. One of these conditions is that the proposed use of the premises and / or machinery equipment installed, must not create noise so as to interfere with the amenity of the neighbourhood. If a justified noise nuisance occurs, the person in control of the premise must arrange for an acoustic investigation to be carried (by an accredited Acoustic Engineer who is a Member (Firm) of the Association of Australian Acoustical Consultants), obtain Principal Certifying Authority concurrence for the recommendations of the consultant, and implement those recommendations so as to reduce the noise levels to ambient noise level. Please refer to conditions 66-69.

It is considered that the inclusion of this condition on any consent issued should resolve the issue of noise pollution.

- **Loading and service area**

Concern has been raised in relation to the potential location of a loading bay associated with the proposed development along the access handle to the site.

Comment

It should be noted that the area between the waste storage area and the electricity substation along the access handle is designated as visitor parking not a loading bay.

- **Existing Right of Carriageway**

A claim has been made by the owners of No. 100 Payten Avenue that a right of carriageway exists over the access handle of No. 98 Payten Avenue top the rear of their property.

Comment

A title search has been carried out for both 98 Payten Avenue and 100 Payten Avenue and neither contain a restriction for a right of carriage-way serving No. 100 Payten Avenue through 98 Payten Avenue.

- **Stormwater Engineering**

Concern has been raised in relation to the stormwater management of the proposed development and whether or not this will impact upon property in the vicinity.

Comment

This application has been reviewed by our Development Engineer, who has indicated that the site is self-sufficient from a stormwater point of view and will not burden any other properties to remove run-off. Our Development Engineer is satisfied with the stormwater design and has indicated that the application is worthy of support.

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.

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

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

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve Development Application DA-363/2014 for the demolition of the existing structures on site and the construction of four (4), 3 storey over basement flat buildings, comprising 67 units and 91 car parking spaces, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

- 1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement

- 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	\$3,231.00
Section 94 Contributions	\$796,117.65
Certificate Registration Fee	\$36.00
Long Service Levy	\$82,813.50

- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|-------------|
| Construction Certificate Application Fee | \$48,590.00 |
| Inspection Fee | \$13,591.00 |
| Occupation Certificate Fee | \$4878.00 |

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

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

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: 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 a Construction Certificate by the Council or an Accredited Certifier, and
- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 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.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency).
- 3.1.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
- 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
- 4.2. 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

- 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. 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

6. The development being carried out in accordance with the plans, specifications and details as outlined in the table below except where amended by the conditions of this consent:

Prepared By	Drawing Reference	Issue	Date Prepared	Date received by Council
Baker Kavanagh Architecture	DA. 001	C	27/11/2014	28/11/2014
Baker Kavanagh Architecture	DA. 002	B	13/08/2014	22/08/2014
Baker Kavanagh Architecture	DA. 101	F	18/12/2014	22/12/2014
Baker Kavanagh Architecture	DA. 102	F	8/12/2014	9/12/2014
Baker Kavanagh Architecture	DA. 103	E	27/11/2014	28/11/2014
Baker Kavanagh Architecture Baker Kavanagh Architecture	DA. 104	E	27/11/2014	28/11/2014
Baker Kavanagh Architecture	DA. 200	D	27/11/2014	28/11/2014
Baker Kavanagh Architecture	DA. 300	C	18/12/2014	23/12/2014

7. Access to any flat roof areas shall be for maintenance purposes only and these roofs shall not be used as roof terraces.
8. The following amendments shall be carried out:
- The temporary waste storage area shall be fully enclosed and designed in such a manner so as to integrate sufficiently with the materials and finishes of the common boundary wall with No. 96A Payten Avenue. The temporary waste storage area shall also be designed so as to prevent noise emission, reduce any potential odours and prevent rodents from gaining access.
 - The boundary treatment along the eastern side of the access handle to the subject site shall (common boundary with No. 96A Payten Avenue Roselands) be replaced with a solid material such as brick so as to allow for the integration of the waste storage area with the common boundary with No. 96A Payten Avenue. The replacement of this boundary treatment shall be carried out to the satisfaction of the residents of No. 96A Payten Avenue.

Details of these amendments shall be submitted to Council or the certifying

authority prior to the issue of a construction certificate.

9. A 1.5m high privacy screen shall be provided to all balconies at first and second floor level, which face the extremities (common boundaries with adjoining properties) of the subject site. Drawings demonstrating this shall be submitted to the certifying authority prior to the issue of a Construction Certificate.
10. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the schedule of materials prepared by Baker Kavanagh Architects labelled Materials and Finishes Board (DA700) as received by Council on 22 August 2014. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
11. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$796,117.65. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$72,009.50
• Open Space and Recreation	\$703,850.89
• Plan Administration	\$ 20,257.26

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.

12. An intercom is to be provided at the basement entrance to allow access to the residential visitor parking spaces located behind the roller shutter.
13. Ninety-one (91) off-street car spaces being provided in accordance with the submitted plans. This will comprise:
 - Seventy-eight (78) residential car parking spaces
 - Thirteen (13) visitor car parking spaces
 - One (1) car wash bayThe car space(s) being allocated and marked according to this requirement. The carpark layout must respect the above allocation.
14. Signage being erected for visitor car spaces to notify and allow people to use the designated spaces.
15. Secure bicycle parking for 20 bicycles shall be provided at basement level.
16. A minimum of seven (7) dwellings must be provided as accessible or adaptable units to suit residents with special needs. The construction certificate plans must show which dwellings are to be allocated as accessible or adaptable units.
17. The applicant shall prepare and submit, as part of the documentation for a Construction Certificate, a Construction Management Plan. This plan shall include the following:
 - (a) details of proposed hours of work and contact details of the site manager;
 - (b) proposed method of access to and egress from the site for construction

- vehicles;
 - (c) proposed method of loading and unloading of excavation and construction machinery and building materials;
 - (d) proposed areas within the site to be used for the storage of excavated materials, construction materials, waste storage containers and construction vehicles during the construction period;
 - (e) proposed traffic management measures to ensure safe ingress and egress from the site;
 - (f) proposed method of support to any excavation adjacent to adjoining properties or the road reserve;
 - (g) proposed methods to remove loose material from all vehicles and machinery before entering the road reserve and any run-off from the washing of vehicles and associated sediment control measures.
18. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
 19. 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.
 20. All building construction work must comply with the National Construction Code.
 21. 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.
 22. Provide a Surveyor's Certificate to the Principal Certifying Authority 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.
 23. 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."
 24. 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.
 25. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 26. 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.

27. 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.
28. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
29. 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.
The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
30. 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.
31. 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.

DILAPIDATION AND EXCAVATION

32. Any person causing excavation below the level of the base of footings on an adjoining allotment of land must, at their own expense (L.G. Approvals Reg, Clause 34):
 - (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and
 - (c) give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work at least 7 days in advance of the excavation.
Submit Structural Engineer's details for all retaining walls to the Principal Certifying Authority and obtain a Construction Certificate before construction of same. The details must be prepared by a qualified practising structural engineer who has/is eligible for membership of the Institution of Engineers Australia, and be accompanied by a completed Structural Design Certificate (SC1101a copy attached).
33. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
34. The applicant shall prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties, 86-100 Payten Avenue, 1-13 Violet Street and 5-6 Leon Avenue, Roselands detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a

Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to 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 practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

DISABILITY ACCESS

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

CRIME PREVENTION

36. The basement car park shall be painted the colour 'white'. This measure will increase lux levels and light reflection.
37. The site shall 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.
38. All access points to the building (this would include lifts and stairwells) shall be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
39. The storage units located in the vicinity of the car spaces shall 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.
40. In addition to existing lighting, sensor spot lights shall be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
41. The privacy barrier for the ground floor balconies must limit pedestrians' view of personal belongings on those balconies. The privacy barrier shall be at least 1.7m in height. This measure would deter theft for the ground floor units given the fact that ground floor units are at higher risk of break-and-enter.

ENGINEERING

42. That the stormwater system be constructed in general in accordance with the plans, specifications and details received by Council on 23rd December 2014, drawing numbers, H000 and H102; prepared by Glenn Haig & Partners Hydraulic & Fire Consultants and as amended by the following condition.
43. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
44. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP 2012, Part 6.4.
45. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.

46. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and 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.
47. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
48. 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.
49. 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.
50. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
51. That the vehicular access and basement car parking facility be constructed in general in accordance with the plans specifications and details received by Council on 23rd December 2014, drawing numbers, DA 300, DA 101, and SP 1; prepared by Baker Kavanagh architects and in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". The design must be certified by a suitably qualified Civil Engineer with NPER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
52. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the designed overland flow paths and on-site detention facilities have been constructed in accordance with the approved design and relevant Australian Standards.
53. Certification by a qualified practicing Civil Engineer that the designed overland flow paths and on-site detention facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

54. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on-site detention facilities and stormwater system including the overland flow paths. The Plan must set out the following at a minimum:
 - a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
55. The Operation and Management Plan for the on-site detention facilities and stormwater system, including overland flow paths, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
56. 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".
57. The reconstruction of the kerb and gutter along all areas of the site fronting Payten Avenue 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".
58. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Payten Avenue is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
59. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

LANDSCAPING

60. The submitted landscape plan (Drawing numbers DA-1417-01 Rev C to DA-1417-04 Rev A, Drawn by SturtNoble Associates PL and submitted to council on 18th November 2014) has been prepared according to the Canterbury Development Control Plan 2012.
61. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
62. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works for the supply to the site on time for installation.
63. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.

WASTE MANAGEMENT

64. The waste bin presentation area is to be fully enclosed and designed to be compatible with other buildings on the site.
65. The temporary waste storage area shall only be used on the morning of bin collection and the bins shall be returned to the designated waste storage areas in the basement immediately after collection has taken place.
66. Unobstructed and unrestricted access is to be provided to the waste bin storage area on collection days from 6.00am

ENVIRONMENTAL HEALTH

67. The proposed use of the premises and / or machinery equipment installed, must not create noise so as to interfere with the amenity of the neighbourhood. If a justified noise nuisance occurs, the person in control of the premise must arrange for an acoustic investigation to be carried (by an accredited Acoustic Engineer who is a Member (Firm) of the Association of Australian Acoustical Consultants), obtain Principal Certifying Authority occurrence for the recommendations of the consultant, and implement those recommendations so as to reduce the noise levels to ambient noise level.
68. Implement recommendations as provided in the Renzo Tonin & Associates Acoustic Assessment (pages 12-13 _ Doc Ref: TG828-01F02) and provide a further acoustic report with the OC, indicating compliance with the noise mitigation measures to reduce noise (in particular traffic noise) to an acceptable level.
69. The following recommendations as provided in the SMEC Testing Services Pty Ltd (Pages 24 & 25 Report No: 14/2483) are to be implemented:
 - a. In order to achieve a VENM classification for the natural materials the site shall be inspected by an environmental consultant following the removal of the fill layer.
 - b. The asbestos-based material which has been identified onsite shall be removed by an appropriately licensed contractor and in accordance with WorkCover NSW regulations at the time of redevelopment.
70. Provide to Council, a report / clearance certificate from an accredited Occupational Hygienist certifying that there is no longer any asbestos located on the site and that the site is suitable for development.
71. After completion of the remedial works, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. The construction certificate shall not be issued until the Principal Certifying Authority approves this Validation Report. This report shall be prepared with reference to the Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:
 - (a) Describe and document all works performed.
 - (b) Include results of validation testing and monitoring.
 - (c) Include validation results of any fill imported on to the site.
 - (d) Show how all agreed clean-up criteria and relevant regulations have been complied with.
 - (e) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

72. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works are to be carried out in accordance with this plan. This plan shall include:
- (a) hazard identification and control
 - (b) site security
 - (c) personal protective equipment
 - (d) work zones and decontamination procedures
 - (e) contingency plans and incident reporting
 - (f) environmental monitoring
73. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.

SYDNEY WATER REQUIREMENTS

74. 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. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand , Water Servicing Coordinators, 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

74. Class 2, 3 or 4 Buildings
- 74.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 74.2. prior to covering any stormwater drainage connections, and
 - 74.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
75. Class 5, 6, 7, 8 or 9 Buildings
- 75.1 prior to covering any stormwater drainage connections, and
 - 75.2 after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
76. 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

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

WE ALSO ADVISE:

78. This application has been assessed in accordance with the National Construction Code.
79. 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.
80. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems
 - Final fire safety certificate
 - Glazing
 - Waterproofing
 - BASIX completion
81. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
82. 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.
83. 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.
84. 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.
85. If you are not satisfied with this determination, you may:
 - 85.1. 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 within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 85.2. 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.