JOINT REGIONAL PLANNING PANEL
(Sydney East Region)

JRPP No	**2015SYE060**
DA Number	**DA-72/2015**
Local Government Area	**City of Canterbury**
Proposed Development	**Demolition of existing structures and construction of a ten storey residential flat building, with 88 residential units, all over 2 levels of basement parking accommodating 122 car parking spaces**
Street Address	**10B Charles Street, Canterbury**
Applicant / Owner	**Architecture & Building Works**
Number of Submissions	**Four submissions objecting to the proposal**
Recommendation	**Approval with Conditions**
Report by	**Michael Brewer (Willana Associates)**

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received Development Application (DA-72/2015) for the demolition of existing structures and construction of a ten (10) storey residential flat building (RFB) containing 98 residential apartments over a two (2) level basement carpark.

- The proposal has been substantially modified since the Panel was briefed on the development on 3 June 2015. Following concerns regarding height, FSR, setbacks, quantum of private open spaces, landscaping, location of significant infrastructure assets, traffic and parking, waste management, internal amenity, setbacks and separation distances, the applicant has submitted revised plans. These amended plans, which are the subject of this assessment, demonstrate the approval has planning merit, notwithstanding the variation sought to the strict numerical application of some development standards and controls.

- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than $20 million.

- The subject site is zoned R4 – High Density Residential under Canterbury Local Environmental Plan 2012 ('CLEP 2012'). The area forms part of the Canterbury Town Centre (Riverfront Redevelopment Precinct) urban renewal precinct.

- The proposal involves a relatively minor breach to the building height development standard under Clause 4.3 of CLEP 2012, which is supported by the provision of a Clause 4.6 submission by the applicant.

- The proposal also involves a breach to the Floor Space Ratio (FSR) development standard under Clause 4.4 of CLEP 2012, which is likewise supported by the provision of a Clause 4.6 submission by the applicant.

- The development application has been assessed against the provisions contained in State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy 65– Design Quality of Residential Flat Development, CLEP 2012, Canterbury Development Control Plan 2012 (CDCP 2012) and Canterbury Town Centre and Riverfront Precinct Development Contributions Plan. The proposal is found to generally be in compliance with the requirements of these policies.

- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of the CDCP 2012. We received four submissions (including three letters from the same household) objecting to the original plans. Amended plans of the proposal were not publicly exhibited and notified to adjoining land owners, given that the amendments have resulted in a smaller proposal with potentially less impacts. Issues raised in the submissions and our responses are provided in the body of this report.

- Notwithstanding the variations sought to building height and FSR, the development application is recommended for approval subject to conditions.

SITE DETAILS

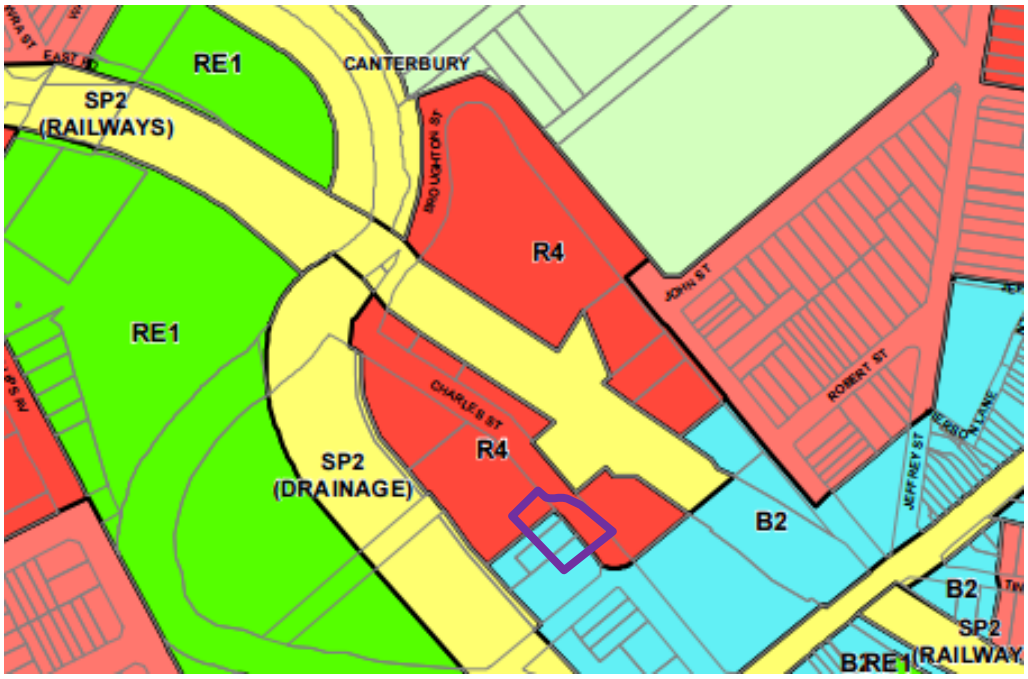
The subject site is located on the eastern side of Charles Street, Canterbury, adjacent to the Bankstown Rail Line and approximately 96m from the intersection of Charles Street with Canterbury Road. The Cooks River is located within 100m of the Site to the south west. The site comprises a single allotment that is covered by an existing Strata Plan and there are currently two concrete and metal roof factory buildings on the site, containing nine (9) light industrial tenancies.

The site is irregular, having a frontage of 60.25m to Charles Street, a rear boundary of 44.135m abutting the rail corridor, a south-eastern side boundary of 49.965m and a stepped north-western boundary of 50m. The site has a total area of 2,412m^2. The site is elevated above the level of Charles Street, with the batter face along the south-western boundary retained by a concrete block crib wall between 0.2m and 2m in height. A concrete driveway provides vehicular access to the factory units and a number of off-street parking spaces.

The site is located within an area experiencing unprecedented redevelopment with a number of similar-sized apartment buildings either recently built or currently under construction, with several small industrial premises interspersed. Charles Street was

formerly a light industrial precinct and is currently under transformation into a high density residential area, rezoned under CLEP 2012, primarily to R4 High Density Residential, with the eastern end of Charles Street containing mixed use development.

Aerial photograph showing the development site and surrounds



Extract of zoning plan under CLEP 2012

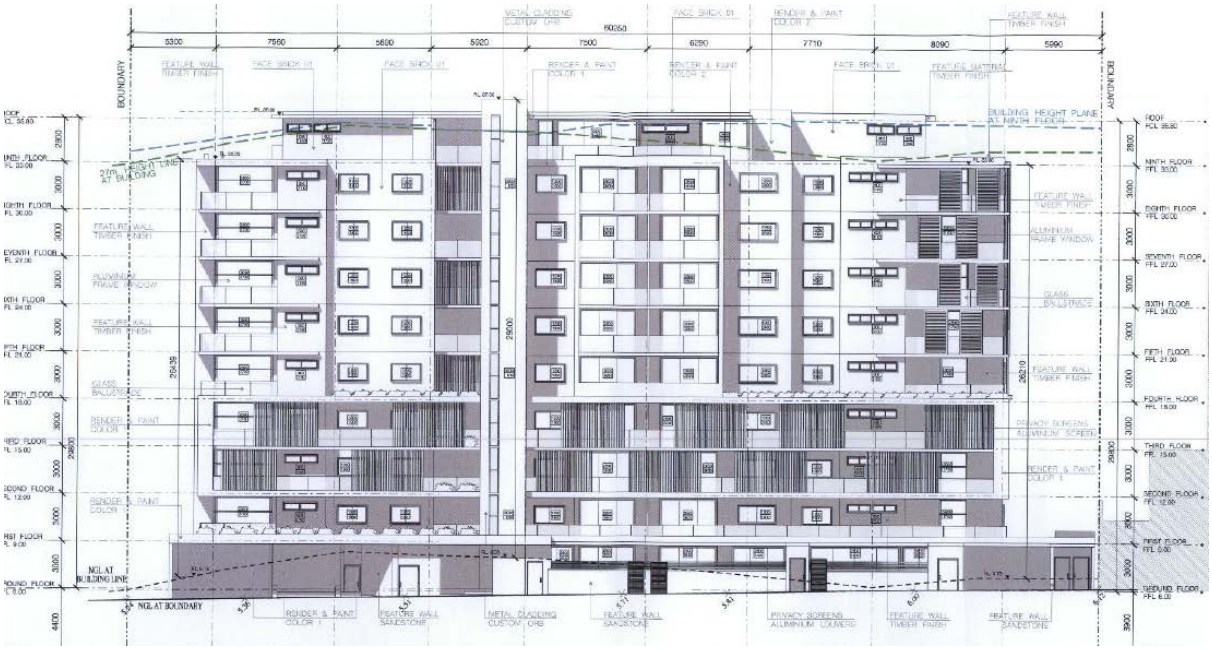
PROPOSAL

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

- Demolition of all existing structures on site;
- Construction of a ten storey residential flat building, comprising 88 residential units (37 x 1 bedroom units, 43 x 2 bedroom units and 8 x 3 bedroom units); and
- Two level basement car park providing 105 resident car parking spaces (including nine (9) accessible spaces), a dedicated car wash bay, 15 visitor spaces, four (4) motorcycle spaces and bike racks accommodating 30 bicycles and resident storage areas and bicycle parking area.

The development provides 855m^2 of communal open space on the northern side of the site at ground level between the proposed building and the railway line for future occupants.

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



10b Charles Street – North Eastern Elevation

The following perspective (viewed from the rail corridor) is provided to show the proposed building in relation to the apartment building currently being constructed at 2A Charles Street.

2A Charles Street **10B Charles Street**

STATUTORY CONSIDERATIONS

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

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

ASSESSMENT

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

- **State Environmental Planning Policy (State and Regional Development) 2011**
  Part 4 (Clauses 20 and 21) of State Environmental Planning Policy (State and

Regional Development) 2011 applies to development in Schedule 4A to the EP&A Act 1979 to be determined by a regional panel. The proposal is for development with a Capital Investment Value of more than $20 million and is therefore referred to the Sydney East Joint Regional Planning Panel ('JRPP') for determination.

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

  The subject site contains two industrial buildings and has been used for a number of light industrial activities for some years. Historical aerial photography indicates that in 1948, the site formed part of an open marshalling yard associated with the adjoining Canterbury Train Station.

  The application was also accompanied by a Phase Two – Detailed Soil Contamination Assessment, prepared by Environmental Investigations Australia Pty Ltd. The site investigations and soil analysis undertaken determined that widespread contamination was not identified at the site.

  The report concludes as follows:

  In view of the above findings and in accordance with the NEPM 2013 guidelines, it is considered that the site is suitable for the proposed residential development.

  A condition of consent has been included requiring that any future building works be undertaken in accordance with the recommendations contained within the report.

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

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

  The site is located adjacent to the Bankstown Line rail corridor and accordingly, Clauses 85, 86 and 87 of the ISEPP are applicable.

  Clause 85 of the ISEPP relates to development immediately adjacent to rail corridors and requires the application to be referred to Sydney Trains for comment, in particular, with respect to impacts on rail safety, metallic

materials and finishes and the use of cranes on the site in air space above the rail corridor. The development application was referred to Sydney Trains, and no objections were raised to the proposed development subject to conditions being imposed on any development consent issued.

Clause 86 of the ISEPP relates to excavation in, above or adjacent to rail corridors (within 25m) and, similar to Clause 85, requires the application to be referred to Sydney Trains for comment with respect to the potential impacts that excavation may have on the safe and effective operation and integrity of the rail corridor infrastructure.

As previously noted, the development application was referred to Sydney Trains and no objections were raised to the proposed development subject to conditions being imposed on any development consent issued.

It should be noted that a Risk Analysis is not required as the building is sited more than 20m from the rail corridor. Nevertheless, the design incorporates balcony screens to the private open space of units facing the rail corridor, to protect against items being thrown onto the rail corridor.

Clause 87 of the ISEPP relates to the impact of rail noise or vibration on non-rail development and subclause 87(3) states that consent must not be granted to a building for residential use unless the consent authority is satisfied that appropriate attenuation measures will be incorporated in the design and construction in order to ensure that the following LAeq levels are not exceeded:

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

Clause 102 of the ISEPP also applies to the subject site, given its proximity to Canterbury Road, which is a classified road for the purposes of the ISEPP, carrying more than 40,000 vehicles a day. As with the requirements for rail noise and vibration, the abovementioned noise criteria must also be met with respect to potential impacts from road noise and vibration.

Accordingly, the applicant has submitted a Noise Impact Assessment prepared by Acoustic Logic, which addresses both rail and road-related noise and vibration, in accordance with both Clause 87 and 102 of the ISEPP. This report provides details of the road and rail noise measurements (both attended and unattended) taken in January 2015 to determine the existing road and rail noise levels. The report also details various measures that are to be incorporated in the construction of the building to ensure compliance with the above noise requirements and safeguard the amenity of future occupants of the development. An appropriate condition is included in the recommendation requiring the development to be constructed in accordance with this report, and in accordance with Clauses 87 and 102 of the ISEPP.

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

  BASIX Certificate No.608376M_02,accompanies this application and lists a variety of commitments that are to be incorporated into the overall design of the project. The necessary commitments have been referenced on the architectural plans where required, meet the water, energy and thermal comfort targets and therefore satisfy the objectives of the SEPP.

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

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

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

  <u>Context</u>

  The residential flat building development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential development will be characteristic of the area. The subject design is considered to be suitable given the existing site context and constraints and given the opportunities of the site being a major development site in an area undergoing significant renewal and restricted by a major road, a railway line and the Cooks River.

  <u>Scale</u>

  The scale of the proposed development is determined by the building height and FSR standards contained within the CLEP 2012 and the building envelope controls contained within the CDCP 2012.

  The proposed development does not strictly comply with the numerical requirements relating to the height and maximum FSR, nor does it achieve strict numerical compliance with the front setback or building separation controls. While the proposed variations might ordinarily be considered unacceptable, in a cumulative sense in the context of the surrounding existing and approved development and the proximity to Canterbury Train Station, the proposal has demonstrated that it has sufficient merit and is consistent with the desired future character for Charles Street.

Despite the numerical non-compliances, the proposal is acceptable on the basis that the site is a major development site and has been designed to ensure that the location and design of the additional storey has minimal impact on the amenity of neighbouring residents and streetscape presentation.

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

Built Form

The proposal achieves the built form objectives as it contributes positively to the streetscape and generally provides good amenity for residents. The proposed development sits adjacent to a nine storey development at 2A Charles street and diagonally opposite a residential development containing 276 units within three towers at 15-15A and 18 Charles Street, both of which are currently under construction. It is fair to say that the redevelopment of these sites is occurring in a form and character considered acceptable by Council. The elevations along Charles Street and the Bankstown rail corridor are designed in a sympathetic manner that minimises the appearance of bulk and is designed to be consistent with the desired future character of the area.

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

Density

The site is subject to a maximum FSR of 2.5:1 or 6030m^2. The application originally proposed an FSR of 2.9:1 (6996m^2). Following a meeting between Council and the applicant in August 2015, amended plans were prepared, reducing the FSR to 2.62:1 (6316m^2). This has been achieved by increasing the setbacks to the street frontage and rail corridor as well as reducing the overall size of the upper-most floor by deleting three units.

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

Resource, Energy and Water Efficiency

The proposal has been assessed against BASIX and the required categories of water, thermal comfort and energy. The proposed development generally satisfies the relevant requirements.

The RFDC requires that 60% of the units be cross ventilated. The plans and documentation submitted demonstrate that 60.2% of the dwellings (53 units) will be cross adequately ventilated, in accordance with the requirements of SEPP 65.

In addition, the RFDC requires that at least 70% of the residential dwellings' living room and private open space receive at least 2 hours sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that 70.4% of the units (62 units) receive at least 2 hours of sunlight between 9am and 3pm.

Separation Distances

The proposal adopts varied setbacks to the south eastern boundary, realising the following separation distances:

Height	Setback	Separation Distance
Up to 4 storeys (12m)	5.8m (balcony) 6m (bedroom window) 9m (living room window)	12.5m (balcony to balcony) 14.8m (bedroom to bedroom) 18.3m (living room to living room)
5-8 storeys (12m – 25m)	5.8m (balcony) 6m (bedroom window) 9m (living room window)	12.5m (balcony to balcony) 14.8m (bedroom to bedroom) 18.3m (living room to living room)
9+ storeys (>25m)	19.7m (blank wall)	19.7m (blank wall)

The RFDC recognises that there is a wide range of building types and contextual settings that need to be taken into account when considering separation distances. Applying a merits-based approach, both the RFDC and its successor, the Apartment Design Guide, along with the CDCP 2012, recognise that there are appropriate lesser setbacks in certain development outcomes. It is not correct to assume that "half the setback" needs to be provided on both properties. The setback range is determined by a number of factors, including the nature of the room or space that faces the adjoining building.

The setback to the adjoining development at 2A Charles Street is sufficient to achieve the required planting and solar access. The issue of privacy between the two sites is the only remaining potential issue from the suite of controls that determine appropriate building to building separation. In this regard, if privacy is achieved at 9m between a balcony and a non-habitable room, the proposed separation distances are considered to be acceptable.

Landscape

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

Amenity

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

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

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

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

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

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

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

- **Canterbury Local Environmental Plan 2012**
  The site is zoned R4 – High Density Residential under the CLEP 2012. The area forms part of the Canterbury Town Centre (riverfront redevelopment precinct) urban renewal precinct.

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

Standard	Requirement	Proposal	Comments
Zoning	R4 – High Density Residential	The proposal is for a residential flat building development	The proposed development is permissible with consent
Building Height	The subject site is identified as being within an area where a height limit of 27 metres applies	The development has a maximum height of 29.2 metres	No – see comment (1) below

Standard	Requirement	Proposal	Comments
FSR	Maximum of 2.5:1	The proposed development has a floor space ratio of 2.62:1 (exceeds the maximum by 286m^2 or 4.74%).	No – see comment (2) below

(1) Building Height
The proposal complies with the standards found in CLEP 2012, with the exception of height and floor space ratio, with the latter issue dealt with below.

The Height of Buildings Map indicates a maximum building height of 27m applies to the site. However, when measured in accordance with the definition for building height under the CLEP 2012, the development has a maximum height of 29.2m. This exceeds the 27m statutory maximum by 2.2m.

The relatively minor breach of the height limit derives from the uneven nature of the ground level of the site and only affects the upper floor level of the building to varying degrees between 650mm and 2.2m. The remainder of the building is below the 27m maximum building height. Based on the various ground levels across the site, the 27m height limit is breached between a minimum of 650mm (north-eastern elevation) and maximum of 2.2m (south-western edge of the building). The core containing the lifts, carpark exhaust stack and fire stairs on the south-western side (Charles Street elevation) protrudes 1.5m above the statutory height limit.

As such, the development seeks a variation to Clause 4.3 of CLEP 2012 relating to the height of buildings. The applicant has submitted a justification in accordance with Clause 4.6 of CLEP 2012 regarding the non-compliance of the development standard as summarised below.

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Comment:
The applicant states that the standard is unnecessary in this instance as the excess height of the proposal relates to an uneven topography and the small portion of the building, namely the lift and fire stair overrun, which are necessary to provide access to the upper floor and a small portion of the roof form. Due to the central location and adequate setbacks of these features, this portion of the building cannot be readily seen from the public domain. The portion

of the proposed building that is easily read from the surrounding streets is compliant with the height standard and presents as a well articulated and visually interesting ten storey building.

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

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

- The proposed maximum height of the building represents an 8% (2.2m) departure from the principal development standard prescribed under Canterbury Local Environmental Plan 2012 and relates to a minor part of the overall building structure. The remainder of the top of the building is between 650mm to 2.2m above the statutory building height limit. As such, the non-compliance is considered to be relatively minor;

- 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;

- The non-compliance does not translate to a wholesale departure by reading as an extra storey or significant additional bulk. As such, the non-compliance does not substantially add to the overall bulk and scale of the building and does not cast any shadows over adjoining properties; and

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

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

(4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that;

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3);

Comment:

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

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

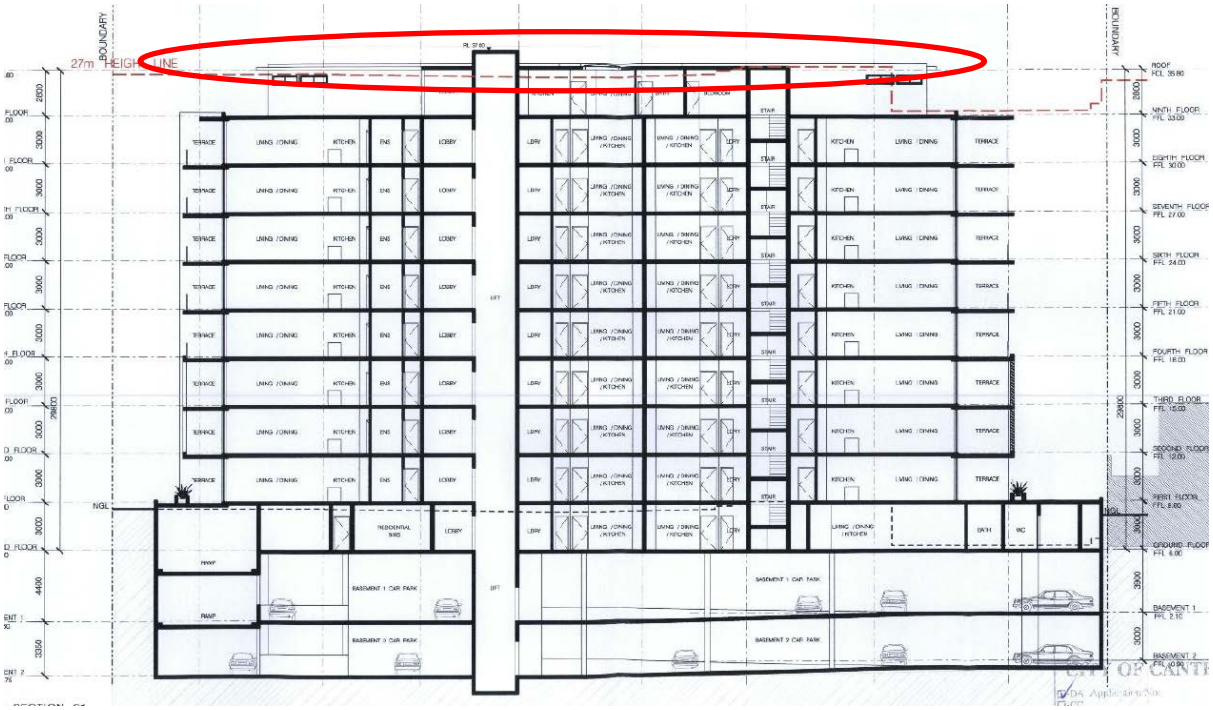
Comment:
The proposal seeks to replace older, existing buildings with a permissible, generally compliant residential flat building. The design incorporates building elements and architectural features that aim to minimise potential overshadowing, whilst accentuating the corner context of the site. Any shadow impact from the portions of the building that do not strictly meet the numerical height limit will not cast a shadow that expands outside that already cast by the development, due to the setting back of the 10th floor apartments.

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

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

Comment:
The concurrence of the Director General is assumed having regard to previous advice received from the Department of Planning and Infrastructure in Circular PS-08-003.

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



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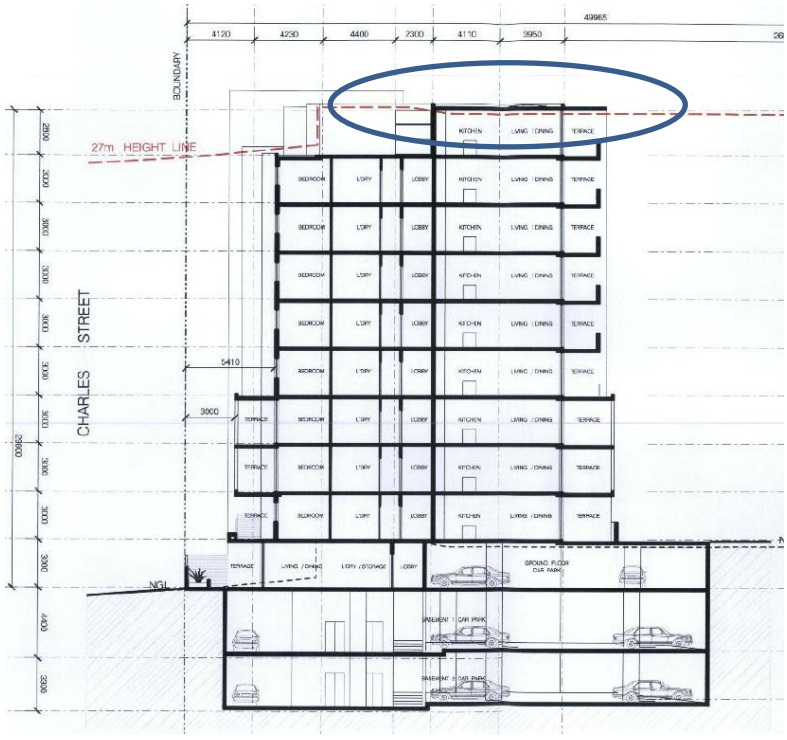

Section 02

The variation to the height control also relies on the major development sites provisions under Part 3.1.3 of CDCP 2012 which permit increased heights over that specified in CLEP 2012 and CDCP 2012. To qualify as a major development site, the allotment must be located within neighbourhood or town centres, have an area greater than 2000 square metres, must not exceed more than one storey and must not exceed a maximum of 15% of the overall site area. Part 3.1.3 of CDCP 2012 also requires design measures to be

incorporated such as not locating the additional floor space at the front of the site to minimise the impacts of height and bulk of the development. It does however state that locating the additional floor space to accentuate a corner may be acceptable.

The proposed increase in height sought is considered in light of the site location, its context, and its total area of 2412m^2. The proposed design complies with the 15% floor space of the overall site area requirement which equates to 361.8m^2 (only 286m^2 additional floor space is proposed). The placement of the additional floor area within the core of the building on the upper-most floor allows for an appropriate scale and balance to the built form.

In considering the reasonableness of varying our building standard, consideration must also be given to the impact the variation will have on adjoining properties. The variation to the height standard, being predominantly the addition of the tenth storey, will not create an unreasonable additional overshadowing, privacy or amenity impact for occupants of the surrounding locality, greater than what a complying development would impact.

It is therefore accepted that the proposed development is a 'major development site' and Part 3.1.3 of CDCP 2012 relevantly applies and thereby the additional tenth storey, which largely contributes to the CLEP 2012 variation to the building height, is worthy of support.

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

(2) Floor Space Ratio
The Floor Space Ratio Map indicates a maximum FSR of 2.5:1 applies to the site or 6030m^2. The application proposes an FSR of 2.62:1 (6316m$^{2)}$, representing a numerical variation of 4.74%.

The relatively minor breach of the FSR is in direct correlation to the height variation discussed above. The applicant has argued that in the context of the overall development, the variation sought is minor and numerical compliance would not have any significant change on the resultant building mass, bulk and height, which is contained almost entirely within the maximum building height limit for the site. The applicant has also argued that the density proposed is sustainable and appropriate given that the site is located within an identified urban renewal corridor in the NSW Government's recently released "Plan for Growing Sydney", and is in close proximity to public transport (both train and buses) and the facilities and services available in the Canterbury Town Centre.

As such, the development seeks a variation to Clause 4.4(2) of CLEP 2012 relating to the FSR. The applicant has submitted a justification in accordance with Clause 4.6 of CLEP 2012 regarding the non-compliance of the development standard as summarised below.

Clause 4.6 of the CLEP 2012 applies to this development as follows:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Comment:
The applicant states that the standard is unnecessary in this instance for the following reasons:

- the variation sought is minor and numerical compliance would not have any significant change on the resultant building mass, bulk and height; and

- The density proposed is sustainable and appropriate given that the site is located within an identified urban renewal corridor and adjoins public transport (both train and buses) and the facilities and services available in the Canterbury Town Centre.

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

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

- The proposed FSR (2.62:1) for the development represents a 4.74% (286m^2) increase over the development standard prescribed under CLEP 2012;

- The additional FSR is considered to be a relatively minor departure that has minimal effect on the overall bulk and scale of the proposed development;

- Despite the proposed development exceeding the FSR principal development standard, a comprehensive design process was implemented to ensure that the development outcome responds effectively to its surroundings and minimises potential impacts on surrounding residents;

- Enforced compliance with the numerical control would not enhance the relationship between the proposed building and its immediate surrounds; and

- The proposed development is consistent with the overarching FSR and zoning objectives for the site.

There will be minimal impacts on the amenity, in terms of privacy and solar access, of surrounding development as a result of the additional floor area. 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 the floor space ratio development standard, as specified in CLEP 2012 and CDCP 2012.

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

(a) the consent authority is satisfied that;

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3);

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

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

Comment:
As noted previously, the proposal seeks to replace older, existing buildings with a permissible and generally compliant residential flat building. Despite exceeding the prescribed FSR, the proposed density is considered appropriate for this emerging urban renewal area within easy walking distance of the railway station and nearby commercial area.

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

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

Comment:
The concurrence of the Director General is assumed having regard to previous advice received from the Department of Planning and Infrastructure in Circular PS-08-003.

As with the height variation discussed above, the FSR variation relies on the major development sites provisions under Part 3.1.3 of CDCP 2012 which

permit a density bonus over that specified in CLEP 2012 and CDCP 2012. To qualify as a major development site, the allotment must be located within neighbourhood or town centres, have an area greater than 2000m^2, must not exceed more than one storey and must not exceed a maximum of 15% of the overall site area. Part 3.1.3 of CDCP 2012 also requires design measures to be incorporated such as not locating the additional floor space at the front of the site to minimise the impacts of height and bulk of the development, it does however state that locating the additional floor space to accentuate a corner may be acceptable.

The proposed increase in the prescribed FSR sought is considered in light of the site location, its context, and its total area of 2412m^2. The proposed design complies with the 15% additional floor area requirement. The placement of the additional floor area within the core of the building on the upper-most floor allows for an appropriate scale and balance to the built form.

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

Clause 5.10 – Heritage Conservation

The subject site is not a Heritage Item however it is located adjacent to Canterbury Railway Station, which is listed as an Item of State Heritage Significance. Canterbury Railway Station is a State Heritage Item and is listed as Heritage Item I67 under Schedule 5 of Canterbury Local Environmental Plan 2012. The heritage listing relates primarily to the station's Federation buildings, located at the south-eastern end of the station platforms and well removed from the site.

The proposed development is contained wholly within the site and will not have any significant adverse impact on the context or heritage significance of the Railway Station Buildings.

Clause 6.1 – Acid Sulfate Soils

Clause 6.1 requires an Acid Sulfate Soils Management Plan to be submitted in certain instances where there is the potential for acid sulfate soils to be disturbed during works below the natural ground surface. The Acid Sulfate Soil (ASS) Map indicates that the site is primarily Class 5 Acid Sulfate Soils, with a portion being Class 4 ASS.

The applicant has submitted justification for not providing an ASS Management Plan, namely:
The investigations documented in the Geotechnical and Phase 2 – Detailed Soil Investigation reports that accompany the DA found no evidence of the presence of acid sulfate soils with groundwater observations indicating that there is unlikely to be a regional persistent water table. Accordingly, an ASS Management Plan is not deemed necessary in this instance. Refer to LEP table in SEE for further details.

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

PART 2 – RESIDENTIAL NEIGHBOURHOODS

Standard	Requirement	Proposed	Complies
Site and Envelope Controls			
Frontage	Minimum of 30m for RFBs at the street boundary.	The site has a frontage of 60.25m to Charles Street.	Yes
Depth/ Footprint	Maximum 25m	18.2m	Yes
Setbacks	Front = 6m Side = 4m Rear = 6m	A minimum front setback of 4m is provided with side setbacks in excess of 4m provided to the external wall of the units (from level 1 above). The (mostly) excavated ground floor will be 2.54m to the north western side boundary and 0.2m from the south eastern side boundary. A rear setback in excess of 6m is provided.	Partial compliance. The proposal has sufficient planning merit to warrant a variation. See comment (1).
Building Separation	At least 18m between windows and/ or balconies. Setback unscreened windows facing side or rear boundaries, at least half of the separation distance that is specified above.	Reduced setbacks to the south eastern boundary are proposed. The required 18m separation will be achieved between the proposed building and approved building at No. 2A Charles Street (currently under construction). This development also provides reduced setbacks to the side boundary, with balconies and windows treated with a range of measures to maintain adequate levels of privacy and amenity. Modification of the subject building to achieve numerical compliance would not have any significant	Partial compliance. The proposal has sufficient planning merit to warrant a variation. See comment (2).

Standard	Requirement	Proposed	Complies
		improvement in the levels of amenity or privacy afforded to the occupants of either development.	
Car and Bicycle Parking	Residential car parking • 1 BR units - 37 dwellings @ 1 space per dwelling = 37 spaces; • 2 BR units - 43 dwellings @ 1.2 spaces per dwelling = 51.6 spaces; • 3 bedroom units – 8 dwellings @ 2 spaces per dwelling = 16 spaces • Visitors - 88 dwellings @ 1 space per 5 dwellings = 17.6 spaces; • Minimum 1 car wash bay. **Total 123.2 spaces** Bicycle Parking • 88 units @ 1 space per 5 units (residents) = 17.6 • 88 units @ 1 spaxe per 10 units (visitors) = 8.8 **Total 26.4**	A total provision of 121 parking spaces is proposed, allocated as follows: • 105 residential spaces (including 9 accessible spaces) • 15 visitor spaces • 1 car wash bay A total of 30 bicycle resident and visitor spaces are also proposed, which exceeds the minimum required. The proposal is 2.2 spaces in deficit. Given the oversupply of bicycle spaces and the immediate proximity to the Canterbury Train Station, no objection is raised to the car parking shortfall. The applicant has noted that the shortfall is as a consequence of amended plans which were prepared following discussions with Council regarding additional deep soil and clearance from a gas pipeline easement over the rear portion of the site.	Partial compliance. The proposal has sufficient planning merit to warrant a variation. See comment (3).
Basement Parking	Required to: • Maximise quantum of deep soil for canopy planting; • Give ground floor dwellings access to ground level courtyards; • Allows ground floor	Basement parking provided with footprint restricted by gas pipeline easement over rear of site. This provides a substantial area for deep soil planting. The three ground floor units face Charles Street	Yes

Standard	Requirement	Proposed	Complies
	dwellings to address the street.	and have access to private courtyards adjacent to the Charles Street frontage.	
	Maximum internal width of 6m for garage door/ basement opening with the entry recessed.	6m; entry is recessed approximately 6m behind the main façade.	Yes
Design Controls			
Street Address	• Entries to residential buildings are to be clearly identifiable; • Facilitate positive interaction between the private and public domain; • Promote casual surveillance.	The residential entry lobby on the Charles Street frontage is clearly identifiable. The proposal provides three ground floor units facing Charles Street with living rooms and private open spaces orientated towards the street for casual surveillance of the public domain.	Yes
	• At least one habitable room to overlook the street and common open space area	All ground floor units have a habitable room and the open space areas overlooking Charles Street. Habitable rooms and balconies from the upper floors also overlook the common open space area.	Yes
	• Ground floor dwellings can have separate at grade entrances. • Courtyards are setback 1m to allow for landscaping	Access available direct from street level via a gate to the courtyards for the ground floor units. A 1m deep landscape planter is also provided to the street frontage.	Yes
Facade Design and Articulation	• Use non reflective materials, treat publicly accessible areas with anti-graffiti coating. • Layer and step facades in order to avoid building forms that are bland, bulky or over-scaled by: o Complying with base and upper	Non-reflective materials have been selected. Appropriate layering and articulation of the facades is provided to add interest and a sense of depth to the building. The building provides for a distinct base, middle and top, consistent with the RFDC.	Yes

Standard	Requirement	Proposed	Complies
	element setback controls; o Incorporating balconies, staggered alignments for exterior walls, and by contrasting design elements.		
Roof Design	• Use roof pitch of 10% or less. • Emphasise building articulation with shape and alignment of roof. • Relate roof design to building and respond to orientation of site. • Integrate service elements into the design of the roof.	A flat roof that integrates with the building design is proposed. Services have been integrated and do not protrude above the roof plane. The roof design is appropriate for the building form.	Yes
Fences	Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	The application proposes a 1.8m high fence to the street elevation surrounding the private open spaces for the ground floor units. The fence includes a 1.5m high sandstone feature wall, topped with a 300mm high privacy screen. The fences will be screened with a 1m deep landscape bed in front of them.	Partial compliance. The proposal has sufficient planning merit to warrant a variation. See comment (4).
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive. Unscreened appliances not to be visible from the street, communal area or driveway on the site (air con. units behind balustrades, screened recesses for water heaters, meters in service cabinets).	Utilities and services will be appropriately integrated and/or screened. Mailboxes will be discreetly located at the entry to the residential lobby.	Yes

Standard	Requirement	Proposed	Complies
	Discretely located mailbox in front of property.		
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings. Where non-optimal conditions occur, use screening devices or increase sill levels.	The living areas and private open space of the majority of the units are oriented towards the street or railway line. Where balconies are oriented towards the adjoining sites, privacy screens and louvres have been incorporated in order to maintain visual privacy.	Yes
Acoustic privacy	Protect new dwellings from the impacts of rail and road noise and vibration in order to comply with the requirements of *'Development Near Rail Corridors and Busy Roads'* published by the Department of Planning & Environment.	The Acoustic Report prepared by Acoustic Logic sets out the recommended acoustic attenuation measures to be incorporated into the construction to ensure that the required acoustic privacy criteria under CDCP 2012, the ISEPP, the *Building Code of Australia*, *AS2107 – Recommended Design Sound Levels and Reverberation Times for Building Interiors,* and the Department of Planning's publication *Development Near Rail Corridors and Busy Roads – Interim Guideline* are met.	Yes
Open Space	Balconies and/ or terraces providing the following minimum areas are to be provided to each dwelling: 1 bedroom = $9m^2$ 2 bedroom = $12m^2$ 3+ bedroom = $16m^2$ Locate the principal	The areas of all balconies / courtyards vary between $10.5m^2$ and $50m^2$ and have a minimum dimension of 2m. All principal private open space is accessed directly from living areas and contain an area of minimum 2.5m x 2.5m that can accommodate a	Yes

Standard	Requirement	Proposed	Complies
	open space adjacent to the main living areas, such as living room, dining room or kitchen, to extend the living space of the dwelling, and provide: Direct access from a major habitable room. Indoor areas must not be elevated more than 300mm above the principal open space. One area at least 2.5m by 2.5m that is suitable for outdoor dining and can accommodate a dining table and two to four chairs. One additional area suitable for clothes drying, concealed by shutters, screens, fences or tall opaque balustrades. Communal Area = Minimum 15% of the open space created by setbacks and building separations.	table and 2-4 chairs. An 855m^2 communal area (35.5% of the site area) is provided at the rear of the site and will be landscaped and furnished to provide an attractive and useable communal area for residents and their guests.	
Internal Space	Dimensions and design of interiors to accommodate furniture typical for purpose of room. Living room and main bedroom minimum 3.5m dimension; Secondary bedrooms to have minimum 3m width. Storage: Minimum 6m³ per 1 bedroom, 8m³ per two bedroom, 10m³ per	Typical furniture layouts have been provided on the plans and show that the room sizes can accommodate furniture typical to the purpose of each room. All living rooms and main bedrooms achieve satisfactory dimensions. Storage to meet the required minimum is provided through a combination of storage within units, storage	Yes

Standard	Requirement	Proposed	Complies
	3+ bedroom dwelling.	lockers in the basement and overhead storage provided above selected car parking spaces.	
Housing Choice	10% of dwellings to be provided as accessible or adaptable units to suit residents with special needs.	10 of the 88 dwellings (11%) have been nominated as accessible dwellings.	Yes

(1) Setbacks
A minimum front setback of 4m is provided, however this provides an acceptable transition given the setbacks on the adjoining development at 2A Charles Street, which is a corner site. Side setbacks in excess of 4m are provided to the external wall of the units (from level 1 above), although the mostly excavated ground floor will be 2.54m to the north western side boundary and 0.2m from the south eastern side boundary. A rear setback in excess of 6m is provided.

(2) Building Separation
Reduced setbacks to the south eastern boundary are proposed. The required 18m separation will be achieved between the proposed building and approved building at No. 2A Charles Street (currently under construction). This development also provides reduced setbacks to the side boundary, with balconies and windows treated with a range of measures to maintain adequate levels of privacy and amenity. Modification of the subject building to achieve numerical compliance would not have any significant improvement in the levels of amenity or privacy afforded to the occupants of either development.

(3) Car and Bicycle Parking
A total provision of 121 parking spaces is proposed, allocated as follows:
- 105 residential spaces (including 9 accessible spaces)
- 15 visitor spaces
- 1 car wash bay

A total of 30 bicycle resident and visitor spaces are also proposed, which exceeds the minimum required.

The proposal is 2.2 spaces in deficit. Given the oversupply of bicycle spaces and the immediate proximity to the Canterbury Train Station, no objection is raised to the car parking shortfall. The applicant has noted that the shortfall is as a consequence of amended plans which were prepared following discussions with Council regarding additional deep soil and clearance from a gas pipeline easement over the rear portion of the site.

(4) Fences
Sandstone feature walls provided to the private open space areas along the street frontage of the ground floor units. Fence design includes solid panels to

a height of approximately 1.5m with privacy screens above to a height of 1.8m. Proposed landscaping will reduce any perceived effect of the solid fence panel while the design will still provide adequate security and delineation of private and public space. No objections based on the application of CPTED principles. The proposed fencing is also consistent with the outcomes envisaged by Part 2 Site Design – Site Configuration (Fences and Walls) of the RFDC

PART 3 – BUSINESS CENTRES

Standard	Requirement	Proposed	Complies
Major Development Sites	Minimum Site Area of 2000m^2	2142 m^2	Yes
	Additional height must not exceed 1 storey	2.9 metres	Yes
	Floor area bonus not to exceed 15% of the Site Area	Additional floor area equates to 4.74% of Site Area	Yes
Part 3.2 – Appendix 3.2 Canterbury Town Centre	The site is located in the riverfront redevelopment precinct of the Canterbury Town Centre. Figure 3.2.2: Specific height in storeys is relevant to the proposed development and indicates a predominant height of 8 storeys for the site, with a reduction to 6 storeys at the northern end of the site.	The proposed building has a height of 10 storeys.	No – see comment (1).

(1) Canterbury Town Centre
The proposed building has a height of 10 storeys. Notwithstanding, it is considered that the proposed building height of 10 storeys is consistent with the desired future character, the intent of the relevant planning controls for the locality and the height and scale of developments approved / constructed on the surrounding sites.

PART 6 – GENERAL CONTROLS
The proposed development compares to Part 6 of CDCP 2012 as follows:

Part 6.1 Access and Mobility
A BCA and Access Compliance Report prepared by Certified Building Specialists was submitted with the development application which provides an assessment of the proposed development against the relevant access criteria.

Should this application be approved, then a condition is to be imposed requiring that the development must be constructed to comply with the

Commonwealth Disability (Access to Premises – Buildings) Standard 2010, and National Construction Code.

Part 6.2 Climate and Resource Efficiency

Part 6.2.6(iv) of CDCP 2012 states that for new buildings, that at least 70% of the residential dwellings' living rooms and private open spaces receive at least two (2) hours of sunlight between 9am and 3pm in mid-winter. Details submitted by the applicant indicate that at least 70.4% of the units (62 units) receive two (2) hours of sunlight between 9am and 3pm.

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings, and natural ventilation to 25% of kitchens in multi unit developments. The plans and documentation submitted demonstrate that 60.2% of the dwellings (53 units) will be adequately cross ventilated, in accordance with the requirements of both SEPP 65 and this Part of the CDCP 2012.

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

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

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

Given the orientation of the site, and its proximity to residentially zoned land on either side of the site and on the opposite side of Charles Street, it is reasonable to accept this unavoidable shadowing impact in what is planned to be high density development in the Canterbury Town Centre. Nevertheless, it is crucial to make an assessment of the overshadowing impacts of the development as proposed, compared to a development that is fully compliant with the requirements of CDCP 2012 and the provisions CLEP 2012, including the 27m building height limit.

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

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

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

Part 6.4 Development Engineering, Flood and Stormwater
The stormwater proposal submitted with the application has been assessed by our Development Engineer and while the general concept demonstrates on-site stormwater detention is achievable, the design details have not demonstrated the proposed stormwater management system is acceptable in its current form. Accordingly, Council's Development Engineer has recommended the proposal be approved as a "Deferred Commencement" consent to ensure the design of the stormwater management system is satisfactory.

Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation
The landscaping proposal for the subject development has been reviewed by our Landscape Architect who has advised that no objection is raised from a landscaping perspective, subject to appropriate conditions, being imposed on any consent issued.

Part 6.8 Vehicle Access and Parking
The proposal compares to the relevant requirements of Part 6.8 of CDCP 2012 as follows:

Requirement	Proposal	Complies
• 1 BR units - 37 dwellings @ 1 space per dwelling = 37 spaces; • 2 BR units - 43 dwellings @ 1.2 spaces per dwelling = 51.6 spaces; • 3 bedroom units – 8 dwellings @ 2 spaces per dwelling = 16 spaces **Total** = 104.6 spaces	105 spaces	Yes
Visitors - 88 dwellings @ 1 space per 5 dwellings = 17.6 spaces	15 spaces	No see comment (1)
One car wash bay	One car wash bay is provided in	Yes

Requirement	Proposal	Complies
	the basement carpark	
Bicycle Parking • 88 units @ 5 per resident = 17.6 • 88 units @ 10 per visitor = 8.8 **Total =** 26.4 spaces	30 bicycle spaces	Yes

(1) Parking and Traffic
A total of 30 bicycle resident and visitor spaces are also proposed, which exceeds the minimum required.

The proposal is 2.2 car spaces in deficit after taking into account the allocation of resident and visitor parking spaces. Given the oversupply of bicycle spaces and the immediate proximity to the Canterbury Train Station, no objection is raised to the car parking shortfall.

The applicant has noted that the shortfall is a consequence of amended plans which were prepared following discussions with Council regarding additional deep soil and clearance from a gas pipeline easement over the rear portion of the site. The proposed development is consistent with the relevant car parking and requirements in CDCP 2012.

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

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

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

Part 6.9 Waste Management
The development application was referred to our Waste Service section and no objection has been raised in principle to the proposed development on waste management grounds, subject to the imposition of conditions on any consent issued.

The proposed development generally complies with the design and numerical requirements of CDCP 2012.

- **Canterbury Town Centre and Riverfront Precinct Development Contributions Plan**
  Significant upgrades of the existing infrastructure are necessary to sustain the scale of urban renewal envisaged for the Canterbury Town Centre. Accordingly, the main purpose of this Plan is to enable reasonable contributions to be obtained from development for the provision of new and augmented local infrastructure that will both benefit and be required for the proposed development.

  Residential flat developments are identified as increasing demand for local infrastructure and are therefore subject to a contribution. The Plan requires a contribution of $149.59 per square metre of gross floor area.

  The proposed development has a gross floor area of 6316m^2, which requires a contribution of $1,025,818.52. On this basis, a condition has been included within the recommendation requiring the applicant to pay this contribution.

ADDITIONAL CONSIDERATIONS

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

- **Proposed excavation works**
  The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties to withstand the excavation works proposed.

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

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

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

NOTIFICATION
The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of CDCP 2012. We received four submissions (including three letters from the same household) objecting to the original plans. Amended plans of the proposal were not publicly exhibited and notified to adjoining land owners, given that the amendments resulted in a smaller proposal with less impacts. The submissions raised issues of concern, which are discussed below:

- **Concern is raised at traffic during demolition and construction activities**

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

- **Roads in that area cannot deal with the congestion that will result from so many large and dense unit complexes in one small street.**

  Comment
  As discussed previously under Part 6.8 Vehicle Access and Parking in regard to traffic generation, it is acknowledged that a development of this scale will result in increased traffic movements in the immediate locality. However, the increase is not considered to be beyond what is capable of being accommodated in the local road network.

  The development application, which is supported by a Traffic and Parking Assessment Report (prepared by Varga Traffic Pty Ltd) was reviewed by our Team Leader Traffic , who among other matters consider driveway locations, road traffic noise, traffic generation and car parking. The proposed development was considered satisfactory by our Team Leader, subject to relevant conditions of consent being imposed on any approval issued.

- **At the moment the site of the proposed development offers the only street parking in the area.**

  Comment
  The proposal will not diminish any on-street parking. Temporary parking and traffic control measures will need to be implemented throughout the construction phase, however this disruption will be relatively short-lived. Appropriate conditions requiring the submission of a Construction Traffic Management Plan are included in the Recommendation.

- **Concern is raised at the overall size and height of the development and the proportion of building to its site area.**

  Comment
  It is clear that the proposed development, in terms of bulk and scale, is different to existing development in the locality. Nevertheless, Council has adopted new planning controls in the CLEP 2012 and the CDCP 2012, and

this proposal represents the form and scale of development envisaged by these new controls that apply throughout the City of Canterbury and specifically in Charles Street.

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

Current building sites in the street do not abide by environmental standards, excess building runoff is directed into the Cooks River and construction noise commences from 5:30am, as opposed to the regulatory standard of 7:30am on weekdays.

Comment
This is not necessarily an objection to the proposal, as opposed to a response to cumulative impacts of a number of building sites undergoing rapid and significant construction activities in a relatively confined area. Council's standard conditions regarding the restriction of construction activities, the control of pollution events and noise are included in the Recommendation.

- **There should be some open space on Charles Street to allow for a pleasant outlook and contribute to the attractiveness of the new town centre, as previously described by Canterbury City Council.**

  Comment
  The Masterplan for the Canterbury Town Centre includes areas of open space as well as the embellishment of streetscapes through public domain works and street tree plantings. The proposal provides an appropriate response to the embellishment of the Public Domain by providing opportunities for landscaping within the site along the Charles Street frontage and by way of street trees.

- **At the very least the size and proportion of the proposed development should be reduced to allow for adequate trees and greenery.**

  Comment
  The amended plans have decreased the gross floor area through the deletion of three units from the upper floor and slight reconfiguration in the number of each type of unit. In addition, the overall building footprint has been reduced and the setbacks to the front and rear boundaries increased. The proposal satisfies the requirements for the provision of landscaping, deep soil and common open space.

- **From plans provided the boundaries of the proposed development seem to be very close to the road.**

  Comment
  The amended plans have decreased the overall building footprint and the setbacks to the front and rear boundaries increased. The proposal provides appropriate setbacks to all boundaries.

- **Concerns of shading to the lower ground apartments (Ground, Level 1 and Level 2 at 4 Charles Street), which enjoy the early morning sunrise within their courtyard.**

  Comment
  The applicant has submitted additional drawings that demonstrate the extent of the overshadowing. Given the orientation of the building at 4 Charles Street and the street itself, as well as the heavy colonnade which frames the street elevation and the fencing provided to the courtyards, it is unlikely that the ground floor units would receive optimal solar access. Solar access into these units would become limited from 10am onwards.

  A development that is fully compliant with the height and building envelope controls will cast shadows over 4 Charles Street between 9am and 12 noon, and the proposal will not have any differing effects. While individual units within the apartment building at 4 Charles Street may not achieve a minimum of 3 hours solar access, Council has previously determined the development at 4 Charles Street as a whole will achieve the required 70% of all units receiving a minimum of two (2) hours solar access between 9am and 3pm in accordance with the RFDC.

- **The building should be completed at the ninth floor at 27 meters as per blue line indicated on the A4 attached given the RL 5.36 finishing at RL32.36 to be consistent with other buildings along the eastern side of Charles Street.**

  Comment
  The applicant has sought a variation to the maximum height limit by way of a Clause 4.6 variation and use of the major development sites provisions under Part 3.1.3 of the CDCP 2012. As demonstrated previously in this report, the Clause 4.6 variations and the request to access the major development sites provisions are considered reasonable and contain sufficient planning merit to grant consent to the proposal. The applicant has demonstrated to Council's satisfaction that the proposal will not result in any additional adverse impacts on adjoining properties.

- **The proposal has an additional floor added as a result of bribes made by the developer to the council for the additional floor for profit.**

  Comment
  The objector has not provided any evidence to substantiate this claim, nor have any allegations of improper conduct been raised with the appropriate authorities.

- **The Elevation does not include lift overrun and parapet walls, therefore the development will be higher than indicated on concept design.**

  Comment
  The elevations supplied with the amended plans clearly establish the parapet walls and lift overrun. An appropriate condition can be imposed, should the

Panel choose to do so, limiting the height of the building as per the submitted plans and requiring a surveyor's certificate upon practical completion to confirm compliance with the nominated plans.

- **The Elevation appears to be different to the Model provided with the model indicating 2B Charles when looking at 10B Charles Street.**

  Comment
  It would appear that this comment is directed at the solar access study diagrams, which are drawn from a northerly aspect to demonstrate sun access.

- **The lift core should be within the building.**
  Comment
  The lift core is contained within the centre of the building, where it will have the least overrun to enable servicing of the lift.

- **There appears to be no public parking outside the proposed development.**

  Comment
  Council's planning controls do not require a development to maintain a minimum number of public or on-street parking spaces.

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

  It is noted however that the proposal has a slight numerical non-compliance in terms of the required number of on-site car parking spaces. As discussed previously under Part 6.8 Vehicle Access and Parking, the proposal has a shortfall of 2.2 car spaces after taking into account the allocation of resident and visitor parking spaces. The development does however have an oversupply in the number of bicycle spaces and considering this and the immediate proximity to the Canterbury Train Station, no objection is raised to the car parking shortfall.

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

- **The proposal lacks any ground floor landscaping.**

  Comment
  As demonstrated on the submitted plans, the development includes street tree plantings, landscaped courtyards for the three apartments fronting Charles Street and a large expanse of landscaped common open space located on the rear of the site, which has a northerly aspect. Council's Landscape Section have reviewed the proposal and raise no objection, subject to the imposition of standard conditions.

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

The proposed development is considered to be an appropriate form and scale of a mid-block site between similarly-scaled developments adjacent to Canterbury Train Station and will provide a substantial contribution to the viability of this locality by providing for an active street frontage and supplying a diversity of housing choice.

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

RECOMMENDATION
THAT the Joint Regional Planning Panel approve Development Application DA-72/2015 for the demolition of existing structures and construction of a residential flat building development containing 88 residential apartments over a two (2) level basement carpark, in the following manner:

PART A:
THAT the Clause 4.6 justification to vary Clause 4.3 and Clause 4.4 of the Canterbury Local Environmental Plan 2012 be supported.

Part B:
THAT Development Application 72/2015 be **APPROVED** subject to the following conditions:

1. The Joint Regional Planning Panel grants its consent to the development application as a **"DEFERRED COMMENCEMENT"** Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council, within 24 months, sufficient to satisfy the conditions listed below before the consent can operate. The deferred commencement condition is:

   1.1. On-site detention of stormwater must be incorporated into the proposed stormwater system for the site. Three (3) copies of plans and calculations must be submitted of the stormwater drainage design, incorporating on-site detention, to Canterbury City Council. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height

Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.

2. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

1.1. 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

1.2. Evidence of compliance with Condition No's. 31, 35, 36, 50, 56, 57, 59 (59.1 – 59.8), 97, 100, 104, 105, 116, 117, 119, 120, 124 and 126 of this consent.

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

1.4. Payment to Council of:

Kerb and Gutter Damage Deposit	$3,328.00
Section 94 contributions	$1,025,818.52
Certificate Registration Fee	$36.00
Long Service Levy	$75,088.10
Long Service Leave Levy Fee	$19.80

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

Construction Certificate Application Fee	$65,543.00
Inspection Fee	$12,885.00
Occupation Certificate Fee	$4,612.00

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

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

SITE SIGNAGE

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

DEMOLITION

4. Demolition must be carried out in accordance with the following:
   - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
   - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
   - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
   - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
   - (e) Demolition of buildings is only permitted during the following hours:
     7.00 a.m. – 5.00 p.m. Mondays to Fridays
     7.00 a.m. – 12.00 noon Saturdays
     No demolition is to be carried out on Sundays or Public Holidays.
   - (f) Burning of demolished building materials is prohibited.

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

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

Prepared By	**Drawing Reference**	**Issue**	**Date Prepared**	**Date received by Council**
Architecture and Building Works Pty Limited	A-1000	B	17/8/2015	17/08/2015
Architecture and Building Works Pty	A-1010	B	17/8/2015	17/08/2015

Limited				
Architecture and Building Works Pty Limited	A-1020	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1030	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1040	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1050	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1060	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1070	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1080	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1090	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1100	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1110	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1120	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1121	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1200	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1210	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1220	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1210	B	17/8/2015	17/08/2015

Architecture and Building Works Pty Limited	A-1220	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1230	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1300	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1310	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1320	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1330	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1400	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1410	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1420	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1430	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1500	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1510	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1600	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1610	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1620	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1700	B	17/8/2015	17/08/2015
Architecture and	A-1710	B	17/8/2015	17/08/2015

Building Works Pty Limited				
Architecture and Building Works Pty Limited	A-1711	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1720	B	17/8/2015	17/08/2015
Architecture and Building Works Pty Limited	A-1800	B	17/8/2015	17/08/2015
Isthmus Landscape Design	ISO171 DA1-3	A	10/02/2015	2/03/2015

6. 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 2 March 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.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Canterbury Town Centre Development Contributions Plan, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as $1,025,818.52. Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.
8. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
10. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
11. All building operations for the erection or alteration of new buildings must be

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

12. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
13. All development, including walls must be located within the property boundaries of the subject site.
14. A security system/swipe card system is to be installed within the lifts, which allows operation of the lift only to authorized levels within the building.
15. All access points to the building (including lifts and stairwells) must be restricted to residents only through a security system. Visitors to the residential complex must be provided with access via the intercom.
16. Signage throughout the site is to be used to direct people to where they are meant to be. This will reduce excuse making and loitering opportunities for potential offenders.
17. 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.
18. 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.
19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. 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.
21. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
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. Drains, gutters, roadways and access ways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
25. The site must be provided with a vehicle wash down area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
26. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
27. All building construction work must comply with the National Construction Code.
28. 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.

29. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at each floor slab level indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
30. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
31. Submission of a Soil and Water Management Plan, to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The Soil and Water Management Plan must include details of:
    (a) property details (location, applicant, drawn by, date, scale)
    (b) accurate property description (property boundary)
    (c) contours
    (d) access point and access control measures
    (e) location and type of all sediment control measures
    (f) location of existing vegetation to be retained and undisturbed ground
    (g) any existing watercourse or drainage
    (h) material stockpile areas and storage and control methods
    (i) location of new drainage features (stormwater inlet pits)
    (j) revegetation proposals, including specifications on materials used and methods of application.

    (NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.
32. Where excavation is proposed adjacent to existing dwellings or a vacant property, the works shall be carried out in accordance with Part 3.1.1-Earthworks BCA and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
33. Where erection or demolition of a building involves the closure of a public place, or where pedestrian or vehicular access is to be obstructed or rendered inconvenient, the premises is to be provided with a hoarding and or sufficient awning to be erected to prevent any substance from, or in connection with the work falling onto the public place.
34. The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.
35. A photographic survey/dilapidation report of the adjoining property at 2a Charles Street, Canterbury detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, **shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate**. On completion of the excavation and building works and prior to occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be

made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

36. A geotechnical engineering report assessing the impact and safety of the proposed works is to be prepared by a suitably qualified and experienced geo practitioner and **provided to the Principal Certifying Authority prior to the issue of a Construction Certificate**. The report must include the results of subsurface investigations, involving either test pits to rock, or preferably the drilling of cored boreholes (to one metre below the proposed final excavation level). The report shall describe:
    - An indication and nature and depth of any uncontrolled fill at the site.
    - An indication of the nature and condition of the material to be excavated.
    - Indications of groundwater or seepages.
    - Required temporary measures for support of excavations deeper than one metre adjacent to property boundaries.
    - Statement of required excavation methods in rock and measures required to restrict ground vibrations.
    - Other geo-technical information or issues considered relevant to design and construction monitoring.

      All findings and recommendations of the Report are to be followed and adhered to throughout the construction process.
37. The design and location of letterboxes being in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published in February 1997, and being shown on the Landscape Plan at Construction Certificate stage.
38. Prior to the occupation of the development a letterbox is to be provided for the Owners' Corporation.
39. Prior to the occupation of the development a master antenna connected to the all dwellings on the site is to be provided.
40. All bathroom, en-suite and laundry windows contain translucent glazing.
41. 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, there placement BASIX Certificate; and
    b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
42. All goods and materials being stored wholly within the building.
43. No goods being stored or displayed on Council's footpath without the written consent of Council.

ACOUSTICS

44. Prior to the occupation of the development an acoustic assessment shall be undertaken to ensure that the recommended treatments and controls contained in the Acoustic Assessment Report prepared by Acoustic Logic Pty Ltd (Report Number 20150044.1, dated 16 March 2015) , submitted with DA-72/2015 , have been incorporated in the final design of the building.
45. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

CAR PARKING

46. Prior to the issue of a Construction Certificate, the applicant shall submit plans to the Council or the Principal Certifying Authority demonstrating that there is a clear path for vehicles at the entry point to the basement and to the ground floor parking area when entering/exiting the respective car parks to minimise any potential conflict.

    The plans shall also demonstrate for the ground floor parking area, the location of the required 'Give Way' and holding area, as the access is only single lane. The 'Give Way' and holding area is to be provided within the car park for exiting vehicles, with entering vehicles being provided with the right of way.
47. A total of one hundred and twenty one (121) off-street parking spaces being provided, comprising of:
    - One (1) car wash bay being allocated as common property;
    - One accessible car space being allocated to each accessible dwelling; and
    - One car space being allocated to all 1, 2 and 3 bedroom dwellings.

    The car spaces must be allocated and marked according to this requirement. If the development is strata subdivided, the car park layout must respect the above allocation.
48. The accessible parking spaces must comply with the dimensions of AS 2890.1 and have a firm, level surface with minimal crossfall. These spaces must be marked with the international symbol of disability.
49. Signage shall be erected to notify and allow people to use the designated spaces.
50. Parking facilities/storage for 34 bicycles is to be provided on-site for the development. . These details must be shown on the plan and submitted to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.

CRIME PREVENTION MEASURES

51. The storage units located in the vicinity of the car parking spaces must be fully enclosed and non-visible to deter potential offenders from breaking in as they

are unable to see what contents are stored within each storage unit.

52. Internal car park structures such as concrete columns, solid internal walls and service rooms must contain portholes (cut outs) to open sightlines, increase natural surveillance and assist with light distribution. Details shall be provided with the application for the Construction Certificate.
53. The building and surrounding structures shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. Details shall be provided with the application for the Construction Certificate.

DISABILITY ACCESS

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

WASTE MANAGEMENT

57. Prior to the issue of the Construction Certificate, the following details must be submitted to Council for approval:
    57.1. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP 2012.
    57.2. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.

ENGINEERING

58. That the stormwater system be constructed in general, in accordance with the plans, specifications and details approved by Council in satisfaction of the Deferred Commencement Condition and as amended by the following conditions.
59. 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.
60. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP 2012, Part 6.4.
61. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause

4 of Council's DCP 2012, Part 6.4.

62. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
63. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans have been prepared and implemented for the on-site detention and basement pump-out facilities. The Plans 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.
64. 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.
65. The Operation and Management Plans for the on-site detention and basement pump-out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
66. The submitted Geotechnical Report provides 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 with Canterbury City Council prior to the issue of a Construction Certificate.
67. 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.
68. Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent. Permanent rock anchors are not permitted in Charles Street.

    Where temporary anchors are proposed to be used in Charles Street an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993. 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.

69. As the proposed development includes significant excavation within the zone of influence of the adjacent road reserve, an integrated Structural and Geotechnical Engineering report must be submitted prior to the issue of a Construction Certificate.
The report must address the following issues at a minimum:

a) The type and extent of substrata formations by the provision of representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
b) The appropriate means of excavation/shoring in light of the point above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated;
c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby;
d) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
e) The basement must be of fully tanked construction to at least one metre above the ground water level to ensure that ground water is not drained by the subsurface drainage system. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
f) Any retaining walls must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment.

The Report must be prepared by suitably qualified Structural and Geotechnical Engineers and be submitted to Canterbury City Council and the Principal Certifying Authority prior to the issue of a Construction Certificate.

70. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

71. 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.
72. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
73. 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.
74. Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council under Section 138 of the *Roads Act 1993* for approval to undertake any works on Charles Street.

    Councils approval must be obtained prior to the issue of a Construction Certificate.

    The works must be constructed in accordance with any requirements attached to Councils approval and be completed prior to the issue of an Occupation Certificate.

    Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.
75. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1: 2004 Parking facilities Part 1: Off street car parking and AS/NZS 2890.6: 2009 Parking facilities Part 6: Off street parking for people with disabilities. 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) Minimum headroom of 2200mm must be provided throughout the access and parking facilities and a minimum headroom envelope provided over disabled parking spaces in accordance with Figure 2.7 of AS/NZS 2890.6: 2009. Note that headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, ducts, etc and at any open garage door.
    c) Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.

    The following headroom issues are specifically raised:

i. The non-compliant headroom resulting from the over bonnet storage areas will be accepted if the following can be demonstrated:
   - Where there is a need for increased minimum headroom over any of the affected parking spaces this can be provided by collapsing the storage unit and storing it fixed to the wall.
   - Where there is a need for fully compliant headroom over the whole of any of the affected parking spaces the storage unit(s) can be collapsed and removed from the wall for storage elsewhere.

ii. The headroom at parking spaces 45 and 46 in Basement 2 must be increased to a minimum of 2200 mm over the whole of each of the parking spaces.

d) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps.

e) Longitudinal sections along the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.

f) The width of the single sided parking aisles containing parking spaces 40 to 46 in Basement 2 and parking spaces 40 to 44 in Basement 1 must be increased to a minimum 6100 mm in accordance with Clause 2.4.2(d) of AS/NZS 2890.1: 2004.

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

PUBLIC IMPROVEMENTS

76. The development must comply with the Public Domain requirements set out in the Canterbury Town Centre Public Domain Strategy or subsequent City of Canterbury advice. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.
77. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

SUBDIVISION

78. 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.
79. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
80. The submission of one final plan of subdivision and five copies.
81. The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

TRAFFIC & CITY WORKS

82. 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.
83. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car parks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
84. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Sub-base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Micro-surfacing.
85. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".
86. The development must comply with the Public domain requirements setout in the Canterbury Town Centre Public Domain Strategy or subsequent City of Canterbury advice.
87. A Pedestrian Management Plan must be submitted to Council for approval defining movement needs and relevant infrastructure to the satisfaction of Council.
88. Operational Traffic Management Plan (OTMP) during construction should be submitted to Council for approval.
89. The proposed development should be designed such that road and traffic noise from Canterbury Road is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on no-road development) of State Environmental Planning Policy (Infrastructure) 2007.
90. The layout of the proposed parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) shall be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.

QENOS REQUIREMENTS

91. Prior to the issue of the Construction Certificate, the applicant is to obtain written consent from Qenos regarding the relocation of the Ethylene pipeline.

LANDSCAPING

92. The submitted landscape plan (Drawn by Isthmus Landscape Design, Drawing number ISO171DA1-3 Issue B and dated March 2014) has been prepared according to the Canterbury Development Control Plan 2012.
93. Prior to the issue of the Construction Certificate, the following must be updated/provided:
    93.1. The applicant is to further explore the opportunities for increasing soft landscaping in the rear deep soil setback to take full advantage of this space and the benefits that this can provide to this development with

reduced stormwater runoff and reduced heat sink properties of the space.

93.2. Facilities provided in the communal landscape area are limited. Please increase facilities provided within communal open space for a range of age groups incorporating seating for individuals or groups, barbecue areas and play areas.

93.3. The Railcorp Easement share zone does not require a hard paved surface, alternative minimal vehicle access paving should be used such as a grass paver system to reduce the stormwater runoff and heat sink properties of the space.

93.4. Please provide continuous evergreen screen planting with a minimum of 2m mature height to the rear and side boundaries.

93.5. All existing property trees are considered to have low amenity value and may be removed to accommodate construction. Their removal is conditional on their replacement with a minimum of 5 large canopy trees to the rear setback. All canopy trees are to be a minimum 7 5litre pot size and a mature height of greater than 6m.

94. Plant Quality and Sizes: 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).

95. Plant Pre-order: 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.

96. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.

97. Upon completion of the 52 week maintenance period as detailed in the submitted Landscape Management and Maintenance Plan, a report should be submitted to council by Isthamus Landscape Design or landscape contractor on behalf of their client, detailing the success of the landscape plan and an changes which have been made from original constructed landscape in accordance with changed site conditions, plant failures/replacements etc.

98. The landscaping is to be maintained at all times to the Council's satisfaction.

SYDNEY TRAINS (AWAITING CONDITIONS

99. Unless amendments are required by Sydney Trains as part of the review and approval/certification of the documentation listed in Condition A2 all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Investigation Report prepared by Asset Geotechnical (Ref:2552-R1 Rev 1) dated 18 February 2015
- Finite Element Modelling Report prepared by Asset Geotechnical (Ref:2551-1-R1) dated 15 June 2015.
- Shoring Plan Drawing No. S100 Revision E prepared by CEC, dated 14/09/2015.
- Shoring Elevation (1/2) Drawing No. S101 Revision E prepared by CEC, dated 14/09/2015.

- Shoring Elevations (2/2) Drawing No. S102 Revision E prepared by CEC, dated 14/09/2015.
- Shoring Sections Drawing No. S103 Revision E prepared by CEC, dated 14/09/2015.
- Shoring Details Drawing No. S104 Revision E prepared by CEC, dated 14/09/2015.
- Excavation Stages documentation prepared by CEC dated 14/09/2015 (Project No. ST15020).

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that the documentation listed in this condition have not be superseded with the approval/certification of documentation in Condition 105. Should Sydney Trains advise that any of the documentation listed in this condition have not been superseded, then the measures detailed in those specific documents are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

100. Unless otherwise advised by Sydney Trains, the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
    - 100.1. Machinery to be used during demolition, excavation and construction. It should be noted that excavations undertaken in rock are to maintain and limit vibration levels to levels that will not adversely impact Sydney Trains assets.
    - 100.2. Vibration monitoring report.
    - 100.3. Details regarding the proposed retaining wall along the rail corridor boundary.
    - 100.4. Revised Finite Element Modelling Report addressing/responding to the following items:
        - i) The Fill and Residual clay are a significant portion of the wall (approx. 50% wall height). There is no justification on using unload/reload Elastic modulus Eur = 3xEu for those materials. Further, the stiffness of the sandstone class 5/4 (E=300MPa) is considerably high comparing with the suggested value (E=80 MPa) in Table 3 of the Geotechnical report.
        - ii) The use of lower stiffness values will result in higher deformation at the railway area if the surcharge from the railway loads were included in the final deformation results. The current deformation results did not include the deformation induced by the railway load. That may be due to the railway loads being applied right from Stage 1 and zero-deformation being set at Stage 3.
        - iii) If the railway loads were included in the final results, higher Ko would show considerable impact on the deflection outputs.
        - iv) A reference stage (with respect to displacements) was set at Stage 3. Clarification is required as to whether this means that zero-deformation was set at Stage 3? If so, the final movements presented at the end of Stage 8 were underestimated as the railway loads were not included during the excavation works.

v) The modelling is to be reviewed with considerations of railway loads during excavation phase, revised stiffness and Ko values.

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition A1. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

101. All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. All footings are to be inspected by the geotechnical engineer to confirm design assumptions.
102. No rock anchors/bolts are to be installed into Sydney Trains property.
103. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
104. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
105. No works are to be undertaken within Sydney Trains easement without Sydney Trains prior written approval. Any works authorised by Sydney Trains within the easement area are to comply with Sydney Trains standards and directions.
106. No ground levels adjoining or near Sydney Trains infrastructure are be altered without Sydney Trains prior written approval.
107. The ability to undertake any works, maintenance and emergency activities by Sydney Trains, Transport for NSW (TfNSW), or any entity authorised by Sydney Trains or TfNSW, shall not be hindered through the easement area at any time. The storage of any plant, equipment and construction material shall not occur within the Sydney Trains easement unless Sydney Trains prior written approval is obtained.
108. Prior to the commencement of works the Applicant shall peg-out the common property boundary with Sydney Trains land and Sydney Trains registered easement burdening the subject land. This work is to be undertaken by a registered surveyor.
109. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
110. An acoustic assessment is to be submitted to Council and Sydney Trains prior

to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

111. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
112. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
113. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
114. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
115. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
116. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
117. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to Sydney Trains satisfaction prior to the fencing work being undertaken. Sydney Trains may

provide supervision, at the developer's cost, for the erection of the new fencing.

118. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
119. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
120. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations (eg concrete pumps) for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
121. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupancy Certificate. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
122. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
123. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
124. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.
125. Prior to the issuing of an Occupancy Certificate the Applicant shall provide Sydney Trains and Council as-built drawings and survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.
126. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

SYDNEY WATER REQUIREMENTS

127. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be

obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

CRITICAL INSPECTIONS

128. Class 2, 3 or 4 Buildings
    - at the commencement of the building work, and
    - prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
    - prior to covering any stormwater drainage connections, and
    - after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

    Class 5, 6, 7, 8 or 9 Buildings
    - at the commencement of the building work, and
    - prior to covering any stormwater drainage connections, and
    - after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

    Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.

    To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE

1) This application has been assessed in accordance with the National Construction Code which took effect on 1 May 2011.
2. The development is to be known as 10 Charles Street, Canterbury.
3. 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
    - Final Fire Safety Certificate
    - Glazing

- BASIX completion
- Premises Standard
- Waterproofing

4. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
5. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.
6. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
7. 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.
8. That the applicant be advised that any works to be carried out by Council at the applicant's cost need to be applied for in advance.
9. 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.
10. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
11. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
12. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.