

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	<b>2014SYE136</b>
<b>DA Number</b>	<b>DA-505/2014</b>
<b>Local Government Area</b>	<b>City of Canterbury</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of a six storey mixed use development containing ten commercial tenancies and 100 residential apartments over a three (3) level basement carpark</b>
<b>Street Address</b>	<b>364-374 Canterbury Road, Canterbury</b>
<b>Applicant / Owner</b>	<b>Porters Lane Pty Ltd / Maria and Alkis Kadi</b>
<b>Number of Submissions</b>	<b>Two submissions objecting to the proposal</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Rita Nakhle - Senior Planner</b>

### Assessment Report and Recommendation

#### EXECUTIVE SUMMARY

- Council has received Development Application (DA-505/2014) for the demolition of existing structures and construction of a six (6) storey mixed use development containing ten (10) commercial tenancies and 100 residential apartments over a three (3) level basement carpark
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.
- The subject site is zoned B5 – Business Development under Canterbury Local Environmental Plan 2012 ('CLEP 2012'). This part of the site is identified as 'A' on the Key Sites Map, and as such development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development. The proposal involves ground floor commercial uses and as such is defined as a mixed use development and is permissible in the subject zone.
- The proposal involves a minor breach to the building height development standard under Clause 4.3 of CLEP 2012, which is supported by the provision of a Clause 4.6 submission by the applicant.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy 55 – Remediation of

Land, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy 65– Design Quality of Residential Flat Development, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and Canterbury Development Contributions Plan 2013. The proposal is found to generally be in compliance with the requirements of these policies.

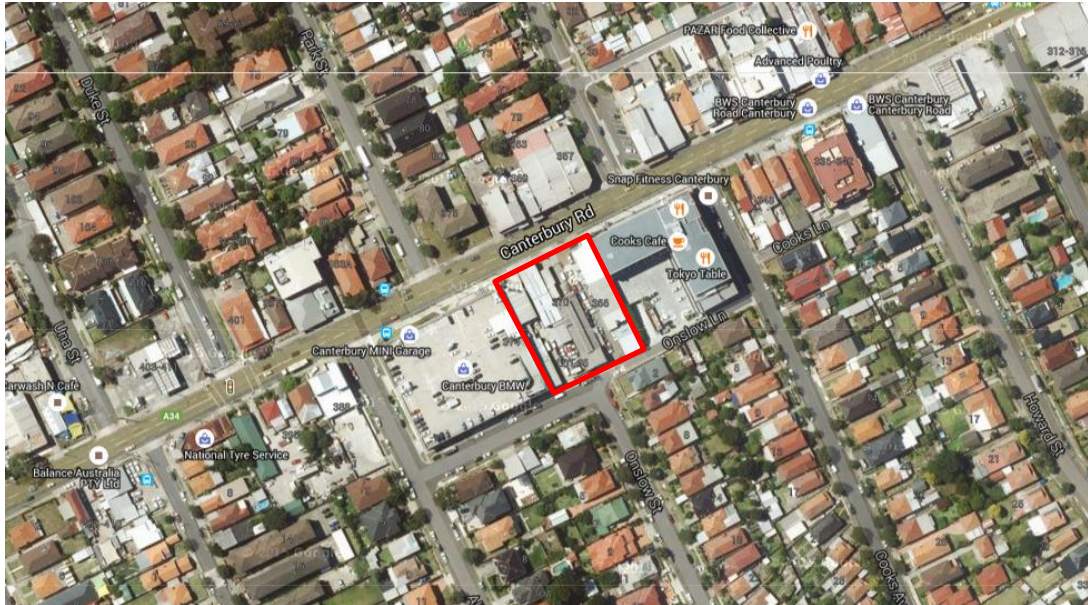
- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Canterbury Development Control Plan 2012. We received one submission objecting to the original plans. Amended plans of the proposal were subsequently publicly exhibited and notified to adjoining land owners. A further one submission objecting to the amended plans was received. Issues raised in the submissions and our responses are provided in the body of this report.
- The development application is recommended for approval subject to conditions.

## **SITE DETAILS**

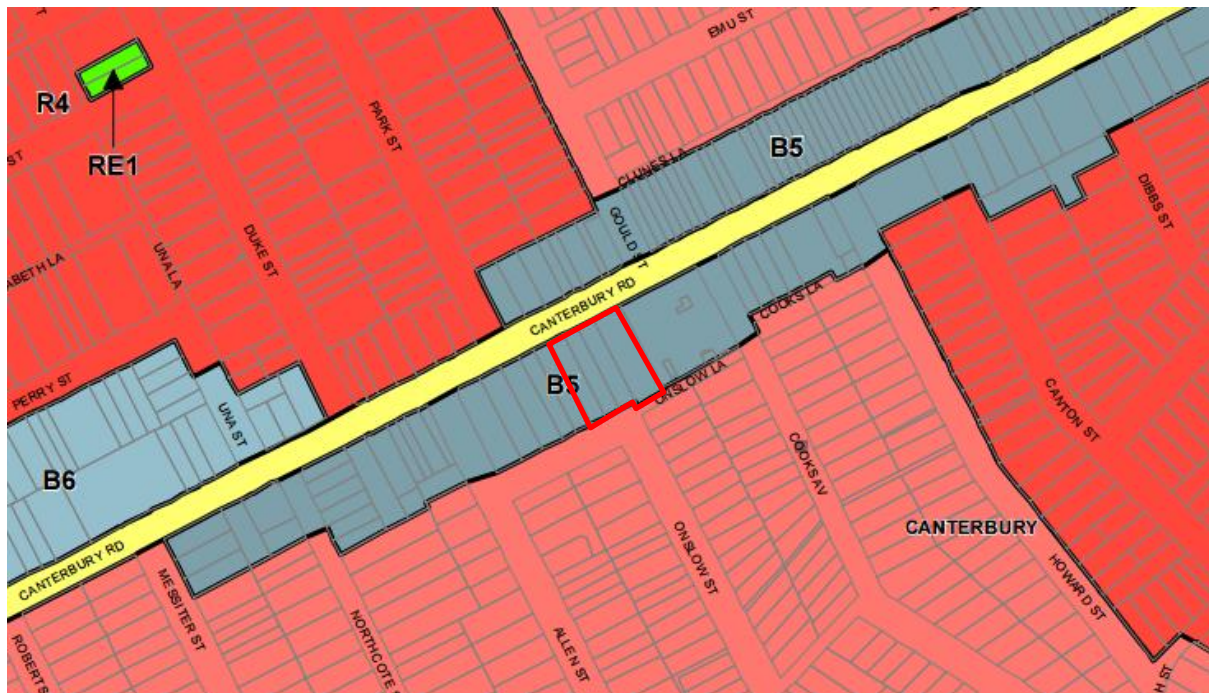
The subject site is located on mid-block on the southern side of Canterbury Road between its intersection with Cooks Avenue to the northeast and Allan Street to the southwest in Canterbury. The Canterbury Road frontage of the site extends 51.49 metres in length and the frontage to Onslow Street/ Onslow Lane extends 53 metres in length. The total site area is 3158m<sup>2</sup>. The site is bounded at the rear by Onslow Street/ Onslow Lane. The site falls between 1.39 metres and 1.48 metres from the Canterbury Road frontage to the rear of the site and has a cross fall of approximately 0.99 metres from west to east.

The site is currently occupied by a collection of single storey buildings used by a number of different automotive repair and accessory fitting premises. The site provides vehicular access from both Canterbury Road and Onslow Street/ Onslow Lane to the rear.

Existing development within the locality is varied. Canterbury Road is characterised by a mix of residential, commercial and industrial buildings. Land to the south (rear) of the site is within Zone R3 Medium Density Residential and comprises a mix of low density one and two storey dwellings. To the immediate east of the site is a four storey mixed commercial and residential building containing an IGA supermarket; to the west is a multistorey building containing a motor vehicle showroom with associated vehicle repair and service centre; while the land on the northern side of Canterbury Road contains to a three storey residential flat building, as well as a collection of commercial buildings, some of which contain shop-top residential units.



Aerial photograph showing the development site and surrounds



Extract of zoning plan under Canterbury Local Environmental Plan 2012

## PROPOSAL

The applicant is seeking consent to demolish all existing structures and construct a mixed use development with associated basement car parking. Specifically, the proposal involves:

- Demolition of all existing structures on site;
- Construction of a six storey mixed use building, comprising ten commercial units and 100 residential units (46 x 1 bedroom + study units, 39 x 2 bedroom units, 5 x 2 bedroom + study units, and 10 x 3 bedroom units); and
- Three level basement car park providing 241 car parking spaces comprising a car wash bay, 188 resident spaces, 21 resident visitor spaces, and 31 spaces

for commercial tenants and visitors), storage areas , delivery/loading area and bicycle parking area.

The following photomontage is provided by the applicant to show the proposed Canterbury Road elevation of the development.



The development provides 846 square metres of communal open space at ground level and on the roof of the northern tower element closest to Canterbury Road for future occupants.

## **STATUTORY CONSIDERATIONS**

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy 65– Design Quality of Residential Flat Development
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Canterbury Development Contributions Plan 2013

## **ASSESSMENT**

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

- **State Environmental Planning Policy (State and Regional Development) 2011**  
Part 4 (Clauses 20 and 21) of State Environmental Planning Policy (State and Regional Development) 2011 applies to development in Schedule 4A to the

EP&A Act to be determined by a regional panel. The proposal is for development with a Capital Investment Value of more than \$20 million and is therefore referred to the Sydney East Joint Regional Planning Panel ('JRPP') for determination.

- **State Environmental Planning Policy 55 – Remediation of Land**

Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, we must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, we must be satisfied that the land will be remediated before the land is used for that purpose.

The subject site contains a number of industrial and commercial buildings and has been used for the purposes of vehicle repairs since prior to 1986, with structures erected on the properties since prior to 1951.

The application was also accompanied by a Targeted Phase One Soil Contamination Assessment dated October 2014, prepared by Pacific Environmental. The report notes that soil testing did not indicate the site soils have been impacted by contaminants that would exceed the requirements of the National Environmental Protection Measure for Residential Development with access to soil. A condition of consent has been included requiring that any future building works be undertaken in accordance with the recommendations contained within the report.

Accordingly, the subject site is expected to be suitable for the proposed end use on the basis of the testing undertaken and no further investigations are required.

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

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

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

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

Clause 102 of the SEPP states that a consent authority must consider likely impacts from road noise and vibration for development adjacent to certain

road corridors. In particular, the SEPP requires that for the purposes of a residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application has been accompanied by an Acoustic DA Assessment prepared by Acoustic Logic dated 4 September 2014 which details various measures that are to be incorporated in the construction of the building to ensure compliance with the above requirements and safeguard the amenity of future occupants of the development. An appropriate condition is included in the recommendation requiring the development to be constructed in accordance with this report, and in accordance with Clause 102 of the SEPP.

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

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

A BASIX Certificate No.583867M, dated 28 October 2014, accompanies this application and lists a variety of commitments that are to be incorporated into the overall design of the project. The necessary commitments have been referenced on the architectural plans where required, meet the water, energy and thermal comfort targets and therefore satisfy the objectives of the SEPP.

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

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

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

### Context

The mixed use development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential

development will be the characteristic of the area. The applicant has provided a design that is generally compliant with the rear setback requirements and rear building height plane providing an adequate separation from the nearest residential property at Onslow Street which increases incrementally in distance for each higher storey. The subject design is considered to be suitable given the existing site context and constraints and given the opportunities of the site being a major development site between two existing developments of a similar scale and built form along a major road.

### Scale

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

The proposed development generally complies with the building setback and building height plane requirements of CDCP 2012. In regard to building height, the relatively minor variation caused by a portion of the roof of the building, the lift and stair over runs and a small portion of the walls over one unit, is accepted on the basis that the site is a major development site and has been designed to ensure that the location and design of the additional storey has minimal impact on the amenity of neighbouring residents and streetscape presentation.

The scale of the proposed development is considered to be consistent with the desired future character and scale of developments which we are encouraging in this area.

### Built Form

The proposal achieves the built form objectives as it contributes positively to the streetscape and generally provides good amenity for residents. The proposed development sits between two sites already developed to a form and character considered acceptable by Council. The street elevations along Canterbury Road and Onslow Street are designed in a sympathetic manner that minimises the appearance of bulk and is designed to be consistent with the desired future character of the area.

Notwithstanding a number of minor numerical non-compliances with the minimum apartment sizes, the development provides a range of dwelling sizes and shapes that are both functional and maintain an acceptable level of internal amenity. All bedrooms and living areas of units proposed are reasonable in dimension and have balconies and/or courtyards that provide functional private open spaces.

### Density

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

### Resource, Energy and Water Efficiency

The proposal has been assessed against BASIX and the required categories of water, thermal comfort and energy. The proposed development generally satisfies the relevant requirements, with the exception of natural lighting being provided to bathrooms to seven of the units, which will be imposed as a condition of consent, if consent is issued.

The RFDC requires that 60% of the units be cross ventilated. The plans and documentation submitted demonstrate that 64% of the dwellings (64 units) will be cross adequately ventilated, in accordance with the requirements of SEPP 65.

In addition, the RFDC requires that at least 70% of the residential dwellings' living room and private open space receive sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that at least 70% of the units (70 units) receive 2 hours of sunlight between 9am and 3pm.

### Landscape

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

### Amenity

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

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

Although the proposal has a minor numerical non-compliance with the rear building setback and rear building height plane requirements, it is considered that a numerically compliant design solution will achieve no greater levels of amenity than what is proposed. Overlooking from the proposal into adjoining residential properties will be minimised through the use of obscure glazing, screening and high-light windows.

### Safety and Security

Satisfactory provision for security and casual surveillance is achieved. Building entry points have been designed with adequate space and sight distances in mind. The proposal has been reviewed in accordance with Council's Crime Prevention through Environmental Design controls outlined in Part 6.3 of CDCP 2012 and is consistent with these principles.

### Social Dimensions and Housing Affordability

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

### Aesthetics

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

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

- **Canterbury Local Environmental Plan 2012**

The site is zoned B5 Business Development under Canterbury Local Environmental Plan 2012 (CLEP 2012). The site is identified as 'A' on the Key Sites Map, and as such development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development. The proposal involves ground floor commercial uses and as such is defined as a mixed use development and is permissible in the subject zone.

An assessment of the proposed development for this part of the site is provided in the table below:

Standard	Requirement	Proposal	Comments
Zoning	B5 – Business Development	The proposal is for a mixed use development (which incorporates residential accommodations and commercial premises)	The proposed development is located on a Key Site and is permissible with consent
FSR	No FSR applies	No FSR controls apply to the B5 zone under CLEP 2012	N/A
Building Height	The subject site is identified as being within an area where a height limit of 18 metres applies	The development has a maximum height of 20.9 metres	No – see comment (1) below

### Building Height

The proposal complies with the standards found in CLEP 2012, with the exception of height. The minor breach of the height limit derives from the provision of access to the roof top communal open space on the front tower element adjacent to Canterbury Road; the lift overruns to each tower; a small section of the roof element and parapet wall to both towers and a small portion of the walls and roof above unit 99. As such, the development seeks a variation to Clause 4.3 of CLEP 2012 relating to the height of buildings. The applicant has submitted a justification in accordance with Clause 4.6 of CLEP 2012 regarding the non-compliance of the development standard as summarised below.

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

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

Comment:

The applicant states that the standard is unnecessary in this instance as the excess height of the proposal relates to a small portion of the building, namely the lift and fire stair overrun, which are necessary to provide access to the communal open space provided on the roof top and a small portion of the roof form. Due to the central location and adequate setbacks of these features, this portion of the building cannot be readily seen from the public domain. The portion of the proposed building that is easily read from the surrounding streets is compliant with the height standard and presents as a well articulated and visually interesting four storey building.

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

Comment:

The applicant's Clause 4.6 submission states that the proposal satisfies the objectives of both the B5 Business Development Zone and the building height standard. In this regard, the objectives of the B5 Business Development Zone are:

- (a) *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- (b) *To provide for residential use in conjunction with mixed use development to create an attractive streetscape supported by buildings with a high standard of design.*
- (c) *To support urban renewal that encourages an increased use of public transport, walking and cycling.*
- (d) *To encourage employment opportunities on Canterbury Road and in accessible locations.*

The Statement of Environmental Effects demonstrates that the proposal is consistent with these objectives as follows:

- *The ground floor commercial suites are appropriately sized to accommodate a variety of land uses to Canterbury Road and Onslow Street;*
- *The development proposal will provide employment opportunities and additional opportunity for small local business;*

- *The proposal provides an appropriate built form that provides a high quality design;*
- *The development proposal has mix of 1, 2 and 3 bedroom units designed within an articulated building that maximises residential amenity for occupants and minimises amenity impacts to adjoining properties; and*
- *The subject site is serviced by public bus services operating on Canterbury Road.*

With regard to the building height standard, the relevant objectives are as follows:

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

The Clause 4.6 submission states that the proposal satisfies the objectives of the building height standard as follows:

- *The development proposal has a 4 storey form to Canterbury Road with the upper levels (5th and 6th storeys) setback ensuring the variation to the 18m height control will not present unreasonable building height or scale to Canterbury Road.*
- *The portion of the building exceeding the 18m height control including the lift overrun and communal roof top structures will not generate unreasonable additional overshadowing, noting the variation at the front - northern portion of the site and the lift overrun/pergola structure is located centrally on the building. The rear portion of the building results in a minor variation to the 18m height control.*
- *The upper level of the building is setback from Canterbury Road presenting a well-articulated building contributing to development on Canterbury Road.*
- *The development proposal has been designed with a 3m setback to Canterbury Road and ground floor commercial space consistent with development on Canterbury Road.*

Having regard to the nature of the proposed variation and the arguments presented above, the proposed development is considered to meet the objectives of the zone and the height standard as specified in CLEP 2012 and CDCP 2012. Further, the proposed non-compliance with the building height standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act. These objects are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and coordinate orderly and economic use and development of land.

In this instance, strict compliance with the development standard would not result in any discernible benefits to the amenity of adjoining sites or the public. Further, the proposal satisfies the underlying objectives of both the zone and the development standard, and provides a transition in scale of development compatible with the existing development in the locality. The proposal is also consistent with the desired future character of the area.

The development as proposed is consistent with the provisions of orderly and economic development. Strict compliance with the standard is not required in order to achieve compliance with the objectives.

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

- (a) the consent authority is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3);

Comment:

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

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

Comment:

The proposal seeks to replace older, existing buildings with a permissible, generally compliant mixed use building. The design incorporates building elements and architectural features that aim to minimise potential overshadowing, whilst accentuating the corner context of the site. Any shadow impact from the portions of the building that do not strictly meet the numerical height limit will not cast a shadow that expands outside that already cast by the development.

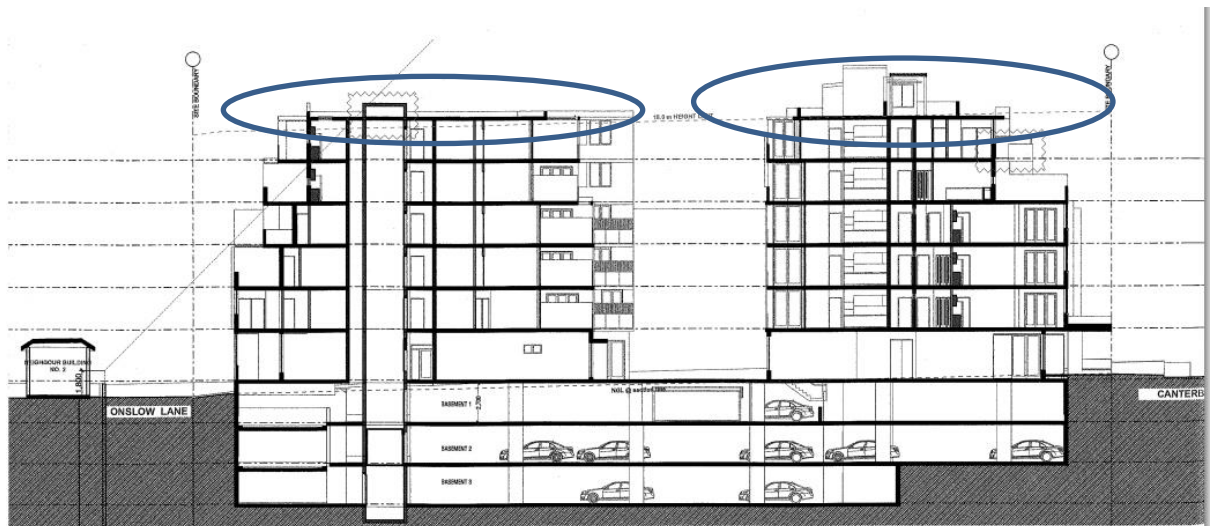
Approval of the development application would not be contrary to the public interest. The proposed building is in keeping with the desired future character of the Canterbury Road, as prescribed by CLEP 2012. The continued revitalisation and improvement of the streetscape benefits the community.

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

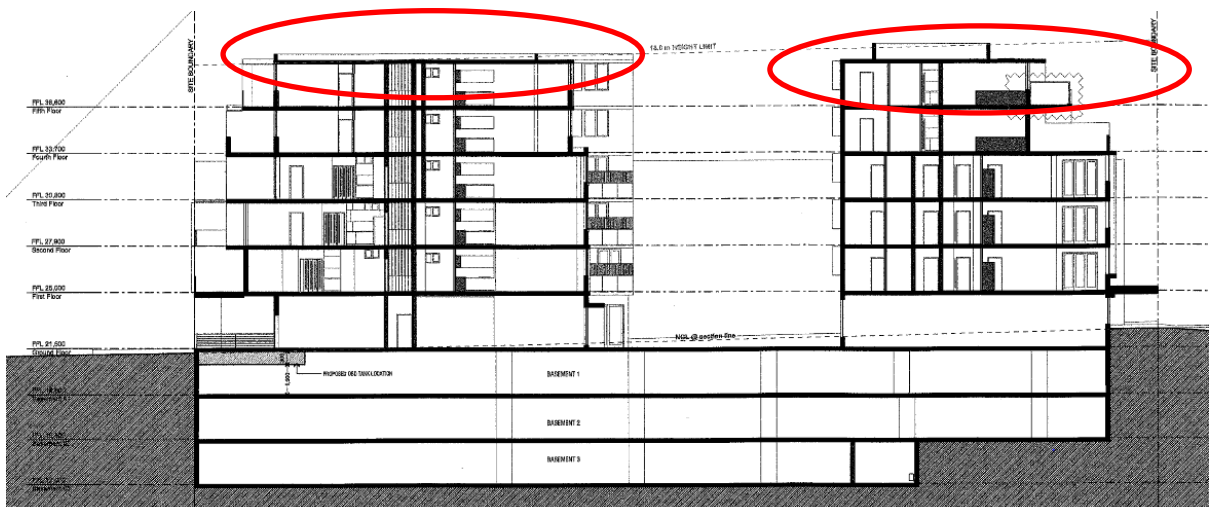
Comment:

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.

The diagrams below show sections through the proposed development to demonstrate the minor nature of the variation sought.



Section A-A



Section B - B

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

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

### **PART 3 – BUSINESS CENTRES**

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
Isolation of sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed	No isolation of neighbouring properties. Relatively new development (the IGA supermarket mixed use development site to the east and the Canterbury BMW showroom to the west) adjoins each side boundary.	Yes
Minimum frontage	Min.30m in B5 zone where comprehensive redevelopment is proposed	Canterbury Road frontage is 51.49 metres in length and the Onslow Street/ Onslow Lane frontage is 53 metres	Yes
Building Height	Floor to ceiling height in commercial min. 3.3m	Min 3.5m	Yes
	Floor to ceiling height in residential min. 2.7m	2.9 metres	Yes
	Floor to ceiling height in car parking min. 2.8m	Min 2.7 metres – however a condition is imposed to ensure min. 2.8m floor to ceiling height is across all basement car parking area	Yes
Building Depth	Commercial component 10-24 metres	Commercial suites 1-3 and office spaces 2-4 all achieve a minimum depth of 10m, however office spaces 1, 5 and 6 do not.	No – see comments below
	In general, an apartment building depth of less than 18 metres is appropriate	A building depth of between 14 metres to 21 metres is proposed.	No – see comments below
Building Setbacks	1-4 storeys – min 3m	3m provided for 1-4 storey	Yes
	5 storeys and above – 8m	5 <sup>th</sup> and 6 <sup>th</sup> storeys along Canterbury Road are setback at 8 metres with some minor balcony encroachments, as permitted in the DCP.	Yes

Standard	Requirement	Proposed	Complies
	Rear Setback – none contemplated by the DCP where a secondary street frontage is proposed in the B5 zone.	The proposal is generally within the prevailing rear setback. The DCP Controls anticipate a development of this nature having a rear allotment boundary with a lower density residential zone, but not a secondary street frontage (refer to Figures 3.4 and 3.5 in the DCP). In the context presented in this instance, the proposed setbacks do not create an adverse level of impact on the nearest residential properties located on the southern side of Onslow Street and Onslow Lane.	Yes
Building Separation (as per SEPP 65)	6m up to 3 storeys 12m at 4 storeys 18m at 5 storeys	The proposed development complies with the numerical requirements for building separation for 12m and 9m (habitable to non-habitable rooms) with appropriate screens and use of highlight windows.	Yes
Building Configuration	At ground floor level viable shop fronts for business activities are to be created	Viable commercial tenancies have been provided at the ground floor level – both along the front and rear elevations	Yes
Car Parking	Refer to discussion under Part 6.8 of CDCP 2012	Refer to discussion under Part 6.8 of CDCP 2012 later in this report.	Yes
Design Controls	Clearly identifiable entries, Provide main common entry.	Two clearly identifiable main common entries provided along the Canterbury Road and Onslow Street frontage are provided.	Yes
	Habitable room window to face communal areas	Habitable windows facing communal areas and perimeter of the development	Yes

Standard	Requirement	Proposed	Complies
	No obstruction to views from street to development and vice versa	Sufficient natural surveillance to areas surrounding the proposed building	Yes
Façades – New 3-5 storey buildings	To be in accordance with articulation controls of this DCP	The proposed facades to each street frontage are generally in accordance with the controls identified in Clauses 3.2.3 Façade Design and Articulation and 3.2.4 Façade Details of the DCP.	Yes
Corners, gateway sites and foreground treatments	Use stronger foreground treatments for gateway building. Use corner features, wrap around balconies, vertical elements, changes in materials and colours. Variation to front setback requirements may be considered to emphasise corner or gateway buildings	The subject site is neither a corner nor a gateway site.	N/A
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath. Width of 3 metres	The proposed awnings will be 3.29m above the surface level along the Canterbury Road frontage with a width of 3 metres	Yes
Articulation	Buildings should generally have a base and upper elements	Building is generally designed to have a base and upper elements	Yes
	The design of the façade, including the quality and durability of its materials, should be emphasised.	The façade is emphasised through strong vertical elements with particular emphasis on depth. Materials of a high quality and are durable.	Yes

Standard	Requirement	Proposed	Complies
	The 'façade' should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours.	Vertical emphasis is provided with appropriate modulation through the use of varying materials and external finishes	Yes
	A visual finish using expressed eaves, cornice or parapet elements with shadow lines is desirable.	Shadow lines to be created through the use of building design elements and colour	Yes
	No blank walls are to face the public realm	No blank walls face Canterbury Road or Onslow Street/ Onslow Lane.	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the façade. They should not be implemented in a monotonous or repetitive configuration. This applies to both recessed and cantilevered balconies. Balconies may have masonry or metal balustrades. The latter should generally have a separation of the grilles and a handrail.	Balconies are integrated into the overall design of the façade. There is adequate variety in the balconies configuration. Balustrading is to be either glass or of smooth concrete with paint finish	Yes
	The majority of windows shall be vertically rectangular	An adequate mix of openings that are vertically and horizontally rectangular	Yes
Roof Design	Relate roof design to the desired built form and or context	Roof design is consistent with the desired built form and context of the area	Yes
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access.	Roof structure takes advantage of the northerly aspect of the site to provide maximum solar access	Yes

Standard	Requirement	Proposed	Complies
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive	Service and utility areas integrated into the design adequately	Yes
	Unscreened appliances not to be visible from the street, communal area of driveway on the site. Air con units behind balustrades, screened recesses for water heaters, meters in service cabinets.	Appliances not visible from public areas	Yes
	Communal rooftop antenna to be provided	The provision of an antenna can be conditioned as part of any consent issued	Yes
	Screen clothes drying areas from public view, storage space screened and integrated into design	Adequately screened	Yes
	Discretely locate mailboxes in front of property	Mailboxes are provided within the main entry foyer from Canterbury Road	Yes
<b>Performance Controls</b>			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings	Design has addressed visual privacy issue through window placements, screening, use of highlight windows and obscure glazing and sufficient setbacks.	Yes
Private Open Space, Balconies, terraces & Courtyards	Combined private open space area should be a minimum of 10% of dwelling floor space	Combined private open space area exceeds the minimum 10% of dwelling floor space	Yes
	Primary 8sqm balconies for 1 bedroom dwellings and 12sqm for 2 bedroom dwellings	Adequate balcony areas provided for all units	Yes
	Full length balconies without articulation are not permitted	Articulation and building design elements incorporated to provide relief to balconies	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room	Yes

Standard	Requirement	Proposed	Complies
	Primary balconies to have minimum depth of 2 metres and be functional in dimensions	Most units have primary balconies with minimum depth of 2 metres and are functional in design – some south facing units have balcony depth of 1.9 metres, however they are compensated by greater length and area.	Yes
	Design and detail balconies in response to local climate	Balconies have been designed where achievable to have northern orientation to maximise solar access	Yes
	Communal Area: Min. 10% of site area as communal open space (Required 315.8 sqm)	846sqm (26.8% of site area)	Yes
	Min. 6m dimensions	Minimum dimensions exceed 9 metres for ground level area. Common open space on the rooftop has minimum dimensions of approximately 41 metres x 5 metres.	Yes
Internal Dwelling Space and Design	Dimensions and design of interiors to accommodate furniture typical for purpose of room	Typical furniture layout on plans	Yes
	Living room and main bedroom min 3.5m dimension. Secondary bedrooms to have minimum 3m width	The dimensions of some living rooms, main bedrooms and secondary bedrooms are less than the required dimensions in some of the units	No – see comments below
	6m <sup>3</sup> per one bedroom dwelling 8m <sup>3</sup> per two bedroom dwelling 10m <sup>3</sup> per three bedroom dwelling	All units provided with adequate storage areas – to be reiterated through a condition of consent	Yes

The proposed development generally complies with the design and numerical requirements of Canterbury Development Control Plan 2012 with the following matters requiring further discussion:

Building Depth - Commercial Component

Part 3.1.7(iv) & (v) of CDCP states commercial and retail units must have a

minimum depth of 10m and a maximum depth of 24m. Commercial suites 1-3 and office spaces 2-4 all achieve a minimum depth of 10m, however office spaces 1, 5 and 6 do not. No objection is raised to the proposal as each of the non-compliant suites could be amalgamated with the adjoining suite, should a tenant require such a space. Conversely, the provision of a range of floorplates provides opportunities for commercial activities that do not necessarily require a large floorplate. Notwithstanding this, the proposed office areas will not prevent the activation of the building along Onslow Street and Onslow Lane. The design of office spaces 1, 5 and 6 meet Objective O1 under Part 3.1.7 of the DCP which states that natural daylight is to be available in all parts of the building so that artificial light is not necessary during daylight hours. Given the location and aspect of each of these premises, natural light will be available during daylight hours.

#### Building Depth - Residential Component

Part 3.1.7(i) of CDCP states residential units must have a maximum depth of 18m from glass line to glass line. While the depth of individual apartments does not exceed this criteria, the proposed tower elements do, ranging between 14 metres to 21 metres.

The relevant objectives for this requirement are as follows:

- O1 Natural daylight is available in all parts of the building so that artificial light is not necessary during daylight hours.
- O2 Narrow cross-section buildings on upper levels are appropriate to allow for dual aspect apartments, natural ventilation and daylight access.

The applicant has addressed this non-compliance, noting that the plan depth does not prevent a good level of internal amenity being achieved through solar access and natural ventilation.

#### Room Dimensions

Part 3.3.4(ii) & (iii) of CDCP 2012 requires that the living area and main bedroom in a dwelling/unit have a minimum width of 3.5 metres, and the secondary bedroom have a minimum width of 3 metres. The proposed development involves living rooms, main and secondary bedrooms with widths slightly less than what is required in these controls. However, the provided dimensions have been shown to be able to accommodate typical main bedroom furniture in rooms that allow for appropriate light and ventilation. In this regard, the variation to the bedroom dimensions is considered acceptable and is worthy of support.

### **PART 6 – GENERAL CONTROLS**

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

#### Part 6.1 Access and Mobility

A Statement of Compliance for People With a Disability prepared by Accessible Building Solutions Pty Ltd dated 20 October 2014 was submitted with the development application which provides an assessment of the proposed development against the relevant access criteria.

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

#### Part 6.2 Climate and Resource Efficiency

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

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings, and natural ventilation to 25% of kitchens in multi unit developments. The plans and documentation submitted demonstrate that 64% of the dwellings (64 units) will be cross adequately ventilated, in accordance with the requirements of SEPP 65.

In regard to the development's impact on sunlight access to its adjoining neighbours, Part 6.2.6(vi) states that living room and principal area of private open space of adjoining properties must receive at least 2 hours of sunlight daily between 9am and 3pm on June 21. The applicant has provided shadow diagrams which show the effect of overshadowing created by this proposal on June 21. The diagrams demonstrate that the proposal will cast shadow over residential properties to the south of the site with the adjoining properties to the south along Onslow Street being most affected from 9am to 3pm on June 21 in respect to shadowing impacts onto the openings along their northern elevations and their private open space areas, and thus not receiving the required minimum of 2 hours of sunlight.

In this regard, reference is made to the Land and Environment Court Planning Principle (from *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082, Senior Commissioner Moore) regarding solar access which in parts states:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*
- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Given the orientation of the site, and its proximity to residentially zoned land at the rear, it is reasonable to accept this unavoidable shadowing impact in what is planned to be high density area along Canterbury Road. Nevertheless, it is crucial to make an assessment of the overshadowing impacts of the

development as proposed, compared to a development that is fully compliant with the requirements of CDCP 2012 and the provisions CLEP 2012 including the 18 metre building height limit.

It is also noted that modifying the proposal to achieve full numerical compliance with the height standard would have no discernable benefit to the adjoining dwellings in terms of overshadowing impact.

Overall, the proposed development generally reflects the scale of built form anticipated and encouraged by Council for the subject site, and having regard to the planning principle above, it is not realistic to expect that solar access would be fully protected to those adjoining properties to the south.

#### Part 6.3 Crime Prevention Through Environmental Design

The proposed development will not contribute to creating opportunities for additional criminal activity and is consistent with the objectives and principles in Part 6.3 of CDCP 2012 relating to natural surveillance, access control and ownership. In any case, conditions are to be imposed on any consent issued relating to crime prevention and community safety matters.

#### Part 6.4 Development Engineering, Flood and Stormwater

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

#### Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation

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

#### Part 6.8 Vehicle Access and Parking

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

<b>Standard</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
Residential Units	46 x 1 bedroom (1 space each) 44 x 2 bedroom (1.2 space each) 10 x 3 bedroom (2 spaces each) = 119 spaces	188 spaces	Yes
	Visitor – 0.2 spaces per dwelling 21 spaces	21 Spaces	Yes
	One car wash bay	One car wash bay is provided in the basement carpark	Yes

	Resident bicycle spaces – 1 space per 5 dwellings plus visitor bicycle spaces – 1 space per 10 dwellings <b>Total 30 spaces</b>	35 bicycle spaces	Yes
Commercial Units	1 space per 40sqm → 33.6 spaces	31 spaces + 1 courier/ commercial space	Yes
	Bicycle parking 1 space per 200 sqm = 7 spaces	2 bicycle spaces provided in the basement carpark – to be conditioned that a parking area be provided for a total of 7 bicycles (excluding residential spaces)	Yes

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

In regard to traffic matters, the development application was supported by a Traffic and Parking Assessment prepared by Positive Traffic Pty Ltd (dated October 2014) which provides details of traffic generation, driveway locations, sight distance, car space dimensions and on site manoeuvring relating to the proposed development.

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

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

#### Part 6.9 Waste Management

The development application was referred to our Waste Service section and no objection has been raised in principle to the proposed development on waste management grounds subject to the imposition of conditions on any consent issued.

The proposed development generally complies with the design and numerical requirements of Canterbury Development Control Plan 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. The proposed development attracts a contribution of \$1,182,466.27 for community facilities, open space and recreation, and plan administration.

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

## **ADDITIONAL CONSIDERATIONS**

- **National Construction Code**

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

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties at 8 Garnett Street and 578 New Canterbury Road, Hurlstone Park to withstand the excavation works proposed.

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

- **Sediment and Erosion Control**

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

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

## **NOTIFICATION**

The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Development Control Plan 2012. We received one submission objecting to the original plans and a further submission objecting to the amended plans. The submissions raised issues of concern, which are discussed below:

- **The existing parking within Onslow Street is inadequate with cars parked 3-deep on the street and adjoining nature strips. A copy of the traffic management plan is required.**

Comment

As discussed previously under Part 6.8 Vehicle Access and Parking, the proposal provides sufficient car parking to meet the relevant parking requirements and on this basis is considered acceptable.

In regard to traffic generation, it is acknowledged that a development of this scale will result in increased traffic movements in the immediate locality, however, the increase is not considered to be beyond what is capable of being accommodated in the local road network.

The development application, which was supported by a Traffic and Parking Assessment Report (prepared by Positive Traffic Pty Ltd), was reviewed by our Team Leader Traffic and was also referred to the Roads and Maritime Services, who among other matters consider driveway locations, road traffic noise, traffic generation and car parking. The proposed development was considered satisfactory by both our Team Leader Traffic and the Roads and Maritime Services, subject to relevant conditions of consent being imposed should approval be issued.

- **Concern is raised in regard to existing industrial noise disturbances caused by the exhaust fans and building/ car alarms at the adjoining Canterbury BMW dealership.**

Comment

It is noted that this concern is not specifically directed at the proposal and would appear to be more of a regulatory matter. Notwithstanding this, the potential for noise being generated through the construction and operational phases of the development will be adequately controlled by the imposition of standard conditions.

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

- **The proposed building height of 6 stories is excessive and will dwarf the adjoining low-rise properties in Onslow Street.**

Comment

It is clear that the proposed development, in terms of bulk and scale, is different to existing development in the locality. Nevertheless, Council has adopted new planning controls in Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012, and this proposal represents the form and scale of development envisaged by these new controls that apply throughout the City of Canterbury and specifically along Canterbury Road.

The proposed development represents the future character contemplated by the new planning controls and on this basis, the proposal is a suitable development for the site.

- **Concern is raised that the proposed development is likely to cause dust and debris (which may contain asbestos) entering the adjoining BMW dealership which may damage vehicles parked on the roof.**

Comment

In regard to dust, air pollutants, debris and materials that may potentially contain asbestos, standard conditions are included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development. These conditions require the following measures be implemented:

- Prevention of hazardous dust from escaping with the use of fine dust-proof screens recommended;
  - Carrying out all demolition work involving dangerous or hazardous materials (including asbestos containing materials) in accordance with the requirements of the WorkCover Authority of New South Wales’;
  - Removal of accumulated dust in voids etc by an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter, suppression of dusty surfaces by a fine water spray and cessation of activities in adverse winds.
- **Concern is raised at traffic during demolition and construction activities**

Comment

Suitable conditions are included which require the submission of a Construction Traffic Management Plan to coordinate any traffic associated with the demolition and construction phases and minimise the disruption on the surrounding road network.

## **CONCLUSION**

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

The proposed development is considered to be an appropriate form and scale of a mid-block site between two developed properties along Canterbury Road , Canterbury and will provide a substantial contribution to the viability of this locality by providing for an active street frontage with generous commercial floor space, and supplying a diversity of housing choice.

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

## **RECOMMENDATION**

THAT the Joint Regional Planning Panel approve Development Application DA-505/2014 for the demolition of existing structures and construction of a mixed use development containing 100 residential apartments over ten ground floor business premises and three (3) level basement carpark, subject to the following conditions:

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

- Details of:
  - Structural Engineering Plan including method of shoring during excavation
  - Building Specifications
  - Fire Safety Schedule
  - Landscape Plan
  - Hydraulic Plan
  - Firewall Separation
  - Soil and Waste Management Plan
  - Consolidation of All Lots into One Lot
  - Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
  - BASIX Certification
  - Compliance with Disability (Access to Premises – Buildings) Standards 2010
- Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- Payment to Council of:

Kerb and Gutter Damage Deposit	\$13,312.00
Section 94 Contributions	\$1,182,466.27
Certificate Registration Fee	\$36.00
Long Service Levy	\$85,802.50

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

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

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

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

#### **BEFORE COMMENCING THE DEVELOPMENT**

3. Before the erection of any building in accordance with this Development Consent;

- detailed plans and specifications of the building must be endorsed with the relevant Construction Certificate by the Council or an Accredited Certifier, and
- 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
- 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).
- In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
  - The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
  - The name and permit number of the owner-builder who intends to do the work.

#### **SITE SIGNAGE**

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

#### **CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

6. A Construction Traffic Management Plan (CTMP) shall be prepared by the proponent and submitted to Council for acceptance prior to any demolition and construction activities occurring on site.

**Note:** The Construction Traffic Management Plan is to ensure that appropriate traffic management measures are in place, designed to minimise the impacts on all surrounding streets during the demolition and construction phases of the development.

#### **GENERAL**

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

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Prepared by</b>	<b>Received by Council</b>
A 100 (B)	Basement 02 & 03	Mackenzie Architects	13/04/2015
A 101 (C)	Basement 1	Mackenzie Architects	13/04/2015
A 102 (C)	Ground	Mackenzie Architects	13/04/2015
A 103 (C)	First and Second	Mackenzie Architects	13/04/2015
A 104 (D)	Third and Fourth	Mackenzie Architects	13/04/2015
A 105 (D)	Fifth and Roof	Mackenzie Architects	13/04/2015
A 200 (D)	Section 1	Mackenzie Architects	04/06/2015
A 201 (D)	Section 2	Mackenzie	04/06/2015

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Prepared by</b>	<b>Received by Council</b>
		Architects	
A 202 (D)	Section 3	Mackenzie Architects	04/06/2015
A 300 (D)	Elevations 01	Mackenzie Architects	04/06/2015
A 301 (D)	Elevations 02	Mackenzie Architects	04/06/2015
A 302 (D)	Elevations 03	Mackenzie Architects	04/06/2015
A 400 (A)	Additional Information-Sample Board	Mackenzie Architects	31/10/2014
A 401 (A)	Additional Information-Site Analysis	Mackenzie Architects	31/10/2014
A 403 (A)	Additional Information-Demolition and Soil Management Plan	Mackenzie Architects	31/10/2014
LPDA 15 – 93/3	Landscape Details	Conzept Landscape Architects	13/04/2015
LPDA 15 – 93/2	Rooftop Courtyard	Conzept Landscape Architects	13/04/2015
LPDA 15 – 93/1	Landscape Plan	Conzept Landscape Architects	13/04/2015
140724 (CO 1)	Civil Design Notes	Jones Nicholson Consulting Engineers	31/10/2014
140724 (CO 2)	Civil Design Stormwater Basement Layout	Jones Nicholson Consulting Engineers	31/10/2014
140724 (CO 3)	Civil Design Stormwater Ground Floor Plan	Jones Nicholson Consulting Engineers	31/10/2014
140724 (CO 4)	Civil Design Stormwater Roof Floor Plan	Jones Nicholson Consulting Engineers	31/10/2014
140724 (CO 5)	Civil Design Stormwater Details	Jones Nicholson Consulting Engineers	31/10/2014
100375	Survey Plan	Ballenden Surveyors	31/10/2014

- Storage area of at least 6m<sup>3</sup> is to be provided for each one bedroom unit, and 8m<sup>3</sup> per two bedroom unit, and 10m<sup>3</sup> per three bedroom unit.
- The bathroom and ensuite window(s) being translucent glass.

- Communal rooftop antenna to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
  - Mailboxes are to be provided at the front of the building along New Canterbury Road where the entrance to the residential lobby is located.
  - Cantilevered awnings must overhang the footpath by 3 metres and must be at a height of between 3.2-4.2m from natural ground / footpath.
8. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$1,182,466.27. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$106,954.38
• Open Space and Recreation	\$1,045,431.27
• Plan Administration	\$30,080.62

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.

9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
10. 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.
11. 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.
12. All building construction work must comply with the National Construction Code.
13. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
14. 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.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. 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.

17. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
18. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
19. 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.
20. 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.
21. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
23. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
24. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
25. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
26. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
27. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
28. Payment of an additional garbage levy for each new dwelling upon completion of work.
29. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
30. Stormwater from roof areas must be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area.
31. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to

the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.

32. Submission of a Soil and Water Management Plan, including details of:
- (a) property details (location, applicant, drawn by, date, scale)
  - (b) accurate property description (property boundary)
  - (c) contours
  - (d) access point and access control measures
  - (e) location and type of all sediment control measures
  - (f) location of existing vegetation to be retained and undisturbed ground
  - (g) any existing watercourse or drainage
  - (h) material stockpile areas and storage and control methods
  - (i) location of new drainage features (stormwater inlet pits)
  - (j) revegetation proposals, including specifications on materials used and methods of application
- (NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)
33. Where erection or demolition of a building involves the closure of a public place, or where pedestrian or vehicular access is to be obstructed or rendered inconvenient, the premises is to be provided with a hoarding and or sufficient awning to be erected to prevent any substance from, or in connection with the work falling onto the public place.
34. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).
- Construction periods of 4 weeks and under:
- The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.
- Construction periods greater than 4 weeks and not exceeding 26 weeks:
- The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.
35. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
- In this condition:
- a) relevant BASIX Certificate means:
    - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
    - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
  - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

## **DILAPIDATION & EXCAVATION**

36. A photographic survey of the adjoining properties at 1 Cooks Avenue, Canterbury and 376-384 Canterbury Road, Canterbury, detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
37. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 364-374 and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

## **ROADS & MARITIME SERVICES**

38. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site, are to be clear of the Canterbury Road, road reserve (unlimited in height or depth).
39. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Canterbury Road in the vicinity of the site.
40. A Road Occupancy License should be obtained from Transport Management Centre for any works that may impact on traffic flows on New Canterbury Road during construction activities.
41. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.2 – 2002.
42. The proposed development should be designed such that road traffic noise from New Canterbury Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
43. Any redundant driveways along Canterbury Road shall be removed and replaced with kerb and gutter to match the existing.
44. All works associated with the proposed development shall be at no cost to Roads and Maritime Services.
45. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services

PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

46. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973  
Parramatta CBD NSW 2124  
Telephone: 8848 2114 Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

#### **ACOUSTICS & ENVIRONMENTAL HEALTH**

47. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance as determined by a qualified practising acoustic consultant.
48. Prior to the issue of the Construction Certificate a Detailed Acoustic Report must be submitted to the Principal Certifying Authority indicating that all mechanical plant and equipment meets the noise the requirements of the Noise Guide for Local Government and the EPA Industrial Noise Policy.
49. Carry out all recommendations in Part 4.5 of the 'Noise Impact Assessment' as prepared by Acoustic Logic (dated 4 September 2014 reference No: 20141057.1/0409A/RO/BW). Road traffic noise from Canterbury Road is to be mitigated by durable materials to satisfy requirements under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
50. At the completion of the development and prior to the issue of an occupation certificate a Certificate from Acouras Consultancy shall be submitted to the Principal Certifying Authority indicating that all requirements and recommendations as stated in the Acoustic report have been implemented and complied with.
51. The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer). The report must include the measurements and calculations and certify that the method of treating all mechanical equipment and all activity associated with the operation of the premise so as to ensure no offensive noise and vibration is emitted from the activities and operation of the business as detailed in the DECC "Industrial Noise Policy". The person in control of the premise must obtain from the Principal Certifying Authority concurrence for the recommendations of the

Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level.

When engaging an acoustical consultant council's prerequisite is that the consultant holds a recognised tertiary qualification in a discipline pertinent to acoustics which would allow for the attainment of membership with the Association of Australian Acoustical consultants (AAAC).

#### **LANDSCAPING**

52. Landscaping is to be in accordance with the submitted Landscape Plan (Drawing no.s LPDA 15-93/1-3 Revisions E, A & C) prepared by Conzept Landscape Architects were submitted to council on the 13<sup>th</sup> of April 2015.

53. All proposed trees are to be installed at 75L container size.

54. One street tree is to be provided to Onslow Lane as shown on the submitted Landscape Plan (LPDA 15-93/1 rev.E). This tree is to be *Callistemon viminalis* (Common name: Bottlebrush) species and is to be provided in 75ltr size (container size). The planting of this tree is to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257- Landscape – Roadways and Street Trees. This document is available for purchase from Council.

#### **STORMWATER ENGINEERING**

55. A stormwater drainage design incorporating on-site detention and prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:

- The design must be generally in accordance with the plans, specifications and details received by Council on 31<sup>st</sup> October 2014, drawing numbers, C01 to C05 inclusive and prepared by Jones Nicholson Pty Ltd Consulting Engineers.
- The silt arrestor pit is shown located in an area to be dedicated as a road. The silt arrestor pit must be relocated so that it will be within the post development boundaries of the site.
- The amended silt arrestor/discharge control pit design must include an emergency overflow structure in accordance with Clause 6.4.10 of Canterbury Council's DCP 2012.
- The internal courtyards form trapped low points. As there is no overland flow/flood path available from these courtyards to the Onslow Street frontage, the design of the courtyard piped drainage systems is to meet the following criteria:
  - Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
  - The maximum water level over the sag pit shall not be less than 150mm below the ground floor level of the building.

The amended stormwater plans must be certified by a qualified practicing civil engineer to be compliant with all relevant codes and Standards and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

56. 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.

57. 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.

58. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's DCP 2012, Part 6.4.
59. 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.
60. 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 1<sup>st</sup> 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.
61. Prior to the issue of a Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses (but is not limited to) the following:
  - The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
  - The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated;
  - The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site);
  - The existing groundwater levels in relation to the basement structure, where influenced;
  - Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting and be provided to the Principal Certifying Authority.

62. 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".
63. 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.
64. 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.
65. 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.
66. The access and parking facilities shall be in accordance with the relevant provision of Australian Standards AS 2890.1: 2004, AS 2890.2: 2002, AS 2890.3: 1993, and AS/NZS 2890.6: 2009.

#### **PUBLIC IMPROVEMENTS**

67. 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".
68. The reconstruction of the kerb and gutter along all areas of the site fronting Canterbury Road and Onslow Street/Onslow Lane 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".
69. The reconstruction/construction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road and Onslow Street/Onslow Lane. With regard to the latter the footpath is to be constructed to match the existing footpaths at either end of the site. 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".
70. 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.

## **VEHICULAR ACCESS & OFF STREET PARKING FACILITIES**

71. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards *AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking* and *AS/NZS 2890.6: 2009 Parking Facilities – Off-Street Parking for People with Disabilities*. The following specific issues must be addressed in the design:

- All two way intersections of circulation driveways, including ramps, with parking aisles must allow the passing of two vehicles. Note that the submitted plans do not comply with this requirement and must be amended. Compliance must be demonstrated for each such intersection with swept path turning templates in accordance with Clause 2.5.2(c) of *AS/NZS 2890.1: 2004*.
- The automated rolling shutter, when closed, affects manoeuvrability in the same way as a blind aisle. 1000 mm must be provided to adjacent parking modules to provide for vehicular manoeuvring. This requirement is not necessary where it can be demonstrated that the shutter will be open whenever vehicles are manoeuvring.
- Blind aisle widening of 1000 mm must be provided for parking module 62 on basement level 1.
- Headroom of 2200 mm must be provided throughout the access and parking facilities except above disabled parking spaces where a head room of 2500 mm must be provided.

The design must be certified by a suitably qualified Civil Engineer with NPER registration with the Institution of Engineers Australia and be provided prior to the issue of a Construction Certificate

## **WASTE MANAGEMENT**

72. The waste bin storage areas / presentation areas are to be designed and constructed in accordance with Parts 6.9.4.1 and 6.9.4.2 of Canterbury Development Control Plan 2012.

73. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. There are to be no steps or obstructions between the waste bin storage area and the road.

## **CRIME PREVENTION & COMMUNITY SAFETY**

74. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.

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

76. The storage units located in the vicinity of the car spaces be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.

77. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.

78. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.

## **DISABILITY ACCESS**

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

## **CONSOLIDATION OF LOTS**

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

#### **SYDNEY WATER REQUIREMENTS**

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

#### **CRITICAL INSPECTIONS**

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

##### Class 2, 3 or 4 Buildings

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

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

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

#### **ADDITIONAL INSPECTIONS**

83. 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**

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

#### **WE ALSO ADVISE:**

85. The future street addressing for the subject development is to be 364 Canterbury Road, Canterbury.
86. All sub-property numbering must be unique and numbered as per the hotel-style numbering, for example:
- Ground Floor: Unit 1, Shop 2, Office 3...etc.
  - Residential unit numbering above the ground floor is advised as follows (the first digit represents the floor level and the next two digits represent the unit number).

- Level 1: 101, 102, ...etc;
  - Level 2: 201, 202, ...etc;
  - Level 3: 301, 302, ...etc;
  - Level 4: 401, 402, ...etc, and
  - Level 5: 501, 502, ...etc.
87. It is advised to collaborate with Council's Mapping and GIS Services for addressing both the residential and commercial/retail units within the development, prior to an Occupation Certificate being issued. In this regard, please contact Michael Czuczman on 9789 9506, or email to [michaelcz@canterbury.nsw.gov.au](mailto:michaelcz@canterbury.nsw.gov.au).
  88. This application has been assessed in accordance with the National Construction Code.
  89. 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.
  90. 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
    - Water Proofing
    - BASIX Completion
  91. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
  92. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
  93. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
  94. 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.
  95. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act" and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
  96. 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.
  97. 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.
  98. If you are not satisfied with this determination, you may:
    - Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for

review must be made and determined within 6 months of the date of receipt of this Notice of Determination; or

- Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.