ITEM	**918-936 Canterbury Road and 2 Dreadnought Street, Roselands** **Demolition of existing structures and construction a mixed-use development consisting of 98 residential units, 700sqm retail space and 163 associated car parking spaces**
FILE	**DA-462/2016** **150/918D Pts5-10**
ZONING	**B5 Business Development under Canterbury Local Environmental Plan 2012**
DATE OF LODGEMENT	**6 October 2016**
APPLICANT	**Build Form Structural Systems Pty Ltd C/- ABC Planning Pty Ltd**
OWNERS	**D&H Kane Investments Pty Ltd** **E Hatzakos** **S Hatzakos**
ESTIMATED COST	**$34,045,000.00**
CIV	**$30,950,000.00**
AUTHOR	**Planning (Alice Pettini)**

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated Capital Investment Value (CIV) of $30,950,000.00 and exceeds the capital investment threshold for 'development'.

Development Application No. DA-462/2016 proposes the demolition of existing structures, removal of one tree within the site and trees along the southern boundary and the construction of a five storey mixed use development comprising a 700sqm retail ground floor tenancy, 98 apartment residential flat building with roof top communal open space area, three levels of basement parking and associated landscaping.

DA-559/2016 has been assessed against *State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy No. 65 – Design Quality of Residential*

Apartment Development, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and generally complies with the relevant provisions. The application is recommended for approval subject to the attached conditions of consent.

The application was initially advertised and notified for a period of 28 days from 1 November 2016 – 29 November 2016. No submissions were received. The application was re-notified with amended plans for a period of 28 days from 31 October 2017 – 29 November 2017. Two submissions were received.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions of consent.

DA-462/2016 SECTION 4.15 ASSESSMENT REPORT

BACKGROUND

The subject application was lodged with Council on 6 October 2016 and was publically advertised and notified for 28 days between 1 November - 29 November 2016. No submissions were received.

Upon completion of a preliminary assessment, the JRPP was briefed of the proposal on 15 February 2017. Additional information request letters were subsequently issued to the applicant on 23 February 2017 and 2 March 2017 outlining matters raised as part of the preliminary assessment and the JRPP briefing. Concerns raised included:

- Compliance with the maximum building height control specified within Canterbury Local Environmental Plan 2012,
- Additional information required to satisfy the controls outlined within State Environmental Planning Policy 55 – Remediation of Land (SEPP 55), State Environmental Planning Policy (Infrastructure) 2007 (ISEPP),
- Non-compliances with the required controls specified within the Apartment Design Guide (ADG) and Canterbury Development Control Plan 2012,
- Matters raised by Council's Development Engineer, Team Leader – Traffic and Transportation, Environmental Health Officer, Waste Contracts Coordinator and Disability Committee.

A revised design was received on 12 April 2017 and 1 May 2017. The revised design comprised a reduced number of storeys (from 6 to 5), reduced retail tenancy (700sqm from 745sqm) and reduced number of apartments (98 apartments from 112 apartments).

In response to the revised design, Council issued a further information request letter to the Applicant on 27 July 2017, outlining concerns in regards to the maximum building height, SEPP 55, ISEPP, non-compliances with the required controls specified within the Apartment Design Guide (ADG) and Canterbury Development Control Plan 2012 (CDCP 2012) as well as matters raised by Council's Development Engineer, Team Leader – Traffic and Transportation, Environmental Health Officer and Waste Contracts Coordinator.

A further revised design, in response to Council's letter was received on 5 and 11 October 2017. Given the substantial redesign, the application was re-advertised from 31 October – 29 November 2017. Two submissions were received. In summary, the matters raised in the submissions related to overdevelopment of the site as well as additional parking and traffic impacts.

On 21 February 2018, in response to the revised design, a further letter was issued to the Applicant outlining concerns in regards to SEPP 55, non-compliance with the relevant parts of the ADG and CDCP 2012 including communal open space, solar and daylight access, natural ventilation, private open space, storage, building height plane and facade design as well as matters raised by Council's Development Engineer and Waste Contracts Coordinator. Information in response to Council's letter was received 12 April 2018 and 21 and 23 May 2018. This information is the basis of the assessment undertaken within the subject report.

SITE ANALYSIS

The site is located at 918-936 Canterbury Road and 2 Dreadnought Street, Roselands and is legally described as follows:

- Lot A in DP 318947.
- Lot 1 in DP 1056653.
- Lot 2 in DP 1056653.
- Lot 1 in DP 232747.

The lots, as consolidated, have a primary frontage to Canterbury Road of 83.655m and secondary frontages to Remly Street and Dreadnought Street of 50.29m and 64.43m respectively. The site has a total site area of 4,844.9sqm (by title) and slopes gradually from the north-east of the site (Canterbury Road) to the south-west by approximately 4m.

Access to the site is currently obtained via a separate entry and exit vehicle entry point along Canterbury Road, as well as a dual vehicle entry point located along both Remly and Dreadnought Streets. The site currently accommodates a car wash facility, buildings and structures in association with onsite furniture and electrical warehouses, as well as a vehicle sales premises and associated parking.

The site is bound by Canterbury Road to the north, Remly Street to the east and Dreadnought Street to the west. An R3 Medium Density Zone directly adjoins the site to the south. This area is primarily characterised by two storey walk up residential flat buildings, detached dwellings as well as dual occupancy developments. A detached single storey dwelling and two storey residential flat building directly adjoins the site to the south.

To the east of the site on the opposite side of Remly Street is a B2 Local Centre zoning fronting Canterbury Road. This area comprises shop top housing developments with commcerial developments located beyond.

To the west of the site on the opposite side of Dreadnought Street is B5 Zoned land fronting Canterbury Road comprising a Red Rooster restaurant with a service station and warehouse buildings located beyond.

To the north of the site, on the opposite side of Canterbury Road is R4 High Density zoned land. Despite the zoning, development directly opposite the site comprises a Church, detached dwellings and vehicle sales and hire/workshop premises.

Figure 1: Aerial Map

Figure 2: Extract of the Zoning Map LZN_004 of the Canterbury Local Environmental Plan 2012

Figure 3: Subject Site, view south-west from Canterbury Road

Figure 4: Subject Site, view south-west from Canterbury Road

Figure 5: Subject Site, view south-west from Canterbury Road

Figure 6: Subject Site, view south-west from Canterbury Road

Figure 7: Subject Site, view north-east from Dreadnought Street

Figure 8: Subject Site, view south-west from Remly Street

PROPOSED DEVELOPMENT

The proposed development involves the demolition of existing structures, removal of one tree within the site and trees along the southern boundary and the construction of a five storey mixed use development comprising a 700sqm retail ground floor tenancy, 98 apartment residential flat building with roof top communal open space area, one sub-floor parking level and two levels of basement parking and associated landscaping.

For the purposes of this assessment, reference to each level is as per shown on the architectural plans. This is not reflective of the number of storeys proposed.

The development is discussed in detail below:

Basement Level 2

- 42 x residential car parking spaces including 8 accessible parking spaces;
- 1 x car wash bay;
- Storage cages;
- 2 x lifts and stairs to upper levels.

Basement Level 1

- 63 x residential car parking spaces including 4 accessible parking spaces;
- 12 x retail visitor parking spaces including 1 accessible parking space;
- Storage cages;
- OSD tank;
- 2 x garbage rooms;
- 1 x lift pit;
- 2 x lifts and stair to other levels.

Lower Ground Level

- 11 x retail car parking spaces;
- 14 x residential car parking spaces;
- 20 x residential visitor car parking spaces including 1 accessible parking space;
- Storage;
- 2 x fan rooms;
- Separate hot and cold water plant rooms;
- Comms room;
- Switch room;
- Sprinkler pump room;
- Separate building manager and caretaker toilet room;
- Residential and retail waste storage room and bulky goods storage room;
- Fire Services/Boosters/Meter room;
- Substation;
- 4 x two bedroom apartments (ALG.01, ALG.02, ALG.03, ALG.04) with associated private open space. These dwellings are split over two-three storeys (Lower ground level – Level 1);
- 2 x two bedroom apartments with associated private open space. One apartment (BLG01) is split over two storeys (Lower ground level – Ground Level);

- Visitor bicycle parking spaces;
- Deep soil planting area (899sqm);
- Dual vehicular access from Dreadnought Street.
- 3 x lift and stairs to other levels.

Ground Level

- Retail tenancy (700sqm) – use subject to separate application;
- 2 x one bedroom apartments with associated private open space;
- 9 x two bedroom apartments with associated private open space;
- 1 x three bedroom apartment with associated private open space;
- The second storey of apartments ALG.01, ALG.02, ALG.03, ALG.04;
- The second storey of apartment BLG01;
- Communal Open space (375sqm);
- 32 x bicycle parking spaces;
- Pedestrian entry points along Dreadnought Street, Remly Street and Canterbury Road;
- 3 x lift and stair lobbies to other levels.

Level 1

- 6 x one bedroom apartments with associated private open space;
- 16 x two bedroom apartments with associated private open space;
- 1 x three bedroom apartment with associated private open space;
- The third storey of apartments ALG.01, ALG.02, ALG.03, ALG.04;
- 2 x lift and stairs to other levels.

Level 2

- 6 x one bedroom apartments with associated private open space;
- 15 x two bedroom apartments with associated private open space;
- 1 x three bedroom apartment with associated private open space;
- Rooftop private open space associated with apartments ALG.01, ALG.02, ALG.03, ALG.04;
- 2 x lift and stairs to other levels.

Level 3

- 6 x one bedroom apartments with associated private open space;
- 15 x two bedroom apartments with associated private open space;
- 2 x lift and stairs to other levels.

Level 4

- 2 x one bedroom apartments with associated private open space;
- 12 x two bedroom apartments with associated private open space;
- 2 x lift and stair lobbies to other levels.

Rooftop

- Communal open space separated into two x 228sqm areas;
- Rooftop private open space associated with apartments A4.05 and B4.04;
- 2 x lift and stairs to other levels.

Figure 9: Photomontage

STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans (DCPs), codes and policies are relevant:

(a) State Environmental Planning Policy (State and Regional Development) 2011.
(b) State Environmental Planning Policy 55 – Remediation of Land.
(c) State Environmental Planning Policy (Infrastructure) 2007.
(d) State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) 2004.
(e) State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
(f) Canterbury Local Environmental Plan 2012.
(g) Canterbury Development Control Plan 2012.
(h) Canterbury Development Contributions Plan 2013.

In addition, any demolition works requires specific consideration of the Australian Standards 2601 – 1991 *Demolition of Structures* as required by Clause 92 of the Environmental Planning and Assessment Regulation 2000.

SECTION 4.15 ASSESSMENT

The development application has been assessed under 4.15 of the Environmental Planning and Assessment Act, 1979.

Section 4.15 (1)(a)(i) - Environmental Planning Instruments

- ***State Environmental Planning Policy (State and Regional Development) 2011***

Part 4 - Regionally Significant Development of the State Environmental Planning Policy (State and Regional Development) 2011 applies to this application as it is for the purposes of 'development' with a capital investment value of more than $30

million. Accordingly, the development application is to be determined by the Sydney South Planning Panel.

- ***State Environmental Planning Policy 55 – Remediation of Land.***

Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, we must be satisfied that the land is suitable in a contaminated state for the proposed use.

A preliminary site investigation report as well as a detailed sit investigation report was requested from the applicant. A Phase 1 and 2 Environmental Site Assessment prepared by WSP - Parsons Brinckerhoff for 930 Canterbury Road dated October 2015 and a Phase 1 and 2 Environmental Site Assessment prepared by WSP - Parsons Brinckerhoff for 918-922 and 936 Canterbury Road as well as 2 Dreadnought Street, Roselands dated October 2015 was submitted.

The Phase 1 and 2 reports concluded that in some instances laboratory analysis of soil returned higher than the relevant health screening levels (HSLs) or health investigation levels (HILs). On this basis, Council requested that a Remediation Action Plan (RAP) be submitted. A RAP was prepared for the entire development site by Douglas Partners dated 21 March 2018 and submitted as part of the application. The RAP contains recommendations of remediation options and strategies.

The reports and documentation have been assessed by Council's Environmental Health Officer who raised no objection, subject to conditions of consent. Given this, subject to the imposition of these conditions, the proposal can be progressed as compliance with the SEPP 55 requirements.

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

The proposed application triggers a number of Clauses outlined within the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). An assessment against the relevant Clauses is provided below:

Clause 101 of ISEPP applies to development fronting a classified road. The Clause seeks to ensure that new development does not compromise the ongoing operation and functionality of classified roads as well as preventing potential traffic noise and emissions on development adjacent to classified road. Clause 101(2) of the ISEPP states the following:

(2) The consent authority must not grant consent to development 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, and

(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, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle 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.

Vehicular access along Canterbury Road is proposed to be removed as part of the subject application. A dual vehicle entry and exit point is proposed to be located along the Dreadnought Street frontage.

An Acoustic Assessment prepared by Acoustic Logic dated 27 March 2017 was submitted as part of the application. Part 4.3 of the assessment outlines mitigation measures required to ensure the development complies with the relevant noise criterion. The report also concludes that all habitable spaces along the northern, eastern and western facades of the development will require their windows to be closed in order to meet the acoustic requirements.

In light of these findings, it was recommended that a mechanical engineer confirm if supplementary ventilation (to meet Australian Standard AS1668.2 requirements) will be required to these rooms. An advice letter prepared by Erbas Engineers for Building Services dated 23 August 2017 accompanied the DA. The advice outlined that a mechanical ventilation system will be a wall mounted fan that will introduce fresh air into the apartment. The advice states that the ventilation system can be installed to all the habitable spaces along the northern, eastern and western facades and will comply with AS1668 and the Building Code of Australia. The fan will be wall mounted and will have an on and off switch to allow the occupant to control the amount of fresh air into the apartment. On this basis, should the application be supported, the recommendations of this report and advice will be included as conditions of consent. A condition is also recommended be inserted to ensure the wall mounted fan is integrated within the design of the building and uses similar colours and materials to the main building design.

An Air Quality Impact Assessment prepared by SLR Consulting Australia Pty Ltd dated 16 March 2017 accompanied the application to satisfy Clause 101(2)(c) of the ISEPP. The report concluded that majority of harmful emission concentrations at each level of the development are predicted to be below relevant ambient air quality criteria. However, slight exceedances of the annual average $PM_{2.5}$ (fine particulate matter) are predicted at the façade of the lower two levels of the building facing Canterbury Road. On this basis, to minimise exposures of future occupants to air pollution certain mitigation measures are recommended to be incorporated into the design (i.e ventilation system air intakes and automatic sliding doors for the retail component).

Should the application be supported, the recommendations of the air quality impact reports are suggested to be included as conditions of consent.

Clause 102 of ISEPP applies to development for residential use *"on or adjacent to the road corridor for a freeway, tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and that the consent authority considered is likely to be adversely affected by road noise and vibration"*. Canterbury Road is a classified road which averages daily traffic numbers of 41,370 per day as per the RMS traffic map (refer to figure below).

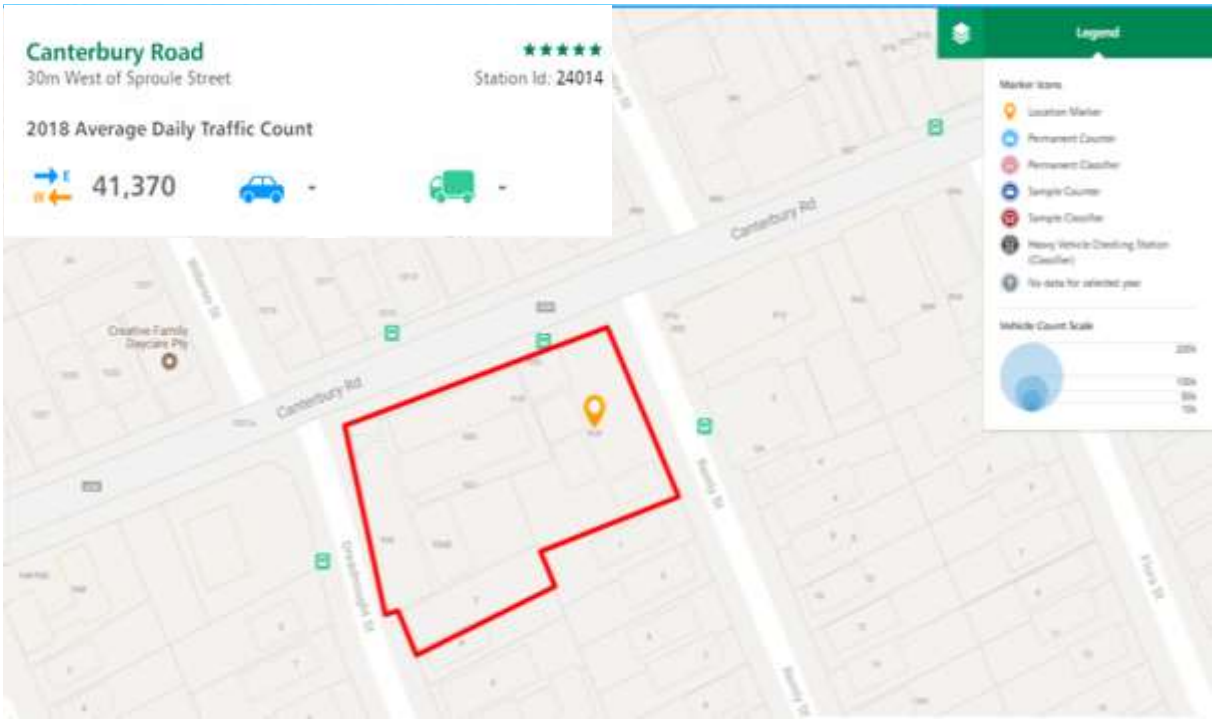

Figure 10: RMS Daily Traffic Map (viewed 15 May 2018)

In this regard, the acoustic requirements prescribed within Clause 102(3) of the ISEPP 2007 apply to the proposed development given that it relates to a residential development located adjacent to Canterbury Road. The acoustic report prepared by Acoustic Logic undertook the assessment in accordance with the noise criterion outlined within the ISEPP. As outlined within the report, the design is able to achieve compliance with the relevant acoustic controls, with the inclusions of the recommendations outlined within Part 4.3 of the acoustic report as well as the mechanical advice prepared by Erbas Engineers for Building Services. As outlined above, should the application be supported, the recommendations of the acoustic report and mechanical engineering advice are suggested to be enforced through condition of consent.

Clause 104 of ISEPP relates to traffic generating development. The proposed development includes relocating the vehicle entry point to the site from Canterbury Road, to Dreadnought Street. The relocated vehicle entry point along Dreadnought Street is located within 90m (approximately 50m) of Canterbury Road. Furthermore, the development comprises more than 75 dwellings and is therefore classified as traffic generating development that is to be referred to the Sydney Roads and Maritime Services (RMS) in accordance with Clause 104 of the ISEPP 2007. Given the proposed relocation of the existing vehicle entry points the application was also referred to RMS in accordance with S138 of the Roads Act 1993.

The amended design was referred to the RMS who provided concurrence, subject to inclusion of the conditions of consent. These conditions are recommended to form part of the consent, should the application be supported.

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

BASIX Certificate No. 759303M_03 dated 23 May 2018 accompanies this application. The Certificate makes a number of energy and resource commitments in regard to ventilation, provision of a central hot water system, at least three star water appliances, natural lighting and thermal comfort. These commitments have been shown on the DA plans, where appropriate. The design achieves a pass against the targets for water, thermal comfortable and energy. Subsequently, the design of the development satisfies the requirements of SEPP 2004.

- ***State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.***

This policy applies to residential apartment development and is required to be considered when assessing this application. SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.

Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the development application that addresses the design quality principles contained in SEPP 65 and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved. A design report prepared by the registered Architect was provided as part of the DA. Furthermore, a Design Verification Statement prepared by the registered Architect was submitted as part of the amended development application package.

In addition, SEPP 65 requires the assessment of any DA for residential apartment development against the nine design quality principles and to consider the matters contained in the ADG.

Principle 1: Context and Neighbourhood Character

The site is located within the B5 Business Development zone. The site is consistent with the objectives of the zone as the development consists of a well designed mixed use development that provides residential use as well as a 700sqm retail floor area in an accessible area. The mixed use design will subsequently contribute to supporting the viability of centres and encourage employment opportunities along Canterbury Road.

The immediate surrounding area is undergoing transition as it comprises a mix of development ranging from retail to industrial to residential and mixed use development. The proposal is considered to be compatible with the existing and desired future character of the area and will contribute to the quality and identity of the immediate locality.

Principle 2: Built Form and Scale

The proposed development is generally compliant with the building envelope controls. The scale of the development is consistent with that envisaged by the planning controls, and is of a suitable bulk and scale for the locality.

The façade has been articulated to address all three street frontages by incorporating changes in the built form, appropriate landscaping and a mixed palette of building material and finishes. These elements also contribute to reducing the overall bulk and mass of the building.

Principle 3: Density
As outlined within the body of this report, the proposed design generally complies with the applicable development standards. Any variation proposed has been considered as part of this assessment and is considered acceptable on merit. Overall, the design is considered to achieve a high level of amenity for residents.

Furthermore, the proposed density is considered to be an appropriate response to the desired future character and built form of the locality.

Principle 4: Sustainability
A BASIX Certificate has been submitted to Council with this development application, which details the resource, energy and water efficiency measures that will be incorporated into this proposal.

The development is considered to be acceptable with respect to the applicable natural ventilation and solar access requirements. The development incorporates an appropriate mix of dwelling sizes consisting of one, two and three bedroom apartments, and will therefore provide a range of choice for future residents.

Principle 5: Landscape
The proposal incorporates landscaping at lower ground level, ground level as well as on the rooftop as part of the communal open space area. The proposed deep soil areas exceed the minimum requirements specified within the ADG.

Landscape details have been provided which have been reviewed and accepted by our Landscape Architect. Further, all the proposed apartments have access to private open space, in the form of balconies. The proposal satisfies the relevant landscaping requirements of the ADG and CDCP 2012.

Principle 6: Amenity
The proposed development has been designed to maximise solar access within the existing site constraints. The proposed apartments will have considerable internal amenity. Their size and room dimensions satisfy, and in some cases, exceed the minimum standards outlined within the ADG. As such, they will provide adequate space to meet the needs of future occupants.

Storage is provided within all units with additional storage within the allocated basement car parking spaces. The outdoor private balconies are of sufficient size to meet the recreational needs of future occupants. Lift access has been provided from the basement throughout the building, thereby providing full accessibility for all residents and visitors.

Principle 7: Safety
The applicant has considered Crime Prevention Through Environmental Design (CPTED) principles as outlined in CDCP 2012 in the design of the project. The development has been designed to allow habitable rooms of apartments to address

Canterbury Road, Dreadnought Street and Remly Street. Further, the design incorporates separate retail and residential access (both of which are visible from the adjoining streets) as well as provision of intercom and security systems. Collectively, these features will allow for an appropriate level of surveillance and security.

Principle 8: Housing Diversity and Social Interaction

The proposed design incorporates various dwelling sizes. The proposed design also includes adaptable apartments which, in conjunction with various dwelling sizes, promote diversity, affordability and access to housing choice.

Principle 9: Aesthetics

The application is accompanied by a Design Verification Statement and confirms that the development satisfies the general design principles contained within SEPP 65. The articulation of external facades and general compliance with the relevant built form standards reduces the perceived bulk of the building, whilst maintaining internal and external amenity. These element contribute to the desired future character of the locality and enhance the existing surrounding streetscapes.

Apartment Design Guide

Further to the design quality principles discussed above, the proposal has been considered against the various provisions of the Apartment Design Guide in accordance with Clause 28 (2) (c) of SEPP 65.

This consideration includes an assessment of the objectives of Parts 3 and 4 of the ADG. The applicant's designer provided a design verification statement at lodgement to demonstrate that the objectives have been achieved.

An assessment of the proposed development in regards to the following 'Design Criteria' controls of the ADG is demonstrated in the table below:

Section	Design Criteria	Proposed	Complies
Part 3 Siting the Development			
3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site (1,211.225sqm).	1,730sqm of communal open space is proposed (incorporating part of the lower ground floor (899sqm), ground floor (375sqm) and rooftop (456sqm)). This equates to 35.7% of the site area.	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) (605.6sqm)	A total of 606sqm which equates to 50% of the communal open space requirement receives at least 2 hours solar access.	Yes

<table>
<tr>
<td>3E
Deep Soil Zones</td>
<td>Deep soil zones are to meet the following minimum dimensions:

<table>
<tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr>
<tr><td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m² - 1,500m²</td><td>3m</td></tr>
<tr><td>Greater than 1,500m²</td><td>6m</td></tr>
<tr><td>Greater than 1,500m²</td><td>6m</td></tr>
</table>
</td>
<td>An 899sqm (19% site area) deep soil area is located in the southern portion of the site. The area comprises dimensions greater than 6m.

NB: This calculation excludes the fire services/meter room and substation.</td>
<td>Yes</td>
</tr>
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<tr>
<td>3F
Visual Privacy</td>
<td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table>
<tr><th>Building Height</th><th>Habitable Rooms & Balconies</th><th>Non-habitable Rooms</th></tr>
<tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>

Note: An increased 3m building separation is required given the land to the south is a different zone (R3 Zone) that permits lower density residential.</td>
<td>Minimum locations provided below:

Lower Ground:
<u>East:</u> 19.4m
<u>South:</u> 9m

Ground:
<u>East:</u> 18.6m
<u>West:</u>19.2m
<u>South:</u> 9m
<u>Within Site:</u> 6m (habitable to blank wall)
<u>Within Site (habitable rooms):</u> 9m (between AG.05 and BG.05 and multi-dwellings)

Level 1:
<u>North:</u> 19m
<u>East:</u> 17.4m
<u>West:</u> 17.8m
<u>South:</u> 9m
<u>Within Site (between habitable rooms):</u> <12m

Level 2:
<u>North:</u> 22m
<u>East:</u> 20.6m
<u>West:</u> 21m
<u>South:</u> 9m
<u>Within Site (between habitable rooms):</u> <12m</td>
<td>

Yes
Yes

Yes
Yes
Yes
Yes

No – refer to comment [1] below

Yes
Yes
Yes
Yes
No – refer to comment [1] below

Yes
Yes
Yes
Yes
No – refer to comment [1] below</td>
</tr>
</table>

		Level 3: North: 17.6m East: 20.4m West: 20.6m South: 13.6m Within Site (between habitable rooms): <12m **Level 4:** North: 20.9m East: 22.6m West: 22.2m South: 14.8m Within Site (between habitable rooms): <18m **Rooftop:** North: 27.3m East: 24.4m West: 26.6m South: 20.4m Within Site (between balconies): <18m between balconies of main building.	Yes Yes Yes Yes **No – refer to comment [1] below** Yes Yes Yes Yes **No – refer to comment [1] below** Yes Yes Yes Yes **No – refer to comment [1] below**
3J **Bicycle and Car Parking**	For development within 800 metres of a railway station the minimum car parking requirement for residents and visitors is the lesser of that set out within the Guide to Traffic Generating Developments or Council requirements. Otherwise, the CDCP controls apply.	The site is located greater than 800m of the nearest railway station (Lakemba Railway Station) and therefore the car parking generation rates outlined within Canterbury Development Control Plan 2012 applies to the site. An assessment against these provisions is outlined later in this report.	N/A
	The car parking needs for a development must be provided off street.	All car parking is located within the three levels of car parking. The lower ground parking is sub-floor, basement levels 1 and 2 are within the basement.	Yes
Part 4 Designing the Building			
4A **Solar and Daylight Access**	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	52 of the 98 apartments proposed (53%) receive solar access as shown on plans.	**No – refer to comment [2] below**
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	19 of 98 apartments (19%) do not receive direct sunlight	**No – refer to comment [2] below**
4B	At least 60% of apartments	A total of 53 apartments (54% of	**No – refer**

<table>
<tr><td rowspan="2">Natural Ventilation</td><td>are naturally cross ventilated in the first nine storeys of the building.</td><td>total number of apartments) are naturally cross ventilated.</td><td>to comment [3] below</td></tr>
<tr><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</td><td>All cross-through apartments do not exceed 18m.</td><td>Yes</td></tr>
<tr><td>4C
Ceiling Heights</td><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table><tr><th colspan="2">Minimum Ceiling Height for Apartment and Mixed Use Buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>
These minimums do not preclude higher ceilings if desired.</td><td>The retail premises on the ground floor has a floor to floor height of 4m, with a 3.3m floor to ceiling height.

The floor to floor ceiling heights of the residential floors are min 3.1m. In accordance with the ADG, these heights can accommodate a 2.7m floor to ceiling height for habitable rooms.

The floor to ceiling height and configuration of the first floor is not designed in a manner that will allow future flexibility of use.</td><td>Yes

Yes

No, refer to comment [4] below.</td></tr>
<tr><td rowspan="3">4D Apartment Size and Layout</td><td>Apartment are required to have the following minimum internal areas:

<table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</td><td>Each apartment complies with the minimum internal area requirement with the exception of apartments A107 and B205 which comprise an apartment size of 73sqm with 2 bathrooms and therefore does not comply with the minimum 75sqm requirement. Should the application be supported, a condition is recommended to remove the ensuite within each apartment to ensure the minimum apartment size is met.

NB: Given the design of the apartments ALG01-ALG04, they could be converted to 3 bedroom apartments and have therefore assessed accordingly.</td><td>Yes – via condition of consent.</td></tr>
<tr><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</td><td>All habitable rooms have a window in an external wall that exceeds 10% of the floor area of the room. Can be reinforced via condition of consent.</td><td>Yes</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen</td><td>For apartments with open plan layouts, the maximum habitable</td><td>Yes</td></tr>
</table>

<table>
<tr><td></td><td>are combined) the maximum habitable room depth is 8m from a window.</td><td>room depth is 8m from a window.</td><td></td></tr>
<tr><td></td><td>Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m² (excluding wardrobe space).</td><td>All master bedrooms have a minimum area of 10m^2.

All secondary bedrooms have a minimum area of 9m^2.</td><td>Yes

Yes</td></tr>
<tr><td></td><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</td><td>All bedrooms have a minimum dimension of 3m</td><td>Yes</td></tr>
<tr><td></td><td>Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1 bedroom apartments
• 4m for 2 and 3 bedroom apartments</td><td>All apartments comply with the minimum living room widths.</td><td>Yes</td></tr>
<tr><td></td><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>All apartments comply with the minimum 4m internal width requirement.</td><td>Yes</td></tr>
<tr><td>4E
Private Open Space and Balconies</td><td>All apartments are required to have primary balconies as follows:

<table><tr><th>Dwelling type</th><th>Min Area</th><th>Min Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>All apartments comply with the minimum private open space requirements.</td><td>Yes</td></tr>
<tr><td></td><td>For apartments are ground level or on a podium or similar structure, a private open space area is to be provided rather than a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</td><td>All ground floor or podium apartments comply with the minimum private open space area with the exception of apartments AG02 and AG03, which do not comply with the minimum depth requirement.</td><td>No, refer to comment [5] below.</td></tr>
</table>

<table>
<tr><td>4F
Common Circulation and Spaces</td><td>The maximum number of apartments off a circulation core on a single level is eight.

If this cannot be achieved, no more than 12 apartments are to be located off one circulation core.</td><td>Maximum 12 apartments off one circulation core.</td><td>Yes</td></tr>
<tr><td>4G
Storage</td><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling type</th><th>Storage siz volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>
At least 50% of the required storage is to be located within the apartment.</td><td>All apartments comply with the minimum storage volume required. Furthermore, at least 50% of the required storage is located within the apartment. This design is recommended to be enforced via condition of consent.</td><td>Yes – via condition of consent</td></tr>
</table>

As demonstrated above, the proposal is generally consistent with the key design criteria contained in Parts 3 and 4 of the ADG. Further discussion is provided below with respect to visual privacy (building separation), solar and daylight access, natural cross ventilation, ceiling heights and private open space:

[1] Part 3F – Visual Privacy

Part 3F-1 of the ADG specifies minimum separation distances between windows and balconies of a development. The proposed development complies with the minimum building separation distances with the exception of separation distances within the site. The ADG outlines that separation distances between buildings on the same site should combine required building separations depending on the type of room.

The proposed design does not comply with the minimum building separation controls in the following instances:

- **Level 1:**
  - The balconies along the northern elevation comprise a building separation between zero-4.2m, which does not comply with the 12m requirement.
  - The habitable room window associated with apartment B1.03 and the balcony associated with B1.04 is separated by 2m, which does not comply with the 12m requirement.
  - The north facing habitable room window associated with apartments A1.12 and B1.02 is setback 1.5m from the blank wall, which does not comply with the 3m requirement.
- **Level 2:**
  - The balconies along the northern elevation comprise a building separation between zero-11.4m, which does not comply with the 12m

requirement.
    - The habitable room window associated with apartment B2.03 and the balcony associated with B2.04 is separated by 4m, which does not comply with the 12m requirement.
    - The north facing habitable room window associated with apartments A2.12 and B2.02 is setback 1.5m from the blank wall, which does not comply with the 3m requirement.
- **Level 3:**
    - The balconies along the northern elevation comprise a building separation between 0m-2.6m, which does not comply with the 12m requirement.
    - The north facing habitable room window associated with apartments A3.11 and B3.02 is setback 1.5m from the blank wall, which does not comply with the 3m requirement.
- **Level 4:**
    - The balconies associated with apartments A4.01 and B4.01 are separated from the balconies associated with apartments A4.02 and B4.07 respectively by 8m, which does not comply with the 18m requirement.
    - The balconies associated with apartments A4.05 and B4.04 are not separated at least 18m from the closest habitable room window and balconies.
- **Rooftop:**
    - The balconies associated with apartments A4.05 and B4.04 are separated by 9m, which does not comply with the 18m requirement.

The objective of Part 3F is:
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

It is imperative to note that overall, the proposed development complies with the objective of Part 3F as the design complies with the minimum building separation distances to adjoining properties, including the additional setback required to the southern boundary.

The proposed variation to the 3m separation distance on levels 1, 2 and 3 (apartments A1.12, B1.02, A2.12, B2.02, A3.11 and B3.02) is considered acceptable in this instance given it will not result in a reduction to the level of privacy afforded to the relevant apartments. Furthermore, the affected apartments comprise a dual aspect and therefore the reduced setback will not impact the level of amenity, in terms of visual outlook, provided to such apartments.

Furthermore, in regards to the rooftop private open space areas associated with apartments A4.05 and B4.04, it is noted that these spaces are separated by 9m, rather than 18m as required. Given these private open space areas are not directly located off the internal living area, they are considered secondary private open spaces areas to the areas provided on Level 4. An appropriate level of privacy is provided to the principle private open space areas located on Level 4. It is important to note that the private open space areas on Level 4 comply with the minimum area requirement for one bedroom dwellings and therefore the secondary private open

spaces are not required to achieve compliance with the private open space controls. The secondary private open space area has been incorporated to provide future occupants a greater level of amenity.

In regards to the remaining non-compliances, it is considered that through incorporation of solid walls, high sill windows and/or privacy screens, adequate visual privacy can be afforded to future occupants of the site. The following mitigation measures are recommended to be enforced via condition of consent:

- The south facing window serving the living area of apartment B1.03 is to comprise a sill height of 1.8m, measured from the finished floor level.
- The south facing window serving the living area of apartment B2.03 is to comprise a sill height of 1.8m, measured from the finished floor level.
- A privacy screen is to be fixed to the top of the entire length of the north facing balustrade associated with dwellings ALG01-ALG04 on Level 2 to a maximum height of 1.8m, measured from finished floor level.
- Balconies that directly adjoin each other (i.e balconies associated with Apartment A1.03 and Apartment A1.04) are to comprise a full height solid party wall.
- Balconies that do not meet the minimum separation distance on Levels 1, 2 and 3 are to comprise a fixed privacy screen on the relevant side elevation of each balcony. The privacy screen is to be fixed to the top of the balustrade to a maximum height of 1.8m, measured from finished floor level.
- The eastern and western elevations of the balconies associated with apartments A4.05 and B4.04 on Level 4 are to comprise a privacy screen. The privacy screen is to be fixed to the top of the balustrade to a maximum height of 1.8m, measured from finished floor level.
- The eastern elevation of the balcony associated with apartment A4.01 is to comprise a solid wall to a height of 1.8m, measured from finished floor level.
- The western elevation of the balcony associated with apartment B4.01 is to comprise a solid wall to a height of 1.8m, measured from finished floor level.

In light of the above, and through incorporation of the above-mentioned conditions, the design meets the objective of the control and subsequently the proposed variation is considered acceptable in this instance.

[2] Part 4A – Solar and Daylight Access

The applicant states that the design achieves compliance with the minimum solar access provision should 6 apartments rely on receiving solar access until 3:30pm. Within the correspondence sent by Council, on each occasion, the applicant was recommended to comply with the minimum solar access requirement. Council noted that in order to achieve compliance, a reconfiguration and/or reduction in the number of apartments would likely be required. Since the first amendment of the design, the applicant has not further reduced the number of apartments or substantially reconfigured the design to achieve compliance, given it is the Applicant's view that compliance is achieved by relying on the flexibility of the 9am-3pm in mid-winter requirement.

In light of the above, a merit assessment of the design against the solar access requirement is provided below.

A total of 69 apartments are required to receive 2 hours solar access to internal living and private open space areas in order to achieve the minimum 70% requirement. As outlined in the table above, based on Council's assessment, 52 of the 98 apartments proposed (i.e 53% of apartments) achieve a minimum 2 hours of direct sunlight to the living room and private space between 9am and 3pm at mid-winter. This results in a non-compliance with the minimum requirement of 70% (a shortfall of 17 apartments). In addition, a total of 19 apartments (i.e 19% of apartments) receive no direct sunlight between 9am and 3pm at mid-winter. This results in a non-compliance with the maximum requirement of 15% (a surplus of 4 apartments).

Council's assessment determined, that even through relying on the apartments that receive solar access to the internal living areas and private open space to the extended time of 3:30pm, compliance with the 70% requirement is still not achieved.

The objective of Part 4A is as follows:
To optimize the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

As outlined within this report, the development has been designed in a manner that maximises the number of north-facing apartments (where possible). The eastern and western elevations have been fanned out to try and maximize the level of solar access received by the apartments located towards the south of the site. Given the key development standards that apply to the site (i.e 18m maximum building height limit), coupled with the sloping nature of the site (approximately 4m to the south-west) as well as the lower density residential zoned land adjoining the southern boundary, the U-shaped design of the development is considered appropriate. This design addresses the adjoining street frontage as well as concentrates the bulk of the development to the north of the site, away from the lower density residential to the south in order to minimise any potential impact.

In addition to the key design elements, alternative design solutions have been incorporated into the development for the top level apartments. Clerestory windows have been located above the internal primary living areas associated with apartments A3.09, A3.10, A3.11, A4.07, A4.05, B4.03 and B4.04 as well as voids above the private open space areas associated with apartments A3.10 and A3.11. This is considered to be an acceptable design solution for these apartments, given the site's constraints. Through the acceptance of these design solutions, the design results in a total of 56 apartments (i.e 57%) receiving solar access to the internal living area and private open space for 2 hours at mid-winter. This represents a shortfall of 13 apartments.

If the abovementioned calculations were to include apartments that receive a minimum 2 hours solar access to internal living areas between 9am-3pm in mid-winter, it would result in a total of 60 apartments (i.e. 62.5%). This finding demonstrates that, despite the constraints of the site, there has been a conscious effort to try and maximize the level of internal amenity afforded to future residents. Given the substantial communal open space area incorporated in the design, including the rooftop area which receives sufficient solar access, it is considered acceptable that the design has prioritised solar access to internal areas over private open space, given the constraints of the site.

Notwithstanding the abovementioned comments, the ADG does acknowledge that the solar access design criteria may not be possible in some instances, in particular where residential amenity can be achieved along a busy road by orientating the living rooms away from the noise source. The design incorporates apartments that face internally within the site. These apartments are the main contributors to the solar access non-compliance, given their southern orientation. However, no additional acoustic mitigation measures are required to be applied to these apartments (as outlined within the acoustic assessment submitted). In this regard, there has again been an effort to configure some south facing apartments (i.e. apartment A209, A309 and A406) through locating the internal living and private open space areas in a location that receives adequate solar access.

In light of the above, the development generally complies with the objectives of this design criteria. Therefore, the proposed non-compliances are considered to be acceptable in this instance.

[3] Part 4B – Natural Ventilation

As outlined within the table above, a total of 53 apartments (i.e 54% of apartments) are naturally cross ventilated and subsequently the design does not comply with the minimum 60% requirement. The non-compliance represents a shortfall of 6 apartments.

Due to the northerly orientation of the site, the development has been designed to provide as many northerly orientated apartments as possible as well as ensure the development addresses the secondary street frontages. Due to the topography of the site, the design of the development is constrained in order to minimise substantial amenity impacts (such as visual privacy and solar access) on the lower density residential zoned land to the south.

As a consequence, the development incorporates several single aspect apartments along each elevation of the residential flat building component that do not achieve natural cross ventilation. As part of the assessment of the application, Council requested the Applicant to investigate redesigning the development to achieve compliance with the natural cross-ventilation controls. The revised design incorporates clerestory windows to a total of 6 top floor apartments located on Levels 3 and 4. Through the inclusion of clerestory windows, a total of 59 apartments (i.e. 60% of apartments) will receive natural cross ventilation. Subsequently, compliance is achieved through the inclusion of these design solutions.

Notwithstanding the above, as outlined earlier within this report, the acoustic assessment submitted recommends all windows along the northern, eastern and western boundaries are to be closed in order to meet the relevant noise criteria. On this basis, appropriate mechanical ventilation has been incorporated into the design of the apartments to ensure they are adequately ventilated, even though all windows may be closed.

In light of the above, reliance on operable clerestory windows to the top floor apartments is an acceptable respond to this design criteria, and the non-compliance is considered acceptable in this instance.

[4] Part 4C – Ceiling Heights

Part 4C of the ADG recommends that for development in mixed use areas, the ground and first floors comprise 3.3m floor to ceiling heights, to promote future flexibility of use. The retail tenancy on the ground floor comprises a 4m floor to ceiling height, to allow for a 3.3m floor to ceiling. However, the residential components on the ground and first floors comprise a floor to ceiling height of 2.8m when deducting a standard slab thickness of 300mm.

Despite the numerical non-compliance, given the design of the building, specifically the depth of each of the residential dwellings, the objective of 4C can still be achieved as each apartment comprises at least one orientation and therefore can receive natural ventilation and daylight access. In this regard, the design is considered to promote future flexibility of use on the ground and first floors. On this basis, the minor numerical non-compliance (0.5m) is considered acceptable on this basis.

[5] Part 4E – Private Open Space

Part 4E-1(2) specifies that ground level or podium level apartments should comprise a private open space area that is at least 15sqm in size with a minimum depth of 3m. Apartment AG04 is a podium apartment and AG05 is located on the ground floor. The private open space areas of these apartments exceed the minimum 15sqm area requirement, however do not comprise a 3m depth. The details of each private open space area are as follows:

- **Apartment AG04**: Minimum area of 19sqm with a depth ranging from 2.5m-4.7m.
- **Apartment AG05**: Minimum area of 18sqm with a depth of 2.89m.

The objective of Part 4E-1 is to ensure apartments provide adequately sized private open space and balconies to enhance residential amenity. Despite the numerical non-compliance with the minimum depth requirement, the private open space areas are well designed, functional and can be accessed directly from the living area of the apartment. Subsequently, it is considered that the design achieves the objective of Part 4E-1 and therefore the variation is supported in this instance.

- ***Canterbury Local Environmental Plan 2012.***

This site is zoned B5 Business Development under CLEP 2012. The controls applicable to this application are discussed below.

Clause 2.3(2) of CLEP 2012 outline that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the B5 Business Development Zone are as follows:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To provide for residential use in conjunction with mixed use development to create an attractive streetscape supported by buildings with a high standard of design.*
- *To support urban renewal that encourages an increased use of public transport, walking and cycling.*

- *To encourage employment opportunities on Canterbury Road and in accessible locations.*

The proposed development meets the objectives of the B5 zone as follows:

- It provides a large business floor area that can contribute to supporting the viability of centres and encourage employment opportunities.
- It provides for residential use, in a high quality designed mixed use development.
- The type of proposed use, design and use of materials contributes to an attractive streetscape.

Provision/ Standard	**Requirement**	**Proposal**	**Complies**
Part 2 Permitted or Prohibited Development			
2.1-2.3 Zoning	B5 Business Development	The proposed development is classified as a mixed use development. The site is identified as a Key Site within CLEP 2012. In accordance with Schedule 1, Clause 1 of CLEP 2012, residential accommodation is permitted with development consent on key sites, but only as part of a mixed use development. The site comprises part retail, residential flat building. The specific use of the retail premises is subject to a future DA. It is noted that not all retail premises are permitted in the B5 zone.	Yes
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Approval is sought for the demolition of all existing structures on the subject site. A demolition plan was included with the architectural plans submitted to Council.	Yes
Part 4 Principal Development Standards			
4.3 Height of Buildings	18m	Max 20.1m (RL77.6 (lift overrun) – 57.5 (existing natural ground level)). The lift overrun, fire stairs, awning, clerestory windows and portions of the roof parapet and balustrades associated with the communal open space and private open space exceed the maximum building height.	**No – refer to comment [1] below**
4.4 Floor Space Ratio	*N/A*	*N/A*	*N/A*
4.6 Exceptions to development standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument	The applicant has provided a submission under Clause 4.6 of CLEP 2012 with respect to the contravention to the height of buildings development standard. Further assessment is provided below with respect to this matter.	Yes
Part 5 Miscellaneous Provisions			

Provision/ Standard	Requirement	Proposal	Complies
5.9 – Preservation of trees or vegetation (repealed by SEPP 2017 for DAs lodged on or after 20/12/17)	A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, (b) a permit granted by the Council.	The property tree 1 x *Melaleuca sp.* (common name Paperbark) located at the rear of the existing buildings is considered to have a high retention value. However, due to the nature of the development, retention of the tree in a healthy state is deemed difficult. Replacement trees are incorporated in the deep soil area. On this basis, Council's Landscape Architect, deems the removal of the tree as acceptable given the number and species of replacement trees.	Yes, subject to condition of consent.
Part 6 Local Provisions			
6.2 Earthworks	Before granting consent to development including earthworks, the following must be considered: (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed development requires excavation to approximately 10m below natural ground level to accommodate three basement levels. A Geotechnical Investigation Report (prepared by Douglas Partners Pty Ltd dated 21 March 2018 was submitted with the application. The report contains recommendations with regard to excavation and building foundations. The recommendations are suggested to form conditions of consent, should the application be supported. Furthermore, Council's Environmental Health Officer reviewed the report and raised no objection to the recommendations of the Geotechnical Investigation Report.	Yes, subject to conditions of consent.

Provision/ Standard	Requirement	Proposal	Complies
6.4 Stormwater Management	Consent must not be granted unless: (a) Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration (b) Includes on-site detention if practical as an alternative means of water supply (c)Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts.	The development incorporates deep soil zones and permeable services at the lower ground level, towards the rear of the site. Council's Development Engineer raises no issues with the proposed management of stormwater subject to the imposition of suitable conditions of consent.	Yes – via condition of consent
6.6 Essential Services	Essential services must be available or adequate arrangements have been made to make them available, including: - the supply of water; - the supply of electricity; - the disposal and - management of sewage; - stormwater drainage or on-site conservation; - suitable vehicular access.	The development has indicated adequate provision of essential services including vehicular access, Ausgrid substation, fire hydrants, sprinkler valve room/hoses and pump facilities.	Yes

As demonstrated above, the proposal is generally consistent with the objectives and development standards of CLEP 2012. Further discussion is provided below with respect to the contravention to the height of buildings development standard contained in Clause 4.3, and the associated Clause 4.6 variation submission to seek flexibility in the application of this development standard.

The proposed variation

The proposal complies with the development standards contained in CLEP 2012, with the exception of Clause 4.3 – Height of Buildings. The non-compliance building height primarily derives from the provision of lift and stairwell access to the rooftop communal open space area. In addition, a small section of the roof parapet to the rear of the development also breaches the building height, as well as a the balustrades associated with the rooftop private open space areas associated with apartments A405 and B404 and the proposed new clerestory windows serving the southern apartments on Level 4.

Pursuant to Clause 4.6 of CLEP 2012, the applicant has made a submission seeking a variation to the provisions contained in Clause 4.3 of CLEP 2012. The Clause 4.6 submission details the extent of the variation as follows:

- 18m – Building Height maximum

- 21.33m – Maximum Building Height proposed
- 3.33m – 18.5% degree of contravention

Based on Council's assessment, the degree of variation between Council and the Applicant is not agreed upon. The applicant confirmed that the maximum building height was calculated through measuring the building height above the 18m building line provided on Section 05 (Drawing No. DA-350-105). Council's assessment included overlaying the roof design over the survey plan and calculating the maximum height by utilising the existing natural ground level points provided on the survey and the RLs of the highest point on the architectural plans. In this regard, Council's assessment determined the extent of the variation as follows:

- 20.1 – Maximum Building Height proposed
- 2.1m – 11.7% degree of contravention

An assessment of the development against Clauses 4.6(2), (3) and (4) of CLEP 2012, including extracts from the applicant's submission, is provided below:

1. The objectives of this clause are as follows:

a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,

b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

2. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment: The development standard to be varied is Clause 4.3, Height of Building, which is not expressly excluded from the operation of Clause 4.6.

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

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

The Applicant's written request states that compliance with the building height standard is unnecessary or unreasonable as follows:

- *The height breach is due to varying ground levels and particularly due to the 2.7m slope of the site from north down to south at the eastern end of the site.*

- *The additional height is also attributed to a greater retail floor-to-floor height of 4m allowing a floor to ceiling height which offers greater flexibility and amenity.*
- *The proposed top level is now under the LEP height limit at the Canterbury Road frontage, being 16.8m.*
- *The majority of the proposal complies with the building envelope provisions of the CDCP 2012.*
- *The proposal redistributes the potential permissible FSR further away from the adjoining residential dwellings to the south of the subject site and thereby provides for reduced visual bulk and amenity impacts when compared with a compliant development.*
- *The variation provides for a better outcome through the provision of high quality communal areas which will receive abundant sunlight (in excess of the ADG requirement) in contrast to the ground level communal areas. The addition of rooftop private open space area associated with apartments A405 and B404 allow these units to enjoy private open spaces that will receive sunlight throughout the day. The additional clerestory windows will also allow solar access and daylight to penetrate those apartments.*
- *There are no unreasonable or additional adverse impacts generated by the height variation in regard to overshadowing, privacy or view loss, noting that the rootop terraces allow for expansive district views.*
- *The additional height also has not unreasonable streetscape outcomes. The proposed height is appropriate for its expansive main road frontage and is also consistent with numerous developments that have been recently completed or which are under construction along Canterbury Road.*

Comment:

Council acknowledges that the height breach is partly due to the varying ground levels which slope a maximum of approximately 4m from the north to the south of the site as well as the lift overrun and fire stairs which provide access to the rooftop communal open space area. The location of the lift overrun and fire stairs at the northern portion of the site is also the higher portion of the site. The design comprises communal open space area that exceeds the minimum 25% requirement specified within the ADG. However, given the north-south orientation of the site, majority of the communal open space provided on the lower ground and ground levels do not receive adequate solar access. Subsequently, the rooftop communal open space is provided to ensure such area receives adequate solar access and contribute to positive amenity impacts for future residents.

As outlined by the Applicant, the proposed variations are limited to structures located on the rooftop (i.e. lift overrun, fire stairs, awning, balustrades and parapets). Such structures are setback from the lower levels and are primarily isolated to the middle to southern portion of the rooftop design. It is noted that the maximum variation (i.e lift overrun, fire stairs and attached awning) is isolated to the middle of the rooftop. Subsequently, despite the minor height variations, the design maintains the 5 storey presentation along the street frontages which is consistent with the character envisaged for this zone.

It is also acknowledged that the building envelope is concentrated to the north of the site, away from the lower density zone (R3 Medium Density Residential Zone) which comprises a 8.5m height and 0.5:1 FSR development standard. This subsequently maintains an improved visual bulk and amenity to these properties.

Council does not concur with the Applicant's statement that the additional height is attributed to greater floor-to-floor retail height as no habitable space breaches the height development control. Furthermore, it is expected that a compliant design achieves the minimum standards, including floor-to-floor heights.

Notwithstanding this, given the above and the context of the site, the written request has therefore adequately addressed that compliance with the development standard is unnecessary or unreasonable in the circumstances of this case.

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

The Applicant's written request gives the following reasons that there are sufficient 'environmental planning grounds' to justify contravening the development standard:

- *Outperformance of the internal amenity indicators within the ADG and CDCP 2012 in relation to solar access and cross-ventilation.*
- *The height compliance will not be responsible for any greater shadowing to any surrounding property.*
- *The variation allows for compliance with the minimum required communal open space area and also the minimum required solar access to the communal open space area.*
- *The height variation allows for compliance with the solar access requirements for units and private open space.*
- *The height variation will not interfere with any views from surrounding properties nor result in any adverse visual or acoustic privacy impacts.*

Comment:
It is agreed that the Applicant has attempted to provide the required communal open space elsewhere within the site by virtue of providing it on the lower ground and ground floor of the development. By doing so, the design comprises a communal open space above the minimum requirement specified within the ADG.

However, given the north-south orientation of the site and the permissible 18m building height development standard applicable to the site, majority of the communal open space on the lower ground and ground levels are overshadowed by the development, thereby resulting in a non-compliance with the minimum solar access provision to the communal open space.

The option to place the communal open space to the north of the site would result in a greater setback to Canterbury Road and consequently, a design that is inconsistent with the character of the area. Therefore, the proposed location of the communal

open pace on the rooftop is considered to be the preferred design. The rooftop communal open space is recessed within the building footprint and as shown within the perspectives submitted by the Applicant (Drawings DA-900-001 to DA-900-004), it will not be visible from the adjoining streetscapes.

It was considered that compliance could be achieved through further excavation of the site. However, due to the topography of the site, this would result in a poor streetscape presentation along each street frontage as well as a reduced level of privacy and amenity to the ground floor residential apartments located on the eastern and western elevations. Furthermore, despite the variation, the design presents as a 5 storey development.

In addition to the above, Council agrees that the additional height does not result in any substantial additional amenity impacts on adjoining development, when compared to a design that complies with the maximum 18m building height standard. This is primarily a result of the orientation of the site and the development controls applicable to the site.

Accordingly, it is considered that a better form of development than a compliant design has been achieved as a result of the breach to building height.

Notwithstanding the above, the variation statement also notes that the design results in an outperformance of the minimum amenity controls specified within the ADG and CDCP 2012. Council does not agree that the variation results in compliance with minimum solar access and cross ventilation controls, however for the reasons outlined earlier within this report, Council supports the proposed variations to these controls. It is noted that the inclusion of clerestory windows and private open space associated with apartments A405 and B404 achieves greater compliance with the cross ventilation and solar access controls to internal living areas and private open spaces.

In light of the above, the written request has demonstrated that there are sufficient environmental planning grounds to support the proposed variation to building height.

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

a. the consent authority is satisfied that:

i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment: As detailed above, the written request has adequately addressed the matters required in subclause 3 above.

ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the

zone in which the development is proposed to be carried out, and

The objectives for building height seek:

(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.

Comment:

It is considered that the proposal is consistent with the objectives of the development standard for the following reasons:

- The part of the development that breaches the 18m maximum building height standard is recessed a minimum of 5m from the side boundaries and 8.2m from the northern boundary. Therefore the development presents as a 5 storey development from the adjoining streetscapes. The 5 storey design is in keeping with the future desired character of the streetscape and locality.
- The bulk of the development has been concentrated to the north of the site, as well as meets, and in some cases exceeds, the minimum building separation requirements specified within the ADG to adjoining properties**.** This design is considered to be the more appropriate alternative given the lower density zone directly adjoining the south of the site. By concentrating the bulk of the development to the north of the site reduces the potential additional adverse amenity impacts than a design that could be further concentrated to the south.
- The maximum 5 storey presentation of the development to all three street frontages defines the street edge and results in a design that contributes positively to the streetscape and visual amenity of the area.

The objectives for the B5 Business Development Zone seek:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To provide for residential use in conjunction with mixed use development to create an attractive streetscape supported by buildings with a high standard of design.*
- *To support urban renewal that encourages an increased use of public transport, walking and cycling.*
- *To encourage employment opportunities on Canterbury Road and in accessible locations.*

Comment:

For the reasons set out within this report, the proposal is consistent with the objective to ensure residential uses in conjunction with mixed use developments create an attractive streetscape and supported by building with a high standard of design. Bus services are provided at the front of the site, along Canterbury Road. Routes 450 and

487 provide transport services to Bankstown and Westfield Hurstville. The proposed development adequately interacts with the adjoining streetscapes whilst providing adequate privacy to the residential components. Furthermore, the proposed materials and finishes proposed contributes to high quality designed facades which is consistent with the objectives of the zone.

As shown above and in line with this report, the proposed variation to the building height development standard is consistent with the objectives of the zone and development standard. Accordingly, approval would be in the public interest.

b. the concurrence of the Secretary has been obtained.

Comment:
The concurrence of the Secretary is assumed having regard to previous advice received from the Department of Planning and Environment in Circular PS 17-006.

Conclusion
As outlined above, it is considered that there are sufficient environmental planning grounds to justify a contravention to the height of buildings development standard, in this instance. The provision of a rooftop communal open space, the required lift and stairwell access and associated awning and balustrading, results in a superior outcome than what would be the case if the communal open space was solely provided at ground and lower ground level in the southern portion of the site.

The orientation of the site and development controls applicable to the site does not allow for the provision of a communal open space at ground level that achieves adequate solar access. Furthermore, as discussed earlier within this report, the ADG acknowledges that development may not achieve compliance with the minimum solar access requirements for development located along busy roads (such as the subject site) given habitable rooms may need to be located away from such noise sources in this instance.

In this regard, the design doesn't achieve compliance with the minimum solar access requirements provided to apartments, specifically private open space areas. Therefore, the rooftop communal open space provides for an outdoor area that receives adequate solar access, which in turn, contributes to a greater level of amenity for future residents. Furthermore, apartments A4.05 and A4.404 are orientated away from Canterbury Road and therefore do not comply with the minimum solar access and natural ventilation requirements. Subsequently, the rooftop private open spaces and clerestory windows (which marginally exceed the maximum building height) have been included in the design to provide greater amenity to these apartments.

Despite the proposed variation to the maximum building height development standard, the development presents as a 5 storey development, which is consistent with the existing and future desired character of the area.

For the reasons outlined above, it is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the development remains an appropriate built form outcome for the site, despite the contravention to the development standard.

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

Section 4.15(1)(a)(ii) - Draft environmental planning instruments

There are no draft environmental planning instruments applicable to the proposed development, and the provisions of Section 79C(1)(a)(ii) therefore do not apply to this development.

Section 4.1.5(1)(a)(iii) - Development Control Plans

- ***Canterbury Development Control Plan 2012.***

The following table provides a detailed assessment of the proposal against the relevant development standards contained in CDCP 2012.

Control	Requirement	Proposed	Complies
3.1.2 Site Amalgamations	Where comprehensive redevelopment is proposed; • In B5 zone a min frontage of at least 30m.	The site has a primary frontage to Canterbury Road of 83.66m.	Yes
3.1.3 Major development sites	Major development sites may be able to accommodate increase heights over that permitted within CLEP and CDCP 2012 except for sites located within certain areas, including Canterbury Road corridor.	The site is located along Canterbury Road and therefore the flexibility permitted in accordance with Part 3.1.3 does not apply.	N/A
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.	The development involves amalgamating the four B5 zoned allotments. No B5 zoned allotments will be isolated as a result of the proposal.	Yes
3.1.5 Retention of Traditional Facades	Pre-1950 shop front facades are to be maintained in the parts of the B2 Zone where building height is five storeys or less (infill development is permitted behind so that the traditional main street character of the centres is maintained). Where the permitted height is greater than five storeys, comprehensive redevelopment is permitted and facades do not need to be retained.	The site does not comprise any pre-1950 shop front facades.	N/A

<table>
<tr><th>Control</th><th>Requirement</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>3.1.6
Height</td><td colspan="3">Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to visual privacy have no effect in the assessment of residential apartment development applications.

Clause 3.1.6 of the CDCP is therefore not relevant to the assessment of this application and ceiling heights matters have been assessed only in relation to part 3F of the ADG (as detailed in the table above).</td></tr>
<tr><td>3.1.7
Depth/ Footprint</td><td>Residential:
• Maximum 18m depth from glass line to glass line.

Retail and retail:
• Maximum depth 24m.
• Minimum depth 10m.
• Maximum length of any wall 50m, longer length may be considered if a deep soil, landscaped indent is provided, minimum 9m by 9m (a greater indent area may be required for facing windows and balconies).</td><td>Residential: All residential dwellings comprise a depth <18m.

Retail: The ground floor retail premises has a minimum depth of 10m and does not exceed 24m.

The retail wall on the ground floor does not comprise a continuous street wall greater than 50m.</td><td>Yes

Yes</td></tr>
<tr><td>3.1.8
Setback</td><td>Comply with the street level setback, number of storeys at the street level, and upper level setback in the following table.

<table><tr><th></th><th>Number of storeys at the street and setback</th><th>Upper level setback</th></tr><tr><td>B5 zones (buildings with ground floor residential apartments)</td><td>1-4 storeys

Minimum 9m from street boundary</td><td>Above 4 storeys – an additional 5m (total of 8m)</td></tr><tr><td>B5 zones (buildings with no ground floor residential apartments)</td><td>1-4 storeys

Minimum 3m from street boundary</td><td>Above 4 storeys – an additional 5m (total of 7m)</td></tr></table>
NB: The 9m requirement is for residential flat buildings in the B5 zone. The site is a mixed use development and therefore the 3m requirement has been applied, rather than the 9m. This setback is consistent with the revised CDCP 2012 (amendment 3).</td><td>Basement Levels: 3m

Lower Ground: 3m

Ground: 3m

Level 1: 3m

Level 2-Level 3: 2-3m. The corner element of the balconies associated with A2.01 and B3.01 are setback 2m. The encroachment is acceptable by virtue of Part 3.1.10 and does not impact the functionality of the future street parking along Canterbury Road.

Level 4: Min 5.2m-7m. The encroachment of balconies associated with apartments A4.02, A4.03, B4.06 and B4.07 is acceptable by virtue of Part 3.1.10.

Rooftop: 8.2m</td><td>Yes

Yes

Yes

Yes

Yes

Yes

Yes</td></tr>
</table>

Control	Requirement	Proposed	Complies
	Do not provide flat faced along setback line – provide articulation and variation	Along the Canterbury Road frontage, an increased setback is provided within the middle of the façade on Levels 1-3. In this location, the building is setback 2m for a length varying between 14.4m-11.4m. Furthermore, different colours and materials are incorporated within this section of the design compared to the remaining façade. This design measure, coupled with the oscillating balcony design along the façade Levels 1-3 provides adequate articulation and variation.	Yes
3.1.8 Setback (continue)	Side setback • A minimum side setback of 4.5m in the B5 zone only for straight residential development	The development is mixed use and therefore a side setback is not required.	N/A
	Side setback with residential zones: • Establish a 45 degree height plane projected at 1.5m from the residential boundary. • Provide minimum 1.5m setback to the residential zone boundary. • A two-storey limit on the boundary with residential zone applies.	Part of the western elevation adjoins a residential zone. For the purposes of this assessment, the residential boundary is considered as the kerb on the opposite side of the street. This is consistent with how this control has been applied in similar circumstances. The proposed development fits within the building height plane despite the two storey limit requirement.	**No – refer to comment [1] below**
	Rear setback with residential zone • Establish a 45 degree height plane projected at 6m from the residential boundary. • Provide minimum 6m setback to the residential zone boundary. • A two-storey limit on the boundary with residential zone applies.	"Building A" is located within the building height plane along the southern elevation. Part of the roof parapets of Levels 2-roof associated with "Building B" encroach the building height plane along the southern elevation. The roof elements associated with apartments ALG01-ALG04 encroach the building height plane along the southern elevation.	**No – refer to comment [1] below**

Control	Requirement	Proposed	Complies
3.1.9 Building Separation	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to visual privacy have no effect in the assessment of residential apartment development applications. Clause 3.1.9 of the CDCP is therefore not relevant to the assessment of this application and visual privacy matters have been assessed only in relation to part 3F of the ADG (as detailed in the table above).		
3.1.12 – 3.1.14 Car Parking	**Residential** <u>1 Bedroom:</u> 1 space per dwelling (22 spaces) <u>2 Bedroom:</u> 1.2 spaces per dwelling (82.8 (83) spaces). 14 spaces to be allocated as common property. <u>3 Bedroom:</u> 2 spaces per dwelling (14 spaces) <u>Visitor:</u> 1 per 5 dwellings (19.8 (20) spaces) spaces) One Car Wash Bay **Food and Drink Premises i.e. restaurant (worse case scenario)** 1 space per 30sqm (23.3 (23) spaces) **Bicycle** <u>Residential</u> 1 space per 5 dwellings (19.8 (20) spaces) <u>Residential Visitor</u> 1 space per 10 dwellings (9.8 (10) spaces) <u>Staff</u> 1 space per 300sqm (2.3 (2) spaces) **TOTAL:** 163 spaces including car wash - 119 residential parking spaces, 20 residential visitor spaces, one car wash bay, 23 retail parking spaces and 32 bicycle spaces.	The three levels of basement parking comprising a total of 163 car parking spaces (including car wash bay) which is broken down as follows: - 119 residential car parking spaces; - 20 visitor car parking spaces; - 23 retail parking spaces; - 1 car wash bay; and - 44 bicycle parking spaces provided at lower ground and ground level. **Note:** Dwellings ALG02-ALG05 have been calculated as 3bedrooom given the room on the lower ground level as potential to be converted to a third bedroom.	Yes – via condition of consent
	Separate long term and short term parking, separate parking for residential and non residential users and provide secure access to long term parking.	Long and short term residential and retail spaces are sufficiently separated by virtue of the installation of boom gates. Short term residential and retail visitors will be appropriately sign posted.	Yes
	Improve the appearance of car parking by recessing car park entries behind main building façade alignment	The entrance to the car park is setback from the main building line along the southern elevation.	Yes

Control	Requirement	Proposed	Complies
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.	The design of the proposed development is contemporary through the use of flat roof and colours of materials. The façade does not mimic traditional features.	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 – for example ensure entries are not obscured by street trees or landscaping. • Provide an awning over the entry to contribute to the legibility of the development and the public domain. • Provide accessible entries for all potential use such as the transporting of furniture. • Provide entries to upper levels in business centres, from the street front facade to encourage activities on the ground floor and service activities to rear of the buildings. 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.	Separate entry points are located along the Canterbury Road, Dreadnought Street and Remly Street frontages to the proposed retail floorspace. This will ensure any future commercial/retail use will contribute to an active street frontage. Two separate entry points for the residential use are located Dreadnought Street and Remly Street. The residential entry points comprises a double door to enable easy transporting of furniture. A cantilevered awning is proposed along each frontage to provide weather protection for both entry points. The habitable rooms and private open space of each apartment is orientated towards the adjoining streets, where possible.	Yes Yes

Control	Requirement	Proposed	Complies
3.2.3 Façade Design and Articulation 3.2.4 Façade Details	Interpretation: • Facade controls apply to facades that are visible from the street - that may include an upper storey that faces a side boundary, or a façade that faces an internal driveway. • The dimensions of a facade are measured between the outermost walls, and do not include any uncovered balcony or terrace which projects beyond the line of the wall.	The design of the proposed building is articulated through the inclusion of balconies, a variety of setbacks, colours and materials as well as vertical elements.	Yes
	General: • Avoid long spans of blank walls along street frontages and address both street frontages with façade treatment, and articulation of elevations on corner sites.	No long spans of blank walls are proposed. The development has been designed to address the adjoining street frontage.	Yes
	• Incorporate contrasting elements in the façade - use a harmonious range of high quality materials, finishes and detailing.	The base middle and top are defined through: • use of open glass on bottom, • setbacks and materials in middle and • increased setbacks and different materials for upper. The use of different sized and shaped windows on each level, increased setbacks of the middle of the building as well as use of screening, provides further building articulation.	Yes
	• Express building layout or structure in the façade - architectural features such as columns, beams, floor slabs, balconies, wall opening and fenestration, doors, balustrades, roof forms and parapets are elements that can be revealed or concealed and organised into simple or complex patterns.	The building layout is expressed through the structure of the façade.	Yes
	• Design facades to reflect the orientation of the site using elements such as sun shading devices.	The design of the façade reflects the building's northern orientation with eastern and western aspects through the use of shading to balconies.	Yes
	• Modulate the wall alignment with a step in of at least 1m	Modulation to the façade is greater than 1m at all points.	Yes
	Solid and void ratio: • Do not allow balconies and voids	Balconies of the proposed development are orientated	Yes

Control	Requirement	Proposed	Complies
	to dominate publicly visible facades (excluding glass shop fronts and colonnades in business centres). • Use a solid to void ratio in the vicinity of 50 percent. Disharmony arises when the range of solid to void is extreme, such as fully glazed facades or those with multi-balcony 'egg crates'. • Voids include fenestration, balconies, porches and loggias. • Use balconies in moderation and integrate them into the overall composition of the façade - do not use a monotonous or repetitive configuration of balconies. • Where possible place balconies facing an internal courtyard and do not place all balconies on an external façade. • Use balcony types that respond to the street context, building orientation and residential amenity. • Use lightweight materials and construction for balconies. Locate and proportion windows to minimise scale and bulk of new building: • Large windows are most-effective when they are located at the corners of a building, or if they are designed as projecting bay windows, • Screen major windows with blinds, louvre screens, awnings or pergolas. • Do not use dormer windows.	towards the adjoining streets to improve natural surveillance and obtain solar access (where possible). The balconies are integrated within the design of the building and there is adequate variety in balconies configuration along each street front. Further, the use of a variety of materials, colours, shape and setbacks of the balconies also ensures they do not appear to be monotonous when viewed form the adjoining streets. Each street façade comprise a solid to void ratio in the vicinity of 50%. Large openings are integrated along the northern, eastern and western elevations and corner elements of the development.	Yes Yes
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.	Windows associated with the ground floor retail/retail premises are transparent to facilitate natural surveillance in and out of the site.	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.	The corners of the building have been emphasised through the use of articulated balustrades and placement of larger windows. Wrap around balconies have been included in the design, in some instances, to emphasis corner elements.	Yes

Control	Requirement	Proposed	Complies
3.2.7 Frontage Types	Cantilevered Awning: • The façade of the building is built to the front street boundary. An awning cantilevered from the building facade just underneath the first floor overhangs the footpath by 3m. The footpath is covered so that pedestrians are able walk underneath the awning. • Awning height is in the range of 3.2m - 4.2m from natural ground level. • Place awning so that it complements the height, depth and form of the desired character or existing pattern of awnings, and provides sufficient protection from sun and rain.	A cantilevered awning is proposed along the length of the Canterbury Road frontage and along part of the Remly and Dreadnought frontages to cover access to and the residential pedestrian entry points. The proposed awnings overhang the footpath by a maximum 3m and are a minimum 3.62m from natural ground level. The design of the awning complements the height, depth and form of the desired character as well we the building it is attached to through continuing the curved appearance similar to the balconies on the upper levels. The awning provides sufficient protection from sun and rain by virtue of its primary depth.	Yes – via condition of consent
3.2.8 Roof Design	Emphasise building articulation with the shape and alignment of the roof. Relate roof design to the size and scale of the building, the building elevations and three dimensional building form – including the design of any parapet or terminating elements, and the selection of roof materials. Relate roof design to the desired built form and context.	The proposed roof design is consistent with the design of the development and is considered appropriate for the context of the site.	Yes

Control	Requirement	Proposed	Complies
3.2.8 Roof Design (Continued)	Roof terraces are permitted with consent in all business zones except the B1 Zone. A management strategy is required, and must be approved by Council as part of the development application, for any proposed roof terrace. Supplement open space on roof terraces by providing space and appropriate building systems to support the desired landscape design, incorporating shade structures and windscreens to encourage use of roof top open space. Demonstrate that roof terrace has been designed so as to protect the privacy, solar access and amenity of adjoining buildings. Measures to minimise overlooking of adjoining properties include screening or planting between properties, and preventing rooftop users from standing at the edge of roof terraces that look into adjoining properties through planting and screens. Allow for views and casual surveillance of streets and public open space from roof terraces.	The proposal comprises a roof terrace for communal open space. A rooftop management strategy has been prepared and is attached as appendix 2 to the SEE submitted. The parameters outlined within the strategy will be conditioned, should the application be supported. To protect the amenity of adjoining properties, the management strategy specifies that the rooftop communal space will be utiilised between the hours of 7am and 10pm, 7 days and no live or amplified music is permitted on the roof. Furthermore the area is appropriately designed to discourage persons standing on the edge and peering into adjoining properties through the incorporation of landscape planer beds along the sensitive boundaries.	Yes – via condition of consent
3.2.9 Services and Utility Areas	Integrate services and utility areas with the design of the whole development – coordinate materials with those of the building, and integrate with landscaping. Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations. Appliances that are fitted to the exterior of a building, and enclosures for service meters, should not detract from the desired architectural quality of new building, or the desired green character of streetscapes.	Service and utility areas such as air conditioning units, fan rooms, pump rooms etc are integrated into the design of the building as they are located within the basement or within the design of the apartment. Majority of the balconies are constructed from concrete precast and will therefore providing screening of any services (such as air conditioning units) located on the balconies from public view. The balconies that comprise glass balustrades also comprise full length sun shading devices that also act as a type of screening to any services (i.e aircon units on the balconies)	Yes

Control	Requirement	Proposed	Complies
3.2.9 Services and Utility Areas (Continued)	Unscreened appliances and meters should not be attached to any facade that would be visible from a street, driveway or a principal communal area within the site: • Screen air conditioning units behind balcony balustrades, • Provide screened recesses for water heaters rather than surface mounting them on exterior walls, • Locate meters in service cabinets.	Air conditioning units are screened behind balcony balustrades or screening devised. Meters have been located in service cabinets.	Yes – via condition of consent.
	Provide communal rooftop antennas rather than multiple individual antennas.	Antenna can be conditioned	Yes – via condition of consent
	Co-ordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	Drainage pipes etc are integrated within the overall façade.	Yes
	Mailboxes: • Design and provide discretely located mailboxes at the front of the property in accordance with Australia Post standards.	The mailboxes are located within the entrance to the residential component.	Yes
	Siting solar hot water systems: • Locate the system so it is not visible from the street or other public places. • Use colour that is consistent with the colour of roof materials. • Locate the water storage tank so it is separated from the solar collectors and can be situated on a less visually obtrusive part of the roof, or within the building (for example, within the roof space or laundry).	No solar hot water systems proposed.	N/A
3.3.1 Visual Privacy	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to visual privacy have no effect in the assessment of residential apartment development applications. Clause 3.3.1 of the CDCP is therefore not relevant to the assessment of this application and visual privacy matters have been assessed only in relation to part 3F of the ADG (as detailed in the table above).		
3.3.2 Acoustic Privacy	Address all requirements in *'Development Near Rail Corridors and Busy Roads (Interim Guideline')* which has been published by the NSW Department of Planning.	Acoustic privacy has been assessed against the requirements of SEPP 2007 earlier within this report.	Yes

Control	Requirement	Proposed	Complies
3.3.3 Open Space	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to open space and balconies have no effect in the assessment of residential apartment development applications. Clauses 3.3.3 of the CDCP are therefore not relevant to the assessment of this application and open space and balcony matters have been assessed only in relation to Part 4E of the ADG (as detailed in the table above).		
3.3.4 Internal Dwelling Space and Design (Including storage)	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to apartment size and layouts have no effect in the assessment of residential apartment development applications. Clause 3.3.4 of the CDCP is therefore not relevant to the assessment of this application and matters have been assessed only in relation to Part 4D and 4G of the ADG (as detailed in the table above).		
3.3.5 Housing Choice	Include a mix of unit sizes, such as studio, one, two, three and three plus bedroom apartments. Provide 10% of residential units, in each building with more than 30 units, as accessible and adaptable apartments.	The proposal comprises a mix of apartments comprising one bedroom, two bedroom and three bedroom apartments. Further, 12 of the 98 apartments proposed (12.2%) are accessible and capable of being adaptable.	Yes Yes
6.1.1-6.1.4 Access and Mobility	An Access Assessment Report prepared by Credwell Consulting dated 11 April 2017 accompanied the application. The report concludes that overall, the design achieves compliance or compliance is readily achievable with the relevant disability provisions. Furthermore, the access assessment report was reviewed by Council's Co-Ordinator, Community Planning and Development, who raised no objection to the application, subject to conditions of consent.		Yes – via condition of consent

Control	Requirement	Proposed	Complies
6.2.1 Internal Layout	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load.	The building has been designed to ensure as many apartments as possible benefit from the northerly aspect.	Yes
	Site the building and outdoor space to avoid shadows cast from nearby buildings.	Primary balconies for each apartment are located along the external façade to maximise solar access. Further, given the constraints of the site due its orientation, a roof-top communal space is proposed to optimise solar access to outdoor space.	Yes
	Locate communal open space to optimise solar access to apartments.	Communal open space is located on the roof-top to optimise solar access to apartments.	Yes
	Consider providing adequate external clothes drying areas for all residents in the building.	The balconies provided to each apartment comply with the minimum dimension and size requirement and therefore, the area is capable of incorporating external clothes drying areas. Furthermore, sufficient communal open space area is provided to incorporate the provision of clothes drying areas.	Yes
6.2.2 Internal Layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building.	The building has been configured to maximise the number of apartments comprising a northerly orientation.	Yes
6.2.3 Window and Glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer. Minimise east-facing and west-facing glazed areas to reduce low summer sun penetration into the building, where this does not compromise the creation of active street frontage and casual surveillance.	Placement of windows on the northern elevation has been incorporated into the design.	Yes

<table>
<tr><th>Control</th><th>Requirement</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>6.2.4
Shading and Glare</td><td>Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer.

Use shading devices such as eaves, awnings, shutters, louvres, pergolas, balconies, colonnades and external planting; provide horizontal shading to north-facing windows and vertical shading to east or west windows</td><td>Shading devices in the form of window eaves/timber screening have been incorporated within the design.</td><td>Yes</td></tr>
<tr><td>6.2.5
Insulation and Thermal Mass</td><td>Maximise thermal mass in floor and walls in northern rooms of the building.

Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows:

<table><tr><th></th><th>Other Min R-value</th><th>Industrial Min R-value</th></tr><tr><td>Roof</td><td>2.0</td><td>2.5</td></tr><tr><td>Wall</td><td>1.0</td><td>1.5</td></tr><tr><td>Floor</td><td>1.0</td><td>1.0</td></tr></table></td><td>This has been addressed in the BASIX Certificate.</td><td>Yes</td></tr>
<tr><td>6.2.6
Daylight Access and Sun Access (Adjoining Development)</td><td>Existing residential dwellings adjoining the site: At least 2 hours sunlight between 9am and 3pm on 21 June shall be retained for existing indoor living areas and at least 50% of the principal portion of existing private open space.

Clothes drying areas on adjoining residential property receives a minimum 2 hours sunlight on 21 June.</td><td><u>Dreadnought Street Properties:</u>
The proposed development does not overshadow the rear private open space until 12pm. As shown on the shadow diagrams provided, more than 50% of POS receives at least 2 hours solar access. One window is located along the northern elevation, which does not appear to be a living room window (most likely foyer). Given the orientation of the site, the minimal setback of this building to the northern boundary, the 1.8m boundary fence and the controls applicable to the subject site, overshadowing of the northern elevation is inevitable. Solar access is provided to the northern window at 9am. Therefore some efforts have been made to maintain a suitable level of solar access, despite the constraints of the site.

The development does not impact he residential properties</td><td>Yes

Yes</td></tr>
</table>

Control	Requirement	Proposed	Complies
		located on the opposite side of Dreadnought Street from 11am onwards. **<u>Remly Street Properties:</u>** Windows to the internal living area are located on the southern and eastern elevations. These windows are not impacted by the development until 1pm and therefore sufficient solar access is maintained. The POS of the east facing apartments are not impacted until 1pm. The principal communal open space (including clothes drying areas) is located within the northern setback (as the main rear area is concreated) and is therefore impacted by the development. The development does not overshadow the properties located on the opposite side of Remly Street. The properties located further south maintain 2 hours solar access.	**No – refer to comment [2] below** Yes Yes
6.2.6 Daylight Access and Sun Access (Subject Development)	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to solar and daylight access, have no effect in the assessment of residential apartment development applications. Clause 6.2.6 of the CDCP is therefore not relevant to the assessment of this application and matters have been assessed only in relation to Part 4A of the ADG (as detailed in the table above).		
6.2.7 Ventilation	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to natural ventilation, have no effect in the assessment of residential apartment development applications. Clause 6.2.7 of the CDCP is therefore not relevant to the assessment of this application and matters have been assessed only in relation to Part 4B of the ADG (as detailed in the table above).		

Control	Requirement	Proposed	Complies
6.2.8 – 6.2.11 Heating, Cooling, Water Heating, Appliances, Lighting and Water Saving Devices	Provide heating/cooling systems to target only those spaces that need heating or cooling – use zone system and isolate those areas that are difficult to heat, such as warehouse floors. Consider the installation of active solar energy systems. In residential and mixed use buildings: Allow entries to open into lobbies or vestibules that are isolated from areas within the apartment, Provide gas bayonets to living areas, Provide reversible-ceiling fans for improving air movement in summer and for distributing heated air in winter, Provide or plan for future installation of solar collectors and photovoltaic panels.	This has been addressed in the BASIX Certificate.	Yes
6.3.1- 6.3.5 Crime Prevention	Site and Building Layout: Address the street, or both streets and corners	The building and dwellings are orientated towards Canterbury Road, Remly Street and Dreadnought Street.	Yes
	Site and Building Layout: Position habitable rooms with windows adjacent to the main communal area.	Apartments on the ground and lower ground level comprise habitable rooms orientated towards adjoining communal areas. No apartments are proposed on the roof-top terrace and therefore no windows are orientated towards the roof-top communal open space area. However, the rooftop private open space of apartments A4.05 and B4.04 provide passive surveillance of the rooftop communal open space. Furthermore, should the application be approved, a condition of consent will be imposed to ensure the roof-top terrace has restricted access to residents only and is operated in accordance with the management plan.	Yes – via condition of consent
	Site and Building Layout: Avoid blind corners in pathways, stairwells, hallways and car parks.	The building layout avoids blind corners.	Yes
	Access Control: Access to the individual units be clearly marked and apparent to visitors.	The entry is to be clearly numbered with the dwellings accessible through that entry.	Yes – via condition of consent

Control	Requirement	Proposed	Complies
	Access Control: Install intercom, code or card locks or similar to main entries to buildings, including parks.	Intercoms and controlled access measures to be installed at the residential building entry point, main entry point to basement car park and entry point to residential component of basement car park. Restricted access to the deep soil area can be provided through the installation of fencing. This can be enforced via condition of consent.	Yes – via condition of consent
	Access Control: Concealment points be eliminated.	The design eliminates concealment points by controlling access to the site and by ensuring habitable rooms face the communal open space area on the lower ground and ground floor.	Yes
	Mixed Land Uses: Located shops and business on lower floors and residences on upper floors.	The design comprises ground floor retail premises with residences located above. Access to the residential use on the lower ground and ground floors is substantially separated from the retail uses through the incorporation of separate entry points.	Yes
	Ownership: Dwellings and communal areas to provide sense of ownership.	Sense of ownership is achieved through the use of restricted access, design features and site layout.	Yes
6.4 Development Engineering, Flood and Stormwater	Council's Landscape Architect has reviewed the application and raises no objection subject to conditions of consent.		Yes – subject to conditions of consent
6.6 - 6.7 Landscaping and Tree Preservation	Council's Landscape Architect has reviewed the application and raises no objection subject to conditions of consent.		Yes – subject to conditions of consent
6.8.1 Vehicle Access and Parking	Council's Team Leader – Traffic and Transportation has reviewed the application and raises no objection subject to conditions of consent.		Yes – subject to conditions of consent
6.9 Waste Management	Council's Resource Recovery Project Officer has reviewed the application and raises no objection subject to conditions of consent.		Yes – subject to conditions of consent
Part 7 - Notification	See notification discussion below.		

[1] Building Height Plane

For sites that share a rear or side boundary with a residential zone, Part 3.1.8(viii-xiii) of CDCP 2012 outlines the following requirements:

- Side: Part 3.1.8(viii-ix) requires a development to be located within a 45 degree height plane, projected and measured at 1.5m from the residential boundary.

- Side: Part 3.1.8(x) stipulates that a two-storey limit on the boundary with the residential zone applies.
- Rear: Part 3.1.8(xi-xiii) requires development to be located within a 45 degree height plane, measured at 6m from the residential boundary.
- Rear: Part 3.1.8(xiii) stipulates that a two-storey limit on the boundary with the residential zone applies.

In terms of side setbacks, part of the western elevation of Building A adjoins an R3 Medium Density Zone. The proposed development is contained within the building height plane, however more than 2 storeys on the boundary is proposed.

In terms of rear setbacks, as outlined within the figure below, Levels 2 to the roof of Building B and the roof structures of apartments ALG01-ALG04 marginally encroach the 45 degree building plane along the southern elevation (rear of the site). Furthermore, the design does not comply with the two storey height limit on the southern elevation, as a four storey design is proposed.

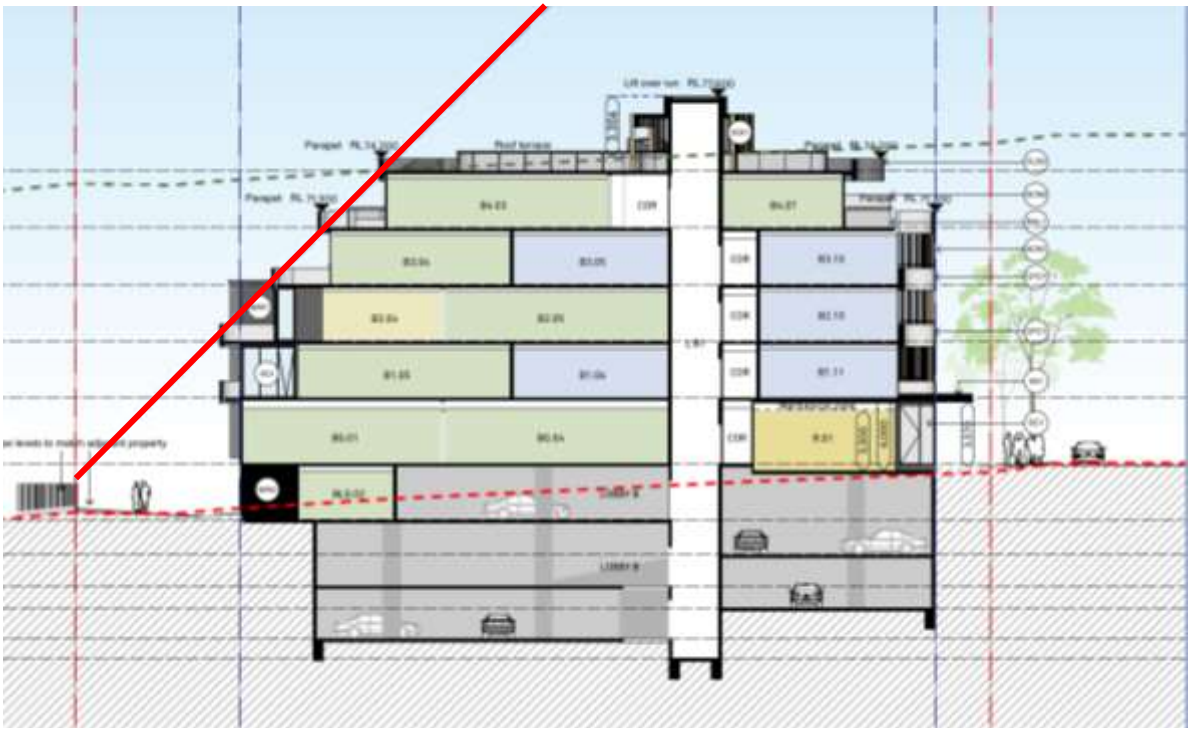

Figure 11: Section plan showing building height plane encroachments (red line indicates building envelope requirement)

The objectives of Part 3.1.8 of CDCP 2012 are as follows:

- *O1. Establish the desired spatial proportions of the street and define the street edge.*
- *O2. The traditional street building wall is maintained where this is the existing or desired future character.*
- *O3. Minimise building size and bulk by setting back the upper storeys.*
- *O4. Minimise amenity impacts on adjoining properties.*
- *O5. Increased setbacks along Canterbury Road provide for possible future implementation of street parking and assist in reducing traffic noise impacts.*

Despite the abovementioned non-compliances, the design is considered to satisfy the objectives of the controls given the following:

- The design is in keeping with the desired streetscape and complies with the min 3m setback controls along Canterbury Road which establishes and defines the street edge as well as facilitates possible future implementation of street parking.
- The design achieves compliance with the increased visual privacy building separation controls specified within the ADG (i.e. minimum 9m for Levels LG-L2 and 12m for Levels 3-roof), thereby maintaining a suitable level of privacy to existing adjoining properties, as well as future occupants of the site.
- The southern and western elevations include setting back the upper levels to minimise size and bulk.
- The point encroachments along part of the southern elevation of the development, are primarily the result of the inclusion of parapets and are not related with habitable space. The parapets provide weather protection to the balconies associated with the apartment below, or in the instance of apartments ALG01-ALG02, the roof structure provides weather protection to the rooftop terrace.
- Given the orientation and the controls applicable to the site, amenity impacts on the adjoining development to the south are inevitable. However, the increased building setbacks to the southern boundary, assist in maintaining a suitable level of visual privacy and solar access to the properties to the south.

In light of the above, the proposed variation to Part 3.1.8(viii-xiii) is supported in this instance.

[2] Solar Access to Adjoining Properties

Given the orientation and the development controls applicable to the site, the properties most likely to be affected by the proposal are the residential properties located in the R3 Medium Density zone, directly to the south of the site. Adequate solar access is maintained to the residential property to the south of the site at 4 Dreadnought Street as well as the existing properties on the western side of Dreadnought Street and the eastern side of Remly Street.

In regards to the existing 2 storey residential flat building at 1 Remly Street, directly adjoining the southern boundary of the site, adequate solar access is maintained to the internal living rooms and associated private open space. However, the rear principal communal open space, that comprises clothes drying areas, is impacted by the development.

As outlined within the Figure below, the rear of the site is primarily concreated to facilitate the use of the garages located at the rear. The key landscaped communal open space is located within the northern setback, between the subject site and the residential flat building. Majority of the communal open space within the northern setback of the development is overshadowed by virtue of the development and the existing 1.8m boundary fence.

Figure 11: Aerial of 1 Remly Street

The objectives of the controls specified within Part 6.2.6 of CDCP 2012 are as follows:

- *O1. Habitable rooms have daylight access, and other areas of development have reasonable access to daylight.*
- *O2. Natural ambient lighting to minimise the need for artificial lighting during daylight hours.*
- *O3. Residents and other building occupiers have the ability to adjust the quantity of daylight to suit their needs.*
- *O4. Adverse overshadowing to all buildings and outdoor areas is controlled to minimise negative impacts.*

It is acknowledged that the majority of the above-mentioned objectives primarily relate to solar access provided to development subject to the application, rather than solar access afforded to adjoining properties, with the exception of objective O4.

The proposed development complies, and in some instances, even exceeds the minimum building separation requirements specified within the ADG. As shown in the solar analysis diagrams (DA-720-201 and DA-720-202), although the design seeks variation to the maximum building height and building height plane controls, these variations do not result in any substantial additional overshadowing of the communal open space associated with 1 Remly Street, than that of a design that complies with the maximum building height and building height plane controls.

In light of the above, it is considered that the non-compliance primarily results from the orientation and development controls applicable to the subject development in conjunction with the location and design of the communal open space associated with the property at 1 Remly Street. The design maintains solar access to the internal living area and private open spaces of the existing residential flat building. On this basis and given the abovementioned site characteristics and subsequent constraints, the proposed variation to the amount of solar access maintained to the adjoining

principal communal open space area and subsequent clothes drying areas, is considered acceptable in this instance.

- **Part 7 - Notification**

The application was originally advertised for 28 days between 1-29 November 2016. No submissions were received.

Upon receipt of the amended design in October 2017, the application was re-advertised for 28 days between 31 October – 29 November 2017. Two submissions from two households were received. The planning matters raised are discussed below:

- **1 existing bus stop facility will not fix the traffic problem.**

Comment

Council acknowledges that bus stop facilities do not resolve traffic issues on their own in isolation. The existing bus stop along Canterbury Road will provide public transport options for future occupants of the site. In additional to the public transport, the site comprises sufficient parking spaces to cater for the development. Council's Team Leader – Traffic and Transportation has reviewed the application and raises no objection subject to conditions of consent.

- **The application lacks public transport, natural walkways and parklands.**

Comment

The planning controls relating to the development do not require the provision of additional public transport, walkways and parklands. The development complies with the minimum deep soil and communal open space area requirements. Furthermore, should the application be approved, S94 contributions are payable to Council. These contributions will contribute to the maintenance and/or additional infrastructure and community facilities in the locality.

- **98 apartments is too many.**

Comment

The controls applicable to the site do not provide a maximum number of apartments proposed for the site. The number of apartments suitable for the site is determined by compliance with the relevant development controls. Based on Council's assessment of the application, the design generally complies with the relevant controls applicable. Where the design seeks to vary development standards, it was determined that the variation does not result in any substantial adverse environmental impacts and is therefore considered acceptable, on merit.

- **The retail space brings no benefit to the residents.**

Comment

The specific use of the retail space is not specified as part of this development application. Use of the retail space will form part of a separate application. A number of retail uses are permitted within the B5 zone, some of which could benefit the residents of the development and surrounding area. The suitability of any proposed use will be considered as part of any future application.

- **No parking facility has been considered for the "formal event" space for hire.**

Comment

The formal event space on the rooftop is for hire by the residents only. Should the application be supported, a condition of consent will be imposed to ensure the use of the rooftop communal open space is for use by the residents only and no separate hiring services of the rooftop for retail purposes is permitted.

- **The development will result in adverse traffic and residential amenity impacts.**

Comment

Council's Team Leader – Traffic and Transportation has reviewed the application and raised no objection to the proposal, subject to conditions of consent. In terms of amenity impacts, the development complies with the minimum building separation controls required for the site. Given the orientation of the site and development controls permitted, the sites to the south will be partly overshadowed by the development. However based on Council's assessment, an appropriate level of amenity will be maintained to the existing residential properties adjoining the site.

- **The scale of the development is too large for the development.**

Comment

The proposed development generally complies with the key development controls applicable to the site. The minor variation to the building height primarily results from the lift overrun and fire stairs. It is considered that there are sufficient environmental planning grounds to justify a contravention to the height of buildings development standard, in this instance. The provision of a rooftop communal open space, the required lift and stairwell access and associated awning and balustrading, results in a superior outcome than what would be the case if the communal open space was solely provided at ground and lower ground level in the southern portion of the site.

The orientation of the site and development controls applicable to the site does not allow for the provision of a communal open space at ground level that achieves adequate solar access. No habitable space encroaches the maximum 18m building height control. No substantial additional overshadowing or visual privacy impacts result from the minor building height variation. The development generally complies with the development controls applicable for the site. Based on Council's assessment of the application, the scale of the development is suitable in this instance.

- **Canterbury Development Control Plan 2012 (Amendment 3)**

Canterbury Development Control Plan 2012 (CDCP 2012) amendment 3 was gazette on 31 January 2017. As outlined within the saving provisions, amendment 3 is not applicable to the subject application given it was lodged prior to its gazettal. The main purpose of CDCP 2012 (amendment 3) was to revise the format to reflect development types (dwelling houses, dual occupancies, residential flat buildings etc). The aim of this was for users to be able to locate key objectives and controls for their proposed development. It is noted that some urgent and minor policy issues requiring amendments to the CDCP 2012 (amendment 2) were also included in the review, as well as some refinements and the clarification of a number of controls.

No key controls have changed as a result of the amendments to the CDCP 2012 and therefore a detailed assessment has not been undertaken against the revised CDCP 2012. This report has considered any changes to controls, where relevant.

- **Additional Considerations**

    - **Ausgrid**

Ausgrid were notified of the subject application. Ausgrid raised no objection to the proposal subject to conditions, including but not limited to, any work undertaken near overhead power lines are to be done in accordance with the relevant Ausgrid rules and standards and the relevant workcover document. Should the application be supported, appropriate conditions will be imposed to satisfy Ausgrid's comments.

    - **Sydney Water**

The application was referred to Sydney water in accordance with Section 78 of the Sydney Water Act. No comments were received.

    - **Community Safety Officer**

The application was referred to Council's Community Safety Officer who raised no objection, subject to conditions of consent.

    - **Senior Urban Designer**

The application was referred to Council's Senior Urban Designer who requested that the Canterbury Road façade be broken up through increased setbacks in the middle of the site (on the upper floors) as well as different materials and finishes used in this location. The Applicant amended the design to reflect the comments provided by Council's Senior Urban Designer and no further matters were raised.

- **Canterbury Development Contributions Plan 2013**

The Canterbury Development Contributions Plan 2013 applies to the proposed development. The proposed development attracts a development contribution of $1,335,802.61 in the event of an approval being granted. This has been included as a recommended condition of consent.

Section 4.15(1)(a)(iiia) – Planning Agreements

There are no planning agreements applicable to the proposed development.

Section 4.15(1)(a)(iv) – The Regulations

The proposed development is consistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

Section 4.1.5(1)(a)(v) – Any Coastal Zone Management Plan

There is no coastal zone management plan that applies to the subject site.

Section 4.15(1)(b) - Likely Impacts of the Development

The key potential impacts of the development have been discussed through-out this report. Apart from those matters already addressed, the following likely impacts are considered:

- National Construction Code

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

- Proposed excavation works

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It is recommended that a condition requiring the applicant to provide a dilapidation report for the adjoining properties to the south, 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.

- 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 basement carpark. 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.

Section 4.15(1)(c) - Suitability of Site for the development

The proposed development is permitted with consent on the subject site, and represents a built form that is compatible with the existing and future character of the locality. The application has been assessed under Section 4.15 of the Act, and as demonstrated throughout the body of this report, the proposal generally complies with the relevant development controls. The proposed variations to the relevant ADG, CLEP 2012 and CDCP 2012 controls regarding building height, building separation, solar access, natural ventilation, ceiling heights, private open space and setbacks, have been assessed on merit and are acceptable for the reasons outlined within the body of the report.

Section 4.15(1)(d) – Submissions Made

The matters raised within the submissions made are discussed earlier within this report.

Section 4.15(1)(e) - The Public Interest

The proposed development would not contravene the public interest. The development appropriate responds to the applicable environmental instruments and development controls, and the proposed development would contribute to housing diversity within the Canterbury-Bankstown LGA. The matters raised in public submissions have been satisfactorily addressed.

CONCLUSION

The development application has been assessed pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies.

The proposed variations to the building height, solar access, building separation, floor to ceiling heights, private opens space and building height plane controls will not result in any significant adverse impact on the amenity of future occupants of the site as well as existing residents on adjoining properties. The design of the proposed development is compatible with the future and desired local character of the area and represents a quality development that will positively contribute to the streetscape and the local built environment. As such, it is recommended that the development application be approved subject to conditions.

RECOMMENDATION

That the development application DA-462/2016 be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
    - detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
    - 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
    - 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:

- The name, address and telephone number(s) of the principal certifying authority for the work, and
- 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
- 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. 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 an 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) Due to the environmental health concerns of exposure to lead (particularly to young children), you are advised to take all necessary precautions to

prevent dust release and lead contamination of the air or surrounding properties during demolition work.

Note:For further advice you may wish to contact the NSW Community LEAD Advisory Service on 9716 0132 or 1800 626086 (*freecall*)

o) 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.

p) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.

q) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

r) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjourning residents prior to the commencement of asbestos removal works. Notification is to include at a minimum:

The date and time when asbestos removal works will commence;
The name, address and business hours contact number telephone number of the demolisher, contractor and or developer.
The full name and license number of the asbestos removalist; and
The telephone number of the WorkCover Hotline 13 10 50
Warning signs must be placed so as to inform all people in the nearby vicinity that asbestos removal work is taking place in the area. Signs should be placed at all main entry points to the asbestos work area where asbestos is present. These signs should be weatherproof, constructed of light weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

s) A clearance inspection is to be carried out and a clearance certificate is to be issued before the workplace can be re-occupied by:

I. an independent licensed asbestos assessor, for work that must be carried out by a Class A licensed asbestos removalist (for example, if the removal work involved friable asbestos)

II. an independent competent person, for asbestos work that is not required to be carried out by a Class A licensed asbestos removalist (for example, if removal work involved more than 10 m2 of non-friable asbestos).

III. Ensure clearance certificates are submitted to Council after demolition work is completed and prior to building work being commenced on the site.

PRIOR TO THE COMMENCEMENT OF WORKS

5. As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

a) Dig up, disturb, or clear the surface of a public footway or public road,
b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
c) Connect a road (whether public or private) to a classified road,
d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
e) Install utilities in, under or over a public road,
f) Pump water into a public footway or public road from any land adjoining the public road,
g) Erect a structure or carry out a work in, on or over a public road
h) Require a work zone on the public road for the unloading and or loading of vehicles
i) Pump concrete from within a public road,
j) Stand a mobile crane within a public road
k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
l) The work is greater than $25,000.
m) Demolition is proposed.
n) Subdivision is proposed.
o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be

charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Councils Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than $1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

6. Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

   Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

7. Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

GENERAL

8. The development being carried out in accordance with the plans, specifications and details outlined in the table below, except where amended by the conditions specified in this Notice, including the following specific modifications:

Drawing No. & Rev	**Drawing/Document Title**	**Prepared by**	**Dated**
DA-101-001, Rev 2	Demolition Plan	Turner	16.3.18
DA-110-107, Rev 2	GA Plans Basement 2	Turner	16.3.18

DA-110-108, Rev 2	GA Plans Basement 1	Turner	16.3.18
DA-110-109, Rev 2	GA Plans Lower Ground	Turner	16.3.18
DA-110-110, Rev 2	GA Plans Ground Level	Turner	16.3.18
DA-110-111, Rev 2	GA Plans Level 1	Turner	16.3.18
DA-110-112, Rev 2	GA Plans Level 2	Turner	16.3.18
DA-110-113, Rev 2	GA Plans Level 3	Turner	16.3.18
DA-110-114, Rev 2	GA Plans Level 4	Turner	16.3.18
DA-110-015, Rev 2	GA Plans Roof	Turner	16.3.18
DA-250-101, Rev 2	GA Elevation North Elevation – Canterbury Road	Turner	16.3.18
DA-250-102, Rev 2	GA Elevation East Elevation – Remly Street	Turner	16.3.18
DA-250-103, Rev 2	GA Elevation South Elevation – Communal Open Space	Turner	16.3.18
DA-250-104, Rev 2	GA Elevation West Elevation – Dreadnought Street	Turner	16.3.18
DA-350-101, Rev 2	GA Sections Section 01	Turner	16.3.18
DA-350-102, Rev 2	GA Sections Section 02	Turner	16.3.18
DA-350-103, Rev 2	GA Sections Section 03	Turner	16.3.18
DA-350-104, Rev 2	GA Sections Section 04	Turner	16.3.18
DA-350-105, Rev 2	GA Sections Section 05	Turner	16.3.18
DA-350-106, Rev 2	GA Sections Section 06	Turner	16.3.18
DA-350-107, Rev 2	GA Sections Section 07 – Driveway Access	Turner	16.3.18
DA-350-108, Rev 2	GA Sections Section 08 – Building A Over height Boundary	Turner	16.3.18
DA-725-001, Rev 2	Building Depth and Setbacks Garbage Room	Turner	16.3.18

	Diagram		
DA-810-101, Rev 2	Supplementary Drawings Liveable Apartments	Turner	16.3.18
DA-820-101, Rev 2	Apartment Typologies Adaptable Apartment – 2BT28	Turner	16.3.18
DA-820-102, Rev 2	Apartment Typologies Adaptable Apartment – 2BT11	Turner	16.3.18
DA-825-101, Rev 2	Apartment Amenity 1 Bedroom Typology_Sheet 1	Turner	16.3.18
DA-825-102, Rev 2	Apartment Amenity 1 Bedroom Typology_Sheet 2	Turner	16.3.18
DA-825-201, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 1	Turner	16.3.18
DA-825-202, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 2	Turner	16.3.18
DA-825-203, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 3	Turner	16.3.18
DA-825-204, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 4	Turner	16.3.18
DA-825-205, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 5	Turner	16.3.18
DA-825-206, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 6	Turner	16.3.18
DA-825-207, Rev 2	Apartment Amenity 2 Bedroom Typology_Sheet 7	Turner	16.3.18
DA-825-301, Rev 2	Apartment Amenity 3 Bedroom Typology_Sheet 1	Turner	16.3.18
DA-830-101, Rev 2	Supplementary Drawings External Materials and Finishes Board	Turner	16.3.18
LP01, Rev B	Landscape Plan – Ground Floor	Matthew Higginson Landscape Architecture Pty Ltd	13.7.17
LP02, Rev B	Landscape Plan –	Matthew	13.7.17

	Lower Ground Floor	Higginson Landscape Architecture Pty Ltd	
LP03, Rev B	Landscape Plan – Ground Floor Courtyard	Matthew Higginson Landscape Architecture Pty Ltd	13.7.17
LP04, Rev B	Level 5 Landscape Plan	Matthew Higginson Landscape Architecture Pty Ltd	13.7.17
LP05, Rev B	Plant Schedule	Matthew Higginson Landscape Architecture Pty Ltd	13.7.17
1699-S1/5, Rev B	Stormwater Drainage/Sediment Control Details	John Romanous and Associates Pty Ltd	15.9.16
1699-S2/5, Rev C	Stormwater Drainage/Sediment Control Details	John Romanous and Associates Pty Ltd	9.10.17
1699-S3/5, Rev C	Stormwater Drainage/Sediment Control Details	John Romanous and Associates Pty Ltd	9.10.17
1699-S4/5, Rev B	Stormwater Drainage/Sediment Control Details	John Romanous and Associates Pty Ltd	15.9.16
1699-S5/5, Rev B	Stormwater Drainage/Sediment Control Details	John Romanous and Associates Pty Ltd	15.9.16
-	Rooftop Management Strategy	ABC Planning Pty Ltd	September 2017
-	NCC Assessment Report	Credwell Consulting	11.4.2017
-	Access Assessment Report	Credwell Consulting	11.4.2017
V2	Waste Management Plan	Turner	27.4.2017
-	Demolition Plan	Earthworx Australia	23.9.16

8.1 Roof elements marked as “roof” on the floor plans of Levels 1-Roof are to be non-trafficable to ensure visual privacy is maintained to adjoining properties.

8.2 The rooftop communal open space area must have restricted access to residents only and is operated generally in accordance with the Rooftop Management Plan prepared by ABC Planning Pty Ltd dated September

2017. Hiring out of the rooftop communal open space for commercial purposes is not permitted.

8.3 The layout of apartments A104 and B205 is to be revised to comprise a maximum of 1 bathroom and two bedrooms to achieve compliance with the minimum apartment size requirement specified within the Apartment Design Guide. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.4 The proposed clerestory windows must be operable windows to facilitate natural ventilation of the apartments they serve. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.5 The height of the awning along the Canterbury Road, Dreadnought Street and Remly Street frontages must be a minimum height of 3.2m and a maximum height of 4.2m, measured from natural ground level.

8.6 Fencing to the maximum height of 1.8m (measured from natural ground level) shall be erected around the perimeter of the deep soil area on the lower ground floor, to restrict access into the site.

8.7 The south facing window serving the living area of apartment B1.03 and B2.03 is to comprise a sill height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.8 A privacy screen must be fixed to the top of the entire length of the north facing balustrade associated with apartments ALG01-ALG04 on Level 2 to a maximum height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.9 The balconies associated with the following apartments are to comprise a privacy screen fixed to the top of the **eastern** elevation of the balcony to a maximum height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

- Apartment A1.01.
- Apartment A1.02.
- Apartment B1.09
- Apartment B1.11.
- Apartment A2.03.
- Apartment A2.04.
- Apartment B2.09.
- Apartment B2.10.
- Apartment A3.01.
- Apartment A3.02.
- Apartment B3.08.
- Apartment B3.10.
- Apartment A4.05.
- Apartment B4.04.

8.10 The balconies associated with the following apartments are to comprise a privacy screen fixed to the top of the **western** elevation of the balcony to a maximum height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

- Apartment A1.02.
- Apartment A1.03.
- Apartment B1.10.
- Apartment B1.01.
- Apartment A2.02.
- Apartment A2.04.
- Apartment B2.08.
- Apartment B2.10.
- Apartment A3.02.
- Apartment A3.03.
- Apartment B3.09.
- Apartment B3.01.
- Apartment A4.05.
- Apartment B4.04.

8.11 The balconies associated with the following apartments are to comprise a full height solid party wall is to be provided. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

- Between apartments A1.03 and A1.04.
- Between apartments B1.10 and B1.11.
- Between apartments A2.02 and A2.03.
- Between apartments B2.08 and 2.09.
- Between apartments A3.03 and A3.04.
- Between apartments B3.09 and 3.10.
- Between apartments A4.02 and A4.03.
- Between apartments A4.04 and A4.05.
- Between apartments A4.06 and A4.07
- Between apartments B4.02 and B4.03.
- Between apartments B4.06 and B4.07.

8.12 The eastern elevation of the balcony associated with apartment A4.01 is to comprise a solid wall to a height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.13 The western elevation of the balcony associated with apartment B4.01 is to comprise a solid wall to a height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.14 A privacy screen must be fixed to the top of the entire length of the south facing balustrade associated with apartments AG.05 and BG.05 on Ground Level to a maximum height of 1.8m, measured from the finished floor level. Amended plans demonstrating this amendment

must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

8.15 A skylight measuring 2m (w) x 2m (l) must be installed above the internal living room associated with apartment A402 to facilitate appropriate solar access. Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

9. The consolidation of allotments that are the subject of this approval prior to the issue of any Occupation Certificate.
10. For the purposes of maintaining the proposal's positive contribution to the streetscape, any substation or firefighting equipment must not be placed in lieu of, or infront of, the commercial areas at ground level. The applicant must seek approval from Council for any variation to this requirement.
11. Each unit in the development must be provided with sufficient storage to comply with Part 4G of the Apartment Design Guide (ie. minimum 4m3/studio, 6m3/1 bedroom unit, 8 m3/2 bedroom unit and 10 m3/3 bedroom unit).
12. The top of the lift overrun and fire stairs (maximum height of development) must not exceed RL 77.6.
13. The floor to ceiling height in all habitable areas must be a minimum of 2.7m for all levels as indicated on the approved plans.
14. Finishes and materials including the treatment of external walls, windows, doors and balustrades being in accordance with the document prepared by Turner, labelled Drawing No. DA-830-101, Rev 2 dated 16.3.18. 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.
15. All service and utility elements such as air conditioning, communal antennas and clothes drying area must be integrated into the design and screened from public view.
16. The location of hot water systems are to be decided prior to the issuing of a Construction Certificate. The systems are to be integrated within the design of the building and are to be screened from public view. Details of the location of hot water systems are to be presented to the Principle Certifying Authority prior to the issuing of a Construction Certificate.
17. Intercom, code or card locks or similar must be installed at main entries to the building to control access, including the car parks.
18. 163 off-street car spaces being provided in accordance with the submitted plans. This shall comprise:
    - 119 residential spaces including 14 spaces to be allocated as common property.
    - 20 residential visitor spaces.
    - 1 x car wash bay.
    - 23 x retail spaces.

    If the development is to be strata subdivided, the carpark layout must respect the above allocation.
19. 14 of the above residential car parking spaces and 1 of the abovementioned retail car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1. The car space(s) being allocated and marked according to this requirement.

If the development is to be strata subdivided, the carpark layout must respect the above allocation.

20. All car spaces being linemarked and numbered.
21. Signage being erected for visitor/common car spaces to notify and allow people to use the designated spaces.
22. Access to the individual apartments must be clearly marked and apparent to visitors through incorporating appropriate way finding signage at the entrance to the residential component as well as within the site.
23. The car space allotments on any strata plan being made a part of the relevant dwelling section allotment and the visitor/common parking spaces remaining as common property.
24. Adequate lighting (to AS 1158.3.1:1999 standards) being provided and maintained in the carparks.
25. All disabled parking space dimensions, cross-falls, vertical clearances for access paths and spaces are to be in accordance with the requirements of AS2890.6.
26. Resident, retail and visitor car parking shall be clearly signposted at the entry to the car parking area.
27. The bathroom and ensuite window(s) must be translucent glass.
28. No pedestrian access is permitted along the driveway ramps. A sign stating "No Pedestrian Access" must be displayed at the top and bottom of the ramp from lower ground level to B1 and B2.
29. A communal rooftop antenna is to be installed and linked to all units.
30. Parking facilities/storage for minimum 30 bicycles is to be provided on-site for the residential component and minimum 2 space for the retail component. 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.
31. All bicycle spaces are to be provided in accordance with AS2890.3.
32. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
33. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
34. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as $1,335,802.61. The amount payable is based on the following components:

Contribution Element	**Contribution**
Open Space and Recreation	$1,180,978.96
Plan Administration	$33,998.29
Community Facilities	$120,825.36

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.

35. 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.
36. All building construction work must comply with the National Construction Code.
37. 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.
38. 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.
39. 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."
40. The installation and operation of rainwater tank(s) complying with the following requirements:

    (a) The height of the tank and support structure not being greater than 2.1m above ground level.

    (b) The tank being installed to the manufacturer's specifications.

    (c) The tank being constructed of a non-reflective, structurally sound and non-corrosive material with a leaching resistant capacity.

    (d) The tank(s) being installed in a workman like manner and being fixed to structurally adequate bases or walls in accordance with manufacturer's specifications or engineer's details. Tank stands must be no higher than 450mm.

    (e) The rainwater tank(s) not being visible from the street or any other public place.

    (f) The tanks being set back at least 450 mm from any adjoining allotments.

(g) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh to prevent penetration of contaminants and insects such as mosquitoes.
(h) An overflow device being fitted to the rainwater tank which directs water to the stormwater drainage system or an approved infiltration pit.
(i) A drainage plug being fitted and positioned in a manner that facilitates flushing and cleaning.
(j) Water pumps not causing an offensive noise as defined by The Protection of the Environment Operations Act 1997 (NSW).
(k) All potable taps and outlets be coloured mauve and marked “non potable- not for drinking” according to Australian Standards.

41. 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.
42. 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.
43. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
44. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
45. 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.
46. 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.
47. Materials must not be deposited on Council’s roadways as a result of vehicles leaving the building site.
48. 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.
49. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council’s Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
50. 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.
51. All the recommendations of the Geotechnical Assessment Report prepared by Douglas Partners dated March 2018 must be shown on the plans prior to the issue of a construction certificate

ENVIRONMENTAL HEALTH

52. The Acoustic Report produced by Acoustic Logic Consultancy Pty Ltd, dated 27 March 2017, Reference No. 20170386.1/2703A/R0/BW, prepared by Ben White states in section 6 - Conclusions, the proposed development must provide all treatments set out in section 4.3 Evaluation of noise intrusion and section 5 – External Noise Emission in the above mentioned report. Prior to the issue of any Construction Certificate, amended plans demonstrating the inclusion of the all recommendations outlined within Sections 4.3-4.3.4 and 5-5.3 of the Acoustic report must be provided to the Principal Certifying Authority.
53. Prior to the issue of any Construction Certificate, amended plans incorporating the recommended mechanical ventilation system specified within the Mechanical Services Advices prepared by ERBAS Engineers dated 11.4.17 and 23.8.17 are to be provided to the Principal Certifying Authority.
54. The wall fan recommended within the Mechanical Services Advices prepared by ERBAS Engineers dated 11.4.17 and 23.8.17 must be integrated within the design of the building. The materials used for the wall fan must be similar colours and materials to the main building design. Amended plans demonstrating such details are to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
55. Amended plans including the recommendations of the Air Quality Impact Assessment report prepared by SLR Consulting Australia Pty Ltd dated 16 March 2017 must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.
56. The Remediation Action Plan (RAP) prepared by Douglas Partners Pty Ltd, dated 21 March 2018. Reference No. Project 86334.00, states in section 14 – Conclusion, subject to proper implementation of the RAP and validation reporting, Douglas Partners Pty Ltd considers that the site can be made suitable for the proposed redevelopment. The report must be followed and adapted to meet any new undefined contaminates that may appear and may become apparent during the construction and development process. This includes the Environmental Management Plan (EMP) required to detail the environmental safeguards necessary to complete the remediation in an environmentally acceptable manner.
57. Council reserves the right to request an Air Quality Assessment, at the owners' cost should any concerns or complaints arise from this residential development that may affect the health and well-being of residents from changing conditions at this site.
58. The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Council concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level. The acoustic assessment must be completed within 30 days from the date requested by Council.
59. 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.

60. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminates. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.
61. Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

ACCESS

62. The Adaptable Housing Standard AS4299 requires the main entry doorway to provide a clear width of 850 mm, but internal doorways may only provide a clear width of 820 mm. As advised in the Credwell Report, AS4299 is not referenced in the Disability (Access to Premises – Buildings) Standards, 2010, and that compliance is required with AS1428.1 (2009). All doorways are therefore to provide a minimum clear width of 850 mm, when the doors are fully open.
63. Shared Areas adjacent to Accessible Parking Spaces are to have bollards placed to comply with AS/NZS 2890.6 (2010), Drawing DA-110-109, Revision 2, shows an Accessible Parking Space located on the Upper Basement 01. This space is not connected to an accessible path of travel to the Lifts. It is to be relocated to a position on the Lower Ground Level, in the vicinity of a Lift.
64. Stairways between Levels on which Accessible facilities or Adaptable Units are located are to comply with AS1428.1 (2009).
65. Stairs from Dreadnought Street and Remly Street are to comply with AS1428.1 (2009), with equal height risers; opaque risers; contrast nosings for the full width of the steps; compliant handrails on both sides; and the first riser is to be at least 900 mm from the building line to allow for handrail extensions and Tactile Ground Surface Indicators (TGSIs).
66. TGSIs are to comply with AS1428.4.1 (2009). TGSIs are not required intermediate landings if the handrails are continuous
67. A ramp at the Dreadnought Street end of the property was previously shown to have a gradient of 1:14. Drawing DA-110-110, Revision T, shows this ramp to have a gradient of 1:20, but the levels indicate that it has a gradient steeper than 1:14. This ramp is to comply with AS1428.1 (2009), and is to have the following features;
    - Level landings at the top and base
    - Maximum gradient of 1: 14
    - Compliant handrails on each side
    - Minimum width of 1000 mm between handrails
    - Tactile Ground Surface Indicators to comply with AS1428.4.1 (2009)
68. The paving/flooring in all Communal Open Space, including the Roof, is to be non-slip in wet and dry conditions
69. Facilities in the Communal Open Space on the Roof are to be fully accessible
70. All 12 Adaptable Units are shown to provide for right-hand transfer from a wheelchair to the WC Pan in the Adaptable Bathroom. In order to provide

choice for potential residents to select the Unit that best suits their needs and abilities, six of the Adaptable Bathrooms are to provide for left-hand transfer from a wheelchair to the WC Pan.

71. The “Visitable” Toilet is to be provided in the Pre-adaptation Stage, with 900 mm clearance in front of the WC Pan. The Pre-adaptation drawings do not indicate that this clearance can be achieved. Amended plans demonstrating that the Visitable Toilet complies with AS4299 must be provided to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.
72. It is preferred that the floor levels of the balconies are to be the same level as the Unit floor level. If the Balcony floor levels are lower than the Unit floor level, the difference in height should not be greater than 35 mm, so that a compliant Threshold Ramp can be constructed in the Post-adaptation Stage. The Threshold Ramp is to have a maximum length of 280 mm; maximum height of 35 mm; and maximum gradient of 1:8. Revised Plans demonstrating this requirement must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.
73. The sliding door tracks to the balconies are to be recessed level with the Unit floor level, to avoid a trip hazard. Revised Plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.
74. Letterboxes for Adaptable Units are to be located between 900 mm and 1100 mm above the surface, and at least 500 mm from an internal corner.

WASTE SERVICES

75. An area of minimum 1sqm of flooring directly underneath the waste chute on each habitable level is to be constructed of an impervious surface.” Amended plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.
76. The secured fencing and doors between types of bins (waste, recycling, garden and non-residential) are to be deleted. Access to residential or non-residential bin storage areas must remain restricted to those tenancy types only. Amended Plans demonstrating this amendment must be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.
77. All doors and pathway from the bin holding room to the collection point must be at least 1.2m in width.
78. The applicant must ensure unobstructed and unrestricted access to the bin holding room on collection days, including parking restrictions at the proposed collection point on collection days if required. The collection point is to remain flat to the truck loading area or have a convenient layback to the roadway.
79. Bin-carting distance cannot exceed 15 metres measured from the kerbline.

DILAPIDATION & EXCAVATION

80. A photographic survey must be prepared of the adjoining properties at 4 Dreadnought Street and 1 Remly Street, Roselands detailing the physical condition of those 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 and Canterbury Bankstown Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the

excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury Bankstown Council if Council is not the Principal Certifying Authority. If damage is identified which is 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 the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.

81. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties 4 Dreadnought Street and 1 Remly Street, Roselands and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority prior to the issue of a Construction Certificate. All costs to be borne by the applicant.

LANDSCAPE

82. The landscaping must be completed according to the submitted landscape plan (drawn by Matthew Higgins Landscape Architecture, drawing no. 16697 LP01-LP05 issue B, dated 13.7.17) except where amended by the conditions of consent. The landscaping and deep soil areas are to be maintained at all times to the Council's satisfaction
83. All the tree supply stocks must comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
84. All scheduled plant stock must 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.
85. An automatic watering system must 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.
86. The existing street tree, 1 x *Lophostemon confertus* (common name Brushbox) proposed to be removed and growing in Dreadnought Street adjacent to the property may be removed to accommodate construction.
87. All other existing street trees *Lophostemon confertus* (common name Brushbox) growing on the nature strip in Dreadnought Street adjacent to the property are to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 3 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.

88. All existing property trees may be removed to accommodate construction. This is conditional on the replacement planting of 5 x 100ltr Australian native trees in the rear deep soil area as shown on the Landscape Plan.

89. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;

- Amend the Landscape Plans to coordinate with the approved Architectural plans (specified within condition 8 of this consent).
- Provide a Maintenance Schedule including:
  - Replacement strategy for failures in plant materials and built works,
  - Maintenance schedule for watering, weeding and fertilizing during the establishment period
  - A maintenance period of a minimum of 12 months.
- Provide Construction Details including:
  - Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls, planting on structures and planter boxes).
  - Detailing and location of edge treatments.
- Provide additional facilities to the Communal Open Spaces for a range of ages and uses incorporating some of the following elements seating for individuals or groups, barbecue areas, play equipment or play areas, swimming pools, gyms or tennis courts.
- Provide roof gardens to the roof areas at the rear of the development on Levels 1, 2, 3 and 4 and the roof terrace with native grasses and plants appropriate for green roofs such as those recommended by Ozbreed.
- The proposed planting to all podium levels shall comply with the CDCP 2012 Part 6.6.18 (Planting on Structures and Planter boxes) including;
  - Use masonry or concrete construction;
  - Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
  - Provide waterproofing to each planter box.
    Required minimum soil depths are:
  - 100-300mm for turf
  - 300-450mm for groundcovers;
  - 500-600mm for small shrubs;
  - 600-750mm for medium shrubs;
  - 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
  - 1000mm for medium trees with approximate soil area of 6m x 6m; and
  - 1300mm depth for large trees with approximate soil area of 10m x 10m.

YOUTH AND SAFETY

90. Additional lighting is to be installed at all entry/exit points and pedestrian traffic ways. Sensor lighting should be installed in areas where there are recesses or where shadows may create hiding spaces.

91. Landscaping should be regularly maintained so that it does not obstruct lighting.
92. Closed Circuit Television should be installed at all entry and exit points, lobby areas and communal areas, and should be monitored.
93. Entry into the basement car park should be controlled by installing roller shutters with swipe card access.
94. All access points to the residential foyer, including lift access, should be restricted to residents only through swipe card access.
95. Due to the increase of Fraud offences, particularly mail box theft within large developments, mailbox locations for multi-story apartment complexes should be within a locked foyer area, inside a gated or fenced compound of the apartment block, or positioned so that mail can only be removed from inside the private space of the building.
96. Mailboxes should be constructed to have flush fitting doors to minimise forcing open of the mailbox.
97. All locks installed on mailboxes should be 'non-master keyed locks' that is, a lock system in which locks are designed only to be opened by their individual key. Master key lock systems are designed to be opened by their individual keys and a special master key that opens some or all locks in the system, therefore presenting a potential threat to the security of mail.
98. Anti-graffiti paint and/or coatings should be applied to the exterior of the complex to prevent graffiti vandalism. A building that has graffiti on it will leave an impression that it is not cared for, can impact businesses, and can affect the sense of safety for residents.
99. Light colour finishes on walls should be used in areas such as car parks so that they better reflect light.

TRAFFIC

100. The provision of a part time 'Loading Zone' on Dreadnought Street to facilitate the garbage collection will require the applicant to make application to the Local Traffic Committee for approval. If approved, the signposting is to be installed to comply with the requirements of Council and the Local Traffic Committee and is to be installed at no cost to Council.

DEVELOPMENT ENGINEER
STORMWATER - PRIOR TO CONSTRUCTION CERTIFICATE

101. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
    a) The design must be generally in accordance with the plans, specifications and details prepared by John Romanous & Associates Pty Ltd, Drawing number 1699 – S1/5, S4/5, S5/5, Revision B, dated 15 September 2016 and 1699-S2/5-3/5, Revision C, dated 9 October 2017.
    b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Dreadnought Street.
    c) The overland flowpath must be directed to Dreadnought Street, away from the basement, habitable areas, and downstream properties.

d) 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. Sump depth is to be a minimum of 300mm deep.
e) The rising main from the basement pump out tank must discharge to the OSD.
f) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
g) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

102. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
103. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
104. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Canterbury Councils DCP 2012.

STORMWATER - PRIOR TO AND DURING CONSTRUCTION

105. 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.
106. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.

STORMWATER - PRIOR TO OCCUPATION CERTIFICATE

107. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
108. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
109. A Works-as-Executed plan must be submitted to Canterbury Bankstown Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and

associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012.

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

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

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

RETAINING WALL(S) - PRIOR TO CONSTRUCTION CERTIFICATE

112. 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.

    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 concept plan.

RETAINING WALL(S) - PRIOR TO OCCUPATION CERTIFICATE

113. Prior to the issue of an Occupational Certificate, the Principal Certifying Authority must ensure retaining walls have been constructed in accordance with the design plans. If the retaining walls do not require structural design certification may be provided by the builder. If the retaining walls require structural design certification must be provided by a qualified structural engineer that the retaining walls have been built in accordance with the plans submitted with the Construction Certificate.

AWNING(s) - PRIOR TO CONSTRUCTION CERTIFICATE

114. Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
    a) The street awning(s) must be setback 600mm from the kerb line.
    b) The awnings must be entirely self-supporting; posts are not permitted.
    c) The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a

Certificate of Currency must be submitted to the Principal Certifying Authority.

d) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
e) The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act. Note that this Consent does not give approval to construct an awning in the road.
f) The applicant must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.
g) The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
h) If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
i) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
j) A maintenance plan must be provided in respect of the awing(s) to address the following issues at a minimum:
    i. Inspection schedule of structural members, connections, and supports covering the life of the awing(s).
    ii. Inspection schedule of non-structural components.
    iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.

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

AWNING(s) - PRIOR TO OCCUPATION CERTIFICATE

115. The Principal Certifying Authority must ensure that the awing(s) have been constructed in accordance with this Consent and the relevant standards. Prior to the issue of an Occupation Certificate certification must be provided by a Structural Engineer that the awing(s) have been constructed in accordance with the design submitted with the Construction Certificate and National Construction Code.
116. The awning maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.

ROCK ANCHORING - PRIOR TO CONSTRUCTION CERTIFICATE

117. If any neighbouring properties or roadway are to be utilised for support, the legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected

property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury Bankstown Council prior to the issue of a Construction Certificate.
Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.
Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.
Where temporary anchors are proposed to be used in Canterbury Road, Dreadnought Street, and/or Remly Street an Application must be made to Canterbury Bankstown Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- 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.
- Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
- The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

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

PARKING - PRIOR TO CONSTRUCTION CERTIFICATE

119. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
    a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
    b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 and AS 2890.2 for the SRV vehicle.
    c) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
    d) The headroom above all designated disabled spaces must be a minimum 2500mm and for the designate SRV area a minimum clearance of 3500mm must be maintainted.
    e) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of *AS/NZS 2890.1-2004*.

f) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
g) All gates must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
h) A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
i) The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street retail vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities. The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

PARKING - PRIOR TO AND DURING CONSTRUCTION

120. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 6.0 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
121. 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.

PUBLIC IMPROVEMENTS

122. 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".
123. The reconstruction of the kerb and gutter along all areas of the site fronting Canterbury Road, Dreadnought Street, and Remly Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
124. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Canterbury Road, Dreadnought Street, and Remly Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

AUSGRID

125. The method of electricity connection must be in line with Ausgrid's Electrical Standard (ES) 1 – 'Premise Connection Requirements'.
126. It is recommended that the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
    - The existing network can support the expected electrical load of the development;
    - A substation may be required on-site, either a pad mount kiosk or chamber style, and;
    - Site condition or other issues that may impact on the method of supply.

    Refer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.
127. The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
128. Any relocation of any existing streetlighting requires consultation with Ausgrid prior to relocation. Any supported relocation will generally be at the developer's cost.
129. There are existing overhead electricity network assets in Canterbury Road, Remly Street and Dreadnought Street. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between mains/poles to structures within the development throughout the construction process.
    The "as constructed" minimum clearance to the mains are to be considered. The distances are outlined in the Ausgrid Network Standard, NS 220 Overhead Design Manual.
    Should the existing overhead mains require relocating due to the minimum safety clearances being compromises in either of the above scenarios, this relocation work is generally at the developer's cost.
130. It is the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site.
131. There are existing underground electricity network assets in Canterbury Road and Remly Street. Prior to the issuing of any Construction Certificate evidence must be provided to the Principal Certifying Authority demonstrating that the developer has located and record the depth of all known underground services within and surrounding the site.
132. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

RMS

133. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within

the freehold property (unlimited in height or depth), along the Canterbury Road boundary.

134. The redundant driveways on Canterbury Road be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Canterbury Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).
Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of road works.
A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

135. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.
The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.
The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114
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.

136. 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.
A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email: Suppiah.Thillai@rms.nsw.gov.au.

137. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distances requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002 for heavy vehicle usage.

138. 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.*

139. 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.

140. 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.

SYDNEY WATER REQUIREMENTS

141. 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. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand , Water Servicing Coordinators, 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.

STREET ADDRESSING

142. Street Addressing for the Residential development is: **918 Canterbury Road, Roselands**. Street Addressing for the Retail development is: **920 Canterbury Road, Roselands**. The applicant is advised to contact Council's Mapping & GIS Services to confirm Street Addressing prior to the issue of an Occupation Certificate, and supply a schedule of Lots & Addresses for the Strata Units. Please contact Council's Customer Services on 9707 9700 (or email Council@canterbury.nsw.gov.au) to do so.

CRITICAL INSPECTIONS

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

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

144. The EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

145. 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. Sub-property numbering is advised as follows (the first digit represents the floor level and the next two digits represent the unit number):
   Ground Floor Numbers: G01, G02, G03, G04, G05, G06, G07, G08, G09, G10, G11, G12, G13, G14, G15, G16 & G17**;**
   1st Floor Numbers: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 & 124**;**
   2nd Floor Numbers: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221 & 222**;**
   3rd Floor Numbers: 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320 & 321**;**
   4th Floor Numbers: 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413 & 414**.**
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 systems
   - 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 4.15 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:
    10.1. Apply for a review of a determination under Section 8.2 of the Environmental Planning and Assessment Act 1979. A request for

review must be made and determined within 6 months of the date of the receipt of this Notice of Determination.; or

10.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 8.7 or Section 8.9 of the Environmental Planning and Assessment Act 1979.