JOINT REGIONAL PLANNING PANEL
(Sydney East Region)

JRPP No	2015SYE073
DA Number	DA-171/2015
Local Government Area	Canterbury City Council
Proposed Development	Demolition of existing structures and construction of a mixed use development comprising three towers (6 to 8 storeys) above a podium containing 110 residential units, ground level commercial and basement parking
Street Address	1188-1202 Canterbury Road, Roselands
Applicant/Owner	Urban Link Pty Ltd
Number of Submissions	Original application – 9 individual submissions and 3 petitions Amended application – 5 indivudual submissions and 2 petitions
Regional Development Criteria (Schedule 4A of the Act)	The application has a capital investment value in excess of $20 million and is referred to the Join Regional Planning Panel (Sydney East Region) for determination.
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy 55 – Contaminated Land (SEPP 55) • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) • State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007) • State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) • Canterbury Local Environmental Plan 2012 (CLEP 2012) • Canterbury Development Control Plan 2012 (CDCP 2012) • Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)
Recommendation	Deferred commencement approval subject to conditions
Report by	External consultant on behalf of Council
Report date	28 April 2016

Executive Summary

Council has received a development application seeking consent for the demolition of existing structures and construction of a mixed commercial and residential development comprising three towers above a podium at 1188-1202 Canterbury Road, Roselands. The development contains 110 residential units, ground level commercial units and basement parking for 216 vehicles. Two towers would be 8 storeys each while the third middle tower would be 6 storeys. Parking consists of 150 residential spaces, 24 visitors and 42 commercial spaces.

An offer of a Voluntary Planning Agreement has been provided for the public use of the proposed laneway to the rear of the property via an easement which is to be access via Pentland Avenue to the west and Fairview Avenue to the east.

The application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 as the proposal has a capital investment value in excess of $20 million.

The initial application (received 27 April 2015) proposed a continuous six storey building comprising 120 residential apartments, 2 commercial units and basement parking. In response to the notification of the original scheme 10 individual submissions and 3 petitions were received.

The original application was the subject of a JRPP briefing on 13 August 2015. Key issues raised during this briefing and Council's assessment resulted in the request and submission of amended plans to address a variety of issues including excessive building bulk, overshadowing, rear setbacks, landscaping and general building design. Revised plans were submitted to Council on 18 November 2015 and the application was renotified on 23 November 2015.

Following notification of the amended scheme, 5 individual submissions and two petitions were received, one containing 101 signatures and the second containing 47 signatures. Concerns raised include bulk and scale, loss of privacy, overshadowing, increased traffic, noise and litter generation.

Further amended plans were received on 8 April 2016 providing a larger bin store, access for a heavy rigid vehicles and additional planting at ground floor. This amended scheme is the subject of the following assessment.

The subject site is zoned B5 Business Development under Canterbury Local Environmental 2012. The proposed development is defined as 'shop top housing', which is a permissible use in the B5 Business Development zone subject to consent.

The development application has been assessed against the relevant State and Local Instruments and Planning Policies and is generally compliant with these requirements. Issues of non-compliance are discussed in the body of this report. The proposal involves a breach to the building height development standard under Clause 4.3 of CLEP 2012, which is supported by the provision of a Clause 4.6 submission.

The development application is recommended for approval subject to conditions

1. Site Details

The subject site is identified as Lot 45 DP 857536, and is commonly known as No. 1188-1200 Canterbury Road, Roselands. The site is located on the southern side of Canterbury Road, Roselands and is bordered by Fairview Avenue to the south and Pentland Ave to the west (refer to Figures 1 and 2).

The site is irregular in shape and has a splayed 85 metre frontage to Canterbury Road, a 43 metre side boundary to Fairview Avenue, a rear boundary of 52 metre, and a splayed 42 metre side boundary to Pentland Avenue. The site has a total depth of 45 metre and comprises a total area of approximately 4116m^2. The site is presently occupied by a single storey, attached retail store with associated parking and landscaping. Vehicle access to the site is currently provided via Pentland Avenue and Fairview Avenue with no direct access off Canterbury Road.

Surrounding development consists of a variety of bulky good retail premises along Canterbury Road and single storey, low density residential development to the immediate rear and south of the subject site.

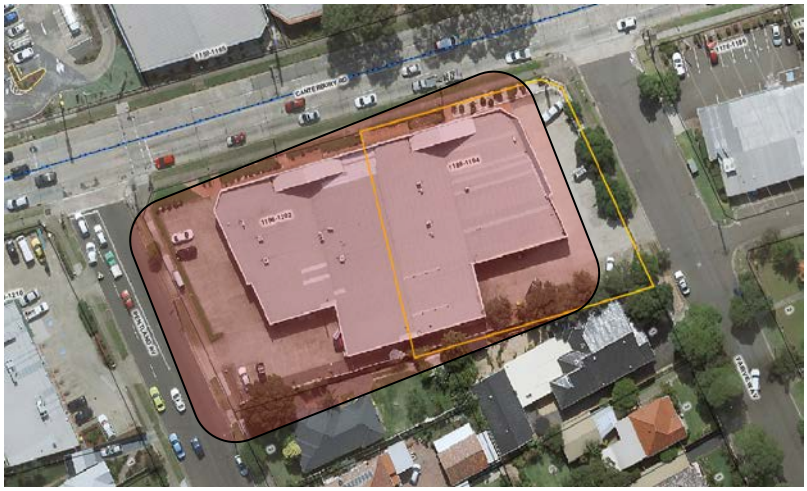

Figure 1: Aerial view of the subject site

Figure 2: The subject site as viewed from Canterbury Road

2. Proposal

The application proposes the demolition of existing structures and construction of a mixed-use development comprising a 3 storey podium level with three separate tower elements ranging from 6-8 storeys in height.

A more detailed breakdown of the proposal is provided in Table 1:

Table 1: Project details

Residential development	110 units on levels 1-7 comprising: • 1 bed – 23 units (21%) • 2 bed – 80 units (73%) • 3 bed – 7 units (6%) 17 of the units (15%) will be designed as adaptable dwellings
Commercial development	Total of 1,567m^2 of commercial floor area and 616m^2 associated storage and packing area. This is divided into 2 commercial units at ground level as follows: • Unit 1 – 584m^2 commercial floor space + 275 m^2 associated storage and packing area • Unit 2 – 983m^2 commercial floor space + 341 m^2 associated storage and packing area
Parking	216 car spaces consisting of: • 150 residential spaces • 24 visitor parking spaces • 42 commercial parking spaces 36 bicycle spaces
Communal open space	1456 m^2 (35% of site)
Deep soil planting	310m^2
Zoning	B5 – Proposal permissible with consent
FSR	3:1
Height	23.4m

Pedestrian access to the residential components would be provided via three separate lobbies off Canterbury Road and Fairview Avenue. Commercial Unit 01 would have independent and direct pedestrian access of the splay corner fronting Canterbury Road. Pedestrian access for Commercial Unit 2 would be off Canterbury Road using the shared path for residential lobbies A and B.

Vehicular access to the site would be via a proposed 9m-wide dual carriageway laneway located between the rear of the building and adjacent residential dwellings to the immediate south (being 1 Fairview Avenue and 2 Pentland Avenue). The laneway will run from Fairview Avenue to Pentland Avenue, providing two-way access to the loading dock, waste collection area and two levels of parking area beneath the building.

A Clause 4.6 variation request for the building height has been provided to justify the additional 2 storeys located on the eastern and western portions of the site in addition to the lift overruns and fire escape stairs which also contravene the maximum permitted height.

An offer of a Voluntary Planning Agreement (VPA) has been provided for the public use of a 9m wide laneway located to the rear of the property and which would be enabled by way of an easement over the property. The applicant maintains that the laneway would benefit the public in terms of access to the site as well as provide a buffer from the residential properties bordering the rear of the site.

Figure 3. View of proposed development from Canterbury Road.

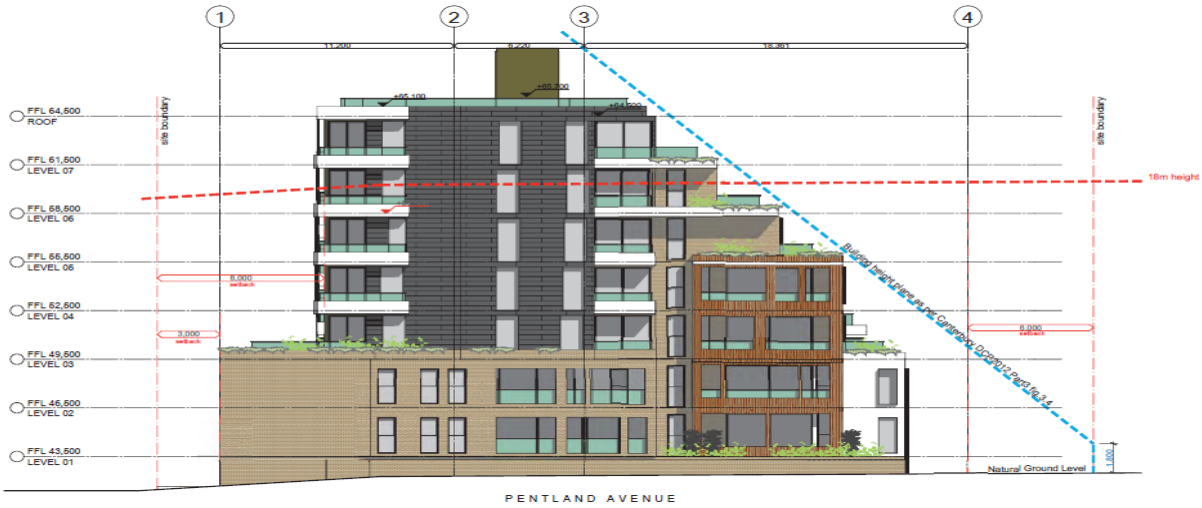

Figure 4: Side view of proposal. Note the stepped design of the rear elevation aimed to reduce overshadowing and privacy impacts to properties to the rear.

3. Statutory Considerations

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)
- State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX)
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

4. 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 have emerged:

4.1. State Environmental Planning Policy (State and Regional Development) 2011

Part 4 (Clauses 20 and 21) of State Environmental Planning Policy (State and Regional Development) 2011, applies to development in Schedule 4A of the EP&A Act 1979, to be determined by a Regional Panel. The proposal is for development with a capital investment value of more than $20 million and is therefore referred to the Sydney East Joint Regional Planning Panel ('JRPP') for determination.

4.2. State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)

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.

A preliminary site investigation report prepared by Aargus has been submitted which included a site inspection and desktop review of previous uses and associated planning data. The findings of the report indicate the site is not listed in the NSW EPA database as a contaminated site and that contaminants that may be present in some areas of the site are considered to be of low significance in terms of risk to human or environmental receptors. The report requires a Detailed Site Investigation (DSI) be completed to confirm the site is suitable for the proposed mixed commercial/residential development. This information is required as part of a deferred commencement condition. Furthermore, an investigation into

the presence of groundwater as a result of the depth of the excavated basement levels was not evident.

4.3. State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)

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

The subject site is located on Canterbury Road which is a classified road for the purposes of the SEPP. In accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007, the proposed development falls under the requirements of Schedule 3 of the SEPP and requires referral to Roads and Maritime Services (RMS).

Concurrence was provided from RMS subject to a number of conditions. These conditions include the redundant driveway on Canterbury Road being removed and replaced with kerb and gutting to match the existing. The RMS has requested design plans of the proposed kerb and guttering prior to the issue of a Construction Certificate and commencement of any road works. The RMS has also requested design drawings of the excavation on the subject site as well as having issued a variety of safety and hydraulic conditions.

Clause 102 of the SEPP states that a consent authority must not grant consent on land that has a frontage to a classified road unless it is satisfied that:

a) *where practicable, vehicular access to the land is provided by a road other than the classified road;*
b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
   (i) the design of the vehicular access to the land,
   (ii) the emission of smoke or dust from the development,
   (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,
c) *the development is of a type that is not sensitive to traffic noise or vehicular emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development will rely on access from Fairview Avenue which will be connected to a proposed 9m-wide laneway to rear of the site. Access will also be available from Pentland Avenue to the west of the subject site – no vehicular access will be provided from Canterbury Road.

Standard safety and emission control measures will be conditioned and implement on the subject site during the construction phase.

The commercial part of the proposal is comparable to the existing commercial uses on the land and is not expected to generate further traffic flow or necessitate any alterations to traffic or phasing of traffic lights.

Clause 102 of the SEPP states that a consent authority must consider likely impacts from road noise and vibration for development adjacent to certain road corridors. In particular, the SEPP requires that for the purposes of a residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken 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 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application is supported by an acoustic report prepared by D. Tsagaris and M. Zaioor of Acoustic Noise and Vibration Solutions P/L and dated 17.4.2015 (Reference No.2015-180). The report outlines a variety of measures undertaken to comply with the relevant acoustic controls. These include laminated windows in the ground floor commercial units, double glazing in living/dining/kitchen and bedroom areas of residential units facing Canterbury Road, Pentland Avenue and Fairview Avenue, double brick walls and galvanised roofing. The report concludes that if the development is constructed according to these measures, the proposal will meet the required noise reduction levels under the SEPP. The recommendations as outlined in the report will form part of the conditions of consent.

4.4. State Environmental Planning Policy 2004 – (Building Sustainability Index: BASIX)

BASIX Certificate No. 623551M_02 accompanies this application. The Certificate makes a number of energy and resource commitments in regard to the subject development. These commitments have been shown on the DA plans, and satisfy the requirements of the SEPP.

4.5. State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65)

The proposal is subject to the provisions of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) as it involves a mixed use development with a residential component of at least 3 storeys and 4 or more dwellings. Being lodged prior to 19 June 2015 the application is subject to assessment against the provisions of the Residential Flat Design Code (RFDC) Rules of Thumb. The Apartment Design Guide does not apply.

SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework for assessing 'good design'. A design verification statement was submitted by Ziad Boumelhem, a qualified designer and architect. The statement confirms that the project achieves the design quality principles set out in Part 2 of SEPP 65.

SEPP 65 requires an assessment of the proposal against the ten principles contained in Schedule 1 and the matters contained in the RFDC. An assessment of the proposal against the provisions and "Rules of Thumb" in the RFDC is provided below in Table 2 and indicates that the proposal is generally consistent with the recommended design standards. Where variations are proposed, they have been justified.

Principle 1: Context and neighbourhood character

The mixed-use nature of the proposed development is consistent with the future character and desired built form along the Canterbury Road corridor and is permissible in the zone. Ground floor commercial uses and medium density residential development will be a characteristic of the area along Canterbury Road.

Principle 2: Built form and scale

The scale and built form of the proposed development is consistent with the scale of development which is encouraged for this area. The proposal is generally consistent with the bulk and urban design context in this locality despite seeking a variation to the building height. The height variation is 5.4m at its maximum on the eastern and western towers creating a total height of 23.4m. The excess height consists of 2 floors as well as a lift overrun and fire stairs.

The three towers are each separated by a distance of 12m above the three-storey podium. At least 3m of excess height is limited to the lift overrun which is not expected to be largely visible from street level. The design of the building is not dissimilar to approved mixed use developments in similar zones along Canterbury Road.

The ground level commercial and upper level podium presents a strong vertical theme however some improvements could be made at ground level to reinforce the commercial streetscape of Canterbury Road and further activate the street edge. The cross fall of the site has resulted in parts of the ground floor being partially below street level. This results in a less than desirable outcome in terms of crime prevention and providing disabled access to both the commercial unit 2 and two residential lobbies. It also limits the opportunity for exposure for future commercial tenants and the potential for street activation. The proposed raised planter boxes in the front setback also exacerbates this issue as they screen the commercial units.

A condition as part of a deferred consent is proposed to provide the applicant with the opportunity to amend the design of the Canterbury Road frontage to better maximise activity at street level and address access and safety issues. Any amendments must not result in any additional height increase.

The development is set back from rear by 9m thus providing a buffer to the rear properties. This buffer is strengthened on the upper levels via a ‘stepped’ design, where units step away from the boundary as the height increases.

The residential towers above the podium are set back to the centre of the podium and do not directly address the street, thus presenting an unimposing and nuanced built form. The commercial portion has a clear entry point for vehicular and unloading access to the rear and will thus not impact the flow of traffic. Suitable open space has been provided via substantial common open space areas at podium level and individual open space via the provision of balconies for each unit. Additionally, landscaping has been incorporated within the design at the podium level and around the perimeter of the northern section of the site to enhance the visual appearance of the streetscape, and complement future development.

The proposal achieves the built form objectives as it contributes positively to the streetscape and provides a high level of amenity for residents and tenants.

Principle 3: Density

The proposal is of a built form and scale that is considered acceptable within the subject zoning and provides for a suitable utilization of land along a major transport corridor. Despite the height non-compliance (discussed in further detail below), the development is generally consistent with Council's desired future character of the locality. The proposed development has been designed to achieve the aims and objectives of the built form controls of CLEP 2012 and CDCP 2012 and therefore represents an appropriate density for the site.

Principle 4: Sustainability

Beyond the energy and resource commitments required from the applications BASIX Certificate, the RFDC requires additional energy efficiency commitments which are mainly focused on cross-ventilation and solar access. The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 79% (87 units) of the dwellings would be cross ventilated. 100% of the kitchens in the development would be naturally ventilated. In addition, the RFDC requires that 70% of units receive direct solar access to their living spaces. The proposal allows for 71% (79 units) of the dwellings to receive solar access to their living spaces and balconies.

Principle 5: Landscape

Landscape details have been provided for the communal open space area, for the area between each of the buildings and the areas around the perimeter of the site. The landscape plan has been reviewed by our Landscape Architect and is acceptable subject to some amendments, which are addressed with conditions of consent.

Principle 6: Amenity

The proposal achieves satisfactory residential amenity by supplying reasonable room sizes and shapes. Three floors within the development contain parts that exceed the 18 metre building depth. However, this is acceptable where the building is free standing, which this is, being surrounded on 3 sides by existing roads and a proposed lane at the rear. The proposed units meet the solar access and natural ventilation requirements of the RFDC and will provide adequate amenity for future residents.

Principle 7: Safety

The proposal has been reviewed in accordance with Part 6.3 of CDCP 2012 relating to Crime Prevention through Environmental Design controls and is considered to be generally consistent with these principles. A condition requiring the applicant reconsider to the ground floor access on the Canterbury Road frontage will address safety issues relating to the sunken access areas that are currently proposed.

The proposal will result in a higher residential density than currently exists in this area, thereby increasing activation of the surrounding streets. The three residential towers with large window openings provide for adequate passive surveillance of the podium level and

surrounding streets. Glass balustrades on all balconies and open spaces enhance passive surveillance of the site. Entries to residential areas will be secured and most commercial premises and associated storage areas have separate entry points. Residential entry and lobby areas are to be secured and well lit.

Principle 8: Housing diversity and social interaction

The proposal provides a good mix of 1, 2 and 3 bed units, of which 15% will be designed as adaptable dwellings which will further diversify housing choice for this part of the LGA. Communal open space areas will provide opportunities for social interaction among residents.

Principle 9: Aesthetics

The design of the proposal and the incorporated building elements contribute to the desired future character of the area and is consistent with the objectives of CDCP 2012. The applicant has submitted a statement, which details the proposed development's compliance with the design principles of the SEPP. In particular, the scale, density, and built form of the development are appropriate for the development's position along the Canterbury Road corridor. The commercial units on the ground floor promote an active street frontage. The individual apartments provide a good level of amenity for occupants through the provision of double sized bedrooms, open plan living areas and many with deep balconies.

A variety of different hues and external building materials such as wood, steel, glass and cement rendering are proposed. The towers are set back from the street/podium levels which will lessen perception of bulk. The colour scheme is a muted and modern combination of creams, browns and greys. The appearance of the building is considered compatible with the desired future character of the locality and enhances the existing surrounding streetscapes.

Overall the proposal is considered to be consistent with the principles of SEPP 65.

An assessment of the proposal against the numerical standards of the Residential Flat Design Code is provided below in Table 2.

Table 2: RFDC Assessment

RFDC Standard	Requirement	Proposed & Compliance
Building Height	Test height controls against relevant FSR control, number of storeys and minimum ceiling heights.	23.4m – 5.4m variation proposed to 18m LEP height limit. Variation and Clause 4.6 request discussed in detail in Section 4.6 of this report.
Building Depth	Depth of freestanding buildings may exceed 18m provided satisfactory daylight and natural ventilation is achieved	YES – Parts of the building on Levels 1-5 exceed 18 metres depth however units meet solar access and natural ventilation requirements. Proposal will provide adequate amenity for future residents.

RFDC Standard	Requirement	Proposed & Compliance
Building Separation/ Visual Privacy • Up to 4 storeys	• 12m between habitable rooms/balconies to same • 9m between habitable rooms/balconies to non habitable rooms • 6m between non-habitable rooms	YES – Minimum 12m separation between internally-facing units
• 5-8 storeys/up to 25m high	• 18m between habitable rooms/balconies to same • 13m between habitable rooms/balconies to non-habitable rooms • 9m between non-habitable rooms	NO for levels 4 & 5 where 12m separation is proposed between internally-facing units. See [1] below. YES, for levels 6 & 7 > 18m
Communal Open Space	Minimum 25% of the site = 1029m^2	YES – Proposal provides 1456m^2 (35%) of common open space
Deep Soil Zones	Minimum 25% of common open space should be deep soil = 257m^2	YES – Proposal provides 310m^2 (30%) communal open space as deep soil zone.
Apartment Layout	• Single aspect apartments limited to 8m depth from a window & back of kitchen <8m from window • Cross through apartments > 15m deep should be >4m wide Buildings not meeting these standards must demonstrate satisfactory daylighting and natural ventilation can be achieved, particularly to habitable rooms. • Suggested min. apartment sizes: o 1 bed – 50m^2 o 2 bed – 70m^2 o 3 bed – 95m^2	YES - Max depth is <8m from any window. YES - Cross through apartments > 15m deep >4m wide YES - Min apartment sizes exceed: 1 bed – 50m^2 2 bed – 70m^2 3 bed – 95m^2
Balconies (Private open space)	• Each unit has 1 balcony (min) located off a living area • Min depth 2 metres	YES - Each unit has one balcony with a min. depth of 2 metres off a living area.
Ceiling Heights	• Ground floor commercial min 3.3m • Residential buildings/floors - Habitable rooms min. 2.7m, Non-habitable 2.25m	YES - 3.3m YES - 2.7m for habitable, non-habitable at least 2.4m
Internal Circulation	For double-loaded corridor, max. 8 units accessed from corridor	YES – Maximum of 5 dwellings off a single circulation space
Storage	• 6m^3 for 1 beds • 8m^3 for 2 beds • 10m^3 for 3 beds At least 50% within unit	YES – subject to conditions 50% of storage provided internally using following rations: • 3m^3 for 1 beds • 4m^3 for 2 beds

RFDC Standard	Requirement	Proposed & Compliance
		• $5m^3$ for 3 beds Remaining area will need to be accommodated in the basement area. Areas totalling $170m^2$ are provided however it is unclear how it will be allocated
Daylight access	• Min. 70% of units to receive min. 2 hours of sun on 21st June between 9am – 3pm • Max 10% of units are south facing & single aspect	YES – 79 (71%) of units meet this requirement YES – Only 2 south facing units are single aspect = < 2%
Natural Ventilation	Min. 60% of units and 25% of kitchens naturally ventilated	YES – 87 units (79%) are naturally cross ventilated

[1] Building Separation for 5-8 storey components

Reduced building separation distances down to 12 metres are proposed for 16 units on Levels 4 and 5 which are located in the three tower elements. The RFDG states developments proposing less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.

Above the podium level the development has been designed with residential units divided into three towers to allow for solar penetration to all units. The design also assists with cross ventilation and air flow to the units. The proposal is recessed from the rear to reduce overshadowing and privacy impacts for properties located to the south and the 3 residential towers are set back from the street frontage on the podium level by several metres, thus reducing bulk and building mass.

Units have been designed to ensure visual and acoustic privacy can be maintained. This includes consideration of window placements and landscaping on parts of balconies that can provide screening. As the rooms of the proposed units exceed the minimum standards within the RFDC, the units are considered to provide adequate space and amenity to meet the needs of future occupants. The development complies with the daylight access standards and the building form provides an appropriate massing with spaces between buildings and adequate open space provisions. On this basis the proposal is considered to be consistent with the objectives of the building separation control.

4.6. Canterbury Local Environmental Plan 2012 (CLEP 2012)

This site is zoned B5 – Business Development under CLEP 2012. Shop top housing is permissible with consent. The proposed commercial units have large floor plates with associated storage capable of being used for a mix of businesses including bulky goods and distribution centres which are permissible uses in the zone.

The LEP does not contain FSR controls for this site. The proposed development complies with the design and numerical requirements of CLEP 2012 with the exception of building height. The building will have a maximum height of 23.4 metres, exceeding the 18 metre height limit in the LEP by 5.4 metres.

4.6.1. Height variation

The excess height consists of 2 floors on the top of the eastern and western towers which effectively raises their height from 6 to 8 levels. The other component of the height excess is the 3-metre-high lift overrun and fire stair access centred on the roof of all three towers that would not generally be visible from street level.

The development has been redesigned to respond to concerns of inappropriate built form. The initial application consisted of 120 apartments in a single block and not recessed away from the boundary or podium level. This proposal, while generally compliant with the 18m height level, resulted in complete overshadowing to properties to the south of the site and resulted in a large number of the apartments not meeting the minimum solar requirements. A comparison of the shadows cast by the original scheme versus the current proposal is shown in Figures 5-7 below.

Original proposed scheme *Revised design*

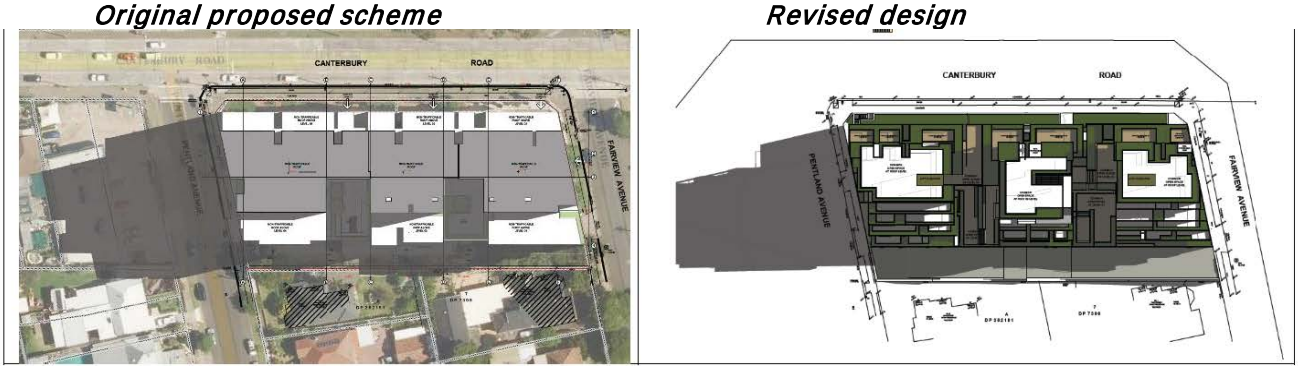

Figure 5 – Shadow diagram at 9.00am 21 June

Original proposed scheme *Revised design*

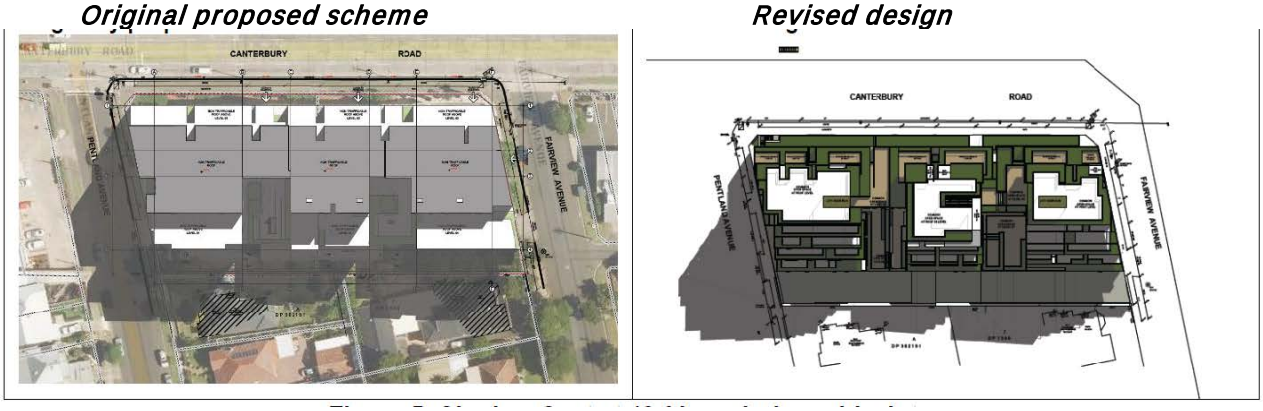

Figure 6 – Shadow diagram at 12.00pm 21 June

Original proposed scheme *Revised design*

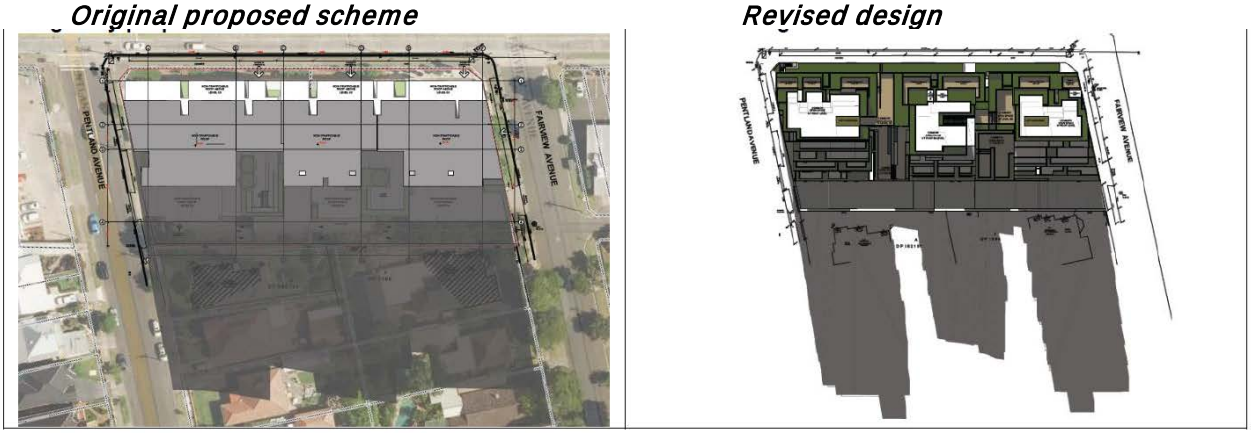

Figure 7 – Shadow diagram at 3.00pm 21 June

The applicant has submitted a justification in accordance with Clause 4.6(3) of the CLEP 2012 to demonstrate:

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Reasonableness

The applicant maintains that compliance with the maximum height development standard is unnecessary in these instances as the development meets the objectives of the height standard, not-withstanding non-compliance with the numerical standard.

The objectives of the height controls in Clause 4.3 of the CLEP2012 are:
(a) to establish and maintain the desirable attributes and character of an area,
(b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,
(c) to support building design that contributes positively to the streetscape and visual amenity of an area,
(d) to reinforce important road frontages in specific localities.

The applicant states the proposal is consistent with objectives (a), (c) and (d) in that the development will establish future desirable attributes of the area. The land fronting Canterbury Road is along a major transport corridor and is considered a suitable location for medium density mixed-use development and the site has been zoned accordingly to accommodate such development.

The subject proposal, being one of the first major developments within the immediate area, will set the tone for future building designs along the corridor. Subject to the recommended design changes at ground floor, the development will reinforce the importance of the Canterbury Road frontage as it will revitalise the street by allowing for more commercial activities and a larger number of residents in the area. The building is considered to

represent a positive contribution to the streetscape with a density and design that is considered appropriate for a major transport corridor.

In regards to objective (b), the redesigned building, while increasing height beyond what is permissible under the LEP, results in improved urban and environmental outcomes. The 12m separation between the three towers will allow for full solar penetration at 9am and partial penetration to properties to the south on 21st of June as shown in Figures 5-7 above.

The previous design, while compliant with the height limit, formed one elongated building. The unbroken design resulted in continuous overshadowing to the properties below. Additionally, the redesign sets the towers further back from the front and rear of the podium by 3m and reduces massing and visual impacts.

Council has requested the applicant submit diagrams showing the shadow that would be cast by the development if the two additional storeys (Levels 6 and 7) were deleted to comply with the 6 storey height limit (refer to Figure 8).

Figure 8 – Shadow diagrams for a height compliant scheme for 9:00am, 12:00pm and 3:00pm.

When compared to Figures 5-7 above the shadows are largely the same for 9:00 and 12:00 but at 3:00pm the eastern and western 'fingers' are reduced (shown in red below)

The diagrams indicate that the difference in shadows cast by the additional two storeys is only noticeable in the late afternoon, as shown on the diagram for 3pm. Reducing the height of the two tower elements to strictly comply with the height control would therefore only result in a marginal reduction in shadowing throughout the majority of the day. Given the proposal satisfies the minimum solar access requirements of the RFDC and CDCP, in this instance it would be unreasonable and unnecessary to require the development be amended to strictly comply with the height standard for reasons of overshadowing impacts.

Environmental planning grounds

The applicant's justification references the recent Land and Environment Court decision Four2Five Pty Ltd v Ashfield Council (2015) and states the proposal meets the objectives of clause 4.6(1)(b) to allow flexibility in this case as the development will achieve a better outcome for and from the development.

The height non-compliance has arisen as a result in the increased rear setback (9m instead of the minimum 6m) and the condensing of apartments into 3 residential towers above the podium to provide for 12m separation between the towers. This reallocation of massing is considered by the applicant to improve outcomes in relation to solar access, streetscape presentation and the provision of significant areas of common open space. Specifically:

- the proposal improves both the amenity of future occupants and that of adjoining southern dwellings;
- without a site specific resolution, the degree of shadow cast from a fully compliant scheme could be significant. The proposal significantly improves the shadow impacts by allowing fingers of sunlight to reach the rear yard areas of the southern properties during the afternoon period when it would otherwise be lost. This is considered to represent a clear improvement that is specific to the site;
- the proposal provides the intended density at the site within a form that achieves narrow tower elements and voids between the buildings. The site has a long frontage to Canterbury Road and the proposal allows for breaks in the building that will provide views of the sky between the buildings. It will also promote a finer grain pattern of development rather than a continuous and unbroken mass.
- The amendments facilitate the providing of additional common open space areas and equitable access to roof terraces which represents an improved urban design outcome for the site by providing more than the required open space areas within separate useable areas.

The applicant's written statement adequately covers matters required by subclause 3.

Public Interest

The application proposes to provide public access through the site by creating a right of way over the lane to the rear of the property. This accords with the objectives of Council's draft strategic traffic policies which encourages the provision of rear lane access on major corridor routes (such as Canterbury Road) in order to minimize traffic impacts. The provision of this laneway is therefore in the public interest as it would continue the planned laneway system and minimise traffic impacts associated with the development. More details regarding the mechanism for providing the laneway is provided in Section 4.9.1 of this report.

Overall approval of the development application would not be contrary to the public interest. The proposed building is in keeping with the desired future character of the area, as prescribed by CLEP 2012 and the CDCP 2012. The mixed-use nature of the proposed development is consistent with the future character and desired built form along the Canterbury Road corridor, subject to some design amendments discussed earlier. Ground floor commercial uses and high density residential development will be a characteristic of the area along Canterbury Road and the proposal is considered to positively contribute to the streetscape and visual amenity. The road frontages will be reinforced by the design which addresses all three road frontages. The continued revitalisation and improvement of the streetscape benefits the community.

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

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

4.7. Canterbury Development Control Plan 2012 (CDCP 2012)

The site is in the Canterbury Road corridor and classified as 'urban general', which under the DCP controls is expected to comprise medium scale buildings ranging in height up to 6 storeys with varying street alignment. Street level activities could include commercial and residential and showrooms are permitted provided they are designed to reinforce pedestrian quality.

The proposal generally complies with the design and numerical requirements of Canterbury Development Control Plan 2012 with the exception of building heights and depths which in turn impact the building envelope requirements. An assessment of the proposal against these standards is provided in Table 3 below.

Table 3: Assessment against CDCP provisions

Control	Requirement	Proposed	Complies
3.1.1 Building Envelope Requirements	Building envelopes defined by a combination of controls including: • building height, • building depth, • building separation, • building setbacks, • site and rear setbacks to residential zones.	The building envelope is generally compliant with the relevant controls except height and depth (discussed earlier). The building is stepped back 9m from the rear elevation as it ascends.	NO but considered acceptable – addressed above in Sections 4.5 & 4.6 of this report
3.1.2 Site Amalgam-ations	Min site frontage 30m in a B5 zone where comprehensive redevelopment is proposed.	Site frontage - approximately 85m.	YES

Control	Requirement	Proposed	Complies
3.1.4 Avoid Isolating Undeveloped Sites	New development should not result in the isolation of neighbouring property that would be narrower or smaller than the required and could not be able to accommodate redevelopment.	Neighbouring properties to the south along Pentland Ave and Fairview Ave would still be capable of future redevelopment	YES
3.1.6 Height	Building height: • Max height of 18m (set by CLEP). • New buildings in a traditional streetscape to be compatible with the height of adjoining and nearby two storey buildings.	• 25.4m (including lift overruns) • Canterbury road streetscape in this area comprises a mix of non-traditional styles	NO but considered acceptable – addressed above in Section 4.6 of this report
	Floor to ceiling heights: • Ground floor - min 3.3m • Residential floors – min 2.7m • Car parking- min 2.8m.	• Commercial units - 3.3m • Residential units - 2.7m • Basement parking - 2.8m	YES
3.1.7 Depth/ Footprint	Residential: • Max 18m depth from glass line to glass line. • Upper levels setback to limit the depth of residential floors above deeper commercial or retail floors.	Depths vary per level from a maximum 22.25m at levels 3 & 4 in Tower C to a minimum of 15.58m on level 7 in towers A & C.	NO – but proposal complies with RFDC depth controls for freestanding buildings – refer to Table 2 of this report. Considered acceptable.
	Commercial and retail: • Maximum depth 24m. • Minimum depth 10m. • Maximum length of any wall 50m or landscaped indent is provided, minimum 9m by 9m.	• Commercial areas (excluding storage areas) have a max depth of 23m, min 11m. • Façade along Canterbury Road is articulated and landscaped.	YES

<table>
<tr><th>Control</th><th>Requirement</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>3.1.8 Setback</td><td>B5 zones (buildings with no ground floor residential)
Number of storeys at the street and setback - 1-4 storeys a minimum setback of 3m from street boundary
Upper level setback (above 4 storeys) – an additional 5m
Rear setback not required if the land adjoins a lane.
Variations may be acceptable on the secondary street, on corner sites, to allow for outdoor display areas and outdoor dining.</td><td>Basement and first 4 storeys of Canterbury Road frontage setback at least 3m
Levels 4 and above are setback 8m</td><td>YES</td></tr>
<tr><td></td><td>Side setback – no relevant controls for mixed use development with 3 road frontages</td><td>Development built to the boundary on the side frontages to Fairview and Pentland Avenue</td><td>N/A</td></tr>
<tr><td></td><td>Rear setback - on boundary with residential zone
Establish a 45º height plane projected at 6 m from the residential boundary.
Min 6m setback
Max 2-storey limit</td><td>9m rear setback to the adjacent residential zone substantially within a 45º height plane except at Level 7
Closest built element is 2 storeys</td><td>NO - condition to comply

YES – for min. setback & 2 storey element</td></tr>
<tr><td>3.1.9 Building Separation</td><td>Min separation distances between buildings on adjoining sites, or on the same site.<table><tr><th>Storey</th><th>Habitable room /balcony to hab room /balcony</th><th>Habitable room /balcony to non-habitable room</th><th>Between non-habitable rooms</th></tr><tr><td>Up to 3</td><td>6</td><td>4</td><td>3</td></tr><tr><td>4th</td><td>12</td><td>9</td><td>6</td></tr><tr><td>5th-8th</td><td>18</td><td>13</td><td>9</td></tr></table>
Residential windows may face into a building separation, but only if the separation is completely open.
When the building set back creates a terrace, the building separation distance for the floor below applies across the terrace.</td><td>12m separation is proposed between internally-facing units from Levels 3 upwards.
Residential windows face into the open separation areas</td><td>NO for levels 4 & 5 where 12m separation is proposed between internally-facing units. Discussed above in Section 4.5 above and considered acceptable.</td></tr>
</table>

Control	Requirement	Proposed	Complies
3.1.10 Exceptions to Setbacks	The following minor building elements may project into the minimum setback area: • Underground parking, • Awnings, • Balconies and bay windows.	Balconies on Level 4 and upwards facing Canterbury Rd project 300mm-400mm into 8m setback.	YES
3.1.11 Public Domain	Developer contributions and works associated with development may be required for public domain works such as paving, landscaping, lighting and street furniture may be required as a condition of consent. Incorporate new, and maintain existing, through site links to public parking, open spaces and improve access and circulation.	Developer contributions will be required as a condition of any consent issued New lane to the rear which is the subject of a Voluntary Planning Agreement will provide a new link through the site.	YES
3.1.12 Car and Bike Parking for Shop Top Housing (same rate as for Residential Flat Buildings)	156 car spaces comprising: • 133 residential spaces • 22 visitor • 1 car wash bays *NB: Calculation* 110 residential units proposed • 23 x 1 bed units: 1 space per dwelling = 23 spaces • 80 x 2 bed units: 1.2 spaces per dwelling = 96 spaces • 7 x 3 bed units: 2 spaces per dwelling = 14 spaces • Visitor parking: 1 space per 5 dwellings = 22 spaces 33 bicycle spaces comprising: • 22 resident spaces (1 space/5 dwellings) • 11 visitor spaces (1 space/10 dwellings)	172* residential car spaces comprising: • 148 residential spaces • 24 visitor spaces *Note: 2 car spaces shown on the plans don't comply with the access requirements of AS. These spaces have been deducted from the above provisions. Not shown – condition to comply. This may affect 17 excess parking spaces.	YES - subject to conditions relating to allocations YES – subject to conditions

Control	Requirement	Proposed	Complies
3.1.12 Car and Bike Parking for Commercial units with warehousing	• 42 commercial car spaces • 12 bicycle spaces *NB: Car parking calculation* 1 space per 40m^2 for commercial component, 1 space per 300m^2 for warehouse/storage component • Unit 1 – 726m^2 (584m^2 with 275m^2 storage = 16 spaces • Unit 2 – 1310m^2 (983m^2 with 341m^2 storage = 26 spaces *NB: Bicycle parking calculation* • Staff – 1 space per 200m^2 = 10 spaces • Visitors – 1 space per 750m^2 over 1000m^2 = 2 spaces	• 42 parking spaces • Cycle parking not shown. Condition to comply.	YES YES – subject to conditions
3.2.1 Context	New built form and character - Building form and design do not have to mimic traditional features, but should reflect these in a contemporary design.	A contemporary design with appropriate levels of articulation and materials used	YES
3.2.2 Street Address	Entries: • Locate entries so they relate to the existing street, subdivision pattern, street tree planting and pedestrian access network • Provide an awning over the entry, accessible entries Habitable rooms: • Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to promote positive social interaction and community safety.	Pedestrian and vehicle entrances are visible from the street while not impeding traffic flow to Canterbury Road. Awnings will be provided over the entry. A high level of passive surveillance is achieved via the three independent towers with residential units on all four sides	YES – subject to design amendment to ground floor to activate the street level and improve access and safety
3.2.5 Shopfront	• Windows on the street frontage are transparent (not mirrored) to provide visibility between interior and exterior spaces, allow for surveillance of the street and provide interest for pedestrians. • Do not place external solid roller shutters or brick walls on shopfronts.	Windows on the street frontage are transparent and allow for surveillance to Canterbury Road. No security grilles are proposed.	YES
3.2.6 Corners, Gateway Sites and Foreground Treatments	Use corner features, wrap around balconies, vertical elements, changes in materials or colours and the like to emphasise corner buildings – vertical corner features do not exceed 1.5m above the maximum height of the building.	The corner elevations are appropriately articulated with a variety of materials, colours and designs.	YES

Control	Requirement	Proposed	Complies
3.2.7 Frontage Types	Provide frontage treatments to maximise activity at the public/private interface and provide weather protection.	The proposal provides covered entries to the commercial and residential units. The provision of an awning is not proposed given the substantial landscaped area provided within the 3metre setback which will positively contribute to the Canterbury Road streetscape.	YES
3.2.8 Roof Design	• Relate roof design to the desired built form and context. • Roof terraces are permitted with consent in a B5 zone. • Roof terraces designed to protect the privacy, solar access and amenity of adjoining buildings including screening or planting between properties and preventing rooftop users from standing at the edge of roof terraces through planting and screens.	A contemporary and low profile roof form is proposed with non-reflective materials. The roof design is considered appropriate for the subject site. Upper levels are stepped away from boundaries, thus improving privacy and solar amenity to nearby properties. Communal open space is proposed on the roof tops of each tower, sufficiently setback from the edge with landscaping to restrict views.	YES
3.2.9 Services and Utility Areas	Reduce the impact of services and utilities through their integration with the design of landscaped areas and buildings.	• Mailboxes are located near foyers and in accordance with Australia Post standards. • Air conditioning units will be behind balustrades. • Meters and external heating units are undercover and not visible within external facades.	YES
3.3.1 Visual Privacy	Locate and orient new development to maximise visual privacy between buildings on and adjacent to the site, and to minimise direct overlooking of rooms and private open space.	As the proposal complies with separation requirements, it is generally compliant with this clause. The use of opaque glass in a number of windows strengthens visual privacy impacts	YES

Control	Requirement	Proposed	Complies
3.3.2 Acoustic Privacy	• Address all requirements in *'Development Near Rail Corridors and Busy Roads (Interim Guideline')*. • Protect new dwellings from intrusive noise.	Noise levels will be within the limits adopted by the Building Code of Australia, NSW Road Noise Policy, AS 3671 'Road Traffic Noise Intrusion – Building Siting and Construction' and Australian Standards AS 2107 'Acoustics – Recommended Design Sound Levels and Reverberation Times'. Works include double glazed windows, laminated glass, double brick walls and galvanised roofing. These elements will form a part of conditions of consent.	YES
3.3.3 Open Space	• All dwellings have direct access of living area to private balcony with min dimension 2m • Min area: o 1 beds – 8m^2 o 2 beds or more – 12m^2 • 2+bed units – balcony area > 10% floor area of unit • Minimum 10% of site area as communal open space	• All dwellings have balconies meeting the min. 2m dimension. • Communal open space represents 35% of site area	YES
3.3.4 Internal Dwelling Space and Design (Including storage)	• Min width living areas and master bedrooms - 3.5m • Min width secondary bedrooms - 3m • Min internal or garage storage o 1 bed – 6m^2 o 2 bed – 8m^2 o 3+ beds – 10m^2	All bedrooms comply with the size criteria 50% of storage area provided in unit. Remaining area to be provided in dedicated areas in basement - to be required by condition.	YES – subject to conditions
3.3.5 Housing Choice	• Include a mix of unit sizes • 10% of units accessible/ adaptable	Mixture of apartment sizes proposed. 17 dwellings (15%) are adaptable dwellings.	YES
6.1.1-6.1.4 Access and Mobility	Appropriate access in new development in accordance with mandatory requirements and genuine consideration of the needs of people with a disability.	Appropriate consideration of requirements integrated into design	YES

Control	Requirement	Proposed	Complies
6.2.6 Daylight Access and Sun Access	At least 2 hours' sunlight between 9.00am and 3.00pm on 21 June should be received daily: • to indoor living areas and principal areas of private open space for at least 75% of the proposed dwellings. • for at least 50% of any proposed communal open space. • for adjoining development - existing indoor living areas and at least 50% of the principal portion of existing private open space • for solar hot water or photovoltaic systems on adjoining land Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	• Communal space is located on the northern side of the podium. • Most dwellings (85 of the dwellings) receive solar access during the required times. • The development will maintain 2 hours of sunlight to existing residential properties to the south and their solar panels between 9-11. • Only 2 south facing units are single aspect = < 2%	YES YES YES YES
6.2.7 Ventilation	Provide natural cross ventilation to at least 60% dwellings, and natural ventilation to 25% of kitchens in a multiple unit development.	At least 79% of apartments have natural cross ventilation. All kitchens capable of natural ventilation.	YES
6.3.1- 6.3.5 Crime Prevention	Practical crime prevention techniques such as opportunities for passive surveillance create active street frontages, avoid blind spots, visible entrances according to CPTED principles.	Appropriate street activation and passive surveillance opportunities are created by the proposal.	YES

[1] 45 Degree Height Plane

A portion of Level 7 exceeds the rear setback 45-degree height plane requirement. The height plane provision seeks to minimise amenity impacts on adjoining properties as well as minimise building size and bulk by setting back upper storeys. Given the sensitivity of the proposal adjoining a residential boundary this non-compliance is not supported. A Deferred Commencement condition requiring the building be amended to comply with this control is proposed.

CDCP Part 3.2.3 and 3.2.4 - Façade Design and Articulation and Façade Details

The façade is adequately detailed and has been redesigned from a large, bulky building expanse from one street corner to another to a design comprising ground level commercial with a podium level above and 3 towers. The separation between tower elements allows for solar penetration and unimpeded air flow to the properties to the rear.

The 3 towers are set back on the podium by approximately 3m, improving visual interest and articulation. The façade treatment comprises a variety of different hues, materials and design and is considered a desirable built outcome.

Appropriate levels of articulation around entrance points and the ground level elevation facing Canterbury Road have been provided. The towers use large windows; most of which are located on the two corners (Fairview and Pentland Avenues). The proposal is considered to be consistent with the design and articulation provisions of the CDCP.

CDCP Part 3.2: Climate and Resource Efficiency

The proposal is designed to meet the solar access and cross ventilation requirements of SEPP 65. The site has a north-south orientation. The majority of apartments will be dual aspect and have good solar access. Thermal comfort complies with BASIX requirements.

Overshadowing to properties to the south has been minimized by redesigning the building to provide three towers separated by 12m, allowing light and air to rear properties. The rear setback has been increased to 9m.

Communal space is located on the northern side at the podium level. Service areas are located to the rear (southern) portions of the site. Window glazing has been recommended as part of the acoustic report and awning elements of the northern elevation will be incorporated where appropriate.

4.8. Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

The proposal will attract a development contribution of $1,436,106.19. A condition of consent will apply for these fees to be paid.

4.9. Additional Considerations

4.9.1. Rear Lane Access and Voluntary Planning Agreement

The application involves the construction of a 9-metre-wide 2-way laneway with pedestrian walkway and landscaping strip at the rear of the property that will provide vehicular access to the site. The laneway would extend from Fairview Avenue in the east to Pentland Avenue in the west providing a through site link for both pedestrians and vehicles. The design and location of the laneway is similar to existing laneways to the rear of Canterbury Road (refer to Figure 9) and meets the objectives of Council's resolution dated 28 August 2014 which strongly encourages the provision of rear lane access on major corridor routes (such as Canterbury Road) to provide access to developments in order to minimize traffic impacts.

The applicant has submitted a letter of offer of a Voluntary Planning Agreement (VPA) dated 20 November 2015 which proposes to enable the public use of the through site link by creating an easement. This public access is being offered as an offset for the additional two levels of residential units that is proposed as part of this application. An additional

297m² of gross floor area is proposed over what could otherwise be developed having regard to existing planning controls.

The cost of the laneway has been estimated by MMDC Constructions Consultants be approximately $350,000 ex GST. Council has sought specialist advice from a property consultant and valuer, BEM Property Consultant P/L on the potential value uplift that may result from Council agreeing to the VPA proposal, as well as the public benefit associated with the owner's offer to create a public right of way over part of the site. BEM have advised the additional 279m² has a value of some $356,000 and in considering the cost of the proposed laneway and future maintenance obligations the offer was considered to be reasonable.

Council's Traffic Engineers have advised additional detail is required in relation to the design of the laneway and vehicular access to the site. These details will be required as a deferred commencement condition.

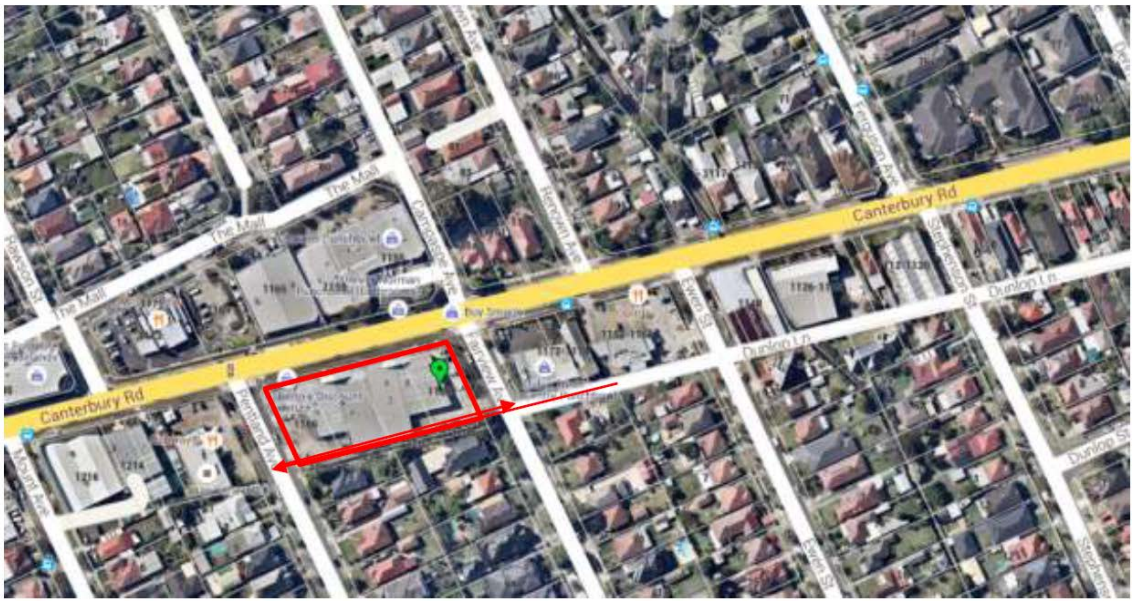

Figure 9 – The proposed rear laneway, subject to a VPA with Council, as indicated by the arrow

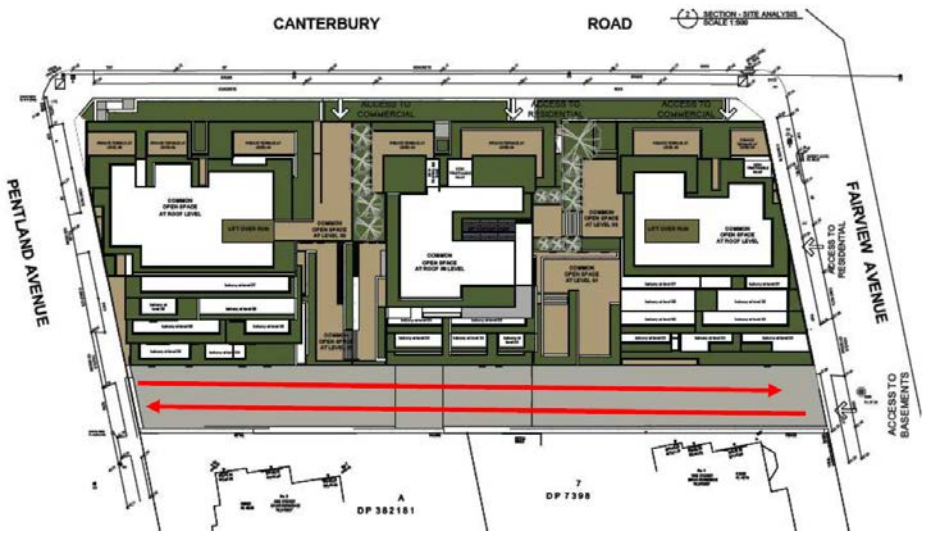

Figure 10 – Close up of the proposed rear laneway within the 9m rear setback

4.9.2. 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 that full compliance with the National Construction Code is to be achieved.

4.9.3. 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 requiring the applicant to provide a dilapidation report for the adjoining properties, prior to the issue of the Construction Certificate be included on any consent issued. 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.

4.9.4. 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 and during 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.

4.10. Referrals

4.10.1. Roads and Maritime Services

RMS have advised they provide concurrence under Section 138 of the Roads Act 1993 subject to conditions which are outlined in Section 4.3 above. All conditions as recommended by RMS have been included.

The following comments were also provided to Council for consideration:

- Given the crash history at the intersection of Canterbury Road and Fairview Avenue and the traffic generation of the proposal Council should consider banning right turn movements from Canterbury Road into Fairview Avenue.
- Community consultation should be undertaken regarding the right turn restrictions on Fairview Avenue prior to the implementation of any restrictions

Comment

A deferred commencement condition is proposed requiring the applicant prepare a report that considers this restriction in consultation with the community. Any works arising from this process will be funded by the developer.

- The layout of the proposed car parking areas should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

Comment
This matter has been addressed by way of amended plans and conditions requiring compliance with these standards are included.

4.10.2. Traffic
No objection, subject to deferred commencement conditions requiring the approval of further design details relating to the proposed public laneway at the rear of the site and basement parking layout and the submission of a report considering turning restrictions from Canterbury Road.

4.10.3. Development Engineer
No objection, subject to conditions. It is noted that 2 car spaces do not meet Australian Standards relating to blind isles. As the proposal exceeds the minimum parking requirements this matter can be addressed by way of a condition.

4.10.4. Landscaping
No objection, subject to recommended conditions.

4.10.5. Waste Management
The waste storage areas within the development will require amendments to address the following matters and a condition requiring amended plans is proposed:

- The residential component of this development be provided with 28 x 240L rubbish bins and 19 x 240L recycling bins. These bins will need to be stored in the provided waste bin storage room/area in the basement. They will have to be manoeuvred by a private caretaker to the designated presentation area on collection days. The bins must not be presented on the roadway.
- A designated bulky waste storage area that is at least 4m² is to be provided.
- The applicant should provide estimated waste generation rates for the commercial section of the property.
- The commercial bins are to be stored in a waste bin storage room/area that is separate from the residential bins.
- Additional bins that are required for any excess waste generated by the commercial tenancies which cannot be accommodated by Council bins are to be provided by private contractors. The commercial waste bin storage room/area will need to be designed to accommodate any additional bins and/or future changes in use.

4.10.6. Compliance Officer
A Stage 2 Detailed Site Investigation must be submitted to Council for review in accordance with Council's Contaminated Land Policy and the SEPP55. Council will require the submission of a Remedial Action Plan (RAP) if the detailed investigation concludes that the land is not suitable for the proposed use in its present state. A condition requiring this investigation report is included as part of the deferred commencement conditions.

4.10.7. Building Surveyor
No objection, subject to recommended conditions.

4.10.8. Mapping

Allocation of street numbers has been based on the Rural and Urban Addressing Standard AS/NZS 4819:2011.

- Future Street Address for the proposal: 1194 Canterbury Road, Roselands NSW 2196.
- All sub-property numbering must be unique.
- Retail Unit numbering is advised as follows: Shop 1 and Shop 2.
- Residential Unit numbering is advised as follows (the first digit represents the floor level and the next two digits represent the unit number). I.e.
    - Level 1: 101, 102, ...127;
    - Level 2: 201, 202, ...227;

4.11. Notification

The development application was notified to all adjoining owners and occupiers in accordance with Part 7 - Notification of Development Applications of CDCP 2012 on 11 May 2015 (original plans), 20 November 2015 for amended plans and 19 January 2016 for further amended plans.

In response to the notification of the original scheme 9 individual submissions and 3 petitions were received, one containing 67 signatures, the second containing 13 signatures and the third containing 8 signatures.

Following notification of the amended scheme, 5 individual submissions and two petitions were received, one containing 101 signatures and the second containing 47 signatures.

The issues raised in the submissions and Council's responses are as follows:

- The laneway extension will exacerbate current issues with adjacent laneways. These include the use of the future laneway for drag racing, illegal dumping, dumping of stolen vehicles, litter accumulation and prostitution.

  Response
  The provision of rear access will facilitate the entry and exit of vehicles to both the residential and commercial parking floors. The increased density on the site and passive overlooking provided by units with balconies facing the rear of the site would make the rear laneway less attractive for anti-social behaviour as residents will be utilising the laneway at all hours, unlike at present where the site is deserted after business hours. It is unlikely the rear laneway will attract increased anti-social attention.

- The Voluntary Planning Agreement (VPA) was solicited by Council and the 'trade-off' is of more benefit to the Council then the local community.

  Response
  The VPA would allow public use of the rear laneway. This provision supports the Council's objective to continue the existing laneway design present in sites to the immediate east and west of the subject site so as to reduce traffic congestion. The VPA was offered by the applicant as part of their redesigned scheme. The matter was referred to an independent specialist consultant who has advised the VPA is considered

reasonable (refer to Section 4.9 of this report for further details). Importantly the VPA will not affect Section 94 Contributions which are still required for this proposal.

- A revised Statement of Environmental Effects, Traffic Impact Report and Acoustic Report were not submitted with the amended documents.

  Response
  The amended plans were accompanied by an Additional Information letter dated 18 November 2015 which outlined the changes to the design and accompanied by a compliance table and Clause 4.6 Variation Request. Any information that remained unchanged as part of the redesign was referred to in the original Statement of Environmental Effects.

  The Acoustic Report recommended a variety of measures to reduce noise impacts such as the use of certain materials and the like and these recommendations (being applicable to both the initial application and the revised plans) will form part of any consent issued. As the revised proposal actually reduced the number of proposed apartments from 120 to 110, any traffic impacts would likely be reduced slightly. However, the original Traffic Report is still considered as part of the application and has been considered by Council's traffic engineers in their assessment.

  Following RMS advice, Council's engineers will require the applicant submit a report to the local traffic committee regarding the right hand turn ban from and into Canterbury Road to Fairview Avenue. Community consultation will be required as part of this process.

- The amended scheme will extend overshadowing to properties to the south and the submitted shadow diagrams are not an accurate representation of shadow impacts.
- The proposal will overshadow existing solar panels at 4 Pentland Avenue.

  Response
  The amended proposal increased the separation between parts of the building to allow for better solar penetration to properties to the south in mid-winter. The shadow diagrams have been reviewed and are considered to be an acceptable representation and the proposal meets the minimum daylight provisions of the RFDC and CDCP, that is it will maintain at least 2 hours sunlight to properties to the south between 9am and 11am. This includes the solar panels on 4 Pentland Avenue.

- The amended scheme still breaches the 45-degree height plane requirement of the DCP.
- The revised plans increase the height significantly beyond the permitted limit. This height would be better suited to the northern side of Canterbury Road where shadow impacts would not directly affect residences to the south. The excess height will directly affect at least 6 properties to the south and decrease amenity, particularly in winter.

  Response
  A condition requiring amendments to ensure the development complies with the 45-degree height plane requirement is proposed.

Under the applicable zoning, increased height is an intended planning outcome for properties undergoing redevelopment on Canterbury Road. It is reasonable to expect that some overshadowing to properties to the south of Canterbury Road will occur. The proposal has demonstrated that it complies with the minimum solar access requirements for adjoining properties in the RFDC and CDCP.

- Impact on the residential amenity of the surrounding streets, in particular noise and congestion from the development.
- Request for sound insulation measures to be included to protect neighbours from noise generated by the development, in particular air conditioning and vehicles using the laneway (garbage trucks and reversing beepers).

Response

The nature of the area will change as a result of the urban renewal occurring in this area and additional residential activity is an expected planning outcome. Traffic matters have been assessed and are considered manageable. It is acknowledged that residential sites adjoining commercial zoned premises will be the subject of additional noise from the use of loading areas. Landscaping is proposed along the rear boundary to reduce the impact of this noise. Additional attenuation in the form of a sound wall could also be required as a condition of consent to mitigate noise from use of the laneway.

- The revised plans would result in 42 units with a primary southern exposure with balconies, severely reducing the privacy of a large number of adjacent properties. Opaque glass or raised window heights should be required.

Response

Units on the upper floor are stepped back from the rear boundary to reduce the privacy impacts on adjoining properties by increasing the separation distance between them. The proposal will also be amended by condition to ensure it strictly complies with the height plane setback requirements.

The majority of units on Levels 1 and 2 (which are the closest units, setback 9 metres from the boundary) have living areas with their primary balconies oriented in an easterly or westerly direction where possible for solar access reasons. As a result, only 3 units per level have south facing living areas with balconies. On the upper levels, which are setback greater distances the majority of balconies incorporate planter boxes to further increase distances and lessen privacy impacts on neighbouring sites, consistent with suggested design mitigation measures of the RFDC and CDCP. Notwithstanding these provisions a condition requiring partial screening of south facing balconies is proposed to further limit views to properties to the south.

- The revised plans would result in a building with a density and scale inappropriate for the subject site and in excess of the current residential density in the surrounding area.

Response

Council's planning policies anticipate that the existing residential density along major roads will change significantly and the proposal is a reflection of this policy shift. The density and scale of the development has been discussed in detail in this report and overall is considered to be acceptable.

- The proposal is inconsistent with the objectives for the B5 zone, in particular supporting of urban renewal that encourages an increased use of alternative transport modes as local train stations are too far away to be convenient alternative modes of transport.

  Response
  The proposal is consistent with the B5 zone objectives which seeks to enable of mix of businesses that require a large floor area and to provide residential use in conjunction with mixed use development. The proposal would be a positive contribution to the streetscape and is consistent with the desired future character of the Canterbury Road corridor. Buses run along Canterbury Road near to the site to provide connections to Punchbowl Station, cycle parking is provided on site for both residents and staff to encourage alternative modes of transport and the development is within walking distance (10 minutes) of Roselands shopping centre.

- The development will increase traffic in Fairview and Pentland Avenues and estimates of traffic flows are not reflective of the real traffic outcomes for the site.

  Response
  The application and its supporting documentation relating to traffic was assessed by Roads and Maritime Services and Council's traffic engineers. No issues relating to traffic generation or its' management were raised and conditions relating to the design of the laneway and parking have been applied.

- Traffic safety concerns from an increase in right hand turns from Fairview Avenue to Canterbury Road.
- Support for closure of Fairview Avenue to restrict access to Canterbury Road.

  Response
  RMS have suggested Council consider banning right turn movements from Canterbury Road into Fairview Avenue and this matter is addressed by a deferred commencement condition. Community consultation will be undertaken regarding the right turn restrictions on Fairview Avenue prior to the implementation of any restrictions. The closure of any roads could be considered as part of this process.

- Additional demand for on street parking which is already in short supply

  Response
  The application proposes on-site parking in excess of Council's requirements including sufficient parking for commercial staff, customers and visitors.

- Queries as to whether Pentland and Fairview Avenues will need to be closed for the duration of the construction period and concern has been expressed over dust control and safety measures for the construction site.

  Response
  RMS have applied specific conditions relating to construction traffic and it is not anticipated that nearby streets will need to be closed to facilitate the construction. Appropriate conditions of consent will be allocated to any approval given ensuring that

adequate dust, emission and waste controls are in place for the duration of the construction period. Noise emissions will also be required to adhere to the relevant planning policies to ensure minimum impact on neighbouring sites.

- Concern the Council's notification process did not notify widely enough to include all affected residents

  Response
  The proposal was notified in accordance with Council's notification policy which includes letters to neighbours and adverts in local papers. Submissions and petitions received as a result of this process have been considered and addressed by Council in its assessment of the application.

4.12. 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 State Environmental Planning Policies, development control plan, codes and policies. The proposed mixed use development comprising three towers (6 to 8 storeys) above a podium containing 110 residential units, ground level commercial and basement parking is permitted on the subject site, and considered compatible with the desired planning outcome for the Canterbury Road frontage. The proposal is consistent to similar developments along Canterbury Road within the vicinity and amendments to the scheme have reduced addressed Council's concerns. It is recommended that the application be approved subject to conditions.

RECOMMENDATION

THAT Development Application DA-171/2015 for the demolition of existing structures and construction of a mixed use development comprising three towers (6 to 8 storeys) above a podium containing 110 residential units, ground level commercial and basement parking, be approved as **DEFERRED COMMENCEMENT** consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979.

A. This consent is not to operate until the applicant satisfies the Council or its delegate, within 2 years of the date of this Notice, of the following in order to ensure vehicular access provisions are in place and to address traffic safety, contamination and design issues:

   1) The design of the building being amended as follows:
      a) The ground floor Canterbury Road frontage is to be amended to encourage greater activation at street level for the commercial units, provide a separate access for the commercial unit 2 and improve opportunities for disabled access to both the commercial units and residential entries. Any change must not result in any further increase in height.
      b) The rear setback of the building must comply with the 45-degree height plane control in Part 3.1.8 of the Canterbury Development Control Plan 2012.

c) Additional noise attenuation in the form of a sound wall must be provided along the rear boundary to mitigate noise impacts on 1 Fairview Avenue and 2 Pentland Avenue from use of the laneway. Details of the wall are to be provided.
d) Screens 1.8 metres in height are to be provided to two thirds of the width of any south facing balconies to restrict views and minimise overlooking to adjoining residential properties. Details of the design, finishes and materials are to be provided.
e) Internal storage being provided within the basement parking areas for units at the following rates to provide the remaining 50% of storage required to meet the standards of the Residential Flat Design Code.
Each unit must be allocated secure individual storage areas as follows:
   i. $3m^3$ for 1 beds
   ii. $4m^3$ for 2 beds
   iii. $5m^3$ for 3 beds

Plans of the amended design must be submitted to Council's City Planning department for approval.

2) The proposed nine-metre-wide lane shown on drawing number A3101 dated 20/04/16 must be designed to comply with current standards to the satisfaction of the Director City Works. The design must be lodged with Council for determination. The designer must have regard to the following:
   a) 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.
   b) The laneway must be designed in accordance with Austroads *Guide To Road Design.*
   c) Lighting is required and must comply with AS/NZS 1158.0: 2005, AS/NZS 1158.3.1: 2005 and AS/NZS 1158.1.1: 2005.
   d) Pedestrian footway on the northern side of the lane must be a minimum 1200 mm wide.
   e) Pedestrian footway on the southern side of the lane must be a minimum 1800 mm wide.
   f) The laneway is to comprise of two travel lanes in a carriageway of 6000 mm wide measured kerb face to kerb face and provide for two-way traffic flow.
   g) There is to be no parking in the laneway area. Suitable signage must be provided.
   h) The laneway must be drained by a stormwater system connected to Councils stormwater pipeline in Fairview Avenue. The design of the stormwater system must comply with Canterbury Councils DCP 2012 and Standard Drawings for stormwater, AS/NZS 3500.3: 2015, and Austroads *Guide to Road Design* Parts 5, 5A, and 5B. The stormwater design must be accompanied by full calculations together with a hydraulic grade line(s) showing all services, proposed levels, and existing levels.

i) All doors opening to the laneway must open inwards, or if fire exit doors must be recessed into the building so that opened doors do not encroach onto the laneway.
j) Appropriate hold points must be identified in consultation with Council for inspection of critical elements during construction of the laneway and stormwater system.
k) Plans incorporating cross sections and long sections and showing the location of all services as determined in the field must be provided.

The laneway and stormwater design plans must be submitted by a practicing Civil Engineer to Councils City Works Group. Note that the laneway design could significantly impact on floor levels of the proposed building as well as pedestrian and vehicular access to the building.

3) The design of the access and parking facilities must be amended to address the following issues:

a) The grade of the access driveway from the proposed laneway to the basement parking must not exceed 5% (1 in 20) for the first six metres inside the building in accordance with Clause 3.3 of AS/NZS 2890.1: 2004.
b) Minimum lines of sight for pedestrian safety must be provided at the vehicular access to the basement car park in accordance with Figure 3.3 of AS/NZS 2890.1: 2004.
c) The intersection area in the upper basement level between the base of the ramp from the laneway and parking aisles is reliant on vehicles moving across to the right hand side of the aisle. This will limit vehicular use to one vehicle at a time. This is not acceptable for a peak hourly use of 72 vehicles. This intersection must be redesigned to satisfy the requirements of clause 2.5.2(c) of AS/NZS 2890.1: 2004 Parking facilities Part 1: Off-street car parking for single vehicle use.

A plan of the amended design must be submitted together with swept path analyses undertaken in accordance with Clause 2.5.2(c) of AS/NZS 2890.1: 2004 demonstrating compliance with AS/NZS 2890.1. The plan and swept path analyses must be certified by a qualified practicing civil engineer.

4) Given the crash history at the intersection of Canterbury Road and Fairview Avenue and traffic generation of the proposed development RMS has recommended consideration of banning right turn movements from Canterbury Road to Fairview Avenue. The Applicant must produce a Report for consideration by the Local Traffic Committee and Council regarding the right hand turn ban from and into Canterbury Road to Fairview Avenue. The community must be appropriately consulted and any comments received incorporated into the report.

5) A Stage 2 Detailed Site Investigation shall be undertaken with the results submitted to Council for review in accordance with Council's Contaminated Land Policy and the SEPP55.
Note: It should also be noted that Council will require the submission of a

Remedial Action Plan (RAP) if the detailed investigation concludes that the land is not suitable for the proposed use in its present state.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
   1.1. Details of:
   - Structural Engineering Plan including method of shoring during excavation
   - Building Specifications
   - Fire Safety Schedule
   - Landscape Plan
   - Hydraulic Plan
   - Firewall Separation
   - Soil and Waste Management Plan
   - BASIX Certification
   - Ventilation of basement in accordance with AS 1668.2

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

   1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	$6656.00
Section 94 contributions	$1,436,106.19
Certificate Registration Fee	$36.00
Long Service Levy	$110,096.50
Long Service Leave Levy Fee	$19.80

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

Construction Certificate Application Fee	$95,549.00
Inspection Fee	$18,435.00
Occupation Certificate Fee	$6672.00

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

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

SITE SIGNAGE

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

DEMOLITION

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

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

GENERAL

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

Prepared By	**Drawing Reference**	**Issue**	**Drawing date**
Urban Link	A2000- Site Plan	A	20/4/16
Urban Link	A3000 – Demolition Plan	B	20/4/16
Urban Link	A3100 – Basement Plan	B	20/4/16
Urban Link	A3101 - Ground Floor Plan	B	20/4/16
Urban Link	A3102 – Level 1 & 2 Plans	A	20/4/16
Urban Link	A3103 – Level 3 & 4 Plans	A	20/4/16
Urban Link	A3104 – Level 5 & 6 Plans	A	20/4/16
Urban Link	A3105 – Level 7 & Roof Plan	A	20/4/16
Urban Link	A3201 – Adaptable Unit Layout	A	20/4/16
Urban Link	A4000 – Elevations	A	20/4/16

Prepared By	Drawing Reference	Issue	Drawing date
Urban Link	A4001 – Elevations	A	20/4/16
Urban Link	A4100 – Sections	A	20/4/16
Urban Link	A4101 – Sections	A	20/4/16
Urban Link	A4102 – Ramp Section	A	20/4/16
Urban Link	A4103 – Ramp Section	A	20/4/16
Urban Link	A4104 – Ramp Section	A	20/4/16
Urban Link	A6000 – Schedule of finishes	A	20/4/16
Discount Landscape Plans	L/01 – Ground Floor Plan	B	06/04/16
Discount Landscape Plans	L/02 – Level 01 & 03 Plans	B	06/04/16
Discount Landscape Plans	L/03 – Level 04 & 05 Plans	B	06/04/16
Discount Landscape Plans	L/04 – Level 06 & 07 Plans	B	06/04/16
Discount Landscape Plans	L/05 - Roof Plan & Details	B	06/04/16
Alpha Engineering & Development	A5255 - Cover – General Notes	D	04/04/16
Alpha Engineering & Development	SW01 – Erosion Control Plan	D	04/04/16
Alpha Engineering & Development	SW02 – Basement Plan	D	04/04/16
Alpha Engineering & Development	SW03 – Ground Floor Plan	D	04/04/16
Alpha Engineering & Development	SW04 – Level 01 & 03 Plans	D	04/04/16
Alpha Engineering & Development	SW05 – Level 04 & 05 Plans	D	04/04/16
Alpha Engineering & Development	SW06 – Level 06 & 07 Plans	D	04/04/16
Alpha Engineering & Development	SW07 – Roof Drainage Plans	D	04/04/16
Alpha Engineering & Development	SW08 – Section & Details	D	04/04/16
Planning Ingenuity	Letter of Offer – Voluntary Planning Agreement		20/05/15
Aargus	Preliminary Site Investigation - Ref: ES6218	-	16/04/15
STS	Geotechnical Desk Top Study –	-	April 2015

Prepared By	Drawing Reference	Issue	Drawing date
	Report No 15/0873		
D. Tsagaris and M. Zaioor	Acoustic Noise and Vibration Solutions P/L - Reference No.2015-180	-	17/04/15
Efficient Living	Thermal Comfort & BASIX Assessment – Ref 8903	B	17/04/15
Vista Access Architects	Access Compliance Report		Submitted to Council April 2015

6. Finishes and materials include the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the photomontage and Schedule of Finishes prepared by Urban Link marked as Drawing No.A600 and dated 20 April 2016. 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 $1,436,106.19 based on the following components:

Contribution Element	Contribution
Community Facilities	$129,898.47
Open Space and Recreation	$1,269,654.89
Plan Administration	$36,552.83

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

8. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.

10. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
11. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
12. All building construction work must comply with the National Construction Code.
13. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
14. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at each floor slab level indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
16. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

    In this condition:

    a) relevant BASIX Certificate means:
        i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
        ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
    b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
17. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
18. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
19. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
20. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
21. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
22. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.

23. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
24. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
25. A security system/swipe card system is to be installed within the lifts, which allows operation of the lift only to authorized levels within the building.
26. All access points to the residential component of the building (including lifts and stairwells) must be restricted to residents only through a security system. Visitors to the residential complexes must be provided with access via the intercom.
27. Signage throughout the site is to be used to direct people to where they are meant to be. This will reduce excuse making and loitering opportunities for potential offenders.
28. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
29. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
30. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
31. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
32. Drains, gutters, roadways and access ways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
33. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
34. 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.

35. Where excavation is proposed, the works shall be carried out in accordance with Part 3.1.1-Earthworks BCA and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
36. 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.
37. 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.
38. A photographic survey/dilapidation report of the adjoining properties at 1 Fairview Avenue, Roselands and 2 Pentland Avenue, Roselands, detailing the physical condition of the properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
39. 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.
40. 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.
41. Prior to the occupation of the development a letterbox is to be provided for the Owners' Corporation.
42. Prior to the occupation of the development a master antenna connected to the all dwellings on the site is to be provided.

LANDSCAPING

43. The landscaping must be completed according to the submitted landscape plan (drawn by Discount Landscape Plans, drawing no. L/01-L/05, submitted to council on 8th April 2016) except where amended by the conditions of consent.
44. 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).
45. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
46. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
47. Prior to the issue of the Construction Certificate, an amended set of landscape plans is to be submitted to the Council Landscape Architect. All Communal Open Spaces areas are to include facilities for residents to encourage activation and promote the enjoyment of outdoor living. Facilities provided within communal open spaces are to be for a range of age groups and uses incorporating at least the following elements; shaded areas, seating for individuals or groups, tables and chairs, barbecue areas, play areas and communal gardens.
48. The existing street tree 1 x T*ristaniopsis laurina* (common name Water Gum) located in the nature strip adjoining the development in Pentland Avenue is to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
49. Four (4) street trees are to be provided on the nature strips adjoining the development. These trees are to be 2 x T*ristaniopsis laurina* (common name Water Gum) species to be located in the nature strip in Pentland Avenue and 2 x *Lophostemon confertus* (common name Brushbox) species to be located in the nature strip of Fairview Avenue and be provided in 75ltr size (container size). The planting of these trees are to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council.

ACOUSTICS

50. 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, have been incorporated in the final design of the building.
51. 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

52. A minimum of one hundred and fifty-six (156) residential off-street parking spaces being provided in the basement parking area, comprising of:
    52.1. Twenty-two (22) visitor parking spaces being allocated as common property;
    52.2. One (1) car wash bay being allocated as common property;
    52.3. Twenty-three (23) car spaces being allocated for the 1 bedroom dwellings at a rate of 1 space per dwelling;
    52.4. Ninety-six (96) car spaces being allocated to the 2 bedroom dwellings. Each 2-bedroom dwelling must have at least one car space;
    52.5. Fourteen (14) car spaced being allocated to the 3 bedroom dwellings at a rate of two car spaces per 3-bedroom dwelling;
    52.6. One accessible car space being allocated to each accessible dwelling; and
    52.7. Each tandem car space must be allocated to a single unit/lot.

    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.
53. A minimum of forty-two (42) commercial off-street parking spaces being provided, comprising of:
    53.1. Sixteen (16) spaces for Unit 1; and
    53.2. Twenty-six (26) spaces for Unit 2.

    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.
54. 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.
55. All car parking spaces must be sealed, line marked and made freely available at all times during business hours for staff and customers.
56. Signage shall be erected to notify and allow people to use the designated spaces.
57. Parking facilities/storage for 33 bicycles is to be provided on-site for the residential component and 12 spaces for the commercial component of the development. These details must be shown on amended plans and submitted to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.

58. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities". Prior to the issue of the Construction Certificate, amended plans that address the following matters must be prepared by an appropriately qualified and practising Civil Engineer and submitted to Council or the Principal Certifying Authority for approval. Plans must include levels reduced to Australian Height Datum (AHD) dimensions and sweep paths in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".
    58.1. Residential and commercial parking spaces are to be separated by a physical barrier such as an automated gate etc.
    58.2. Basement external walls are shown on plan as approx. 200 mm wide; this width is to be maintained to preserve the internal geometry of the basement.
    58.3. Some basement external walls are shown on plan as approx. 200 mm thick, if a 200mm walls are to be constructed a structural engineer statement must be provided confirming a 200mm walls are constructible for this development.
    58.4. Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004. The is to be maintained by splaying the boundary fence (in addition to the splayed corner at the driveway entry)
    58.5. Swept path analysis is required to be submitted. The swept path analysis is required to allow for swept path clearances as per Australian Standard AS 2890.1 – 2004 Section B3.2. And all circulation roadways intersections require a further 300mm structural clearance as per AS 2890.1 – 2004 Section 2.5.2(C)
    58.6. Car parking spaces located on both basement levels on grid line F between Grid lines 2 and 3 on Drawing No A3100B do not comply with AS/NZS 2890.1:2004 (blind isle requirements) and are not to be included in the counted parking provisions.

CRIME PREVENTION MEASURES

59. A Crime Prevention Through Environmental Design Report shall be prepared by suitably qualified person and in accordance with Part 6.3 of the Canterbury Development Control Plan 2012 and submitted to Council and with the Construction Certificate as part of the construction and on-going operations of the development. Where required, details shall be provided with the application for the Construction Certificate.
60. Proactive security measures, including CCTV cameras must be installed at the toilet entry/exit to ensure community safety is monitored at all times. Details shall be provided with the application for the Construction Certificate.
61. 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.
62. 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.
63. 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

64. 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.
65. 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.
66. 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

67. Prior to the issue of the Construction Certificate, amended plans that address the following matters must be submitted to Council for approval:
    67.1. The residential development must be provided with 28 x 240L rubbish bins and 19 x 240L recycling bins, stored in the provided waste bin storage room/area in the basement. Note: upon request and requirement the development may also require 22 x 240L garden waste bins.
    67.2. Commercial bins are to be stored in a waste bin storage room/area that is separate from the residential bins. Details of the estimated waste generation rates for the commercial tenancies must be provided to Council to confirm the designated commercial waste storage area is adequate.
    67.3. A designated bulky waste storage area that is at least 4m² is to be provided.
    67.4. 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.
68. Access to the site for purposes of garbage collection must comply with the requirements listed under clause 6.9.4.3 of the CDCP. This includes that the owner of the development must indemnify Council's waste collection contractor against damage that may result from their entry onto the property to collect waste bins. Council's standard indemnity form shall be completed and returned to Council prior to the site being occupied.
69. Bins must be manoeuvred by a private caretaker to the designated presentation area on collection days.
70. 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.
71. Additional bins that are required for any excess waste generated by the commercial tenancies which cannot be accommodated by Council bins are to be provided by private contractors. The commercial waste bin storage room/area will need to be designed to accommodate any additional bins and/or future changes in use.

ENGINEERING

72. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 8 April 2016, Project number A5255 Sheet number SW03 Revision D, SWO2 revision D, SWO8 revision D, Dated

04/04/2016 Prepared by Alpha Engineering and Development and as amended by the following conditions.

73. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
    - 73.1. Stormwater management and OSD details (three (3) copies of plans and calculations) must be submitted and approved by Canterbury City Council prior to issue of Construction Certificate.
    - 73.2. Provide details to demonstrate that the truck turning table and basement driveway will be protected from the inflow of overland flow from the OSD tank.
    - 73.3. The loading dock bay stormwater management must be addressed, and collected in accordance with the relevant codes and standards.
    - 73.4. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012.
    - 73.5. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
    - 73.6. Provide details of Sewer Access chamber diversion or alteration to the asset owners' satisfaction and approval.
    - 73.7. All overflows and emergency overflows from the site stormwater system must be directed to the overland path, the flowpath must <u>not</u> cause flood damage or flood nuisance to the site or neighbouring properties.
    - 73.8. The overflow capacity of the proposed overflow path is to be (2x) two times the 1:100 ARI peak flow rate. Provide details to demonstrate the clear flowpath from the O.S.D tank to the street.
    - 73.9. All downpipes /pipes to be located on the plan and set to maintain minimum head clearance in the basement carparking.
    - 73.10. All stormwater pipes and pits located in traffic areas must be designed for traffic loads.
    - 73.11. All downpipes, pits and drainage pipes shall be designed and specified 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 Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
        - a) All guttering are to be sized according to AS/NZS3500.3 2015 in addition all roof area and Rainwater tank size equivalent to that noted on the Basix certificate to be included. All water reuse is to comply with said Basix certificate.
        - b) All external surfaces to be graded to facilitate subterranean drainage and all excess surface waters to the overland flow path(s).
        - c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
        - d) All plumbing within the site must be specified to be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage

e) All pits to be minimum 450 x 450 with childproof lockable grated lids.
f) All grated trench drains to be min 200mm wide.
g) The charged system for the rainwater tanks (if any is proposed) must be a closed system without any pits or discharge points other than that at the clean out pit where the lines are terminated and capped for cleaning/clearing out after storms/rainfall. The system must comply with section 6.4.14 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
h) The location of pits and inspection/cleaning points to comply with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage
i) The amended plans must be prepared by an appropriately qualified and practising 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 Stormwater Management Manual – Specification 9.
j) An appropriately qualified and practising Civil Engineer is to be registered on the NER of Engineers Australia or be appropriately qualified to be on the register and be experienced in the design of stormwater drainage.

74. Prior to the issue of the Construction Certificate, the pump-out drainage system is to be designed and certified to comply with Council's DCP 2012, Part 6.4.11. All waters pumped from the site must be those generated by rainfall and seepage. If a groundwater table is present, the basement and pits must be tanked and structurally designed to cater for hydrostatic forces and to prevent the ingress of water from the ground table. Pumped waters from the pit are to be directed to the Silt arrestor pit prior to connection to the legal point of discharge.
    74.1. The pumps are not to drain any groundwater table encountered on the site.
    74.2. A geotechnical report must be prepared by a consulting geotechnical/ hydrogeological engineer with previous experience in such investigations and reporting. Groundwater must not be captured by the drainage system of the basement. The basement must be tanked to at least 1000 mm above measured groundwater levels.
75. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
    75.1. All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage plan.
76. The basement excavation must be stabilised and a safe working platform to be maintained during construction. The works must be duly designed and certified by a an appropriately qualified and practising Civil Engineer
77. The basement excavation works provide an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this

regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged with Canterbury City Council prior to the issue of the Construction Certificate.

77.1. 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.

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

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

77.4. 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.

77.5. Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.

77.6. The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

78. 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.

79. 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.

80. Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council for a Road Opening Permit under Section 138 of the Roads Act 1993 for approval to undertake works on council roads.

81. Prior to issue of Construction Certificate the applicant is to prepare a pictorial survey of the surrounding infrastructure depicting the condition of the roadway, pathways kerb and guttering, driveways and other structures, a post development survey is to be carried out prior to completion, Cracked and damaged paved areas of the site are to be repaired and or replaced to the satisfaction of Councils Director of Environmental Services.

82. The applicant is to ensure that Architectural, 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 affect layout of garden beds and plantings.

ENGINEERING - PRIOR TO OCCUPATION CERTIFICATE

83. The stormwater drainage works are to be inspected during construction by the Principal Certifying Authority at the following stages:

(a) Prior to backfilling of trenches
(b) Prior to pouring concrete in OSD areas
(c) On completion of drainage works

84. Private contractors/applicants 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.
85. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
86. All Kerb and guttering (kerb only where guttering is part of the concrete road pavement) along Canterbury Road, Fairview avenue and Pentland avenue to be reconstructed by an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
87. All exiting pram ramps at the intersection of Canterbury road, Fairview Avenue and Pentland Avenue to be reconstructed by 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.
88. 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.
89. The plan shall be prepared by a registered surveyor. 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.
90. Certification from an appropriately qualified and practising Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
91. 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 appendix 7.5 of Council's Stormwater Management Manual – Specification 9.
92. The applicant shall provide an as-built drawing to Councils City Works Division detailing the public drainage system. The plan shall be prepared by a registered surveyor.
93. The plan shall record all the relevant existing, proposed and actual levels and dimensions relative to the constructed drainage system.
94. The required certification must be issued by an appropriately qualified and practising Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
95. A sign shall be installed over every tap connected to the proposed rainwater stating "This water is not for drinking. This water is for landscaping purposes only".
96. A sign adjacent to and clearly visible at the OSD facility is to be placed permanently notifying the location of OSD tank/basin and its filling with stormwater after storms.
97. The OSD tank must comply with relevant work cover codes and confined space legislation.

98. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the [on site detention / on-site retention/re-use] facilities. The Plan must set out the following at a minimum:
    98.1. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
    98.2. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
    98.3. The Plan must be prepared by an appropriately qualified and practising Civil Engineer and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
    98.4. The maintenance plan produced for the Occupation certificate must be kept in a visible place on-site at all times.

SOIL AND WATER MANAGEMENT

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

SYDNEY WATER REQUIREMENTS

101. 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.
102. Detailed connection details will be reviewed at the Section 73 application phase.
103. The proponent will be required to submit details about any proposed or existing structures within the zone of influence of the stormwater channel when the Section 73 application is lodged.
104. Sydney Water will advise the proponent of the required protection measures for the stormwater channel as part of the Notice of Requirements package.

ROADS AND MARITIME SERVICES

Roads and Maritime Services provide concurrence under Section 138 of the Roads Act

1993, subject to the following conditions:

105. The redundant driveway along Canterbury Road shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter shall be in accordance with Roads and Maritime requirements.
Detailed design plans are to be submitted to Roads and Maritime for approval prior to the issue of the Construction Certificate and commencement of any road works.
A plan checking fee (amount to be advised) and lodgment of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

106. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.
The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.
If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

107. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Canterbury Road.

108. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities.

109. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Detailed should be forwarded to:
Project Engineer, External Works
Sydney Asset Management, Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
A plan checking fee will be payable and a performance bond may be required from the applicant before Roads and Maritime approval is issued.

110. All works associated with the proposed development shall be at no cost to RMS.

111. The proposed development should be designed such that road traffic noise from Canterbury Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

PUBLIC IMPROVEMENTS

112. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

113. 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.

TRAFFIC & CITY WORKS

114. Works arising from any recommendations of the Local Traffic Committee regarding the banning of right turns from and into Canterbury Road must be funded by the developer.
115. The laneway (being the subject of Condition A2 in the Deferred Commencement Consent) must be constructed in accordance with the plans approved by the Deferred Commencement Conditions.
116. The vehicular access must be constructed in accordance with the plans approved by the Deferred Commencement Conditions and as amended by the following Conditions.
117. A public right of way is to be registered on title over the nine metre wide lane shown on Drawing No.A3101 dated 20/04/16 providing unrestricted pedestrian and vehicular access over the laneway area. A detailed plan and instrument enabling the right of way must be approved by the Director of City Planning prior to the issue of a Construction Certificate. The right of way must be registered at the Land and Property Information Centre prior to the issue of an Occupation Certificate.
118. A survey plan prepared by a registered surveyor of the land burdened by a public right of way (being the subject of the above condition) and of the remnant land must be submitted to Council, prior to registration of the abovementioned right of way at Land and Property Information.
119. Council will not accept the public right of way (the subject of the above two conditions) unless the 9m wide lane is in a suitable state for its proposed use.
120. The Principal Certifying Authority must ensure that the laneway (being the subject of the above conditions) has been constructed in accordance with this Consent and relevant Standards to the satisfaction of Council's Director City Works. In this regard each inspection hold points determined by Council in its assessment of the design plans must have be signed off by a Council representative following each inspection.

CRITICAL INSPECTIONS

121. <u>Class 2, 3 or 4 Buildings</u>
    121.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
    121.2. prior to covering any stormwater drainage connections, and
    121.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

<u>Class 5, 6, 7, 8 or 9 Buildings</u>

    121.4. prior to covering any stormwater drainage connections, and
    121.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

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

BUILDING NUMBERING

123. The allocation of street numbers has been based on the Rural and Urban Addressing Standard AS/NZS 4819:2011. The future street address for the proposal: 1194 Canterbury Road, Roselands NSW 2196.
    123.1. All sub-property numbering must be unique.
    123.2. Retail Unit numbering is advised as follows: Shop 1 and Shop 2.
    123.3. Residential Unit numbering is advised as follows (the first digit represents the floor level and the next two digits represent the unit number). Ie
        - Level 1: 101, 102, ...127;
        - Level 2: 201, 202, ...227;

COMPLETION OF DEVELOPMENT

124. 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.
2. The use of rock anchors will require separate prior written consent from Council.
3. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
4. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
    - Structural Engineering Work
    - Air handling system
    - Final Fire Safety Certificate
    - Glazing
    - Waterproofing
    - BASIX completion
5. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
6. 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.
7. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
8. 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.

9. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
10. 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.