

**JOINT REGIONAL PLANNING PANEL
(Sydney East Region)**

Supplementary Report

JRPP Ref. No.	2015SYE136
D/A No.	DA-505/2014
Property	364-374 Canterbury Road, Canterbury
Proposal	Demolition of existing structures and construction of a mixed use development containing ten commercial tenancies and ninety five (95) residential apartments over three (3) level basement carpark
Zoning	Zone B5 Business Development under Canterbury Local Environmental Plan 2012
Applicant/Owner	Porters Lane Pty Ltd / Maria and Alkis Kadi
Report By	Rita Nakhle - Senior Planner

SUMMARY

At its meeting on 19 August 2015 the Joint Regional Planning Panel deferred determination of the subject application. The decision of the Panel was as follows:

The Panel resolves unanimously to defer the determination of the application in order to allow the applicant to submit amended drawings which provide for 18m separation between the fifth and sixth floors, comply with the 45 degree height plane control from Onslow Lane, reduce the lift overrun to 2.4m and provide a residential floor to floor height of at least 3m.

Despite the recommendation of the assessment report and the submission by the applicant that it complies with the requirements of the Residential Flat Design Code, the Panel concludes that the amenity of some of the proposed apartments on the upper two floors is unacceptable. This is because, in order to overcome the lack of adequate separation between the northern and southern building, the applicant has chosen to introduce highlight windows with obscure glass to bedrooms and permanent screens to balconies to single-aspect south-facing apartments, thus ensuring that the living rooms of those apartments are permanently dark.

The Panel notes that the proposal does not comply with the requirement to set back at 45 degrees from Onslow Lane. A major purpose of that control is to reduce the apparent height of the building, when viewed from the other side of the lane. The apparent height of this proposal to the lane is six storeys.

Finally, the Panel does not accept that the residential floor to floor height of 2.9m will produce a floor to ceiling height of 2.7m. The minimum acceptable is 3m floor to floor. Particularly in the absence of other features which would increase the amenity of apartments, an adequate floor to ceiling height is important in this case.

In the Panel's opinion, the above problems could be resolved by the deletion of apartments 82, 83, 99 and 100 and the repositioning of the top floors to achieve a separation of 18m and compliance with the 45 degree height plane control from the lane.

The Panel requests the applicant to submit, before 9 September 2015, amended drawings which respond to the above concerns. The Panel requests the Council's assessment officer to prepare, by 23 September 2015, a Supplementary Report on whether the amended drawings have responded to these concerns. A re-exhibition of the amendments is not required as they will result in reducing the impact of the proposal. Following receipt of the Supplementary Report the Panel will decide whether another public meeting is required or whether the matter can be determined by communication by electronic means.

Should the applicant fail to respond to the invitation for amended drawings, the Panel will determine the application by refusal, as in its present form, it is unacceptable.

This Supplementary Report has been prepared to address the above as raised by the Panel.

COMMENTS IN RESPONSE

Notification of Adjoining Property

Following the JRPP Determination meeting of 19 August 2015 when it was decided by the Panel to defer the determination of the application as per the above, Council became aware that an adjoining property (which is Strata subdivided into 31 lots) has not been notified of the proposed development. Council immediately prepared the relevant paperwork and notified the owners/occupiers of the adjoining property between the period of 24 August 2015 and 14 September 2015. During this period two submissions were received

The first submission raised his concerns regarding visual privacy impacts onto his apartment's living room and bedroom windows, which are located on the southern elevation of the front part of the adjoining building at 1 Cooks Avenue, Canterbury. The concerned resident's apartment is located across two levels (being Level 2 and Level 3) on this adjoining site and is most concerned about the potential of overlooking from Unit 40 on the Second Floor and Unit 62 on Third Floor, more specifically from the windows of Bedroom 01 and the balconies of these two apartments. In this regard, it is recommended that a condition be imposed requiring the subject windows to have a sill height of 1.5m and the subject balconies to have privacy screening made to cover total height of 1.8m using a combination of fixed

and moveable panels and covering a minimum of two thirds of the length of the balconies, to address visual privacy.

The second submission raises concerns that the proposal is for six storey building whereas the surrounding development is only five. As a result this development will reduce solar access to neighbours and be inconsistent with the streetscape. Also, that there is an excess of dwellings on the site and a lack of commercial floor space. In response to this submission, an additional, in this case, sixth storey is permissible where it is suitably setback. The amended plans (requested by the Panel at its meeting on 19 August 2015) show the upper floor as being setback to comply with the Panels requirements to provide minimal visual intrusion. A building that sits within the required building envelope is deemed to provide suitable solar access to its neighbours and this was the subject of some discussion as part of the Panels considering this matter on 19 August 2015 where, subject to the amended plans complying with our Building Height Plane, solar access to neighbours was considered suitable. Finally, there is a reasonable balance between the commercial and residential component proposed by this development.

These two above submissions are in addition to those two submission that were considered by the Panel at its meeting on 19 August 2015.

Submission of Additional / Amended Information

On 7 September 2015, the applicant provided additional and amended information to address issues raised by the Panel at the meeting on 19 August 2015.

In detail, the applicant has made the following changes to the design of the proposed development:

- Changing the 5th and 6th floor levels to achieve a 18 m separation between the two proposed buildings and to comply with the building height plane measured from Onslow Lane;
- Reducing the lift overrun to the communal roof terrace on the front building (Canterbury Road) to 2.4m in height; and
- Providing residential floor to floor height of at least 3m.

The changes has reduced the overall number of proposed units from 100 to 95, now involving 38 x 1 bedroom units, 49 x 2 bedroom units and 8 x 3 bedroom units.

The applicant has provided amended architectural plans, supported by a revised BASIX Certificate, revised Clause 4.6 Variation and a Solar Access and Natural Ventilation Report prepared by Steve King.

A re-assessment of the proposed development, as amended, against the relevant clauses in the applicable plans/policies is provided below:

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

A revised BASIX Certificate No.583867M, dated 7 September 2015, accompanies this application (as amended) 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**

The proposed changes to the design of the development require a reassessment of the following SEPP 65 principles:

Resource, Energy and Water Efficiency

The proposal (as revised) 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 61.1% of the dwellings (58 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 69.4% of the units (66 units) receive 2 hours of sunlight between 9am and 3pm, and 70.5% of the units (67 units) received 2 hours of sunlight between 8am and 4pm.

It is therefore considered that the proportion of units within proposed development receiving the required solar access and natural ventilation is adequate and is supported.

Amenity

The proposed development will provide good levels of amenity for future occupants of the development, with adequate solar access, natural ventilation and privacy. The proposed apartments contain reasonable living spaces with direct access to areas of private open space in the form of courtyards or balconies.

The revised proposed design complies with the building separation requirements and rear building height plane control, providing for greater levels of amenity for the future residents within the subject development as well as for the existing neighbouring residents.

- **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 (as amended) attracts a contribution of \$1,153,747.59 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.

- **Canterbury Local Environmental Plan 2012**

A re-assessment of the variation to the building height standard has been carried out in light of a revised Clause 4.6 submission received by the applicant.

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 up to 20.8 metres to the top of the lift overrun and roof structures	No – refer to comments below
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Building Height

The proposal development seeks a variation to Clause 4.3(2) relating to the maximum height of buildings with the maximum height being up to 20.8 metres measured to the lift overrun and roof structure for the communal area, and a 450mm variation measured to the roof of the front and rear buildings.

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 pursuant to Clause 4.6(3)(a) of the LEP the variation to the 18m building height development standard is acceptable in the circumstances of the case and compliance with the development standard is considered unreasonable and unnecessary based on the following:

- *The development proposal presents a 4 storey building form to Canterbury Road with the upper level and portion of the buildings and lift overrun exceeding the 18m height control being recessed from the level below.*
- *The variation to the 18m height control measured to the roof – upper level of the buildings is minor, and the lift overrun and*

structures associated with the communal roof terrace are centrally located ensuring the built form will be viewed as 6 storey development to Canterbury Road and Onslow Street and lane.

- *The variation to the 18m height at the front and rear portions of the buildings is 450mm above the height control (excluding the lift overrun). The building presents a 4 storey form to Canterbury Road and the portion of the building exceeding 18m in height is not visually significant.*
 - *The lift overrun and roof structure for the communal open space area exceeding the 18m height control are centrally located on each building and will not be visually dominant and do not contribute to unreasonable visual bulk and scale when viewed from the public domain or adjoining properties.*
 - *The portion of the buildings and lift overrun exceeding the 18m height control will not result in unreasonable additional overshadowing, noting the minor variation to the built form is at the front and rear buildings, with the lift overrun and roof terrace structure centrally on the building to Canterbury Road.*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The applicant's Clause 4.6 submission states that pursuant to Clause 4.6(3)(b) of the LEP the variation to the development standard is acceptable on environmental Planning grounds as follows:

- *The variation to the height control resulting from the lift overrun and communal roof terrace structures ensures the development provides accessible communal open space that receives solar access and achieves distant views/outlook contributing the residential amenity of the development.*
- *The amended plans have a residential floor to floor height of 3m ensuring a minimum floor to ceiling height of 2.7m can be achieved meeting the SEPP 65 – RFDC and ensures an acceptable level of residential amenity is achieved in the development.*
- *The lift overrun and communal roof terrace structure are setback 12m from the front boundary and the variation to the upper roof level is minor ensuring the development presents a 6 storey form consistent with the planning controls for Canterbury Road.*
- *The shadow diagrams submitted with the development confirm the proposed variation to the height control will not result in unreasonable amenity impacts to 1 Onslow Street. This property retains 3 hours of solar access at mid-winter to the north facing kitchen and study windows, and to the private open space – rear yard.*
- *The minor variation to the building height does not present unreasonable bulk and scale with the building height being consistent with the planning controls for the subject site.*

Further, it is considered 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.*

It is demonstrated 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 structure will not generate unreasonable additional overshadowing, noting the variation at the front – northern portion of the site is setback from the edge of 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 applicant states that the proposed variation to building height is in the public interest as follows:

- *The development proposal provides additional housing within the catchment of public transport and services with the building height and form consistent with the Canterbury Road Masterplan.*
- *The building height is consistent with the planning controls for the subject site and ensures an acceptable form of development with good residential amenity is provided on this in-fill site.*
- *The portions of the building exceeding the 18m height control will not present unacceptable bulk and scale to the public domain or result in unreasonable impacts.*

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.

- **Canterbury Development Control Plan 2012**

The proposed changes to the design of the development require a reassessment of the following parts within CDCP 2012:

Part 3 Business Centres

- Part 3.1.6(iii) and (iv) requires that a minimum 2.7m floor to ceiling height be provided for residential floors. Further, comments made by the JRPP at the meeting on 19 August 2015 stated that the floor to floor height should be a minimum 3m to increase the amenity of apartments. Accordingly, the floor to floor height between residential floors has been increased to 3m.
- Part 3.1.8(xi),(xii) and (xiii) requires a development on a boundary with a residential zone to comply with a rear building height plane. The re-design of upper floors of the proposed development (along the rear elevation) has resulted in this proposal being generally mostly compliant with this building height plane control, with the exception of balcony balustrading along the fifth floor.

- Part 3.1.9(i) requires that as a minimum, building separation between buildings for the fifth to eighth floors must be 18m between habitable rooms and/or balconies. The separation between the two building at the fifth and sixth floors has been increased to 18m to comply with this requirement.

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 69.4% of the units (66 units) receive 2 hours of sunlight between 9am and 3pm, and 70.5% of the units (67 units) received 2 hours of sunlight between 8am and 4pm.

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings in multi unit developments. The plans and documentation submitted demonstrate that 61.1% of the dwellings (58 units) will be adequately cross adequately ventilated.

Part 6.8 Vehicle Access and Parking

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

Standard	Requirement	Proposal	Complies
Residential Units	38 x 1 bedroom (1 space each) 49 x 2 bedroom (1.2 space each) 8 x 3 bedroom (2 spaces each) = 113 spaces	188 spaces	Yes
	Visitor – 0.2 spaces per dwelling 19 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 Total 29 spaces	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	Yes

		total of 7 bicycles (excluding residential spaces)	
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It is therefore considered that the proposed development is consistent with the relevant car parking requirements in Part 6.8 of CDCP 2012.

Conclusion

This supplementary report has addressed the outstanding matters raised by the Sydney East Joint Regional Planning Panel at its meeting on 19 August 2015, and which formed the basis of deferring determination at that time.

This development application is now set for consideration and determination by the Sydney East Joint Regional Planning Panel on 29 September 2015.

This supplementary report should be read in conjunction with the original assessment report considered by the Panel on 19 August 2015.

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 95 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

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

- Details of:
 - Structural Engineering Plan including method of shoring during excavation
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - 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	\$1,153,747.59
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

2. 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

3. 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

4. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours: 7.00 a.m. – 5.00 p.m. Mondays to Fridays

7.00 a.m. – 12.00 noon Saturdays

No demolition is to be carried out on Sundays or Public Holidays.

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

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

5. 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

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

Drawing Number	Drawing Title	Prepared by	Received by Council
A 100 (B)	Basement 02 & 03	Mackenzie Architects	07/09/2015
A 101 (C)	Basement 1	Mackenzie Architects	07/09/2015
A 102 (E)	Ground	Mackenzie Architects	07/09/2015
A 103 (C)	First and Second	Mackenzie Architects	07/09/2015
A 104 (E)	Third and Fourth	Mackenzie Architects	07/09/2015
A 105 (E)	Fifth and Roof	Mackenzie Architects	07/09/2015
A 200 (E)	Section 1	Mackenzie Architects	07/09/2015
A 201 (E)	Section 2	Mackenzie Architects	07/09/2015
A 300 (C)	Elevations 01	Mackenzie Architects	07/09/2015
A 301 (E)	Elevations 02	Mackenzie Architects	07/09/2015
A 302 (E)	Elevations 03	Mackenzie Architects	07/09/2015
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	31/10/2014

Drawing Number	Drawing Title	Prepared by	Received by Council
		Consulting Engineers	
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

- a) The window of Bedroom 01 in Unit 40 and Unit 62 are to be high sill windows located 1500mm above the floor level.
 - b) The balconies of Unit 40 and Unit 62 are to be provided with privacy screening made to cover total height of 1800mm using a combination of fixed and moveable panels and covering a minimum of two thirds of the length of the balconies.
 - c) Storage area of at least 6m³ is to be provided for each one bedroom unit, and 8m³ per two bedroom unit, and 10m³ per three bedroom unit.
 - d) The bathroom and ensuite window(s) being translucent glass.
 - e) 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.
 - f) Mailboxes are to be provided at the front of the building along New Canterbury Road where the entrance to the residential lobby is located.
 - g) 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.
7. 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 \$1,153,747.59. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$104,357.23
• Open Space and Recreation	\$1,020,036.03
• Plan Administration	\$ 29,354.33

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.

8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. 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.
10. 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.
11. All building construction work must comply with the National Construction Code.
12. 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.
13. 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.
14. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
15. 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.
16. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
17. 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.
18. 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.
19. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
20. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
21. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
22. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.

23. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
24. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
25. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
26. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
27. Payment of an additional garbage levy for each new dwelling upon completion of work.
28. All 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).
29. 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.
30. 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.
31. 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.)
32. 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.
33. 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.

34. 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

35. 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.

36. 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

37. 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).
38. 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.
39. 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.
40. 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.
41. 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.
42. Any redundant driveways along Canterbury Road shall be removed and replaced with kerb and gutter to match the existing.
43. All works associated with the proposed development shall be at no cost to Roads and Maritime Services.
44. 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.
45. 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

46. 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.
47. 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.
48. 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.
49. 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.
50. 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

51. 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 13th of April 2015.
52. All proposed trees are to be installed at 75L container size.
53. 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

54. 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 31st 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.

55. 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.
56. 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.
57. 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.
58. 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.
59. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property,

concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.

60. 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.

61. 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".
62. 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.
63. 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.
64. 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.

65. 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

66. 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".

67. 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".

68. 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".

69. 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

70. 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

71. 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.
72. 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

73. 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.
74. 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.
75. 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.
76. 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.
77. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.

DISABILITY ACCESS

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

CONSOLIDATION OF LOTS

79. 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

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

CRITICAL INSPECTIONS

81. 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

82. 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

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

WE ALSO ADVISE:

84. The future street addressing for the subject development is to be 364 Canterbury Road, Canterbury.
85. 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.
86. 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.
87. This application has been assessed in accordance with the National Construction Code.
88. 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.
89. 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

90. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
91. 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.
92. 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.
93. 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.
94. 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.
95. 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.
96. 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.
97. 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.