

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE020 DA
DA Number	DA-605/2014
Local Government Area	City of Canterbury
Proposed Development	Demolition of existing structures and construction of 2 x six storey mixed use buildings, with 5,973m² of retail/commercial space, 297 residential units over 5 levels and 3 levels of basement car parking accommodating 684 car parking spaces
Street Address	1586-1598, 1600-1602, 1604 and 1606 Canterbury Rd, Punchbowl (commonly known as 1600 Canterbury Rd, Punchbowl)
Applicant / Owner	Urbanlink P/L
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	Spiro Stavis - Director, City Planning

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received a development application for the demolition of existing structures and construction of a mixed use commercial/retail and residential development comprising 5,973m² of commercial/retail floor space, 297 units, and associated basement car parking over 3 underground levels. The development broadly takes the form of 2 U-shaped buildings. Buildings A and B and Building C. The buildings will have an overall height of five residential storeys located above ground floor retail and commercial areas.
- 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 greater than \$20 million.
- On 13th of April 2015, Council issued a letter to the Applicant requesting additional information and for certain aspects of the proposal to be amended. In correspondence dated 15 December 2015, the Applicant responded to Council's request and amendments were undertaken and revised plans submitted to Council.
- The proposal has however remained virtually unchanged since the Panel was briefed on 19 February 2015. The overall total gross floor area of all buildings has reduced by

681m², with an overall minor reduction in car parking spaces. The amended plans, which are the subject of this assessment, demonstrate the approval has planning merit, notwithstanding the variation sought to the strict numerical application of some development standards and controls.

- The subject site is partly zoned B5– Business Development and SP-2 Infrastructure (Classified Road), under Canterbury Local Environmental Plan 2012 (CLEP 2012).
- The site occupies an area of 13,120m² and is generally bounded by Canterbury Road to the north, Moxon Road to the east, existing commercial/warehousing uses to the west and an open drainage channel to the south which extends from Moxon Road at the south-eastern corner of the site in a south-westerly direction to Salt Pan Creek.
- The proposal involves a breach to the building height development standard under Clause 4.3 of CLEP 2012, which is supported by the provision of a Clause 4.6 submission.
- 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, CLEP 2012, Canterbury Development Control Plan 2012 (CDCP 2012) and Canterbury Development Contributions Plan 2013. The proposal is found to be generally compliant with the requirements of these policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of the CDCP 2012. No submissions were received. Amended plans of the proposal were not publicly exhibited and notified to adjoining land owners, given that the amendments have resulted in a slightly smaller proposal with potentially less impacts.
- Notwithstanding the variations sought to building height, the development application is recommended as Deferred Commencement consent to address flooding issues.

SITE DETAILS

The subject site is located on the southern side of Canterbury Road, Punchbowl, adjacent to Moxon Road to the east and an existing drainage channel to the south. The site comprises 5 allotments of land (Lots 1 and 2 in DP124894, Lots 1 and 2 in DP 124895 and Lot 1 in DP 586116).

The site is improved by a number of single and two-storey industrial/factory buildings used for a variety of purposes, including an educational establishment and former car sales yards.

The site is irregular in shape, having a splayed frontage of 6.79m at the corner of Canterbury Road and Moxon Road, a front boundary to Canterbury Road of 140.89m, a western side boundary of 105.54m, a rear boundary of 157.485m abutting the drainage channel, and an eastern side boundary to Moxon Road of 51.405m. The site has a total surveyed area of 1.312ha.



Aerial photograph showing the development site and surrounds



Front of site as viewed from Canterbury Road



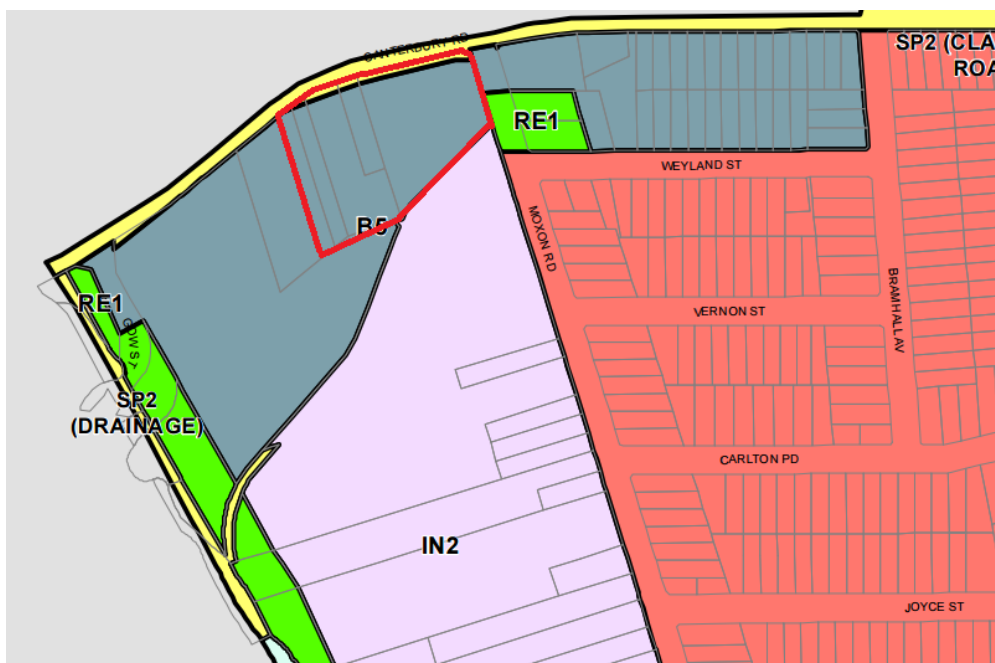
Front of site as viewed from Canterbury Road



Existing buildings within the site



Rear of site as viewed from Moxon Road (note the open channel)



Extract of zoning plan under CLEP 2012

PROPOSAL

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

- Demolition of all existing structures on site;
- Construction of two x six storey buildings, comprising 5,973m² of retail and commercial area at the ground floor level;
- 297 residential units over 5 levels comprising 96 x 1 bedroom units, 185 x 2 bedroom units and 16 x 3 bedroom units (with 28 being accessible for persons with a disability); and,
- Three underground levels of basement car parking providing 351 resident spaces (including 39 accessible spaces), a dedicated car wash bay, 60 visitor spaces, and bike racks accommodating 63 bicycles and resident storage areas.

The development provides 3,061m² of communal open space throughout the site and which is located principally between the openings of the buildings at ground level.

The following excerpt from the architectural drawings is provided to show the proposed street elevation of the development.



Northern elevation facing Canterbury Road



East elevation facing Moxon Road



West elevation

STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A 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 of the EP&A Act 1979, 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, the consent authority 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, then the consent authority 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 buildings and has been used for various light industrial activities and contains two disused underground fuel storage tanks.

The application has been accompanied by a Detailed Site Investigation, prepared by Trace Environmental Pty Ltd. The site investigations and soil analysis undertaken determined that there are widespread contaminants within the site including hydrocarbons and asbestos in the soil.

Part of the report concludes as follows:

TRACE Environmental is satisfied that based upon the results of this detailed site investigation that, pursuant to clause 7(1)(b) of SEPP 55, the land will be suitable, subject to remediation, for the purpose for which the development is proposed to be carried out. If consent is granted it should be subject to a condition that the owner procure and provide a remediation action plan to Council prior to the issue of any Construction Certificate, and execute all remediation work in accordance with that remediation action plan.

The contamination report accompanying the Development Application was reviewed by Council's Environmental Health Officer who concurs with the conclusion that a Stage 2 detailed site investigation needs to be carried out and with the results submitted to Council for review in accordance with Council's Contaminated Land Policy and SEPP 55.

A condition of consent has been imposed requiring the submission of a Stage 2 detailed site investigation report to be submitted to Council prior to the issuing of the Construction Certificate.

Accordingly, the site is expected to be suitable for the proposed end use on the basis of the preparation of the Stage 2 report and the undertaking of any suitably recommended remediation works.

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

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

The site is located adjacent to a classified road (Canterbury Road) and accordingly, Clauses 100 to 104 (inclusive) of the ISEPP are applicable.

Clause 102 of the ISEPP relates to the impact of road noise or vibration on non-road development, and, subclause (3) states that consent must not be granted to a building for a residential use unless the consent authority is satisfied that appropriate attenuation measures will be incorporated in the design and construction so that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the building - 35 dB(A) at any time between 10.00pm and 7.00am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.*

Accordingly, the applicant has submitted a Noise Impact Assessment prepared by Acoustic Noise and Vibration Solutions P/L, which addresses the road-related noise and vibration. This report provides details of the road noise measurements taken in December 2014 to determine the existing road noise levels. The report also details various measures that are to be incorporated in the construction of the building to ensure compliance with the above noise 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 ISEPP.

In accordance with Clause 104 of ISEPP, the proposed development falls under the requirements of Column 3 in Schedule 3 of ISEPP and requires referral to Roads and Maritime Services (RMS). The development application was referred to the RMS and no objections were raised to the proposed development subject to conditions being imposed on any development consent issued.

Comments received from the RMS dated 5 February 2015 have been incorporated as appropriate conditions of consent.

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

A BASIX Certificate No.595323M, dated 19 December 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.

The RFDC was replaced with the Apartment Design Guidelines (ADG) in July 2015. Despite this, clause 31 (2) of the SEPP states that when a development application is made before the July 2015 amendment to same came into force and has not been determined, the application is to be assessed as if amendment of the SEPP had not occurred.

Context

The subject site is located on Canterbury Road which is expected to undergo some change in the future having regard to the new planning controls that now apply in this locality. The proposed development is expected to complement the existing and likely future character of the area.

The applicant has provided a design that is generally compliant with Council's LEP and DCP requirements and is considered to be suitable given the existing site context and constraints and given the opportunities of the site being a major development site in an area undergoing significant renewal.

Scale

The scale of the proposed development is determined by the building height standards contained within the CLEP 2012, and, the building envelope controls contained within the CDCP 2012. There are no mandatory floor space ratio controls applying to this site.

The proposed development does not strictly comply with the numerical requirements relating to the building height. While the proposed variation might ordinarily be considered unacceptable, having regard to the location of the site and that the potential to build in reasonable proximity to the site exists only to the west of the site, the proposal has demonstrated that it has sufficient merit and is consistent with the desired future character for this part of Canterbury Road, Punchbowl.

Despite the numerical non-compliances, the proposal 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 height has minimal impact on the amenity of neighbouring residents and streetscape presentation.

Additionally, the overall bulk and scale of the building, results in a development that will be in keeping with the scale, shape and size of the emerging built form which is being encouraged 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 the existing and future residents of the site and its surrounds. The elevations along Canterbury Road have been 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.

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 that provide functional private open spaces.

Density

The application proposes an FSR of 2.24:1 (29,307m²). There are no mandatory FSR controls currently applying to this site.

The form and scale of the proposed development is consistent with the type of development contemplated by the CDCP 2012 controls in a locality that will encounter significant urban renewal in 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.

The RFDC requires that 60% of the units be cross ventilated. The plans and documentation submitted demonstrate that 60.6% of the dwellings (180 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 at least 2 hours sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 75.7% of the dwellings (225 units) receive at least 2 hours of sunlight between 9am and 3pm.

Landscape

The Residential Design Flat Code requires that as a 'rule of thumb' between 25% and 30% (or 3,280m² and 3,936m²) of the site area being dedicated as communal open space. It is also stated within the RFDC that *"where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space."*

The proposal provides for communal open space of 3,061m² (or 23.3% of the site area), with a minimum dimension of 8m. Also, the landscape plan has been reviewed by Council's Landscape Architect and is acceptable subject to some amendments, which can be addressed with 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 RFDC.

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

The proposal achieves satisfactory residential amenity by supplying reasonable room sizes and shapes. As a "rule of thumb", buildings should not exceed 18m in depth in order to allow sunlight to penetrate the building into each unit and provide adequate cross ventilation. The residential units do not exceed the maximum depth of 18m and the majority of kitchens in the development are regarded as being naturally ventilated.

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. An appropriate condition of consent has also been imposed.

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.

Having regard to the previous comments, the proposal is considered to meet the objectives of the SEPP by providing a positive contribution to the locality in terms of design quality and amenity for future occupants without creating significant adverse impacts on adjoining residential development

Further to the design quality principles discussed above, the proposal needs also to be considered against the various provisions of the Residential Flat Design Code (RFDC) in accordance with Clause 30(2)(c) of SEPP 65.

The proposal complies with the RFDC as follows:

Provision	Proposed	Complies
Building Depth <ul style="list-style-type: none">- 10-18 metres is generally appropriate- Developments wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	18m (max)	Yes
Building Separation For buildings 5 to 8 storeys: <ul style="list-style-type: none">- 18m between habitable rooms and balconies- 13m between habitable rooms/balconies and non-habitable rooms- 9m between non-habitable rooms	18m (between habitable rooms & balconies) 13m (min) (between habitable & non-habitable rooms)	Yes Yes

Provision	Proposed	Complies
Street Setbacks <ul style="list-style-type: none"> - Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. - Relate setbacks to the area's street hierarchy. 	<p>First 3 residential floors are setback 3m to proposed road widening (Canterbury Rd).</p> <p>4th and 5th residential floors (levels 5 and 6) are setback minimum 8m from road widening.</p>	<p>Yes</p> <p>Yes</p>
Side and Rear Setbacks <ul style="list-style-type: none"> - Relate side setbacks to existing streetscape patterns. - Test side and rear setbacks with building separation, open space and deep soil zone requirements. - Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space. 	<p>The proposed side setbacks to Moxon Road and the drainage channel is 3m (for Block C) and is considered appropriate in terms of its siting and opportunity on adjoining development.</p> <p>Buildings A and B provide a 6m rear setback and 9m western side boundary setback which will permit minimum separation distances (of 18m) to be achieved by future neighbouring development.</p>	<p>Yes</p> <p>Yes</p>
Floor Space Ratio Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height, building footprint, three dimensional building envelope and open space requirements.	No FSR on B5 zoned land.	N/A
Deep Soil Zones Min 25% of the open space. Exceptions may be made in urban areas where site is built out and no capacity for water infiltration.	No deep soil landscaping is provided on the site which is in a mixed industrial and urban area and the site will be built to capacity.	No

Provision	Proposed	Complies
Open Space Between 25% and 30% of site area (3,280 - 3,936m ²)	3,061m ² (or 23.3%)	No, a condition of consent is recommended to achieve this compliance
Building Entry Provide physical and visual connection between building and street Provide safe entrance. Provide equitable entrance	Highly visible building entry from Canterbury and Moxon Roads. Main entry will be well lit, safe and equitable.	Yes Yes
Parking Provide underground car parking. Provide bicycle parking.	Proposal includes basement parking as required by DCP 2012. Provision of bicycle parking spaces shown on the drawings submitted and reinforced by condition of consent.	Yes Yes
Pedestrian Access Barrier free access to at least 20% of dwellings.	Barrier free access provided to 100% of dwellings.	Yes
Vehicle Access Max width of driveway is 6m. Located vehicle entry away from pedestrian entry.	6.5m driveway to Moxon Road to residential parking & 14m for commercial deliveries from Canterbury Rd considered appropriate & compliant with AS2890.1. Separate pedestrian entry from Canterbury Road.	Yes Yes

Provision	Proposed	Complies
Apartment Layout Single aspect apartments limited in depth to 8m from a window. Min apartment size: 1 bed – 50m ² 2 bed – 70m ² 3 bed – 95m ²	Max depth is <8m from any window. Min apartment size: 1 bed – 41-52m ² (<5% under) 2 bed – 70-92m ² 3 bed – 92-104m ² (<13% under)	Yes Minor variation to dwg sizes considered appropriate in context of proposal.
Apartment Mix Provide an apartment mix.	Acceptable apartment mix as follows: - 96 x one bed - 185 x two bed - 16 x three bed	Yes (suitable apartment mix provided)
Building Configuration Balconies to have a min depth of 2m Ceiling heights: 3.3m commercial 2.7m habitable 2.4m non-habitable Storage 1 bed – 6m ³ 2 bed – 8m ³ 3 bed – 10m ³	2m (min) width 3.5m commercial 2.9m (floor to floor) can provide 2.7m floor to ceiling 2.7m (min) Suitable storage areas provided within units and also in basement car park	Yes Yes Yes Yes Yes
Acoustic Privacy Ensure a high level of amenity by protecting the privacy of residents within the residential flat buildings from within the apartments.	The proposed units will be subject to a condition of consent relating to acoustic privacy.	Yes

Provision	Proposed	Complies
Daylight Access Minimum 2 hours of sunlight between 9am and 3pm in mid-winter to living rooms and private open spaces to at least 70% of apartments in development. In dense urban areas a minimum of 2 hours may be acceptable.	75.7% of apartments will receive 2hrs of sunlight.	Yes
Natural Ventilation - Building depths 10-18m - 60% of residential units should have cross ventilation - 25% of kitchens should have access to natural ventilation	18m (max). 60.6% of additional units are cross ventilated All kitchens have access to natural ventilation.	Yes Yes Yes

- Canterbury Local Environmental Plan 2012**

The site is zoned part B5 – Business Development and part SP2 Infrastructure (Classified Road) under the CLEP 2012. The proposal is also identified as a 'key site' where Schedule 1 of the CLEP 2012 is also applicable.

Clause 2.5 of the CLEP permits additional uses on specific sites which in this case includes the subject site. In accordance with Schedule 1 'residential accommodation' is also a permissible use in the zone "*but only as part of a mixed use development*".

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

Standard	Requirement	Proposal	Comments
Zoning	Part B5 – Business Development, part SP2 (Classified Road)	The proposal is defined as 'shop top housing' & as <i>residential accommodation as part of a mixed use development</i> (Schedule 1)	The proposed development is permissible with consent
Building Height	The subject site is identified as being within an area where a height limit of 18m applies	The development has a maximum height of 20.14m for Building A (which is the highest building).	No – see comment [1] below

Standard	Requirement	Proposal	Comments
Relevant acquisition authority (cl.5.1)	The RMS is the relevant acquisition authority for Zone SP2 infrastructure and marked "Classified Road"	Proposed works are outside the road widening reservation	Yes – suitable compensation will be undertaken between the RMS and land owners upon the taking up of the reservation by the RMS
Development on land intended to be acquired for public purposes (cl.5.1A)	To limit development on certain land intended to be acquired for a public purpose	The land identified as Zone SP 2 is subject to compulsory acquisition on just terms. The proposed development works, other than new road works for access to the site, are clear of the area required for the purposes of road widening. RMS have previously advised that there is no short term plans to physically widen Canterbury Road. Slip lanes will be constructed as permissible development as road works within the area to be acquired.	Yes
Development near zone boundaries (cl.5.3)	To provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone	The site is surrounded by B5 and IN 2 Light Industrial zoned land. The proposal does not however rely on this clause for permissibility.	N/A

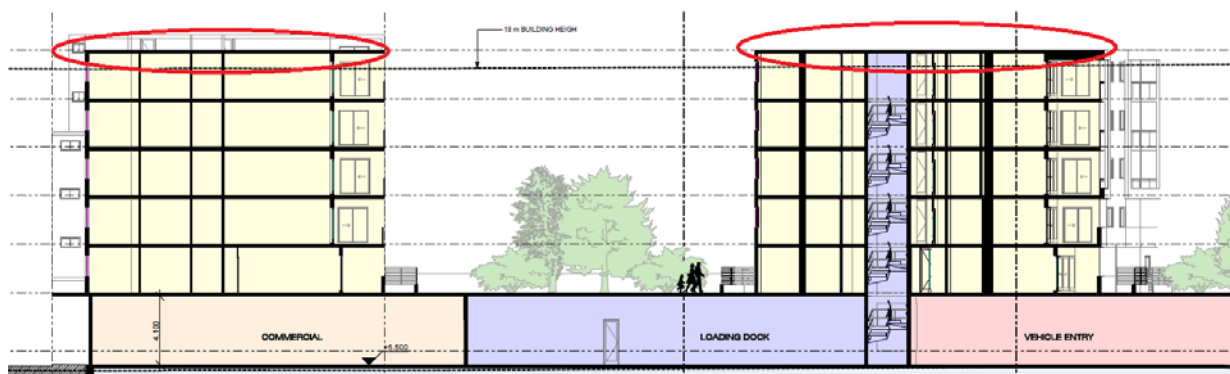
Standard	Requirement	Proposal	Comments
Preservation of trees and vegetation (cl.5.9)	A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without Council consent.	4 trees are to be removed for the purpose of a new slip lane and road widening. The proposal has been assessed by Council's Landscape Architect and is found to be satisfactory subject to conditions.	Yes
Acid sulfate soils (cl.6.1)	Class 3 - works more than 1m below the natural ground surface. Works by which the water table is likely to be lowered more than 1m below the natural ground surface.	Acid preliminary sulfate soils assessment has been undertaken and concluded that an ASS management plan is not required. Also, it has been assessed by Council's EHO with suitable conditions imposed.	Yes
Earthworks (cl.6.2)	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	A geotechnical report prepared by SMEC Testing Services recommended that subsurface drilling is undertaken to ensure that the design reflects the actual subsurface conditions on the site. A suitable condition of consent has been imposed.	Yes

Standard	Requirement	Proposal	Comments
Flood planning (cl.6.3)	minimise flood risk; allow development on land that is compatible with the land's flood hazard avoid significant adverse impacts on flood behaviour and the environment.	A flood report has been submitted with the proposal and has determined that the 1:100yr ARI is located at 5.80m AHD. Providing a 500mm freeboard requires the ground floor to be constructed at 6.30 AHD. Our City Works division does not support the findings and has recommended the matter be addressed as Deferred Commencement consent.	Yes
Stormwater management (cl.6.4)	To minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	A stormwater management plan has been submitted with the proposal and been assessed by Council's Development Engineers who have raised no objection to the proposal subject to the imposition of appropriate conditions of consent.	Yes
Essential services (cl.6.6)	Services that are essential for the development are available or that adequate arrangements have been made to make them available when required.	Adequate provisions are available for the supply of water, electricity, the disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access.	Yes

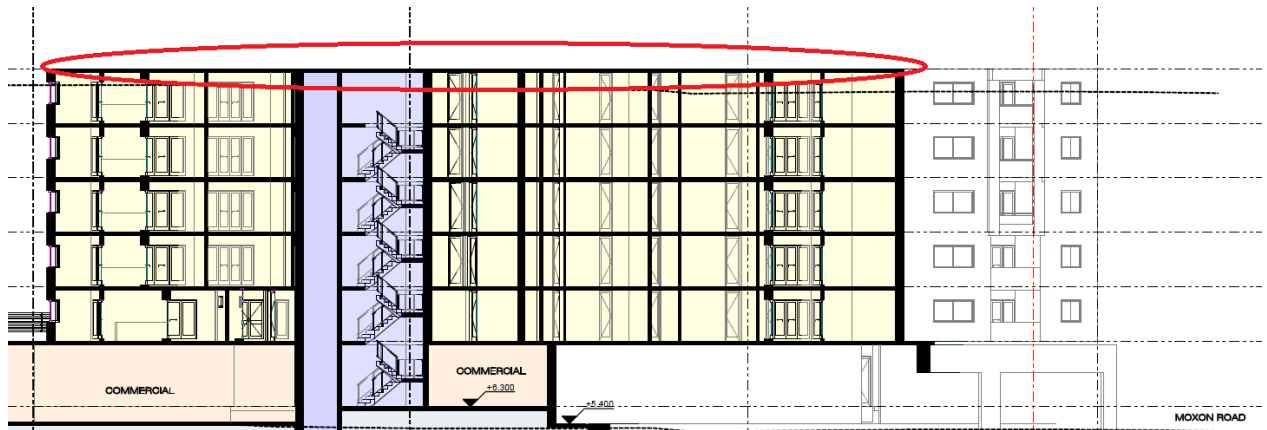
Standard	Requirement	Proposal	Comments
Mixed use development in business zones (cl.6.7)	Consent may be granted to a mixed use development incorporating residential accommodation but must not be granted unless the consent authority is satisfied that the ground level of the building will not be used for the purpose of residential accommodation.	The proposal incorporates residential accommodation.	Yes

[1] Building Height

The proposal development seeks a variation to Clause 4.3(2) relating to the maximum height of buildings. The diagram below illustrates that part of the proposed building which exceeds the 18m building height limit (shown by a faint black dashed line within the top storey). The building's roof slab will encroach beyond the 18m limit by between 1.41m and 2.14m. The diagrams below shows a side cross section of the proposed development and the extent of non-compliance.

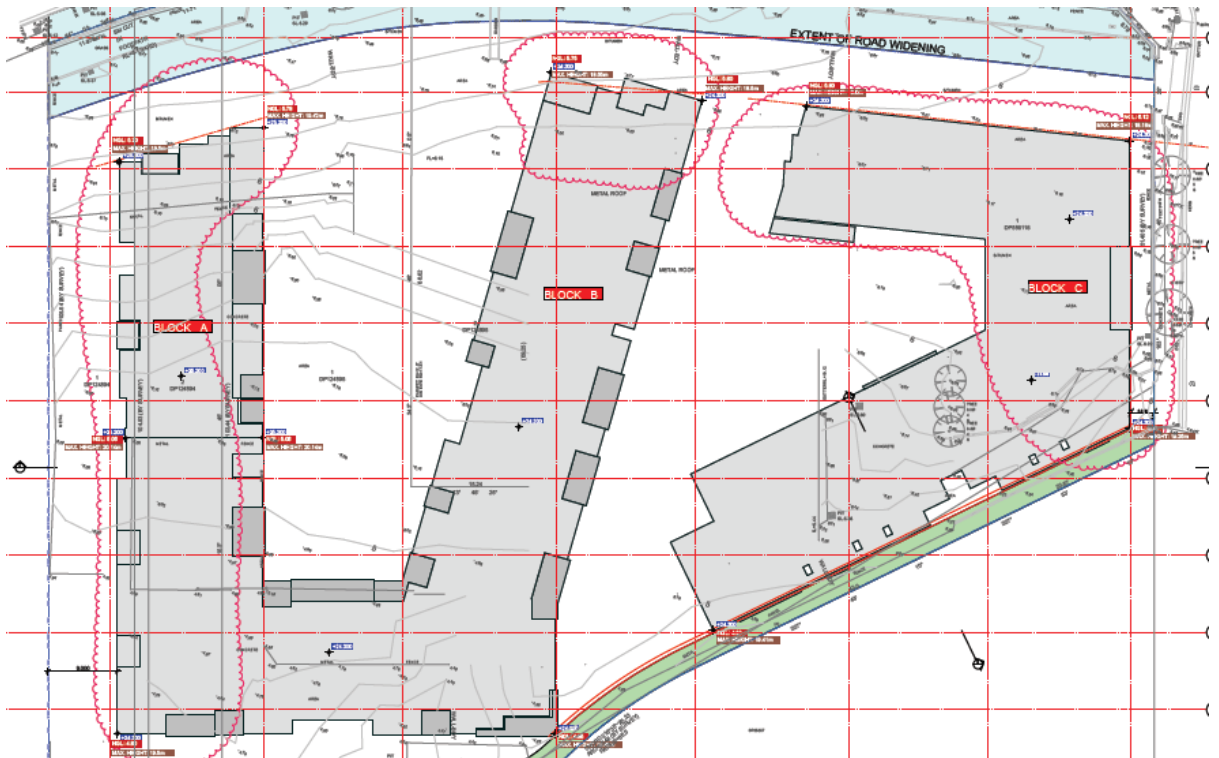


Block A and B



Block C

The diagram below shows in plan form the extent of non-compliance (clouded in red).



In considering the reasonableness of varying the building height standard, consideration must be given to the impact the variation will have on adjoining properties.

The variation to the height standard will not result in an unreasonable additional overshadowing or a loss of privacy for occupants of the surrounding properties greater than what a complying development would impact.

The proposed maximum height of 20.14m is an 11.9% departure from the maximum permissible height of 18m. The relatively minor breach of the height limit derives from the potential flooding of the site. Exceeding the height limit does not result in

excessive visible bulk or overshadowing to neighbours. Further, it reinforces the built form of Canterbury Road. In addition, the building envelope controls regarding setbacks and street appearance are met and the proposed variation does not result in a loss of amenity to neighbours by way of overshadowing or overlooking.

Notwithstanding the above, 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.

The site is flood affected and the HOB of 18m is measured from existing ground level, but for the need to raise the building to achieve a minimum 500m freeboard to the flood levels the building would comply with the HOB.

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: Compliance with our Building Height standard is unreasonable in this instance as the excess height of the proposal relates to the site being flood affected. The construction of the ground floor at RL6.3 provides for 500mm of freeboard above the 1:100 year ARI. The building would otherwise comply with the maximum height requirements of the CLEP 2012.

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

Comment: Key environmental planning grounds to support the variation include:

- The proposed maximum height of the building represents an 11.9% departure from the principal development standard prescribed under Canterbury Local Environmental Plan 2012 and as such, the non-compliance is considered to be relatively minor;
- Despite the building exceeding the Building Height development standard, the overall bulk and scale of the building is considered to be acceptable in terms of the streetscape character and built form and the relationship of the building to the adjoining development;
- The non-compliance does not translate to a wholesale departure by reading as an extra storey or significant additional bulk. As such, the non-compliance does not substantially add to the overall bulk and scale of the building; and

- The visual impact when the building is viewed from the surrounding streets will be negligible.

There will be minimal impacts on the amenity, in terms of privacy and solar access upon existing or future surrounding development as a result of the additional height that exceeds the height limit. Further, strict numerical compliance would not achieve any better environmental outcomes for the future residents or existing residents on adjoining properties. The proposed development is considered to meet the objectives for height as specified in CLEP 2012 and CDCP 2012.

(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 industrial buildings on a designated 'key site' with a permissible, generally compliant mixed use development. The design incorporates building elements and architectural features that aim to minimise potential overshadowing, whilst accentuating the context of the site.

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 area, as prescribed by CLEP 2012 and the CDCP 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.

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

- **Canterbury Development Control Plan 2012**

An assessment of the proposal against the requirements of the CDCP 2012 is detailed below.

PART 3 – BUSINESS ZONES

Standard	Requirement	Proposed	Complies
Isolation of sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed.	No isolation of neighbouring properties.	Yes
Minimum Frontage	30m (in a B5 zone)	140.89m to Canterbury Rd	Yes
Major Development Sites	>2,000m ² and in a neighbourhood or town centre	The site is not located in a town centre	N/A
Building Height	Floor to ceiling height in commercial min. 3.3m	3m (min)	Yes
	Floor to ceiling height in residential min. 2.7m	2.7m (max)	Yes
	Floor to ceiling height in car parking min. 2.8m	Basements 1, 2 and 3 = 3m (floor to floor) minus 200mm slab = 2.8m	Yes

Building Depth	10m-24m, commercial and retail	Depth exceeds 40m. The ground floor is divided into two areas of 5,263m ² and 810m ² , with access to a service corridor and loading bay. There is scope for these areas to be further divided into large and small floor plate premises, via later application(s).	No – see comment [1] below
	In general, an apartment building depth of 10-18m is appropriate.	Generally <18m	Yes
Building Setbacks	3m (for 1-4 storeys, with no ground floor residential)	3-4m (min) to Moxon Rd & channel 6-8m at south-west to channel and, 8m (min) to western boundary	Yes
	> 4 storeys (an additional 5m)	6-8m at south-west to channel and, 8m (min) to western boundary 4 th storey (Level 5) – 9m to western boundary	Yes
	45° building height plane projected at 1.8m from residential boundary.	N/A – Property does not adjoin residential.	N/A
	2 storey limit on boundary with residential zone.	N/A – Property does not adjoin residential.	N/A
	Rear setback – no requirements under DCP land adjoining B2 Zone except for building separation.	Building separation addressed.	N/A
Building Separation (as per SEPP 65)	6-12m up to 4 storeys	13m (min) between Block 'B' and Block 'C'	Yes (see SEPP 65 and RFDC Table)
	9-18m storeys 5 to 6	18m (min) provided	
Vehicular access	Car wash bay = 1 space	1 space provided	Yes
	Loading Bay = 1 space	1 loading bay provided	Yes

	Car parking, ramps, driveways and entries to be integrated into design.	Car parking, ramps, driveways and entries integrated into the design of the proposal	Yes
	Basement restricted to footprint of the building	Basement restricted to footprint of building	Yes
	Maximum 6m width for access driveways	Access driveway 6.5m to basement car park	No – see comment [2] below
	Minimise impacts from vehicles on neighbouring residential	The impacts from vehicles on neighbouring properties have been minimised with adequate separation proposed.	Yes
	Locate parking and loading bays in basement.	Parking and loading bay arrangements in basement and ground floor level is satisfactory.	Yes
	Provide secure bicycle parking	Secure bicycle parking provided	Yes
	Provide safe access to carpark	Safe access via lifts to car park	Yes
	Recess car park entries from main building façade	Carpark entry separated from main façade	Yes
	Avoid black holes in façade with security doors and decorative grills	Appropriate security measures provided to avoid black holes in façade	Yes
Design Controls	Clearly identifiable entries, Provide main common entry.	Clear entry provided as main common entry.	Yes
	Habitable room window to face communal areas.	Habitable windows facing perimeter and communal areas.	Yes
	No obstruction to views from street to development and vice versa.	Natural surveillance provided for surrounding streets.	Yes
Façades – New multi storey buildings	To be in accordance with articulation controls of this DCP.	Façade is in accordance with the articulation requirements.	Yes

Shopfront	Windows on the street frontage are transparent (not mirrored) to provide visibility between interior and exterior spaces, allow for surveillance of the street and provide interest for pedestrians.	Windows on the street are transparent. This will be reinforced via the provision of a condition requiring the shopfront glazing facing public areas to remain transparent.	Yes
	Do not place external solid roller shutters or brick walls on shopfronts	No external solid roller shutters or brick walls proposed on shopfront	Yes
	Security grilles are discreet, have minimal visual impact, and do not dominate the shopfront.	Security grilles are not proposed as part of this application	Yes
Frontage types	Varying frontage treatments to maximise public/private interface.	Varying frontage treatments provided including colonnades	Yes
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath.	3.5m (min)	Yes
	Width of 3m.	3m.	Yes
Articulation	Buildings should generally have a base and upper elements.	Building has a base and upper levels in accordance with its height.	Yes
	The design of the façade, including the quality and durability of its materials, should be emphasised.	The façade is of a high architectural standard. Materials used are of a high quality and are durable.	Yes
	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 and vertical elements.	Yes

	A visual finish using expressed eaves, cornice or parapet elements with shadow lines, is desirable.	Shadow lines to be created through the use of building design elements.	Yes
	No blank walls are to face the public realm.	No blank walls to public realm.	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the façade.	Balconies are integrated into the overall design of the façade. There is adequate variety in the balconies configuration between the lower and upper levels of the development.	Yes
	The majority of windows shall be vertically rectangular.	Majority of windows are vertically rectangular.	Yes
Roof Design	Relate roof design to the desired built form and or context.	Roof design is consistent with the desired built form and context of the area.	Yes
	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 easterly aspect at the front of the site to provide maximum solar access.	Yes
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive.	Service and utility areas integrated into the design adequately.	Yes
	Unscreened appliances not to be visible from the street, communal area of driveway on the site. Air con units behind balustrades, screened recesses for water heaters, meters in service cabinets.	Appliances not visible from public areas by condition.	Yes – condition imposed
	Communal rooftop antenna to be provided.	Antenna to be provided through condition of consent.	Yes – condition imposed
	Screen clothes drying areas from public view, storage space screened and integrated into design.	To be adequately screened by condition.	Yes – condition imposed

	Discretely locate mailboxes in front of property.	Mailboxes to be located in front of main entrance – provided by condition.	Yes – condition imposed
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings.	Design has adequately addressed visual privacy issue through window placements, screening and sufficient setbacks with the adjoining property.	Yes
Balconies	8m ² for 1 bed units	8m ² (min) for 1 beds	Yes
	12m ² for 2 & 3 bed units	16 x 2 bedroom units have 9m ² balconies	No, see comment [3] below.
	Full length balconies without articulation are not permitted.	Articulation and building design elements incorporated to provide relief to balconies.	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room.	Yes
	Primary balconies to have minimum depth of 2m and be functional in dimensions.	Minimum depth of 2m and functional in design.	Yes
	One area at least 2.5m x 2.5m (6.25m ²) which is suitable for outdoor dining.	All balconies comply with this requirement (9m ² min).	Yes
	Design and detail balconies in response to local climate.	Most balconies have been designed where achievable to have eastern & western orientation to maximise solar access.	Yes
Storage	6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling.	Storage opportunities available. To be imposed as a condition of consent.	Yes
Communal Open Space	Communal Area: Min. 10% of site area as communal open space.	3,061m ² (23% of site area).	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.	Minimum 3.5m.	Yes
	Secondary bedrooms to have minimum 3m width.	Minimum 3m.	Yes
Part 6.3 - Crime Prevention			
Site and Building Layout	Address the street, or both streets and corners.	The building and dwellings are orientated towards Canterbury Rd.	Yes
	Habitable rooms with windows at front of dwellings.	Dwellings have been orientated to ensure windows front the common atrium through the development.	Yes
	Avoid blind corners in pathways, stairwells, hallways and car parks.	The building layout avoids blind corners.	Yes
Access Control	Access to the individual units be clearly marked and apparent to visitors.	The entry is to be clearly numbered with the dwellings accessible through that entry.	Yes
	Install intercom, code or card locks or similar to main entries to buildings, including car parks.	Intercoms and controlled access measures to be installed at building entry point, including basement car park.	Yes – condition imposed
	That concealment points be eliminated.	The proposal eliminates concealment points by controlling access to the site.	Yes
Ownership	Dwellings and communal areas to provide sense of ownership.	Sense of ownership achieved through the use of design features, building materials and site layout.	Yes
Part 6.2 - Climate and Energy			

Site layout and building orientation	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Building orientated to maximise number of dwellings with east & west facing windows and cross ventilation.	Yes
	Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor space and solar cells on the site and on adjoining land (see solar access below).	Building has been designed to minimise shadow impact on adjoining properties, with adequate separation proposed.	Yes
	Coordinate design for natural ventilation with passive solar design techniques.	Cross ventilation enabled design and roof elements.	Yes
Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building.	Building configured to maximise solar access.	Yes
Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in Summer.	Placement of windows on the eastern side has been incorporated into the design.	Yes

Insulation and thermal mass	Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows: Roof: min 2.0 R-value Wall: min 1.0 R-value Floor: min 1.0 R-value	This has been addressed in the BASIX Certificate.	Yes
Daylight and sun access	At least 70% of proposed apartments to living room areas and private open space to receive 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter.	75.7% of apartments receive 2 hours sunlight between 9am and 3pm in mid-winter.	Yes
	Living room windows and principal ground level open space of adjoining dwellings receive at least 2 hours sunlight.	Proposal allows >2 hours solar access to existing living room windows and private open space areas of neighbouring dwellings.	Yes
Ventilation	Provide natural cross ventilation to at least 60% of dwellings and natural ventilation to 25% of kitchens.	Cross ventilation is provided to 60.6% of dwellings and natural ventilation to >90% of the kitchens within the dwellings.	Yes

As demonstrated in the above table, the proposal complies with the requirements of CDCP 2012 with the exception of the following:

[1] Building Depth

Clause 3.1.7 requires commercial levels of a building to have a depth between 10 metres and 24 metres. Two large floor plate areas of over 800 m² and 5,200m² are proposed on the ground level, with depths greater than 40 metres. The size and shape of the site along with its main road frontage make it eminently suitable for large floor plate retail activities.

This layout indicates the proponent may have designed this level specifically with certain tenants in mind, such as supermarkets and showrooms. Further applications would be required for the use and further division of these areas for specific activities, which would likely have differing needs for vehicle loading, stock movement and storage. These matters are most-suitably addressed when further applications are made to divide or use these large floor plate premises.

In these circumstances, the need to maintain flexibility is important, so the economic benefit to be gained from these premises can be optimised. In these circumstances, compliance with these standards may be dispensed with.

[2] Vehicle Access

Clause 3.1.12(xi)(a) of CDCP 2012 requires developments to provide vehicle access entries that are a maximum of 6m wide to optimise opportunities for active street frontages and streetscape design. The proposed development is seeking a variation to this requirement by providing a 6.5m wide access driveway from Moxon Road.

The intent of this control is to integrate adequate car parking and servicing access without compromising the street character, landscape or pedestrian amenity and safety and to encourage the active use of street frontages.

Although the proposal does not strictly comply with the numerical requirements, it achieves the intent of this control. The Moxon Road frontage has an overall length of 51.405m and the proposed 6.5m wide residential driveway seeks to occupy an additional 0.5m beyond the DCP requirement. Given that the proposed vehicle entry will not compromise the visual appearance of the existing streetscape, its landscape or adversely affect pedestrian amenity and safety, the proposed vehicle entry is considered to be suitable in the context of the site and its locality.

[3] Minimum balcony size

As noted in the table, 16, 2 bedroom units have balconies accessible from their living rooms of 3m by 3 m, each having an area of 9m². While this does not meet the DCP's requirement of 12m², there are two factors that are considered to justify this variation:

1. These balconies are of a greater depth than the 2m depth required by the DCP, for primary balconies. This offsets the loss of overall balcony size and still provides sufficient space for a table and chairs.
2. The units with these smaller, primary balconies, also have balconies to their main bedroom.

PART 6 – GENERAL CONTROLS

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

Part 6.1 Access and Mobility

A BCA and Access Compliance Report prepared by Vista Access Architects were 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 2012 states that for new buildings, that at least 70% of the residential dwellings' living rooms and private open spaces receive at least two (2) hours of sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 75.7% of the units (225 units) receive two (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 60.6% of the dwellings (180 units) will be adequately cross ventilated, in accordance with the requirements of both SEPP 65 and this Part of the CDCP 2012.

Given the orientation of the site, and its proximity to residentially zoned land east of the site and future potential mixed use developments to its west, adequate separation distances have been provided to ensure access to natural light in the future.

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 will 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:

Requirement		Proposal	Complies
Car (and Bicycle) Parking	<u>Residential flat buildings</u> 1 space/1 bed = 96 spaces 1.2 spaces/ 2 bed = 222 2 spaces/3 bed = 32 1/5 visitor spaces = 59.4 1 car wash bay subtotal = 410.4	352 spaces (incl. car wash bay) 61 visitor Subtotal = 413	Yes
	<u>Shops</u> retail/commercial = 5,163m ² 1 space/22m ² = 234	If the entire 6,040m of combine	

Requirement		Proposal	Complies
	<u>Commercial</u> Commercial = 810m^2 1 space/ $40\text{m}^2 = 20.25$	retail/commercial was calculated @ $1/22\text{m}^2$, then a total max of 275 spaces would be required 279	Yes
	Total: 664.65	Total: 684	Yes
	<u>Bicycle Parking - Residential</u> 1 space per 5 dwellings (residents) = 59.4 spaces 1 space per 10 dwellings (visitor) = 29.7 spaces Subtotal = 89.1 spaces +	63 spaces (shortfall of 59 spaces). Traffic Report argues that consideration should be given to the scale of the site and the proposed bulky goods land use where the use of bicycles would not be of a scale similar to small retail or supermarkets.	Yes In context of site, its location and likely future retail/commercial tenancies.
	<u>Retail/commercial</u> Staff = $1/200\text{m}^2$ (office) Visitor = $1/750\text{m}^2$ (office) Staff = $1/300\text{m}^2$ (shops) Visitor = $1/500\text{m}^2$ (shops) Subtotal = 32 Total: 122 spaces		

The proposal provides for 63 bicycle spaces. In the accompanying traffic report prepared by McLaren Traffic Engineering, it is acknowledged that the proposal will result in a shortfall of 59 bicycle spaces in comparison to Council's requirement.

The traffic report argues that: *"Whilst there is a shortfall of bicycles, consideration should be given to the scale of the site and the proposed bulky goods land use whereby the use of bicycles would not be of a scale similar to small retail shops or supermarkets. The residential and retail visitor requirements should be able to be shared, such that only 30 racks are required for the two demands (retail and residential visitor). Bicycle parking of 60 spaces for residents should be provided in full either by allocated storage facilities or bicycle racks. Bicycle parking of 21 spaces for retail staff should be provided. There is adequate available space in the lower basement levels to provide secure residential and retail staff bicycle facilities."*

The development application including the Revised Traffic and Parking Assessment has been reviewed and assessed by our Team Leader – Traffic and Transportation 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 CDCP 2012.

- **Canterbury Development Contributions Plan 2013**

The provisions of our Section 94 Contribution Plan apply to the proposed development in that it will provide residential dwellings on the subject site. The proposed development attracts a contribution of **\$3,694,689.68** 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 a condition 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 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-construction phase and during the 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 CDCP 2012. No submissions were received.

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 and will provide a substantial contribution to the viability of this locality by providing for an active street frontage 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-605/2014 for the demolition of existing structures and construction of a mixed use development containing some 6,000m² of retail/commercial spaces and 297 residential apartments over a three (3) level basement carpark, subject to the following conditions:

THAT Development Application DA-169/2015, be approved as DEFERRED **COMMENCEMENT** consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979.

- A. This consent is not to operate until the applicant satisfies Councils City Works division, within 12 months of the date of this Notice, of the following in order to ensure adequate flooding mitigation measures are in place:
- i. Take the City of Canterbury hydraulic model;
 - ii. Extend the hydraulic domain past the northern side of Canterbury Road and east of Moxon Road (25 to 50 m would be sufficient although actual extent to be informed by responsible practitioner at the time);
 - iii. Check and then if necessary improve the resolution of the model around the subject site;
 - iv. Include blockage sensitivity runs for the channel running along the southern perimeter of the subject site;
 - v. Use the updated model to achieve 1% AEP design flood levels for the subject site;

- vi. Also produce PMF estimates undertake risk management for the subject site. The PMF height needs to be exceeded by the car park entrance due risk of flood waters entering the multi-storey underground car parking facility and
- vii. Use the same model to carry out an impact assessment for the proposed works.

B. The following conditions of consent will be included in the development consent issued by Council after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent. Additional conditions may be imposed as a result of satisfying the above matters.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement in accordance with AS 1668.2

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

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$16,640.00
Section 94 contributions	\$3,694,689.68
Certificate Registration Fee	\$36.00
Long Service Levy	\$29,9212.70
Long Service Leave Levy Fee	\$19.80

1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$257,648.00
Inspection Fee	\$48,405
Occupation Certificate Fee	\$17,796.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in the fee quote attachment do not apply, however other fees will apply.

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

Note 4: All 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.

Note 5: Section 94 Contribution payments are payable by cash, bank cheque or EFTPOS.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

SITE SIGNAGE

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

DEMOLITION

4. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the WorkCover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.

- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details as outlined in the table below:

Prepared By	Drawing Reference	Issue	Prepared	Received by Council
Urban Link	14-065-02 - Calculation Page	C	19/06/2015	25/06/2015
Urban Link	14-065-03 - Basement 3	C	19/06/2015	25/06/2015
Urban Link	14-065-04 - Basement 2	C	19/06/2015	25/06/2015
Urban Link	14-065-05 - Basement 1	C	19/06/2015	25/06/2015
Urban Link	14-065-06 - Ground Floor Plan	C	19/06/2015	25/06/2015
Urban Link	14-065-07 - First Floor Plan	C	19/06/2015	25/06/2015
Urban Link	14-065-08 - Second Floor Plan	C	19/06/2015	25/06/2015
Urban Link	14-065-09 - Third	C	19/06/2015	25/06/2015

Prepared By	Drawing Reference	Issue	Prepared	Received by Council
	Floor Plan			
Urban Link	14-065-10 - Fourth Floor Plan	C	19/06/2015	25/06/2015
Urban Link	14-065-11 - Fifth Floor Plan	C	19/06/2015	25/06/2015
Urban Link	14-065-12 - Roof Plan	C	19/06/2015	25/06/2015
Urban Link	14-065-13 - Elevations	C	19/06/2015	25/06/2015
Urban Link	14-065-14 - Elevations and Sections	C	19/06/2015	25/06/2015
eco design	Sheet L01 and L02 - Landscape Plan	D	19/12/14	25/06/2015

6. Finishes and materials include the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the photomontage and Schedule of Finishes prepared by Urban Link marked as Drawing No.14-065-19 and dated 17/12/2014. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
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 Canterbury Town Centre Development Contributions Plan, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as **\$3,694,689.68**.
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 activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
10. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
11. All building operations for the erection or alteration of new buildings must be restricted

to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.

12. All building construction work must comply with the National Construction Code.
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. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at each floor slab level indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
16. 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."
17. 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.
18. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
19. 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.
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. 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.
23. 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.
24. 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.
25. A security system/swipe card system is to be installed within the lifts, which allows operation of the lift only to authorized levels within the building.
 26. All access points to the residential component of the building (including lifts and stairwells) must be restricted to residents only through a security system. Visitors to the residential complexes must be provided with access via the intercom.
 27. Signage throughout the site is to be used to direct people to where they are meant to be. This will reduce excuse making and loitering opportunities for potential offenders.
 28. 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.
 29. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
 30. 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.
 31. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 32. Drains, gutters, roadways and access ways 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.
 33. The site must be provided with a vehicle wash down 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.
 34. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
 35. Submission of a Soil and Water Management Plan, to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The Soil and Water Management Plan must include 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.
 36. Where excavation is proposed, the works shall be carried out in accordance with Part 3.1.1-Earthworks BCA and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
 37. 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.

38. The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.
39. A photographic survey/dilapidation report of the adjoining properties at 1608-1612 Canterbury Road, Punchbowl, detailing the physical condition of the 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 prior to the issue of a Construction Certificate**. On completion of the excavation and building works and prior to 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. If damage is identified which 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 occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
40. A geotechnical engineering report assessing the impact and safety of the proposed works is to be prepared by a suitably qualified and experienced geo-practitioner and **provided to the Principal Certifying Authority prior to the issue of a Construction Certificate**. The report must include the results of subsurface investigations, involving either test pits to rock, or preferably the drilling of cored boreholes (to one metre below the proposed final excavation level). The report shall describe:
 - An indication and nature and depth of any uncontrolled fill at the site.
 - An indication of the nature and condition of the material to be excavated.
 - Indications of groundwater or seepages.
 - Required temporary measures for support of excavations deeper than one metre adjacent to property boundaries.
 - Statement of required excavation methods in rock and measures required to restrict ground vibrations.
 - Other geo-technical information or issues considered relevant to design and construction monitoring.All findings and recommendations of the Report are to be followed and adhered to throughout the construction process.
41. The design and location of letterboxes being in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published in February 1997, and being shown on the Landscape Plan at Construction Certificate stage.
42. Prior to the occupation of the development a letterbox is to be provided for the Owners' Corporation.
43. Prior to the occupation of the development a master antenna connected to the all dwellings on the site is to be provided.

LANDSCAPING

44. The Construction Certificate plans must show an area of at least 3,280m² of landscaped area on the site. This is necessary to comply with the minimum landscaped area required by State Environmental Planning Policy 65 and the Residential Flat Design Code.
45. Prior to the issue of the Construction Certificate, the landscape plan is to be amended to show all proposed trees and shrub planting, including the number of each species, their

location, spacing and mature height.

- 45.1. The maintenance program is to be amended to extend for a minimum period of 12 months.
- 45.2. All planter beds on podium are to be designed to support the appropriate soil depth and plant selection. On-podium planter beds/boxes should comply with the following soil depths as identified in the CDCP 2012 Part 6.6: Landscape:
 - 100-300mm for turf
 - 300-450mm for groundcovers;
 - 500-600mm for small shrubs;
 - 600-750mm for medium shrubs;
 - 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
 - 1000mm for medium trees with approximate soil area of 6m x 6m; and
 - 1300mm depth for large trees with approximate soil area of 10m x 10m.The landscape plan must be amended to show that these soil depth requirements are being met, in particular to the proposed tree planting.
- 45.3. Large areas of synthetic turf are proposed to the podium landscape to Level 1. This is not considered to be an appropriate surface to large areas of communal open space as it does not soften the hard elements of the surrounding built environment and does not provide an attractive alternative to natural turf. The landscape plan is to be amended with these areas landscaped with a soft natural surface such as natural turf or garden beds. The landscape plan must also show the soil depth to accommodate the proposed soft landscaped area. Hard paved surfaces to these areas is also considered an inappropriate alternative.
- 45.4. The existing street trees 3 x *Callistemon viminalis* (Common name: Weeping Bottlebrush) located in the grass verge to Moxon Road are to be retained and protected during construction.

A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.

REMEDICATION OF THE SITE

46. Site investigation and remediation works shall be carried out in accordance with the Detailed Site Investigation report prepared by Trace Environmental dated 25 March 2015.
47. A Stage 2 detailed site investigation shall be undertaken with the results submitted to Council for review in accordance with Council's Contaminated Land Policy and the SEPP55 prior to any Construction Certificate being issued.

Note: It should also be noted that Council will require the submission of a Remedial Action Plan (RAP) if the detailed investigation concludes that the land is not suitable for the proposed use in its present state.

ACOUSTICS

48. Prior to the occupation of the development an acoustic assessment shall be undertaken to ensure that the recommended treatments and controls contained in the Acoustic Assessment Report prepared by Acoustic Noise and Vibration Solutions P/L (Reference

No.2014-555, Dated: 12 December 2014), submitted with DA605/2014, have been incorporated in the final design of the building.

49. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

CAR PARKING

50. A total of one hundred and twenty one (684) off-street parking spaces being provided, comprising of:
- One (1) car wash bay being allocated as common property;
 - One accessible car space being allocated to each accessible dwelling; and
 - One car space being allocated to all 1, 2 and 3 bedroom dwellings.
- The car spaces must be allocated and marked according to this requirement. If the development is strata subdivided, the car park layout must respect the above allocation.
51. The accessible parking spaces must comply with the dimensions of AS 2890.1 and have a firm, level surface with minimal crossfall. These spaces must be marked with the international symbol of disability.
52. All car parking spaces must be sealed, line marked and made freely available at all times during business hours for staff and customers.
53. Signage shall be erected to notify and allow people to use the designated spaces.
54. Parking facilities/storage for 60 bicycles is to be provided on-site for the residential component and 21 spaces for the commercial component of the development. These details must be shown on amended plans and submitted to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.

CRIME PREVENTION MEASURES

55. A Crime Prevention Through Environmental Design Report shall be prepared by suitably qualified person and in accordance with Part 6.3 of the Canterbury Development Control Plan 2012 and submitted to Council and with the Construction Certificate as part of the construction and on-going operations of the development. Where required, details shall be provided with the application for the Construction Certificate.
56. Proactive security measures, including CCTV cameras must be installed at the toilet entry/exit to ensure community safety is monitored at all times. Details shall be provided with the application for the Construction Certificate.
57. The storage units located in the vicinity of the car parking spaces must be fully enclosed and non-visible to deter potential offenders from breaking in as they are unable to see what contents are stored within each storage unit.
58. Internal car park structures such as concrete columns, solid internal walls and service rooms must contain portholes (cut outs) to open sightlines, increase natural surveillance and assist with light distribution. Details shall be provided with the application for the Construction Certificate.
59. The building and surrounding structures shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. Details shall be provided with

the application for the Construction Certificate.

DISABILITY ACCESS

60. To fulfil the requirements of the Disability (Access to Premises – Buildings) Standard and AS1735, lifts that provide adequate space for a paramedic stretcher with minimum dimensions of 2100mm x 550mm must be provided. Details shall be provided with the application for the Construction Certificate.
61. To comply with the requirements of Part 7.5.1 of AS1428.1, all glazed doors and panels on a continuous accessible path of travel are to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings when viewed from either the inside or outside of the door. Details and compliance with this requirement shall be provided with the application for the Construction Certificate.
62. The development must wholly comply with all requirements of the Disability Discrimination Act 1992, Disability (Access to Premises – Buildings) Standard (2010), National Construction Code, AS1735.12: Lifts, Escalators and moving walks and Part 12: Facilities for persons with disabilities, at all times.

WASTE MANAGEMENT

63. Prior to the issue of the Construction Certificate, the following details must be submitted to Council for approval:
 - 63.1. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP 2012.
 - 63.2. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.
 - 63.3. Access to the site for purposes of garbage collection must comply with the requirements listed under clause 6.9.4.3 of the CDCP. This includes that the owner of the development must indemnify Council's waste collection contractor against damage that may result from their entry onto the property to collect waste bins. Council's standard indemnity form shall be completed and returned to Council prior to the site being occupied.

ENGINEERING

64. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 25/06/2015 drawing numbers, 14NL271-D01-D07-1, D07=2 and D08 Rev D; prepared by Loka Consulting Engineering and as amended by the following conditions.
 - 64.1. Demonstrate compliance with Sydney Water's conditions for connection to their stormwater channel.
 - 64.2. Identify overland flow paths from all surface areas in the site to Sydney Water's stormwater channel. Note that in this regard the two proposed landscaped courtyards must be specifically addressed.
 - 64.3. Identify how maintenance access is to be achieved for the stormwater system. In particular maintenance access to any sediment collection/water quality improvement device is to be addressed.
65. 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.
66. 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.

67. 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.
68. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
69. 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.
70. 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.
71. 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.
72. 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.
73. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
74. A traffic management plan is required showing how traffic will be managed within the site. The plan must address, but is not restricted to, the following issues:
 - 74.1. Circulation driveways within the proposed car park are broken by parking aisles resulting in unclear vehicular path of movement between the basement levels. In particular vehicles exiting the ramps in a downward direction must travel through parking aisles to reach the ramp to the lower level.
 - 74.2. There is potential conflict between vehicles circulating up and vehicles circulating down at the base of the ramps. In this regard a traffic control measure(s) is required to prioritise traffic movement.
 - 74.3. A number of disabled parking spaces are located in basement levels 2 and 3 where use of the end shared areas will interrupt circulating traffic through a parking aisle. Disabled parking must be located in close proximity to lifts and in areas where the use of a parking aisle as a shared area will not conflict with circulating traffic.

- 74.4. Provide details of how management of commercial and residential vehicles using, entering, and exiting the site will be achieved.
- 75. The design of the basement car park must be amended to address the following issues:
 - 75.1. The mix between residential, visitor, and commercial parking has not been clearly defined.
 - 75.2. The parking spaces must be numbered. More detailed comment on parking will be made at a later stage when specific parking spaces can be identified.
 - 75.3. Accessible parking spaces must comply with the dimensional requirements of Figure 2.1 of AS/NZS 2890.6-2009 Off-street parking for people with disabilities, including the provision of a shared area. In this regard a number of disabled parking spaces, not located where the adjacent parking aisle can be utilised as a side shared area, do not have identified shared areas associated with them.
 - 75.4. The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along the outer edge of all ramps; on circular sections the gradient of the inside edge of the ramp must be shown.
 - 75.5. Provision must be made for garbage collection services. Where garbage collection is proposed on site, headroom and manoeuvrability must be provided to accommodate a Medium Rigid Vehicle (MRV) in accordance with the requirements of AS 2890.2-2002.
 - 75.6. Where collection from the roadside is proposed, the bin collection area must be provided on site, with direct efficient access available.

SOIL AND WATER MANAGEMENT

- 76. A Soil and Water Management Plan undertaken in compliance with Section 4.3.7 of Canterbury Council's DCP 2012, and "Managing Urban Stormwater: Soils and Construction" volume 1, 4th Edition, Landcom (the Blue Book) is required to be submitted with the Construction Certificate. The plan must be provided and certified by a suitably qualified professional.
- 77. The erosion and sediment control and soil management plan and details received in Council on 19th December 2014, Drawing Number D07 by Loka Consulting Engineers Pty Ltd and dated November 2014 be adopted as part of the Construction Certificate plans and the during the works period on the site.

SYDNEY WATER REQUIREMENTS

- 78. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
- 79. Sydney Water has no objection to the revised stormwater drainage plan '14NL271 D04

Rev G, dated 15-09-15.

80. Detailed connection details will be reviewed at the Section 73 application phase.
81. The proponent will be required to submit details about any proposed or existing structures within the zone of influence of the stormwater channel when the Section 73 application is lodged.
82. Sydney Water will advise the proponent of the required protection measures for the stormwater channel as part of the Notice of Requirements package.

ROADS AND MARITIME SERVICES

83. Roads and Maritime provide concurrence under Section 138 of the Roads Act 1993, subject to the following conditions:
 - 83.1. A splay corner has previously been dedicated as Public Road by private subdivision, at the corner of Canterbury Road and Moxon Road, as shown by yellow colour on the attached Aerial - "X".
 - 83.2. Roads and Maritime has previously dedicated a strip of land as road along the Canterbury Road frontage of the subject property, as shown by grey colour on the attached Aerial - "Y".
 - 83.3. The subject property is also affected by a road widening proposal as shown on Council's Planning Map, as shown by yellow colour on the attach Planning Map extract - "Z".

Note: Attachments 'X', 'Y' and 'Z' are provided under separate cover with this consent. Roads and Maritime raises no objections on property grounds to the submitted Application provided any new building or structure (other than pedestrian foot path awning), together with any improvements integral to the future use of the site, are erected clear of the land dedicated as public road or required for road widening (unlimited in height or depth).
 - 83.4. The design and construction of the proposed kerb and gutter work on Canterbury Road shall be in accordance with AS2890.1 - 2004 and Roads and Maritime's requirements. Further details of these requirements could be obtained from the Roads and Maritime's Manager Developer Works, Statewide Delivery Section, Parramatta Ph: 8849 2335.

A Certified copy of the design plans shall be submitted to the Roads and Maritime for consideration and approval prior the release of a construction certificate by Council and commencement of road works.
 - 83.5. Any redundant driveways along Canterbury Road shall be removed and replaced with kerb and gutter to match the existing.
 - 83.6. 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 2124.
Telephone 8849 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.

- 83.7. Council should ensure that post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre development discharge. Detailed design plans and hydraulic calculations of any changes to the

stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to :-

The Sydney Asset Management

PO Box 973

Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the Roads and Maritime's approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime's Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

- 83.8. The proposed development should be designed such that road traffic noise from 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.
- 83.9. 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.
- 83.10. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.
- 83.11. All works associated with the proposed development shall be at no cost to RMS.

PUBLIC IMPROVEMENTS

- 84. 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".
- 85. The reconstruction of the kerb and gutter along all areas of the site fronting Canterbury Road and Moxon Road is required. Work is 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".
- 86. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road and Moxon Road is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 87. 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.

SUBDIVISION

- 88. 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.
- 89. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
- 90. The submission of one final plan of subdivision and five copies.
- 91. The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

TRAFFIC & CITY WORKS

- 92. 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.

93. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car parks, 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.
94. 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 Sub-base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Micro-surfacing.
95. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
96. The development must comply with the Public domain requirements set out in the Canterbury Town Centre Public Domain Strategy or subsequent City of Canterbury advice.
97. The land to be dedicated for the widening of Canterbury Road shall be in accordance with the requirements of Council and the RMS, as shown on the approved ground floor plan.
98. The development must coordinate with City of Canterbury in regard to relocation of existing services In Canterbury Road to within the land to be dedicated as road reserve.

CRITICAL INSPECTIONS

99. Class 2, 3 or 4 Buildings

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

Class 5, 6, 7, 8 or 9 Buildings

- 99.4. prior to covering any stormwater drainage connections, and
 - 99.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
100. 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.

BUILDING NUMBERING

101. Allocation of street numbers has been based on the Rural and Urban Addressing Standard AS/NZS 4819:2011.
102. Future Street Addressing for the proposed Residential buildings within DA-605/2014, is as follows:
 - 102.1. Building C be known as 1590 Canterbury Road;
 - 102.2. Building B be known as 1600 Canterbury Road, and;
 - 102.3. Building A be known as 1602 Canterbury Road.

Note: The applicant is advised to collaborate with Mapping & GIS Services for addressing of the commercial and retail development within DA-605/2014, prior to an occupation certificate being issued.

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE

104. This application has been assessed in accordance with the National Construction Code.
105. The use of rock anchors will require separate prior written consent from Council.
106. 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.
107. 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 system
 - Final Fire Safety Certificate
 - Glazing
 - Waterproofing
 - BASIX completion
108. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
109. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
110. 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.
111. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
112. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
113. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.