

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE037
DA Number	DA-566/2014
Local Government Area	City of Canterbury
Proposed Development	Demolition of all existing structures and construction of a shop top housing development containing 183 residential apartments, commercial tenancies, communal facilities, basement car parking and associated Strata Title subdivision
Street Address	717-727 Canterbury Road, Belmore (Lot 201 DP 1062028)
Applicant / Owner	Architecture and Building Works Belmore 88 Pty Ltd
Number of Submissions	4 submissions, eleven pro-forma letters and petition with 45 signatures received
Recommendation	Approval with conditions
Report by	Hassan Morad Planner

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received Development Application (DA-566/2014) for the demolition of all existing structures and construction of a shop top housing development containing 183 residential apartments, commercial tenancies, communal facilities, basement car parking and associated Strata Title subdivision.
- The proposal has been substantially modified since the Panel was briefed about the development on 6 May 2015. Following concerns regarding the form of the shop top housing development, design, height and general compliance matters with SEPP 65 and Canterbury Development Control Plan 2012, the applicant has submitted revised plans including the reduction of the proposed residential component from 223 apartments to 183 apartments. These amended plans, which are the subject of this assessment, demonstrate the approval has planning merit, notwithstanding the variation sought to the building height standard.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.

- The subject site is zoned B2 Local Centre under Canterbury Local Environmental Plan 2012 (CLEP 2012) and the proposed development defined as 'shop top housing' and 'commercial premises' is permissible with consent. The proposal involves a breach to the building height development standard under Clause 4.3 of CLEP 2012 which is supported by the provision of a Clause 4.6 submission by the applicant.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (State and Regional Development) 2011, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and Canterbury Development Contributions Plan 2013. The proposal is found to generally be in compliance with the requirements of these policies, as outlined in detail throughout this report.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012 on two separate occasions. During the first notification period which related to the original design involving 223 units over three levels of basement car parking, we received four submissions. In December 2015, the overall design was revised and the number of units reduced from 223 to 183. These amendments were re-notified in January 2016 during which time one submission, eleven pro-forma letters and a petition signed by 45 households objecting to the proposed development were received. Issues of concern related to the development being an overdevelopment of the site and inconsistent with the local character, streetscape and design issues, amenity and solar access issues, traffic and parking issues, loss of privacy, noise pollution, environmental and construction issues. These issues are discussed in the body of this report.
- The development application is recommended for approval subject to conditions.

BACKGROUND

- The site was subject to a previous Development Application DA-301/2013 which proposed the demolition of all existing structures and construction of a 5 and 6 storey mixed use development comprising 224 residential units across 5 separate buildings, commercial space and two level basement car park.
- On 23 September 2013, Council received a Class 1 Appeal by the applicant for a deemed refusal of the subject development application. The appeal (Land & Environment Court Proceedings No.10740 of 2013) was listed for a hearing before Justice Sheehan on 7 February 2014 for the purpose of determining the following preliminary question:

'Whether the development application seeks consent for "residential accommodation" which cannot be categorized as "shop top housing" and is

therefore prohibited on land within Zone B2 Local Centre pursuant to the provisions of the Canterbury Local Environmental Plan 2012”.

- His Honour made the following findings:
 - To qualify as “shop top housing” the relevant part of the building must be truly “above” the retail or commercial part.
 - The proposed development is not one indivisible “building”, but a series of “buildings”, and, as the Council contends, the predominant use in the proposal is “shop top” residential accommodation, properly so described.
 - They [the residential units on the ground floors] constitute a substantial proportion of the project, and, therefore, in my view, probably so infect the whole proposal that it must be adjudged prohibited.

On 14 August 2014, the Land and Environment Court dismissed the applicant’s appeal.

- The subject proposal has now been amended to comply with the definition of shop top housing, being one of the main contentions in the court proceedings, with other associated design changes.
- On 27 January 2016, Complying Development Certificate No. 16/0004-01 was issued by Dix Gardner Group Pty Ltd for the demolition and removal of existing industrial buildings including removal of all walls, roofs, windows, doors timber and concrete slabs.

SITE DETAILS

The subject site is situated on the north eastern corner of the intersection of Burwood Road and Canterbury Road. It is irregular in shape and has a total area of 7,458 square metres with a fall of approximately 6 metres to the north-west. The primary frontage of the site is to Canterbury Road and is 69.02 metres and the secondary frontage to Burwood Road is 81.64 metres. The site is presently occupied by a furniture warehouse, plumbing centre and at grade car parking. Demolition works have commenced on the site.

Belmore Town Centre is approximately 400 metres north of the subject site. To the north and north-west of the subject site are two recently approved shop top housing developments at 531-535 Burwood Road (DA-554/2013) and 529 Burwood Road, Belmore (DA-246/2013). Both developments are currently under construction. Further to the west is an older style three storey residential flat building.

Development to the south-west of the subject site is characterized by one and two storey residential dwellings. Development consent has recently been issued for a shop top housing development at 510-514 Burwood Road, Belmore (DA-65/2015) which is located on the corner of Burwood Road and Wilson Lane. Development to the south and east of the subject site is characterized by industrial uses. Directly to north-east of the site is 49-51 Drummond Street, Belmore which comprises warehouse buildings currently used for light industrial purposes. A Development

Application (DA-609/2015) has been lodged for a shop top housing development for this site and is currently under assessment.



Aerial photograph showing the development site and surrounds



Extract of zoning plan under CLEP 2012

PROPOSAL

The proposed development involves demolition of all existing structures and construction of a shop top housing development containing 183 residential apartments, commercial tenancies, communal facilities, basement car parking and associated Strata Title subdivision. In detail, the proposal involves:

- Demolition of all existing structures on site;

- Construction of a part 6 storey and part 7 storey shop top housing development, comprising 183 residential units (33 x 1 bedroom units, 144 x 2 bedroom units and 6 x 3 bedroom units);
- Ground floor commercial/retail floor space comprising;
 - 1235m² of retail floor space
 - 1035m² of commercial floor space
- Two level basement car park for 250 vehicles accessible via a combined entry/exit point on Burwood Road comprising:
 - Upper Basement
 - 17 commercial car spaces (including 2 accessible spaces)
 - 46 retail car spaces (including 4 accessible spaces)
 - 1 courier car space
 - 28 residential car spaces (including 3 accessible spaces)
 - 23 bicycle racks
 - Lower Basement
 - 157 residential car spaces (including 16 accessible spaces)
 - 1 car wash bay
 - 37 bicycle racks
- 1960m² of communal open space provided via a central courtyard on the ground floor; and
- Stratum and strata subdivision

The following perspective (as viewed from southern corner of Canterbury Road and Burwood Road) is provided to show the proposed street elevation of the development.



STATUTORY CONSIDERATIONS

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Canterbury Development Contributions Plan 2013

ASSESSMENT

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

- **State Environmental Planning Policy (State and Regional Development) 2011**
Part 4 (Clauses 20 and 21) of State Environmental Planning Policy (State and Regional Development) 2011 applies to development in Schedule 4A to the EP&A Act to be determined by a regional panel. The proposal is for development with a CIV of more than \$20 million and is therefore referred to the Sydney East Joint Regional Planning Panel ('JRPP') for determination.
- **State Environmental Planning Policy No.55 – Remediation of Land**
State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55'), aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

A Detailed Site Investigation (Stage 2) Contamination Assessment has been prepared by Environmental Investigations Australia dated 29 January 2016, identifying that the subject site has history of use for possible plastic and furniture manufacture as well as a chemical storage area associated with the current use by Trade Link, potential migration of contaminants from the

adjoining electrical substation and the potential for asbestos in the existing buildings given their age.

The report concludes that the site can be remediated in accordance with SEPP 55 to allow the site to be used for mixed commercial and residential purposes subject to the implementation of the following recommendations:

- Prior to site demolition, carry out a Hazardous Materials Survey on existing site structures to identify potentially hazardous building products that may be released to the environment during demolition;
- Preparation and implementation of a Remedial Action Plan (RAP), which should:
 - o Outline the remediation requirements for soil and groundwater contamination identified and to close the existing data gaps identified during this DSI and other contamination that may be identified during data gap closure investigations;
 - o Provide the requirements and procedure for waste classification assessment, in order to enable classification of site soils to be excavated and disposed off-site, in accordance with the Waste Classification Guidelines (EPA, 2014); and
 - o Provide a SAQP for the validation of remediation activities performed on-site.
- Undertake supplementary investigations, and subsequent remediation and validation works for the site, as outlined in the RAP, EI note that due to current site constraints, the additional investigations and remediation works may be conducted after site demolition when access to areas of environmental concern are made available; and
- Preparation of a validation report by a suitably qualified environmental consultant, certifying site suitability of soils and groundwater for the proposed land use.

Having regard to the above, Council is satisfied that the land can be made suitable for the proposed residential development. These recommendations, and any further actions required as a result are included in the recommendations of this report.

- **State Environmental Planning Policy (Infrastructure) 2007**
State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP') provides controls relating to traffic noise, development adjoining classified roads and traffic generating developments.

The following clauses are relevant to the proposed development:

Requirement	Proposal	Comply
Development frontage to classified road (CI 101) a) where practicable, vehicular access to the land is provided by a road other than the classified road, and b) the safety, efficiency and ongoing	Vehicular access to the proposal is from Burwood Road and not from Canterbury Road. The efficiency and safety of the surrounding road network is unlikely to be adversely affected	Yes

operation of the classified road will not be adversely affected by the development.	by the development.	
Impact of road noise or vibration on non-road development (CI 102) Applies to development on land in or adjacent to the road corridor AADT >40,000 vehicles and that the consent authority considers is likely to be adversely affected by road noise or vibration.	An Acoustic report has been provided with the application which concludes that adequate measures can be imposed to ensure the proposal is not adversely affected by road traffic noise. The recommendations are to be imposed as conditions.	Yes
Traffic-generating development (CI 104) The proposal must be referred to RMS as it involves development in Column 2 (200+ cars) and Column 3(>75 units).	The application was referred to the RMS pursuant to cl.104 of the Infrastructure SEPP – no objections raised subject to advisory comments being imposed as conditions on any consent issued.	Yes

The proposal is consistent with the Infrastructure SEPP.

- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004**
 BASIX Certificate No.591230M_03, 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, and meet the water, energy and thermal comfort targets and therefore satisfy the objectives of the SEPP.
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development**
 This policy applies to residential flat buildings of three or more storeys and is required to be considered when assessing this application. SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing ‘good design’. Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted.

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

Context

The mixed use development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential development will be characteristic of the area. The subject design is considered to be suitable given the

existing site context and constraints and given the opportunities of the site in an area undergoing significant renewal as evidenced with recent approvals and construction of mixed used developments adjacent to the subject site.

The proposed development surrounds an Energy Australia substation at 543 Burwood Road. The proposal has satisfactorily integrated the substation with the remainder of the development site.

Scale

The scale of the proposed development is generally consistent with the scale of development which is the desired future character for this area, which is to comprise mixed use developments with active retail/commercial frontages. The proposed development does not strictly comply with the numerical requirements relating to the height, nor does it achieve strict numerical compliance with the front setback controls under the DCP. The proposed variations are considered acceptable, in a cumulative sense in the context of the surrounding existing and approved development, site topography and the site's proximity to Belmore Town Centre. The proposal has demonstrated that it has sufficient merit and is consistent with the desired future character for Canterbury Road and Burwood Road. Further, the proposal is acceptable on the basis that the site has been designed to ensure that the location and design of the additional storey has minimal impact on the amenity of neighbouring residents and streetscape presentation.

The revised amendments made to the overall bulk and scale of the building, result in a development that will be in keeping with the scale, shape and size of the emerging built form which we are encouraging in this area.

Built Form

The proposal provides a built form on the site which conveys the building's purpose and provides an alignment to the street which has the potential to provide activation and surveillance. The proposal provides for a clear delineation between public and private space, has pedestrian amenity to and from the development and has displayed a manipulation of the building elements which assists in minimising bulk and providing a visually interesting facade to the street. In these ways, the proposal is considered to achieve a pleasant and functional built form.

Active uses are provided along the Canterbury Road and Burwood Road frontages. The defined corner built form element at the intersection adequately addresses the corner position/gateway status of the site towards the Belmore Town Centre.

The development provides a range of dwelling sizes and shapes that are both functional and maintain an acceptable level of internal amenity. All bedrooms and living areas of units proposed are reasonable in dimension and have balconies and/or courtyards that provide functional private open spaces.

Density

There is no density control provided for the site in the Canterbury Local Environmental Plan 2012 ("LEP 2012") or the Canterbury Development Control Plan 2012 ("DCP 2012"). Following a meeting between Council and the applicant in October 2015, amended plans were submitted that reduced the number of units from

223 to 183. This has been achieved by removing the central building from the proposal which has assisted in providing compliance with separation distances and improving the amenity and design of the building.

The form and scale of the proposed development is consistent with the type of development contemplated by the DCP controls in a locality that is currently undergoing transition.

Resource, Energy and Efficiency

The proposal complies with the energy efficiency requirements of BASIX. The proposal also provides for a good level of northern solar access for the private open space areas, and limits overshadowing due to the U-shape form of the development and its north-south orientation. The proposal is considered to be consistent with this design principle.

The RFDC requires that 60% of the units be cross ventilated. The plans and documentation submitted demonstrate that 60.5% of the dwellings (111 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 70% of the units (129 units) receive at least 2 hours of sunlight between 9am and 3pm.

Separation Distances

The proposal adopts setbacks to the north-western and north-eastern boundary, realising the following separation distances:

Height	Separation distance to north-western property boundary	Separation distance to north-eastern property boundary	Separation distance between buildings on site
Up to 4 storeys (12m)	10m (balcony) 12.5m (bedroom window) 12.5m (living room door)	6m (blank wall) 8m (living room door)	30m (balcony to balcony) 32.2m (bedroom to bedroom) 28.8m (living room to bedroom)
5-8 storeys (12m – 25m) (Proposed 5 th and 6 th storeys)	10m (balcony) 12.5m (bedroom window) 12.5m (living room door)	6m (blank wall) 8m (living room door)	30m (balcony to balcony) 32.2m (bedroom to bedroom) 28.2m (living room to bedroom)

The RFDC recognises that there is a wide range of building types and contextual settings that need to be taken into account when considering separation distances. The setback range is determined by a number of

factors, including the nature of the room or space that faces the adjoining building.

The setback proposed with regard to adjoining development ensures a high level of amenity, privacy and solar access is maintained. Further, the orientation of living rooms and balconies, combined with the use of privacy mechanisms such as solid or obscure glass balustrades and louvre screening maintains the residential amenity. This is assisted with the significant separation distances proposed between the residential apartments which are considered to result in a satisfactory outcome.

Landscaping

The landscape plan has been reviewed by our Landscape Architect. While some further amendments will be required to create the desired level of residential amenity and functionality, the landscape concept is generally acceptable, subject to conditions of consent.

Amenity

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

The proposed apartments contain reasonable living spaces with direct access to areas of private open space in the form of courtyards or balconies. Although the proposal has minor numerical non-compliances, it is considered that a numerically compliant design solution will achieve no greater levels of amenity than what is proposed. Overlooking from the proposal into adjoining properties will be minimised through the use of obscure glazing, screening and high-light windows.

Safety and Security

The proposal generally has a good level of safety as a result of the surveillance of the street and the entrances to the proposed buildings. 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 generally consistent with these principles.

Social Dimensions and Housing Affordability

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

Aesthetics

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

The proposal is generally consistent with the provisions of SEPP 65 and the RFDC prepared by the Department of Planning and Infrastructure.

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.

In particular the scale, density and built form of the development are appropriate for the development's position within close proximity to the Belmore Local Centre. The development comprises an adequate dwelling mix, which will diversify housing choice within the Belmore local centre.

- **Canterbury Local Environmental Plan 2012**

The site is zoned B2 – Local Centre under the CLEP 2012. The controls applicable to this development application are as follows:

Standard	Requirement	Proposal	Comments
Zoning	B2 – Local Centre	The proposed development is defined as 'shop top housing' and 'commercial premises' under CLEP 2012	The proposed development is permissible with consent
Building Height	The subject site is identified as being within an area where a height limit of 18 metres applies	The development has a maximum height of 22.78 metres	No – see comment (1) below
FSR	No FSR applies	NO FSR controls apply to the B2 zone under CLEP 2012	N/A
Heritage (Cl 5.10)	Consider potential impact on the heritage significance of any heritage items or heritage conservation area in the vicinity of the site.	Item I30 (Federation bakery building, White House Bakery (former)) at No 2 Wilson Avenue is located to the rear of properties facing the site to the west. Given the spatial separation of this item from the proposal, there is unlikely to be any adverse impact to this item.	Yes

(1) Building Height

The proposal complies with the standards found in CLEP 2012, with the exception of the 18m building height standard. The height of the building to the roof parapet and lift overrun ranges from 18.67m (RL63.0) and 19.4m (RL63.7) at the southern corner along Canterbury Road to 22.78m (RL61.9) and 22.6m (RL62.6m) in the north-western corner along Burwood Road.

The Height of Buildings Map indicates a maximum building height of 18m applies to the site. However, when measured in accordance with the definition for building height under the CLEP 2012, the development has a maximum height of 22.78m. This exceeds the 18m statutory maximum by 4.78m.

As such, the development seeks a variation to Clause 4.3 of CLEP 2012 relating to the height of buildings. The applicant has submitted a justification in accordance with Clause 4.6 of CLEP 2012 regarding the non-compliance of the development standard. Further, the submission as detailed below has been prepared having regard to the decision by Chief Justice Preston in *Wehbe v Pittwater Council* (2007) NSW LEC 827 and the principles outlined in the latest authority on Clause 4.6, contained in the following guideline judgements:

- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 ('Four2Five No 1'), where the appeal against the refusal of consent was upheld, subject to conditions;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 ('Four2Five No 2'), where an appeal was made pursuant to S. 56A of the Land and Environment Court Act 1979 on a point of law with respect to one of the deferred commencement conditions imposed by the Commissioner. This appeal was dismissed; and
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 ('Four2Five No 3') where leave was sought to appeal the judgment in *Four2Five No 2* and ultimately dismissed.

In summary, the principles arising from the above matters are:

- That the relevant objectives are those stated in the controls not unidentified underlying objectives;
- That the environmental planning grounds must be particular to the circumstances of the proposed development and/or the site; and
- The 5 methods of establishing that compliance is unreasonable or unnecessary identified by Preston J in *Wehbe* remain relevant. However, in order to satisfy the unreasonable and unnecessary test in Clause 4.6(3)(a), you need something more as that test is now encompassed in Clause 4.6(4)(a)(ii) where consistency with the objectives of the standard is a mandatory precondition.

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

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

Comment:

The applicant states that the standard is unnecessary in this instance as the excess height is consistent with the built form on surrounding sites and development occurring along Canterbury Road. The proposal is of a high quality that is well articulated using architectural elements, varied setbacks and materials that ensure the development contributes positively to the streetscape and public domain. The north-western portion of the building which accommodates the most significant height variation is setback approximately 14.6m from Burwood Road which ensures the upper level is not highly visible from the street. The building observes a 10m setback to its northern boundary that allows for significant landscaping that will suitably integrate with the development of the adjoining sites.

The proposed development has a height that acknowledges the site's location on the corner of two important road frontages (Canterbury Road and Belmore Road) as these streets are significant east-west and north-south arteries through the city. The height of the building emphasizes the corner and creates an element which defines the entry to the Belmore Town Centre.

The proposal seeks to replace older existing buildings with a permissible mixed use development, and within this context, the character of the area and its attributes as expected under the planning framework will not be detrimentally affected by the proposal. The broader development remains compliant with the principles and general parameters of the built form controls and expectations within the planning framework.

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

Comment:

Key environmental planning grounds as submitted by the applicant to support the variation include:

- The site is a large parcel of land (7458m²) with two street frontages having the capacity to accommodate increased height without having an adverse impact on the streetscape or amenity of adjoining properties. The height proposed allows for an appropriate and sustainable density to be achieved which results in a development that has a smaller building footprint which facilitates greater separation between apartment buildings both on site and to the north.
- The internal separation between balconies and habitable rooms on the 5th floor range from 27.6m to 31.5m significantly exceeding the 18m requirement specified. This separation allows for a higher level of privacy between apartments being

maintained and the internal north facing apartments receiving the required solar access in mid-winter.

- The provision of a high quality internal communal open space equating to 1960m² located centrally between the buildings will promote social interaction amongst future occupants of the buildings.
- Strict compliance with the development standard would not ultimately improve the building's relationship to its surroundings. The proposed design solution represents a positive development outcome for the site considering the slope of the land which falls 5m-6m from Canterbury Road towards the north-west (rear), whilst ensuring the amenity of both existing and future residents is preserved.
- Despite the building exceeding the height of building's principal 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 does not cast any shadows over adjoining properties; 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 of surrounding development as a result of the building roof elements, lift overrun and fire stairs that exceed 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 buildings with a permissible, generally compliant mixed use building. The design incorporates building elements and architectural features that aim to minimise potential overshadowing, whilst accentuating the corner context of the site. Any shadow impact from the portions of the building that do not meet the numerical height limit will not cast a shadow that expands outside that already cast by the development, with the increased setbacks of the upper floor apartments.

Approval of the development application would not be contrary to the public interest. The proposed building is in keeping with the desired future character of the Canterbury business centre, 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 reviewed the amended Clause 4.6 submission in accordance with subclauses 4.6(3) and 4.6(4), it is considered that the Applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; that there are sufficient environmental planning grounds to justify contravening the development standard; and that 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.

Accordingly, it is considered that the Applicant's amended Clause 4.6 submissions have addressed the issues raised in the recent *Four2Five v Ashfield Council* matters.

- **Canterbury Development Control Plan 2012**
An assessment of the proposal against the requirements of the CDCP 2012 is detailed below.

PART 3 – BUSINESS CENTRES

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	12m-18m	Site frontage – 69.02m (Canterbury Road) and 81.64m (Burwood Road)	Yes
Building Height	Floor to ceiling height in commercial min. 3.3m	3.6m	Yes
	Floor to ceiling height in residential min. 2.7m	2.7m	Yes
	Floor to ceiling height in car parking min. 2.8m	2.8m	Yes
Building Depth	Commercial component 10-24 metres	10.085m	Yes
	In general, an apartment building depth of 10-18 metre is appropriate	Generally 10-18m	Yes
Setback	B2 zone along Canterbury Road		
	- 1-4 storeys at street - min 3m setback	- 3m (Canterbury Road frontage)	Yes
	- Upper level setback – 5 th storey – an additional 5m	- 8m upper levels	Yes
	<ul style="list-style-type: none"> No rear setback if adjoining lane. Provide articulation and variation to façade. Variations may be acceptable on secondary street, on corner sites, for outdoor display areas and dining. If required on the envelope diagram, set ground floor back for colonnade. Side setback – nil when desired character is continuous street frontage	Burwood Road – 3.676m setback from street for upper ground and nil setback for levels 2 and 3; Levels 4 and 5 provides; <ul style="list-style-type: none"> Burwood Road – 3.233m–3.713m Level 6 provides <ul style="list-style-type: none"> Burwood Road – 12.2m – 14.6m setback Corner treatment of Burwood Road – 1.165m – 2.165m Retail uses within front setback are satisfactory due to street activation.	Yes Yes Yes Yes – see comment (1) below

Standard	Requirement	Proposed	Complies
Building Separation (as per SEPP 65)	12m up to 4 storeys 18m storeys 5 to 7	<u>North-western boundary</u> 10m (balcony) 12.5m (bedroom window) 12.5m (living room door) <u>North-eastern boundary</u> 6m (blank wall) 8m (living room door) <u>Separation distances between buildings on site</u> 30m (balcony to balcony) 32.2m (bedroom to bedroom) 28.8m (living room to bedroom)	Yes - refer to comment under SEPP 65
Building Configuration	At ground floor level viable shop fronts for business activities are to be created	Viable commercial and retail tenancies have been provided at the ground floor level	Yes
Car and Bicycle Parking (Other town centres)	<u>Residential</u> 1 space per 1 bedroom dwelling (33 spaces) 1.2 space per 2 bedroom dwelling (173 spaces – 144 x allocated + 29 x common) 2 spaces per 3+ bedroom dwellings (12 spaces) 0.2 visitor spaces/dwelling (37 spaces) <u>1 car wash bay</u> Total: 256 spaces (including car wash bay)	186 spaces (including car wash bay) Total: 186 spaces (including car wash bay)	No –see comment (2) below
	<u>Commercial Retail</u> 1 space/22m ² (56 spaces) <u>Office</u> 1 space/40m ² (26 spaces) 1 loading bay Total: 83 spaces	46 spaces 17 spaces 1 loading bay Total: 64 spaces	No – see comment (2) below No – see comment (2) below Yes

Standard	Requirement	Proposed	Complies
	<u>Bicycle Parking</u> <u>Residential</u> 1 space per 5 dwellings (residents) – 37 spaces required 1 space per 10 dwellings (visitor) – 18 spaces required Total: 55 spaces	49 spaces provided	No – impose as a condition of consent
	<u>Commercial</u> Staff: 1/300sqm – 6 spaces required	6 spaces provided	Yes
	Patrons: 1/500sqm – 5 spaces required Total: 11 spaces	5 spaces provided	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 of the development	Yes
	No obstruction to views from street to development and vice versa	Natural surveillance provided for surrounding streets	Yes
Façades – New storey buildings	To be in accordance with articulation controls of this DCP	Façade is in accordance with the articulation requirements.	Yes
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath	3.6m	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

Standard	Requirement	Proposed	Complies
	The 'façade' should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours.	Vertical emphasis is provided with appropriate modulation through the use of varying materials and external finishes 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 to be 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 northerly aspect 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

Standard	Requirement	Proposed	Complies
	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 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	Primary 8sqm balconies for 1 bedroom dwellings and 12sqm for 2 & 3 bedroom dwellings	Balconies to provide the minimum private open space requirements. Reinforced through condition of consent.	Yes
	Full length balconies without articulation are not permitted	Articulation and building design elements incorporated to provide relief to balconies	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room	Yes
	Primary balconies to have minimum depth of 2m and be functional in dimensions	Minimum depth of 2m and functional in design	Yes
	One area at least 2.5m x 2.5m which is suitable for outdoor dining	All balconies comply with this requirement	Yes
	Design and detail balconies in response to local climate	Most balconies have been designed where achievable to have northern orientation to maximise solar access	Yes
Storage	6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling 10m ³ per three bedroom dwelling	Storage opportunities available. To be imposed as a condition of consent.	Yes - condition imposed

Standard	Requirement	Proposed	Complies
Communal Open Space	Communal Area: Min. 10% of site area as communal open space	1960m ² (26% 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 Road and Burwood Rd	Yes
	Habitable rooms with windows at front of dwellings	Dwellings have been orientated to ensure windows front the communal areas of 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

Standard	Requirement	Proposed	Complies
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 north 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
	Provide adequate external clothes drying areas for all residents in the building	Not shown – condition imposed	Yes - condition imposed
Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building.	Building configured to maximize solar access	Yes
Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer.	Placement of windows on the northern side has been incorporated into the design	Yes

Standard	Requirement	Proposed	Complies
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: minimum 2.0 R-value - Wall: minimum 1.0 R-value Floor: minimum 1.0 R-value	This has been addressed in the BASIX Certificate	Yes
Daylight and sun access	At least 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	70% of apartments receive 2 hours sunlight between 9am and 3pm in mid-winter	Yes - see comment under SEPP65 – Resource Energy and Water Efficiency
	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 60.5% of dwellings and natural ventilation to all the kitchens within the dwellings	Yes

The table above demonstrates that the proposed development generally complies with the objectives and controls of CDCP 2012, with the exception of the following:

(1) Corner Element on Canterbury Road and Burwood Road

CDCP 2012 requires an 8m front setback for the fifth and sixth storeys of the proposed development. The applicant was requested to improve the building's streetscape presentation to respond to the site's prominent corner context and to address Part 3.2.6 (iv) of CDCP 2012, which provides guidance for the design of corner sites and provides scope for variation to the front setback controls to emphasise a corner building. As such, a variation is sought to the portion of the building that is seen from the intersection of Canterbury Road and Burwood Road.

The corner element appearance of the proposed development has been emphasised in order to add interest to the façade of the building. Although the proposed setback does not comply with the front setback control, the overall appearance of the building

within the streetscape has improved. In particular, the corner element of the building is now more compatible with the desired scale of development within the Belmore Local Centre. As such, this aspect of the proposal has been assessed on merit and is considered a suitable design response in the context of the surrounding developments. The proposal satisfies the objectives of Part 3.1.8 in relation to the required setbacks and is supported in this instance.

(2) Car and Bicycle Parking

A total provision of 250 parking spaces is proposed, allocated as follows:

- 185 residential spaces (including 19 accessible spaces)
- 1 car wash bay
- 46 retail spaces
- 17 commercial spaces
- 1 loading bay
-

A total of 49 bicycle resident and visitor spaces are proposed for the residential component.

A total of 11 bicycle spaces are proposed for the commercial/retail component.

The proposal is deficient 70 spaces for the residential component and 19 commercial/retail spaces. This is a result of the incorrect application of the car parking rates applicable to the subject site. The applicant has applied the car parking rates applicable for the large centres under Part 6.8 of CDCP 2012. To address this non-compliance a deferred commencement condition is recommended requiring full compliance with Part 6.8 of CDCP 2012 for both the residential and commercial/retail components of the development.

In regards to the shortfall of bicycle parking for the residential component, a condition of consent will be imposed requiring the provision of an additional 6 spaces to achieve the total number (i.e. 55 spaces) of spaces required for bicycle storage.

PART 6 – GENERAL CONTROLS

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

Part 6.1 Access and Mobility

An Access Report has been prepared and there is accessible car parking provided for visitors in the basement car parking level. There are also 19 adaptable units within the development. Access to the proposal is satisfactory with respect to these controls. No objection is raised to the development proceeding subject to the imposition of conditions of consent, and requirement that the development must be designed and constructed to comply with the 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 at least 70% of the units (129 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 60.5% of the dwellings (111 units) will be adequately cross ventilated, in accordance with the requirements of both SEPP 65 and this Part of the CDCP 2012.

In regard to the development's impact on sunlight access to its adjoining neighbours, Part 6.2.6(vi) states that living rooms and principal area of private open space of adjoining properties must receive at least two (2) hours of sunlight daily between 9am and 3pm on June 21. The applicant has provided shadow diagrams which show the effect of overshadowing created by this proposal on June 21. The diagrams demonstrate that the proposal will cast shadow over properties on the opposite side of Burwood Road and Canterbury Road given the site's north-south orientation.

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

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

Given the orientation of the site, and its proximity to zoned land (permitting residential accommodation) on either side of the site and on the opposite side of Burwood Road, it is reasonable to accept this unavoidable shadowing impact in what is planned to be high density development in the area. Nevertheless, it is crucial to make an assessment of the overshadowing impacts of the development as proposed, compared to a development that is fully compliant with the requirements of CDCP 2012 and the provisions CLEP 2012, including the 18m building height limit.

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

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

Part 6.3 Crime Prevention Through Environmental Design

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

Part 6.4 Development Engineering, Flood and Stormwater

The stormwater proposal submitted with the application has been assessed by our Development Engineer and is in accordance with our stormwater disposal requirements. No objection is raised subject to conditions of consent being attached to any consent issued. Further, our Development Engineer has recommended a “Deferred Commencement” condition be imposed in relation to the laneway widening on the north-western side of Drummond Lane to accommodate a pedestrian footway.

Part 6.5 Heritage Conservation

The nearest heritage item to the site is the former federation bakery building at No 2 Wilson Avenue (Item 130). This item is not clearly visible from the subject site and the proposal is unlikely to have any significant adverse impact on this item given the distance to the site. No objection is raised from Council’s Heritage Officer.

Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation

The Landscape Plan for the proposal illustrates the planting regime for the site, which includes street tree planting, boundary planting and landscaping throughout the middle portion of the site. This landscaping allows for surveillance of the common areas and pedestrian paths and for privacy to ground level POS. The proposed landscaping is of sufficient scale of the proposal. Earthworks are limited to the basement parking level which is located underneath the building footprint.

The landscaping proposal 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

In regard to traffic matters, the development application was supported by a revised Traffic and Parking Assessment prepared by Varga Traffic Pty Ltd (dated November 2015) which provides details of traffic generation, driveway locations, sight distance, car space dimensions and on site manoeuvring relating to the proposed development.

The development application including the Revised Traffic and Parking Assessment has been reviewed and assessed by our Team Leader – Traffic who has raised no objection to the traffic generation from the development. Notwithstanding this, the traffic assessment does not clearly demonstrate if the traffic queuing in Burwood Road during the peak periods will impact on vehicles being able to turn right in to the proposed development’s car park and if this will impact on traffic flows northbound in Burwood Road. Accordingly, a “Deferred Commencement” condition is to be imposed to address this issue.

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 to ensure compliance with Part 6.9 of CDCP 2012.

- **Canterbury Development Contributions Plan 2013**

The provisions of our Section 94 Contributions Plan apply to the proposed development in that it will provide residential dwellings on the subject site. The proposed development attracts a contribution of \$2,385,893.42 for community facilities, open space and recreation and plan administration.

ADDITIONAL CONSIDERATIONS

- **Acoustics**

An Acoustic report has been provided with the application which concludes that adequate measures can be imposed to ensure the proposal is not adversely affected by road traffic noise. The recommendations are to be imposed as conditions.

- **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 should approval be issued.

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It is recommended that a condition be imposed on any consent issued which 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.

EXTERNAL REFERRALS

Roads & Maritime Services

As stated previously in the report, as per the provisions of SEPP 2007, the application was referred to the Roads and Maritime Services (RMS). The RMS has advised that it raises no objection to the proposed development subject to advisory comments being imposed as conditions on any consent issued.

NOTIFICATION

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012 on two separate occasions. During the first notification period which related to the original design involving 223 units over three levels of basement car parking, we received four submissions. In December 2015, the overall design was revised and the number of units reduced from 223 to 183. These amendments were re-notified in

January 2016 during which time one submission, eleven pro-forma letters and a petition signed by 45 households objecting to the proposed development were received. The submissions raised the following issues of concern, which are discussed below:

- **Traffic generated by the development has not been adequately considered in the submitted traffic report.**

Comment

Council's Team- Leader Traffic has considered the application and the cumulative impacts of the development together with surrounding current and foreseeable future developments. The likely traffic generation of the development was found to be compliant with the applicable guidelines. The application was also referred to the Roads and Maritime Services who raised no objections to the approval of this application.

- **Road safety on Canterbury Road and Burwood Road which are used by parents walking their kids to nearby schools.**

Comment

The proposed development will provide vehicular access to the site at the north-western end of Burwood Road with pedestrian access to the residential and commercial components provided from both street frontages. During the construction phase, the required safety measures (i.e. required hoarding, lighting) will be implemented on the site to ensure the safety of pedestrians is maintained.

- **Impacts on the amenity of neighbouring residents including privacy and solar access to homes and the neighbouring school.**

Comment

The proposed development allows more than two hours of solar access to neighbouring residents' private open space and the neighbouring school (including the play areas). The higher level balconies and windows are associated with private residential units which are not likely to impact on the privacy of neighbouring schools or residents.

- **The development exceeds height and setback controls and is not in keeping with the streetscape.**

Comment

The development exceeds the applicable building height limit due to the topography of the site. A variation to the applicable height controls have been sought under Clause 4.6 of Canterbury LEP 2012 which forms part of this assessment report. The proposed variation was found to be worthy of support.

Similarly the front setback controls have been assessed in this report. It was found that although the proposed setback for the corner treatment does not fully comply, the overall appearance of the building within the streetscape is improved. As such, this aspect of the proposal has been assessed on merit and is considered a suitable design response. The proposal satisfies the objectives of Part 3.1.8 in relation to the required setbacks.

- **Design, bulk and scale of building are of concern in relation to neighbouring residences.**

Comment

The subject site is within an area undergoing change as a result of new zoning controls. The development is in keeping with likely future character of the area. The neighbouring site is capable of redevelopment while retaining the heritage listed bakery.

- **What level of notification was provided to neighbouring residents when these sites were re-zoned.**

Comment

The Draft Local Environmental Plan was placed on public exhibition and public notice was provided as required under the Environmental Planning and Assessment Act 1979. The development, the subject of this application is referred to the Joint Regional Planning Panel where persons who have made submissions will be invited to make representations.

- **Concern is raised with traffic during demolition and construction activities.**

Comment

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

- **Environmental issues relating to the removal of trees on the site.**

Comment

As demonstrated on the submitted plans, the development includes street tree plantings, landscaped courtyards and a large expanse of landscaped common open space located in the centre of the development, which has a northerly aspect. Council's Landscape Architect has reviewed the proposal and raised no objection, subject to the imposition of standard conditions.

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 that will provide an active use of the prominent corner of Canterbury Road and Burwood Road. The development will provide a substantial contribution to the viability of this locality by providing for an active street frontage with generous commercial floor space and supply a diversity of housing choice.

As such, it is recommended that the development application be approved as a Deferred Commencement Approval, subject to conditions.

RECOMMENDATION

THAT the Joint Regional Planning Panel approve Development Application DA-566/2014 for the demolition of existing structures and construction of a mixed use development containing 183 residential apartments, commercial tenancies, communal facilities, basement car parking and associated strata subdivision in the following manner:

THAT Development Application DA-566/2014 be **APPROVED** subject to the following conditions:

1. The Joint Regional Planning Panel grants its consent to the development application as a “**DEFERRED COMMENCEMENT**” Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council, within 24 months, sufficient to satisfy the conditions listed below before the consent can operate. The deferred commencement condition is:
 - 1.1. The north-western side of Drummond Lane must be widened to provide for an 1800mm wide pedestrian footway. In this regard, the proposed development must be setback for this. The setback must be dedicated to Council as road, with no building over or under the dedicated land.
 - 1.2. Amended plans must be submitted to Council demonstrating compliance with Part 6.8 of Canterbury Development Control Plan 2012 for both the residential and commercial/retail components of the development. The following car parking rates must be adhered to:
 - Residential Car Parking
 - 1 space per 1 bedroom dwelling
 - 1.2 spaces per 2 bedroom dwelling
 - 2 spaces per 3 bedroom dwelling
 - 0.2 visitor spaces/dwelling
 - 1 car wash bay
 - 55 bicycle spaces
 - Commercial/Retail Parking
 - 1 space/22m² for retail space
 - 1 space/40m² for commercial space
 - 1 loading bay
 - 11 bicycle spaces
 - 1.3. Further details in the form of a traffic assessment are to be submitted to Council that clearly demonstrate whether the traffic queuing in Burwood Road during the peak periods will impact on vehicles being able to turn right in to the proposed development's car park and whether this will impact on traffic flows northbound in Burwood Road.
2. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

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

2.1. Details of:

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

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

2.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$3,328.00
Section 94 contributions	\$2,385,893.42
Certificate Registration Fee	\$36.00
Long Service Levy	\$193,487.50
Long Service Leave Levy Fee	\$19.80

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

Construction Certificate Application Fee	\$167,027.00
Inspection Fee	\$31,755.00
Occupation Certificate Fee	\$11,616.00

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

3. Before the erection of any building in accordance with this Development Consent;
 - 3.1. detailed plans and specifications of the building must be endorsed

- with a Construction Certificate by the Council or an Accredited Certifier, and
- 3.2. 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
- 3.3. 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

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

DEMOLITION

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

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

GENERAL

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

Prepared By	Drawing Reference	Issue	Date Prepared	Date received by Council
Architecture and Building Works Pty Limited	A-0100	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1000	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1010	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1020	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1030	D	18/11/2015	24/11/2015

Architecture and Building Works Pty Limited	A-1040	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1050	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1060	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1070	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1080	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1100	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1110	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1120	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1200	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1201	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1210	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1210	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1300	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-1420	D	18/11/2015	24/11/2015
Architecture and Building Works Pty Limited	A-0010	-	December 2015	15/12/2015
Isthmus Landscape Design	ISO165 DA1-5	D	17/11/2015	24/11/2015

- 6.1. The maximum building height of the development must be no more than 22.78 metres and RL 62.6.
- 6.2. Storage area of at least 6m³ is to be provided for each one bedroom unit, and 8m³ per two bedroom unit, and 10m³ per three bedroom unit.
- 6.3. Balcony areas of at least 8m² for one bedroom dwellings and 12m² for two and three bedroom dwellings are to be provided for each dwelling.
- 6.4. The bathroom and ensuite window(s) being translucent glass.
- 6.5. Communal rooftop antenna to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
- 6.6. Mailboxes are to be provided at the front of the building along Canterbury Road and Burwood Road where the entrance to the residential lobby is located.
- 6.7. Cantilevered awnings must overhang the footpath by 3 metres and must be at a height of between 3.2-4.2m from natural ground / footpath.
7. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the photomontage and Schedule of Finishes prepared by Architecture and Building Works Pty Ltd as received by Council on 15 December 2015. 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.
8. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
9. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$2,385,893.42 The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$215,808.91
• Open Space and Recreation	\$2,109,351.76
• Plan Administration	\$60,732.00

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

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

10. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
11. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

12. All building construction work must comply with the National Construction Code.
13. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
14. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
17. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
18. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
19. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point should be diverted to an approved sediment filter or trap by a bund or drain located above.
20. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
21. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
22. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
23. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
24. Toilet facilities should be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
25. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
26. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
27. Payment of an additional garbage levy for each new dwelling upon completion of work.
28. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads

(General) Regulation 2000, Section 11 (1) (d).

29. Stormwater from roof areas must be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area.
30. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development should comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:
The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:
The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.
31. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

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

DILAPIDATION & EXCAVATION

32. A photographic survey of the adjoining properties at 711-713 Canterbury Road, 47-51 Drummond Street and 535 Burwood Road, Belmore detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, should be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage should be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition should be borne by the

persons entitled to act on this Consent. In the event that access is denied the applicant is to demonstrate in writing that all reasonable steps were taken to obtain access to the adjoining property, and any assessment will then be based of what can be observed externally’.

33. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 711-713 Canterbury Road, 47-51 Drummond Street and 535 Burwood Road, Belmore and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, should be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant. In the event that access is denied the applicant is to demonstrate in writing that all reasonable steps were taken to obtain access to the adjoining property, and any assessment will then be based of what can be observed externally’.

ROADS & MARITIME SERVICES

34. Any redundant driveways along Canterbury Road shall be removed and replaced with kerb and gutter to match the existing.
35. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002.
36. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973
Parramatta CBD NSW 2124
Telephone: 8848 2114 Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent should 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.

37. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

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

38. The proposed residential component of the 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.
39. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of the construction certificate.
40. 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.
41. A Road Occupancy License should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.
42. All works associated with the proposed development shall be at no cost to Roads and Maritime.

ACOUSTICS & ENVIRONMENTAL HEALTH

43. Carry out all recommendations in the 'Acoustic Report' as prepared by Acoustic Logic P/L (dated 25 November 2014). Road traffic noise from Canterbury Road is to be mitigated by durable materials to satisfy requirements under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
44. 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.
45. The proposed use of the premises and/or machinery equipment installed, must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Principal Certifying Authority concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level. The acoustic investigation is to be carried out by a suitably qualified acoustic consultant who has not been previously involved with the proposal.

LANDSCAPING

46. Taking into account the findings and recommendations of the submitted the Arboricultural Impact Assessment report and Australian Standard 4970 -2009 – Protection of trees on development sites, the existing property vegetation is to be retained or removed as follows:

Tree No.	Botanical Name	Common Name	Action	Tree Protection Zone
T1	<i>Callistemon viminalis</i> 'Dawson River'	Dawson River Weeper	Retain	3.5m
T2	<i>Callistemon viminalis</i> 'Dawson River'	Dawson River Weeper	Retain	2.7m

T3	<i>Corymbia maculata</i>	Spotted Gum	Retain	5.3m
T4	<i>Corymbia maculata</i>	Spotted Gum	Retain	4.8m
T5	<i>Corymbia maculata</i>	Spotted Gum	Remove	n/a
T6	<i>Corymbia maculata</i>	Spotted Gum	Retain	6.5m
T7	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	n/a
T8	<i>Lophostemon confertus</i>	Brush Box	Retain	5.4m
T9	<i>Lophostemon confertus</i>	Brush Box	Retain	4.7m
T10	<i>Corymbia maculata</i>	Spotted Gum	Remove	n/a
T11	<i>Corymbia maculata</i>	Spotted Gum	Remove	n/a
T12	<i>Corymbia maculata</i>	Spotted Gum	Remove	n/a
T13	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	n/a
T14	<i>Corymbia maculata</i>	Spotted Gum	Remove	n/a
T15	<i>Ficus hillii</i>	Hills Fig	Remove	n/a
T16	<i>Corymbia maculata</i>	Spotted Gum	Remove	n/a
T17(x9)	<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	Remove	n/a
T18	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	Remove	n/a
T19	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	Remove	n/a

- 46.1. The existing vegetation marked to be retained on the submitted landscape plans and listed in the table above to be retained must be retained and protected during construction. All trees to removed are to be replaced with the proposed 31 trees as shown on the submitted landscape plans.
47. The tree protection zones as mentioned in the table above must be observed and undertaken in coordination with the project Arborist, and the Arboricultural Report as prepared by Redgum Horticultural, both submitted to council on the 1st of December 2014.

Tree protection barriers are to be erected around the perimeter of the TPZ's to all trees to be retained 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.

48. A minimum AQF5 qualified Project Arborist is to be employed by the applicant to carry out the following:
 - a) Establishment of the tree protection zone and erection of fencing and signage as per the above mentioned requirements and the Arboricultural Report.
 - b) Attendance on site regularly in accordance with AS 4970 -2009. Particularly, during the excavation & construction works adjacent to Trees 3, 4 and 6, and as identified in Section 5.0 of the Arboricultural Report.
 - c) Attendance on site during the removal of trees within 6m of trees to be retained.
 - d) Attendance on site during pruning to be carried out in accordance with Section 4.0 of the Arboricultural report.
49. On the completion of construction works, a report must be submitted to council from the consulting site arborist. The report must include the following information at a minimum:
 - a) Full name, business address, telephone numbers, evidence of qualifications and experience of consulting arborist;
 - b) Full address of the site;
 - c) Full name and details of the person/company the report is being prepared for;
 - d) Details of their attendance on site; and
 - e) Details of any work they had to complete on site including root pruning of protected trees;
 - f) An assessment of all trees retained;
 - g) Provision of certification that the tree protection works have been carried out in accordance with the requirements of this consent at minimum, and as set out in section 5.5.2 of AS 4970-2009. This certification is to be provided to the principle certifying authority and council at practical completion.
50. Prior to the excavation for the basement car park a qualified arborist is to undertake root mapping to determine the viability of the survival of Tree 6 (as identified in the Arboricultural Report) due to its close proximity to the basement car park. Root mapping is to be carried out to a minimum depth of 500mm using non-destructive techniques. A detailed report is to be submitted to Council prior to the issue of the construction certificate.
51. As noted on the landscape drawings the indigenous mass planting is to be undertaken in coordination with Canterbury City Council's landscape architect.
52. The public domain surrounding the development is to be improved in coordination with Canterbury City Council. Public domain improvements will include footpaths kerbs and gutters to redundant driveways and tree planting as shown on the landscape plan.
53. The landscaping must be completed according to the submitted landscape plan (drawn by Isthmus Landscape Design drawing no. IS0165DA1 – DA5 revision D, submitted to council on 24th November 2015) except where amended by the

conditions of consent.

54. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
55. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
56. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
57. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;
 - Tree pits in paved areas within the property boundary to Canterbury Road are to be increased in size to a minimum of 1500mm diameter.
 - Proposed street trees to Burwood Road are to be planted at 75L container size and are to be *Lophostemon Confertus* (Common name: Brush Box).
 - Additional information is required regarding the facilities proposed to the areas of communal open space on the ground floor including the Arbours, playground equipment, seating, tables and barbeques. Details and materials of these facilities are to be provided on an amended landscape plan and must be submitted to Council or Certifier prior to the issue of the Construction Certificate.

STORMWATER ENGINEERING

58. The footpath directly adjacent to the frontage of the development site on Burwood Road and Canterbury Road must be paved at the applicant's cost. The paving type, style orientation method of construction and associated works must be approved by Canterbury Council City works department prior to Construction Certificate. The design must include the reconstruction of the two pram ramps (in accordance with Australian standard AS1428.1 Design For Access and Mobility) that direct pedestrians to Canterbury Road and Belmore Road.
59. Lighting is required for the public footway adjacent to the Drummond Lane and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the building structure above the public footway and be integral to its structure with all wiring and conduits concealed.
60. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
 - a) The design must be generally in accordance with the plans, specifications and details received by Council on 24th November 2015; project number 20130091 drawing number SW01, SW02, SW03, SW04, SW05, revision C prepared by S&G Consultants Pty Ltd.

- b) The loading dock bay stormwater management must be addressed, and collected in accordance with the relevant codes and standards.
 - c) All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012.
 - d) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
61. 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.
62. 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 Part 6.4 of Canterbury Council's DCP 2012.
63. 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 Canterbury Councils DCP 2012.
64. All stormwater pipes and pits located in traffic areas must be designed for traffic loads.
65. Stormwater system must be designed to accommodate subsurface stormwater runoff from subsoil, seepage, and soil retaining structures.
66. The street alignment levels 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.
67. Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
- a) The street awning(s) must be setback 600mm from the kerb line.
 - b) The awnings must be entirely self-supporting; posts are not permitted.
 - c) The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a Certificate of Currency must be submitted to the Principal Certifying Authority.
 - d) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
 - e) The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act. Note that this Consent does not give approval to construct an awning in the road.

- f) The applicant must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.
- g) The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
- h) If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
- i) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
- j) A maintenance plan must be provided in respect of the awning(s) to address the following issues at a minimum:
 - i. Inspection schedule of structural members, connections, and supports covering the life of the awning(s).
 - ii. Inspection schedule of non-structural components.
 - iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.

The plans and details of the awning(s) must be certified by a Structural Engineer and be provided prior to the issue of a Construction Certificate.

68. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1:2004.
 - b) Stacked parking on basement plan 1 (RET26 and RET 28) shall be removed. Stacked parking is not acceptable as a designated parking space.
 - c) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - d) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - e) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
 - f) All gates if any must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
 - g) A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements. All retail parking ramps access must be checked for a B99 template.

- h) Swept path analyses are required to for both basement car parking areas and entry/exit to the street to demonstrate compliance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities" .
- i) Swept path analyses are required to demonstrate entry/exit of the Loading area and Councils waste collection truck into their associated loading area to achieve forward entry and exit in accordance with Clauses 3.2.4 and 3.4.1(a) of AS/NZS 2890.2: 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.

The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities. The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

PRIOR TO AND DURING CONSTRUCTION

- 69. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 70. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 6 metres at the boundary line for each driveway crossing. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 71. 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.
- 72. 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.
- 73. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
- 74. The Principal Certifying Authority must ensure that the awing(s) have been constructed in accordance with this Consent and the relevant standards. Prior to the issue of an Occupation Certificate certification must be provided by a Structural Engineer that the awing(s) have been constructed in accordance with the design submitted with the Construction Certificate and National Construction Code.
- 75. The awning(s) maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.
- 76. The submitted design plans provide an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained

and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury City Council prior to the issue of a Construction Certificate.

Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.

Where temporary anchors are proposed to be used in Burwood Road and Canterbury an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

77. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

PRIOR TO OCCUPATIONAL CERTIFICATE

78. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
79. 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.
80. 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.

81. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

82. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

PUBLIC IMPROVEMENTS

83. The stormwater pit in Burwood road directly in front of the proposed development shall be rebuilt entirely including pit walls, grate and lintel at the applicant's cost. The works must be carried out in accordance with council specifications.
84. The stormwater pit located in Canterbury Road adjacent to Burwood Road directly in front of the proposed development shall be rebuilt entirely including pit walls, grate and lintel at the applicant's cost. The design must be approved and built in accordance with the RMS design guidelines and regulations.
85. 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".
86. The reconstruction of the kerb and gutter along all areas of the site fronting Burwood road is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
87. The reconstruction of the kerb along all areas of the site fronting Canterbury Road is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with RMS design guidelines and regulations.
88. The cracked and disturbed concrete road sections of Burwood Road along all areas of the site (fronting Burwood road) shall be reconstructed. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's Specifications.
89. Please note: All slabs that require repair shall be marked by Canterbury Council City works Department.
90. The footpath directly adjacent to the frontage of the development site on Burwood Road and Canterbury must be paved at the applicant's cost. The paving type, style orientation method of construction and associated works must be approved and inspected by Canterbury Council City works.

SUBDIVISION

91. 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.
92. The submission of one final plan of subdivision / consolidation and five copies.
93. The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

CONTAMINATION & REMEDIATION

94. Carry out all recommendations prepared by Environmental Investigations Australia dated 29 January 2016 including the following:
 - 94.1. Prior to site demolition, carry out a Hazardous Materials Survey on existing site structures to identify potentially hazardous building products that may be released to the environment during demolition;
 - 94.2. Preparation and implementation of a Remedial Action Plan (RAP), which should:
 - 94.1.1 Outline the remediation requirements for soil and groundwater contamination identified and to close the existing data gaps identified during this DSI and other contamination that may be identified during data gap closure investigations;
 - 94.1.2 Provide the requirements and procedure for waste classification assessment, in order to enable classification of site soils to be excavated and disposed off-site, in accordance with the Waste Classification Guidelines (EPA, 2014); and
 - 94.1.3 Provide a SAQP for the validation of remediation activities performed on-site.
 - 94.3. Undertake supplementary investigations, and subsequent remediation and validation works for the site, as outlined in the RAP, EI note that due to current site constraints, the additional investigations and remediation works may be conducted after site demolition when access to areas of environmental concern are made available; and
 - 94.4. Preparation of a validation report by a suitably qualified environmental consultant, certifying site suitability of soils and groundwater for the proposed land use.

AUSGRID

95. The applicant is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructures and determine the electrical supply requirements for the development.
96. Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements.
97. The applicant must check the location of underground cables by using Dial Before You Dig.
98. Prior to the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to Council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in Section 2.4 of the NSW Industrial Noise Policy (EPA, 200)1.
99. The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for

Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 khz (ARPANSA, 2006).

100. The development must comply with Tree Safety Management Plan (Ausgrid, 2007).
101. The development must be carried out in accordance with ENA EGI-2006: Substation Earthing Guide (Energy Networks Association, 2006)

WASTE MANAGEMENT

102. The residential waste bin storage room must meet the requirements of Part 6.9 of CDCP 2012 to ensure there is sufficient space to store the allocated number of bins. The modified development plans will have 183 units. The residential section of the development will therefore be allocated 46 x 240L rubbish bins (amount halved for twice weekly pick up) and 31 x 240L recycling bins (amount halved for twice weekly pick-up).

The proposal must provide a storage area for these bins which can accommodate all bins and located within 15m of the kerb to enable our wheel out/wheel in collection service. The applicant must refer to Clause 6.9.4.1 and 6.9.4.2 of the CDCP 2012 for the design requirements. Additionally, the use of a turntable system is not suitable for Council's collection trucks.

103. The development will also be eligible to receive up to 12x 240L garden vegetation bins. These bins should be stored in the waste bin storage room however they are to be presented on the footpath for collection. These bins will then be returned to the property and an area of at least 3m² needs to be provided for this purpose.
104. The proposal uses a waste chute system. The applicant's proposal only includes use of 1x 240L bin at the base of each chute. This must be changed to include use of a rotating carousel or lineal system that can accommodate up to 5x 240L bins. Additionally, only a single rubbish chute is acceptable. Recyclable materials must not be placed in the chute.
105. The applicant will need to provide an area to store 2x 240L recycling bins on each level, preferably next to or in the vicinity of the rubbish chute.
106. The commercial waste bin storage room must meet the requirements of CDCP 2012 to ensure there is sufficient space to store the allocated number of bins. The commercial section of the development will be allocated 9x 240L rubbish bins and 9x 240L recycling bins. These bins are to be stored in a waste bin storage room that is separate from the residential bins and is located within 15m of the kerb. They will be collected from and returned to this room by Council's waste collection contractor. The bins must not be presented on the roadway.
107. The commercial and retail tenancies will need to provide their own bins for any waste generated that cannot be stored in the Council provided bins. As such the commercial waste bin storage room will need to be sufficient in size in order to accommodate these bins.
108. The proposal must provide a separate area that is at least 4m² for the storage of bulky waste items
109. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am.

CRIME PREVENTION & COMMUNITY SAFETY

110. 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.

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

DISABILITY ACCESS

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

SYDNEY WATER REQUIREMENTS

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

CRITICAL INSPECTIONS

117. The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
Class 2, 3 or 4 Buildings
 - 117.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 117.2. prior to covering any stormwater drainage connections, and
 - 117.3. 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
 - 117.4. prior to covering any stormwater drainage connections, and
 - 117.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

ADDITIONAL INSPECTIONS

118. 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.

STREET NUMBERING

119. The future street addressing for the subject development is to be 721 Canterbury Road, Belmore NSW 2192.
120. It is required to collaborate with Council's Mapping and GIS Services for addressing both the residential and commercial/retail development within DA-566/2014, prior to an Occupation Certificate being issued. In this regard, please contact Michael Czuczman on 9789 9506, or email to michaelcz@canterbury.nsw.gov.au.

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE

122. Should the proposed excavation at the site result in the requirement for a significantly greater predicted inflow and subsequent dewatering volume, the NSW Office of Water should be consulted as soon as possible, and an authorisation may need to be obtained for the activity.
123. This application has been assessed in accordance with the National Construction Code.
124. 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.
125. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air Handling Systems
 - Final Fire Safety Certificate
 - Glazing
 - Water Proofing
126. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
127. Private contractors should submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work should be carried out without Council approval.
128. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
129. 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.
130. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act" and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
131. 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.

132. 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.

133. If you are not satisfied with this determination, you may:

133.1 Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of receipt of this Notice of Determination; or

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

If you should require any further information, please do not hesitate to contact Hassan Morad in City Planning, on 9789 9357 Monday to Friday.