

**ASSESSMENT REPORT TO THE JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No.</b>	2015SYE037
<b>DA No.</b>	DA-566/2014
<b>Local Government Area</b>	City of Canterbury-Bankstown
<b>Proposed Development</b>	Demolition of existing structures and construction of a shop top housing development containing 170 apartments, commercial tenancies, communal facilities, basement car parking and Strata Title subdivision
<b>Street Address</b>	717-727 Canterbury Road, Belmore (Lot 201 DP 1062028)
<b>Applicant Owner</b>	Architecture and Building Works Belmore 88 Pty Ltd
<b>Number of Submissions</b>	n/a
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Hassan Morad – Planner

## **1.0 Background**

This development application was reported to the JRPP on 31 March 2016 with a recommendation to issue an approval on a Deferred Commencement basis. The panel deferred the application to allow the applicant to submit amended plans to address a number of key issues including the submission of an amended Clause 4.6 Variation justifying the variation to the building height development standard, car parking, traffic impacts of the proposal, landscaping details and whether the development/proposal is integrated development.

Amended plans addressing these matters were lodged with Council on 3 May 2016 and 19 September 2016. The amended plans and accompanying documentation submitted on 3 May 2016 were advertised from 16 August to 13 September 2016. One submission was received during this period which raised the same concerns that had been previously addressed in the original report presented to the Panel on 31 March 2016.

A draft VPA was placed on public exhibition concurrently with the amended Development Application for the site. The intention of the draft VPA is to allow for the dedication of land for widening of Drummond Lane, and the construction of a pedestrian footpath on this land. The VPA was endorsed by Council on 27 September 2016.

The original report and supplementary report were re-considered by the JRPP on 29 September 2016. The Panel deferred the application to allow additional information to be submitted to address the Panel's requirements, to enable the

Panel to determine the application. Accordingly, this report assesses the amended plans and provides supplementary information for the Panel to consider. Assessment of the submitted information finds that the information satisfactorily addresses the Panel's requirements. Accordingly, Council's previous recommendation for approval is reaffirmed.

## **2.0 Panel Decision**

The panel made the following decision at its meeting on 29 September 2016:

### **“Panel Decision:**

*The Panel does not have sufficient information to make a determination at this time. The Panel requests the applicant and council to provide the following information;*

- 1. Analysis of the impact of the non-complying parts of the building (i.e. a comparison between the shadow impacts of the building as proposed on the apartments, communal open space and other buildings compared with a building with complying height);*
- 2. An analysis of solar access and cross ventilation of the proposed apartments carried out by an independent expert nominated by Council;*
- 3. Specification of the lifts to be used which have an overrun of only 600mm above the roof;*
- 4. If the above results in any changes, amended plans and an amended Clause 4.6 submission;*
- 5. An updated BASIX and other consultant reports;*
- 6. Details of the VPA to which Council has agreed; and*
- 7. An assessment by the Council's assessment planner of the latest submission under Clause 4.6 of the Canterbury LEP 2012.*

*The Panel requests the applicant to provide all information by 14 October 2016, and the Council assessment officer to provide a revised assessment report by 28 October 2016. The Panel notes that, for the sake of consistency for the applicant, this application should be determined before 20 November 2016, after which time it would have to be considered by a Sydney planning panel. When this information has been received, the Panel will hold another public determination meeting”*

On 14 October 2016, the applicant provided the requested documentation in accordance with the above Points 1, 2, 3 and 5 of the Panel's Deferral decision.

This report provides an assessment of the above matters which were raised in the JRPP minutes and does not revisit any other matters identified in the original and supplementary Assessment Reports, as they have already been taken into account by the Panel in its consideration of the proposal at its meetings on 31 March and 29 September 2016.

### **3.0 Assessment of Applicant's Response to Panel Decision**

The amended plans submitted by the applicant respond to the Panel's decision to request additional information:

**1. Analysis of the impact of the non-complying parts of the building (i.e. a comparison between the shadow impacts of the building as proposed on the apartments, communal open space and other buildings compared with a building with complying height)**

The shadow diagrams submitted on 14 October 2016 illustrate the extent of the additional shadow impact that results from the non-compliant building height of the development with an overlay of a complying building height. The applicant has also submitted height massing compliance diagrams to demonstrate the components of the building that exceed the maximum building height. The northern most building is largely compliant with the 18m height limit while height breaches occur at the north-western section of the building. As such the height exceedance has minimal impact in relation to the additional shadow cast with respect to the communal open space, apartments and adjacent buildings.

The small areas of height breaches are a result of the topography of the site having an approximate fall from east to west of approximately 6.5m. There is no additional self-shadowing of the proposal as a result of the additional height. Further the applicant states the following in relation to shadow impact on adjacent properties:

- "The overshadowing of the proposal on the opposite side of Burwood Road from the proposal would only impact the existing block of units at 9am. The additional shadow cast by the additional height would be minimal and only for a maximum of a half hour; and
- The overshadowing of the proposal on the opposite side of Canterbury Road from the proposal would only impact the existing school campus at 3pm. The additional shadow cast by the additional height would be minimal and only for a maximum of a half hour."

In this regard, it is considered that the applicant has satisfactorily addressed the Panel's requirement.

**2. An analysis of solar access and cross ventilation of the proposed apartments carried out by an independent expert nominated by Council**

A report providing an expert opinion and peer review of the applicant's analysis relating to solar access and cross ventilation was prepared by Steve King and submitted to Council on 14 October 2016 (refer to Annexure 1). In summary the conclusions are outlined below:

Solar Access

- The ADG Design Criteria nominates a minimum of 70% of dwellings to receive prescribed hours of sun, but offer relief, primarily for limitations imposed by site orientation and other site related factors. The subject site is constrained by its orientation, shape, dimensions, such that there is effectively a limit to the proportion of apartments that can meet the requirement for a minimum period of direct sun at

mid-winter. The table below provides a summary of solar access compliance:

Number of Units	170	
<b>Units with 2 hours or more sunlight to living between 9am and 3pm</b>	<b>109</b>	<b>64.1%</b>
Top floor units with 2 hours or more sunlight to living, which have south facing POS	7	
Additional units with 2 hours or more sunlight to living and POS between 8am and 4pm	6	
<b>Total units which may be deemed to comply</b>	<b>115</b>	<b>67.6%</b>
Units with no sun 9am to 3pm on June 21	41	21.4%

- The square proportion of the site gives rise to two street elevations with an unfavourably southerly orientation;
- The diagonal direction of True North determines that generally north-south 'wings' parallel to the Canterbury Rd commercial frontages will have favourable solar exposure on the north-west side;
- The north to south dimension of the site favours two such wings, if building separation is to meet and exceed that recommended by the ADG, combined with a required setback on the north-west boundary.
- The two street frontages to Canterbury and Burwood Road are adversely oriented for complying solar access. The design, however systematically distributes a higher proportion of apartments designed with narrow living spaces to the northerly facades, and wider, shallower apartments to the unfavourable orientations.
- If the six apartments are taken into account with a predicted 1.5 hours of sun between 9am and 3pm, but that may preserve solar access before 9am, the number of dwellings which may be deemed to comply with the performance objectives of the ADG is 115 of the total 170 equating to 67.6%.

The author of the report states that "based on experience of assessing achievable solar access on a large number of former brownfield sites – particularly in the Mascot, Meadowbank and Canterbury area, this outcome in the context of the site constraints to be the result of considerable design effort, and one which can be fairly described as effectively the 'natural limit' of the winter solar access that may be expected."

#### Natural Ventilation

- The table below provides a summary of ventilation compliance:

<b>Simply cross ventilated</b>	<b>78</b>	
Cross ventilated employing a ceiling plenum	16	
Enhanced single sided ventilation	8	
<b>Total</b>	<b>170</b>	
<b>Total deemed complying</b>	<b>102</b>	<b>60%</b>

- To ensure compliance with the above, a condition of consent is recommended that 16 apartments are to be provided with suitably designed ceiling plenums connected to the opposite side of the building.

Whilst the proposal does not strictly comply with the numerical target for solar access, the submitted expert opinion in relation to this matter is accepted given the site constraints and the overall design of the buildings. In this regard, the applicant has satisfactorily addressed the Panel's requirements.

**3. Specification of the lifts to be used which have an overrun of only 600mm above the roof – satisfied**

The applicant submitted specification of the lifts (Annexure 2) to be used in the proposed development. The lifts specified demonstrate that the current dimensions and the headroom allowed will permit the accommodation of the lifts within the proposed heights as shown on the plans. The table below provides details of the current dimensions incorporating the 'Kone' lift which requires headroom of 3580mm.

	RL of upper most floor	RL to underside of slab of lift shaft (allowance of 200mm slab)	Headroom allowed
North building	RL 55.60	RL 59.30	3700mm
South building	RL 59.70	RL 63.50	3800mm

The specification details have satisfactorily addressed the Panel's requirement.

**4. If the above results in any changes, amended plans and an amended Clause 4.6 submission – satisfied**

As outlined in Point 3, the proposed lift will not necessitate any change to the overall building heights. Notwithstanding this, the applicant has submitted revised plans showing additional RL detail and overall building heights and a Clause 4.6 justification (Annexure 3) regarding the non-compliance with the height of buildings development standard.

**5. An updated BASIX and other consultant reports – satisfied**

The revised BASIX Certificate was submitted on 14 October 2016 and confirms that the proposal meets the water, energy and thermal comfort targets and therefore satisfies the objectives of the SEPP.

**6. Details of the VPA to which Council has agreed – satisfied**

The draft VPA was placed on public exhibition from 16 August to 13 September 2016. The intention of the draft VPA is to allow for the dedication of land for widening of Drummond Lane, and the construction of a pedestrian footpath on this land. The VPA was endorsed by Council on 27 September 2016 (refer to Annexure 4 for the VPA).

**7. An assessment by the Council's assessment planner of the latest submission under Clause 4.6 of the Canterbury LEP 2012. – satisfied**

Building Height

Based on research into recent decisions of the Land & Environment Court, (Four2Five Pty Ltd v Ashfield Council and Mount Annan 88 Pty Ltd v Camden Council) a series of questions have been formulated for assessing whether variation of a standard is justified, to enable consent to be granted.

Clause 4.6 requires concurrence of the Secretary before consent is granted. The Secretary's concurrence may be assumed, as advised to all NSW Councils in Planning Circular PS08-003, issued by the Department on 9 May 2008.

**Questions for Assessing Variation of a Development Standard**

The questions are divided into two parts, A and B. The questions of Part A require a positive answer to all four questions for consent to be granted, as they are based on what the Court has termed "the four preconditions" to satisfy statutory requirements of clause 4.6 of the LEP.

In Part A, Questions 1 and 2 must be satisfactorily answered by the applicant's written request to vary the standard. In the answers to Questions 3 and 4, it is Council which must be satisfied that departure from the standard is in the public interest, whether or not the applicant adequately addresses these questions.

The two questions of Part B address the objectives of clause 4.6 and do not form part of the preconditions as determined by the Court. A positive assessment with regard to Part A would typically be expected to produce a positive response to clause 4.6's objectives.

**Maximum Building Height Standard – Assessment of Proposed Variation to the Standard**

The site is mapped as being affected by a maximum 18m building height standard. The proposed development seeks to vary the maximum 18m building height standard along the Canterbury Road frontage by 8.7% (1.57m) and along the Burwood Road frontage a maximum of 17.22% (3.1m) primarily centred at north-western corner of the building.

The six questions for assessing the proposed variation of the building height standard are addressed below.

A. Four pre-conditions for approving variation of a development standard, all must be answered in the affirmative to grant consent:

**1. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case? (Clause 4.6(3)(a)).**

In answering this question, only one of the following sub-questions must be answered and the answer demonstrates that strict compliance with the standard is unreasonable or unnecessary, in the circumstances of the site:

- a) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

Answer

The applicant's submission demonstrates how the proposed development, despite the variation, remains consistent with the objectives of the building height standard. In summary, the following key points were raised within the submission:

- *"The subject site and surrounding area has been 'up-zoned' to allow a transition from light industrial/commercial development to high density mixed residential/commercial in order to facilitate Council's vision for the revitalisation of the Canterbury Road and support local Town Centre along its route, such as Belmore. The proposed development adopts setbacks to Canterbury Road that are in accordance with the requirements of CDCP 201 and allow the development to be consistent with the character of development occurring whilst achieving the desired public domain vision.*
- *Belmore Town Centre is in close proximity to the site and the proposed development seeks to maximise residential density in easy walking distance to Belmore Railway Station, in a built form that is consistent with the built form on surrounding sites and development occurring along Canterbury Road. The proposal seeks to provide residential accommodation in proximity to public transport, shops and services, which is considered to be a desirable planning outcome.*
- *The proposed development is a high quality mixed use building that is well articulated using architectural elements, varied setbacks and materials to ensure that the development contributes positively to the streetscape and when viewed from surrounding lands and the public domain.*
- *The proposed development has a height that acknowledges the site's location on the corner of two (2) important road frontages (Canterbury Road and Burwood Road) as these streets are significant east-west and north-south arteries through the city. The most significant non-compliance is at the north-west corner of Canterbury Road and Burwood Road. The height of the building emphasises the corner and creates a significant landmark which defines the entry to the Belmore Town Centre.*
- *The corner location of the site, its orientation and the separation to surrounding properties ensures that the proposed development has minimal adverse amenity impacts, in terms of privacy, overshadowing, view loss or visual intrusion onto adjoining properties as a result of non-compliance with the standard. The building observes a substantial 10m setback to its northern boundary that allows for significant landscaping, including canopy tree planting that will allow the proposal to suitably integrate with the future development of adjoining lands.*
- *Given the fall of the land, the reduce scale of the building is not inconsistent with the adjoining five (5) storey mixed use development that is nearing completion. The Burwood Road elevation is well articulated using architectural elements, varied setbacks and*

*materials to ensure that the development contributes positively to the streetscape and when viewed from the public domain.”*

Comment

In response to the applicant's submission:

- 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 a significant shadow onto adjoining properties as illustrated in the solar access diagrams accompanying the application.
- The proposed design solution represents a positive development outcome for the site considering the slope of the land which falls approximately 5m-6m from Canterbury Road towards the north-west, whilst ensuring the amenity of both existing and future residents is preserved.
- The broader development remains compliant with the principles and general parameters of the built form controls and expectations within the planning framework.
- A reduction to the proposed floor-to-ceiling heights to reduce the building height would result in a reduction in the level of amenity provided to future occupants and would be inconsistent with the floor-to-ceiling heights specified within the RFDC, and is therefore not appropriate.

In light of the abovementioned comments, the proposed development is consistent with the objectives of the building height standard and is consistent with the existing and future desired character of the locality and does not result in any significant environmental impacts. Therefore, the objectives of the standard are achieved notwithstanding non-compliance with the standard.

*b) Is the underlying objective or purpose (of a standard) irrelevant to the development, making compliance unnecessary.*

Answer

The applicant did not address this question.

*c) Would the underlying purpose or objective (of a standard) be defeated or thwarted if compliance was required, making compliance reasonable?*

Answer

The applicant did not address this question.

*d) Has the development standard been virtually abandoned or destroyed by the Council's actions (decisions) in departing from the standard, making compliance unnecessary and unreasonable?*

Answer

The applicant did not address this question.

*e) Is the zoning of particular land unreasonable or inappropriate so that a development standard applying to the zone is also unreasonable or*



*unnecessary as it applied to that land, noting that this does not permit a general enquiry into the appropriateness of the development standard for the zoning?*

Answer

The applicant did not address this question.

Comment

Through the response to question 1(a), the applicant has adequately demonstrated that strict compliance with the maximum building height standard is unnecessary or unreasonable in the circumstances of the case.

**2. Are there sufficient environmental planning grounds to justify contravention of the development standard? (Clause 4.6(3)(b)).**

Answer to Question 2

The applicant's submission outlines the following environmental planning grounds to justify the contravention to the building height development standard:

- *"The site is a large parcel of land (7458m<sup>2</sup>) 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 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 5<sup>th</sup> 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 1960m<sup>2</sup> 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.*
- *The setback of 10m to the properties to the north exceeds the separation requirement specified within the ADG. Council has approved a mixed use development on the adjoining land which has a blank wall and nil boundary setback to the proposed development. Therefore, with the introduction of the deep soil planting zone along this boundary, an acceptable level of privacy and solar access is maintained to the redevelopment of the properties to the north.*
- *The 6m-10m setback provide the northern and eastern boundaries at the rear of the site for the provision of a substantial deep soil area that is capable of accommodating significant landscaping including the*

*introduction of trees to enhance the tree canopy. The north-eastern corner of the site has an area of 571m<sup>2</sup> of open space.*

- *Despite the building exceeding the height of buildings 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.”*

#### Comment

The environmental planning grounds raised by the applicant are acceptable. As raised earlier within this report, despite the minor variation to the maximum building height control, the proposed design does not result in any significant adverse privacy or solar impacts for future occupants within the site as well for surrounding sites.

There will be minimal impacts on the amenity, in terms of privacy and solar access of surrounding development as a result of the building height encroachments that are primarily centred along Canterbury Road and Burwood Road. 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.

The proposed design achieves a high level of compliance, and in some instances exceeds the minimum requirements, in relation to the development controls for apartment size, building separation, private open space, landscaping and deep soil and natural ventilation. The design therefore provides for a high level of amenity to future occupants of the site.

The applicant therefore, has demonstrated sufficient environmental planning grounds to vary the standard and the application.

### **3. Is the proposed development consistent with the objectives of the development standard and therefore in the public interest? (Clause 4.6(4)(a)(ii)).**

#### Answer to Question 3

The objectives of the building height standard within CLEP 2012 are as follows:

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

As outlined within Question 1(a) above, the applicant demonstrated how the proposed development, despite the variation, remains consistent with the objectives of the building height standard. In summary, the applicant demonstrated that the variation remains consistent with the objectives of the building height standard as follows:

- *“...The subject site and surrounding area has been ‘up-zoned’ to allow a transition from light industrial/commercial development to high density*

*mixed residential/commercial in order to facilitate Council's vision for the revitalisation of the Canterbury Road and support local Town Centre along its route, such as Belmore. The proposed development adopts setbacks to Canterbury Road that are in accordance with the requirements of CDCP 201 and allow the development to be consistent with the character of development occurring whilst achieving the desired public domain vision.*

- Belmore Town Centre is in close proximity to the site and the proposed development seeks to maximise residential density in easy walking distance to Belmore Railway Station, in a built form that is consistent with the built form on surrounding sites and development occurring along Canterbury Road. The proposal seeks to provide residential accommodation in proximity to public transport, shops and services, which is considered to be a desirable planning outcome.*
- The proposed development is a high quality mixed use building that is well articulated using architectural elements, varied setbacks and materials to ensure that the development contributes positively to the streetscape and when viewed from surrounding lands and the public domain.*
- The proposed development has a height that acknowledges the site's location on the corner of two (2) important road frontages (Canterbury Road and Burwood Road) as these streets are significant east-west and north-south arteries through the city. The most significant non-compliance is at the north-west corner of Canterbury Road and Burwood Road. The height of the building emphasises the corner and creates a significant landmark which defines the entry to the Belmore Town Centre.*
- The corner location of the site, its orientation and the separation to surrounding properties ensures that the proposed development has minimal adverse amenity impacts, in terms of privacy, overshadowing, view loss or visual intrusion onto adjoining properties as a result of non-compliance with the standard. The building observes a substantial 10m setback to its northern boundary that allows for significant landscaping, including canopy tree planting that will allow the proposal to suitably integrate with the future development of adjoining lands.*
- Given the fall of the land, the reduce scale of the building is not inconsistent with the adjoining five (5) storey mixed use development that is nearing completion. The Burwood Road elevation is well articulated using architectural elements, varied setbacks and materials to ensure that the development contributes positively to the streetscape and when viewed from the public domain."*

The applicant's submission has provided sufficient justification to support the claims that the proposal is consistent with the objectives of the building height standard. The proposed departure from the building height standard is therefore in the public interest.

#### Comment

As outlined within Question 1(b) above, the applicant adequately demonstrated that the proposed development is consistent with the objectives of the maximum building height standard and is therefore in the public interest.

**4. Is the proposed development consistent with the objectives of the zone and therefore in the public interest? (Clause 4.6(4)(a)(ii)).**

Answer to Question 4

The objectives of the B2 Local Centre Zone are as follows:

- a) To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- b) To encourage employment opportunities in accessible locations.
- c) To maximise public transport patronage and encourage walking and cycling.
- d) To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.

In summary, the applicant's submission outlines that the proposed development is consistent with the objectives of the B2 Zone for the following reasons:

- *"The development is of a form and scale that will provide the opportunity for a range of retail and business uses that will serve the needs of those who live in, work in and visit the area. The provision of over 2200m<sup>2</sup> of commercial and retail space within the development provides ample opportunities for employment within an accessible location.*
- *The site is within the study area of the recently released "Sydenham-Bankstown Urban Renewal Corridor Strategy" prepared by the NSW Department of Planning and Environment which identifies the site as being suitable for 5/6 storey mixed use developments. It is within 800m of Belmore Railway Station and has access to a good bus service along Canterbury and Burwood Roads. The M5 is in close proximity and provides opportunities for connections to jobs and services throughout the region.*
- *The site and surrounding area has been 'up-zoned' to allow a transition from light industrial/commercial development to high density residential/mixed use in order to facilitate Council's vision for the revitalisation of the Canterbury Road and support local Town Centres along its route, such as Belmore. Accordingly, the proposed development facilitates and supports local economic growth and investment."*

Comment

This statement is concurred with. However, when studying recent Court cases concerning proposals to vary development standards, a frequent finding was that a proposal's consistency with the zone objectives is often of little or no assistance when evaluating a proposed variation of a development standard, for reason that any permissible development is typically consistent with zone objectives. This is certainly true in the circumstances of this case.

- B. Consistency with the objectives of clause 4.6, although not necessary to grant consent, should support a case to vary a standard:

**5. Has an appropriate degree of flexibility been applied, in the application of development standards to a particular development?**

#### Answer to Question 5

The applicant contends that a suitable degree of flexibility is applied by the proposed departure from the height as follows:

- The proposed variation to the building height standard does not result in any additional adverse impacts in terms of overshadowing or loss of solar access, visual impact or privacy impact than that expected by a compliant building form under the relevant planning framework.
- The resultant building will achieve a high level of amenity to future occupants of the site as well as existing occupants of adjoining properties.
- The substantial separation between the buildings on the site are well in excess of the requirements of the ADG that facilitates the provision of a large high quality communal open space area centrally located and accessible to all residents and visitors.

#### Comment

The applicant's conclusion with regard to an appropriate degree of flexibility is agreed with, particularly as the applicant has adequately demonstrated on the plans that the proposed variation will not result in any significant adverse environmental impacts within the site and on adjoining properties. When taking this into account, the degree of contravention to the building height standard is not excessive.

#### **6. Will better outcomes be achieved, for the development itself and from the development (for the locality or area where the development is proposed), by allowing flexibility (to vary a standard) in the particular circumstances?**

#### Answer to Question 6

The applicant's request to vary the building height standard, notes the following benefits:

- Strict compliance with the development standard would not necessarily improve the building's relationship to its surroundings. The proposed design solution is considered to represent the most appropriate development outcome for the site, whilst ensuring the amenity of both the existing development and residents is preserved.
- The variation to the building height standard does not result in any significant adverse environmental impact in terms of solar access and privacy to existing residents in adjoining properties.

#### Comment

The applicant satisfactorily demonstrates that the proposed variation represents a 'better outcome' compared to a compliant development through ensuring the design exceeds the minimum requirements for floor-to-ceiling heights, natural ventilation and building separations for the subject development and therefore it will provide a high level of amenity to future occupants. Furthermore, the proposed variation assists with the development comprising a variety of housing mix in terms of size and accessibility. Lastly, the proposed variation will not result in any significant adverse environmental impacts on the amenity of adjoining properties and will be of a building form that is consistent to existing and future desired character of similar development in the locality.

Accordingly, the non-compliant proposal does represent a 'better outcome' compared to a compliant development and does satisfy the objectives of clause 4.6.

## 4.0 Conclusion

The amended plans submitted in response to the Panel's concerns have been assessed and are considered to satisfy all of the issues raised by the Panel at the meeting on 29 September 2016. Accordingly, Council's previous recommendation for approval of the development application is reaffirmed.

## 5.0 Recommendation

It is recommended that the Joint Regional Planning Panel approve the Development Application DA-566/2014 for the demolition of existing structures and construction of a shop top housing development containing 170 apartments, commercial tenancies, communal facilities, basement car parking and Strata Title subdivision in the following manner:

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

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
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	\$2,220,013.90
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
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Inspection Fee	\$31,755.00
Occupation Certificate Fee	\$11,616.00
<u>Note 1:</u> 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.	
<u>Note 2:</u> 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.	
<u>Note 3:</u> When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.	
<u>Note 4:</u> 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.	
<u>Note 5:</u> 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 Saturdays  
No demolition is to be carried out on Sundays or Public Holidays.
- (f) Burning of demolished building materials is prohibited.
- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at [www.lead.org.au](http://www.lead.org.au).
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater



systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

#### GENERAL

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

<b>Prepared By</b>	<b>Drawing Reference</b>	<b>Issue</b>	<b>Date Prepared</b>	<b>Date received by Council</b>
Architecture and Building Works Pty Limited	A-0100	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-0900	E	27/04/2016	3/05/2016
Architecture and Building Works Pty Limited	A-1000	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1010	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1020	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1030	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1040	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1050	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1060	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1070	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1080	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1100	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1110	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1120	F	16/09/2016	14/10/2016

Architecture and Building Works Pty Limited	A-1200	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1201	F	16/09/2016	14/10/2016
Architecture and Building Works Pty Limited	A-1210	E	27/04/2016	3/05/2016
Architecture and Building Works Pty Limited	A-1300	E	27/04/2016	3/05/2016
Architecture and Building Works Pty Limited	A-1420	E	27/04/2016	3/05/2016
Architecture and Building Works Pty Limited	A-0010	-	December 2015	3/05/2016
Isthmus Landscape Design	ISO165 DA1-5	E	5/04/2016	3/05/2016

- 6.1. Storage area of at least 6m<sup>3</sup> is to be provided for each one bedroom unit, and 8m<sup>3</sup> per two bedroom unit, and 10m<sup>3</sup> per three bedroom unit.
- 6.2. Balcony areas of at least 8m<sup>2</sup> for one bedroom dwellings and 12m<sup>2</sup> for two and three bedroom dwellings are to be provided for each dwelling.
- 6.3. The bathroom and ensuite window(s) being translucent glass.
- 6.4. 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.
- 6.5. 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.
- 6.6. 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. The following car parking rates must be adhered to for the residential and commercial/retail components of the development in accordance with Part 6.8 of Canterbury Development Control Plan 2012:
  - Residential Car Parking
  - 1 space per 1 bedroom dwelling

- 1.2 spaces per 2 bedroom dwelling (0.2 space is to remain as common property)
- 2 spaces per 3 bedroom dwelling
- 0.2 visitor spaces/dwelling
- 1 car wash bay
- 55 bicycle spaces

#### Commercial/Retail Parking

- 1 space/22m<sup>2</sup> for retail space
  - 1 space/40m<sup>2</sup> for commercial space
  - 1 loading bay
  - 11 bicycle spaces
10. The car parking layout shows tandem spaces for the retail parking. Tandem parking spaces are not acceptable for retail. Amended plans show each retail/commercial space as having its own individual access must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The disabled parking spaces Commercial #3 and Retail #1 are located at the far end of the car park, away from the lift. These spaces should be located together with the other spaces for the retail/commercial use.
11. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury 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 \$2,220,013.90. The amount payable is based on the following components:
- | Contribution Element        | Contribution   |
|-----------------------------|----------------|
| • Community Facilities      | \$200,804.67   |
| • Open Space and Recreation | \$1,962,699.53 |
| • Plan Administration       | \$56,509.70    |
- Note:** The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.
- The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.
12. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
13. 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.
14. All building construction work must comply with the National Construction Code.
15. 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.
16. 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.

17. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
24. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
25. 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.
26. 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.
27. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
28. 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.
29. Payment of an additional garbage levy for each new dwelling upon completion of work.
30. 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).
31. 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.
32. 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

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.

33. 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

34. 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'.
35. 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

36. Any redundant driveways along Canterbury Road shall be removed and replaced with kerb and gutter to match the existing.
37. 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.
38. 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.

39. 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.

40. 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.
41. 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.

42. 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.
43. 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.
44. All works associated with the proposed development shall be at no cost to Roads and Maritime.

#### ACOUSTICS & ENVIRONMENTAL HEALTH

45. Carry out all recommendations in the 'Acoustic Report' as prepared by Acoustic Logic P/L (dated: 12/10/2016). 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.
46. 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.
47. 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 or adjoining occupations. If a noise nuisance occurs, the person in control of the premises must arrange at their cost for an acoustic assessment to be carried out by an accredited Acoustic Consultant, obtain Council's concurrence for the recommendations of the Acoustic Consultant, and implement those recommendations so as to remove the noise nuisance. The acoustic assessment is to be conducted by a suitably qualified Acoustic Consultant recognised by the Australian Association of Acoustical Consultants (AAAC) and who has not been previously involved with the proposal. The acoustic assessment must be completed within 30 days from the date requested by Council.
48. Submission of a Soil and Water Management Plan, including details of:
  - (a) property details (location, applicant, drawn by, date, scale)
  - (b) accurate property description (property boundary)
  - (c) contours
  - (d) access point and access control measures
  - (e) location and type of all sediment control measures
  - (f) location of existing vegetation to be retained and undisturbed ground
  - (g) any existing watercourse or drainage
  - (h) material stockpile areas and storage and control methods
  - (i) location of new drainage features (stormwater inlet pits)
  - (j) revegetation proposals, including specifications on materials used and methods of application(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)
49. 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.

50. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.

#### LANDSCAPING

51. 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



<b>T17(x9)</b>	<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	Remove	n/a
<b>T18</b>	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	Remove	n/a
<b>T19</b>	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	Remove	n/a

- 51.1. 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 be removed are to be replaced with the proposed 31 trees as shown on the submitted landscape plans.
52. 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 1<sup>st</sup> 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.

53. 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.
54. 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.
55. 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.
56. As noted on the landscape drawings the indigenous mass planting is to be undertaken in coordination with Canterbury City Council's landscape architect.
57. 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.
58. The landscaping must be completed according to the submitted landscape plan (drawn by Isthmus Landscape Design drawing no. IS0165DA1 – DA5 revision E, submitted to council on 3<sup>rd</sup> May 2016) except where amended by the conditions of consent.
59. 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).
60. 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.
61. 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.
62. 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

63. 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 Bankstown 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.
64. 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.
65. 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 14<sup>th</sup> October 2016; project number 20130091 drawing number SW01, SW02, SW03, SW04, SW05, revision D prepared by S&G Consultants Pty Ltd.
  - b) A stormwater roof plan must be provided prior to the issue of construction certificate.
  - 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.
66. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
67. The northern access driveway stormwater runoff must not sheet over the footpath and driveway in the form of overland flow.
68. All stormwater pipes and pits located in traffic areas must be designed for the relative traffic loads.
69. Stormwater system must be designed to accommodate subsurface stormwater runoff from subsoil, seepage, and soil retaining structures.
70. 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.
71. 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 awing(s) must be certified by a Structural Engineer and be provided prior to the issue of a Construction Certificate.

72. 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

- 73. A Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 74. 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".
- 75. 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.
- 76. 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.
- 77. 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.

78. 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.
79. The awning(s) maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.
80. 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 Bankstown 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 Road an Application must be made to Canterbury Bankstown 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.
81. 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

82. 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.

83. 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.
84. A Works-as-Executed plan must be submitted to Canterbury Bankstown 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.
85. 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.
86. 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

87. 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.
88. 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.
89. 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".
90. 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”.

91. 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.
92. 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 Bankstown Council city works department.

#### SUBDIVISION

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

#### CONTAMINATION & REMEDIATION

96. Carry out all recommendations prepared by Environmental Investigations Australia dated 29 January 2016 including the following:
  - 96.1. 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;
  - 96.2. Preparation and implementation of a Remedial Action Plan (RAP), which should:
    - 96.2.1. 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;
    - 96.2.2. 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
    - 96.2.3. Provide a SAQP for the validation of remediation activities performed on-site.
  - 96.3. 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
  - 96.4. Preparation of a validation report by a suitably qualified environmental consultant, certifying site suitability of soils and groundwater for the proposed land use.

#### AUSGRID

97. 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.

98. 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.
99. The applicant must check the location of underground cables by using Dial Before You Dig.
100. 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, 2001).
101. 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).
102. The development must comply with Tree Safety Management Plan (Ausgrid, 2007).
103. The development must be carried out in accordance with ENA EGI-2006: Substation Earthing Guide (Energy Networks Association, 2006)

#### WASTE MANAGEMENT

104. 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.
105. 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 3m<sup>2</sup> needs to be provided for this purpose.
106. 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.
107. 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.
108. 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.

109. 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.
110. The proposal must provide a separate area that is at least 4m<sup>2</sup> for the storage of bulky waste items
111. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am.

#### CRIME PREVENTION & COMMUNITY SAFETY

112. 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.
113. 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.
114. 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.
115. 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.
116. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.

#### DISABILITY ACCESS

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

#### SYDNEY WATER REQUIREMENTS

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

#### CRITICAL INSPECTIONS

119. 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

- 119.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 119.2. prior to covering any stormwater drainage connections, and

119.3. 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

119.4. prior to covering any stormwater drainage connections, and

119.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

#### ADDITIONAL INSPECTIONS

120. 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

121. The future street addressing for the subject development is to be 721 Canterbury Road, Belmore NSW 2192.
122. 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](mailto:michaelcz@canterbury.nsw.gov.au).

#### COMPLETION OF DEVELOPMENT

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

#### WE ALSO ADVISE

124. 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.
125. This application has been assessed in accordance with the National Construction Code.
126. 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.
127. 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
128. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
129. 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.
130. 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.

131. 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.
132. 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.
133. 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.
134. 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.
135. If you are not satisfied with this determination, you may:
  - 135.1 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
  - 135.2 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.